

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
MISCELLANEOUS APPLICATION NO. _____ OF 2020
In
W.P. (CRL.) NO. 539 of 1986

IN THE MATTER OF:

DILIP K. BASU

PETITIONER

VERSUS

STATE OF WEST BENGAL AND ORS.

RESPONDENTS

APPLICATION FOR DIRECTIONS ON BEHALF OF THE AMICUS
CURIAE, DR. ABHISHEK MANU SINGHVI

Place: New Delhi

Date: __.07.2020

ADVOCATE FOR AMICUS CURIAE: LZAFEER AHMAD B F

INDEX

S. No.	Particulars	Pages
1.	Application for Directions on behalf of the Amicus Curiae	1-25
2.	<u>ANNEXURE A-1</u> Copy of the relevant pages of Annual Report of NCRB for the year 2015 showing State & UTs breakup	1-33
3.	<u>ANNEXURE A-2</u> Copy of the relevant pages of Annual Report of NCRB for the year 2016 showing State & UTs breakup	34-44
4.	<u>ANNEXURE A-3</u> Copy of the relevant pages of Annual Report of NCRB for the year 2017 showing State & UTs breakup	45-53
5.	<u>ANNEXURE A-4</u> Copy of the relevant pages of Annual Report of NCRB for the year 2018 showing State & UTs breakup	54-62
6.	<u>ANNEXURE A-5</u> Copy of the relevant pages of the NHRC annual report for the year 2014-2015	63-64
7.	<u>ANNEXURE A-6</u> Copy of the relevant pages of the NHRC annual report for the year 2015-2016	65-66
8.	<u>ANNEXURE A-7</u> Copy of the relevant pages of the NHRC annual	67

	report for the year 2016-2017	
9.	<u>ANNEXURE A-8</u> Copy of the relevant pages of the NHRC annual report for the year 2017-2018	68
10.	<u>ANNEXURE A-9</u> Copy of the news reports dated nil about the custodial violence and deaths in the recent past	69-79



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TO

THE HON'BLE CHIEF JUSTICE OF INDIA AND HIS
HON'BLE COMPANION JUSTICE OF THE
SUPREME COURT OF INDIA.

THE HUMBLE PETITION OF THE PETITIONER
ABOVENAMED

MOST RESPECTFULLY SHOWETH:

1. The above petition arises out of a letter addressed by the Petitioner to this Hon'ble Supreme Court to develop a "custody jurisprudence" on account of the rising and unaddressed issue of custodial violence and torture. The instant application is preferred seeking directions on account of recent reported cases of custodial deaths and transgressions by the police.
2. This Hon'ble Court has passed several judgments and orders in the present Writ Petition, which are set out as under:

- (i) [(1997) 1 SCC 416] dated 18.12.1996 (2JJ.) (Main Judgment wherein this Court had issued 11 directions to be followed as a matter of procedure by the police while making an arrest);
- (ii) [(1997) 6 SCC 642] dated 01.08.1997 (2JJ.) [procedural order]
- (iii) [(1998) 9 SCC 437] dated 07.11.1997 (2JJ.) [procedural order]
- (iv) [(1998) 6 SCC 380] dated 01.05.1998 (2JJ.) [procedural order]
- (v) [(2003) 11 SCC 725] dated 12.10.2001 (3JJ.) [non-procedural order wherein this Court had directed States and Union Territories to issue instructions to ensure that Magistrate inquiry into custodial deaths are completed within 4 months unless extended by a reasoned order of the Sessions Judge]
- (vi) [(2003) 11 SCC 723] dated 19.10.2001 (3JJ.) [non-procedural order wherein this Court had directed that the State Human Rights Commission constitute a sub-committee to determine whether the 11 requirements of the main judgment were being complied with.]
- (vii) [(2002) 10 SCC 741] dated 15.02.2002 (2JJ.) [procedural order]
- (viii) [(2003) 12 SCC 174] dated 07.05.2003 (2JJ.) [procedural order]
- (ix) [(2015) 8 SCC 772] dated 05.08.2014 (3JJ.) [Procedural order wherein this Court sought to consider some additional recommendations of the amicus to further the objective of the DK Basu directions].
- (x) [(2015) 8 SCC 744] dated 14.07.2015 (2JJ.) [Second and final judgment wherein this Court considered the recommendations of

the amicus and issued 9 further guidelines to achieve the objective of the DK Basu directions.]

BACKGROUND

3. The present amicus was appointed as amicus by this Hon'ble Court to assist the Court has been part of each and every hearing and judgment / order as aforesaid upto date and whose contribution has also been appreciated and recognized by this Court.
4. The first set of directions were issued by this Court on 18.12.1996 laying down the following:-
 - (i) The police personnel carrying out the arrest and handling the interrogation of the arrestee should bear accurate, visible and clear identification and name tags with their designations. The particulars of all such police personnel who handle interrogation of the arrestee must be recorded in a register.
 - (ii) That the police officer carrying out the arrest of the arrestee shall prepare a memo of arrest at the time of arrest a such memo shall be attested by atleast one witness. who may be either a member of the family of the arrestee or a respectable person of the locality from where the arrest is made. It shall also be counter signed by the arrestee and shall contain the time and date of arrest.
 - (iii) A person who has been arrested or detained and is being held in custody in a police station or interrogation centre or other lock-up,

shall be entitled to have one friend or relative or other person known to him or having interest in his welfare being informed, as soon as practicable, that he has been arrested and is being detained at the particular place, unless the attesting witness of the memo of arrest is himself such a friend or a relative of the arrestee.

