



Suhas Chakma <suhaschakma@gmail.com>

The indispensability of adding offences of torture in Indian Penal Code"

1 message

suhaschakma@uncat.org <suhaschakma@uncat.org>

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To: criminallawreforms@nludelhi.ac.in

Cc: suhaschakma@gmail.com

18 August

2020

To,
COMMITTEE FOR REFORMS IN CRIMINAL LAWS
National Law University Delhi
Sector 14, Dwarka, New Delhi – 110078,
India
Email: criminallawreforms@nludelhi.ac.in

Dear Sirs/Madam,

The National Campaign Against Torture (NCAT) is writing to make its submission on "The indispensability of adding offences of torture in Indian Penal Code".

Union Home Minister Amit Shah while addressing the 29th Foundation Day of the Bureau of Police Research and Development on 29 August 2019 stated, "*The era of third degree is gone. Use forensics as evidence to nail criminals*". In the said address, Home Minister Shah also called for a nationwide discussion on amendments needed in the Indian Penal Code and the Criminal Procedure Code to address the same. The statement of the Home Minister is available at

<https://indianexpress.com/article/india/amit-shah-era-of-third-degree-over-use-forensics-to-nail-criminals-5946195/>

It is clear that Home Minister himself announced that the crime of torture has to be part of the amendments of the IPC and CrPC. Torture affects entire criminal justice system and without addressing torture, the reform of the criminal justice system or criminal laws shall be meaningless

Taking cognizance of the use of torture, the Constitution of India, the Indian Evidence Act and the Criminal Procedure Code provided necessary safeguards against torture and other cruel, inhuman or degrading treatment or punishment by the public servants. However, the Indian Penal Code does not adequately criminalise the offences of torture and other cruel, inhuman or degrading treatment or punishment when these constitutional and legal safeguards are violated by the public servants.

The results are for all to see: the NHRC registered 35,554 cases of custodial deaths/rapes including 31,779 cases in judicial custody and 3,775 cases in police custody by the NHRC during 1994-1995 to 2018-2019.

This submission highlights the following four key gaps Sections 331 (punishment for hurt in custody) and 332 (punishment for grievous hurt in custody) read with Sections 319 (hurt) and Section 302 (grievous hurt) of the IPC on the issue of torture:

First, 'grievous hurt' (Section 320) under the IPC excludes many elements of 'physical torture' which are routinely perpetrated. For example, food deprivation or forcible feeding with spoiled food, animal or human excreta and other stuff or substances not normally eaten or electric shock; water boarding, insertion of foreign objects into the sex organ or rectum, or electrical torture of the genitals etc are severe torture but not included as

offences under 'grievous hurt'.

Second, 'mental torture' by the public servants is not defined under the IPC. This is despite that the Supreme Court in *Arvinder Singh Bagga v. State of U.P. and others* [(1877) 94 US 113] on 6th October 1994 stated that "torture is not merely physical but may even consist of mental and psychological torture calculated to create fright to submit to the demands of the police".

Further, Section 3 of the Domestic Violence Act of 2005 recognises 'mental torture'. If the 'mental torture' within the confines of homes can be penalised, there is no justification for not criminalising 'mental torture' perpetrated within the premises of police stations, prisons or any other place of detention or interrogation. Post-traumatic stress disorder (PTSD) and many other psychological consequences suffered by the torture survivors are being treated by medical professionals across the world including India.

Third, under the IPC, 'cruel, inhuman and degrading treatment or punishment' is not defined. 'Hurt' and 'grievous hurt' does not include 'cruel, inhuman and degrading treatment or punishment'.

The Supreme Court in its judgement in *Mehmood Nayyar Azam v. State of Chhattisgarh* [AIR 2012 SC 2573] defined 'inhuman and degrading treatment' to 'cover such acts which have been inflicted with an intention to cause physical suffering or severe mental pain ..and a treatment that is inflicted that causes humiliation and compels a person to act against his will or conscience'. Unnecessary and unauthorised handcuffing has been defined as a case of degrading treatment in *Sunil Gupta and others v. State of Madhya Pradesh and others* [1990 SCC (3) 119]. In *Dr. Rini Johar v. State of Madhya Pradesh* [AIR 2016 SC 2679], the Supreme Court held that "arrest in violation of due procedure seriously jeopardises the dignity of the person arrested and the law does not countenance abuse of power which causes pain and trauma".

Section 498-A of the Indian Penal Code penalises "cruelty" towards woman while Section 4(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 defines a number of acts which are not physical torture but cruel, inhuman and degrading treatment meted out to members of the SCs and STs. If the national laws penalise cruel, inhuman or degrading treatment or punishment by private persons, there is no justification for not criminalising the same when committed by the public servants.

Fourth, Sections 330 and 331 of the IPC define the purpose of causing of hurt or grievous hurt "to extort confession, or to compel restoration of property". It excludes discrimination despite Article 15 of the Constitution of India prohibiting discrimination on grounds "of religion, race, caste, sex, place of birth or any of them" while India has enacted the Protection of Civil Rights Act of 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act of 1989 to penalise the acts of discrimination and atrocities. The Ministry of Home Affairs vide the Gazette of India notification No. S.O. 2339(E) dated 21 September 2010 further notified the UN Convention on the Elimination of all forms of Racial Discrimination (CERD) to be applicable in India under the Protection of Human Rights Act of 1993.

It is pertinent to mention that Section 4(b) of the Prevention of Torture Bill, 2010 passed by the Lok Sabha on 6 May 2010 refers to torture "on the ground of his religion, race, place of birth, residence, language, caste or community or any other ground whatsoever".

The NCAT submits that no other issue has been studied and examined by the Government of India like torture and other cruel, inhuman and degrading treatment or punishment. The issue of torture has been examined by (1) the National Police Commission (1980) in its Fourth Report, (2) the Law Commission of India in its various reports including 113th Report on *Injuries In Police Custody* (1985), 152nd Report on *Custodial Crimes* (1994), 177th Report on *Law Relating to Arrest* (2001), 185th Report on *Review of the Indian Evidence Act, 1872* (2003), 262nd Report on *The Death Penalty* (2015), 268th Report on *Amendments to Code of Criminal Procedure 1973: Provisions Relating to Bail* (2017) and 273rd Report on *Implementation of 'United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment' through Legislation* (2017); (3) by the National Commission to Review the Working of the Constitution (2002); and the (4) National Human Rights Commission through its Guidelines on Custodial Deaths/Rapes and various Annual Reports.

At least three anti-torture Bills have been examined by the Government of India i.e. the Prevention of Torture Bill, 2010 passed by the Lok Sabha on 6th May 2010; the Prevention of Torture Bill, 2010 drafted by the Parliamentary Select Committee, and the Prevention of Torture Bill, 2017 drafted by the Law Commission of India pursuant to the request of the current Law Minister of India.

India also repeatedly assured both the Parliament of India and the United Nations since 2000 to criminalise torture and ratify the United Nations Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT). That the failure to keep these assurances "*does not reflect well on the Government*" was admitted by then Foreign Secretary and the current Minister for External Affairs, Dr S Jaishankar before the Parliamentary Committee on Government Assurances (2015-2016) of the 16th Lok Sabha.

The Supreme Court of India in D.K Basu vs. State of West Bengal (1997 (1) SCC 416) stated that custodial torture "*is a calculated assault on human dignity and whenever human dignity is wounded, civilization takes a step backward*".

The Committee for Reforms in Criminal Laws has to take a call whether India shall be (i) a country governed by the rule of law penalising acts of torture and other cruel, inhuman or degrading treatment or punishment or (ii) a country permitting torture and other cruel and inhuman treatment of the persons by the public servants which the Supreme Court in *Khatri & Ors v. State of Bihar* (Bhagalpur Blinding case) [AIR 1981 SC 928] had described as "*insulting to the spirit of Constitution and human values as well as Article 21*" of the Constitution.

In the light of these facts, the National Campaign Against Torture (NCAT) recommends to the Committee for Reforms in Criminal Laws that:

- (i) existing Section 320 IPC may be numbered as Sub-section (1) thereof and a new sub-section "320(2): Torture and other cruel, Inhuman or Degrading Treatment or Punishment" may be inserted;
- (ii) existing Section 331 IPC may be numbered as Sub-section (1) thereof and a new Sub-section "331(2): Punishment for torture and other cruel, Inhuman or Degrading Treatment or Punishment" may be inserted;
- (iii) Section 330 IPC be repealed as it becomes redundant in case of insertion of proposed Section 331(2); and
- (iv) a new sub-section 114-B be inserted to India Evidence Act as recommended by the Law Commission of India in its 113th Report as given below:

The detailed recommended texts for these proposed amendments are given in the full submission.

Looking forward to the kind consideration of the Committee for Reforms in Criminal Laws.

With kind regards,

Yours sincerely

Suhas Chakma
Coordinator, National Campaign Against Torture
C-3/441, Janakpuri, New Delhi, INDIA
Phone: 91-11-25620583



National Campaign Against Torture

[A platform for action of the NGOs committed to stamp out torture in India]

C-3/441-C, Janakpuri, New Delhi-110058, India

Phone: +91-11-25620583

Email: info@uncat.org; Website: www.uncat.org

18 August 2020

The indispensability of adding offences of torture in Indian Penal Code

**NCAT's Submission to the Committee for Reforms in Criminal Laws,
Ministry of Home Affairs, Government of India**

Table of Contents

1. EXECUTIVE SUMMARY & RECOMMENDATIONS	3
2. LEGAL SAFEGUARDS FOR PREVENTION OF TORTURE DO NOT ADDRESS THE ABSENCE OF CRIMINALISATION OF TORTURE	14
3. EXISTING PROVISIONS OF THE IPC DEALING WITH HURT AND GRIEVOUS HURT	16
4. INADEQUACY OF THE EXISTING PROVISIONS OF THE IPC ON DEFINING THE OFFENCE OF TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT	18
4.1 DEFINITION: 'GRIEVOUS HURT' UNDER THE IPC EXCLUDES MANY ELEMENTS OF 'PHYSICAL TORTURE'	19
4.2 NO DEFINITION OF 'MENTAL TORTURE' UNDER THE IPC	22
4.3 NO DEFINITION OF 'OTHER CRUEL, INHUMAN AND DEGRADING TREATMENT OR PUNISHMENT' UNDER THE IPC	24
4.4 RESTRICTIVE DEFINITION OF "PURPOSE" FOR CAUSING GRIEVOUS HURT UNDER IPC THROUGH EXCLUSION OF "DISCRIMINATION"	30
5. THE CASE FOR CRIMINALISATION OF TORTURE IN INDIA	31



5.1	CONSTITUTIONAL JURISPRUDENCE AND <i>DK BASU GUIDELINES</i> FAILED TO DETER TORTURE IN INDIA	31
5.2	ABOUT 35,554 CASES OF CUSTODIAL DEATHS/RAPES REGISTERED BY THE NHRC FROM MARCH 1994 TO MARCH 2019 TESTIFY SYSTEMATIC TORTURE IN INDIA	33
	<i>Emblematic Case: Torture to death of J. Bennix (32 years) and his father P. Jayaraj in Tamil Nadu</i>	36
5.3	NCRB'S REPORTS OF NO PROSECUTION FOR ANY DEATH OR DISAPPEARANCE OF PERSONS REMANDED TO POLICE CUSTODY BY COURT FROM 2005 TO 2018 TESTIFY IMPUNITY	40
6.	TORTURE: GOVERNMENT OF INDIA'S MOST EXAMINED BUT NOT ACTED UPON ISSUE.....	42
	ANNEXURE-1: THE ANTI-TORTURE ACT OF 2009 OF THE PHILIPPINES....	47
	ANNEXURE-2: COPY OF THE SUBMISSION TO THE NHRC DATED 26.02.2020	59
	ANNEXURE 3: PROOF OF 35,554 CUSTODIAL DEATHS/RAPES RECORDED BY THE NHRC FROM 1994-1995 TO 2017-2018	47
	ANNEXURE- 4: ANNUAL REPORTS OF THE NCRB FROM 2005 TO 2018 SHOWING ZERO CONVICTION OF POLICEMEN IN 500 CASES OF DEATH OR DISAPPEARANCE OF PERSONS IN POLICE CUSTODY ON COURT REMAND.....	126



1. Executive summary & recommendations

One of the objectives of the Committee for Reforms in Criminal Laws established by the Ministry of Home Affairs, Government of India is “*to modernise and reform the substantive criminal laws and to align them with constitutional morality and social aspirations*”, *inter alia*, by “.....vii. developing and applying principles for criminalisation and creation of offences,” including by “*identifying offences requiring addition to I.P.C.*”

The National Campaign Against Torture (NCAT) has examined the questionnaires for the First and Second Consultations on Substantive Criminal Law¹ set by the Committee for Reforms in Criminal Laws. Under the Offences Affecting Human Body, the questionnaires refer to “Mob Lynching”, “Honour Killing”, “Corporate Homicide”, abetment of suicide, sexual and reproductive rights of women, as well definitions of force (s. 349), criminal force (s. 350) and assault (s. 351), kidnapping and abduction and the validity of minor's consent. There is no reference to torture.

The Committee for Reforms in Criminal Laws must note that Union Home Minister Amit Shah while addressing the 29th Foundation Day of the Bureau of Police Research and Development on 29 August 2019 stated, “*The era of third degree is gone. Use forensics as evidence to nail criminals*”. In the said address, Home Minister Shah also called for a nationwide discussion on amendments needed in the Indian Penal Code and the Criminal Procedure Code to address the same.² Despite the Home Minister himself announcing that the crime of torture has to be part of the amendments of the IPC and CrPC, the failure of the Committee for Reforms in Criminal Laws to include “torture” in its questionnaires for the First and Second Consultations on Substantive Criminal Law is a matter of grave concern.

Taking cognizance of the use of torture, the Constitution of India, the Indian Evidence Act and Criminal Procedure Code provided necessary safeguards against torture and other cruel, inhuman or degrading treatment or punishment by the public servants. However, the Indian Penal Code does not adequately criminalise the offences of torture and other cruel, inhuman or degrading

¹. The questionnaires are available at <https://criminallawreforms.in/questions-pdf/Questionnaires-for-Consultation-on-Substantive-Criminal-Law.pdf>

². Amit Shah: Era of third degree over, use forensics to nail criminals, Indian Express, 29 August 2019, <https://indianexpress.com/article/india/amit-shah-era-of-third-degree-over-use-forensics-to-nail-criminals-5946195/>



treatment or punishment when these constitutional and legal safeguards are violated by the public servants.

The results are for all to see: the NHRC registered 35,554 cases of custodial deaths/rapes including 31,779 cases in judicial custody and 3,775 cases in police custody by the NHRC during 1994-1995 to 2018-2019.

The Committee for Reforms in Criminal Laws must address the issue of torture as part of the Offences Affecting Human Body under Section XVI of the IPC.

Though Section 330 of the IPC in its illustration uses the term 'torture', it is not defined under law. Sections 319 (definition of hurt), 320 (definition of grievous hurt), 330 (punishment for hurt in custody) and 331 (punishment for grievous hurt in custody) exclude other critical elements of torture recognised under India's national laws with respect to offences committed by common people and constitutional jurisprudence. The existing IPC provisions do not include (i) critical elements of physical torture, (ii) mental torture, (ii) cruel, inhuman or degrading treatment or punishment; and (iv) discrimination as one of the purposes for perpetrating torture and other cruel, inhuman or degrading treatment or punishment as explained below.

First, 'grievous hurt' under the IPC excludes many elements of 'physical torture' which are routinely perpetrated. For example, food deprivation or forcible feeding with spoiled food, animal or human excreta and other stuff or substances not normally eaten or electric shock; water boarding, insertion of foreign objects into the sex organ or rectum, or electrical torture of the genitals etc are severe torture but not included as offences under 'grievous hurt'.

Second, 'mental torture' by the public servants is not defined under the IPC. This is despite that the Supreme Court in *Arvinder Singh Bagga v. State of U.P. and others* [(1977) 94 US 113] on 6th October 1994 stated that "*torture is not merely physical but may even consist of mental and psychological torture calculated to create fright to submit to the demands of the police*".

Further, Section 3 of the Domestic Violence Act of 2005 recognises 'mental torture'. If the 'mental torture' within the confines of homes can be penalised, there is no justification for not criminalising 'mental torture' perpetrated within the premises of police stations, prisons or any other place of detention or interrogation. Post-traumatic stress disorder (PTSD) and many other psychological consequences suffered by the torture survivors are being treated by medical professionals across the world including India.



Third, under the IPC, ‘cruel, inhuman and degrading treatment or punishment’ is not defined. ‘Hurt’ and ‘grievous hurt’ does not include ‘cruel, inhuman and degrading treatment or punishment’.

The Supreme Court in its judgement in *Mehmood Nayyar Azam v. State of Chhattisgarh* [AIR 2012 SC 2573] defined ‘inhuman and degrading treatment’ to ‘cover such acts which have been inflicted with an intention to cause physical suffering or severe mental pain ..and a treatment that is inflicted that causes humiliation and compels a person to act against his will or conscience’. Unnecessary and unauthorised handcuffing has been defined as a case of degrading treatment in *Sunil Gupta and others v. State of Madhya Pradesh and others* [1990 SCC (3) 119]. In *Dr. Rini Johar v. State of Madhya Pradesh* [AIR 2016 SC 2679], the Supreme Court held that “arrest in violation of due procedure seriously jeopardises the dignity of the person arrested and the law does not countenance abuse of power which causes pain and trauma”.

Section 498-A of the Indian Penal Code penalises “cruelty” towards woman while Section 4(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015³ defines a number of acts which are not physical torture but cruel, inhuman and degrading treatment meted out to members of the SCs and STs. If the national laws penalise cruel, inhuman or degrading treatment or punishment by private persons, there is no justification for not criminalising the same when committed by the public servants.

Fourth, Sections 330 and 331 of the IPC define the purpose of causing of hurt or grievous hurt “to extort confession, or to compel restoration of property”. It excludes discrimination despite Article 15 of the Constitution of India prohibiting discrimination on grounds “of religion, race, caste, sex, place of birth or any of them” while India has enacted the Protection of Civil Rights Act of 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act of 1989 to penalise the acts of discrimination and atrocities. The Ministry of Home Affairs vide the Gazette of India notification No. S.O. 2339(E) dated 21 September 2010 further notified the UN Convention on the Elimination of all forms of Racial Discrimination (CERD) to be applicable in India under the Protection of Human Rights Act of 1993.

³. The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, http://ncsc.nic.in/files/POA_ACT_2016.01.pdf



It is pertinent to mention that Section 4(b) of the Prevention of Torture Bill, 2010 passed by the Lok Sabha⁴ on 6 May 2010 refers to torture “*on the ground of his religion, race, place of birth, residence, language, caste or community or any other ground whatsoever*”.

TORTURE: MOST EXAMINED BUT NOT ACTED UPON ISSUE

No other issue has been studied and examined by the Government of India like torture and other cruel, inhuman and degrading treatment or punishment. The issue of torture has been examined by (1) the National Police Commission (1980) in its Fourth Report,⁵ (2) the Law Commission of India in its various reports including 113th Report on *Injuries In Police Custody* (1985)⁶, 152nd Report on *Custodial Crimes* (1994)⁷, 177th Report on *Law Relating to Arrest* (2001)⁸, 185th Report on *Review of the Indian Evidence Act, 1872* (2003), 262nd Report on *The Death Penalty* (2015)⁹, 268th Report on *Amendments to Code of Criminal Procedure 1973: Provisions Relating to Bail* (2017)¹⁰ and 273rd Report on *Implementation of ‘United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment’ through Legislation* (2017)¹¹: (3) by the National Commission to Review the Working of the Constitution

4. The Prevention of Torture Bill, 2010 as introduced in the Lok Sabha on 19th April 2010 is available at

<http://164.100.47.4/BillsTexts/LSBillTexts/AsIntroduced/torture%2058%20of%202010.pdf>

5. Fourth Report, National Police Commission (1980) is available at

<https://police.py.gov.in/Police%20Commission%20reports/4th%20Police%20Commission%20report.pdf>

6. 113th Report on *Injuries In Police Custody* is available at

<http://lawcommissionofindia.nic.in/101-169/Report113.pdf>

7. 152nd Report on *Custodial Crimes* is available at <http://lawcommissionofindia.nic.in/101-169/Report152.pdf>

8. 177th Report on *Law Relating to Arrest* is available at

<http://lawcommissionofindia.nic.in/reports/177rptp1.pdf>

9. 262nd Report on *The Death Penalty* is available at

<http://lawcommissionofindia.nic.in/reports/Report262.pdf>

10. 268th Report on *Amendments to Criminal Procedure Code, 1973 – Provisions Relating to Bail* is available at <http://lawcommissionofindia.nic.in/reports/Report268.pdf>

11. 273rd Report on *Implementation of ‘United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment’ through Legislation* is available <http://lawcommissionofindia.nic.in/reports/Report273.pdf>



(2002)¹²; and the (4) National Human Rights Commission through its Guidelines on Custodial Deaths/Rapes¹³ and various Annual Reports.

At least three anti-torture Bills have been examined by the Government of India i.e. the Prevention of Torture Bill, 2010¹⁴ passed by the Lok Sabha on 6th May 2010; the Prevention of Torture Bill, 2010 drafted by the Parliamentary Select Committee, and the Prevention of Torture Bill, 2017 drafted by the Law Commission of India pursuant to the request of the current Law Minister of India.

The enactment of a law to criminalise torture has also been subject matter of Writ Petition (Civil) No. 738/2016 filed before the Supreme Court. On 5 September 2019, the apex court disposed off the petition on the ground that *“When the matter is already pending consideration and is being examined for the purpose of legislation, it would not be appropriate for this Court to enforce its opinion, be it in the form of a direction or even a request, for it would clearly undermine and conflict with the role assigned to the judiciary under the Constitution”*.¹⁵

ASSURANCES TO THE PARLIAMENT AND UNITED NATIONS NOT KEPT:

About 148 years ago, while enacting the Indian Evidence Act, the British Raj incorporated Section 25 of the Indian Evidence Act to make confessions to a police officer inadmissible as evidence before the courts to address torture and other pressure tactics of an extreme nature to obtain confessions from accused persons. Sadly, 73 years after independence from the British Raj, independent India failed to criminalise torture.

India also repeatedly assured the Parliament of India and the United Nations since 2000 to criminalise torture and ratify the United Nations Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT). The blatant failure to keep these assurances *“does not*

¹². Please see Volume 1 Report of the National Commission to Review the Working of the Constitution (2002) at <http://legalaffairs.gov.in/sites/default/files/chapter%203.pdf>

¹³. NHRC Guidelines “On Custodial Deaths/Rapes” are available at <https://nhrc.nic.in/sites/default/files/sec-1.pdf>

¹⁴. The Prevention of Torture Bill, 2010 as introduced in the Lok Sabha on 19th April 2010 is available at <http://164.100.47.4/BillsTexts/LSBillTexts/AsIntroduced/torture%2058%20of%202010.pdf>

¹⁵. Dr Ashwini Kumar vs Union of India & Anr (Miscellaneous Application No. 2560 of 2018 Writ Petition (Civil) No. 738 of 2016) dated 5 September 2019, <https://indiankanoon.org/doc/19090773/>



reflect well on the Government” as admitted by then Foreign Secretary and the current Minister for External Affairs, Dr S Jaishankar before the Parliamentary Committee on Government Assurances (2015-2016) of the 16th Lok Sabha.¹⁶ None of the successive governments implemented the assurance given in reply to USQ No. 5739 dated 03 May, 2000 in the Lok Sabha as well as to the Parliamentary Committee on Government Assurances (2015-2016) of the 16th Lok Sabha to criminalise torture under national laws and ratify the UNCAT.

India had also repeatedly accepted the recommendations of the United Nations Human Rights Council to criminalise torture under national laws and ratify the UNCAT during the Universal Periodic Review on 10 April 2008¹⁷, on 24 May 2012,¹⁸ and on 4 May 2017¹⁹ and assured to take necessary actions. However, India has failed to act on any of these assurances to the UN as on date.

TIME TO TAKE A CALL BY THE COMMITTEE FOR REFORMS IN CRIMINAL LAWS:

The Supreme Court of India in *D.K Basu vs. State of West Bengal* (1997 (1) SCC 416) stated that custodial torture “*is a calculated assault on human dignity and whenever human dignity is wounded, civilization takes a step backward*”.

The Committee for Reforms in Criminal Laws has to take a call whether India shall be (i) a country governed by the rule of law penalising acts of torture and other cruel, inhuman or degrading treatment or punishment or (ii) a country permitting torture and other cruel and inhuman treatment of the persons by the public servants which the Supreme Court in *Khatris & Ors v. State of Bihar*

¹⁶. COMMITTEE ON GOVERNMENT ASSURANCES (2015–2016) SIXTEENTH LOK SABHA, THIRTIETH REPORT, REVIEW OF PENDING ASSURANCES PERTAINING TO THE MINISTRY OF EXTERNAL AFFAIRS Presented to Lok Sabha on 16 March, 2016 and available at http://164.100.47.193/lsscommittee/Government%20Assurances/16_Government_Assurances_30.pdf

¹⁷. UN Document No. A/HRC/8/26/Add.1 dated 25 August 2008 available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G08/161/58/PDF/G0816158.pdf?OpenElement>

¹⁸. UN Document No. A/HRC/21/10/Add.1 dated 17 September 2012 available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/167/57/PDF/G1216757.pdf?OpenElement>

¹⁹. UN Human Rights Council Document No. A/HRC/8/26/Add.1 dated 25 August 2008 available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G08/161/58/PDF/G0816158.pdf?OpenElement>



(Bhagalpur Blinding case) [AIR 1981 SC 928] had described as “*insulting to the spirit of Constitution and human values as well as Article 21*” of the Constitution.

The Supreme Court has been setting constitutional jurisprudence against torture and other cruel, inhuman or degrading treatment or punishment. However, the constitutional jurisprudence on both criminal liability of perpetrators of torture and award of compensation to the victims as well as the *D K Basu guidelines* issued by the Supreme Court have not had the necessary deterrent effect to reduce torture in India. It is primarily because of the absence of national law criminalising the acts of torture and other cruel, inhuman or degrading treatment or punishment as well as complete impunity as reported by the National Crime Records Bureau (NCRB) that no conviction had taken place in any of the 500 cases of ‘death or disappearance of persons remanded to police custody by court’ from 20015 to 2018.

In the light of these facts, the National Campaign Against Torture (NCAT) recommends to the Committee for Reforms in Criminal Laws that **(i)** existing Section 320 IPC may be numbered as Sub-section (1) thereof and a new sub-section “320(2): *Torture and other cruel, Inhuman or Degrading Treatment or Punishment*” may be inserted, **(ii)** existing Section 331 IPC may be numbered as Sub-section (1) thereof and a new Sub-section “331(2): *Punishment for torture and other cruel, Inhuman or Degrading Treatment or Punishment*” may be inserted; **(iii)** Section 330 IPC be repealed as it becomes redundant in case of insertion of proposed Section 331(2); and **(iv)** a new sub-section 114-B be inserted to India Evidence Act as recommended by the Law Commission of India in its 113th Report as given below:

The detailed recommended texts for these proposed amendments are given below:

Sub-section 320(2) IPC: Torture and other cruel, Inhuman or Degrading Treatment or Punishment

Whoever, being a public servant or being abetted by public servant including a superior officer or with the content or acquiescence of such public servant, including the senior officer intentionally commits or is suspected to have committed any act for the purpose of obtaining information or confession from any person or punishes such person for any act committed or is suspected to have been committed by him or intimidating or concerning such person which may lead to the detection of an offence or misconduct or



discriminates on the ground of religion, race, sex, place of residence, birth, language, caste, sect, colour or community, or commits any other act for any other purpose and such act causes (i) grievous hurt to any person or danger to life, limb or health of any person, is said to inflict torture; and (ii) physical suffering or severe mental pain or humiliation is said to inflict mental torture or cruel, inhuman and degrading treatment or punishment.

Provided that nothing contained in this section shall apply to any hurt, danger, or pain as aforementioned caused by any act, which is inflicted in accordance with any procedure established by law.

Explanation I:- For the purposes of this section, “public servant” shall, without prejudice to section 21 of the Indian Penal Code, 1860 also include any person acting in his official under the Central Government or the State Government or employed in any Government company as defined in section 617 of the companies Act, 1956, or in any institution or organization including an educational Institution under the control of the Central Government or the State Government.

Explanation II. – For the purpose of this section, “torture” includes, but is not limited to causing disability or dysfunction of one or more parts of the body, by act, such as –

- (i) Emasculation and damages to eye, ear, joint, destruction or permanent impairing of the powers of any member or joint, disfiguration of the head or face, fracture or dislocation of a bone or tooth;
- (ii) Systematic beating, head banging, punching, kicking, striking with truncheon or rifle butt or other similar objects, and jumping on the stomach;
- (iii) Pulling out of fingernails;
- (iv) Food deprivation or forcible feeding with spoiled food, animal or human excreta and other stuff or substances not normally eaten;
- (v) Electric shock;



- (vi) Cigarette burning, burning by heated rods, hot oil or acid; by the rubbing or pepper or other chemical substances including spices or acids on mucous membranes, or on the wounds;
- (vii) Submission of the head in water or water polluted with excrement, urine, vomit or blood;
- (viii) Rape or threat thereof and sexual abuse of any kind, including sodomy, insertion of foreign objects into the sex organ or rectum, or electrical shock to the genitals;
- (ix) Mutilation or amputation of any part of the body such as the genitals, ear or tongue;
- (x) The use of plastic bag and other material placed over the head to the point of asphyxiation;
- (xi) The use of asphyxiation drugs to change the perception, memory, alertness or will of a person including the administration of drugs to induce confession or reduce mental competency and the use of drugs to induce extreme pain or symptoms of a disease;
- (xii) Letting loose violent and dangerous animals or exposing to violent and dangerous animals which can cause grievous harm;
- (xiii) Compelling a person to act against his/her will or conscience; and
- (xiv) Other analogous acts of physical torture;

Explanation III. – For the purpose of this section, “mental torture or cruel, inhuman and degrading treatment or punishment” includes, but is not limited to the following, namely:-

- (i) Interrogation without the due process of law;
- (ii) Arrest in violation of due procedure;
- (iii) Handcuffing without judicial sanction;
- (iv) Blindfolding;



- (v) Threatening a person(s) or his/her relative(s) with bodily harm, execution or other wrongful acts, implication in false cases;
- (vi) Confinement in solitary cells or secret detention places or non-production before the Magistrate as per law;
- (vii) Causing infliction of torture to be witnessed by the person's family, relatives or any third party;
- (viii) Denial of sleep or food or medicine;
- (ix) Deliberately prohibiting the victim to communicate with any member of his/her family and his lawyer;
- (x) Maltreating members of the family or a person and inflicting shame upon the victim or any one by such act as stripping the person naked, parading him in public places, shaving the victims head; removing moustaches or putting marks on the body against his will; and
- (xi) Other analogous acts of mental or psychological torture;

Sub-section 331(2) IPC: Punishment for torture and other cruel, Inhuman or Degrading Treatment or Punishment

Whoever, being a public servant or being abetted by public servant including a superior officer or with the content or acquiescence of such public servant including a superior officer have intentionally committed any act of torture shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and in case of infliction of mental torture or cruel, inhuman and degrading treatment or punishment shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Provided that where death of any person is caused due to torture, the person committing the offence shall be punishable with death or imprisonment for life and shall also be liable to fine.

Provided also that the court, in deciding sentence, bear in mind that a public servant committing the offence of torture or cruel, inhuman



and degrading treatment or punishment deserve aggravated punishment.

Provided further that the fine imposed under this section shall be just and reasonable for rehabilitation of the victim and his family members and the fine so imposed shall be recoverable from such public servant.

Section 330 IPC:

Repeal Section 330 IPC as it becomes redundant in case of insertion of proposed Section 331(2).

“Sub-Section 114-B Indian Evidence Act.

(1) In a prosecution (of a police officer) for an offence constituted by an act alleged to have caused bodily injury to a person, if there is evidence that the injury was caused during a period when that person was in the custody of the police, the court may presume that the injury was caused by the police officer having custody of that person during that period.

(2) The court, in deciding whether or not it should draw a presumption under sub-section (1), shall have regard to all the relevant circumstances including, in particular, (a) the period of custody, (b) any statement made by the victim as to how the injuries were received, being a statement admissible in evidence, (c) the evidence of any medical practitioner who might have examined the victim, and (d) evidence of any magistrate who might have recorded the victim's statement or attempted to record it.

The failure of the Committee for Reforms in Criminal Laws to recommend specific provisions for criminalisation of “third degree torture” would make the Committee itself redundant.

Suhas Chakma
Coordinator



2. Legal safeguards for prevention of torture do not address the absence of criminalisation of torture

Though torture has been used as an instrument by the colonial British and the Police under the British Raj became synonymous with “torture”, the Constitution of India does not have any specific reference relating to torture.

The National Commission to Review the Working of the Constitution (2002) set up by the Law Ministry specifically recommended “*rights against torture and inhuman, degrading and cruel treatment and punishment*” to be added as Article 21(2) on the basis of the *dicta* laid down in various Supreme Court judgments prohibiting the use of torture. The Commission recommended that the existing Article 21 may be numbered as Clause (1) thereof and a new clause should be inserted thereafter on the following lines; “(2) *No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.*”²⁰

The Constitution of India, nonetheless, provides a number of safeguards against torture such as Article 20(3) against self-incrimination, Article 21 relating to protection of life and personal liberty, Article 22(1) for protection against arrest and detention in certain cases and the right to be informed about the grounds for detention to consult and to be defended by legal practitioner of his choice, and Article 22(2) relating to the right to be produced before the nearest magistrate within a period of twenty-four hours of detention or arrest.

The Indian Evidence Act, 1872 also provides safeguards against torture and explicitly prohibits the use of information procured through torture and other illegal means as provided below:

- Section 24 makes a confession obtained by any inducement, threat or promise from an accused or made in order to avoid any evil of temporal nature irrelevant in criminal proceedings.
- Section 25 provides that a confessional statement of an accused to police officer is not admissible in evidence and cannot be brought on record by prosecution to obtain conviction.
- Section 26 provides that confession by an accused while in police custody cannot be proved against him.

²⁰. Please see Volume 1 Report of the National Commission to Review the Working of the Constitution (2002) at <http://legalaffairs.gov.in/sites/default/files/chapter%203.pdf>



- Section 27 provides as to how much of information received from an accused may be proved.

A number of provisions of the Criminal Procedure Code (CrPC) also provide safeguards against torture and other cruel, inhuman or degrading treatment or punishment:

- Section 54 requires medical examination of arrested person by medical officer to determine any infliction of custodial torture and violence.
- Section 57 requires the police to produce the suspect/ accused before the nearest magistrate within 24 hours of arrest.
- Sections 51(2) and 100(3) provide that if a woman is to be searched by a police officer in connection with a crime, the search shall be made by a woman police officer with strict regard to decency and that the woman accused must be interrogated at her residence.
- Section 160(1) provides that *"No male person under the age of 15 years or woman shall be required to attend at any place other than in which such male person or woman resides."*
- Sections 162, 163(1) and 315 disallow (i) forced confession and (ii) forced testimony and make such confessions inadmissible in the court of law and protect the accused against such confession.

It is clear that the Constitution of India, the Indian Evidence Act and the Criminal Procedure Code have been alive to the use of torture and other cruel, inhuman or degrading treatment or punishment by the public servants and provided necessary safeguards against the use of the same. However, the Indian Penal Code does not adequately criminalise the offences of torture and other cruel, inhuman or degrading treatment or punishment when these constitutional and legal safeguards are violated by the public servants.