- (iv) The time, place of arrest and venue of custody of an arrestee must be notified by the police where the next friend or relative of the arrestee lives outside the district or town through the legal Aid Organisation in the District and the police station of the area concerned telegraphically within a period of 8 to 12 hours after the arrest.
- (v) The person arrested must be made aware of this right to have someone informed of his arrest or detention as soon he is put under arrest or is detained.
- (vi) An entry must be made in the diary at the place of detention regarding the arrest of the person which shall also disclose the name of the next friend of the person who has been informed of the arrest and the names and particulars of the police officials in whose custody the arrestee is.
- (vii) The arrestee should, where he so requests, be also examined at the time of his arrest and major and minor injuries, if any present on his/her body, must be recorded at that time. The "Inspection

Memo" must be signed both by the arrestee and the police officer effecting the arrest and its copy provided to the arrestee.

- (viii) The arrestee should be subjected to medical examination by trained doctor every 48 hours during his detention in custody by a doctor on the panel of approved doctors appointed by Director, Health Services of the concerned State or Union Territory. Director, Health Services should prepare such a panel for all Tehsils and Districts as well.
 - (ix) Copies of all the documents including the memo of arrest, referred to above, should be sent to the illaqa Magistrate for his record.
 - (x) The arrestee may be permitted to meet his lawyer during interrogation, though not throughout the interrogation.
 - (xi) A police control room should be provided at all district and state headquarters, where information regarding the arrest and the place of custody of the arrestee shall be communicated by the officer causing the arrest, within 12 hours of effecting the arrest and at the police control room it should be displayed on a conspicuous notice board.
5. During the course of the hearings, two important sets of non-procedural orders were issued by this Court *vide* its orders dated 12.10.2001 and 19.10.2001, as mentioned hereinabove in paragraph 2.

6. These were further augmented by additional guidelines / directions issued by this Court in its judgment dated 24.07.2015 stating the following:-

- (i) The States of Delhi, Himachal Pradesh, Mizoram, Arunachal Pradesh, Meghalaya, Tripura and Nagaland shall within a period of six months from today set up State Human Rights Commissions for their respective territories with or without resort to provisions of Section 21(6) of the Protection of Human Rights Act, 1993.
- (ii) All vacancies, for the post of Chairperson or the Member of SHRC wherever they exist at present shall be filled up by the State Governments concerned within a period of three months from today.
- (iii) Vacancies occurring against the post of Chairperson or the Members of the SHRC in future shall be filled up as expeditiously as possible but not later than three months from the date such vacancy occurs.
- (iv) The State Governments shall take appropriate action in terms of Section 30 of the Protection of Human Rights Act, 1993, in regard to setting up/specifying Human Rights Courts.
- (v) The State Governments shall take steps to install CCTV cameras in all the prisons in their respective States, within a period of one year from today but not later than two years.

- (vi) The State Governments shall also consider installation of CCTV cameras in police stations in a phased manner depending upon the incidents of human rights violation reported in such stations.
- (vii) The State Governments shall consider appointment of non-official visitors to prisons and police stations in terms of the relevant provisions of the Act wherever they exist in the Jail Manuals or the relevant Rules and Regulations.
- (viii) The State Governments shall launch in all cases where an enquiry establishes culpability of the persons in whose custody the victim has suffered death or injury, an appropriate prosecution for the commission of offences disclosed by such enquiry report and/or investigation in accordance with law.
- (ix) The State Governments shall consider deployment of at least two women constables in each police station wherever such deployment is considered necessary having regard to the number of women taken for custodial interrogation or interrogation for other purposes over the past two years.

7. The aforesaid directions have significantly changed awareness, transparency, ground reality, monitoring and policing. Despite the significant changes, there exists a large gap between the stated objective and ground reality and contemporary events have underlined the need for urgent and efficacious intervention on core issues.

8. As per the 2017-18 Annual Report published by the NHRC, it received 1,636 intimations concerning death in judicial custody, and 148 intimations of death in police custody during the year 2017-18. During the same period, apart from monetary relief in some of the cases, the Commission had recommended prosecution in only 2 cases and departmental inquiry in only 38 cases, i.e., in only 2.2% of the cases in which the commission had received information of custodial deaths. For the year 2016-17 the commission had recommended prosecution in 4 cases and departmental inquiry in 16 cases, i.e. in 1.2% of the approximate 1750 intimations it had received in the period. The Annual report also notes that the NHRC has urged the States / Union Territories to take speedy action on intimation. Even the illustrative cases highlighted in the Annual Report states that the Commission is awaiting compliance report from the states. Elaborate details on the same are further set-out hereinbelow.
9. An overview of the annual reports of NHRC would show that there has been no reduction in number of custodial deaths (police and judicial custody) and are in fact gradually rising with total cases increasing from 1700 in 2012-13 to 1819 in 2015-16.
10. The 2018 Crime in India Statistics released by the National Crime Record Bureau is a startling revelation of the lackadaisical approach to human rights and liberty adopted by the states and the police authorities. Out of the 70 cases of police custody deaths, charge-sheet

had been filed only in 5 cases. While there have been a total of 10 cases registered against police personnel for encounter killing, custodial death, and torture during the same period, none of these cases have resulted in conviction.

11. This application is therefore moved on the basis of:- (a) an attempt to further expand and enhance the institutional framework for minimizing custodial death and custodial torture; (b) provide intrinsic and substantial safeguard to citizens and public to minimize such transgressions; and (c) ensure a reform that is case neutral, event neutral and state neutral and focusses on issues, principles of human and civil rights, safeguards and methodologies. It is clarified that this application is not specific nor limited nor arising only because of the Tamil Nadu or Vikas Dubey incident which are used merely as illustrative examples to create the legal safeguards.
12. The lack of accountability for such transgressions and violation of personal freedom, liberty and dignity by police officers results in scant regard for the guidelines, protocols, SOPs issued by this Hon'ble Court, the National Human Rights Commission and the various State Human Rights Commission. In a nutshell, it is submitted that the core issues arising while grappling with the larger problem of who will guard the guardians centers around the following:-

- (i) the small and inconsequential number of cases where despite allegations of custodial death, torture, departmental action is not even *initiated*.
- (ii) where, in a small and highly unsatisfactory number of cases it is so initiated, virtually nil or abysmally low figures of actual departmental dismissals of errant police officials is achieved. Unless exonerated at the threshold by unimpeachable evidence, every errant police officer must face a mandatory departmental inquiry and be suspended pending inquiry in every case of custodial death / torture to ensure and maintain sanctity of the process of inquiry.
- (iii) an abysmally low number of cases where prosecution is even *initiated* against the police officials for custodial deaths and / or torture.
- (iv) even in this abysmally small number of cases, an infinitely decimal fraction where actual conviction is achieved as detailed hereinbelow.
- (v) the inordinate delay in either initiating and if initiated, in completing the mandatory inquiry of deaths in police custody under S. 176 CrPC. There is no reason why such inquiry should not be completed within 4 months.
- (vi) the continued laxity for over 35 years shown by various Central Government in not enacting and implementing 1985 Law

Commission recommendation directing enactment of section 114-B into our Evidence Act, raising a rebuttable presumption of culpability against the police if anyone in their custody dies or is found to have been tortured.

- (vii) The immediate need to make to ensure installation/ operationalise CCTV camera in every police station. It is submitted that the same has already been observed and recognized by this Court in point no.6 of the guidelines contained in the final judgment of 2015, this Court refrained from issuing mandatory directions to this effect in respect of police police stations. It was hoped that the same would be done by the police and the state governments to give full effect to the D K Basu guidelines and directions. Recent events have now established how CCTV recordings in police stations are now mandatory.
- (viii) As of now, 3 states (viz. Arunachal Pradesh, Mizoram, Nagaland) do not have a Human Rights Commission at all and the states of Andhra Pradesh, Himachal Pradesh, Maharashtra, Manipur, Tamil Nadu All state and Union Territories do not have a Chairperson (as per the information available on the NHRC website). Many other states do not have members and other officials appointed to the commission to the prescribed strength. Each State and Union must have a Human Rights Commission which is adequately staffed and governed and functions in

accordance with the Human Rights Act and failure to have a functioning Human Rights Commission would impede the achievement of the objectives of DK Basu guidelines.

- (ix) Human Rights Courts under S.30 has still not been set up even though this Court had issued directions to that effect in its judgment dated 24.07.2015;
- (x) Every State and Union Territory must have a sub-committee established by the Human Rights Commission, that should monitor every allegation of custodial death and torture and ensure that unless accused police official is exonerated at the threshold by the said committee, allegations of any custodial death / torture must mandatorily lead to suspension of the accused police official till completion of inquiry.

GLARING INCREASE IN THE NUMBER OF CASES OF CUSTODIAL DEATH & ENCOUNTER KILLINGS IN RECENT PAST

- 13. That the data collected by the National Crime Record Bureau (NCRB) clearly shows an evident and sharp increase in the number of cases of custodial deaths and encounter killings in past 4-5 years.
- 14. That the below chart illustrates the date of the custodial (both on police remand and otherwise) deaths according to the annual report of the NCRB for the year 2015, 2016, 2017 & 2018¹:

¹ NCRB has till date not issued the annual report for the year 2019.