There remains a huge legal gap on criminalisation of torture and other cruel, inhuman or degrading treatment and punishment.



3. Existing provisions of the IPC dealing with hurt and grievous hurt

Torture is prohibited under international human rights and humanitarian law. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, can be invoked as a justification of torture. The prohibition of torture has “*attained the status of ‘jus cogens’ or peremptory norm of general international law, also giving rise to the obligation ‘erga omnes’ (owed to and by all States) to take action against those who torture*”.²¹

Indian Penal Code (IPC) does not define torture. It only defines “hurt” and “grievous hurt” respectively under Sections 319 and 320 while Sections 330 and 331 penalise the same in custodial settings.

These provisions are reproduced below:

319. Hurt. Whoever causes bodily pain, disease or infirmity to any person is said to cause hurt.

320. Grievous hurt. The following kinds of hurt only are designated as “grievous”:—

(First) — Emasculation.

(Secondly) — Permanent privation of the sight of either eye.

(Thirdly) — Permanent privation of the hearing of either ear,

(Fourthly) — Privation of any member or joint.

(Fifthly) — Destruction or permanent impairing of the powers of any member or joint.

(Sixthly) — Permanent disfiguration of the head or face.

²¹. Law Commission of India’s “Report No.273 Implementation of United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment through Legislation” is available at <http://lawcommissionofindia.nic.in/reports/Report273.pdf>



(Seventhly) —Fracture or dislocation of a bone or tooth.

(Eighthly) —Any hurt which endangers life or which causes the sufferer to be during the space of twenty days in severe bodily pain, or unable to follow his ordinary pursuits

**330.
Voluntarily
causing hurt
to extort
confession, or
to compel
restoration of
property.—**

Whoever voluntarily causes hurt, for the purpose of extorting from the sufferer or from any person interested in the sufferer, any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Illustrations

(a) A, a police-officer, tortures Z in order to induce Z to confess that he committed a crime. A is guilty of an offence under this section.

(b) A, a police-officer, tortures B to induce him to point out where certain stolen property is deposited. A is guilty of an offence under this section.

(c) A, a revenue officer, tortures z in order to compel him to pay certain arrears of revenue due from Z. A is guilty of an offence under this section.

(d) A, a zamindar, tortures a raiyat in order to compel him to pay his rent. A is guilty of an offence under this section.



**331.
Voluntarily
causing
grievous hurt
to extort
confession, or
to compel
restoration of
property.—**

Whoever voluntarily causes grievous hurt for the purpose of extorting from the sufferer or from any person interested in the sufferer any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security, or to satisfy any claim or demand or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

4. Inadequacy of the existing provisions of the IPC on defining the offence of torture and other cruel, inhuman or degrading treatment or punishment

Though section 330 of the IPC in its illustration uses the term 'torture', it is stated that 'hurt' and 'grievous hurt' are not the only elements of torture. Further, Sections 319, 320, 330 and 334 IPC exclude other critical elements of torture as provided under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) and constitutional jurisprudence laid down by the Supreme Court of India.

Article 1 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) defines torture as under:

"1. For the purposes of this Convention, the term 'torture' means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions."



It is clear that definition of ‘hurt’ under Section 319 of the IPC and ‘grievous hurt’ under Section 320 of the IPC, apart from excluding other critical elements of torture, also do not include ‘mental torture’ by public servants despite volumes of constitutional jurisprudence on the issue.

Further, IPC Sections 330 (punishment for hurt) and 331 (punishment for ‘grievous hurt’) restrict the purpose of causing hurt and grievous hurt to “extort confession, or any information or to compel restoration of property”. These provisions do not include torture as an act arising out of “discrimination” despite Article 15 of the Constitution of India taking cognisance of discrimination “on grounds of religion, race, caste, sex, place of birth or any of them” in the country and prohibiting the same.

These inadequacies of the IPC to criminalise torture and other cruel, inhuman or degrading treatment or punishment are elaborated below in details.

4.1 Definition: ‘Grievous hurt’ under the IPC excludes many elements of ‘physical torture’

A comparative analysis of torture under the IPC and the Philippines’ Anti-Torture Act of 2009 exposes inadequacy of the existing IPC provisions on physical torture.

Indian Penal Code	Anti-Torture Act of 2009 of the Philippines
319. Hurt. —Whoever causes bodily pain, disease or infirmity to any person is said to cause hurt.	Section 4. Acts of Torture.
320. Grievous hurt. —The following kinds of hurt only are designated as “grievous”:—	For purposes of this Act, torture shall include, but not be limited to, the following:
(First) — Emasculation.	(a) Physical torture is a form of treatment or punishment inflicted by a person in authority or agent of a person in authority upon another in his/her custody that causes severe pain, exhaustion, disability or dysfunction of one or more parts of the body, such as:
(Secondly) —Permanent privation of the sight of	(1) Systematic beating, head banging, punching, kicking, striking with truncheon or rifle butt or other similar objects, and jumping on the stomach;



<p>either eye.</p> <p>(Thirdly) — Permanent privation of the hearing of either ear,</p> <p>(Fourthly) —Privation of any member or joint.</p> <p>(Fifthly) — Destruction or permanent impairing of the powers of any member or joint.</p> <p>(Sixthly) — Permanent disfiguration of the head or face.</p> <p>(Seventhly) —Fracture or dislocation of a bone or tooth.</p> <p>(Eighthly) —Any hurt which endangers life or which causes the sufferer to be during the space of twenty days in severe bodily pain, or unable to follow his ordinary pursuits.</p>	<p>(2) Food deprivation or forcible feeding with spoiled food, animal or human excreta and other stuff or substances not normally eaten;</p> <p>(3) Electric shock;</p> <p>(4) Cigarette burning; burning by electrically heated rods, hot oil, acid; by the rubbing of pepper or other chemical substances on mucous membranes, or acids or spices directly on the wound(s);</p> <p>(5) The submersion of the head in water or water polluted with excrement, urine, vomit and/or blood until the brink of suffocation;</p> <p>(6) Being tied or forced to assume fixed and stressful bodily position;</p> <p>(7) Rape and sexual abuse, including the insertion of foreign objects into the sex organ or rectum, or electrical torture of the genitals;</p> <p>(8) Mutilation or amputation of the essential parts of the body such as the genitalia, ear, tongue, etc.;</p> <p>(9) Dental torture or the forced extraction of the teeth;</p> <p>(10) Pulling out of fingernails;</p> <p>(11) Harmful exposure to the elements such as sunlight and extreme cold;</p> <p>(12) The use of plastic bag and other materials placed over the head to the point of asphyxiation;</p> <p>(13) The use of psychoactive drugs to change the perception, memory, alertness or will of a</p>
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	person, such as: (i) The administration or drugs to induce confession and/or reduce mental competency; or (ii) The use of drugs to induce extreme pain or certain symptoms of a disease; and (14) Other analogous acts of physical torture.
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The Anti-Torture Act of 2009 of the Philippines is appended as **ANNEXURE-1**.

The above comparative table shows that 'grievous hurt' defined under Section 320 of the IPC does not include the following key elements of 'physical torture' as given under the Anti-Torture Act of 2009 of the Philippines:

- Food deprivation or forcible feeding with spoiled food, animal or human excreta and other stuff or substances not normally eaten;
- Electric shock;
- Cigarette burning; burning by electrically heated rods, hot oil, acid; by the rubbing of pepper or other chemical substances on mucous membranes, or acids or spices directly on the wound(s);
- The submersion of the head in water or water polluted with excrement, urine, vomit and/or blood until the brink of suffocation;
- Being tied or forced to assume fixed and stressful bodily position;
- Rape and sexual abuse, including the insertion of foreign objects into the sex organ or rectum, or electrical torture of the genitals;
- Pulling out of fingernails;
- Harmful exposure to the elements such as sunlight and extreme cold;
- The use of plastic bag and other materials placed over the head to the point of asphyxiation;



- The use of psychoactive drugs to change the perception, memory, alertness or will of a person”.

These acts of torture defined under the Anti-Torture Act of 2009 of the Philippines are regularly perpetrated in India too.

4.2 No definition of ‘mental torture’ under the IPC

As stated above, Sections 319 and 320 or any other provisions of the Indian Penal Code do not define ‘mental torture’ by public servants. This is despite that the Supreme Court in *Arvinder Singh Bagga v. State of U.P. and others* [(1877) 94 US 113] on 6th October 1994 stated that “*torture is not merely physical but may even consist of mental and psychological torture calculated to create fright to submit to the demands of the police*”.

Section 3 of the Domestic Violence Act of 2005 defines “domestic violence”, inter alia, as “(a) *harms or injures or endangers the health, safety, life, limb or well-being, whether **mental** or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or (d) otherwise injures or causes harm, whether physical or **mental**, to the aggrieved person*”.

Further, Section 22 of the Domestic Violence Act of 2005 empowers the Magistrate to pass an order directing “*to pay compensation and damages for the injuries, including mental torture and emotional distress, caused by the acts of domestic violence committed*”.

If the national law i.e. the Domestic Violence Act of 2005 penalises ‘mental torture’ within the confines of homes, there is no justification for not criminalising ‘mental torture’ within the premises of police stations, prisons or any other place of detention or interrogation. The Supreme Court in its judgment way back on 7 April 1978 in *Nandini Satpathy v. P.L Dani & Anr* [AIR 1978 SC 1025] held that not only physical threats or violence but psychological torture, atmospheric pressure, environmental coercion, tiring interrogation by police are also violations of law.

The Philippines’ Anti-Torture Act of 2009 defines mental/psychological torture in the following way:

“Section 4. Acts of Torture.



For purposes of this Act, torture shall include, but not be limited to, the following

(b) "Mental/Psychological Torture" refers to acts committed by a person in authority or agent of a person in authority which are calculated to affect or confuse the mind and/or undermine a person's dignity and morale, such as:

- (1) Blindfolding;
- (2) Threatening a person(s) or his/her relative(s) with bodily harm, execution or other wrongful acts;
- (3) Confinement in solitary cells or secret detention places;
- (4) Prolonged interrogation;
- (5) Preparing a prisoner for a "show trial", public display or public humiliation of a detainee or prisoner;
- (6) Causing unscheduled transfer of a person deprived of liberty from one place to another, creating the belief that he/she shall be summarily executed;
- (7) Maltreating a member/s of a person's family;
- (8) Causing the torture sessions to be witnessed by the person's family, relatives or any third party;
- (9) Denial of sleep/rest;
- (10) Shame infliction such as stripping the person naked, parading him/her in public places, shaving the victim's head or putting marks on his/her body against his/her will;
- (11) Deliberately prohibiting the victim to communicate with any member of his/her family; and
- (12) Other analogous acts of mental/psychological torture."



Post-traumatic stress disorder (PTSD) and many other psychological consequences suffered by the torture survivors are being treated by medical professionals across the world including India.

India needs to modernise its national law to codify “mental torture” keeping in mind the constitutional jurisprudence set by the Supreme Court on the issue.

4.3 No definition of ‘other cruel, inhuman and degrading treatment or punishment’ under the IPC

Under the IPC, ‘cruel, inhuman and degrading treatment or punishment’ is not defined. ‘Hurt’ and ‘grievous hurt’ does not include ‘cruel, inhuman and degrading treatment or punishment’.

‘Mental harassment’ especially in the context of violence against women has been widely addressed in Indian jurisprudence. In P. Ramanatha Aiyar’s *Law Lexicon, Second Edition*, the term “harass” has been defined as under:-

“Harass. “injure” and “injury” are words having numerous and comprehensive popular meanings, as well as having a legal import. A line may be drawn between these words and the word “harass” excluding the latter from being comprehended within the word “injure” or “injury”. The synonyms of “harass” are: To weary, tire, perplex, distress tease, vex, molest, trouble, disturb. They all have relation to mental annoyance, and a troubling of the spirit.” The term “harassment” in its connotative expanse includes torment and vexation. The term “torture” also engulfs the concept of torment. The word “torture” in its denotative concept includes mental and psychological harassment. The accused in custody can be put under tremendous psychological pressure by cruel, inhuman and degrading treatment.

The Supreme Court in its judgement in *Mehmood Nayyar Azam v. State of Chhattisgarh* [AIR 2012 SC 2573] defined ‘inhuman and degrading treatment’ to ‘cover such acts which have been inflicted with an intention to cause physical suffering or severe mental pain ..and a treatment that is inflicted that causes humiliation and compels a person to act against his will or conscience’.



There are numerous judgments describing what constitutes cruel, inhuman and degrading treatment or punishment both under Indian and international jurisprudence.

The factual matrix in *Mehmood Nayyar Azam v. State of Chhattisgarh* [AIR 2012 SC 2573] is illustrative of cruel, inhuman and degrading treatment. The Supreme Court noted that the accused, a social activist who agitated to ameliorate the cause of the poor and the downtrodden, was falsely roped in criminal cases, arrested and humiliated in the following way:

“17. At the very outset, we are obliged to state that five aspects are clear as day and do not remotely admit of any doubt. First, the appellant was arrested in respect of the alleged offence under Indian Penal Code, 1860 and the Electricity Act, 2003; second, there was a direction by the Magistrate for judicial remand and thereafter instead of taking him to jail the next day he was brought to the police station; third, self-humiliating words were written on the placard and he was asked to hold it and photographs were taken; and fourth, the photographs were circulated in general public and were also filed by one of the respondents in a revenue proceeding; and five, the High Court, in categorical terms, has found that the appellant was harassed.”

Unnecessary and unauthorised handcuffing has been defined as a case of degrading treatment. The Supreme Court in *Sunil Gupta and others v. State of Madhya Pradesh and others* [1990 SCC (3) 119] pertaining to handcuffing where the accused while in judicial custody were being escorted to court from jail and bound in fetter stated that the escort party should record reasons for doing so in writing and intimate the court so that the court, considering the circumstances may either approve or disapprove the action of the escort party and issue necessary directions. The Court further observed that when the petitioners who had staged ‘Dharna’ for public cause and voluntarily submitted themselves for arrest and who had no tendency to escape, had been subjected to humiliation by being handcuffed, such act of the escort party is against all norms of decency and is in utter violation of the principle underlying Article 21 of the Constitution of India. The said act was condemned by the apex court to be arbitrary and unreasonably humiliating towards the citizens of this country with the obvious motive of pleasing ‘someone’.

The Supreme Court in *Dr. Rini Johar v. State of Madhya Pradesh* [AIR 2016 SC 2679] held that “*arrest in violation of due procedure seriously jeopardises the dignity of the person arrested and the law does not countenance abuse of power which causes pain and trauma*”.



The European Court of Human Rights (ECHR) in its judgment in *Wainwright v. United Kingdom*²² held that strip-searching of the petitioner when seeking to visit a relative in prison were “*not proportionate to the legitimate aim in the manner in which they were carried out*” and therefore, constituted ill-treatment. The ECHR in the said *Wainwright v. United Kingdom* judgment elaborated the general principles developed by the ECHR relating to ill-treatment under Article 3 of the European Convention on Human Rights²³ relating to torture in the following way:

“General principles

41. Ill-treatment must attain a minimum level of severity if it is to fall within the scope of Article 3 of the Convention. The assessment of this minimum level of severity is relative; it depends on all the circumstances of the case, such as the duration of the treatment, its physical and mental effects and, in some cases, the sex, age and health of the victim. In considering whether a treatment is “degrading” within the meaning of Article 3, the Court will have regard to whether its object is to humiliate and debase the person concerned and whether, as far as the consequences are concerned, it adversely affected his or her personality in a manner incompatible with Article 3. Though it may be noted that the absence of such a purpose does not conclusively rule out a finding of a violation (*Peers v. Greece*, no. 28524/95, §§ 67-68, 74). Furthermore, the suffering and humiliation must in any event go beyond the inevitable element of suffering or humiliation connected with a given form of legitimate treatment or punishment, as in, for example, measures depriving a person of their liberty (see, *Kudła v. Poland* [GC], no. 30210/96, §§93-94, ECHR 2000-XI, *Valašinas v. Lithuania*, no. 44558/98, § 102, ECHR 2001-VIII; *Jalloh v. Germany* [GC], no. 54810/00, § 68, 11 July 2006).

42. The Court has already had occasion to apply these principles in the context of strip and intimate body searches. A search carried out in an appropriate manner with due respect for human dignity and for a legitimate purpose (see *mutatis mutandis*, *Yankov v. Bulgaria*, no. 39084/97, §§166- 167, ECHR 2003-XII where there was no valid reason established for the shaving of the applicant prisoner's head) may be compatible with Article 3. However, where the manner in which a search is

²². Case of *Wainwright V. The United Kingdom* (Application no. 12350/04), Judgement dated 26 September 2006, <https://www.5rb.com/wp-content/uploads/2013/10/Wainwright-v-UK-ECHR-26-Sept-2006.pdf>

²³. Article 3: Prohibition of torture of the European Convention on Human Rights, “*No one shall be subjected to torture or to inhuman or degrading treatment or punishment*”.

carried out has debasing elements which significantly aggravate the inevitable humiliation of the procedure, Article 3 has been engaged: for example, where a prisoner was obliged to strip in the presence of a female officer, his sexual organs and food touched with bare hands (*Valašinas*, cited above, § 117) and where a search was conducted before four guards who derided and verbally abused the prisoner (*Iwańczuk v. Poland*, no. 25196/94, § 59, 15 November 2001). Similarly, where the search has no established connection with the preservation of prison security and prevention of crime or disorder, issues may arise (see, for example, *Iwańczuk*, cited above, §§ 58-59 where the search of the applicant, a model remand prisoner, was conducted on him when he wished to exercise his right to vote; *Van der Ven v. the Netherlands*, no. 50901/99, §§ 61-62, ECHR 2003-II, where the strip searching was systematic and long term without convincing security needs).

43. Where a measure falls short of Article 3 treatment, it may, however, fall foul of Article 8 of the Convention, which, inter alia, provides protection of physical and moral integrity under the respect for private life head (*Costello-Roberts v. the United Kingdom*, judgment of 25 March 1993, Series A no. 247-C, § 36; *Bensaid v. the United Kingdom*, no. 44599/98, § 46, ECHR 2001-I). There is no doubt that the requirement to submit to a strip-search will generally constitute an interference under the first paragraph of Article 8 and require to be justified in terms of the second paragraph, namely as being “in accordance with the law” and “necessary in a democratic society” for one or more of the legitimate aims listed therein. According to settled case-law, the notion of necessity implies that the interference corresponds to a pressing social need and, in particular that it is proportionate to the legitimate aim pursued (see e.g. *Olsson v. Sweden*, judgment of 24 March 1988, Series A no. 130, § 67)."

The national legal standards too have been developed to define “cruel, inhuman and degrading treatment or punishment”.

The Philippines’ Anti-Torture Act of 2009 defines ‘other cruel, inhuman and degrading treatment or punishment’ as “*deliberate and aggravated treatment or punishment not enumerated under Section 4 of this Act (physical torture and mental torture), inflicted by a person in authority or agent of a person in authority against another person in custody, which attains a level of severity sufficient to cause suffering, gross humiliation or debasement to the latter. The assessment of the level of severity shall depend on all the circumstances of the case, including the duration of the treatment or punishment, its physical and mental effects and, in some cases, the sex, religion, age and state of health of the victim.*”



In India, Section 498-A of the Indian Penal Code deals with the violence committed against a woman by her husband or in-laws or any relative of the husband on women after her marriage. It defines “cruelty” and sets the threshold.

In fact, Section 4(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015²⁴ defines a number of acts which are not physical torture but cruel, inhuman and degrading treatment meted out to members of the SCs and STs. The following acts provided under Section 4(1) of the Prevention of Atrocities Amendment Act, 2015 do not involve physical torture but surely constitute cruel, inhuman and degrading treatment or punishment:

- (b) dumps excreta, sewage, carcasses or any other obnoxious substance in premises, or at the entrance of the premises, occupied by a member of a Scheduled Caste or a Scheduled Tribe;
- (c) with intent to cause injury, insult or annoyance to any member of a Scheduled Caste or a Scheduled Tribe, dumps excreta, waste matter, carcasses or any other obnoxious substance in his neighbourhood;
- (f) wrongfully occupies or cultivates any land, owned by, or in the possession of or allotted to, or notified by any competent authority to be allotted to, a member of a Scheduled Caste or a Scheduled Tribe, or gets such land transferred;
- (g) wrongfully dispossesses a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights, including forest rights, over any land or premises or water or irrigation facilities or destroys the crops or takes away the produce there from.
 - o Explanation.--For the purposes of clause (f) and this clause, the expression “wrongfully” includes— (A) against the person’s will; (B) without the person’s consent; (C) with the person’s consent, where such consent has been obtained by putting the person, or any other person in whom the person is interested in fear of death or of hurt; or (D) fabricating records of such land;

²⁴. The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, http://ncsc.nic.in/files/POA_ACT_2016.01.pdf



- (h) makes a member of a Scheduled Caste or a Scheduled Tribe to do “begar” or other forms of forced or bonded labour other than any compulsory service for public purposes imposed by the Government;
- (i) compels a member of a Scheduled Caste or a Scheduled Tribe to dispose or carry human or animal carcasses, or to dig graves;
- (j) makes a member of a Scheduled Caste or a Scheduled Tribe to do manual scavenging or employs or permits the employment of such member for such purpose;
- (p) institutes false, malicious or vexatious suit or criminal or other legal proceedings against a member of a Scheduled Caste or a Scheduled Tribe;
- (q) gives any false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a member of a Scheduled Caste or a Scheduled Tribe;
- (r) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;
- (s) abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view;
- (t) destroys, damages or defiles any object generally known to be held sacred or in high esteem by members of the Scheduled Castes or the Scheduled Tribes.

The public servants routinely perpetrate acts analogous to the acts of cruel, inhuman or degrading treatment or punishment as defined under Section 4(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

As India has criminalised “cruelty” as well as other cruel, inhuman and degrading treatment or punishment by private persons under the national laws, there is no justification for not criminalizing the same when committed by the public servants.



4.4 Restrictive definition of “purpose” for causing grievous hurt under IPC through exclusion of “discrimination”

Sections 330 and 331 of the IPC define the purpose of causing of hurt or grievous hurt “*to extort confession, or to compel restoration of property*”.

There is no society which is free from discrimination and indeed, discrimination has been one of the major problems of law enforcement across the world. Article 15 of the Constitution of India prohibits discrimination on grounds “of religion, race, caste, sex, place of birth or any of them”.

In order to address acts of discrimination and atrocities, India also enacted the Protection of Civil Rights Act of 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act of 1989 to define such offences and penalise such acts. Article 15 and Article 16 the Constitution of India also provide for affirmative actions.

The Government of India ratified United Nations’ International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) on 3 December 1968 and therefore, formally consented to make the ICERD legally applicable in India and the Government of India has been regularly submitting periodic reports to the UN Committee on the Elimination of Racial Discrimination. The Ministry of Home Affairs vide the Gazette of India notification No. S.O. 2339(E) dated 21 September 2010 notified that “*The Convention on the Elimination of all forms of Racial Discrimination (CERD) adopted by the General Assembly of the United Nations, as an International Covenant in its application to the protection of human rights in India*” as provided under the Protection of Human Rights Act of 1993.

Discrimination in law enforcement is well-known in India.

It is pertinent to mention that Section 4(b) of the Prevention of Torture Bill, 2010 passed by the Lok Sabha²⁵ refers to torture “*on the ground of his religion, race, place of birth, residence, language, caste or community or any other ground whatsoever*”.

²⁵. The Prevention of Torture Bill, 2010 as introduced in the Lok Sabha on 19th April 2010 is available at

<http://164.100.47.4/BillsTexts/LSBillTexts/AsIntroduced/torture%2058%20of%202010.pdf>



The National Campaign Against Torture (NCAT) in its report *“India: Annual Report on Torture 2019”* stated, *“it is a fact that majority of the victims of police torture belonged to the poor and marginalised sections of the society who are often the soft targets because of their socio-economic status. Out of the deaths of 125 persons in 124 cases of deaths in police custody documented by NCAT in 2019, 75 persons or 60% belonged to the poor and marginalised communities. These included 13 victims from Dalit and tribal communities, 15 victims belonged to Muslim minority community, 37 victims were picked up for petty crimes such as theft/burglary/cheating/selling of liquor illegally, gambling, etc which indicate their economic status, three were farmers, one was labourer, one was a refugee, two were security guards, one was a rag-picker and two worked as drivers.”*²⁶

The NCAT in its submission to the National Human Rights Commission (NHRC) on 26 February 2020 while requesting it to establish “Prosecution Department” stated that out of the total 90 cases cited as emblematic cases by the NHRC in its Annual Reports from the year 1996-97 to 2016-17 on custodial deaths, 68 victims or 75.5% of them were found to be from poor socio-economic background or marginalized section of the society while socio-economic background of 22 victims constituting 24.5% could not be ascertained (unknown).

A copy of the submission to the NHRC dated 26.02.2020 is appended as **ANNEXURE-2**.

5. The case for criminalisation of torture in India

5.1 Constitutional jurisprudence and *DK Basu Guidelines* failed to deter torture in India

The Supreme Court of India has been setting constitutional jurisprudence against torture and other cruel, inhuman or degrading treatment of punishment in India since its inception.

The Supreme Court in its judgment dated 13 January 1981 in *Francis Coralie Mullin v. Administrator, U.T. of Delhi* [AIR 1981 SC 746] stated that *“.....any form of torture or cruel, inhuman or degrading treatment would be offensive to human dignity and constitute an inroad into this right to live and it would, on this view, be prohibited by Article 21 unless it is in accordance with procedure prescribed by law,*

²⁶. INDIA: ANNUAL REPORT ON TORTURE 2019, National Campaign Against Torture, 26 June 2020, <http://www.uncat.org/wp-content/uploads/2020/06/INDIATORTURE2019.pdf>



but no law which authorises and no procedure which leads to such torture or cruel, inhuman or degrading treatment can ever stand the test of reasonableness and non-arbitrariness: it would plainly be unconstitutional and void as being violative of Articles 14 and 21.”

On 6th October 1994, the Supreme Court in its judgment in *Arvinder Singh Bagga v. State of U.P* [AIR 1995 SC 117] further held that torture “*is not merely physical, there may be mental torture and psychological torture calculated to create fright and submission to the demands or commands.*”

In plethora of other judgments such as *Dagdu & Ors. v. State of Maharashtra* [AIR 1977 SC 1579], *Raghubir Singh v. State of Haryana* [AIR 1980 SC 1087], *Francis Coralie Mullin v. Administrator, U.T. of Delhi* [AIR 1981 SC 746], *State of U.P. v. Ram Sagar Yadav* [AIR 1985 SC 416], *Gauri Shanker Sharma etc. v. State of U.P.* [AIR 1990 SC 709], *Bhagwan Singh & Anr. v. State of Punjab* [AIR 1992 SC 1689], *Rama Murthy v. State of Karnataka* [AIR 1997 SC 1739], *People's Union for Civil Liberties v. Union of India & Anr* [AIR 2005 SC 2419], *Munshi Singh Gautam v. State of M.P.* [AIR 2005 SC 402], *Sube Singh v. State of Haryana* [AIR 2006 SC 1117], *Mehboob Batcha v. State* [(2011) 7 SCC 45], *Prithipal Singh etc. v. State of Punjab and Anr. Etc* [5 (2012)1SCC10], *Haricharan v. State of M.P* [(2011) 4 SCC 159] etc, the Supreme Court addressed various facets of torture and other cruel, inhuman and degrading treatment or punishment and established the jurisprudence on criminal liability.

In a number of judgments such as *Rudal Shah v. State of Bihar* [AIR 1983 SC 1086], *Nilabati Behera v. State of Orissa & Ors.* [AIR 1993 SC 1960], *Ram Lakhan Singh v. State of U.P* [(2015) 16 SCC 715], *Smt. Shakila Abdul Gafar Khan v. Vasant Raghunath Dhoble* [AIR 2003 SC 4567], *Dr. Rini Johar v. State of Madhya Pradesh* [AIR 2016 SC 2679] etc, the apex court set the jurisprudence on award of compensation for custodial violence.

Women are particularly susceptible to torture, inhuman and degrading treatment. The Supreme Court in its judgment in *Sheela Barse v. State of Maharashtra* [AIR 1983 SC 378] laid down guidelines regarding arrest in general, and arrest of women in particular including that four or five police lock-up should be reserved for female suspects and they should be kept away from the male suspects and be guarded by female constables; interrogation of females should be carried out only in the presence of female police officers/constables; the District Judge would make surprise visits to police lock ups periodically with a view to providing the arrested persons an opportunity to air their grievances and ascertaining what are the conditions in the police lock ups and whether the requisite facilities are being provided and the provisions of law are being



observed and the directions given by the courts are being carried out and the magistrate before whom an arrested person is produced shall enquire from the arrested person whether he has any complaint of torture or mal-treatment in police custody and inform him that he has right under Section 54 of the CrPC 1973 to be medically examined.

The Supreme Court in the case of *D.K Basu vs. State of West Bengal* (1997 (1) SCC 416) stated “Custodial torture is a naked violation of human dignity and degradation which destroys, to a very large extent, the individual personality. It is a calculated assault on human dignity and whenever human dignity is wounded, civilization takes a step backward. The flag of humanity on each occasion must fly half mast.”²⁷ The apex court went on to issue 11 guidelines/directions to be followed in all cases of arrest or detention including of women till legal provisions are made in that behalf. The Supreme Court also warned of contempt of court proceedings apart from departmental actions for failure to comply with these requirements.

However, the constitutional jurisprudence on both criminal liability of perpetrators of torture and award of compensation to the victims as well as the D K Basu guidelines issued by the Supreme Court have not had necessary deterrent effect to reduce torture in India.

5.2 About 35,554 cases of custodial deaths/rapes registered by the NHRC from March 1994 to March 2019 testify systematic torture in India

Torture has been rampant in India and the first Guidelines adopted by the National Human Rights Commission was relating to Custodial Deaths/Rapes. On 14 December 1993, the NHRC directed the District Magistrates and Superintendents of Police of every district to “report every death in custody to the Secretary General of the Commission within 24 hours of occurrence or of these officers having come to know about such incidents” and that “the failure to report promptly would give rise to presumption that there was an attempt to suppress the incident”.²⁸

²⁷. Supreme Court judgment dated 18 December 1996 in Shri D.K. Basu, Ashok K. Johri vs State of West Bengal, State of U.P; available at:

<https://main.sci.gov.in/judgment/judis/14580.pdf>

²⁸. NHRC’s Guidelines on Custodial Deaths/Rapes are available at

<https://nhrc.nic.in/sites/default/files/sec-1.pdf>

Pursuant to the said directions, the NHRC received complaints/reports of 35,554 custodial deaths from 1994-1995 to 2018-2019 as given below:

Table 1: Number of custodial deaths and custodial rapes registered by the NHRC during 1994-1995 to 2018-2019

Sl. No.	Year	Police Custodial Deaths/Rapes	Judicial Custodial Deaths/Rapes	Total number of custodial deaths/rapes per year
1	1994-1995	114	51	165
2	1995-1996	136	308	444
3	1996-1997	191	700	891
4	1997-1998	191	807	998
5	1998-1999	180	1106	1286
6	1999-2000	177	916	1093
7	2000-2001	127	910	1037
8	2001-2002	165	1140	1305
9	2002-2003	185	1157	1342
10	2003-2004	162	1300	1462
11	2004-2005	140	1357	1497
12	2005-2006	144	1591	1735
13	2006-2007	129	1477	1606
14	2007-2008	206	1789	1995
15	2008-2009	127	1527	1654
16	2009-2010	126	1473	1599
17	2010-2011	146	1426	1572
18	2011-2012	130	1302	1432
19	2012-2013	146	1557	1703
20	2013-2014	140	1577	1717
21	2014-2015	133	1589	1722
22	2015-2016	152	1670	1822
23	2016-2017	146	1616	1762
24	2017-2018	146	1636	1782
25	2018-2019	136	1797	1942
	TOTAL	3,775	31,779	35,554



Source: Annual Reports of the NHRC from 1994-1995 to 2017-2019 and Reply of the Ministry of Home Affairs to Unstarred Question No. 3771, answered on 16.07.2019 in the Lok Sabha **(ANNEXURE-3)**

The above **Table-1** shows that in absolute number deaths/rapes in police custody had increased from about 114 cases per year during 1994-1995 to 136 cases per year during 2018-2019 and from 2010-2011 onwards, the number of deaths/rapes in police custody per year has been consistently above 140 cases. The number deaths/rapes in judicial custody had increased from about 51 cases during 1994-1995 to 1,797 cases during 2018-2019 and from 1998-1998 onwards, the number of deaths/rapes in judicial custody has been consistently been above 1,000 cases per year. While deaths in judicial custody can take place for a number of reasons ranging from natural death to torture, death in police custody takes place mainly as a result of torture.

The NHRC in its latest available annual report for the year 2017-18 noted, *“Custodial violence and torture is so rampant in India that it has become almost routine.”*²⁹

The NCAT in its *“India: Annual Report on Torture 2019”* stated that at least 125 deaths occurred in police custody in 2019 across India. As per the report, of the 125 deaths, 93 victims (74.4%) died in police custody due to alleged torture/foul play while 24 victims (19.2%) died under suspicious circumstances in which police claimed that the deceased committed suicide (16 persons), died of illness (7 persons) and died due to injuries after slipping inside the bathroom in custody (1 person); and the reason for the custodial death of five (4%) persons were unknown.³⁰

The increasing trend of custodial deaths and daily reports of torture and custodial death confirm that the NHRC Guidelines on Custodial Deaths/Rape have become perfunctory and did not have any deterrent effect.