SNo.	Year	Custodial Deaths	Cases Registered in such Deaths	Chargesheet Filed	Convictions
1.	2015	97	33	28	0
2.	2016	92	25	24	0
3.	2017	100	62	27	0
4.	2018	70	44	13	0
Total		359	164	92	0

There has been a total of 359 custodial deaths only in past 4 years. This translates into the fact that roughly every 4th day a person is killed in police custody and denied a fair trial. Despite such high numbers:-

- i. Cases are not filed in more than half of such deaths.
- ii. Chargesheet is filed in roughly in merely 1/4th of such deaths.
- iii. Above all, no policemen have been convicted till date in such deaths.

Copy of the relevant pages of Annual Report of NCRB for the year 2015 showing State & UTs breakup is annexed herewith and marked as **ANNEXURE A-1.**

Copy of the relevant pages of Annual Report of NCRB for the year 2016 showing State & UTs breakup is annexed herewith and marked as **ANNEXURE A-2.**

Copy of the relevant pages of Annual Report of NCRB for the year 2017 showing State & UTs breakup is annexed herewith and marked as **ANNEXURE A-3.**

Copy of the relevant pages of Annual Report of NCRB for the year 2018 showing State & UTs breakup is annexed herewith and marked as **ANNEXURE A-4.**

15. That the abovementioned data provided by the NCRB is at best a very conservative figure of custodial deaths/encounter killings and only depicts the tip of the iceberg because of underreporting of such crimes. This fact is further substantiated by the data provided by the National Human Rights Commission (NHRC) in the same period. The below chart illustrates custodial deaths and encounter killings according to the annual report of the NHRC for the year 2014-2105, 2015-2016, 2016-2017 & 2017-2018:-

SNo.	Year	Custodial Death	Encounter Killings
1.	2014-2015	133	192
2.	2015-2016	152	206
3.	2016-2017	146	180
4.	2017-2018	148	164
Total		579	742

It is clear that the data of NHRC shows a significantly higher number than that of the NCRB.

Copy of the relevant pages of the NHRC annual report for the year 2014-2015 are annexed herewith and marked as **ANNEXURE A-5.**

Copy of the relevant pages of the NHRC annual report for the year 2015-2016 are annexed herewith and marked as **ANNEXURE A-6.**

Copy of the relevant pages of the NHRC annual report for the year 2016-2017 are annexed herewith and marked as **ANNEXURE A-7.**

Copy of the relevant pages of the NHRC annual report for the year 2017-2018 are annexed herewith and marked as **ANNEXURE A-8**.

16. That it is not only the increase in the number of custodial deaths and violence that is alarming but the sheer brazenness and brutality of such deaths and violence is a clear indicator of the rising problem.

Copy of the news reports about the custodial violence and deaths in the recent past is annexed herewith and marked as **ANNEXURE A-9**

NEED FOR ROBUST, UNIFORM, EFFECTIVE AND WORKING INVESTIGATION AND MONITORING APPARATUS.

17. That this Hon'ble Court, on multiple occasions, in the instant Writ Petition, ***PUCL v. State of Maharashtra (Criminal Appeal No.1255 of 1999)*** (paragraph 28-31) has given detailed guidelines regarding the investigation and trial in cases of custodial violence/deaths and encounter killings .
18. Despite such guidelines the menace of custodial violence/death is increasing. The data mentioned-above clearly establishes that the number of cases filed and people chargesheeted are very few and there have been no conviction at all. The main reason behind this is lack of an effective, impartial and quick investigation apparatus. Such open and brazen violation is not only against the protected right under Article 21 but against the whole Constitutional spirit of a civilized society. It is

therefore necessary that a new robust system is put in place immediately.

19. That it is imperative that the investigation of any custodial death/encounter killing be handled by a judicial magistrate and not executive magistrate or police. Both executive magistrates as well as police are parts of the State Government and therefore there are serious doubts about the impartiality and fairness in the investigation carried out by them. It is therefore required that in every district the District & the Sessions Judge should appoint a judicial magistrate specially earmarked for carrying on time bound investigation in all the cases of custodial deaths/encounter killings. It should also be made mandatory that such Judicial Magistrate be aided by the District & Police administration to the extent he/she requires.
20. That in addition to a Judicial Magistrate, in every district earmarked for carrying out a compulsory and time bound investigation, there should also be a Committee constituted at state level by the respective Hon'ble High Courts having the Hon'ble Chief Justice of the concerned High Court as its Chairperson. The said Committee shall oversee and monitor the investigations across state to make sure the time bound action.
21. That such Judicial Magistrate shall complete a preliminary inquiry based on independent post mortem reports, within a week to determine if a custodial death was from natural causes or if there are any indications /

allegation of torture. Unless fully exonerated on unimpeachable medical evidence, the presumption must be that the custodial death was a result of torture / violence and investigation must be immediately initiated and conducted within two months. The trial, if any, shall be then completed within a year. Any police official being investigated after the preliminary inquiry, for custodial violence / death / torture must be placed on mandatory department suspension until acquitted.