²⁹. NHRC Annual Report 2017-18, p. 59; available at:

https://nhrc.nic.in/sites/default/files/NHRC_AR_EN_2017-018.pdf

³⁰. National Campaign Against Torture, “India: Annual Report on Torture 2019” 26 June 2019; <http://www.uncat.org/wp-content/uploads/2020/06/INDIATORTURE2019.pdf>



Emblematic Case: Torture to death of J. Bennix (32 years) and his father P. Jayaraj in Tamil Nadu

Nothing exemplifies the extent of torture perpetrated by the police and the contempt for the courts by the police than the case of torture to death of J. Bennix (32 years) on 22 June 2020 and his father P. Jayaraj (62 years) on 23 June 2020 in police custody in Sathankulam town near Thoothukudi in Tamil Nadu.³¹

Brutal torture:

On 19 June 2020, P Jayaraj, who worked at his mobile shop at Sathankulam town, was taken into custody by police allegedly for making some critical remarks about a police patrol team on 18 June for insisting shop owners to shut shops early as per the COVID-19 lockdown rules. An auto driver had informed the police about the remarks and the police team came and picked up Jayaraj the next day. His son, J. Bennix followed the police team to the Sathankulam police station where he saw his father being physically harassed by an officer. An agitated Bennix questioned the officer, tried to stop the officer or protect his father. It provoked the police team and they thrashed both father and son for hours. On 20 June, Jayaraj's family who waited outside the police station till midnight got to see the father-son duo in the morning in bad shape as they were being taken to the Sathankulam government hospital. Jayaraj's veshti (lungi) and Bennix's pants were fully soaked in blood. They had to keep changing lungis at the hospital due to profuse bleeding. Policemen asked the family to bring dark lungis to avoid visibility of bleeding. The duo was taken to Sathankulam magistrate court from where both were sent on remand to Kovilpatti Sub Jail. On 22 June, because of their deteriorating health conditions, the duo was shifted to the nearby government hospital where Bennix succumbed to his injuries late that evening while his father died in the wee hours on 23 June.³²

³¹. Explained: How Tamil Nadu Police's brutal act of revenge claimed lives of a father and son, Indian Express, 4 July 2020, available at:

<https://indianexpress.com/article/explained/explained-tamil-nadu-police-custodial-torture-father-son-killed-thoothukudi-6479190/>

³². Explained: How Tamil Nadu Police's brutal act of revenge claimed lives of a father and son, Indian Express, 4 July 2020, available at:



Eyewitnesses alleged that Jayaraj and Bennix were stripped naked, their knees were smashed and their chest hairs were ripped out. They further claimed that the cops inserted metal objects into the victims' rectum leaving them bleeding till their lungis had to be changed seven times in about 5 hours.³³ Tamil Radio Jockey and playback singer Suchitra, whose videos on the torture of the father-son duo went viral, revealed horrifying details of the torture in an interview to *India Today* TV on 30 June. According to her, the private parts of Jayaraj and his son Bennicks were 'smashed' and then 'shoved' inside their bodies. They were then told that 'you are not men any more'.³⁴

Order for a judicial inquiry:

Taking serious view of custodial death of father-son duo, a Madurai bench of the Madras High Court, comprising Justices P.N. Prakash and B. Pugalendhi took suo motu cognisance of the case on 24 June 2020. The bench sought a report from the Tamil Nadu Police on its probe and instructed police to inform the public about the *suo motu* cognisance the court has taken of the deaths.³⁵

On 27 June, the Madras High Court directed the Judicial Magistrate No.I, Kovilpatti, Thootukudi District to conduct an inquiry into the custodial death of the father-son duo. The Judicial Magistrate was also

<https://indianexpress.com/article/explained/explained-tamil-nadu-police-custodial-torture-father-son-killed-thoothukudi-6479190/>

³³. Tamil Nadu Custodial Deaths: 2 Police Officers Arrested on Murder Charges as CBI Takes Over Jayaraj-Fenix Case, India.com, 1 July 2020; <https://www.india.com/news/india/tamil-nadu-custodial-deaths-2-police-officers-arrested-on-murder-charges-as-cbi-takes-over-jayaraj-fenix-case-4072952/>

³⁴. Tamil Nadu custodial deaths: RJ Suchitra reveals horrifying details of police torture, Indiatoday.in, 29 June 2020; <https://www.indiatoday.in/india/story/tuticorin-deaths-tamil-nadu-custodial-deaths-police-brutality-jayaraj-beniks-rj-suchitra-reveals-private-partys-smashed-shoved-horrifying-details-1695260-2020-06-29>

³⁵. Madras HC takes cognisance of custodial deaths of father-son, directs police to file report, Theprint.in, 25 June 2020; [https://theprint.in/judiciary/madras-hc-takes-cognisance-of-custodial-deaths-of-father-son-directs-police-to-file-report/448449/#:~:text=A%20Madurai%20bench%20of%20the%20high%20court%2C%20comprising%20Justices%20P.N.,has%20taken%20of%20the%20deaths.&text=The%20dead%20were%20identified%20as,son%20Benix%20Emmanuel%20\(31\)](https://theprint.in/judiciary/madras-hc-takes-cognisance-of-custodial-deaths-of-father-son-directs-police-to-file-report/448449/#:~:text=A%20Madurai%20bench%20of%20the%20high%20court%2C%20comprising%20Justices%20P.N.,has%20taken%20of%20the%20deaths.&text=The%20dead%20were%20identified%20as,son%20Benix%20Emmanuel%20(31))

directed to visit the family members of the deceased for the purpose of recording the statements of the womenfolk, conduct local inspection under Section 310 Cr.P.C., visit the Sathankulam Police Station and take photocopies of all the records including the General Station Diary, case diary and hand over the original case diary to the Chief Judicial Magistrate, Tuticorin, for safe custody, visit the place of occurrence for better appreciation of the facts, take videographs of the place of occurrence wherever he finds it necessary, collect the CCTV footages wherever they are available and have them preserved.³⁶

The fact remains Section 176(1A) provides that *"Where any person dies or disappears, or rape is alleged to have been committed on any woman, while such person or woman is in the custody of the police or in any other custody authorised by the Magistrate or the Court under this Code, in addition to the inquiry or investigation held by the police, an inquiry shall be held by the Judicial Magistrate or the Metropolitan Magistrate, as the case may be, within whose local jurisdiction the offence has been committed."*

Contempt for the High Court by the accused:

In a report submitted before the Madurai Bench of the Madras High Court, Kovilpatti Judicial Magistrate M. S. Bharathidasan, who was directed to conduct a judicial enquiry at the Sattankulam police station in connection with the custodial death of the father-son duo stated that an intimidating ambience was sought to be created by the police personnel when he conducted the inquiry on 28 June 2020.³⁷

The report stated that the Sattankulam police did not cooperate with the inquiry and tried to create an intimidating ambience. It said that right from the time Kovilpatti Judicial Magistrate M. S. Bharathidasan stepped into the Sattankulam police station the police officers did not

³⁶ . Madras HC Directs Judicial Magistrate To Probe Into Custodial Death Of Father-Son, Indialegallive.com, 27 June 2020; <https://www.indialegallive.com/constitutional-law-news/courts-news/madras-hc-directs-judicial-magistrate-to-probe-into-custodial-death-of-father-son#:~:text=The%20High%20court%20of%20Madras,Thootukudi%20District%20of%20Tamil%20Nadu>

³⁷. 'Police behaviour during judicial inquiry intimidating, indifferent' Thehindu.com, 30 June 2020; available at: <https://www.thehindu.com/news/national/tamil-nadu/police-behaviour-during-judicial-inquiry-intimidating-indifferent/article31958271.ece>



acknowledge his presence and showed an indifferent attitude. The non-cooperation specifically included refusal at first to hand over the batons used to beat up the deceased, exhibition of intimidating posture by Additional Superintendent of Police D. Kumar and DSP C. Pratapan, addressing by these two senior officers to their subordinates to get the case diaries in a reprimanding tone, production of the case diaries in a delayed manner, showing agitated posture and non-cooperation by the police constables and taking videos of the inquiry etc. The judicial magistrate further stated in his report that given the animosity at the police station, he had to wind up the inquiry early that day.³⁸

Taking *suo motu* cognisance of the disparaging remarks and non-cooperation, the Madras High Court initiated contempt proceedings against Additional Superintendent of Police D. Kumar, Deputy Superintendent of Police C. Prathapan and constable identified as Maharajan.³⁹

A total of 10 policemen have been arrested. Initially, Inspector Sridhar, Sub-Inspector Balakrishnan, Sub-Inspector Raghu Ganesh, Head Constable Murugan and Constable Muthuraj were arrested.⁴⁰ Thereafter, another five police personnel were arrested i.e. Sub Inspector Paldurai, Constable Vail Muthu, Constable Samadurai, Constable Chelladaurai and Constable Thomas.⁴¹

Current status of the Inquiry by the CBI:

The High Court has ordered registration of murder case against the accused policemen.⁴²

³⁸. 'Police behaviour during judicial inquiry intimidating, indifferent' Thehindu.com, 30 June 2020; available at: <https://www.thehindu.com/news/national/tamil-nadu/police-behaviour-during-judicial-inquiry-intimidating-indifferent/article31958271.ece>

³⁹. TN custodial death: Cops abuse magistrate; HC takes suo motu notice, thefederal.com; available at: <https://thefederal.com/states/south/tamil-nadu/tn-custodial-deaths-hc-takes-suo-motu-cognisance-of-tuticorin-cops/>

⁴⁰. 5 Accused Cops In Tamil Nadu Custodial Deaths Transferred To Madurai Jail, NDTV, 5 July 2020, <https://www.ndtv.com/tamil-nadu-news/jayaraj-and-beniks-5-accused-cops-in-tamil-nadu-custodial-deaths-transferred-to-madurai-jail-2257298>

⁴¹. 5 More Cops Arrested In Tuticorin Custodial Deaths Case, NDTV, 9 July 2020, <https://www.ndtv.com/tamil-nadu-news/jayaraj-and-benicks-tuticorin-death-case-5-more-cops-arrested-in-tuticorin-custodial-deaths-case-2259525>

⁴². Proof Available to Register Murder Case Against Cops, Says HC in Father-Son 'Custodial Deaths' Case, Neww18, 30 June 2020, <https://www.news18.com/news/india/enough->

The Central Bureau of Investigation took over the case and is investigating into the circumstances that led to the killing of the father-son duo. On 14 July, custody of five out of 10 police officials arrested in connection with the case was granted to the CBI for custodial interrogation.⁴³

5.3 NCRB's reports of no prosecution for any death or disappearance of persons remanded to police custody by court from 2005 to 2018 testify impunity

The National Crime Records Bureau (NCRB) under the Ministry of Home Affairs also maintains records on custodial deaths and the status of prosecution.

The NCRB in its "*Crime in India*" Annual Reports recorded death or disappearance of 1,303 persons in police custody i.e. 827 persons not remanded to police custody by court and 476 persons remanded to police custody by courts from 2005 to 2018 as per Table 2 given below:

Table 2: Number of death or disappearance of persons in police custody from 2005 to 2018

Year	Death or disappearance of persons in police custody without court remand	Death or disappearance of persons in police custody with court remand	Total
2005	61	67	128
2006	51	38	89
2007	61	57	118
2008	61	40	101
2009	59	25	84
2010	45	25	70
2011	75	29	104
2012	71	38	109
2013	97	21	118

[evidence-of-assault-on-bodies-of-jayaraj-and-bennix-notes-madras-hc-in-tn-custodial-deaths-case-2693807.html](https://theprint.in/india/5-tamil-nadu-policemen-sent-to-cbi-custody-for-2-days-in-jayaraj-bennix-death-case/460671/)

⁴³. 5 Tamil Nadu policemen sent to CBI custody for 2 days in Jayaraj & Bennix death case, Theprint.in, 14 July 2020; available at: <https://theprint.in/india/5-tamil-nadu-policemen-sent-to-cbi-custody-for-2-days-in-jayaraj-bennix-death-case/460671/>

2014	61	32	93
2015	67	30	97
2016	60	32	92
2017	58	42	100
2018	46	24	70
Total	873	500	1373

Source: Annual Reports of the NCRB from 2005 to 2018 (**ANNEXURE-4**)

It is assumed that courts will ensure the rule of law to protect the lives and liberties and therefore, production of any person arrested or detained before the courts within 24 hours of such arrest excluding the time necessary for the journey from the place of arrest before the court of the magistrate is guaranteed under Article 22 of the Constitution of India. Once a person is brought before the court and the court orders remand, judiciary also becomes a party for protection of the right to life and personal liberty of the arrested person.

However, the NCRB's *Crime in India* from 2005 to 2018 recorded that with respect to 500 cases of "death or disappearance of persons remanded to police custody by court", 281 cases were registered, 54 policemen were charge sheeted but not a single policeman was convicted as per **Table 3** given below.

Table 3: Number of cases registered, police men charge sheeted and policemen convicted in cases of death or disappearance of persons in police custody on court remand during 2005 - 2018

Year	Death or disappearance of persons remanded to police custody by court	Cases registered in connection with death	Police men Charge Sheeted	Police men convicted
2005	67	48	0	0
2006	38	24	1	0
2007	57	33	7	0
2008	40	22	3	0
2009	25	22	0	0
2010	25	15	1	0
2011	29	20	5	0
2012	38	26	1	0
2013	21	13	0	0



2014	32	5	15	0
2015	30	9	4	0
2016	32	6	14	0
2017	42	23	3	0
2018	24	15	0	0
Total	500	281	54	0

Excerpts from Annual Reports of the NCRB from 2005 to 2018 appended as **ANNEXURE-3**.

While conviction depends on the facts, circumstances and evidence in each case, non-conviction of any accused in any of 500 cases of 'death or disappearance of persons remanded to police custody by court' exposes the absolute impunity enjoyed by the police. The fact that there is no accountability of the custodial deaths or disappearance of persons remanded to police custody by court exposes the absolute failure of the lower judiciary.

6. Torture: Government of India's most examined but not acted upon issue

No other issue has been studied and examined by the Government of India like the issue of torture and other cruel, inhuman and degrading treatment or punishment.

The Fourth Report of National Police Commission (1980)⁴⁴ lucidly discussed police torture.

The Law Commission of India examined the issues relating to torture and other cruel, inhuman and degrading treatment or punishment in its various reports including 113th Report on *Injuries In Police Custody* (1985)⁴⁵, 152nd Report on *Custodial Crimes* (1994)⁴⁶, 177th Report on *Law Relating to Arrest* (2001)⁴⁷,

⁴⁴. Fourth Report, National Police Commission (1980) is available at <https://police.py.gov.in/Police%20Commission%20reports/4th%20Police%20Commission%20report.pdf>

⁴⁵. 113th Report on *Injuries In Police Custody* is available at <http://lawcommissionofindia.nic.in/101-169/Report113.pdf>

⁴⁶. 152nd Report on *Custodial Crimes* is available at <http://lawcommissionofindia.nic.in/101-169/Report152.pdf>



185th Report on *Review of the Indian Evidence Act, 1872* (2003), 262nd Report on *The Death Penalty* (2015)⁴⁸, 268th Report on *Amendments to Code of Criminal Procedure 1973: Provisions Relating to Bail* (2017)⁴⁹ and 273rd Report on *Implementation of 'United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment' through Legislation* (2017)⁵⁰.

As stated, the National Commission to Review the Working of the Constitution (2002) set up by the Law Ministry also studied the issue of torture and specifically recommended “*rights against torture and inhuman, degrading and cruel treatment and punishment*” to be added as Article 21(2) on the basis of the *dicta* laid down in various Supreme Court judgments prohibiting the use of torture.⁵¹

As stated, the first Guidelines adopted by the NHRC was on the issue of “Custodial Deaths/Rapes” in 1993 and the NHRC made a large number of recommendations to the Government of India to criminalise torture and ratify the UNCAT.

The enactment of a law against torture and the ratification of the UNCAT has been subject to parliamentary debate. The government of India in reply to USQ No. 5739 dated 03 May, 2000 assured the Lok Sabha to ratify the UN Convention Against Torture (UNCAT). The said assurance was examined by the Parliamentary Committee on Government Assurances (2015-2016) of the 16th Lok Sabha⁵² in which the Government of India once again agreed to implement the assurance i.e. to ratify the UNCAT.

47. 177th Report on *Law Relating to Arrest* is available at

<http://lawcommissionofindia.nic.in/reports/177rptp1.pdf>

48. 262nd Report on *The Death Penalty* is available at

<http://lawcommissionofindia.nic.in/reports/Report262.pdf>

49. 268th Report on *Amendments to Criminal Procedure Code, 1973 – Provisions Relating to Bail* is available at <http://lawcommissionofindia.nic.in/reports/Report268.pdf>

50. 273rd Report on *Implementation of 'United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment' through Legislation* is available <http://lawcommissionofindia.nic.in/reports/Report273.pdf>

51. Please see Volume 1 Report of the National Commission to Review the Working of the Constitution (2002) at <http://legalaffairs.gov.in/sites/default/files/chapter%203.pdf>

52. COMMITTEE ON GOVERNMENT ASSURANCES (2015–2016) SIXTEENTH LOK SABHA, THIRTIETH REPORT, REVIEW OF PENDING ASSURANCES PERTAINING TO THE MINISTRY OF EXTERNAL AFFAIRS Presented to Lok Sabha on 16 March, 2016 and available at http://164.100.47.193/lsscommittee/Government%20Assurances/16_Government_Assurances_30.pdf



At least three anti-torture Bills have been examined by the Government of India. The Lok Sabha had passed the Prevention of Torture Bill, 2010⁵³ on 6th May 2010 but it was rejected by the Rajya Sabha. The Rajya Sabha referred to a 13 member Select Committee of the Rajya Sabha which presented the Prevention of Torture Bill, 2010 on 10th December 2010. However, the Bill drafted by the Parliamentary Select Committee was not placed before the parliament till the dissolution of the Lok Sabha in May 2014. The Prevention of Torture Bill, 2010 too lapsed.

The current Law Minister of India vide letter dated 8th July 2017, taking note of the Writ Petition (Civil) No. 738/2016, requested the Law Commission of India to examine the issue of ratification of the UNCAT and submit a report on the matter. The LCI examined the issue and presented 273rd Report on *Implementation of 'United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment' through Legislation* (2017) on 30th October 2017 with the recommendation to enact a standalone law against torture and it presented the Prevention of Torture Bill, 2017 drafted by it.⁵⁴

The need for criminalisation of torture and the ratification of the UNCAT was prayed in Writ Petition (Civil) No. 738/2016 before the Supreme Court. The petition was disposed off by the Supreme Court on 5 September 2019 on the ground that *"When the matter is already pending consideration and is being examined for the purpose of legislation, it would not be appropriate for this Court to enforce its opinion, be it in the form of a direction or even a request, for it would clearly undermine and conflict with the role assigned to the judiciary under the Constitution"*.⁵⁵

The Government of India has not acted upon the Prevention of Torture Bill, 2017 drafted by the Law Commission of India.

About 148 years ago, Indian Evidence Act was enacted in 1872. The British Raj recognising torture and other pressure tactics of an extreme nature used by the police to obtain confessions from accused persons provided certain safeguards

⁵³. The Prevention of Torture Bill, 2010 as introduced in the Lok Sabha on 19th April 2010 is available at

<http://164.100.47.4/BillsTexts/LSBillTexts/AsIntroduced/torture%2058%20of%202010.pdf>

⁵⁴. 273rd Report on *Implementation of 'United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment' through Legislation* (2017),

<http://lawcommissionofindia.nic.in/reports/Report273.pdf>

⁵⁵. Dr Ashwini Kumar vs Union of India & Anr (Miscellaneous Application No. 2560 of 2018 Writ Petition (Civil) No. 738 of 2016) dated 5 September 2019,

<https://indiankanoon.org/doc/19090773/>



including under Section 25 of the Indian Evidence Act to make confessions to a police officer as inadmissible evidence before the courts. Sadly, 73 years after independence from the British Raj, independent India failed to criminalise torture.

The National Police Commission in its Fourth Report in 1980 had stated, *“We have also to take note of the fact that after the enactment of the Indian Evidence Act, several other law enforcement agencies besides the police have also come up in the field. Officials of the Income-tax, Central Excise and Customs departments have wide powers of search and seizure which can be followed by investigative processes leading to prosecutions in Court. The Directorate of Enforcement which deals with contraventions of the Foreign Exchange Regulation Act is another agency with similar powers. Members of the Railway Protection Force also have similar powers to make arrests and launch prosecutions in specified situations concerning railway property. Confessions recorded by the investigating staff of these agencies are not hit by the provisions of section 25 of the Evidence Act and are therefore freely admitted in evidence in prosecutions launched by them.”*⁵⁶

Since the publication of the Fourth Report of the National Police Commission in 1980, the number of agencies which have been given wide powers of search and seizure which can be followed by investigative processes leading to prosecutions in Court have increased further while safeguards under Section 25 of the Indian Evidence Act were diluted from time to time with respect to certain offences including terror offences.

At the international level too, India had also repeatedly accepted the recommendation to ratify the UNCAT. It accepted the recommendation of the first cycle of the Universal Periodic Review of the UN Human Rights Council on 10 April 2008 to “expedite ratification of the Convention against Torture” and stated that *“the ratification of the Convention against Torture is being processed by Government of India”*⁵⁷. India once again accepted the recommendation made during the second cycle of the UPR on 24 May 2012 to *“finalise the ratification of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment*

⁵⁶. Fourth Report, National Police Commission (1980) is

<https://police.py.gov.in/Police%20Commission%20reports/4th%20Police%20Commission%20report.pdf>

⁵⁷. UN Document No. A/HRC/8/26/Add.1 dated 25 August 2008 available at

<https://documents-dds->

[ny.un.org/doc/UNDOC/GEN/G08/161/58/PDF/G0816158.pdf?OpenElement](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G08/161/58/PDF/G0816158.pdf?OpenElement)



or Punishment”.⁵⁸ India further accepted recommendation made during the third cycle of the UPR on 4 May 2017 to “ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as previously recommended”.⁵⁹

The repeated assurances given to the Parliament of India as well as the UN Human Rights Council to criminalise torture but not acting on the same in the last 20 years ought to be considered extremely embarrassing. In fact, current Foreign Minister Dr S Jaishankar in his capacity as then Foreign Secretary while deposing before the Parliamentary Committee on Government Assurances (2015-2016) of the 16th Lok Sabha on the failure to ratify the UNCAT had stated, “I completely accept the hon. Member’s point that if after 15 years, an Assurance is pending, it does not reflect well on the Government and on my Ministry. I readily admit that point. I think, the solution is today for all of us to find ways of now moving on this quickly.”⁶⁰

It should be a matter of national shame that 148 years since the enactment of the Indian Evidence Act and 73 years after India’s independence despite commitment before the Parliament, the Supreme Court and UN Human Rights Council, India has failed to criminalise torture.

⁵⁸. UN Document No. A/HRC/21/10/Add.1 dated 17 September 2012 available at [https://documents-dds-](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/167/57/PDF/G1216757.pdf?OpenElement)

[ny.un.org/doc/UNDOC/GEN/G12/167/57/PDF/G1216757.pdf?OpenElement](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/167/57/PDF/G1216757.pdf?OpenElement)

⁵⁹. UN Human Rights Council Document No. A/HRC/8/26/Add.1 dated 25 August 2008 available at [https://documents-dds-](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G08/161/58/PDF/G0816158.pdf?OpenElement)

[ny.un.org/doc/UNDOC/GEN/G08/161/58/PDF/G0816158.pdf?OpenElement](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G08/161/58/PDF/G0816158.pdf?OpenElement)

⁶⁰. COMMITTEE ON GOVERNMENT ASSURANCES (2015-2016) SIXTEENTH LOK SABHA, THIRTIETH REPORT, REVIEW OF PENDING ASSURANCES PERTAINING TO THE MINISTRY OF EXTERNAL AFFAIRS Presented to Lok Sabha on 16 March, 2016 and available at http://164.100.47.193/lsscommittee/Government%20Assurances/16_Government_Assurances_30.pdf

Republic Act No. 9745

Signed on November 10, 2009 (<https://www.officialgazette.gov.ph/2009/11/10/republic-act-no-9745/>).

Republic of the Philippines
Congress of the Philippines
Metro Manila

Fourteenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-seventh day of July, two thousand nine.

[REPUBLIC ACT NO. 9745]

AN ACT PENALIZING TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING TREATMENT OR PUNISHMENT AND PRESCRIBING PENALTIES THEREFOR

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Short Title.* — This Act shall be known as the “Anti-Torture Act of 2009”.

SEC. 2. *Statement of Policy.* — It is hereby declared the policy of the State:

(a) To value the dignity of every human person and guarantee full respect for human rights;

(b) To ensure that the human rights of all persons, including suspects, detainees and prisoners are respected at all times; and that no person placed under investigation or held in custody of any person in authority or, agent of a person in authority shall be subjected to physical, psychological or mental harm, force, violence, threat or intimidation or any act that impairs his/her free will or in any manner demeans or degrades human dignity;

(c) To ensure that secret detention places, solitary, incommunicado or other similar forms of detention, where torture may be carried out with impunity, are prohibited; and

(d) To fully adhere to the principles and standards on the absolute condemnation and prohibition of torture as provided for in the 1987 Philippine Constitution; various international instruments to which the Philippines is a State party such as, but not limited to, the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); and all other relevant international human rights instruments to which the Philippines is a signatory.

SEC. 3. *Definitions.* — For purposes of this Act, the following terms shall mean:

(a) “Torture” refers to an act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him/her or a third person information or a confession; punishing him/her for an act he/she or a third person has committed or is suspected of having committed; or intimidating or coercing him/her or a third person; or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a person in authority or agent of a person in authority. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

(b) “Other cruel, inhuman and degrading treatment or punishment” refers to a deliberate and aggravated treatment or punishment not enumerated under Section 4 of this Act, inflicted by a person in authority or agent of a person in authority against a person under his/her custody, which attains a level of severity causing suffering, gross humiliation or debasement to the latter.

(c) “Victim” refers to the person subjected to torture or other cruel, inhuman and degrading treatment or punishment as defined above and any individual who has suffered harm as a result of any act(s) of torture, or other cruel, inhuman and degrading treatment or punishment.

(d) “Order of Battle” refers to any document or determination made by the military, police or any law enforcement agency of the government, listing the names of persons and organizations that it perceives to be enemies of the State and that it considers as legitimate targets as combatants that it could deal with, through the use of means allowed by domestic and international law.

SEC. 4. *Acts of Torture.* — For purposes of this Act, torture shall include, but not be limited to, the following:

(a) Physical torture is a form of treatment or punishment inflicted by a person in authority or agent of a person in authority upon another in his/her custody that causes severe pain, exhaustion, disability or dysfunction of one or more parts of the body, such as:

- (1) Systematic beating, headbanging, punching, kicking, striking with truncheon or rifle butt or other similar objects, and jumping on the stomach;
- (2) Food deprivation or forcible feeding with spoiled food, animal or human excreta and other stuff or substances not normally eaten;
- (3) Electric shock;
- (4) Cigarette burning; burning by electrically heated rods, hot oil, acid; by the rubbing of pepper or other chemical substances on mucous membranes, or acids or spices directly on the wound(s);
- (5) The submersion of the head in water or water polluted with excrement, urine, vomit and/or blood until the brink of suffocation;
- (6) Being tied or forced to assume fixed and stressful bodily position;
- (7) Rape and sexual abuse, including the insertion of foreign objects into the sex organ or rectum, or electrical torture of the genitals;
- (8) Mutilation or amputation of the essential parts of the body such as the genitalia, ear, tongue, etc.;
- (9) Dental torture or the forced extraction of the teeth;
- (10) Pulling out of fingernails;
- (11) Harmful exposure to the elements such as sunlight and extreme cold;
- (12) The use of plastic bag and other materials placed over the head to the point of asphyxiation;
- (13) The use of psychoactive drugs to change the perception, memory, alertness or will of a person, such as:
 - (i) The administration of drugs to induce confession and/or reduce mental competency; or
 - (ii) The use of drugs to induce extreme pain or certain symptoms of a disease; and
- (14) Other analogous acts of physical torture; and
 - (b) "Mental/Psychological Torture" refers to acts committed by a person in authority or agent of a person in authority which are calculated to affect or confuse the mind and/or undermine a person's dignity and morale, such as:
 - (1) Blindfolding;

- (2) Threatening a person(s) or his/her relative(s) with bodily harm, execution or other wrongful acts;
- (3) Confinement in solitary cells or secret detention places;
- (4) Prolonged interrogation;
- (5) Preparing a prisoner for a “show trial”, public display or public humiliation of a detainee or prisoner;
- (6) Causing unscheduled transfer of a person deprived of liberty from one place to another, creating the belief that he/she shall be summarily executed;
- (7) Maltreating a member/s of a person’s family;
- (8) Causing the torture sessions to be witnessed by the person’s family, relatives or any third party;
- (9) Denial of sleep/rest;
- (10) Shame infliction such as stripping the person naked, parading him/her in public places, shaving the victim’s head or putting marks on his/her body against his/her will;
- (11) Deliberately prohibiting the victim to communicate with any member of his/her family; and
- (12) Other analogous acts of mental/psychological torture.

SEC. 5. *Other Cruel, Inhuman and Degrading Treatment or Punishment.* — Other cruel, inhuman or degrading treatment or punishment refers to a deliberate and aggravated treatment or punishment not enumerated under Section 4 of this Act, inflicted by a person in authority or agent of a person in authority against another person in custody, which attains a level of severity sufficient to cause suffering, gross humiliation or debasement to the latter. The assessment of the level of severity shall depend on all the circumstances of the case, including the duration of the treatment or punishment, its physical and mental effects and, in some cases, the sex, religion, age and state of health of the victim.

SEC. 6. *Freedom from Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, an Absolute Right.* — Torture and other cruel, inhuman and degrading treatment or punishment as criminal acts shall apply to all circumstances. A state of war or a threat of war, internal political instability, or any other public emergency, or a document or any determination comprising an “order of battle” shall not and can never be invoked as a justification for torture and other cruel, inhuman and degrading treatment or punishment.

SEC. 7. *Prohibited Detention.* — Secret detention places, solitary confinement, incommunicado or other similar forms of detention, where torture may be carried out with impunity, are hereby prohibited.

In which case, the Philippine National Police (PNP), the Armed Forces of the Philippines (AFP) and other law enforcement agencies concerned shall make an updated list of all detention centers and facilities under their respective jurisdictions with the corresponding data on the prisoners or detainees incarcerated or detained therein such as, among others, names, date of arrest and incarceration, and the crime or offense committed. This list shall be made available to the public at all times, with a copy of the complete list available at the respective national headquarters of the PNP and AFP. A copy of the complete list shall likewise be submitted by the PNP, AFP and all other law enforcement agencies to the Commission on Human Rights (CHR), such list to be periodically updated, by the same agencies, within the first five (5) days of every month at the minimum. Every regional office of the PNP, AFP and other law enforcement agencies shall also maintain a similar list for all detainees and detention facilities within their respective areas, and shall make the same available to the public at all times at their respective regional headquarters, and submit a copy, updated in the same manner provided above, to the respective regional offices of the CHR.

SEC. 8. *Applicability of the Exclusionary Rule; Exception.* — Any confession, admission or statement obtained as a result of torture shall be inadmissible in evidence in any proceedings, except if the same is used as evidence against a person or persons accused of committing torture.

SEC. 9. *Institutional Protection of Torture Victims and Other Persons Involved.* — A victim of torture shall have the following rights in the institution of a criminal complaint for torture:

(a) To have a prompt and an impartial investigation by the CHR and by agencies of government concerned such as the Department of Justice (DOJ), the Public Attorney's Office (PAO), the PNP, the National Bureau of Investigation (NBI) and the AFP. A prompt investigation shall mean a maximum period of sixty (60) working days from the time a complaint for torture is filed within which an investigation report and/or resolution shall be completed and made available. An appeal whenever available shall be resolved within the same period prescribed herein;

(b) To have sufficient government protection against all forms of harassment, threat and/or intimidation as a consequence of the filing of said complaint or the presentation of evidence therefor. In which case, the State through its appropriate agencies shall afford security in order to ensure his/her safety and all other persons involved in the investigation and prosecution such as, but not limited to, his/her lawyer, witnesses and relatives; and

(c) To be accorded sufficient protection in the manner by which he/she testifies and presents evidence in any fora in order to avoid further trauma.

SEC. 10. *Disposition of Writs of Habeas Corpus, Amparo and Habeas Data Proceedings and Compliance with a Judicial Order.* — A writ of habeas corpus or writ of amparo or writ of habeas data proceeding, if any, filed on behalf of the victim of torture or other cruel, degrading and inhuman treatment or

punishment shall be disposed of expeditiously and any order of release by virtue thereof, or other appropriate order of a court relative thereto, shall be executed or complied with immediately.

SEC. 11. *Assistance in Filing a Complaint.* — The CHR and the PAO shall render legal assistance in the investigation and monitoring and/or filing of the complaint for a person who suffers torture and other cruel, inhuman and degrading treatment or punishment, or for any interested party thereto.

The victim or interested party may also seek legal assistance from the Barangay Human Rights Action Center (BHRAC) nearest him/her as well as from human rights nongovernment organizations (NGOs).

SEC. 12. *Right to Physical, Medical and Psychological Examination.* — Before and after interrogation, every person arrested, detained or under custodial investigation shall have the right to be informed of his/her right to demand physical examination by an independent and competent doctor of his/her own choice. If such person cannot afford the services of his/her own doctor, he/she shall be provided by the State with a competent and independent doctor to conduct physical examination. The State shall endeavor to provide the victim with psychological evaluation if available under the circumstances. If the person arrested is a female, she shall be attended to preferably by a female doctor. Furthermore, any person arrested, detained or under custodial investigation, including his/her immediate family, shall have the right to immediate access to proper and adequate medical treatment.

The physical examination and/or psychological evaluation of the victim shall be contained in a medical report, duly signed by the attending physician, which shall include in detail his/her medical history and findings, and which shall be attached to the custodial investigation report. Such report shall be considered a public document.

Following applicable protocol agreed upon by agencies tasked to conduct physical, psychological and mental examinations, the medical reports shall, among others, include:

- (a) The name, age and address of the patient or victim;
- (b) The name and address of the nearest kin of the patient or victim;
- (c) The name and address of the person who brought the patient or victim for physical, psychological and mental examination, and/or medical treatment;
- (d) The nature and probable cause of the patient or victim's injury, pain and disease and/or trauma;
- (e) The approximate time and date when the injury, pain, disease and/or trauma was/were sustained;
- (f) The place where the injury, pain, disease and/or trauma was/were sustained;
- (g) The time, date and nature of treatment necessary; and

(h) The diagnosis, the prognosis and/or disposition of the patient.

Any person who does not wish to avail of the rights under this provision may knowingly and voluntarily waive such rights in writing, executed in the presence and assistance of his/her counsel.

SEC. 13. *Who are Criminally Liable.* — Any person who actually participated or induced another in the commission of torture or other cruel, inhuman and degrading treatment or punishment or who cooperated in the execution of the act of torture or other cruel, inhuman and degrading treatment or punishment by previous or simultaneous acts shall be liable as principal.

Any superior military, police or law enforcement officer or senior government official who issued an order to any lower ranking personnel to commit torture for whatever purpose shall be held equally liable as principals.

The immediate commanding officer of the unit concerned of the AFP or the immediate senior public official of the PNP and other law enforcement agencies shall be held liable as a principal to the crime of torture or other cruel or inhuman and degrading treatment or punishment for any act or omission, or negligence committed by him/her that shall have led, assisted, abetted or allowed, whether directly or indirectly, the commission thereof by his/her subordinates. If he/she has knowledge of or, owing to the circumstances at the time, should have known that acts of torture or other cruel, inhuman and degrading treatment or punishment shall be committed, is being committed, or has been committed by his/her subordinates or by others within his/her area of responsibility and, despite such knowledge, did not take preventive or corrective action either before, during or immediately after its commission, when he/she has the authority to prevent or investigate allegations of torture or other cruel, inhuman and degrading treatment or punishment but failed to prevent or investigate allegations of such act, whether deliberately or due to negligence shall also be liable as principals.

Any public officer or employee shall be liable as an accessory if he/she has knowledge that torture or other cruel, inhuman and degrading treatment or punishment is being committed and without having participated therein, either as principal or accomplice, takes part subsequent to its commission in any of the following manner:

(a) By themselves profiting from or assisting the offender to profit from the effects of the act of torture or other cruel, inhuman and degrading treatment or punishment;

(b) By concealing the act of torture or other cruel, inhuman and degrading treatment or punishment and/or destroying the effects or instruments thereof in order to prevent its discovery; or

(c) By harboring, concealing or assisting in the escape of the principals in the act of torture or other cruel, inhuman and degrading treatment or punishment: Provided, That the accessory acts are done with the abuse of the official's public functions.

SEC. 14. *Penalties.* – (a) The penalty of *reclusion perpetua* shall be imposed upon the perpetrators of the following acts:

(1) Torture resulting in the death of any person;

(2) Torture resulting in mutilation;

(3) Torture with rape;

(4) Torture with other forms of sexual abuse and, in consequence of torture, the victim shall have become insane, imbecile, impotent, blind or maimed for life; and

(5) Torture committed against children.

(b) The penalty of *reclusion temporal* shall be imposed on those who commit any act of mental/psychological torture resulting in insanity, complete or partial amnesia, fear of becoming insane or suicidal tendencies of the victim due to guilt, worthlessness or shame.

(c) The penalty of *prision correccional* shall be imposed on those who commit any act of torture resulting in psychological, mental and emotional harm other than those described in paragraph (b) of this section.