22. That to ensure complete closure and justice to the victims of the custodial deaths/encounter killings it is necessary that the personal movable and immovable properties of the guilty policemen be attached, impounded and disposed of to provide adequate monetary compensation to the dependents or the next of kin of the victim.
23. That in order to have a swift and timely action it is necessary that the law laid down by this Hon'ble Court in ***Vineet Narain v. Union of India (1998) 1 SCC 226 (paragraph 5.5)*** that after the lapse of 3 months if no decision on sanction to prosecution is taken by the appropriate government then the same shall be considered to be deemed sanction to prosecute. The same shall be modified and applied to cases of custodial deaths/violence to the effect that if the decision on the request to grant sanction for prosecution is not taken within one month then the same shall be treated as deemed sanction.

**PUBLIC AWARENESS AND PREVENTING NORMALIZATION OF
CUSTODIAL DEATHS/ENCOUNTER KILLINGS**

24. That the laws and guidelines are not enough and there is a need of informed and compassionate citizenry too. Unfortunately due to continued and prolonged use of state violence and its depiction in the popular culture coupled with lack of proper awareness of one's own rights, has normalized the custodial deaths/encounters with public often celebrating such "knee-jerk vengeance justice" thereby denying a victim the dignity of a fair trial. In recent past the custodial deaths/encounters have not seen the necessary push back from the citizenry that is accepted of it; on the contrary in few cases such incidents have had huge public support. This leads to an environment that breeds a police force that commits such acts with impunity and victims who do not see a conducive social environment to seek justice.
25. Till date, India has not ratified the Convention against Torture, 1987 or implemented domestic laws in line with the convention.
26. That it is important that the public at large be made aware about their rights and remedies and limitation of police powers under CrPC and various judgments of this Hon'ble Court. It shall be directed that the State Government carries out such awareness drives in collaboration with the NGOs and also display such information on all public places possible especially at Police Stations. Simultaneously, the police officials must be given periodic training on human rights, dignity and

constitutional guarantees to ensure the upholding of the rule of law. A police official must realise that every act of detention, arrest is a decision of such officer on the need to impinge on the constitutional guarantee of a citizen and not to tread such rights lightly. There has been a growing trend to arrest and detain for the most minor of offences, transgressions even though the same is not warranted or mandated by law. Such detentions are sometimes unwarranted and infringe on personal liberty.

27. That a dangerous trend has started lately wherein the elected representatives have made statements in public that tend to encourage, patronize and endorse custodial violence/deaths and encounter killings. Such public statements not only convey an unwanted message to the police machinery but also undermines and defeats the guidelines issued by this Hon'ble Court time and again. Therefore the members of elected executive shall be cautioned against making such statements.

IMPLEMENTATION OF THE DIRECTIONS GIVEN BY THIS HON'BLE COURT IN PRAKASH SINGH & ORS V. UNION OF INDIA & ORS. (WP (C) NO. 310 OF 1996)

28. That this Hon'ble Court in ***Prakash Singh & Ors v. Union of India & Ors. (WP (C) No. 310 of 1996)*** has given various directions to the Central as well as the State Government pertaining to police reforms. However, even after 14 years of the judgment the Central as well as the

State Governments are yet to implement those reforms. One such reform suggested by this Hon'ble Court was the bifurcation of law and order wing of the police with the investigation wing.

29. That for the prevention of custodial violence/death and encounter killings it is necessary that the law and order wing of the police and the investigation wing of the police be bifurcated immediately. Once such bifurcation happens then it is easier to focus the energy and resources to develop a modern and scientific investigating agency which will not require torture or extra judicial means.
30. There must also be a dedicated internal investigations / disciplinary committee which mandatorily conducts an inquiry into every allegation of custodial violence, torture, death, encounter killing, etc.

TRANSPARENCY IN POLICE ACTIONS, INTERROGATION AND INVESTIGATION.

31. That in the case of custodial violence/death it is very difficult to find witnesses or prove the case against the policemen. Therefore this Hon'ble Court in the instant ***Writ Petition [(2015) 8 SCC 744]*** had directed state governments to consider installation of CCTV cameras in the police station. Further the presence of CCTV cameras would deter the policemen from committing custodial violence. However even after 5 year there has been very little progress in the installation of CCTV cameras in the police stations across the country.

32. That it is time that the Central as well as the State Governments be asked to file a status report about the number of police stations covered so far and also clarifying on affidavit a time schedule through which all the police stations will be covered and ensure that all police stations mandatorily have CCTV.
33. That the appropriate government can be further directed to ensure that all police vehicles must have a dashboard camera and that police officials conducting an arrest/ detention must be equipped with Body Worn Camera (BWC) and such recordings must become a part of every case file.
34. In the circumstances as aforesaid, it is submitted that having regard to the experience regarding implementation of the directions earlier given by this Hon'ble Court, time has come for issuance of certain further directions as set out in the succeeding paragraphs, in order to eradicate custodial violence and custodial deaths and consequently this Court may be pleased to issue the following directions (which are also attempted to be in sync with the issues raised in para 12 above):-
 - (a) Direct the Union govt. to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1987 and incorporate its provisions into domestic Indian law.
 - (b) Direct all states and union territories to establish a Human Rights Commission and ensure that all vacancies are filled promptly.

32. That it is time that the Central as well as the State Governments be asked to file a status report about the number of police stations covered so far and also clarifying on affidavit a time schedule through which all the police stations will be covered and ensure that all police stations mandatorily have CCTV.
33. That the appropriate government can be further directed to ensure that all police vehicles must have a dashboard camera and that police officials conducting an arrest/ detention must be equipped with Body Worn Camera (BWC) and such recordings must become a part of every case file.
34. In the circumstances as aforesaid, it is submitted that having regard to the experience regarding implementation of the directions earlier given by this Hon'ble Court, time has come for this Hon'ble Court to restore the proceedings in W.P.(Crl.) No. 539 of 1986 and for issuance of certain further directions as set out in the succeeding paragraphs, in order to eradicate custodial violence and custodial deaths and consequently this Court may be pleased to issue the following directions (which are also attempted to be in sync with the issues raised in para 12 above):-
 - (a) Direct the Union govt. to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1987 and incorporate its provisions into domestic Indian law.

- (b) Direct all states and union territories to establish a Human Rights Commission and ensure that all vacancies are filled promptly.
- (c) Direct the setting up of the Human Rights Courts as envisaged under S.30 of the Human Rights Act.
- (d) Direct that in every district the District & the Sessions Judge should appoint a judicial magistrate especially earmarked for carrying on time bound investigation in all the cases of custodial deaths/encounter killings. It should also be made mandatory that such Judicial Magistrate be aided by the District & Police administration to the extent he/she requires and further that such investigation be carried out without interference from the police station in question.
- (e) Direct that the aforesaid designated Judicial Magistrate identified in prayer (d) above shall conduct a preliminary inquiry within a week and then conduct the investigation, in cases of custodial deaths/encounter killings within two months and the trial, if any, shall be then completed within a year.
- (f) Issue directions for creation, constitution of permanent committee in each state headed either by the Chief Justice or a Judge of the High Court nominated by the Chief Justice with one respectable independent member of civil society and one senior government IAS officer not below the rank of joint secretary, to oversee and monitor the investigation.

- (g) Issue directions that the policemen named in the case be put under suspension pending trial from the day Judicial Magistrate completes his/her preliminary inquiry and files the report, unless the preliminary report of the Judicial Magistrate completely exonerates the police official concerned.
- (h) Issue directions that once the preliminary inquiry is completed by the Judicial Magistrate, unless exonerated by such report, departmental proceedings be initiated and completed within a period of 4 months. Where there is a fit case for prosecution, the same be done in accordance with recommendations above.
- (i) Issue directions that all cases of custodial death / torture, shall be prosecuted by a special public prosecutor.
- (j) The law laid down by this Hon'ble Court in ***Vineet Narain v. Union of India (1998) 1 SCC 226 (paragraph 5.5)*** be modified and applied to cases of custodial deaths/violence to the effect that if the decision on the request to grant sanction for prosecution is not taken within one month then the same shall be treated as deemed sanction.

- (k) Issue directions disentitling any police official under departmental action and / or prosecution for custodial death / torture encounter killing from receiving any award or reward from the govt.

- (l) Issue directions for the implementation of the directions given by this Hon'ble Court in ***Prakash Singh & Ors v. Union of India & Ors. (WP (C) No. 310 of 1996)*** to bifurcate law and order wing of the police and the investigation wing of the police by creating a Chinese-Wall between the two.

- (m) Issue directions to ensure that all police stations and prisons shall have CCTV recording and further issue directions to the state to explore the possibility and feasibility of providing dashboard / personnel cameras for police officials while making any arrest / detention. And further seek a status report from the state governments and union territories about the number of police stations covered so far with respect to installation of CCTV cameras.

- (n) issue directions to the central and all state governments and the NHRC, to report compliance of the DK Basu directions in letter and spirit.

PRAYER

In the circumstances, it is prayed that this Hon'ble Court be pleased to:

- a) Direct restoration/revival of the proceedings in W.P.(Crl.) 539 of 1986;
- b) Pass directions as prayed for at para 34(a) to 34(n) in the present application;
- c) Pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.

AND FOR THIS ACT OF KINDNESS, THE APPLICANTS AS IN DUTY BOUND, SHALL EVER PRAY.