(d) The penalty of *prision mayor* in its medium and maximum periods shall be imposed if, in consequence of torture, the victim shall have lost the power of speech or the power to hear or to smell; or shall have lost an eye, a hand, a foot, an arm or a leg; or shall have lost the use of any such member; or shall have become permanently incapacitated for labor.

(e) The penalty of *prision mayor* in its minimum and medium periods shall be imposed if, in consequence of torture, the victim shall have become deformed or shall have lost any part of his/her body other than those aforecited, or shall have lost the use thereof, or shall have been ill or incapacitated for labor for a period of more than ninety (90) days.

(f) The penalty of *prision correccional* in its maximum period to *prision mayor* in its minimum period shall be imposed if, in consequence of torture, the victim shall have been ill or incapacitated for labor for more than thirty (30) days but not more than ninety (90) days.

(g) The penalty of *prision correccional* in its minimum and medium period shall be imposed if, in consequence of torture, the victim shall have been ill or incapacitated for labor for thirty (30) days or less.

(h) The penalty of *arresto mayor* shall be imposed for acts constituting cruel, inhuman or degrading treatment or punishment as defined in Section 5 of this Act.

(i) The penalty of *prision correccional* shall be imposed upon those who establish, operate and maintain secret detention places and/or effect or cause to effect solitary confinement, incommunicado or other similar forms of prohibited detention as provided in Section 7 of this Act where torture may be carried out with impunity.

(j) The penalty of *arresto mayor* shall be imposed upon the responsible officer/s or personnel of the AFP, the PNP and other law enforcement agencies for failure to perform his/her duty to maintain, submit or make available to the public an updated list of detention centers and facilities with the corresponding data on the prisoners or detainees incarcerated or detained therein, pursuant to Section 7 of this Act.

SEC. 15. *Torture as a Separate and Independent Crime.* — Torture as a crime shall not absorb or shall not be absorbed by any other crime or felony committed as a consequence, or as a means in the conduct or commission thereof. In which case, torture shall be treated as a separate and independent criminal act whose penalties shall be imposable without prejudice to any other criminal liability provided for by domestic and international laws.

SEC. 16. *Exclusion from the Coverage of Special Amnesty Law.* — In order not to depreciate the crime of torture, persons who have committed any act of torture shall not benefit from any special amnesty law or similar measures that will have the effect of exempting them from any criminal proceedings and sanctions.

SEC. 17. *Applicability of Refouler.* — No person shall be expelled, returned or extradited to another State where there are substantial grounds to believe that such person shall be in danger of being subjected to torture. For the purposes of determining whether such grounds exist, the Secretary of the Department of Foreign Affairs (DFA) and the Secretary of the DOJ, in coordination with the Chairperson of the CHR, shall take into account all relevant considerations including, where applicable and not limited to, the existence in the requesting State of a consistent pattern of gross, flagrant or mass violations of human rights.

SEC. 18. *Compensation to Victims of Torture.* — Any person who has suffered torture shall have the right to claim for compensation as provided for under Republic Act No. 7309: Provided, That in no case shall compensation be any lower than Ten thousand pesos (P10,000.00). Victims of torture shall also have the right to claim for compensation from such other financial relief programs that may be made available to him/her under existing law and rules and regulations.

SEC. 19. *Formulation of a Rehabilitation Program.* — Within one (1) year from the effectivity of this Act, the Department of Social Welfare and Development (DSWD), the DOJ and the Department of Health (DOH) and such other concerned government agencies, and human rights organizations shall formulate a comprehensive rehabilitation program for victims of torture and their families. The DSWD,

the DOJ and the DOH shall also call on human rights nongovernment organizations duly recognized by the government to actively participate in the formulation of such program that shall provide for the physical, mental, social, psychological healing and development of victims of torture and their families. Toward the attainment of restorative justice, a parallel rehabilitation program for persons who have committed torture and other cruel, inhuman and degrading punishment shall likewise be formulated by the same agencies.

SEC. 20. *Monitoring of Compliance with this Act.* — An Oversight Committee is hereby created to periodically oversee the implementation of this Act. The Committee shall be headed by a Commissioner of the CHR, with the following as members: the Chairperson of the Senate Committee on Justice and Human Rights, the respective Chairpersons of the House of Representatives' Committees on Justice and Human Rights, and the Minority Leaders of both houses or their respective representatives in the minority.

SEC. 21. *Education and Information Campaign.* — The CHR, the DOJ, the Department of National Defense (DND), the Department of the Interior and Local Government (DILG) and such other concerned parties in both the public and private sectors shall ensure that education and information regarding prohibition against torture and other cruel, inhuman and degrading treatment or punishment shall be fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment. The Department of Education (DepED) and the Commission on Higher Education (CHED) shall also ensure the integration of human rights education courses in all primary, secondary and tertiary level academic institutions nationwide.

SEC. 22. *Applicability of the Revised Penal Code.* — The provisions of the Revised Penal Code insofar as they are applicable shall be suppletory to this Act. Moreover, if the commission of any crime punishable under Title Eight (Crimes Against Persons) and Title Nine (Crimes Against Personal Liberty and Security) of the Revised Penal Code is attended by any of the acts constituting torture and other cruel, inhuman and degrading treatment or punishment as defined herein, the penalty to be imposed shall be in its maximum period.

SEC. 23. *Appropriations.* — The amount of Five million pesos (Php5,000,000.00) is hereby appropriated to the CHR for the initial implementation of this Act. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 24. *Implementing Rules and Regulations.* — The DOJ and the CHR, with the active participation of human rights nongovernmental organizations, shall promulgate the rules and regulations for the effective implementation of this Act. They shall also ensure the full dissemination of such rules and regulations to all officers and members of various law enforcement agencies.

SEC. 25. *Separability Clause*. — If any provision of this Act is declared invalid or unconstitutional, the other provisions not affected thereby shall continue to be in full force and effect.

SEC. 26. *Repealing Clause*. — All laws, decrees, executive orders or rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 27. *Effectivity*. — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,

(Sgd.) JUAN PONCE ENRILE
President of the Senate

(Sgd.) PROSPERO C. NOGRALES
*Speaker of the House
of Representatives*

This Act which is a consolidation of House Bill No. 5709 and Senate Bill No. 1978 was finally passed by the House of Representatives and the Senate on September 2, 2009.

(Sgd.) EMMA LIRIO REYES
Secretary of the Senate

(Sgd.) MARILYN B. BARUA-YAP
*Secretary General
House of Representatives*

Approved: November 10, 2009

(Sgd.) GLORIA MACAPAGAL-ARROYO
President of the Philippines

Source: **CDAsia** (<http://www.cdasia.com/>).

RESOURCES

- [PDF] [Republic Act No. 9745, November 10, 2009](http://www.officialgazette.gov.ph/downloads/2009/11Nov/20091110-RA-9745-GMA.pdf)
(<http://www.officialgazette.gov.ph/downloads/2009/11Nov/20091110-RA-9745-GMA.pdf>).

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Campaign Against Torture

C-3/441, Third Floor, Janakpuri, New Delhi-110058, India
 Email: campaignagainsttorture.india@gmail.com
 Mobile: +91-9870564190

26 February 2020

To,
 Justice Shri H. L. Dattu
 Hon'ble Chairman
 National Human Rights Commission
 Manav Adhikar Bhawan
 Block-C, GPO Complex, INA
 New Delhi – 110023



Subject: Request to establish "Prosecution Department" of the NHRC

Hon'ble Chairperson,

The Campaign Against Torture (CAT) is writing to request the NHRC to kindly consider establishment of "Prosecution Department" considering the following:

- (1) rising number of custodial deaths from less than one person (0.45 person) in 1994-1995 to over 5 persons (5.32 persons) per day during 2018-2019, and absolute impunity to the culprits as stated by the National Crime Records Bureau (NCRB) in its annual reports, *Crime in India*, that in 476 cases of "death or disappearance of persons remanded to police custody by court" from 2005 to 2017 not a single policeman was convicted;
- (2) 73% of victims of deaths in police custody as cited as emblematic cases in the NHRC's Annual Reports belong to the poor and vulnerable groups and therefore, unable to access justice; and
- (3) indispensability of the evidence collected by the NHRC for prosecution of the culprits making an intervention under Section 12(b) of the Protection of Human Rights Act, 1993 that empowers the NHRC to "*intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court*".

If the NHRC establishes prosecution department to assist the State/prosecution, it can go a long way to significantly contribute to the

current excellent efforts of the NHRC such as awarding compensation, recommending disciplinary proceedings or departmental actions against the guilty public servants, ordering registration of FIRs against the accused and directing to hand over the investigation to the Crime Branch-Criminal Investigation Department or in exceptional cases to the CBI.

The details are explained for Your Honour's kind consideration.

1. Custodial deaths are rising by the day and there is absolute impunity as per the National Crime Records Bureau

As a nation, India has been failing to reduce custodial deaths. The NHRC received complaints of staggering 35,563 custodial deaths from 1994-1995 to 2018-2019.

The number of custodial deaths have actually risen from 0.45 average custodial deaths/ rapes per day in 1994-1995 to 5.32 average custodial deaths/ rapes per day during 2018-2019 as per Table 1 given below:

Table 1: Number of custodial deaths and custodial rapes registered by the NHRC during 1994-1995 to 2018-2019

Sl. No.	Year	Police Custodial Deaths/ Rapes	Judicial Custodial Deaths/ Rapes	Total number of custodial deaths/ rapes per year	Average custodial deaths/ rapes per day
1	1994-1995	114	51	165	0.45
2	1995-1996	136	308	444	1.22
3	1996-1997	191	700	891	2.44
4	1997-1998	191	807	998	2.73
5	1998-1999	180	1106	1286	3.52
6	1999-2000	177	916	1093	2.99
7	2000-2001	127	910	1037	2.84
8	2001-2002	165	1140	1305	3.58
9	2002-2003	185	1157	1342	3.68
10	2003-2004	162	1300	1462	4.01

11	2004-2005	140	1357	1497	4.10
12	2005-2006	144	1591	1735	4.75
13	2006-2007	129	1477	1606	4.40
14	2007-2008	206	1789	1995	5.47
15	2008-2009	127	1527	1654	4.53
16	2009-2010	126	1473	1599	4.38
17	2010-2011	146	1426	1572	4.31
18	2011-2012	130	1302	1432	3.92
19	2012-2013	146	1557	1703	4.67
20	2013-2014	140	1577	1717	4.70
21	2014-2015	133	1589	1722	4.72
22	2015-2016	152	1670	1822	4.99
23	2016-2017	146	1616	1762	4.83
24	2017-2018	146	1636	1782	4.88
25	2018-2019	145	1797	1942	5.32
	TOTAL	3784	31779	35563	3.9

(Source: Annual Reports of NHRC from 1994-1995 to 2016-2017 and Reply of the Ministry of Home Affairs to Unstarred Question No. 3771, answered on 16.07.2019 providing figures of Custodial Deaths (Police & Judicial) registered by the NHRC during 2016-2017 to 2018-2019)

What is worrying is the absolute impunity given to the culprits for deaths in police custody even when such persons are actually remanded to police custody by court.

The National Crime Records Bureau in its *Crime in India* reports from 2005 to 2017 provides that with respect to 476 cases of "*death or disappearance of persons remanded to police custody by court*", 266 cases were registered, 54 policemen were chargesheeted but not a single policeman was convicted as on date as given in **Table 2** below.

Table 2: Number of cases registered, police men charge sheeted and policemen convicted in cases of death or disappearance of persons in police custody on court remand during 2005 - 2017

Year	Death or disappearance of persons remanded to police custody by court	Cases registered in connection with death	Police men Charge Sheeted	Police men convicted
2005	67	48	0	0
2006	38	24	1	0
2007	57	33	7	0
2008	40	22	3	0
2009	25	22	0	0
2010	25	15	1	0
2011	29	20	5	0
2012	38	26	1	0
2013	21	13	0	0
2014	32	5	15	0
2015	30	9	4	0
2016	32	6	14	0
2017	42	23	3	0
Total	476	266	54	0

Excerpts from Annual Reports of the NCRB from 2005 to 2017 appended as **ANNEXURE-1 [Page Nos. 9 to 69]**.

2. 73% of victims of deaths in police custody cited as emblematic cases in the NHRC's Annual Reports belong to the poor and vulnerable groups and therefore, unable to access justice

That poverty makes people vulnerable to torture is universally known. It is often persons belonging to the vulnerable groups and weaker sections who suffer from discrimination and prejudices and remain vulnerable to torture. Poverty and prejudices are lethal combination.

The Law Commission of India in its 152nd Report "Custodial Crimes" in 1994 concluded that *"Invariably, the victims of torture and death in custody are poor persons who do not have adequate resources or finances to protect their life and liberty. In many cases the sole bread earner of a poor family is the victim of custodial death leaving the entire family in a State of penury and starvation."*¹

For the purposes of filing this complaint, ACHR examined emblematic cases cited by the NHRC in its Annual Reports from the year 1996-97 to 2016-17.

The examination of the emblematic cases of deaths in police custody cited by the NHRC in its Annual Reports from the year 1996-97 to 2016-17 show that the NHRC had cited 90 cases of tortured to death in police custody involving 90 persons. Out of the 90 victims, 68 victims or 75.5% of the victims were found to be from poor socio-economic background or marginalized section of the society while socio-economic background of 22 victims constituting 24.5% could not be ascertained (unknown).

List of emblematic cases of deaths in police custody cited by the NHRC in its Annual Reports from 1996-97 to 2016-17 are appended as **ANNEXURE-2 [Page Nos. 70 to 74]**.

It is submitted that the poor are unable to access justice and establish accountability.

3. NHRC is in possession of vital evidence indispensable for prosecution of the culprits

The NHRC has its own investigation division which conducts investigation in a number of cases and it obtains critical evidence.

The NHRC also has a panel of forensic experts to examine and properly analyse the medical reports submitted by the authorities. In a number of cases, forensic experts on the panel of the NHRC found that the post mortem reports did not reflect the truth as given below:

¹. 152nd Report of the Law Commission of India titled, "Custodial Crimes," as available at: <http://lawcommissionofindia.nic.in/101-169/Report152.pdf>

Case 1: Custodial death of Saukhi Lal Kushwah

In the case of custodial death of Saukhi Lal Kushwah in police custody in Madhya Pradesh (NHRC Case No. 1640/12/38/2013-AD), the Medical Expert on the Panel of NHRC, Dr. Anil Aggarwal, Director, Professor Forensic Medicine, Maulana Azad Medical College, New Delhi found that both the post mortem reports conducted by three doctors each were "cooked up". It emerged that none of these six doctors was a forensic expert and therefore not competent to conduct post mortem.

Dr Aggarwal stated, *"It appears that by employing more and more doctors, the police was trying to find a cause of death. What they could not get in quality, they tried to substitute by adding quantity. Like trying to give 6 rotten apples to a patient, instead of just 1 fresh apple. The situation is also similar to trying to get, say a brain surgery by employing more and more doctors none of whom is a brain surgeon. One can employ hundreds of doctors in such cases, and no one will ever discover the cause of death because none of them is a forensic expert."*

Based on the report of Dr Aggarwal, the NHRC's Investigation Division stated, *"the opinion of the forensic expert is a severe indictment of the doctors who conducted the post-mortem examinations. It is clear that they wrongly manipulated the PMRs. The only inference it leads to is that there was a gross human rights violation which was sought to be covered up in the PMRs"*. The Commission recommended payment of Rs. 300,000 as compensation to the next of kin of the deceased.

Case 2: Custodial death of Goura Siddulu

In the case of death of Goura Siddulu, 25 years of age, on 04.09.2009 in the judicial custody of Sub-Jail, Bhongir, Andhra Pradesh, the post mortem report opined the cause of the death as *"Acute respiratory distress syndrome from cardio myopathy"*.

However, when the treatment record was examined by the Forensic Expert on the NHRC panel, Dr. Adarsh Kumar, Associate Professor,

Forensic Department, AIIMS, concluded that the cause of death, opined by the doctors 'as acute respiratory distress syndrome from cardiomyopathy' appears to be misleading. The Forensic Expert on the panel of the Commission opined that the cause of death may be '*shock and haemorrhage as a result of multiple injuries to vital organs as described which is traumatic in origin and not due to disease process*'. These types of injuries are usually produced as a result of severe blow to abdomen by blunt force impact by object. On the basis of the opinion of the medical expert on its panel, the NHRC recommended payment of compensation of Rs 300,000 to the next of kin of the deceased (Case No.403/1/14/09-10-JCD).²

Evidences such as findings by the NHRC's investigation division, autopsy conducted by NHRC's medical panel and NHRC's opinion are critical for prosecution of the culprits.

4. Prayers for the establishment of the prosecution department of the NHRC

While conviction of any accused depends on the facts, circumstances and evidence in each case, non-conviction of any accused in any of the 476 cases of '*death or disappearance of persons remanded to police custody by court*' as per the NCRB reports (ANNEXURE-1) exposes the failure of the system. Impunity perpetuates human rights violations and impunity is the single most important factor for high number of deaths in police custody.

The NHRC ought to step in by establishing "Prosecution Department" to assist the State/Prosecution and trial Courts by bringing the evidence in possession of the NHRC to secure complete justice.

The tasks of the Prosecution Department shall be the following:

"In all cases where the NHRC acquires/gathers/possesses evidence through its Investigation Department and/or forensic examination by its medical panel, and/or responses from the authorities *prima-facie* establish culpability of the accused, the Prosecution Department of the NHRC shall either file a criminal complaint or file an application before

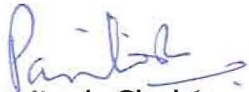
². NHRC Annual Report 2016-2017, pp. 42-44

the concerned trial court if an FIR already registered, to be a party/witness to the case registered and place the evidence gathered by the NHRC and orders passed by the Hon'ble NHRC in the said case after taking necessary permission of such court as per Section 12(b) of the Protection of Human Rights Act, 1993."

The establishment of a prosecution department will be historic and have significant impact to address human rights violations especially custodial deaths in the country.

With kind regards,

Yours sincerely



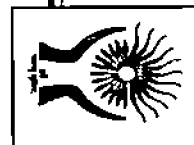
Paritosh Chakma
Chief Coordinator

Encl: As above.

**NATIONAL
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**ANNUAL REPORT
1994-95**



STATE-WISE STATEMENT OF CATEGORY OF CASES ADMITTED FOR DISPOSAL FROM 1/4/1994 TO 31/3/1995

Sl. No.	Name of the State/UT.	Custodial deaths			Custodial rape	Disappearance	Illegal detention	False implication	@	Indignity to women	Terrorist/ Naxalites violation	#	Total
		PC*	JC*	O*					Other Police Exces- ses			Others	
1.	2	3			4	5	6	7	8	9	10	11	12
1.	Andhra Pradesh	6	-	-	-	-	11	-	28	2	9	40	96
2.	Arunachal Pradesh	-	-	-	-	-	-	-	1	-	-	-	1
3.	Assam	14	4	-	-	-	2	-	9	1	3	5	38
4.	Bihar	17	-	-	-	2	3	1	47	7	2	51	130
5.	Goa	1	1	-	-	-	-	-	1	-	-	1	4
6.	Gujarat	-	-	-	-	-	1	-	6	-	-	2	9
7.	Haryana	2	-	-	-	1	-	-	23	-	-	22	48
8.	Himachal Pradesh	2	-	-	-	-	-	-	1	-	-	5	8
9.	Jammu & Kashmir	-	-	3	-	-	6	6	12	3	8	46	84
10.	Karnataka	1	-	-	-	-	-	-	10	2	1	17	31
11.	Kerala	3	-	-	-	-	-	-	4	1	-	27	35
12.	Madhya Pradesh	2	8	1	-	1	-	-	8	2	-	22	44
13.	Maharashtra	2	-	-	-	-	4	2	21	1	-	20	50
14.	Manipur	2	1	-	-	-	-	-	2	1	-	6	12
15.	Meghalaya	3	-	-	-	-	-	-	1	-	-	1	5

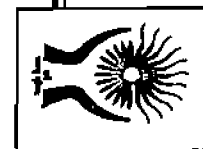
1	2	3	4	5	6	7	8	9	10	11	12	
16. Mizoram	-	-	-	-	-	-	-	-	-	-	-	
17. Nagaland	1	-	1	-	-	-	1	-	-	-	3	
18. Orissa	3	1	1	1	2	1	1	15	6	-	23	54
19. Punjab	10	2	-	-	44	39	-	85	2	41	53	276
20. Rajasthan	10	-	-	-	-	1	-	14	6	-	30	61
21. Sikkim	-	-	-	-	-	-	-	-	-	-	-	-
22. Tamil Nadu	7	-	2	1	2	37	7	62	12	-	116	246
23. Tripura	1	-	-	-	-	-	-	-	-	-	1	2
24. Uttar Pradesh	5	-	1	-	2	5	2	104	19	-	85	223
25. West Bengal	14	1	-	-	-	3	-	8	2	-	12	40
26. Andaman & Nicobar	-	-	-	-	-	-	-	-	-	-	-	-
27. Chandigrah	-	-	-	-	-	-	-	-	-	-	3	3
28. Dadra & Nagar Haveli	-	-	-	-	-	-	-	-	-	-	-	-
29. Daman & Diu	-	-	-	-	-	-	-	-	-	-	-	-
30. Delhi	5	33	-	1	1	1	2	31	2	1	75	152
31. Lakshadweep	-	-	-	-	-	-	-	1	-	-	1	2
32. Pondicherry	-	-	-	-	-	-	-	2	-	-	1	3
TOTAL	111	51	9	3	55	114	21	497	69	65	665	1660

PC*: Police Custody JC*: Judicial Custody O*: Others

* In the custody of security forces/Assam Rifles/Forest Deptt.

@ Includes Third degree method/abuses/torture.

Includes Atrocities on SC/ST by others/Attack by Rowdy elements/Exploitation of Child Labour/Jail conditions/ Kidnappings/ Murder case/ Service matters, etc.



**NATIONAL
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**ANNUAL REPORT
1995-96**

STATE-WISE STATEMENT OF CATEGORY OF CASES ADMITTED FOR DISPOSAL FROM 1/4/1995 TO 31/3/1996

Sl. No.	Name of the State/UT	Custodial Deaths		Disappearance	Illegal Detention	False Implication	* Other Police excesses	Indignity to Women	Terrorist/ Naxalites Violation	Jail Condition	Atrocities on SC/ST by others	Others @	Total
		PC	JC										
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1	Andhra Pradesh	10	45	0	12	2	17	2	0	2	0	85	175
2	Arunachal Pradesh	0	0	0	0	0	2	0	0	0	0	8	10
3	Assam	7	15	1	1	1	18	4	1	0	0	16	64
4	Bihar	8	67	5	7	7	92	10	1	19	4	233	453
5	Goa	0	0	0	0	0	1	0	0	2	0	4	7
6	Gujarat	15	4	1	0	0	10	0	0	4	0	25	59
7	Haryana	4	5	0	1	0	20	0	0	10	1	66	107
8	Himachal Pradesh	0	1	0	0	0	5	2	0	0	1	16	25
9	Jammu & Kashmir	15	0	3	4	2	7	0	5	3	0	64	103
10	Karnataka	3	10	0	1	0	11	0	0	1	1	37	64
11	Kerala	2	2	0	0	1	16	0	0	6	0	36	63
12	Madhya Pradesh	2	7	1	0	3	49	1	0	27	7	82	179
13	Maharashtra	9	25	2	4	3	38	4	0	13	3	103	204
14	Manipur	4	0	0	0	0	5	1	0	0	0	31	41
15	Meghalaya	0	3	0	0	0	3	0	0	0	0	0	6
16	Mizoram	0	2	0	0	0	0	0	0	0	0	2	4
17	Nagaland	2	0	0	0	0	2	0	1	1	0	21	27
18	Orissa	2	8	1	4	2	35	5	0	3	1	102	163
19	Punjab	8	8	14	12	8	65	5	7	3	0	60	190
20	Rajasthan	6	11	0	6	9	90	2	1	3	3	81	212
21	Sikkim	1	0	0	0	0	0	0	0	0	0	2	3
22	Tamil Nadu	4	1	3	35	0	55	10	0	6	8	166	288
23	Tripura	0	0	0	0	0	2	0	0	0	0	8	10
24	Uttar Pradesh	13	24	5	15	16	443	37	1	36	0	475	1065
25	West Bengal	14	37	2	6	0	21	6	0	5	1	91	183
26	Andaman & Nicobar	0	0	0	0	0	0	0	0	0	0	0	0
27	Chandigarh	0	0	0	0	0	0	1	0	0	0	4	5
28	Dadra & Nagar Haveli	0	0	0	0	0	0	0	0	0	0	0	0
29	Daman & Diu	0	0	0	0	0	0	0	0	0	0	0	0
30	Delhi	7	33	1	4	10	107	3	2	9	4	186	366
31	Lakshadweep	0	0	0	0	0	0	0	0	0	0	0	0
32	Pondicherry	0	0	0	0	0	1	0	0	0	1	3	5
TOTAL		136	308	39	112	64	1115	93	19	153	35	2007	4081

PC: Police Custody JC: Judicial Custody

* Includes torture and other abuses.

@ Includes, among others, Child Labour/Juvenile/Observation Homes/Adolescents of Handicapped/Child Marriage.

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1996-97
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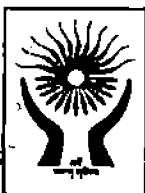
NATIONAL HUMAN RIGHTS COMMISSION



- Annexure-I

Statement showing details of custodial deaths reported by the State Governments/Union Territories

S. No.	Name of the State/ Union Territory	PC 01.04.95	JC to 31.03.96	Total	PC 01.04.96	JC to 31.03.97	Total
1.	Andhra Pradesh	10	45	55	27	70	97
2.	Arunachal Pradesh	-	-	-	2	-	2
3.	Assam	7	15	22	13	12	25
4.	Bihar	8	67	75	14	79	93
5.	Goa	-	-	-	2	-	2
6.	Gujarat	15	4	19	18	32	50
7.	Haryana	4	5	9	2	7	9
8.	Himachal Pradesh	-	1	1	1	-	1
9.	Jammu & Kashmir	15	-	15	4	-	4
10.	Karnataka	3	10	13	8	28	36
11.	Kerala	2	2	4	6	9	15
12.	Madhya Pradesh	2	7	9	8	7	15
13.	Maharashtra	9	25	34	21	180	201
14.	Manipur	4	-	4	1	-	1
15.	Meghalaya	-	3	3	-	10	10
16.	Mizoram	-	2	2	-	-	-
17.	Nagaland	2	-	2	2	1	3
18.	Orissa	2	8	10	3	10	13
19.	Punjab	8	8	16	5	12	17



S. No.	Name of the State/ Union Territory	PC 01.04.95	JC to 31.03.96	Total	PC 01.04.96	JC to 31.03.97	Total
20.	Rajasthan	6	11	17	5	25	30
21.	Sikkim	1	-	1	-	-	-
22.	Tamil Nadu	4	1	5	3	18	21
23.	Tripura	-	-	-	-	-	-
24.	Uttar Pradesh	13	24	37	32	139	171
25.	West Bengal	14	37	51	6	42	48
26.	Andaman & Nicobar	-	-	-	-	-	-
27.	Chandigarh	-	-	-	-	-	-
28.	Dadra & Nagar Haveli	-	-	-	-	-	-
29.	Daman & Diu	-	-	-	-	-	-
30.	Delhi	7	33	40	5	19	24
31.	Lakshadweep	-	-	-	-	-	-
32.	Pondicherry	-	-	-	-	-	-
TOTAL		136	308	444	188	700	888

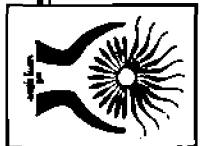
PC : Police Custody

JC : Judicial Custody

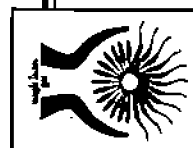
Annexure-V

State-wise statement of category of cases admitted for disposal from 1.04.1996 to 31.03.1997

Sl. No.	Name of the State/UT	Custodial deaths		Custodial rape	Disappearance	Illegal detention/ Arrest	False implications	Other Police excesses	Failure in taking action	Indignity to women	Terrorist/ Naxalites violation	Jail conditions	Atrocities on SC/ST	Others	Total
		PC	JC												
1.		2	3	4	5	6	7	8	9	10	11	12	13	14	
1.	Andhra Pradesh	27	70	-	2	13	2	26	1	5	3	5	2	63	219
2.	Arunachal Pradesh	2	-	-	3	-	-	1	-	-	-	1	-	3	10
3.	Assam	13	12	-	2	-	-	11	-	-	3	-	-	20	61
4.	Bihar	14	79	-	27	8	41	175	5	49	1	42	3	370	814
5.	Goa	2	-	-	-	1	-	-	-	-	-	6	-	2	11
6.	Gujarat	18	32	-	1	1	-	10	-	3	-	4	-	29	98
7.	Haryana	2	7	-	7	4	6	34	2	12	-	7	2	60	143
8.	Himachal Pradesh	1	-	-	-	1	1	8	-	2	-	-	-	3	16
9.	Jammu & Kashmir	4	-	-	10	3	2	11	1	-	40	3	-	117	191
10.	Karnataka	8	28	-	2	-	-	20	-	3	-	7	1	22	91
11.	Kerala	6	9	-	-	2	2	45	1	1	-	4	1	40	111
12.	Madhya Pradesh	8	7	-	4	4	5	61	3	14	-	19	11	80	216
13.	Maharashtra	21	180	-	-	6	3	31	-	4	-	14	-	6	265
14.	Manipur	1	-	1	6	1	-	1	-	-	5	-	-	32	47
15.	Meghalaya	-	10	-	-	-	-	1	-	-	-	1	-	-	12



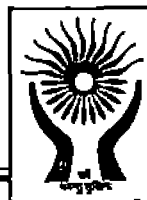
1.	2	3	4	5	6	7	8	9	10	11	12	13	14
16. Mizoram	-	-	-	-	-	-	-	-	-	-	-	-	-
17. Nagaland	2	1	-	-	3	-	2	-	-	3	-	51	62
18. Orissa	3	10	-	3	1	2	36	1	12	-	9	99	179
19. Punjab	5	12	1	7	1	6	39	-	1	2	2	78	154
20. Rajasthan	5	25	1	5	6	12	67	-	12	-	25	150	312
21. Sikkim	-	-	-	-	-	-	-	-	-	-	-	-	-
22. Tamil Nadu	3	18	-	8	40	2	51	4	6	-	2	10	148
23. Tripura	-	-	-	-	-	-	2	-	-	-	-	3	5
24. Uttar Pradesh	32	139	-	74	174	128	876	178	173	-	92	44	716
25. West Bengal	6	42	-	1	2	1	18	1	11	-	17	-	127
26. Andaman & Nicobar	-	-	-	-	-	-	-	-	-	-	-	1	1
27. Chandigarh	-	-	-	1	-	-	1	-	-	-	-	-	2
28. Dadra & Nagar Haveli	-	-	-	-	-	-	-	-	-	-	-	1	1
29. Daman & Diu	-	-	-	-	-	-	-	-	-	-	-	-	-
30. Delhi	5	19	-	12	10	24	116	4	9	-	12	2	263
31. Lakshadweep	-	-	-	-	-	-	-	-	-	-	-	-	-
32. Pondicherry	-	-	-	-	-	-	-	-	-	-	-	5	5
TOTAL	188	700	3	175	282	237	1643	201	317	57	272	77	2351
													6503



वार्षिक रिपोर्ट 1997-98



राष्ट्रीय मानव अधिकार आयोग



अनुबंध-II

राज्य सरकारों/संघ राज्य क्षेत्रों द्वारा सूचित की गई हिरासतीय मौतों का ब्योरा दर्शाने वाला विवरण

क्र. सं.	राज्य/संघ राज्य क्षेत्र का नाम	पुलिस हि० 1.4.96 से 31.3.97	न्या हि० कुल	पुलिस हि० 1.4.97 से 31.3.98	न्या० हि० कुल
1.	आंध्रप्रदेश	27	70	21	52
2.	अरुणाचलप्रदेश	02	—	02	02
3.	असम	13	12	14	20
4.	बिहार	14	79	09	110
5.	गोवा	02	—	—	03
6.	गुजरात	18	32	09	28
7.	हरियाणा	02	07	03	08
8.	हिमाचल प्रदेश	01	—	—	—
9.	जम्मू एवं कश्मीर	04	—	02	—
10.	कर्नाटक	08	28	06	35
11.	केरल	06	09	06	29
12.	मध्य प्रदेश	08	07	18	43
13.	महाराष्ट्र	21	180	19	115
14.	मणिपुर	01	—	01	—
15.	मेघालय	—	10	02	—
16.	मिजोरम	—	—	—	01
17.	नागालैण्ड	02	01	01	—
18.	उड़ीसा	03	10	04	19
19.	पंजाब	05	12	11	26
20.	राजस्थान	05	25	12	32
21.	सिक्किम	—	—	—	—
22.	तमिलनाडु	03	18	11	55
23.	त्रिपुरा	—	—	03	—
24.	उत्तर प्रदेश	32	139	16	169
25.	पश्चिम बंगाल	06	42	10	43
26.	अण्डमान एवं निकोबार	—	—	—	—
27.	चण्डीगढ़	—	—	—	—
28.	दादर एवं नगर हवेली	—	—	—	—
29.	दमन व दीयू	—	—	—	—
30.	दिल्ली	05	19	12	29
31.	लक्षद्वीप	—	—	—	—
32.	पांडिचेरी	—	—	01	—
	कुल	188	700	193	819

पी०सी०-पुलिस हिरासत, जे०सी०-न्यायिक हिरासत

A N N U A L R E P O R T 1 9 9 8 - 9 9



NATIONAL HUMAN RIGHTS COMMISSION



ANNEXURE-II

State-wise statement of Custodial Death cases from 1.4.98 to 31.3.99

Sl. No.	Name of the State/UT	Custodial deaths		TOTAL
		PC	JC	
1		2	3	4
1	Andhra Pradesh	24	98	122
2	Arunachal Pradesh	3	-	3
3	Assam	16	21	37
4	Bihar	9	184	193
5	Goa	1	-	1
6	Gujarat	8	42	50
7	Haryana	3	18	21
8	Himachal Pradesh	1	1	2
9	Jammu & Kashmir	-	-	-
10	Karnataka	8	41	49
11	Kerala	4	26	30
12	Madhya Pradesh	20	100	120
13	Maharashtra	21	98	119
14	Manipur	3	-	3
15	Meghalaya	1	6	7
16	Mizoram	-	-	-
17	Nagaland	1	-	1
18	Orissa	8	60	68
19	Punjab	12	46	58
20	Rajasthan	3	49	52
21	Sikkim	-	-	-
22	Tamil Nadu	13	42	55
23	Tripura	1	-	1
24	Uttar Pradesh	16	221	237
25	West Bengal	6	41	47
26	Union Territories	1	20	21
		183	1114	1297

NATIONAL HUMAN RIGHTS COMMISSION

**Annual Report
1999–2000**



State-Wise Statement of Category of Cases

Sl. No.	Name of the State/UT	Custodial deaths Police Custody	Judicial Custody	Custodial Rapes	Disappearance	Illegal detention/ Arrest	FALSE implications
1	2	3	4	5	6	7	8
1.	Andhra Pradesh	11	73	0	1	7	4
2.	Arunachal Pradesh	4	0	0	0	0	0
3.	Assam	11	22	0	1	1	0
4.	Bihar	7	155	0	0	30	84
5.	Goa	2	2	0	0	1	2
6.	Gujarat	13	19	0	1	6	8
7.	Haryana	5	24	0	5	29	47
8.	Himachal Pradesh	1	0	0	0	0	1
9.	Jammu & Kashmir	0	0	0	1	5	1
10.	Karnataka	6	35	0	0	5	4
11.	Kerala	6	14	0	1	1	1
12.	Madhya Pradesh	13	58	0	1	11	15
13.	Maharashtra	30	126	0	14	11	22
14.	Manipur	0	1	0	0	0	0
15.	Meghalaya	0	2	0	0	0	0
16.	Mizoram	0	0	0	0	0	0
17.	Nagaland	0	0	0	0	0	0
18.	Orissa	1	45	0	1	1	4
19.	Punjab	11	42	0	2	17	39
20.	Rajasthan	3	45	0	0	28	23
21.	Sikkim	0	0	0	0	0	0
22.	Tamil Nadu	9	48	0	4	17	8
23.	Tripura	0	0	0	1	0	0
24.	Uttar Pradesh	18	141	0	20	956	1258
25.	West Bengal	19	43	0	0	1	1
26.	A&N Islands	1	2	0	0	0	0
27.	Chandigarh	0	0	0	0	1	1
28.	Dadra & Nagar Haveli	0	0	0	0	0	0
29.	Daman & Diu	0	0	0	0	0	0
30.	Delhi	6	19	0	1	29	124
31.	Lakshadweep	0	0	0	0	0	0
32.	Pondicherry	0	0	0	0	0	0
Total		177	916	0	54	1157	1647

Admitted for Disposal during 1999-2000

Other Police Excesses	Failure in taking action	Indignity to women	Terrorist Naxalities Violation	Jail conditions	Atrocities on SC/ST	Others	Total
9	10	11	12	13	14	15	16
72	27	4	0	8	12	59	278
4	1	0	0	0	0	8	17
16	3	0	0	0	0	11	65
346	394	12	0	77	37	853	1995
2	3	0	0	1	0	3	16
30	19	0	0	4	5	49	154
94	149	1	0	18	8	111	491
7	12	0	0	0	0	18	39
61	8	0	0	2	0	43	121
54	15	0	0	24	4	70	217
16	14	0	0	3	2	24	82
124	99	2	0	10	9	129	471
102	50	2	0	44	5	258	664
19	4	0	0	0	0	0	24
4	0	0	0	1	0	1	8
0	0	0	0	0	0	0	0
1	0	0	0	0	0	1	2
27	20	4	0	14	8	60	185
100	112	5	0	15	2	123	468
209	161	3	0	30	37	311	850
0	0	0	0	0	0	1	1
95	38	4	0	19	14	100	356
5	2	0	0	0	3	10	21
3901	3856	9	0	193	186	2157	12695
27	28	2	0	4	1	76	202
2	0	0	0	1	1	2	9
7	1	0	0	0	0	4	14
0	0	0	0	0	1	1	2
0	0	0	0	0	0	0	0
457	425	11	0	42	5	369	1488
0	0	0	0	0	0	0	0
1	2	0	0	1	1	4	9
5783	5443	59	0	511	341	4856	20944

National Human Rights Commission

ANNUAL REPORT 2000-2001

Statement Showing Details of Custodial Deaths/Rapes Reported by the State since 1993-94

ANNEXURE 7

State/UT	1993-94	1994-95				1995-96			1996-97		
	Total	PC	JC	Others	Total	PC	JC	Total	PC	JC	Total
Andhra Pradesh	0	6	0	0	6	10	45	55	27	70	97
Arunachal Pradesh	0	0	0	0	0	0	0	0	2	0	2
Assam	1	14	4	0	18	7	15	22	13	12	25
Bihar	4	17	0	0	17	8	67	75	14	79	93
Goa	0	1	1	0	2	0	0	0	3	0	2
Gujarat	0	0	0	0	0	18	4	19	18	32	50
Haryana	1	2	0	0	2	4	5	9	2	7	9
Himachal Pradesh	0	2	0	0	2	0	1	1	1	0	1
Jammu & Kashmir	1	0	0	3	3	15	0	15	4	0	4
Karnataka	0	1	0	0	1	3	10	13	8	28	36
Kerala	1	3	0	0	3	2	2	4	6	9	15
Madhya Pradesh	1	2	8	1	11	2	7	9	8	7	15
Maharashtra	0	2	0	0	2	9	25	34	21	180	201
Manipur	1	2	1	0	3	4	0	4	1	0	1
Meghalaya	1	3	0	0	3	0	3	3	0	10	10
Mizoram	0	0	0	0	0	0	2	2	0	0	0
Nagaland	0	1	0	1	2	2	0	2	2	1	3
Orissa	0	3	1	1	5	2	8	10	3	10	13
Punjab	0	10	2	0	12	8	8	16	5	12	17
Rajasthan	1	10	0	0	10	6	11	17	5	25	30
Sikkim	0	0	0	0	0	1	0	1	0	0	0
Tamil nadu	6	7	0	2	9	4	1	5	3	18	21
Tripura	0	1	0	0	1	0	0	0	0	0	0
Uttar Pradesh	8	5	0	1	6	13	24	37	32	139	171
West Bengal	0	14	1	0	15	14	37	51	6	42	48
A & N Islands	0	0	0	0	0	0	0	0	0	0	0
Chandigarh	0	0	0	0	0	0	0	0	0	0	0
D & N Haveli	0	0	0	0	0	0	0	0	0	0	0
Daman & Diu	0	0	0	0	0	0	0	0	0	0	0
Delhi	7	5	33	0	38	7	33	40	5	19	24
Lakshadweep	0	0	0	0	0	0	0	0	0	0	0
Pondicherry	1	0	0	0	0	0	0	0	0	0	0
Chattisgarh	0	0	0	0	0	0	0	0	0	0	0
Jharkhand	0	0	0	0	0	0	0	0	0	0	0
Uttaranchal	0	0	0	0	0	0	0	0	0	0	0
Total Cases	34	111	51	9	171	136	308	444	188	700	888

During the year 2000-2001 two deaths took place in the custody of Army and Custodial Rape also, hence the total number of deaths/rapes in custody comes to 1,040.

1997-98			1998-99			1999-2000			2000-2001			Grand Total
PC	JC	Total	PC	JC	Total	PC	JC	Total	PC	JC	Total	
21	53	74	25	96	121	11	73	84	2	76	78	515
2	2	4	2	1	3	4	0	4	1	1	2	15
18	15	33	15	22	37	11	22	33	11	11	22	191
10	107	117	10	182	192	7	155	162	2	137	139	799
0	2	2	0	1	1	2	2	4	2	3	5	16
10	27	37	8	37	45	13	19	32	11	27	38	221
3	7	10	4	18	22	5	24	28	4	20	24	106
0	0	0	2	0	2	1	0	1	1	2	3	10
2	0	2	0	0	0	0	0	0	0	1	1	26
7	33	40	10	40	50	6	35	41	5	41	46	227
6	30	36	4	25	29	6	14	20	1	26	27	135
17	43	60	19	99	118	13	58	71	11	37	48	333
17	116	133	20	98	118	30	126	156	19	104	123	767
1	0	1	3	0	3	0	1	1	0	0	0	14
2	0	2	1	6	7	0	2	2	1	0	1	29
0	1	1	0	0	0	0	0	0	1	0	1	4
1	0	1	1	0	1	0	0	0	0	0	0	9
4	19	23	0	68	68	1	45	46	2	55	57	222
8	27	35	12	43	55	11	42	55	13	48	61	249
11	30	41	3	47	50	3	45	48	3	38	41	238
0	0	0	0	0	0	0	0	0	0	0	0	1
13	54	67	14	41	55	9	48	57	4	24	28	248
2	0	2	0	0	0	0	0	0	2	0	2	5
14	172	186	20	222	242	18	141	159	10	121	131	940
10	43	53	6	40	46	19	43	62	9	38	47	322
0	0	0	0	2	2	1	2	3	0	2	2	7
0	0	0	0	0	0	0	0	0	1	2	3	3
0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	1	1	0	0	0	0	0	0	1
11	26	37	0	17	17	6	19	25	9	28	37	225
0	0	0	0	0	0	0	0	0	0	0	0	0
1	0	1	1	0	1	0	0	0	0	0	0	3
0	0	0	0	0	0	0	0	0	1	29	30	30
0	0	0	0	0	0	0	0	0	1	33	34	34
0	0	0	0	0	0	0	0	0	0	6	6	6
191	807	998	180	1100	1286	177	916	1093	127	910	1037	5951

National Human Rights Commission

ANNUAL REPORT 2001-2002



Sardar Patel Bhawan
Sansad Marg, New Delhi 110001

Statement showing details of custodial deaths reported by the state governments

ANNEXURE 7

State/UT	1993-94	1994-95				1995-96			1996-97		
	Total	PC	JC	Others	Total	PC	JC	Total	PC	JC	Total
Andhra Pradesh	0	6	0	0	6	10	45	55	27	70	97
Arunachal Pradesh	0	0	0	0	0	0	0	0	2	0	2
Assam	1	14	4	0	18	7	15	22	13	12	25
Bihar	4	17	0	0	17	8	67	75	14	79	93
Goa	0	1	1	0	2	0	0	0	3	0	2
Gujarat	0	0	0	0	0	18	4	19	18	32	50
Haryana	1	2	0	0	2	4	5	9	2	7	9
Himachal Pradesh	0	2	0	0	2	0	1	1	1	0	1
Jammu and Kashmir	1	0	0	3	3	15	0	15	4	0	4
Karnataka	0	1	0	0	1	3	10	13	8	28	36
Kerala	1	3	0	0	3	2	2	4	6	9	15
Madhya Pradesh	1	2	8	1	11	2	7	9	8	7	15
Maharashtra	0	2	0	0	2	9	25	34	21	180	201
Manipur	1	2	1	0	3	4	0	4	1	0	1
Meghalaya	1	3	0	0	3	0	3	3	0	10	10
Mizoram	0	0	0	0	0	0	2	2	0	0	0
Nagaland	0	1	0	1	2	2	0	2	2	1	3
Orissa	0	3	1	1	5	2	8	10	3	10	13
Punjab	0	10	2	0	12	8	8	16	5	12	17
Rajasthan	1	10	0	0	10	6	11	17	5	25	30
Sikkim	0	0	0	0	0	1	0	1	0	0	0
Tamil nadu	6	7	0	2	9	4	1	5	3	18	21
Tripura	0	1	0	0	1	0	0	0	0	0	0
Uttar Pradesh	8	5	0	1	6	13	24	37	32	139	171
West Bengal	0	14	1	0	15	14	37	51	6	42	48
A & N Islands	0	0	0	0	0	0	0	0	0	0	0
Chandigarh	0	0	0	0	0	0	0	0	0	0	0
D & N Haveli	0	0	0	0	0	0	0	0	0	0	0
Daman and Diu	0	0	0	0	0	0	0	0	0	0	0
Delhi	7	5	33	0	38	7	33	40	5	19	24
Lakshadweep	0	0	0	0	0	0	0	0	0	0	0
Pondicherry	1	0	0	0	0	0	0	0	0	0	0
Chattisgarh	0	0	0	0	0	0	0	0	0	0	0
Jharkhand	0	0	0	0	0	0	0	0	0	0	0
Uttaranchal	0	0	0	0	0	0	0	0	0	0	0
Total Cases	34	111	51	9	171	136	308	444	188	700	888

During the year 2000-2001 two deaths took place in the custody of Army, the total No. of deaths in custody comes to 1039. During the year 2001-2002 two deaths took place at the hands of Para-military Forces, the total No. of deaths in custody comes to 1307.

1997-98			1998-99			1999-2000			2000-2001			2001-2002		
PC	JC	Total	PC	JC	Total	PC	JC	Total	PC	JC	Total	PC	JC	Total
21	53	74	25	96	121	11	73	84	2	76	78	16	81	97
2	2	4	2	1	3	4	0	4	1	1	2	2	0	2
18	15	33	15	22	37	11	22	33	11	11	22	10	20	30
10	107	117	10	182	192	7	155	162	2	137	139	2	144	146
0	2	2	0	1	1	2	2	4	2	3	5	0	5	5
10	27	37	8	37	45	13	19	32	11	27	38	8	44	32
3	7	10	4	18	22	5	24	29	4	20	24	5	34	39
0	0	0	2	0	2	1	0	1	1	2	3	1	1	2
2	0	2	0	0	0	0	0	0	0	1	1	0	0	0
7	33	40	10	40	50	6	35	41	5	41	46	9	41	50
6	30	36	4	25	29	6	14	20	1	26	27	4	33	37
17	43	60	19	99	118	13	58	71	11	37	48	7	38	45
17	116	133	20	98	118	30	126	156	19	104	123	27	125	152
1	0	1	3	0	3	0	1	1	0	0	0	0	0	0
2	0	2	1	6	7	0	2	2	1	0	1	3	2	5
0	1	1	0	0	0	0	0	0	1	0	1	0	0	0
1	0	1	1	0	1	0	0	0	0	0	0	0	0	0
4	19	23	0	68	68	1	45	46	2	55	57	7	49	56
8	27	35	12	43	55	11	42	53	13	48	61	7	70	77
11	30	41	3	47	50	3	45	48	3	38	41	5	49	54
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13	54	67	14	41	55	9	48	57	4	24	28	7	48	55
2	0	2	0	0	0	0	0	0	2	0	2	1	0	1
14	172	186	20	222	242	18	141	159	10	121	131	11	183	194
10	43	53	6	40	46	19	43	62	9	38	47	17	54	71
0	0	0	0	2	2	1	2	3	0	2	2	0	0	0
0	0	0	0	0	0	0	0	0	1	2	3	0	1	1
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	1	1	0	0	0	0	0	0	0	0	0
11	26	37	0	17	17	6	19	25	9	28	37	5	27	32
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1	0	1	1	0	1	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	1	29	30	4	28	32
0	0	0	0	0	0	0	0	0	1	33	34	4	55	59
0	0	0	0	0	0	0	0	0	0	6	6	3	8	11
191	807	998	180	1,106	1,286	177	916	1,093	127	910	1,037	165	1,140	1,305

PC: Police Custody

JC: Judicial Custody

A large, stylized logo in the background of the page. It features a central sunburst or flower-like shape with many pointed petals radiating outwards. Below this shape, two hands are depicted, palms facing each other, as if holding or supporting the sunburst above. The entire logo is rendered in a light beige or cream color against a slightly darker beige background.

National Human Rights Commission

ANNUAL REPORT 2002-2003

Statement showing state-wise number of cases/ intimations registered during the year 2002-2003

ANNEXURE 17

S. No.	Name of the State/ Union Territory	Complaints
	1	2
1	ANDHRA PRADESH	613
2	ARUNACHAL PRADESH	24
3	ASSAM	140
4	BIHAR	4028
5	GOA	37
6	GUJARAT	699
7	HARYANA	2487
8	HIMACHAL PRADESH	130
9	JAMMU & KASHMIR	178
10	KARNATAKA	507
11	KERALA	172
12	MADHYA PRADESH	2082
13	MAHARASHTRA	1917
14	MANIPUR	35
15	MEGHALAYA	21
16	MIZORAM	4
17	NAGALAND	14
18	ORISSA	837
19	PUNJAB	921
20	RAJASTHAN	2555
21	SIKKIM	6
22	TAMILNADU	1141
23	TRIPURA	39
24	UTTAR PRADESH	40612
25	WEST BENGAL	681
26	ANDAMAN & NICOBAR ISLANDS	8
27	CHANDIGARH	72
28	DADAR & NAGAR HAVELI	11
29	DAMAN & DIU	3
30	DELHI	3796
31	LAKSHADWEEP	3
32	PONDICHERRY	23
33	CHHATTISGARH	374
34	JHARKHAND	1375
35	UTTARANCHAL	1745
36	FOREIGNERS	64
	TOTAL	67354

Intimation received about Custodial Deaths				Intimation received about Encounter Deaths	Total
Police Custody	Judicial Custody	Defence/Para-military	Custodial Rapes		
3	4	5	6	7	8
10	112	0	0	7	742
2	2	0	0	0	28
15	13	0	0	2	170
4	153	0	0	4	4189
0	1	0	0	0	38
17	34	0	0	1	751
6	41	0	0	1	2535
0	2	0	0	0	132
0	0	0	0	0	178
16	49	0	0	1	573
4	50	0	0	1	227
1	36	0	0	1	2120
26	117	0	0	10	2070
0	1	0	0	0	36
3	3	0	0	1	28
0	2	0	0	0	6
0	0	0	0	0	14
1	41	0	0	0	879
9	65	0	1	0	996
6	55	0	0	1	2617
0	0	0	0	0	6
17	51	0	0	2	1211
1	1	0	0	0	41
16	169	0	1	41	40839
16	49	0	0	2	748
0	0	0	0	0	8
0	3	0	0	0	75
0	0	0	0	0	11
0	0	0	0	0	3
2	30	0	0	6	3834
0	0	0	0	0	3
1	0	0	0	0	24
3	29	0	0	0	406
6	41	0	0	0	1422
1	7	0	0	2	1755
0	0	0	0	0	64
183	1157	0	2	83	68779

National Human Rights Commission

ANNUAL REPORT 2003-2004



**Faridkot House, Copernicus Marg
New Delhi 110 001, India**

Statement Showing Details of Custodial Deaths Reported by the State/UT Governments from 1.4.2003 to 31.3.2004

S.No	State/UT	PC	JC	Total
01	Andhra Pradesh	10	114	124
02	Arunachal Pradesh	2	1	3
03	Assam	6	18	24
04	Bihar	9	139	148
05	Goa	-	-	-
06	Gujarat	20	37	57
07	Haryana	2	49	51
08	Himachal Pradesh	-	2	2
09	J & K	-	-	-
10	Karnataka	4	52	56
11	Kerala	4	51	55
12	Madhya Pradesh	3	30	33
13	Maharashtra	32	148	180
14	Manipur	-	-	-
15	Meghalaya	3	3	6
16	Mizoram	-	2	2
17	Nagaland	-	-	-

S.No	State/UT	PC	JC	Total
18	Orissa	1	52	53
19	Punjab	7	81	88
20	Rajasthan	5	45	50
21	Sikkim	-	-	-
22	Tamil Nadu	12	106	118
23	Tripura	-	-	-
24	Uttar Pradesh	18	199	217
25	West Bengal	13	43	56
26	A & N Islands	-	-	-
27	Chandigarh	-	4	4
28	Dadra & N. Haveli	-	-	-
29	Daman & Diu	-	-	-
30	Delhi	3	22	25
31	Lakshadweep	-	-	-
32	Pondicherry	1	-	1
33	Chhattisgarh	2	42	44
34	Jharkhand	3	53	56
35	Uttaranchal	2	7	9
	Total	162	1300	1462

During the year 2003-2004, one death took place in the custody of para-military forces, thus total no. of deaths comes to 1463.

NB: PC-Police Custody, JC- Judicial Custody, CN-Cumulative No. w.e.f 1.4.2003



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Annual Report 2004-2005

Annexure - 1&5**Paras 3.29 & 4.3**

**Statement Showing State-Wise Number of Cases/Intimations
Registered During The Year 2004-2005**

S.No.	Name of the State/Union Territory	Complaints	Intimation Received about Custodial Deaths				Intimation received about Encounter Deaths	Total
			Police Custody	Judicial Custody	Defence/ Para-military	Custodial rapes		
1	Andhra Pradesh	767	13	116	0	0	18	914
2	Arunachal Pradesh	15	0	2	0	0	0	17
3	Assam	131	4	11	2	0	1	149
4	Bihar	3917	3	150	0	0	0	4070
5	Goa	32	0	4	0	0	0	36
6	Gujarat	999	15	54	0	0	2	1070
7	Haryana	2666	2	49	0	0	1	2718
8	Himachal Pradesh	162	0	5	0	0	0	167
9	Jammu & Kashmir	182	0	0	0	2	0	184
10	Karnataka	412	9	51	0	0	2	474
11	Kerala	177	6	51	0	0	0	234
12	Madhya Pradesh	2127	2	49	0	0	5	2183
13	Maharashtra	1657	23	138	0	0	5	1823
14	Manipur	40	0	0	2	0	1	43
15	Meghalaya	9	2	6	0	0	0	17
16	Mizoram	4	0	0	0	0	0	4
17	Nagaland	11	0	0	0	0	0	11
18	Orissa	814	3	39	0	1	0	857
19	Punjab	914	6	65	0	0	0	985
20	Rajasthan	2369	0	50	1	0	0	2420
21	Sikkim	0	0	0	0	0	0	0
22	Tamilnadu	1191	9	98	0	0	1	1299
23	Tripura	37	1	4	0	0	0	42
24	Uttar Pradesh	44351	7	219	0	0	66	44643
25	West Bengal	863	11	64	1	0	2	941
26	A & N Islands	22	0	1	0	0	0	23
27	Chandigarh	108	1	3	0	0	0	112
28	D & Nagar Haveli	7	0	0	0	0	0	7
29	Daman & Diu	2	0	0	0	0	0	2
30	Delhi	5221	5	27	1	1	9	5264
31	Lakshadweep	0	0	0	0	0	0	0
32	Pondicherry	41	1	0	0	0	0	42
33	Chhattisgarh	306	5	26	0	0	1	338
34	Jharkhand	1326	5	66	0	0	1	1398
35	Uttaranchal	1779	3	9	0	0	7	1798
36	Foreigners	116	0	0	0	0	0	116
	Total	72775	136	1357	7	4	122	74401



Annual Report 2005-2006

NATIONAL HUMAN RIGHTS COMMISSION

**Statement Showing State-Wise Number of Cases/Intimations
Registered During the Year 2005-2006**

S.No.	Name of the State / Union Territory	Com-plaints	Intimation received about Custodial Deaths				Intimation received about Encounter Deaths	Total
			Police Custody	Judicial Custody	Defence/ Para-military	Custodial rapes		
1	2	3	4	5	6	7	8	9
0	All India	9	0	0	0	0	0	9
1	Andhra Pradesh	688	11	134	1	0	3	837
2	Arunachal Pradesh	17	1	0	0	0	0	18
3	Assam	151	7	27	1	1	5	192
4	Bihar	4297	1	246	0	1	0	4545
5	Goa	34	1	4	0	0	0	39
6	Gujarat	563	20	52	0	0	0	635
7	Haryana	2934	4	58	0	0	5	3001
8	Himachal Pradesh	148	0	5	0	0	0	153
9	Jammu & Kashmir	160	1	0	1	0	0	162
10	Karnataka	451	5	67	0	0	6	529
11	Kerala	181	5	44	0	1	0	231
12	Madhya Pradesh	2413	4	44	0	0	4	2465
13	Maharashtra	1441	20	115	1	1	8	1586
14	Manipur	30	0	0	0	0	0	30
15	Meghalaya	23	0	4	0	0	1	28
16	Mizoram	27	0	0	0	0	0	27
17	Nagaland	2	0	0	0	0	0	2
18	Orissa	705	2	42	0	0	4	753
19	Punjab	921	6	100	0	0	2	1029
20	Rajasthan	2590	7	50	0	0	0	2647
21	Sikkim	5	0	0	0	0	0	5
22	Tamil Nadu	812	7	101	0	0	0	920
23	Tripura	30	1	4	0	0	1	36
24	Uttar Pradesh	44,186	18	259	0	1	96	44560
25	West Bengal	779	8	76	0	0	2	865
26	A & N Islands	23	0	2	0	0	0	25
27	Chandigarh	132	0	3	0	0	0	135
28	D & Nagar Haveli	5	0	0	0	0	0	5
29	Daman & Diu	11	0	0	0	0	0	11
30	Delhi	4984	3	29	0	0	11	5027
31	Lakshadweep	0	0	0	0	0	0	0
32	Pondicherry	31	0	1	0	0	0	32
33	Chhattisgarh	436	2	52	0	0	1	491
34	Jharkhand	1474	4	62	0	0	0	1540
35	Uttaranchal	1770	1	10	0	0	8	1789
36	Foreigners	85	0	0	0	0	0	85
	Total	72,548	139	1,591	4	5	157	74,444



Annual Report

2006 – 2007



NATIONAL HUMAN RIGHTS COMMISSION



Annexure - 4

Para 4.2

STATEMENT SHOWING STATE-WISE NUMBER OF CASES/ INTIMATIONS REGISTERED DURING THE YEAR 2006-2007

Sl. No.	Name of the State/ Union Territory	Complaints	Intimation received above Custodial Deaths				Intimation received about Encounter Deaths	Total
			Police Custody	Judicial Custody	Defence/ Para-Military	Custodial rapes		
1	2	3	4	5	6	7	8	9
1	All India	27	0	0	0	0	0	27
2	Andhra Pradesh	672	5	118	0	1	15	811
3	Arunachal Pradesh	19	1	1	0	1	0	22
4	Assam	133	8	17	0	0	6	164
5	Bihar	3493	2	193	0	0	1	3689
6	Goa	39	0	1	0	0	0	40
7	Gujarat	795	7	54	0	0	0	856
8	Haryana	3144	2	51	0	0	2	3199
9	Himachal Pradesh	144	0	3	0	0	0	147
10	Jammu & Kashmir	209	0	0	1	0	1	211
11	Karnataka	458	8	56	0	1	6	529
12	Kerala	165	3	37	0	0	0	205
13	Madhya Pradesh	2195	10	59	0	0	6	2270
14	Maharashtra	1761	21	130	0	0	15	1927
15	Manipur	33	0	0	0	0	0	33
16	Meghalaya	10	1	1	0	0	0	12
17	Mizoram	17	0	0	0	0	0	17
18	Nagaland	7	0	0	0	0	0	7
19	Orissa	833	2	53	0	0	1	889
20	Punjab	713	1	87	0	0	2	803
21	Rajasthan	2541	3	54	0	1	2	2601
22	Sikkim	8	0	0	0	0	0	8
23	Tamilnadu	1070	16	103	0	0	4	1193
24	Tripura	26	1	5	0	0	0	32
25	Uttar Pradesh	51548	11	241	0	3	201	52004
26	West Bengal	835	7	69	0	0	1	912
27	Andaman & Nicobar	20	0	0	0	0	0	20
28	Chandigarh	98	0	2	0	1	0	101
29	Dadar & Nagar Haveli	10	0	0	0	0	0	10
30	Daman & Diu	15	0	0	0	0	0	15
31	Delhi	5286	3	25	0	1	16	5331
32	Lakshadweep	1	0	0	0	0	0	1
33	Pondicherry	47	0	1	0	0	0	48
34	Chattisgarh	517	3	50	0	0	1	571
35	Jharkhand	1494	3	59	0	0	2	1558
36	Uttaranchal	1857	1	7	0	1	19	1885
37	Foreign Countries	85	0	0	0	0	0	85
	Total	80325	119	1477	1	10	301	82233



NATIONAL HUMAN RIGHTS COMMISSION



Annual Report 2007-2008



ANNEXURE

3

PARAS 6.2, 6.3 & 6.4

**STATEMENT SHOWING STATE/UT-WISE NUMBER OF CASES REGISTERED
DURING 01/04/2007 TO 31/03/2008**

S.No	Name of the State/ Union Territory	Complaints	Suo motu cognizance	Intimation Received about Custodial Deaths/Rapes				Intimation received about Encounter Deaths	Total (3+4+5+6+7+8+9)
				Police Custody	Judicial Custody (Jail)	Defence/ Para-Military	Custodial Rapes		
1	2	3	4	5	6	7	8	9	10
1	ALL INDIA	132	0	0	0	0	0	0	132
2	ANDHRA PRADESH	1415	7	9	132	0	0	20	1583
3	ARUNACHAL PRADESH	31	1	0	1	0	0	1	34
4	ASSAM	180	4	12	19	0	0	22	237
5	BIHAR	4348	11	8	222	0	3	3	4595
6	GOA	45	0	0	0	0	0	0	45
7	GUJARAT	1888	3	16	55	0	0	1	1963
8	HARYANA	3601	9	9	59	0	1	7	3686
9	HIMACHAL PRADESH	137	0	1	3	0	0	0	141
10	JAMMU & KASHMIR	207	1	3	2	3	0	2	218
11	KARNATAKA	1662	1	5	76	0	0	6	1750
12	KERALA	398	5	6	56	0	0	0	465
13	MADHYA PRADESH	2726	1	10	97	0	1	3	2838
14	MAHARASHTRA	2609	3	25	174	0	0	10	2821
15	MANIPUR	53	0	0	0	0	1	1	55
16	MEGHALAYA	26	0	3	0	0	0	0	29
17	MIZORAM	16	0	0	0	0	0	0	16
18	NAGALAND	7	0	0	2	0	0	0	9
19	ORISSA	1147	4	6	50	0	0	1	1208
20	PUNJAB	2020	3	7	100	0	0	2	2132
21	RAJASTHAN	2913	2	2	58	0	1	0	2976
22	SIKKIM	18	0	1	1	0	0	0	20
23	TAMILNADU	2303	4	6	104	0	1	1	2419
24	TRIPURA	46	0	1	4	0	0	0	51
25	UTTAR PRADESH	58412	18	32	312	0	7	84	58865
26	WEST BENGAL	1021	7	8	89	1	0	3	1129
27	ANDAMAN & NICOBAR	22	0	0	0	0	0	0	22
28	CHANDIGARH	143	1	1	1	0	0	0	146
29	DADRA & NAGAR HAVELI	11	0	0	1	0	0	0	12
30	DAMAN & DIU	18	0	0	0	0	0	0	18
31	DELHI	6153	16	6	33	0	0	2	6210
32	LAKSHADWEEP	5	0	0	0	0	0	0	5
33	PUDUCHERRY	71	0	0	2	0	0	0	73
34	CHHATTISGARH	724	1	2	45	0	2	0	774
35	JHARKHAND	1620	4	3	77	0	1	5	1710
36	UTTARAKHAND	2024	1	5	14	0	0	3	2047
37	FOREIGN COUNTRIES	180	1	1	0	0	0	0	182
GRAND TOTAL		98332	108	188	1789	4	18	177	100616



National *Human*
Rights **Commission**
New Delhi, India

Annual Report - 2008-2009





Annexure -2

Para 4.2

STATE/UT-WISE NUMBER OF CASES REGISTERED DURING 01/04/2008 TO 31/03/2009

S. No	Name of the State/ Union Territory	Complaints	Suo-motu cognizance	Intimation Received about Custodial Deaths/Rapes*			Intimation received about Encounter Deaths	Total (3+4+5+6+7+8)
				Police Custody	Judicial Custody	Defence/ Para-Military Custody		
1	2	3	4	5	6	7	8	9
1	ALL INDIA	261	0	0	0	0	0	261
2	ANDHRA PRADESH	850	1	12	131	0	2	996
3	ARUNACHAL PRADESH	26	0	2	1	0	0	29
4	ASSAM	158	1	7	27	2	15	210
5	BIHAR	3352	0	5	133	0	0	3490
6	GOA	65	0	0	2	0	0	67
7	GUJARAT	2805	1	12	74	0	0	2892
8	HARYANA	3318	3	6	52	0	3	3382
9	HIMACHAL PRADESH	165	2	0	5	0	0	172
10	JAMMU & KASHMIR	199	1	0	1	0	1	202
11	KARNATAKA	662	0	2	72	0	2	738
12	KERALA	284	0	2	40	0	0	326
13	MADHYA PRADESH	2219	3	5	86	0	4	2317
14	MAHARASHTRA	4157	3	23	124	0	14	4321
15	MANIPUR	45	0	0	0	0	3	48
16	MEGHALAYA	19	0	1	3	0	0	23
17	MIZORAM	23	0	0	0	0	0	23
18	NAGALAND	9	0	0	3	0	0	12
19	ORISSA	750	0	2	48	0	0	800
20	PUNJAB	921	2	4	70	0	2	999
21	RAJASTHAN	2473	1	4	56	0	1	2535
22	SIKKIM	14	0	0	0	0	0	14
23	TAMILNADU	2535	1	6	69	0	6	2617
24	TRIPURA	36	0	1	6	1	0	44
25	UTTAR PRADESH	53101	11	24	287	0	69	53492
26	WEST BENGAL	1063	0	4	99	2	0	1168
27	ANDAMAN & NICOBAR	22	0	0	0	0	0	22
28	CHANDIGARH	105	0	1	3	0	0	109
29	DADAR & NAGAR HAVELI	8	0	1	0	0	0	9
30	DAMAN & DIU	9	0	0	0	0	0	9
31	DELHI	5401	12	0	19	0	1	5433
32	LAKSHADWEEP	0	0	0	0	0	0	0
33	PUDUCHERRY	76	0	0	2	0	0	78
34	CHATTISGARH	533	2	1	40	1	0	577
35	JHARKHAND	1482	1	2	61	0	6	1552
36	UTTARAKHAND	1790	0	0	13	0	3	1806
37	FOREIGN COUNTRIES	173	0	0	0	0	0	173
GRAND TOTAL		89109	45	127	1527	6	132	90946

* No case of Custodial Rape was reported by the Authorities as per the NHRC guidelines. However, 4 cases of Alleged Custodial Rape were received and included in the complaints (Column 3)



Annual Report 2009-2010

**National Human Rights Commission
India**



Annexure -2

Paras 4.2 & 4.4

STATE/UT-WISE NUMBER OF CASES REGISTERED IN NHRC FROM 01/04/2009 TO 31/03/2010

S.No	Name of the State/ Union Territory	Complaints	Suo-motu cognizance	Intimation Received about Custodial Deaths/Rapes				Intimation received about Encounter Deaths	Total (3+4+5+6+7+8+9)
				Police Custody Deaths	Judicial Custody Deaths	Defence/ Para-Military Custody Deaths	Custodial Rapes		
1	2	3	4	5	6	7	8	9	10
1	ALL INDIA	285	0	0	0	0	0	0	285
2	ANDHRA PRADESH	863	0	9	105	0	0	2	979
3	ARUNACHAL PRADESH	19	0	0	1	0	0	0	20
4	ASSAM	160	0	6	14	1	0	31	212
5	BIHAR	2747	3	4	137	0	0	2	2893
6	GOA	49	0	0	1	0	0	0	50
7	GUJARAT	1218	2	9	58	0	0	1	1288
8	HARYANA	2871	4	6	39	0	0	1	2921
9	HIMACHAL PRADESH	132	1	3	3	0	0	0	139
10	JAMMU & KASHMIR	183	2	0	3	1	0	0	189
11	KARNATAKA	493	1	3	32	0	0	2	531
12	KERALA	245	0	6	44	0	0	0	295
13	MADHYA PRADESH	2130	2	8	85	0	1	2	2228
14	MAHARASHTRA	2473	0	20	108	0	0	8	2609
15	MANIPUR	63	0	0	0	0	0	0	63
16	MEGHALAYA	41	0	1	2	0	0	0	44
17	MIZORAM	12	0	0	0	0	1	0	13
18	NAGALAND	7	0	1	1	0	0	0	9
19	ORISSA	1075	2	3	45	0	0	1	1126
20	PUNJAB	876	0	3	107	0	0	0	986
21	RAJASTHAN	2162	4	4	79	0	0	0	2249
22	SIKKIM	6	0	0	2	0	0	0	8
23	TAMILNADU	1384	2	8	68	0	0	4	1466
24	TRIPURA	35	0	0	2	0	0	0	37
25	UTTAR PRADESH	50865	10	16	332	0	0	47	51270
26	WEST BENGAL	854	0	8	64	0	0	1	927
27	ANDAMAN & NICOBAR	19	0	0	0	0	0	0	19
28	CHANDIGARH	92	0	0	2	0	0	0	94
29	DADAR & NAGAR HAVELI	5	0	0	0	0	0	0	5
30	DAMAN & DIU	13	0	0	0	0	0	0	13
31	DELHI	5205	13	0	10	0	0	0	5228
32	LAKSHADWEEP	0	0	0	0	0	0	0	0
33	PUDUCHERRY	50	0	0	2	0	0	0	52
34	CHHATTISGARH	411	2	1	41	0	0	0	455
35	JHARKHAND	1226	0	5	70	0	0	5	1306
36	UTTARAKHAND	1849	1	0	16	0	0	4	1870
37	FOREIGN COUNTRIES	142	0	0	0	0	0	0	142
GRAND TOTAL		80260	49	124	1473	2	2	111	82021