Drawn on : 12.07.2020
Filed on : __.07.2020
Place : New Delhi

Dr. Abhishek Manu Singhvi

AMICUS CURIAE

Settled By:
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AMICUS Curiae)

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 13.2

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

TABLE 13.3

Reasons of Custodial Deaths During 2015

S. No.	State/UT	Injuries Sustained during the Police Custody due to Physical Assault by Police	Injuries sustained prior to Police Custody	Mob Attack/Riots	Assault by Other Criminals	Suicide	While Escaping from Police Custody
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
STATES:							
1	Andhra Pradesh	0	1	0	0	1	0
2	Arunachal Pradesh	0	0	0	0	1	0
3	Assam	1	0	0	0	3	1
4	Bihar	0	1	0	0	0	0
5	Chhattisgarh	0	0	0	0	3	0
6	Goa	0	0	0	0	1	0
7	Gujarat	1	2	0	0	3	0
8	Haryana	0	1	0	0	0	1
9	Himachal Pradesh	0	0	0	0	0	0
10	Jammu & Kashmir	0	0	0	0	0	0
11	Jharkhand	0	0	0	0	1	0
12	Karnataka	1	0	0	0	1	0
13	Kerala	0	0	0	0	0	0
14	Madhya Pradesh	0	0	0	1	4	0
15	Maharashtra	1	0	0	1	6	0
16	Manipur	0	0	0	0	0	0
17	Meghalaya	0	0	0	0	1	0
18	Mizoram	0	0	0	0	0	0
19	Nagaland	0	0	0	0	0	0
20	Odisha	1	0	0	0	1	0
21	Punjab	1	0	0	0	1	0
22	Rajasthan	0	0	0	0	1	0
23	Sikkim	0	0	0	0	0	0
24	Tamil Nadu	0	1	0	0	0	1
25	Telangana	0	0	0	0	0	1
26	Tripura	0	0	0	0	0	0
27	Uttar Pradesh	0	0	1	1	5	1
28	Uttarakhand	0	0	0	0	0	0
29	West Bengal	0	0	0	0	0	0
TOTAL STATE(S)		6	6	1	3	33	5
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	1	0
35	Lakshadweep	0	0	0	0	0	0
36	Puducherry	0	0	0	0	0	0
TOTAL UT(S)		0	0	0	0	1	0
TOTAL (ALL INDIA)		6	6	1	3	34	5

TABLE 13.3
Reasons of Custodial Deaths During 2015 (Concluded)

S. No.	State/UT	Illness	Natural Deaths	Road Accident/ Journey Connected to Investigation	Hospitalization	Others	Total Deaths in Police Custody
(1)	(2)	(9)	(10)	(11)	(12)	(13)	(14)
STATES:							
1	Andhra Pradesh	5	1	0	0	0	8
2	Arunachal Pradesh	0	0	0	0	0	1
3	Assam	1	0	0	1	0	7
4	Bihar	0	0	0	0	1	2
5	Chhattisgarh	0	0	0	0	1	4
6	Goa	0	0	0	0	0	1
7	Gujarat	1	2	0	0	0	9
8	Haryana	0	0	0	0	1	3
9	Himachal Pradesh	0	1	0	0	0	1
10	Jammu & Kashmir	0	0	0	0	0	0
11	Jharkhand	0	0	0	1	0	2
12	Karnataka	0	0	0	0	0	2
13	Kerala	0	0	0	0	0	0
14	Madhya Pradesh	0	0	0	1	1	7
15	Maharashtra	2	2	1	6	0	19
16	Manipur	0	0	0	0	0	0
17	Meghalaya	0	0	0	0	0	1
18	Mizoram	0	0	0	0	0	0
19	Nagaland	0	0	0	0	0	0
20	Odisha	0	0	0	0	1	3
21	Punjab	0	0	0	0	1	3
22	Rajasthan	0	1	0	1	0	3
23	Sikkim	0	0	0	0	0	0
24	Tamil Nadu	0	1	0	0	0	3
25	Telangana	1	0	0	2	0	4
26	Tripura	1	0	0	0	0	1
27	Uttar Pradesh	0	1	0	0	0	9
28	Uttarakhand	0	0	0	0	0	0
29	West Bengal	0	0	0	0	3	3
	TOTAL STATE(S)	11	9	1	12	9	96
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)	11	9	1	12	9	97

Col.14= Col.3+ Col.4+ Col.5+ Col.6+ Col.7+ Col.8+ Col.9+ Col.10+ Col.11+ Col.12+ Col.13