National Human Rights Commission, India

Annual Report 2010-2011



ANNUAL REPORT 2010-2011



National Human Rights Commission, India

Annexure -2

Para 2.7

STATEMENT SHOWING STATE/UT-WISE NUMBER OF CASES REGISTERED FROM 01/04/2010 TO 31/03/2011

S.No	Name of the State/ Union Territory	Complaints	Suo-motu cognizance	Intimation Received about Custodial Deaths/ Rapes			Intimation received about Encounter Deaths	Total (3+4+5+6 +7+8+9)
				Police Custody Deaths	Judicial Custody Deaths	Defence/ Para-Military Custody Deaths		
1	2	3	4	5	6	7	8	9
1	ALL INDIA	44	0	0	0	0	0	44
2	ANDHRA PRADESH	1153	2	14	92	0	11	1272
3	ARUNACHAL PRADESH	28	0	0	0	0	1	29
4	ASSAM	236	1	7	25	1	54	324
5	BIHAR	2717	2	6	130	0	7	2862
6	GOA	56	0	2	3	0	0	61
7	GUJARAT	1356	1	9	66	0	1	1433
8	HARYANA	3275	1	3	42	0	1	3322
9	HIMACHAL PRADESH	157	0	0	7	0	0	164
10	JAMMU & KASHMIR	216	0	2	4	0	2	224
11	KARNATAKA	607	0	5	15	0	8	635
12	KERALA	610	1	2	45	0	1	659
13	MADHYA PRADESH	2231	2	5	79	0	4	2321
14	MAHARASHTRA	2157	2	31	99	0	8	2297
15	MANIPUR	60	1	1	0	0	4	66
16	MEGHALAYA	23	1	0	3	0	6	33
17	MIZORAM	19	0	2	2	0	0	23
18	NAGALAND	13	0	1	5	0	0	19
19	ORISSA	1852	0	7	48	0	10	1917
20	PUNJAB	1010	3	6	90	0	2	1111
21	RAJASTHAN	2631	3	2	83	0	5	2724
22	SIKKIM	4	0	0	1	0	0	5
23	TAMILNADU	1372	1	6	71	0	4	1454
24	TRIPURA	48	0	1	1	0	0	50
25	UTTAR PRADESH	49457	10	15	316	0	42	49840
26	WEST BENGAL	1170	1	5	67	1	12	1256
27	ANDAMAN & NICOBAR	19	0	0	1	0	0	20
28	CHANDIGARH	126	1	0	5	0	0	132
29	DADAR & NAGAR HAVELI	25	0	0	0	0	0	25
30	DAMAN & DIU	8	0	0	0	0	0	8
31	DELHI	5893	14	3	19	0	0	5929
32	LAKSHADWEEP	8	0	0	0	0	0	8
33	PUDUCHERRY	47	0	0	2	0	0	49
34	CHHATTISGARH	434	2	1	36	0	8	481
35	JHARKHAND	1528	1	6	54	0	7	1596
36	UTTARAKHAND	1990	0	4	15	0	1	2010
37	FOREIGN COUNTRIES	199	3	0	0	0	0	202
GRAND TOTAL		82779	53	146	1426	2	199	84605



ANNUAL REPORT

2011-2012

National Human Rights Commission
India

Annexure-1

Para 2.5

STATEMENT SHOWING NUMBER OF CASES REGISTERED FROM 01/04/2011 TO 31/03/2012

Name of the State/Union Territory	Complaints	Suo-Motu Cognizance	Intimation Received about Custodial Deaths/Rapes			Intimation Received about Encounter Deaths	Total
			Police Custodial Deaths/Rapes	Judicial Custodial Deaths/Rapes	Para-Military/Defence Cutody Deaths/Rapes		
All India	171	2	0	0	0	0	173
Andhra Pradesh	1461	0	13	77	0	8	1559
Arunachal Pradesh	28	0	0	2	0	1	31
Assam	209	65	4	20	0	87	385
Bihar	3197	1	8	95	0	2	3303
Chhattisgarh	724	3	5	41	0	3	776
Goa	85	0	0	1	0	0	86
Gujarat	1044	4	5	53	0	2	1108
Haryana	4117	4	3	49	0	2	4175
Himachal Pradesh	170	0	3	7	0	0	180
Jammu & Kashmir	365	0	3	3	0	0	371
Jharkhand	1749	3	4	46	0	9	1811
Karnataka	1301	2	2	13	0	1	1319
Kerala	525	0	1	37	0	0	563
Madhya Pradesh	2597	4	8	86	0	5	2700
Maharashtra	2267	2	20	95	0	1	2385
Manipur	143	0	1	1	0	17	162
Meghalaya	44	0	0	1	0	5	50
Mizoram	17	0	1	0	0	0	18
Nagaland	12	0	0	0	0	0	12
Odisha	3337	1	4	33	0	5	3380
Punjab	1149	1	6	115	0	0	1271
Rajasthan	2806	2	3	70	0	3	2884
Sikkim	14	0	0	0	0	0	14
Tamil Nadu	1862	1	7	58	0	2	1930
Tripura	67	0	0	2	0	1	70
Uttarakhand	2008	1	1	12	0	0	2022
Uttar Pradesh	51909	11	17	260	0	19	52216
West Bengal	1512	1	5	89	2	5	1614
Andaman & Nicobar	42	1	1	4	0	1	49
Chandigarh	208	0	0	4	0	0	212
Dadra & Nagar Haveli	14	0	0	0	0	0	14
Daman & Diu	15	0	0	1	0	0	16
Delhi	7830	7	1	27	0	0	7865
Lakshadweep	8	0	0	0	0	0	8
Puducherry	73	0	3	0	0	0	76
Foreign Countries	366	0	0	0	0	0	366
Grand Total	93446	116	129	1302	2	179	95174



2012-2013

ANNUAL REPORT

National Human Rights Commission

India
Page 112

Annexure-1

Para 2.13

STATEMENT SHOWING NUMBER OF CASES REGISTERED FROM 01/04/2012 TO 31/03/2013

Name of the State/Union Territory	Complaints	Suo-Motu Cognizance	Intimation Received about Custodial Deaths/Rapes			Intimation Received about Encounter Deaths	Total
			Police Custodial Deaths/Rapes	Judicial Custodial Deaths/Rapes	Para-Military/ Defence Cutody Deaths/Rapes		
All India	364	0	0	0	0	0	364
Andhra Pradesh	1462	4	17	86	0	5	1574
Arunachal Pradesh	34	0	2	1	0	2	39
Assam	387	1	9	21	0	55	473
Bihar	4632	4	2	112	0	2	4752
Goa	59	0	1	2	0	0	62
Gujarat	1967	1	22	51	0	0	2041
Haryana	9366	6	4	62	0	2	9440
Himachal Pradesh	292	2	0	6	0	0	300
Jammu & Kashmir	405	1	0	5	0	0	411
Karnataka	893	3	4	5	0	3	908
Kerala	896	0	6	45	0	0	947
Madhya Pradesh	2526	6	3	104	0	10	2649
Maharashtra	4359	8	20	96	0	5	4488
Manipur	92	1	1	1	0	15	110
Meghalaya	30	0	0	1	0	17	48
Mizoram	18	0	0	2	0	0	20
Nagaland	12	0	1	3	0	0	16
Odisha	5781	6	5	47	0	8	5847
Punjab	2273	3	3	117	0	1	2397
Rajasthan	3210	0	4	82	0	3	3299
Sikkim	5	0	0	0	0	0	5
Tamil Nadu	3243	6	10	67	0	3	3329
Tripura	744	0	0	3	0	1	748
Uttar Pradesh	47339	33	11	377	1	8	47769
West Bengal	1732	6	9	93	1	7	1848
Andaman & Nicobar	33	0	0	1	0	0	34
Chandigarh	235	1	0	2	0	0	238
Dadra & Nagar Haveli	18	0	0	0	0	0	18
Daman & Diu	17	0	0	0	0	0	17
Delhi	8227	12	2	20	0	3	8264
Lakshadweep	5	0	0	0	0	0	5
Pudducherry	75	0	0	2	0	0	77
Chhattisgarh	707	4	5	76	0	19	811
Jharkhand	1566	1	5	52	0	12	1636
Uttaralhand	2354	1	0	15	0	0	2370
Foreign Countries	301	0	0	0	0	0	301
Grand Total	105659	110	146	1557	2	181	107655



Annual Report

2013–2014

National Human Rights Commission
INDIA

Annexure – 1

Para 219

STATEMENT SHOWING NUMBER OF CASES REGISTERED FROM 01/04/2013 TO 31/03/2014

Name of the State/Union Territory	Complaints	Suo Motu Cognizance	Intimation Received about Custodial Deaths/Rapes			Intimation Received about Encounter Deaths	TOTAL
			Police Custodial Deaths/Rapes	Judicial Custodial Deaths/Rapes	Para-Military/defence Forces Custodial Deaths/Rapes		
All India	73	2	0	0	0	0	75
Andhra Pradesh	1451	3	7	122	0	2	1585
Arunachal Pradesh	39	0	1	2	0	6	48
Assam	319	2	13	14	1	58	407
Bihar	4245	8	9	93	0	7	4362
Goa	53	0	0	2	0	0	55
Gujarat	1526	2	10	47	0	0	1585
Haryana	10226	12	6	48	0	5	10297
Himachal Pradesh	246	5	2	3	0	0	256
Jammu & Kashmir	380	3	0	6	0	0	389
Karnataka	690	4	0	2	0	2	698
Kerala	527	3	3	50	0	0	583
Madhya Pradesh	2262	3	6	117	0	4	2392
Maharashtra	3039	5	20	99	0	1	3164
Manipur	89	1	0	0	0	3	93
Meghalaya	45	1	4	2	0	7	59
Mizoram	18	0	1	0	0	0	19
Nagaland	16	1	0	3	0	0	20
Odisha	5368	3	4	48	0	12	5435
Punjab	1730	2	3	171	0	2	1908
Rajasthan	2578	3	3	65	0	0	2649
Sikkim	14	0	0	3	0	0	17
Tamil Nadu	2595	3	9	70	0	1	2678
Tripura	1033	1	1	5	0	0	1040
Uttar Pradesh	44397	37	15	347	0	4	44800
West Bengal	1352	3	11	97	1	1	1465
Andaman & Nicobar	34	0	0	1	0	0	35
Chandigarh	162	1	0	2	0	0	165
Dadra & Nagar Haveli	18	0	0	0	0	0	18
Daman & Diu	13	0	0	0	0	0	13
Delhi	7108	17	4	36	0	3	7168
Lakshadweep	36	0	0	0	0	0	36
Puducherry	75	0	0	0	0	0	75
Chhattisgarh	737	7	2	56	0	18	820
Jharkhand	1575	1	6	51	0	12	1645
Uttarakhand	1841	1	0	15	0	0	1857
Foreign Countries	225	0	0	0	0	0	225
Grand Total	96135	134	140	1577	2	148	98136



NATIONAL HUMAN RIGHTS COMMISSION




ANNUAL
REPORT
2014-15



Annexure – 1

Para 2.13

STATEMENT SHOWING NUMBER OF CASES REGISTERED FROM 01/04/2014 TO 31/03/2015 (Data as per CMS as on 30/07/2015)

Name of the State/ Union Territory	Complaints	Suo-Motu Cognizance	Intimation Received about Custodial Deaths/Rapes			Intima tion Receiv- ed about Encou- nter Deaths	Total
			Police Custodial Deaths/ Rapes	Judicial Custodial Deaths/ Rapes	Para-Mil- itary/ Defence Custodial Deaths/ Rapes		
ALL INDIA	79	1	0	0	0	0	80
ANDHRA PRADESH	1167	3	5	45	0	4	1224
ARUNACHAL PRADESH	145	0	3	6	0	4	158
ASSAM	527	4	7	22	0	84	644
BIHAR	4387	6	6	117	0	0	4516
GOA	52	0	0	2	0	0	54
GUJARAT	1508	3	13	41	0	0	1565
HARYANA	13267	17	5	40	0	2	13331
HIMACHAL PRADESH	279	3	2	1	0	0	285
JAMMU & KASHMIR	363	1	1	4	0	0	369
KARNATAKA	1499	3	4	8	0	1	1515
KERALA	617	4	4	23	0	0	648
MADHYA PRADESH	3498	13	3	132	0	6	3652
MAHARASHTRA	2834	6	26	103	0	11	2980
MANIPUR	122	0	0	1	0	1	124
MEGHALAYA	68	1	3	2	0	22	96



MIZORAM	16	0	0	3	0	0	19
NAGALAND	33	0	1	8	0	0	42
ODISHA	5790	2	2	53	0	6	5853
PUNJAB	1582	8	1	214	0	2	1807
RAJASTHAN	3126	6	4	59	0	0	3195
SIKKIM	20	0	0	0	0	0	20
TAMIL NADU	2213	9	9	49	0	0	2280
TRIPURA	79	0	0	4	0	0	83
UTTAR PRADESH	50326	39	11	341	0	7	50724
WEST BENGAL	1877	10	9	100	0	5	2001
ANDAMAN & NICOBAR	20	0	0	3	0	0	23
CHANDIGARH	201	0	0	1	0	0	202
DADRA & NAGAR HAVELI	13	0	0	1	0	0	14
DAMAN & DIU	10	0	0	0	0	0	10
DELHI	8991	39	2	42	0	2	9076
LAKSHADWEEP	11	0	0	0	0	0	11
PUDUCHERRY	91	0	0	1	0	0	92
CHHATTISGARH	1114	4	1	49	0	23	1191
JHARKHAND	1920	4	5	44	0	10	1983
UTTARAKHAND	3077	1	2	21	0	0	3101
TELANGANA	844	4	4	49	0	2	903
FOREIGN COUNTRIES	296	0	0	0	0	0	296
GRAND TOTAL	112062	191	133	1589	0	192	114167

ANNUAL REPORT

2015-2016



**NATIONAL HUMAN RIGHTS COMMISSION
INDIA**

Annexure – 1

Para 2.22

**STATEMENT SHOWING NUMBER OF CASES REGISTERED FROM
01/04/2015 TO 31/03/2016**

Name of the State/ Union Territory	Com- plaints	Suo- Motu Cogni- zance	Intimations Received about Custodial Deaths/Rapes			Intima- tions Received about En- counter Deaths	Grand Total
			Police Custodial Deaths/ Rapes	Judicial Custodial Deaths/ Rapes	Defence/ Para- Military Custodial Deaths/ Rapes		
All India	416	0	0	0	0	0	416
Andhra Pradesh	1280	3	6	41	0	5	1335
Arunachal Pradesh	29	0	3	3	0	3	38
Assam	284	1	9	22	1	49	366
Bihar	4019	5	8	106	0	3	4141
Goa	66	0	1	2	0	0	69
Gujarat	1393	3	10	39	0	0	1445
Haryana	11518	8	6	65	0	9	11606
Himachal Pradesh	216	0	0	7	0	0	223
Jammu & Kashmir	209	0	0	2	0	2	213
Karnataka	958	5	4	11	0	1	979
Kerala	942	2	5	49	0	0	998
Madhya Pradesh	2808	16	7	135	0	3	2969
Maharashtra	2867	6	24	115	0	3	3015
Manipur	66	0	0	1	0	9	76
Meghalaya	29	0	4	4	0	16	53
Mizoram	13	1	2	4	0	0	20
Nagaland	8	0	0	0	0	0	8

Name of the State/ Union Territory	Com- plaints	Suo- Motu Cogni- zance	Intimations Received about Custodial Deaths/Rapes			Intima- tions Received about En- counter Deaths	Grand Total
			Police Custodial Deaths/ Rapes	Judicial Custodial Deaths/ Rapes	Defence/ Para- Military Custodial Deaths/ Rapes		
Orissa	16215	4	6	45	0	8	16278
Punjab	1249	1	3	180	0	2	1435
Rajasthan	3169	7	5	82	0	0	3263
Sikkim	10	0	0	1	0	0	11
Tamil Nadu	3054	15	4	64	0	1	3138
Tripura	49	0	2	3	0	0	54
Uttar Pradesh	49323	28	15	350	0	5	49721
West bengal	1995	2	10	105	0	15	2127
Andaman & Nicobar	30	0	1	1	0	0	32
Chandigarh	200	0	0	6	0	0	206
Dadra & Nagar Haveli	8	0	0	0	0	0	8
Daman & Diu	22	0	0	0	0	0	22
Delhi	7533	37	3	51	0	2	7626
Lakshadweep	9	0	0	0	0	0	9
Puducherry	122	0	1	0	0	0	123
Chhattisgarh	704	4	3	61	0	50	822
Jharkhand	1573	11	5	64	0	17	1670
Uttarakhand	1799	2	1	19	0	0	1821
Telangana	1052	1	4	32	0	3	1092
Foreign Countries	379	1	0	0	0	0	380
Grand total	115616	163	152	1670	1	206	117808



ANNUAL REPORT

2016-2017

NATIONAL HUMAN RIGHTS COMMISSION, INDIA



Annexure – 1

Para 2.27

STATEMENT SHOWING NUMBER OF CASES REGISTERED FROM 01/04/2016 TO 31/03/2017

Name of the State/ Union Territory	Complaints	Suo-Motu Cognizance	Intimations Received about Custodial Deaths/Rapes			Intimations Received about Encounter Deaths	Grand Total
			Police Custodial Deaths/ Rapes	Judicial Custodial Deaths/ Rapes	Defence/ Para-Military Custodial Deaths/ Rapes		
All India	633	1	0	0	0	0	634
Andhra Pradesh	1214	1	2	30	0	3	1250
Arunachal Pradesh	25	0	1	0	0	5	31
Assam	199	1	9	26	0	33	268
Bihar	3668	2	5	86	0	4	3765
Goa	51	0	1	4	0	0	56
Gujarat	1144	3	10	53	0	0	1210
Haryana	4539	1	9	45	0	2	4596
Himachal Pradesh	176	0	1	4	0	0	181
Jammu & Kashmir	241	2	0	7	1	0	251
Karnataka	1418	4	4	6	0	2	1434
Kerala	668	7	5	48	0	1	729
Madhya Pradesh	2542	7	10	135	0	1	2695
Maharashtra	2321	6	25	125	0	8	2485
Manipur	38	0	1	0	0	3	42
Meghalaya	33	0	0	1	0	10	44
Mizoram	8	0	2	4	0	0	14
Nagaland	13	0	1	0	0	0	14
Odisha	8682	8	4	47	0	9	8750
Punjab	972	1	6	150	0	3	1132
Rajasthan	2887	4	6	82	0	0	2979
Sikkim	5	0	0	0	0	0	5
Tamil Nadu	3002	11	7	60	0	2	3082
Tripura	55	0	0	5	0	0	60
Uttar Pradesh	42160	15	11	400	0	4	42590
West Bengal	1561	2	9	99	0	7	1678
Andaman & Nicobar	43	0	0	0	0	0	43
Chandigarh	123	0	0	3	0	0	126
Dadra & Nagar Haveli	8	0	0	0	0	0	8
Daman & Diu	13	0	0	0	0	0	13
Delhi	6324	11	2	30	0	1	6368
Lakshadweep	10	0	0	0	0	0	10
Puducherry	141	0	0	1	0	0	142
Chhattisgarh	586	6	6	56	0	75	729
Jharkhand	1468	1	5	60	0	7	1541
Uttarakhand	1693	0	0	20	0	0	1713
Telangana	891	4	4	29	0	0	928
Foreign countries	291	0	0	0	0	0	291
Grand total	89846	98	146	1616	1	180	91887



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Home | Question List | Status of notices of question | Questions Calendar | Grouping of Ministries - Alphabetical | Officers in Min./Dept. Dealing with Parliamentary Work | Question Search | Supplementary Questions

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GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO: 3771

ANSWERED ON: 16.07.2019

Custodial Deaths

Khagen Murmu

Anto Antony

Vinod Kumar Sonkar

K. Subbarayan

Raja Amareshwara Naik

Sukanta Majumdar

Will the Minister HOME AFFAIRS
of

be pleased to state:-

(a) whether there has been an increase in the incidents of custodial deaths in the country;

(b) if so, the details thereof including the total number of such cases reported and persons convicted along with the action taken against the policemen responsible for the said incidents during the last three years, State-wise;

(c) whether the National Human Rights Commission (NHRC) and various State Human Rights Commissions (SHRCs) have received representations/complaints in this regard;

(d) if so, the details and status thereof during the said period, State-wise;

(e) whether the Government is considering the recommendations of the 273rd 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;

(f) whether the Union Government has issued directives to the State Governments and Police Departments in this regard and if so, the details thereof;
and

(g) the steps taken by the Government to curb the menace of custodial deaths in the country?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI G. KISHAN REDDY)

-2/...

▶ Home

▶ Archive

▶ Index to Select Questions (1984-1999)

▶ Ballot List

▶ Statistical Statements Relating to Questions

▶ Uploading of Questions - Status Query

▶ Procedure for Sending Text of Questions & Answers

▶ Demarcation of responsibilities in Govt. of India

▶ Brochure on Statutory Corporations, Companies and Other Bodies in Which the Government of India have financial or controlling interest

-2-

LS.US.Q.NO.3771 FOR 16.07.2019

(a) to (d) : As per information received from National Human Rights Commission, details of cases registered in respect of custodial deaths are given at Annexure. NHRC has recommended disciplinary action against 20 erring public servants during the last three years. No record of the cases of conviction is maintained by the Commission.

(e) & (f) : The 273rd Report of the Law Commission along with the draft Bill was circulated to the State Governments/ UTs for their views. This Ministry has submitted a status report along with comments received from the State Governments to the Supreme Court in a related court case.

(g) : NHRC carried out visits of various prisons from time to time for monitoring the conditions of undertrials and prisoners. NHRC has also made efforts to sensitize officials through workshops, seminars and camps.

Annexure

Statement in respect of part (a) to (d) of Lok Sabha Unstarred Question No. 3771 for 16.07.2019 showing total number of cases registered in respect of Custodial Deaths (Police & Judicial) during the last three years.

No. of deaths registered

Year Police Custody Judicial Custody

2016-17 145 1616

2017-18 146 1636

2018-19 136 1797

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National Crime Records Bureau
Ministry of Home Affairs

CHAPTERS

CHAPTER NO.	TITLE
1	Executive Summary
2	Crimes in Mega Cities
3	Violent Crimes
4	Disposal of cases by Police & Courts
5	Crime Against Women
6	Crime Against Children
7	Crime Against Persons Belonging to SCs / STs
8	Property Stolen and Recovered
9	Economic Offences
10	Juvenile Delinquency
11	Recidivism
12	Arrests and Trials
13	Custodial Crimes
14	Police Firing, Persons Killed & Injured
15	Police Casualties
16	Complaints Against Police Personnel & Human Rights Violation by Them
17	Police Strength, Expenditure and Infrastructure
18	Cyber Crimes
19	Crime in Railways
-	Annexures

TABLE-13.1

Deaths In Police Custody/Lockup During 2005
(Of Persons Remanded To Police Custody By Court)

Sl. No.	State/UT	Number Of						
		Death Reported	Autopsy Conducted	Magisterial Enquiry Ordered/ Conducted	Judicial Enquiry Ordered/ Conducted	Cases Regd. In Connection With Deaths	Police-Men Charge Sheeted	Policemen Convicted
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
STATES:								
1	ANDHRA PRADESH	42	42	0	0	42	0	0
2	ARUNACHAL PRADESH	0	0	0	0	0	0	0
3	ASSAM	0	0	0	0	0	0	0
4	BIHAR	0	0	0	0	0	0	0
5	CHHATTISGARH	0	0	0	0	0	0	0
6	GOA	1	1	1	0	0	0	0
7	GUJARAT	10	3	10	1	2	0	0
8	HARYANA	0	0	0	0	0	0	0
9	HIMACHAL PRADESH	0	0	0	0	0	0	0
10	JAMMU & KASHMIR	0	0	0	0	0	0	0
11	JHARKHAND	0	0	0	0	0	0	0
12	KARNATAKA	2	2	0	0	1	0	0
13	KERALA	0	0	0	0	0	0	0
14	MADHYA PRADESH	0	0	0	0	0	0	0
15	MAHARASHTRA	9	8	1	0	2	0	0
16	MANIPUR	0	0	0	0	0	0	0
17	MEGHALAYA	1	0	1	0	1	0	0
18	MIZORAM	0	0	0	0	0	0	0
19	NAGALAND	0	0	0	0	0	0	0
20	ORISSA	0	0	0	0	0	0	0
21	PUNJAB	0	0	0	0	0	0	0
22	RAJASTHAN	1	1	1	0	0	0	0
23	SIKKIM	0	0	0	0	0	0	0
24	TAMIL NADU	0	0	0	0	0	0	0
25	TRIPURA	0	0	0	0	0	0	0
26	UTTAR PRADESH	0	0	0	0	0	0	0
27	UTTARANCHAL	0	0	0	0	0	0	0
28	WEST BENGAL	1	1	1	0	0	0	0
	TOTAL (STATES)	67	58	15	1	48	0	0
UNION TERRITORIES								
29	A & N ISLANDS	0	0	0	0	0	0	0
30	CHANDIGARH	0	0	0	0	0	0	0
31	D & N HAVELI	0	0	0	0	0	0	0
32	DAMAN & DIU	0	0	0	0	0	0	0
33	DELHI	0	0	0	0	0	0	0
34	LAKSHADWEEP	0	0	0	0	0	0	0
35	PONDICHERRY	0	0	0	0	0	0	0
	TOTAL (UTs)	0	0	0	0	0	0	0
	TOTAL (ALL-INDIA)	67	58	15	1	48	0	0

TABLE-13.2

Deaths In Police Custody / Lockup During 2005
(Of Persons Not Remanded To Police Custody By Court)

Sl. No.	State/UT	Number Of						
		Death Reported	Autopsy Conducted	Magisterial Enquiry Ordered/ Conducted	Judicial Enquiry Ordered/ Conducted	Cases Regd. In Connection With Deaths	Policemen Charge-Sheeted	Policemen Convicted
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
STATES:								
1	ANDHRA PRADESH	11	11	1	0	11	0	0
2	ARUNACHAL PRADESH	0	0	0	0	0	0	0
3	ASSAM	0	0	0	0	0	0	0
4	BIHAR	0	0	0	0	0	0	0
5	CHHATTISGARH	0	0	0	0	0	0	0
6	GOA	0	0	0	0	0	0	0
7	GUJARAT	10	4	10	0	0	0	0
8	HARYANA	0	0	0	0	0	0	0
9	HIMACHAL PRADESH	0	0	0	0	0	0	0
10	JAMMU & KASHMIR	1	1	1	0	0	0	0
11	JHARKHAND	0	0	0	0	0	0	0
12	KARNATAKA	1	0	0	0	0	2	0
13	KERALA	3	3	2	1	3	0	0
14	MADHYA PRADESH	1	1	1	1	1	0	0
15	MAHARASHTRA	8	8	0	0	1	0	0
16	MANIPUR	0	0	0	0	0	0	0
17	MEGHALAYA	0	0	0	0	0	0	0
18	MIZORAM	0	0	0	0	0	0	0
19	NAGALAND	0	0	0	0	0	0	0
20	ORISSA	2	2	2	2	2	0	0
21	PUNJAB	1	1	1	0	1	0	0
22	RAJASTHAN	4	4	4	0	1	1	0
23	SIKKIM	0	0	0	0	0	0	0
24	TAMIL NADU	3	2	2	0	3	0	0
25	TRIPURA	2	2	1	0	2	0	0
26	UTTAR PRADESH	8	8	7	0	8	1	3
27	UTTARANCHAL	0	0	0	0	0	0	0
28	WEST BENGAL	6	6	6	0	0	0	0
	TOTAL (STATES)	61	53	38	4	33	4	3
UNION TERRITORIES								
29	A & N ISLANDS	0	0	0	0	0	0	0
30	CHANDIGARH	0	0	0	0	0	0	0
31	D & N HAVELI	0	0	0	0	0	0	0
32	DAMAN & DIU	0	0	0	0	0	0	0
33	DELHI	0	0	0	0	0	0	0
34	LAKSHADWEEP	0	0	0	0	0	0	0
35	PONDICHERRY	0	0	0	0	0	0	0
	TOTAL (UTs)	0	0	0	0	0	0	0
	TOTAL (ALL-INDIA)	61	53	38	4	33	4	3

CRIME IN INDIA 2006



NATIONAL CRIME RECORDS BUREAU
MINISTRY OF HOME AFFAIRS

CHAPTERS

CHAPTER NO.	TITLE
1	Executive Summary
2	Crimes in Mega Cities
3	Violent Crimes
4	Disposal of cases by Police & Courts
5	Crime Against Women
6	Crime Against Children
6*	Human Trafficking
7	Crime Against Persons Belonging to SCs / STs
8	Property Stolen and Recovered
9	Economic Offences
10	Juvenile Delinquency
11	Recidivism
12	Arrests and Trials
13	Custodial Crimes
14	Police Firing, Persons Killed & Injured
15	Police Casualties
16	Complaints Against Police Personnel & Human Rights Violation by Them
17	Police Strength, Expenditure and Infrastructure
18	Cyber Crimes
19	Crime in Railways
-	Annexures

TABLE-13.1

Deaths In Police Custody/Lockup During 2006
(Of Persons Remanded To Police Custody By Court)

Sl. No.	State/UT	Number Of						
		Death Reported	Autopsy Conducted	Magisterial Enquiry Ordered/ Conducted	Judicial Enquiry Ordered/ Conducted	Cases Regd. In Connection With Deaths	Police-Men Charge Sheeted	Policemen Convicted
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
STATES:								
1	ANDHRA PRADESH	17	17	0	0	17	0	0
2	ARUNACHAL PRADESH	0	0	0	0	0	0	0
3	ASSAM	0	0	0	0	0	0	0
4	BIHAR	0	0	0	0	0	0	0
5	CHHATTISGARH	0	0	0	0	0	0	0
6	GOA	0	0	0	0	0	0	0
7	GUJARAT	1	1	1	0	1	0	0
8	HARYANA	0	0	0	0	0	0	0
9	HIMACHAL PRADESH	0	0	0	0	0	0	0
10	JAMMU & KASHMIR	1	1	1	0	1	0	0
11	JHARKHAND	0	0	0	0	0	0	0
12	KARNATAKA	0	0	0	0	0	0	0
13	KERALA	0	0	0	0	0	0	0
14	MADHYA PRADESH	1	0	0	0	0	1	0
15	MAHARASHTRA	9	9	0	0	1	0	0
16	MANIPUR	0	0	0	0	0	0	0
17	MEGHALAYA	0	0	0	0	0	0	0
18	MIZORAM	0	0	0	0	0	0	0
19	NAGALAND	0	0	0	0	0	0	0
20	ORISSA	0	0	0	0	0	0	0
21	PUNJAB	0	0	0	0	0	0	0
22	RAJASTHAN	2	2	2	0	2	0	0
23	SIKKIM	0	0	0	0	0	0	0
24	TAMIL NADU	2	0	2	0	2	0	0
25	TRIPURA	0	0	0	0	0	0	0
26	UTTAR PRADESH	0	0	0	0	0	0	0
27	UTTARANCHAL	1	1	1	0	0	0	0
28	WEST BENGAL	4	4	4	0	0	0	0
	TOTAL (STATES)	38	35	11	0	24	1	0
UNION TERRITORIES								
29	A & N ISLANDS	0	0	0	0	0	0	0
30	CHANDIGARH	0	0	0	0	0	0	0
31	D & N HAVELI	0	0	0	0	0	0	0
32	DAMAN & DIU	0	0	0	0	0	0	0
33	DELHI	0	0	0	0	0	0	0
34	LAKSHADWEEP	0	0	0	0	0	0	0
35	PONDICHERRY	0	0	0	0	0	0	0
	TOTAL (UTs)	0	0	0	0	0	0	0
	TOTAL (ALL-INDIA)	38	35	11	0	24	1	0

TABLE-13.2

Deaths In Police Custody / Lockup During 2006
(Of Persons Not Remanded To Police Custody By Court)

Sl. No.	State/UT	Number Of						
		Death Reported	Autopsy Conducted	Magisterial Enquiry Ordered/ Conducted	Judicial Enquiry Ordered/ Conducted	Cases Regd. In Connection With Deaths	Policemen Charge-Sheeted	Policemen Convicted
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
STATES:								
1	ANDHRA PRADESH	11	11	0	0	11	0	0
2	ARUNACHAL PRADESH	0	0	0	0	0	0	0
3	ASSAM	0	0	0	0	0	0	0
4	BIHAR	0	0	0	0	0	0	0
5	CHHATTISGARH	1	1	1	0	0	0	0
6	GOA	0	0	0	0	0	0	0
7	GUJARAT	7	2	3	2	1	0	0
8	HARYANA	1	1	0	0	1	0	0
9	HIMACHAL PRADESH	0	0	0	0	0	0	0
10	JAMMU & KASHMIR	0	0	0	0	0	0	0
11	JHARKHAND	0	0	0	0	0	0	0
12	KARNATAKA	2	2	2	0	0	0	0
13	KERALA	1	1	0	0	1	0	0
14	MADHYA PRADESH	1	0	1	0	0	4	4
15	MAHARASHTRA	9	9	0	0	1	0	0
16	MANIPUR	0	0	0	0	0	0	0
17	MEGHALAYA	0	0	0	0	0	0	0
18	MIZORAM	0	0	0	0	0	0	0
19	NAGALAND	0	0	0	0	0	0	0
20	ORISSA	0	0	0	0	0	0	0
21	PUNJAB	0	0	0	0	0	0	0
22	RAJASTHAN	2	2	2	0	1	0	0
23	SIKKIM	0	0	0	0	0	0	0
24	TAMIL NADU	4	0	4	0	4	0	0
25	TRIPURA	1	1	0	0	0	0	0
26	UTTAR PRADESH	6	6	4	0	6	2	7
27	UTTARANCHAL	0	0	0	0	0	0	0
28	WEST BENGAL	4	4	4	0	0	0	0
	TOTAL (STATES)	50	40	21	2	26	6	11
UNION TERRITORIES								
29	A & N ISLANDS	0	0	0	0	0	0	0
30	CHANDIGARH	0	0	0	0	0	0	0
31	D & N HAVELI	0	0	0	0	0	0	0
32	DAMAN & DIU	0	0	0	0	0	0	0
33	DELHI	1	1	1	0	0	0	0
34	LAKSHADWEEP	0	0	0	0	0	0	0
35	PONDICHERRY	0	0	0	0	0	0	0
	TOTAL (UTs)	1	1	1	0	0	0	0
	TOTAL (ALL-INDIA)	51	41	22	2	26	6	11

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2007
(PART-I)

NATIONAL CRIME RECORDS BUREAU
MINISTRY OF HOME AFFAIRS

TABLES

CHAPTER NO.	TITLE
1	Executive Summary
2	Crimes in Mega Cities @
3	Violent Crimes
4	Disposal of cases by Police & Courts
5	Crime Against Women
6	Crime Against Children
6*	Human Trafficking @
7	Crime Against Persons Belonging to SCs / STs
8	Property Stolen and Recovered
9	Economic Offences
10	Juvenile Delinquency
11	Recidivism
12	Arrests and Trials
13	Custodial Crimes
14	Police Firing, Persons Killed & Injured
15	Police Casualties
16	Complaints Against Police Personnel & Human Rights Violation by Them
17	Police Strength, Expenditure and Infrastructure
18	Cyber Crimes
19	Crime in Railways
-	Annexures

@ These Chapters contain no tables

TABLE-13.1

Deaths In Police Custody/Lockup During 2007
(Of Persons Remanded To Police Custody By Court)

Sl. No.	State/UT	Number Of						
		Death Reported	Autopsy Conducted	Magisterial Enquiry Ordered/ Conducted	Judicial Enquiry Ordered/ Conducted	Cases Regd. In Connection With Deaths	Police-Men Charge Sheeted	Policemen Convicted
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
STATES:								
1	ANDHRA PRADESH	18	18	6	0	18	2	0
2	ARUNACHAL PRADESH	0	0	0	0	0	0	0
3	ASSAM	3	3	3	0	3	0	0
4	BIHAR	0	0	0	0	0	0	0
5	CHHATTISGARH	1	1	0	1	1	1	0
6	GOA	0	0	0	0	0	0	0
7	GUJARAT	3	1	2	1	1	0	0
8	HARYANA	0	0	0	0	0	0	0
9	HIMACHAL PRADESH	0	0	0	0	0	0	0
10	JAMMU & KASHMIR	3	3	3	0	3	4	0
11	JHARKHAND	0	0	0	0	0	0	0
12	KARNATAKA	0	0	0	0	0	0	0
13	KERALA	0	0	0	0	0	0	0
14	MADHYA PRADESH	3	0	3	0	3	0	0
15	MAHARASHTRA	18	18	0	0	0	0	0
16	MANIPUR	0	0	0	0	0	0	0
17	MEGHALAYA	2	1	2	0	1	0	0
18	MIZORAM	1	1	1	0	1	0	0
19	NAGALAND	0	0	0	0	0	0	0
20	ORISSA	0	0	0	0	0	0	0
21	PUNJAB	0	0	0	0	0	0	0
22	RAJASTHAN	0	0	0	0	0	0	0
23	SIKKIM	1	1	1	0	0	0	0
24	TAMIL NADU	2	1	2	0	2	0	0
25	TRIPURA	0	0	0	0	0	0	0
26	UTTAR PRADESH	0	0	0	0	0	0	0
27	UTTARAKHAND	0	0	0	0	0	0	0
28	WEST BENGAL	2	2	2	0	0	0	0
	TOTAL (STATES)	57	50	25	2	33	7	0
UNION TERRITORIES:								
29	A & N ISLANDS	0	0	0	0	0	0	0
30	CHANDIGARH	0	0	0	0	0	0	0
31	D & N HAVELI	0	0	0	0	0	0	0
32	DAMAN & DIU	0	0	0	0	0	0	0
33	DELHI	0	0	0	0	0	0	0
34	LAKSHADWEEP	0	0	0	0	0	0	0
35	PUDUCHERRY	0	0	0	0	0	0	0
	TOTAL (UTs)	0	0	0	0	0	0	0
	TOTAL (ALL-INDIA)	57	50	25	2	33	7	0

TABLE-13.2

Deaths In Police Custody / Lockup During 2007
(Of Persons Not Remanded To Police Custody By Court)

Sl. No.	State/UT	Number Of						Policemen Convicted
		Death Reported	Autopsy Conducted	Magisterial Enquiry Ordered/ Conducted	Judicial Enquiry Ordered/ Conducted	Cases Regd. In Connection With Deaths	Policemen Charge-Sheeted	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
STATES:								
1	ANDHRA PRADESH	5	5	1	0	5	0	0
2	ARUNACHAL PRADESH	0	0	0	0	0	0	0
3	ASSAM	0	0	0	0	0	0	0
4	BIHAR	0	0	0	0	0	0	0
5	CHHATTISGARH	1	1	1	1	1	2	0
6	GOA	0	0	0	0	0	0	0
7	GUJARAT	12	7	8	4	1	0	0
8	HARYANA	0	0	0	0	0	0	0
9	HIMACHAL PRADESH	0	0	0	0	0	0	0
10	JAMMU & KASHMIR	1	1	1	0	1	0	0
11	JHARKHAND	0	0	0	0	0	0	0
12	KARNATAKA	0	0	0	0	0	0	0
13	KERALA	0	0	0	0	0	0	0
14	MADHYA PRADESH	8	3	4	4	4	6	0
15	MAHARASHTRA	8	8	0	0	0	0	0
16	MANIPUR	0	0	0	0	0	0	0
17	MEGHALAYA	0	0	0	0	0	0	0
18	MIZORAM	0	0	0	0	0	0	0
19	NAGALAND	3	3	0	1	1	0	0
20	ORISSA	0	0	0	0	0	0	0
21	PUNJAB	0	0	0	0	0	0	0
22	RAJASTHAN	2	2	2	0	1	0	0
23	SIKKIM	0	0	0	0	0	0	0
24	TAMIL NADU	0	0	0	0	0	0	0
25	TRIPURA	0	0	0	0	0	0	0
26	UTTAR PRADESH	11	11	9	0	9	19	0
27	UTTARAKHAND	0	0	0	0	0	0	0
28	WEST BENGAL	8	8	8	0	0	0	0
	TOTAL (STATES)	59	49	34	10	23	27	0
UNION TERRITORIES:								
29	A & N ISLANDS	0	0	0	0	0	0	0
30	CHANDIGARH	1	1	1	0	1	1	0
31	D & N HAVELI	1	1	1	0	0	0	0
32	DAMAN & DIU	0	0	0	0	0	0	0
33	DELHI	0	0	0	0	0	0	0
34	LAKSHADWEEP	0	0	0	0	0	0	0
35	PUDUCHERRY	0	0	0	0	0	0	0
	TOTAL (UTs)	2	2	2	0	1	1	0
	TOTAL (ALL-INDIA)	61	51	36	10	24	28	0

CRIME

IN

INDIA

2008

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Tables
Chapter

13

Custodial Crimes

TABLE-13.1

Deaths In Police Custody/Lockup During 2008
(Of Persons Remanded To Police Custody By Court)

Sl. No.	State/UT	Number Of						
		Death Reported	Autopsy Conducted	Magisterial Enquiry Ordered/ Conducted	Judicial Enquiry Ordered/ Conducted	Cases Regd. In Connection With Deaths	Police-Men Charge Sheeted	Policemen Convicted
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
STATES:								
1	ANDHRA PRADESH	10	10	10	0	10	0	0
2	ARUNACHAL PRADESH	3	3	3	0	3	0	0
3	ASSAM	2	2	2	0	2	0	0
4	BIHAR	0	0	0	0	0	0	0
5	CHHATTISGARH	0	0	0	0	0	0	0
6	GOA	0	0	0	0	0	0	0
7	GUJARAT	9	9	2	7	2	1	0
8	HARYANA	2	2	0	2	2	0	0
9	HIMACHAL PRADESH	0	0	0	0	0	0	0
10	JAMMU & KASHMIR	0	0	0	0	0	0	0
11	JHARKHAND	0	0	0	0	0	0	0
12	KARNATAKA	2	2	0	0	2	2	0
13	KERALA	0	0	0	0	0	0	0
14	MADHYA PRADESH	0	0	0	0	0	0	0
15	MAHARASHTRA	10	10	1	0	1	0	0
16	MANIPUR	0	0	0	0	0	0	0
17	MEGHALAYA	1	1	1	0	0	0	0
18	MIZORAM	0	0	0	0	0	0	0
19	NAGALAND	0	0	0	0	0	0	0
20	ORISSA	0	0	0	0	0	0	0
21	PUNJAB	0	0	0	0	0	0	0
22	RAJASTHAN	1	1	1	0	0	0	0
23	SIKKIM	0	0	0	0	0	0	0
24	TAMIL NADU	0	0	0	0	0	0	0
25	TRIPURA	0	0	0	0	0	0	0
26	UTTAR PRADESH	0	0	0	0	0	0	0
27	UTTARAKHAND	0	0	0	0	0	0	0
28	WEST BENGAL	0	0	0	0	0	0	0
TOTAL (STATES)		40	40	20	9	22	3	0
UNION TERRITORIES:								
29	A & N ISLANDS	0	0	0	0	0	0	0
30	CHANDIGARH	0	0	0	0	0	0	0
31	D & N HAVELI	0	0	0	0	0	0	0
32	DAMAN & DIU	0	0	0	0	0	0	0
33	DELHI	0	0	0	0	0	0	0
34	LAKSHADWEEP	0	0	0	0	0	0	0
35	PUDUCHERRY	0	0	0	0	0	0	0
TOTAL (UTs)		0	0	0	0	0	0	0
TOTAL (ALL-INDIA)		40	40	20	9	22	3	0

TABLE-13.2

Deaths In Police Custody / Lockup During 2008
(Of Persons Not Remanded To Police Custody By Court)

Sl. No.	State/UT	Number Of						Policemen Convicted
		Death Reported	Autopsy Conducted	Magisterial Enquiry Ordered/ Conducted	Judicial Enquiry Ordered/ Conducted	Cases Regd. In Connection With Deaths	Policemen Charge-Sheeted	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
STATES:								
1	ANDHRA PRADESH	7	7	4	1	7	2	0
2	ARUNACHAL PRADESH	0	0	0	0	0	0	0
3	ASSAM	0	0	0	0	0	0	0
4	BIHAR	0	0	0	0	0	0	0
5	CHHATTISGARH	0	0	0	0	0	0	0
6	GOA	0	0	0	0	0	0	0
7	GUJARAT	13	13	5	6	1	1	0
8	HARYANA	0	0	0	0	0	0	0
9	HIMACHAL PRADESH	0	0	0	0	0	0	0
10	JAMMU & KASHMIR	1	1	1	0	1	0	0
11	JHARKHAND	0	0	0	0	0	0	0
12	KARNATAKA	1	1	1	0	1	7	0
13	KERALA	0	0	0	0	0	0	0
14	MADHYA PRADESH	4	1	2	1	0	0	0
15	MAHARASHTRA	21	21	4	0	4	0	0
16	MANIPUR	0	0	0	0	0	0	0
17	MEGHALAYA	0	0	0	0	0	0	0
18	MIZORAM	1	1	1	0	1	0	0
19	NAGALAND	0	0	0	0	0	0	0
20	ORISSA	1	1	1	0	1	0	0
21	PUNJAB	2	2	2	1	0	0	0
22	RAJASTHAN	3	3	3	0	0	0	0
23	SIKKIM	0	0	0	0	0	0	0
24	TAMIL NADU	1	1	1	0	1	0	0
25	TRIPURA	0	0	0	0	0	0	0
26	UTTAR PRADESH	5	5	5	0	5	16	0
27	UTTARAKHAND	0	0	0	0	0	0	0
28	WEST BENGAL	0	0	0	0	0	0	0
	TOTAL (STATES)	60	57	30	9	22	26	0
UNION TERRITORIES:								
29	A & N ISLANDS	0	0	0	0	0	0	0
30	CHANDIGARH	1	1	0	0	0	0	0
31	D & N HAVELI	0	0	0	0	0	0	0
32	DAMAN & DIU	0	0	0	0	0	0	0
33	DELHI	0	0	0	0	0	0	0
34	LAKSHADWEEP	0	0	0	0	0	0	0
35	PUDUCHERRY	0	0	0	0	0	0	0
	TOTAL (UTs)	1	1	0	0	0	0	0
	TOTAL (ALL-INDIA)	61	58	30	9	22	26	0

CRIME IN INDIA



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Tables
Chapter

13

Custodial Crimes

TABLE-13.1

Deaths In Police Custody/Lockup During 2009
(Of Persons Remanded To Police Custody By Court)

Sl. No.	State/UT	Number Of						
		Death Reported	Autopsy Conducted	Magisterial Enquiry Ordered/ Conducted	Judicial Enquiry Ordered/ Conducted	Cases Regd. In Connection With Deaths	Police-Men Charge Sheeted	Policemen Convicted
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
STATES:								
1	ANDHRA PRADESH	4	4	4	0	4	0	0
2	ARUNACHAL PRADESH	0	0	0	0	0	0	0
3	ASSAM	7	7	7	0	7	0	0
4	BIHAR	0	0	0	0	0	0	0
5	CHHATTISGARH	1	1	0	1	1	0	0
6	GOA	0	0	0	0	0	0	0
7	GUJARAT	2	2	0	1	1	0	0
8	HARYANA	3	3	0	3	3	0	0
9	HIMACHAL PRADESH	1	1	0	1	1	0	0
10	JAMMU & KASHMIR	0	0	0	0	0	0	0
11	JHARKHAND	0	0	0	0	0	0	0
12	KARNATAKA	0	0	0	0	0	0	0
13	KERALA	0	0	0	0	0	0	0
14	MADHYA PRADESH	1	1	1	1	0	0	0
15	MAHARASHTRA	0	0	0	0	0	0	0
16	MANIPUR	0	0	0	0	0	0	0
17	MEGHALAYA	0	0	0	0	0	0	0
18	MIZORAM	0	0	0	0	0	0	0
19	NAGALAND	0	0	0	0	0	0	0
20	ORISSA	0	0	0	0	0	0	0
21	PUNJAB	0	0	0	0	0	0	0
22	RAJASTHAN	1	1	1	0	1	0	0
23	SIKKIM	0	0	0	0	0	0	0
24	TAMIL NADU	0	0	0	0	0	0	0
25	TRIPURA	0	0	0	0	0	0	0
26	UTTAR PRADESH	0	0	0	0	0	0	0
27	UTTARAKHAND	0	0	0	0	0	0	0
28	WEST BENGAL	4	4	4	0	4	0	0
	TOTAL (STATES)	24	24	17	7	22	0	0
UNION TERRITORIES:								
29	A & N ISLANDS	0	0	0	0	0	0	0
30	CHANDIGARH	0	0	0	0	0	0	0
31	D & N HAVELI	1	1	1	0	0	0	0
32	DAMAN & DIU	0	0	0	0	0	0	0
33	DELHI	0	0	0	0	0	0	0
34	LAKSHADWEEP	0	0	0	0	0	0	0
35	PUDUCHERRY	0	0	0	0	0	0	0
	TOTAL (UTs)	1	1	1	0	0	0	0
	TOTAL (ALL-INDIA)	25	25	18	7	22	0	0

TABLE-13.2

Deaths In Police Custody / Lockup During 2009
(Of Persons Not Remanded To Police Custody By Court)

Sl. No.	State/UT	Number Of						
		Death Reported	Autopsy Conducted	Magisterial Enquiry Ordered/ Conducted	Judicial Enquiry Ordered/ Conducted	Cases Regd. In Connection With Deaths	Policemen Charge-Sheeted	Policemen Convicted
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
STATES:								
1	ANDHRA PRADESH	2	2	2	0	2	0	0
2	ARUNACHAL PRADESH	0	0	0	0	0	0	0
3	ASSAM	0	0	0	0	0	0	0
4	BIHAR	0	0	0	0	0	0	0
5	CHHATTISGARH	1	1	0	1	1	0	0
6	GOA	0	0	0	0	0	0	0
7	GUJARAT	4	3	0	4	1	1	0
8	HARYANA	0	0	0	0	0	0	0
9	HIMACHAL PRADESH	0	0	0	0	0	0	0
10	JAMMU & KASHMIR	0	0	0	0	0	0	0
11	JHARKHAND	0	0	0	0	0	0	0
12	KARNATAKA	1	1	0	0	1	6	0
13	KERALA	0	0	0	0	0	0	0
14	MADHYA PRADESH	9	9	3	6	2	0	0
15	MAHARASHTRA	18	18	5	1	1	0	0
16	MANIPUR	0	0	0	0	0	0	0
17	MEGHALAYA	1	1	1	0	1	0	0
18	MIZORAM	1	1	0	0	1	0	0
19	NAGALAND	0	0	0	0	0	0	0
20	ORISSA	2	2	2	0	2	1	0
21	PUNJAB	4	4	2	2	1	0	0
22	RAJASTHAN	2	2	2	0	1	0	0
23	SIKKIM	0	0	0	0	0	0	0
24	TAMIL NADU	5	5	5	3	1	0	0
25	TRIPURA	0	0	0	0	0	0	0
26	UTTAR PRADESH	6	6	6	0	6	4	4
27	UTTARAKHAND	0	0	0	0	0	0	0
28	WEST BENGAL	2	2	2	0	2	0	0
	TOTAL (STATES)	58	57	30	17	23	12	4
UNION TERRITORIES:								
29	A & N ISLANDS	0	0	0	0	0	0	0
30	CHANDIGARH	1	1	1	1	0	0	0
31	D & N HAVELI	0	0	0	0	0	0	0
32	DAMAN & DIU	0	0	0	0	0	0	0
33	DELHI	0	0	0	0	0	0	0
34	LAKSHADWEEP	0	0	0	0	0	0	0
35	PUDUCHERRY	0	0	0	0	0	0	0
	TOTAL (UTs)	1	1	1	1	0	0	0
	TOTAL (ALL-INDIA)	59	58	31	18	23	12	4

2010
STATISTICS

Page 148

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Tables
Chapter

13

Custodial Crimes

TABLE-13.1

Deaths In Police Custody/Lockup During 2010
(Of Persons Remanded To Police Custody By Court)

Sl. No.	State/UT	Number Of						
		Death Reported	Autopsy Conducted	Magisterial Enquiry Ordered/ Conducted	Judicial Enquiry Ordered/ Conducted	Cases Regd. In Connection With Deaths	Police-Men Charge Sheeted	Policemen Convicted
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
STATES:								
1	ANDHRA PRADESH	5	4	4	1	5	1	0
2	ARUNACHAL PRADESH	1	0	1	0	1	0	0
3	ASSAM	3	3	3	0	3	0	0
4	BIHAR	0	0	0	0	0	0	0
5	CHHATTISGARH	0	0	0	0	0	0	0
6	GOA	0	0	0	0	0	0	0
7	GUJARAT	3	3	3	2	0	0	0
8	HARYANA	0	0	0	0	0	0	0
9	HIMACHAL PRADESH	1	1	0	1	0	0	0
10	JAMMU & KASHMIR	0	0	0	0	0	0	0
11	JHARKHAND	0	0	0	0	0	0	0
12	KARNATAKA	1	1	0	1	0	0	0
13	KERALA	0	0	0	0	0	0	0
14	MADHYA PRADESH	0	0	0	0	0	0	0
15	MAHARASHTRA	5	5	1	0	0	0	0
16	MANIPUR	0	0	0	0	0	0	0
17	MEGHALAYA	0	0	0	0	0	0	0
18	MIZORAM	0	0	0	0	0	0	0
19	NAGALAND	1	1	0	1	1	0	0
20	ODISHA	1	1	1	0	1	0	0
21	PUNJAB	0	0	0	0	0	0	0
22	RAJASTHAN	1	1	0	1	1	0	0
23	SIKKIM	0	0	0	0	0	0	0
24	TAMIL NADU	1	1	1	0	1	0	0
25	TRIPURA	1	1	1	0	1	0	0
26	UTTAR PRADESH	0	0	0	0	0	0	0
27	UTTARAKHAND	0	0	0	0	0	0	0
28	WEST BENGAL	1	1	1	0	1	0	0
TOTAL (STATES)		25	23	16	7	15	1	0
UNION TERRITORIES:								
29	A & N ISLANDS	0	0	0	0	0	0	0
30	CHANDIGARH	0	0	0	0	0	0	0
31	D & N HAVELI	0	0	0	0	0	0	0
32	DAMAN & DIU	0	0	0	0	0	0	0
33	DELHI	0	0	0	0	0	0	0
34	LAKSHADWEEP	0	0	0	0	0	0	0
35	PUDUCHERRY	0	0	0	0	0	0	0
TOTAL (UTs)		0	0	0	0	0	0	0
TOTAL (ALL-INDIA)		25	23	16	7	15	1	0

TABLE-13.2

**Deaths In Police Custody / Lockup During 2010
(Of Persons Not Remanded To Police Custody By Court)**

Sl. No.	State/UT	Number Of						Policemen Convicted
		Death Reported	Autopsy Conducted	Magisterial Enquiry Ordered/ Conducted	Judicial Enquiry Ordered/ Conducted	Cases Regd. In Connection With Deaths	Policemen Charge-Sheeted	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
STATES:								
1	ANDHRA PRADESH	4	3	4	2	4	1	0
2	ARUNACHAL PRADESH	0	0	0	0	0	0	0
3	ASSAM	0	0	0	0	0	0	0
4	BIHAR	0	0	0	0	0	0	0
5	CHHATTISGARH	0	0	0	0	0	0	0
6	GOA	0	0	0	0	0	0	0
7	GUJARAT	3	3	1	2	1	4	0
8	HARYANA	0	0	0	0	0	0	0
9	HIMACHAL PRADESH	0	0	0	0	0	0	0
10	JAMMU & KASHMIR	2	2	1	1	1	0	0
11	JHARKHAND	0	0	0	0	0	0	0
12	KARNATAKA	0	0	0	0	0	0	0
13	KERALA	1	1	1	0	1	0	0
14	MADHYA PRADESH	2	2	0	2	1	0	0
15	MAHARASHTRA	18	18	0	0	3	0	0
16	MANIPUR	0	0	0	0	0	0	0
17	MEGHALAYA	0	0	0	0	0	0	0
18	MIZORAM	0	0	0	0	0	0	0
19	NAGALAND	1	1	0	1	1	0	0
20	ODISHA	0	0	0	0	0	0	0
21	PUNJAB	2	2	2	0	0	0	0
22	RAJASTHAN	0	0	0	0	0	0	0
23	SIKKIM	0	0	0	0	0	0	0
24	TAMIL NADU	1	1	1	0	1	0	0
25	TRIPURA	0	0	0	0	0	0	0
26	UTTAR PRADESH	9	9	8	1	8	19	3
27	UTTARAKHAND	0	0	0	0	0	0	0
28	WEST BENGAL	2	2	2	0	2	0	0
	TOTAL (STATES)	45	44	20	9	23	24	3
UNION TERRITORIES:								
29	A & N ISLANDS	0	0	0	0	0	0	0
30	CHANDIGARH	0	0	0	0	0	0	0
31	D & N HAVELI	0	0	0	0	0	0	0
32	DAMAN & DIU	0	0	0	0	0	0	0
33	DELHI	0	0	0	0	0	0	0
34	LAKSHADWEEP	0	0	0	0	0	0	0
35	PUDUCHERRY	0	0	0	0	0	0	0
	TOTAL (UTs)	0	0	0	0	0	0	0
	TOTAL (ALL-INDIA)	45	44	20	9	23	24	3

CRIME IN INDIA



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Tables
Chapter

13

Custodial Crimes

TABLE-13.1

Deaths In Police Custody/Lockup During 2011
(Of Persons Remanded To Police Custody By Court)

Sl. No.	State/UT	Number Of						
		Death Reported	Autopsy Conducted	Magisterial Enquiry Ordered/ Conducted	Judicial Enquiry Ordered/ Conducted	Cases Regd. In Connection With Deaths	Police-Men Charge Sheeted	Policemen Convicted
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
STATES:								
1	ANDHRA PRADESH	11	11	5	5	10	0	0
2	ARUNACHAL PRADESH	1	1	1	0	1	0	0
3	ASSAM	0	0	0	0	0	0	0
4	BIHAR	1	1	0	1	1	0	0
5	CHHATTISGARH	1	1	0	1	1	0	0
6	GOA	1	1	1	0	0	0	0
7	GUJARAT	1	1	1	0	0	0	0
8	HARYANA	0	0	0	0	0	0	0
9	HIMACHAL PRADESH	2	2	0	1	2	0	0
10	JAMMU & KASHMIR	1	1	1	0	1	1	0
11	JHARKHAND	1	1	0	0	1	0	0
12	KARNATAKA	0	0	0	0	0	0	0
13	KERALA	0	0	0	0	0	0	0
14	MADHYA PRADESH	4	4	3	1	0	0	0
15	MAHARASHTRA	3	3	2	0	1	0	0
16	MANIPUR	0	0	0	0	0	0	0
17	MEGHALAYA	0	0	0	0	0	0	0
18	MIZORAM	0	0	0	0	0	0	0
19	NAGALAND	0	0	0	0	0	0	0
20	ODISHA	0	0	0	0	0	0	0
21	PUNJAB	0	0	0	0	0	0	0
22	RAJASTHAN	1	1	1	0	1	4	0
23	SIKKIM	0	0	0	0	0	0	0
24	TAMIL NADU	0	0	0	0	0	0	0
25	TRIPURA	0	0	0	0	0	0	0
26	UTTAR PRADESH	0	0	0	0	0	0	0
27	UTTARAKHAND	1	1	0	1	1	0	0
28	WEST BENGAL	0	0	0	0	0	0	0
	TOTAL (STATES)	29	29	15	10	20	5	0
UNION TERRITORIES:								
29	A & N ISLANDS	0	0	0	0	0	0	0
30	CHANDIGARH	0	0	0	0	0	0	0
31	D & N HAVELI	0	0	0	0	0	0	0
32	DAMAN & DIU	0	0	0	0	0	0	0
33	DELHI	0	0	0	0	0	0	0
34	LAKSHADWEEP	0	0	0	0	0	0	0
35	PUDUCHERRY	0	0	0	0	0	0	0
	TOTAL (UTs)	0	0	0	0	0	0	0
	TOTAL (ALL-INDIA)	29	29	15	10	20	5	0

TABLE-13.2

**Deaths In Police Custody / Lockup During 2011
(Of Persons Not Remanded To Police Custody By Court)**

Sl. No.	State/UT	Number Of						Policemen Convicted
		Death Reported	Autopsy Conducted	Magisterial Enquiry Ordered/ Conducted	Judicial Enquiry Ordered/ Conducted	Cases Regd. In Connection With Deaths	Policemen Charge-Sheeted	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
STATES:								
1	ANDHRA PRADESH	6	6	3	3	6	0	0
2	ARUNACHAL PRADESH	0	0	0	0	0	0	0
3	ASSAM	0	0	0	0	0	0	0
4	BIHAR	0	0	0	0	0	0	0
5	CHHATTISGARH	0	0	0	0	0	0	0
6	GOA	1	1	0	0	1	0	0
7	GUJARAT	7	7	0	6	0	0	0
8	HARYANA	0	0	0	0	0	0	0
9	HIMACHAL PRADESH	0	0	0	0	0	0	0
10	JAMMU & KASHMIR	0	0	0	0	0	0	0
11	JHARKHAND	0	0	0	0	0	0	0
12	KARNATAKA	0	0	0	0	0	0	0
13	KERALA	0	0	0	0	0	0	0
14	MADHYA PRADESH	4	3	2	2	1	0	0
15	MAHARASHTRA	32	32	3	2	4	0	0
16	MANIPUR	0	0	0	0	0	0	0
17	MEGHALAYA	0	0	0	0	0	0	0
18	MIZORAM	1	1	0	1	1	0	0
19	NAGALAND	0	0	0	0	0	0	0
20	ODISHA	1	1	0	0	1	0	0
21	PUNJAB	5	5	5	0	2	3	0
22	RAJASTHAN	1	1	1	1	1	0	0
23	SIKKIM	0	0	0	0	0	0	0
24	TAMIL NADU	6	6	0	6	6	0	0
25	TRIPURA	0	0	0	0	0	0	0
26	UTTAR PRADESH	9	9	8	1	9	6	0
27	UTTARAKHAND	0	0	0	0	0	0	0
28	WEST BENGAL	1	1	1	0	0	0	0
	TOTAL (STATES)	74	73	23	22	32	9	0
UNION TERRITORIES:								
29	A & N ISLANDS	0	0	0	0	0	0	0
30	CHANDIGARH	0	0	0	0	0	0	0
31	D & N HAVELI	0	0	0	0	0	0	0
32	DAMAN & DIU	0	0	0	0	0	0	0
33	DELHI	0	0	0	0	0	0	0
34	LAKSHADWEEP	0	0	0	0	0	0	0
35	PUDUCHERRY	1	1	1	0	0	0	0
	TOTAL (UTs)	1	1	1	0	0	0	0
	TOTAL (ALL-INDIA)	75	74	24	22	32	9	0

Crime in India 2012 Statistics



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Tables
Chapter

13

Custodial Crimes

TABLE-13.1

Deaths In Police Custody/Lockup During 2012
(Of Persons Remanded To Police Custody By Court)

Sl. No.	State/UT	Number Of						
		Deaths Reported	Autopsy Conducted	Magisterial Enquiry Ordered/ Conducted	Judicial Enquiry Ordered/ Conducted	Cases Regd. In Connection With Deaths	Policemen Charge Sheeted	Policemen Convicted
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
STATES:								
1	ANDHRA PRADESH	5	5	2	0	2	0	0
2	ARUNACHAL PRADESH	2	2	2	0	2	0	0
3	ASSAM	11	11	11	0	11	0	0
4	BIHAR	0	0	0	0	0	0	0
5	CHHATTISGARH	2	2	1	1	1	0	0
6	GOA	1	1	0	1	0	0	0
7	GUJARAT	1	1	0	1	0	0	0
8	HARYANA	1	1	0	0	1	0	0
9	HIMACHAL PRADESH	1	1	0	1	1	1	0
10	JAMMU & KASHMIR	0	0	0	0	0	0	0
11	JHARKHAND	2	1	0	2	2	0	0
12	KARNATAKA	1	1	1	0	1	0	0
13	KERALA	0	0	0	0	0	0	0
14	MADHYA PRADESH	3	3	3	0	1	0	0
15	MAHARASHTRA	4	4	1	0	0	0	0
16	MANIPUR	0	0	0	0	0	0	0
17	MEGHALAYA	0	0	0	0	0	0	0
18	MIZORAM	0	0	0	0	0	0	0
19	NAGALAND	0	0	0	0	0	0	0
20	ODISHA	3	3	3	0	3	0	0
21	PUNJAB	1	1	1	0	1	0	0
22	RAJASTHAN	0	0	0	0	0	0	0
23	SIKKIM	0	0	0	0	0	0	0
24	TAMIL NADU	0	0	0	0	0	0	0
25	TRIPURA	0	0	0	0	0	0	0
26	UTTAR PRADESH	0	0	0	0	0	0	0
27	UTTARAKHAND	0	0	0	0	0	0	0
28	WEST BENGAL	0	0	0	0	0	0	0
TOTAL (STATES)		38	37	25	6	26	1	0
UNION TERRITORIES:								
29	A & N ISLANDS	0	0	0	0	0	0	0
30	CHANDIGARH	0	0	0	0	0	0	0
31	D & N HAVELI	0	0	0	0	0	0	0
32	DAMAN & DIU	0	0	0	0	0	0	0
33	DELHI	0	0	0	0	0	0	0
34	LAKSHADWEEP	0	0	0	0	0	0	0
35	PUDUCHERRY	0	0	0	0	0	0	0
TOTAL (UTs)		0	0	0	0	0	0	0
TOTAL (ALL-INDIA)		38	37	25	6	26	1	0

TABLE-13.2

Deaths In Police Custody / Lockup During 2012
(Of Persons Not Remanded To Police Custody By Court)

Sl. No.	State/UT	Number Of						
		Deaths Reported	Autopsy Conducted	Magisterial Enquiry Ordered/ Conducted	Judicial Enquiry Ordered/ Conducted	Cases Regd. In Connection With Deaths	Policemen Charge-Sheeted	Policemen Convicted
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
STATES:								
1	ANDHRA PRADESH	6	6	5	2	3	0	0
2	ARUNACHAL PRADESH	0	0	0	0	0	0	0
3	ASSAM	0	0	0	0	0	0	0
4	BIHAR	2	2	2	0	2	2	0
5	CHHATTISGARH	0	0	0	0	0	0	0
6	GOA	0	0	0	0	0	0	0
7	GUJARAT	18	18	5	12	2	0	0
8	HARYANA	0	0	0	0	0	0	0
9	HIMACHAL PRADESH	0	0	0	0	0	0	0
10	JAMMU & KASHMIR	1	1	1	0	1	0	0
11	JHARKHAND	0	0	0	0	0	0	0
12	KARNATAKA	0	0	0	0	0	0	0
13	KERALA	0	0	0	0	0	0	0
14	MADHYA PRADESH	1	1	1	0	0	0	0
15	MAHARASHTRA	20	20	3	0	0	0	0
16	MANIPUR	0	0	0	0	0	0	0
17	MEGHALAYA	0	0	0	0	0	0	0
18	MIZORAM	0	0	0	0	0	0	0
19	NAGALAND	0	0	0	0	0	0	0
20	ODISHA	0	0	0	0	0	0	0
21	PUNJAB	2	2	2	0	1	4	0
22	RAJASTHAN	1	0	1	0	1	0	0
23	SIKKIM	0	0	0	0	0	0	0
24	TAMIL NADU	7	7	0	7	7	0	0
25	TRIPURA	0	0	0	0	0	0	0
26	UTTAR PRADESH	12	12	10	0	12	0	0
27	UTTARAKHAND	0	0	0	0	0	0	0
28	WEST BENGAL	1	1	1	0	1	0	0
TOTAL (STATES)		71	70	31	21	30	6	0
UNION TERRITORIES:								
29	A & N ISLANDS	0	0	0	0	0	0	0
30	CHANDIGARH	0	0	0	0	0	0	0
31	D & N HAVELI	0	0	0	0	0	0	0
32	DAMAN & DIU	0	0	0	0	0	0	0
33	DELHI	0	0	0	0	0	0	0
34	LAKSHADWEEP	0	0	0	0	0	0	0
35	PUDUCHERRY	0	0	0	0	0	0	0
TOTAL (UTs)		0	0	0	0	0	0	0
TOTAL (ALL-INDIA)		71	70	31	21	30	6	0

Crime in India 2013 Statistics



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**Tables
Chapter**

13

Custodial Crimes

TABLE-13.1

**Deaths In Police Custody/Lockup During 2013
(Of Persons Remanded To Police Custody By Court)**

Sl. No.	State/UT	Number Of						
		Deaths Reported	Autopsy Conducted	Magisterial Enquiry Ordered/ Conducted	Judicial Enquiry Ordered/ Conducted	Cases Regd. In Connection With Deaths	Policemen Charge Sheeted	Policemen Convicted
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
STATES:								
1	ANDHRA PRADESH	3	3	0	3	3	0	0
2	ARUNACHAL PRADESH	2	2	2	0	2	0	0
3	ASSAM	4	4	4	0	4	0	0
4	BIHAR	0	0	0	0	0	0	0
5	CHHATTISGARH	1	1	1	1	1	0	0
6	GOA	0	0	0	0	0	0	0
7	GUJARAT	0	0	0	0	0	0	0
8	HARYANA	0	0	0	0	0	0	0
9	HIMACHAL PRADESH	1	1	0	1	1	0	0
10	JAMMU & KASHMIR	0	0	0	0	0	0	0
11	JHARKHAND	0	0	0	0	0	0	0
12	KARNATAKA	0	0	0	0	0	0	0
13	KERALA	6	6	0	0	0	0	0
14	MADHYA PRADESH	0	0	0	0	0	0	0
15	MAHARASHTRA	1	1	1	0	0	0	0
16	MANIPUR	0	0	0	0	0	0	0
17	MEGHALAYA	2	2	2	1	1	0	0
18	MIZORAM	0	0	0	0	0	0	0
19	NAGALAND	0	0	0	0	0	0	0
20	ODISHA	0	0	0	0	0	0	0
21	PUNJAB	0	0	0	0	0	0	0
22	RAJASTHAN	0	0	0	0	0	0	0
23	SIKKIM	0	0	0	0	0	0	0
24	TAMIL NADU	0	0	0	0	0	0	0
25	TRIPURA	0	0	0	0	0	0	0
26	UTTAR PRADESH	1	1	1	0	1	0	0
27	UTTARAKHAND	0	0	0	0	0	0	0
28	WEST BENGAL	0	0	0	0	0	0	0
TOTAL (STATES)		21	21	11	6	13	0	0
UNION TERRITORIES:								
29	A & N ISLANDS	0	0	0	0	0	0	0
30	CHANDIGARH	0	0	0	0	0	0	0
31	D & N HAVELI	0	0	0	0	0	0	0
32	DAMAN & DIU	0	0	0	0	0	0	0
33	DELHI	0	0	0	0	0	0	0
34	LAKSHADWEEP	0	0	0	0	0	0	0
35	PUDUCHERRY	0	0	0	0	0	0	0
TOTAL (UTs)		0	0	0	0	0	0	0
TOTAL (ALL-INDIA)		21	21	11	6	13	0	0

TABLE-13.2

**Deaths In Police Custody / Lockup During 2013
(Of Persons Not Remanded To Police Custody By Court)**

Sl. No.	State/UT	Number Of						
		Deaths Reported	Autopsy Conducted	Magisterial Enquiry Ordered/ Conducted	Judicial Enquiry Ordered/ Conducted	Cases Regd. In Connection With Deaths	Policemen Charge-Sheeted	Policemen Convicted
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
STATES:								
1	ANDHRA PRADESH	3	3	3	1	2	0	0
2	ARUNACHAL PRADESH	0	0	0	0	0	0	0
3	ASSAM	0	0	0	0	0	0	0
4	BIHAR	0	0	0	0	0	0	0
5	CHHATTISGARH	1	1	1	1	1	0	0
6	GOA	0	0	0	0	0	0	0
7	GUJARAT	13	13	6	6	2	1	0
8	HARYANA	1	1	1	0	1	0	0
9	HIMACHAL PRADESH	0	0	0	0	0	0	0
10	JAMMU & KASHMIR	0	0	0	0	0	0	0
11	JHARKHAND	0	0	0	0	0	0	0
12	KARNATAKA	0	0	0	0	0	0	0
13	KERALA	0	0	0	0	0	0	0
14	MADHYA PRADESH	5	5	1	4	0	0	0
15	MAHARASHTRA	34	34	4	0	2	0	0
16	MANIPUR	1	1	1	0	1	0	0
17	MEGHALAYA	0	0	0	0	0	0	0
18	MIZORAM	1	0	1	0	1	0	0
19	NAGALAND	0	0	0	0	0	0	0
20	ODISHA	1	1	1	0	1	0	0
21	PUNJAB	1	1	0	1	1	0	0
22	RAJASTHAN	1	1	1	1	1	0	0
23	SIKKIM	0	0	0	0	0	0	0
24	TAMIL NADU	15	15	0	15	15	0	0
25	TRIPURA	0	0	0	0	0	0	0
26	UTTAR PRADESH	14	14	13	0	14	0	0
27	UTTARAKHAND	0	0	0	0	0	0	0
28	WEST BENGAL	6	6	5	1	6	0	0
TOTAL (STATES)		97	96	38	30	48	1	0
UNION TERRITORIES:								
29	A & N ISLANDS	0	0	0	0	0	0	0
30	CHANDIGARH	0	0	0	0	0	0	0
31	D & N HAVELI	0	0	0	0	0	0	0
32	DAMAN & DIU	0	0	0	0	0	0	0
33	DELHI	0	0	0	0	0	0	0
34	LAKSHADWEEP	0	0	0	0	0	0	0
35	PUDUCHERRY	0	0	0	0	0	0	0
TOTAL (UTs)		0	0	0	0	0	0	0
TOTAL (ALL-INDIA)		97	96	38	30	48	1	0

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TABLE 13.1

Deaths in Police Custody/Lockup (of Persons Remanded To Police Custody by Court) During 2014

S.No.	State/UT	Number of						
		Death or Disappearance Reported	Autopsy Conducted	Judicial Enquiry Ordered	Judicial Enquiry Conducted	Cases Regd. Against police personnel In Connection With Deaths	Police-Men Charge-Sheeted	Policemen Convicted
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
STATES:								
1	Andhra Pradesh	16	16	7	7	0	0	0
2	Arunachal Pradesh	0	0	0	0	0	0	0
3	Assam	0	0	0	0	0	0	0
4	Bihar	1	1	0	0	0	0	0
5	Chhattisgarh	0	0	0	0	0	0	0
6	Goa	0	0	0	0	0	0	0
7	Gujarat	1	1	1	1	0	0	0
8	Haryana	0	0	0	0	0	0	0
9	Himachal Pradesh	0	0	0	0	0	0	0
10	Jammu & Kashmir	0	0	0	0	0	0	0
11	Jharkhand	1	1	0	0	0	0	0
12	Karnataka	0	0	0	0	0	0	0
13	Kerala	1	0	0	0	0	0	0
14	Madhya Pradesh	1	1	1	1	1	4	0
15	Maharashtra	4	4	0	0	1	5	0
16	Manipur	1	1	0	0	0	0	0
17	Meghalaya	2	2	2	2	1	0	0
18	Mizoram	0	0	0	0	0	0	0
19	Nagaland	0	0	0	0	0	0	0
20	Odisha	0	0	0	0	0	0	0
21	Punjab	0	0	0	0	0	0	0
22	Rajasthan	0	0	0	0	0	0	0
23	Sikkim	0	0	0	0	0	0	0
24	Tamil Nadu	0	0	0	0	0	0	0
25	Telangana	2	2	0	0	0	0	0
26	Tripura	0	0	0	0	0	0	0
27	Uttar Pradesh	0	0	0	0	0	0	0
28	Uttarakhand	0	0	0	0	0	0	0
29	West Bengal	1	1	0	0	1	0	0
TOTAL STATE(S)		31	30	11	11	4	9	0
UNION TERRITORIES:								
30	A & N Islands	0	0	0	0	0	0	0
31	Chandigarh	0	0	0	0	0	0	0
32	D&N Haveli	0	0	0	0	0	0	0
33	Daman & Diu	0	0	0	0	0	0	0
34	Delhi UT	1	0	0	0	1	6	0
35	Lakshadweep	0	0	0	0	0	0	0
36	Puducherry	0	0	0	0	0	0	0
TOTAL UT(S)		1	0	0	0	1	6	0
TOTAL ALL INDIA		32	30	11	11	5	15	0

TABLE 13.1 - Page: 1 of 1

TABLE 13.2

Deaths In Police Custody / Lockup (of Persons Not Remanded To Police Custody by Court) During 2014

S.No.	State/UT	Number of						
		Death or Disappearance Reported	Autopsy Conducted	Magisterial Enquiry Ordered	Judicial Enquiry Conducted	Cases Regd. Against police personnel In Connection With Deaths	Policemen Charge-Sheeted	Policemen Convicted
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
STATES:								
1	Andhra Pradesh	2	2	0	0	0	0	0
2	Arunachal Pradesh	1	1	0	0	0	0	0
3	Assam	0	0	0	0	0	0	0
4	Bihar	0	0	0	0	0	0	0
5	Chhattisgarh	1	1	1	0	0	0	0
6	Goa	0	0	0	0	0	0	0
7	Gujarat	7	6	4	2	1	0	0
8	Haryana	2	2	0	0	0	0	0
9	Himachal Pradesh	0	0	0	0	0	0	0
10	Jammu & Kashmir	0	0	0	0	0	0	0
11	Jharkhand	1	1	0	0	0	0	0
12	Karnataka	2	2	0	1	1	0	0
13	Kerala	2	2	0	0	0	0	0
14	Madhya Pradesh	2	2	1	1	1	6	0
15	Maharashtra	17	17	6	0	3	3	0
16	Manipur	0	0	0	0	0	0	0
17	Meghalaya	0	0	0	0	0	0	0
18	Mizoram	0	0	0	0	0	0	0
19	Nagaland	0	0	0	0	0	0	0
20	Odisha	1	1	1	0	0	0	0
21	Punjab	1	1	1	0	0	0	0
22	Rajasthan	2	2	1	1	2	0	0
23	Sikkim	0	0	0	0	0	0	0
24	Tamil Nadu	7	7	7	7	7	0	0
25	Telangana	2	2	1	0	0	0	0
26	Tripura	0	0	0	0	0	0	0
27	Uttar Pradesh	8	8	5	2	8	2	0
28	Uttarakhand	0	0	0	0	0	0	0
29	West Bengal	3	3	0	0	0	0	0
TOTAL STATE(S)		61	60	28	14	23	11	0
UNION TERRITORIES:								
30	A & N Islands	0	0	0	0	0	0	0
31	Chandigarh	0	0	0	0	0	0	0
32	D&N Haveli	0	0	0	0	0	0	0
33	Daman & Diu	0	0	0	0	0	0	0
34	Delhi UT	0	0	0	0	0	0	0
35	Lakshadweep	0	0	0	0	0	0	0
36	Puducherry	0	0	0	0	0	0	0
TOTAL UT(S)		0	0	0	0	0	0	0
TOTAL ALL INDIA		61	60	28	14	23	11	0

TABLE 13.2 - Page: 1 of 1

Crime in India 2015 Statistics



National Crime Records Bureau
Ministry of Home Affairs

Crime in India 2015

Statistics



National Crime Records Bureau
(Ministry of Home Affairs)
Government of India
East Block - 7, R.K. Puram,
New Delhi - 110 066.

☎ : +91-11-26172324, 26105353, 26177442
Fax : +91-11-26197984
E-Mail : stat@ncrb.nic.in
Web Site : <http://ncrb.gov.in>

Tables
Chapter

13

Custodial Crimes

TABLE 13.1

Deaths in Police Custody/Lockup (of Persons Remanded To Police Custody by Court) During 2015

S. No.	State/UT	Number of						
		Death or Disappearance Reported	Autopsy Conducted	Judicial Enquiry Ordered	Judicial Enquiry Conducted	Cases Registered against Police Personnel in Connection With Deaths	Policemen Charge-Sheeted	Policemen Convicted
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
STATES:								
1	Andhra Pradesh	3	1	1	2	0	0	0
2	Arunachal Pradesh	1	0	0	0	0	0	0
3	Assam	6	2	0	1	4	2	0
4	Bihar	1	0	0	0	0	0	0
5	Chhattisgarh	0	0	0	0	0	0	0
6	Goa	1	1	0	0	0	0	0
7	Gujarat	2	2	2	2	0	0	0
8	Haryana	1	0	1	1	0	0	0
9	Himachal Pradesh	1	0	1	1	0	0	0
10	Jammu & Kashmir	0	0	0	0	0	0	0
11	Jharkhand	0	0	0	0	0	0	0
12	Karnataka	0	0	0	0	0	0	0
13	Kerala	0	0	0	0	0	0	0
14	Madhya Pradesh	3	3	3	1	0	0	0
15	Maharashtra	5	5	0	0	0	0	0
16	Manipur	0	0	0	0	0	0	0
17	Meghalaya	1	1	1	1	0	0	0
18	Mizoram	0	0	0	0	0	0	0
19	Nagaland	0	0	0	0	0	0	0
20	Odisha	0	0	0	0	0	0	0
21	Punjab	0	0	0	0	0	0	0
22	Rajasthan	2	1	2	2	1	0	0
23	Sikkim	0	0	0	0	0	0	0
24	Tamil Nadu	0	0	0	0	0	0	0
25	Telangana	0	0	0	0	0	0	0
26	Tripura	0	0	0	0	0	0	0
27	Uttar Pradesh	1	1	0	0	1	2	0
28	Uttarakhand	0	0	0	0	0	0	0
29	West Bengal	2	1	1	1	3	0	0
TOTAL STATE(S)		30	18	12	12	9	4	0
UNION TERRITORIES:								
30	A & N Islands	0	0	0	0	0	0	0
31	Chandigarh	0	0	0	0	0	0	0
32	D&N Haveli	0	0	0	0	0	0	0
33	Daman & Diu	0	0	0	0	0	0	0
34	Delhi UT	0	0	0	0	0	0	0
35	Lakshadweep	0	0	0	0	0	0	0
36	Puducherry	0	0	0	0	0	0	0
TOTAL UT(S)		0	0	0	0	0	0	0
TOTAL ALL INDIA		30	18	12	12	9	4	0

TABLE 13.1 - Page: 1 of 1

TABLE 13.2

Deaths In Police Custody / Lockup (of Persons Not Remanded To Police Custody by Court) During 2015

S. No.	State/UT	Number of						
		Death or Disappearance Reported	Autopsy Conducted	Magisterial Enquiry Ordered	Judicial Enquiry Conducted	Cases Registered against Police Personnel in Connection With Deaths	Policemen Charge-Sheeted	Policemen Convicted
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
STATES:								
1	Andhra Pradesh	5	0	1	0	1	0	0
2	Arunachal Pradesh	0	0	1	0	0	0	0
3	Assam	1	2	1	1	1	1	0
4	Bihar	1	1	1	0	1	4	0
5	Chhattisgarh	4	3	2	2	0	0	0
6	Goa	0	0	0	0	0	0	0
7	Gujarat	7	7	1	5	2	0	0
8	Haryana	2	1	1	0	1	0	0
9	Himachal Pradesh	0	0	0	0	0	0	0
10	Jammu & Kashmir	0	0	0	0	0	0	0
11	Jharkhand	2	0	0	0	0	0	0
12	Karnataka	2	2	1	0	1	0	0
13	Kerala	0	0	0	0	0	0	0
14	Madhya Pradesh	4	4	3	2	0	0	0
15	Maharashtra	14	14	12	0	1	6	0
16	Manipur	0	0	0	0	0	0	0
17	Meghalaya	0	0	0	0	0	0	0
18	Mizoram	0	0	0	0	0	0	0
19	Nagaland	0	0	0	0	0	0	0
20	Odisha	3	3	1	3	3	10	0
21	Punjab	3	1	2	1	1	0	0
22	Rajasthan	1	0	0	0	1	0	0
23	Sikkim	0	0	0	0	0	0	0
24	Tamil Nadu	3	3	0	3	3	3	0
25	Telangana	4	2	2	0	0	0	0
26	Tripura	1	1	1	1	0	0	0
27	Uttar Pradesh	8	8	7	1	8	0	0
28	Uttarakhand	0	0	0	0	0	0	0
29	West Bengal	1	0	0	0	0	0	0
TOTAL STATE(S)		66	52	37	19	24	24	0
UNION TERRITORIES:								
30	A & N Islands	0	0	0	0	0	0	0
31	Chandigarh	0	0	0	0	0	0	0
32	D&N Haveli	0	0	0	0	0	0	0
33	Daman & Diu	0	0	0	0	0	0	0
34	Delhi UT	1	1	1	0	0	0	0
35	Lakshadweep	0	0	0	0	0	0	0
36	Puducherry	0	0	0	0	0	0	0
TOTAL UT(S)		1	1	1	0	0	0	0
TOTAL ALL INDIA		67	53	38	19	24	24	0

Crime in India

2016

STATISTICS



National Crime Records Bureau
Ministry of Home Affairs

Crime in India 2016

Statistics



National Crime Records Bureau
(Ministry of Home Affairs)
Government of India
National Highway – 8, Mahipalpur,
New Delhi - 110 037.

Chapter 16A

Custodial Crimes & Complaints Against Police Personnel

TABLE 16A.1
Deaths in Police Custody / Lockup (Persons Not on Remand) - 2016

S. No.	State/UT	Death or Disappearance Reported	Magisterial Enquiry Ordered	Cases Registered Against Police Personnel In Connection With Deaths	Policemen Chargesheeted	Policemen Convicted
1	2	3	4	5	6	7
STATES:						
1	Andhra Pradesh	0	0	0	0	0
2	Arunachal Pradesh	0	0	0	0	0
3	Assam	0	0	0	0	0
4	Bihar	1	2	0	0	0
5	Chhattisgarh	3	0	1	4	0
6	Goa	1	1	0	0	0
7	Gujarat	9	2	1	0	0
8	Haryana	1	1	0	0	0
9	Himachal Pradesh	0	0	0	0	0
10	Jammu & Kashmir	0	0	0	0	0
11	Jharkhand	1	1	0	0	0
12	Karnataka	1	0	0	0	0
13	Kerala	2	2	0	0	0
14	Madhya Pradesh	5	3	0	0	0
15	Maharashtra	12	12	3	0	0
16	Manipur	0	0	0	0	0
17	Meghalaya	0	0	0	0	0
18	Mizoram	2	1	0	0	0
19	Nagaland	1	1	1	0	0
20	Odisha	0	0	0	0	0
21	Punjab	4	3	1	2	0
22	Rajasthan	2	1	0	4	0
23	Sikkim	0	0	0	0	0
24	Tamil Nadu	3	3	3	0	0
25	Telangana	0	0	0	0	0
26	Tripura	0	0	0	0	0
27	Uttar Pradesh	9	6	8	0	0
28	Uttarakhand	0	0	0	0	0
29	West Bengal	2	1	0	0	0
TOTAL STATE(S)		59	40	18	10	0
UNION TERRITORIES:						
30	A & N Islands	0	0	0	0	0
31	Chandigarh	0	0	0	0	0
32	D&N Haveli	0	0	0	0	0
33	Daman & Diu	0	0	0	0	0
34	Delhi UT	1	1	1	0	0
35	Lakshadweep	0	0	0	0	0
36	Puducherry	0	0	0	0	0
TOTAL UT(S)		1	1	1	0	0
TOTAL (ALL INDIA)		60	41	19	10	0

Note: Persons Not on Remand includes Persons Arrested and yet to be produced before court

TABLE 16A.1 - Page: 1 of 1

TABLE 16A.2
Deaths in Police Custody/Lockup (Persons in Remand) - 2016

S. No.	State/UT	Number of					Total Deaths Reported (Persons in Remand + Persons Not in Remand) (Col.3 + Col.3 of Table 16A.1)
		Death or Disappearance Reported	Judicial Enquiry Ordered	Cases Regd. Against Police Personnel In Connection With Deaths	Policemen Charge-sheeted	Policemen Convicted	
1	2	3	4	5	6	7	8
STATES:							
1	Andhra Pradesh	6	6	0	0	0	6
2	Arunachal Pradesh	0	0	0	0	0	0
3	Assam	2	2	0	0	0	2
4	Bihar	1	0	0	0	0	2
5	Chhattisgarh	1	0	0	0	0	4
6	Goa	0	0	0	0	0	1
7	Gujarat	2	2	0	0	0	11
8	Haryana	2	2	1	4	0	3
9	Himachal Pradesh	1	0	0	0	0	1
10	Jammu & Kashmir	0	0	0	0	0	0
11	Jharkhand	1	1	0	0	0	2
12	Karnataka	0	0	0	0	0	1
13	Kerala	0	0	0	0	0	2
14	Madhya Pradesh	6	6	1	10	0	11
15	Maharashtra	4	4	0	0	0	16
16	Manipur	0	0	0	0	0	0
17	Meghalaya	0	0	0	0	0	0
18	Mizoram	1	0	0	0	0	3
19	Nagaland	1	1	1	0	0	2
20	Odisha	0	0	0	0	0	0
21	Punjab	0	0	0	0	0	4
22	Rajasthan	1	1	1	0	0	3
23	Sikkim	0	0	0	0	0	0
24	Tamil Nadu	2	2	2	0	0	5
25	Telangana	0	0	0	0	0	0
26	Tripura	0	0	0	0	0	0
27	Uttar Pradesh	0	0	0	0	0	9
28	Uttarakhand	0	0	0	0	0	0
29	West Bengal	1	1	0	0	0	3
TOTAL STATE(S)		32	28	6	14	0	91
UNION TERRITORIES:							
30	A & N Islands	0	0	0	0	0	0
31	Chandigarh	0	0	0	0	0	0
32	D&N Haveli	0	0	0	0	0	0
33	Daman & Diu	0	0	0	0	0	0
34	Delhi UT	0	0	0	0	0	1
35	Lakshadweep	0	0	0	0	0	0
36	Puducherry	0	0	0	0	0	0
TOTAL UT(S)		0	0	0	0	0	1
TOTAL (ALL INDIA)		32	28	6	14	0	92

Note: Persons in remand includes Persons in Police/Judicial

TABLE 16A.2 - Page: 1 of 1

Crime in India 2017

STATISTICS



**National Crime Records Bureau
Ministry of Home Affairs**

Crime in India 2017

Statistics



National Crime Records Bureau
(Ministry of Home Affairs)
Government of India
National Highway – 8, Mahipalpur,
New Delhi - 110 037.

Chapter 16A

Custodial Crimes & Complaints Against Police Personnel

TABLE 16A.1
Deaths in Police Custody / Lockup (Persons Not on Remand) - 2017

S. No.	State/UT	Deaths Reported	Mag. Enquiries Ordered	Judicial Enquiries Ordered	Cases				Policemen			
					Registered	Charge-sheeted	Convicted	Acquitted/Discharged	Arrested	Charge-sheeted	Convicted	Acquitted/Discharged
1	2	3	4	5	6	7	8	9	10	11	12	13
STATES:												
1	Andhra Pradesh	20	1	0	20	1	0	0	0	0	0	0
2	Arunachal Pradesh	0	0	0	0	0	0	0	0	0	0	0
3	Assam	0	0	0	0	0	0	0	0	0	0	0
4	Bihar	0	0	0	0	0	0	0	0	0	0	0
5	Chhattisgarh	1	0	0	0	0	0	0	0	0	0	0
6	Goa	0	0	0	0	0	0	0	0	0	0	0
7	Gujarat	10	4	4	2	1	0	0	7	5	0	0
8	Haryana	2	0	0	1	0	0	0	0	0	0	0
9	Himachal Pradesh	0	0	0	0	0	0	0	0	0	0	0
10	Jammu & Kashmir	0	0	0	0	0	0	0	0	0	0	0
11	Jharkhand	0	0	0	0	0	0	0	0	0	0	0
12	Karnataka	0	0	0	0	0	0	0	0	0	0	0
13	Kerala	0	0	0	0	0	0	0	0	0	0	0
14	Madhya Pradesh	1	1	0	0	0	0	0	0	0	0	0
15	Maharashtra	5	0	1	0	0	0	0	0	0	0	0
16	Manipur	3	0	0	0	0	0	0	0	0	0	0
17	Meghalaya	0	0	0	0	0	0	0	0	0	0	0
18	Mizoram	0	0	0	0	0	0	0	0	0	0	0
19	Nagaland	0	0	0	0	0	0	0	0	0	0	0
20	Odisha	2	2	1	2	2	0	0	0	0	0	0
21	Punjab	1	1	0	1	0	0	0	0	0	0	0
22	Rajasthan	0	0	0	0	0	0	0	0	0	0	0
23	Sikkim	0	0	0	0	0	0	0	0	0	0	0
24	Tamil Nadu	8	7	1	8	0	0	0	0	0	0	0
25	Telangana	3	1	0	3	0	0	0	0	0	0	0
26	Tripura	0	0	0	0	0	0	0	0	0	0	0
27	Uttar Pradesh	0	0	0	0	0	0	0	0	0	0	0
28	Uttarakhand	0	0	0	0	0	0	0	0	0	0	0
29	West Bengal	2	1	1	2	0	0	0	0	0	0	0
TOTAL STATE(S)		58	18	8	39	4	0	0	7	5	0	0
UNION TERRITORIES:												
30	A & N Islands	0	0	0	0	0	0	0	0	0	0	0
31	Chandigarh	0	0	0	0	0	0	0	0	0	0	0
32	D&N Haveli	0	0	0	0	0	0	0	0	0	0	0
33	Daman & Diu	0	0	0	0	0	0	0	0	0	0	0
34	Delhi UT	0	0	0	0	0	0	0	0	0	0	0
35	Lakshadweep	0	0	0	0	0	0	0	0	0	0	0
36	Puducherry	0	0	0	0	0	0	0	0	0	0	0
TOTAL UT(S)		0	0	0	0	0	0	0	0	0	0	0
TOTAL (ALL INDIA)		58	18	8	39	4	0	0	7	5	0	0

Note: Persons Not on Remand includes Persons Arrested and yet to be produced before court

- As per data provided by States/UTs

TABLE 16A.1 Page 1 of 1

TABLE 16A.2
Deaths in Police Custody/Lockup (Persons in Remand) - 2017

S. No.	State/UT	Deaths Reported	Mag. Enquiries Ordered	Judicial Enquiries Ordered	Cases				Policemen				Total Deaths (Col.3 + Col.3 of Table 16A.1)
					Registered	Charge-sheeted	Convicted	Acquitted/Discharged	Arrested	Charge-sheeted	Convicted	Acquitted/Discharged	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
STATES:													
1	Andhra Pradesh	7	5	0	7	0	0	0	0	0	0	0	27
2	Arunachal Pradesh	0	0	0	0	0	0	0	0	0	0	0	0
3	Assam	0	0	0	0	0	0	0	0	0	0	0	0
4	Bihar	0	0	0	0	0	0	0	0	0	0	0	0
5	Chhattisgarh	2	2	1	2	1	0	1	4	4	0	4	3
6	Goa	0	0	0	0	0	0	0	0	0	0	0	0
7	Gujarat	0	0	0	0	0	0	0	0	0	0	0	10
8	Haryana	0	0	0	0	0	0	0	0	0	0	0	2
9	Himachal Pradesh	1	0	0	1	0	0	0	9	9	0	0	1
10	Jammu & Kashmir	0	0	0	0	0	0	0	0	0	0	0	0
11	Jharkhand	0	0	0	0	0	0	0	0	0	0	0	0
12	Karnataka	0	0	0	0	0	0	0	0	0	0	0	0
13	Kerala	0	0	0	0	0	0	0	0	0	0	0	0
14	Madhya Pradesh	4	3	0	0	0	0	0	0	0	0	0	5
15	Maharashtra	10	1	2	2	1	0	0	7	5	0	0	15
16	Manipur	1	0	0	0	0	0	0	0	0	0	0	4
17	Meghalaya	0	0	0	0	0	0	0	0	0	0	0	0
18	Mizoram	2	0	0	0	0	0	0	0	0	0	0	2
19	Nagaland	1	0	0	0	0	0	0	0	0	0	0	1
20	Odisha	0	0	0	0	0	0	0	0	0	0	0	2
21	Punjab	3	1	2	1	0	0	0	2	0	0	0	4
22	Rajasthan	3	3	0	2	0	0	0	0	3	0	0	3
23	Sikkim	0	0	0	0	0	0	0	0	0	0	0	0
24	Tamil Nadu	0	0	0	0	0	0	0	0	0	0	0	8
25	Telangana	2	1	0	2	0	0	0	0	0	0	0	5
26	Tripura	0	0	0	0	0	0	0	0	0	0	0	0
27	Uttar Pradesh	4	4	0	4	1	0	0	1	1	0	0	4
28	Uttarakhand	1	0	0	1	0	0	0	3	0	0	0	1
29	West Bengal	1	0	0	1	0	0	0	0	0	0	0	3
TOTAL STATE(S)		42	20	5	23	3	0	1	26	22	0	4	100
UNION TERRITORIES:													
30	A & N Islands	0	0	0	0	0	0	0	0	0	0	0	0
31	Chandigarh	0	0	0	0	0	0	0	0	0	0	0	0
32	D&N Haveli	0	0	0	0	0	0	0	0	0	0	0	0
33	Daman & Diu	0	0	0	0	0	0	0	0	0	0	0	0
34	Delhi UT	0	0	0	0	0	0	0	0	0	0	0	0
35	Lakshadweep	0	0	0	0	0	0	0	0	0	0	0	0
36	Puducherry	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL UT(S)		0	0	0	0	0	0	0	0	0	0	0	0
TOTAL (ALL INDIA)		42	20	5	23	3	0	1	26	22	0	4	100

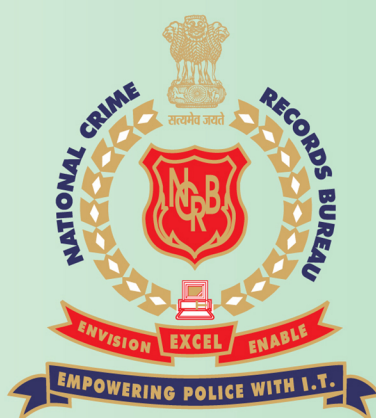
Note: Persons in remand includes Persons in Police/Judicial Remand

TABLE 16A.2 Page 1 of 1

• As per data provided by States/UTs

Crime in India 2018

STATISTICS VOLUME-III



**National Crime Records Bureau
Ministry of Home Affairs**

Chapter 16A

Custodial Crimes & Complaints Against Police Personnel

TABLE 16A.1
Deaths in Police Custody / Lockup (Persons Not on Remand) - 2018

S. No.	State/UT	Deaths Reported	Mag. Enquiries Ordered	Judicial Enquiries Ordered	Cases				Policemen			
					Registered	Charge-sheeted	Convicted	Acquitted/Discharged	Arrested	Charge-sheeted	Convicted	Acquitted/Discharged
1	2	3	4	5	6	7	8	9	10	11	12	13
STATES:												
1	Andhra Pradesh	2	2	0	2	0	0	0	0	0	0	0
2	Arunachal Pradesh	0	0	0	0	0	0	0	0	0	0	0
3	Assam	1	1	0	1	0	0	0	1	0	0	0
4	Bihar	0	0	0	0	0	0	0	0	0	0	0
5	Chhattisgarh	2	0	1	1	0	0	0	0	0	0	0
6	Goa	0	0	0	0	0	0	0	0	0	0	0
7	Gujarat	13	7	5	3	3	0	0	10	11	0	0
8	Haryana	1	0	0	1	0	0	0	0	0	0	0
9	Himachal Pradesh	0	0	0	0	0	0	0	0	0	0	0
10	Jammu & Kashmir	0	0	0	0	0	0	0	0	0	0	0
11	Jharkhand	1	0	0	1	0	0	0	0	0	0	0
12	Karnataka	1	0	0	1	0	0	0	0	0	0	0
13	Kerala	1	0	0	1	0	0	0	9	0	0	0
14	Madhya Pradesh	0	0	0	0	0	0	0	0	0	0	0
15	Maharashtra	5	0	5	1	1	0	0	0	2	0	0
16	Manipur	0	0	0	0	0	0	0	0	0	0	0
17	Meghalaya	0	0	0	0	0	0	0	0	0	0	0
18	Mizoram	0	0	0	0	0	0	0	0	0	0	0
19	Nagaland	0	0	0	0	0	0	0	0	0	0	0
20	Odisha	0	0	0	0	0	0	0	0	0	0	0
21	Punjab	1	1	0	0	0	0	0	0	0	0	0
22	Rajasthan	4	1	1	3	1	0	0	3	0	0	0
23	Sikkim	0	0	0	0	0	0	0	0	0	0	0
24	Tamil Nadu	12	3	9	12	0	0	0	0	0	0	0
25	Telangana	2	0	0	2	0	0	0	0	0	0	0
26	Tripura	0	0	0	0	0	0	0	0	0	0	0
27	Uttar Pradesh	0	0	0	0	0	0	0	0	0	0	0
28	Uttarakhand	0	0	0	0	0	0	0	0	0	0	0
29	West Bengal	0	0	0	0	0	0	0	0	0	0	0
TOTAL STATE(S)		46	15	21	29	5	0	0	23	13	0	0
UNION TERRITORIES:												
30	A & N Islands	0	0	0	0	0	0	0	0	0	0	0
31	Chandigarh	0	0	0	0	0	0	0	0	0	0	0
32	D&N Haveli	0	0	0	0	0	0	0	0	0	0	0
33	Daman & Diu	0	0	0	0	0	0	0	0	0	0	0
34	Delhi UT	0	0	0	0	0	0	0	0	0	0	0
35	Lakshadweep	0	0	0	0	0	0	0	0	0	0	0
36	Puducherry	0	0	0	0	0	0	0	0	0	0	0
TOTAL UT(S)		0	0	0	0	0	0	0	0	0	0	0
TOTAL (ALL INDIA)		46	15	21	29	5	0	0	23	13	0	0

Note: Persons Not on Remand includes Persons Arrested and yet to be produced before court

TABLE 16A.1 Page 1 of 1

● As per data provided by States/UTs

Clarifications are pending from West Bengal, Assam, Arunachal Pradesh, Meghalaya & Sikkim

TABLE 16A.2
Deaths in Police Custody/Lockup (Persons in Remand) - 2018

S. No.	State/UT	Deaths Reported	Mag. Enquiries Ordered	Judicial Enquiries Ordered	Cases				Policemen				Total Deaths (Col.3 + Col.3 of Table 16A.1)
					Registered	Charge-sheeted	Convicted	Acquitted/Discharged	Arrested	Charge-sheeted	Convicted	Acquitted/Discharged	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
STATES:													
1	Andhra Pradesh	9	3	0	9	0	0	0	0	0	0	0	11
2	Arunachal Pradesh	0	0	0	1	0	0	0	0	0	0	0	0
3	Assam	1	0	0	1	0	0	0	0	0	0	0	2
4	Bihar	1	0	0	1	0	0	0	0	0	0	0	1
5	Chhattisgarh	0	0	0	0	0	0	0	0	0	0	0	2
6	Goa	0	0	0	0	0	0	0	0	0	0	0	0
7	Gujarat	1	1	0	0	0	0	0	0	0	0	0	14
8	Haryana	1	0	1	1	0	0	0	0	0	0	0	2
9	Himachal Pradesh	0	0	0	0	0	0	0	0	0	0	0	0
10	Jammu & Kashmir	0	0	0	0	0	0	0	0	0	0	0	0
11	Jharkhand	0	0	0	0	0	0	0	0	0	0	0	1
12	Karnataka	1	0	0	0	0	0	0	0	0	0	0	2
13	Kerala	0	0	0	0	0	0	0	0	0	0	0	1
14	Madhya Pradesh	4	0	4	0	0	0	0	0	0	0	0	4
15	Maharashtra	2	0	2	0	0	0	0	0	0	0	0	7
16	Manipur	0	0	0	0	0	0	0	0	0	0	0	0
17	Meghalaya	0	0	0	0	0	0	0	0	0	0	0	0
18	Mizoram	0	0	0	0	0	0	0	0	0	0	0	0
19	Nagaland	0	0	0	0	0	0	0	0	0	0	0	0
20	Odisha	2	0	0	1	0	0	0	0	0	0	0	2
21	Punjab	1	1	0	0	0	0	0	0	0	0	0	2
22	Rajasthan	1	1	0	1	0	0	0	0	0	0	0	5
23	Sikkim	0	0	0	0	0	0	0	0	0	0	0	0
24	Tamil Nadu	0	0	0	0	0	0	0	0	0	0	0	12
25	Telangana	0	0	0	0	0	0	0	0	0	0	0	2
26	Tripura	0	0	0	0	0	0	0	0	0	0	0	0
27	Uttar Pradesh	0	0	0	0	0	0	0	0	0	0	0	0
28	Uttarakhand	0	0	0	0	0	0	0	0	0	0	0	0
29	West Bengal	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL STATE(S)		24	6	7	15	0	0	0	0	0	0	0	70
UNION TERRITORIES:													
30	A & N Islands	0	0	0	0	0	0	0	0	0	0	0	0
31	Chandigarh	0	0	0	0	0	0	0	0	0	0	0	0
32	D&N Haveli	0	0	0	0	0	0	0	0	0	0	0	0
33	Daman & Diu	0	0	0	0	0	0	0	0	0	0	0	0
34	Delhi UT	0	0	0	0	0	0	0	0	0	0	0	0
35	Lakshadweep	0	0	0	0	0	0	0	0	0	0	0	0
36	Puducherry	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL UT(S)		0	0	0	0	0	0	0	0	0	0	0	0
TOTAL (ALL INDIA)		24	6	7	15	0	0	0	0	0	0	0	70

Note: Persons in remand includes Persons in Police/Judicial Remand

TABLE 16A.2 Page 1 of 1

● As per data provided by States/UTs

Clarifications are pending from West Bengal, Assam, Arunachal Pradesh, Meghalaya & Sikkim