TABLE 13.3 - Page: 2 of 2

TABLE 13.4

Escapes From Police Custody During 2015

S. No.	State/UT	No. of Cases Registered (U/S 224, 225B)	Total No of Persons Escaped In Above Cases	Persons Escaped From Lockup	Persons Escaped Outside The Lockup	Escapes from lockup Re-Arrested	Other Escapees Re-Arrested	No. of Persons Charged Sheeted For Offence of Escape
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
STATES:								
1	Andhra Pradesh	39	44	5	39	5	20	21
2	Arunachal Pradesh	10	14	10	4	2	4	7
3	Assam	26	26	3	23	2	7	11
4	Bihar	43	50	13	37	6	24	38
5	Chhattisgarh	37	42	8	34	5	15	25
6	Goa	10	11	1	10	1	6	7
7	Gujarat	30	36	9	27	7	17	46
8	Haryana	31	39	0	39	0	20	33
9	Himachal Pradesh	17	17	0	17	5	10	13
10	Jammu & Kashmir	24	33	19	14	16	7	15
11	Jharkhand	11	13	4	9	2	2	11
12	Karnataka	47	50	4	46	4	15	18
13	Kerala	56	67	1	66	4	57	44
14	Madhya Pradesh	105	118	6	112	14	77	93
15	Maharashtra	106	127	28	99	24	74	65
16	Manipur	0	0	0	0	0	0	0
17	Meghalaya	5	6	2	4	2	2	5
18	Mizoram	7	8	1	7	1	6	7
19	Nagaland	0	0	0	0	0	0	0
20	Odisha	50	54	4	50	0	25	33
21	Punjab	60	79	14	65	13	38	36
22	Rajasthan	65	81	12	69	5	55	65
23	Sikkim	0	0	0	0	0	0	0
24	Tamil Nadu	26	30	4	26	4	24	24
25	Telangana	32	39	5	34	5	19	16
26	Tripura	10	10	0	10	0	6	6
27	Uttar Pradesh	164	258	14	244	11	143	152
28	Uttarakhand	3	3	0	3	0	2	2
29	West Bengal	40	48	12	36	2	25	41
TOTAL STATE(S)		1054	1303	179	1124	140	700	834
UNION TERRITORIES:								
30	A & N Islands	0	0	0	0	0	0	0
31	Chandigarh	8	10	4	6	2	8	9
32	D&N Haveli	0	0	0	0	0	0	0
33	Daman & Diu	0	0	0	0	0	1	1
34	Delhi UT	25	25	1	24	1	18	15
35	Lakshadweep	0	0	0	0	0	0	0
36	Puducherry	0	0	0	0	0	0	0
TOTAL UT(S)		33	35	5	30	3	27	25
TOTAL (ALL INDIA)		1087	1338	184	1154	143	727	859

TABLE 13.4 (Concluded)

31

S. No.	State/UT	Disposal By Courts								No. of Persons Awarded Imprisonment on Charges of Escape	
		No. Tried		No. Convicted		No. Acquitted		No. Pending For Trial			
		Cases Involved	No of Persons	Cases Involved	No of Persons	Cases Involved	No of Persons	Cases Involved	No of Persons	Upto 3 Years	More than 3 Years
(1)	(2)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
STATES:											
1	Andhra Pradesh	5	4	4	3	1	1	14	17	8	1
2	Arunachal Pradesh	0	0	0	0	0	0	4	11	0	0
3	Assam	3	3	2	2	1	1	6	9	2	3
4	Bihar	0	0	0	0	0	0	30	31	0	0
5	Chhattisgarh	2	1	2	1	0	0	19	20	1	0
6	Goa	55	63	7	13	48	50	6	7	0	0
7	Gujarat	0	0	0	0	0	0	19	40	0	0
8	Haryana	2	5	1	2	1	3	25	42	2	0
9	Himachal Pradesh	4	4	3	3	1	1	49	60	3	0
10	Jammu & Kashmir	0	0	0	0	0	0	8	10	0	0
11	Jharkhand	2	762	2	81	0	681	12	9316	3	0
12	Karnataka	1	1	1	1	0	0	12	14	1	1
13	Kerala	6	6	6	6	0	0	36	30	6	0
14	Madhya Pradesh	1	1	1	1	0	0	72	83	2	5
15	Maharashtra	2	2	0	0	2	2	46	54	0	0
16	Manipur	0	0	0	0	0	0	0	0	0	0
17	Meghalaya	0	0	0	0	0	0	3	0	0	0
18	Mizoram	5	5	5	5	0	0	1	2	2	0
19	Nagaland	0	0	0	0	0	0	0	0	0	0
20	Odisha	0	0	0	0	0	0	16	18	0	3
21	Punjab	17	18	11	12	6	6	25	34	9	1
22	Rajasthan	5	5	5	5	0	0	43	55	4	3
23	Sikkim	0	0	0	0	0	0	0	0	0	0
24	Tamil Nadu	1	1	1	1	0	0	17	21	2	0
25	Telangana	0	0	0	0	0	0	11	9	0	0
26	Tripura	0	1	0	1	0	0	4	4	1	0
27	Uttar Pradesh	13	20	6	8	7	12	102	136	4	12
28	Uttarakhand	1	1	1	1	0	0	0	0	0	0
29	West Bengal	1	1	1	1	0	0	11	12	3	1
TOTAL STATE(S)		126	904	59	147	67	757	591	10035	53	30
UNION TERRITORIES:											
30	A & N Islands	0	0	0	0	0	0	0	0	0	0
31	Chandigarh	8	8	4	4	4	4	14	18	0	0
32	D&N Haveli	0	0	0	0	0	0	0	0	0	0
33	Daman & Diu	0	0	0	0	0	0	1	1	0	0
34	Delhi UT	1	2	1	2	0	0	12	12	1	0
35	Lakshadweep	0	0	0	0	0	0	0	0	0	0
36	Puducherry	0	0	0	0	0	0	0	0	0	0
TOTAL UT(S)		9	10	5	6	4	4	27	31	1	0
TOTAL (ALL INDIA)		135	914	64	153	71	761	618	10066	54	30

2015 DATA					
	STATE & UTs	DEATHS	CASES REGISTERED IN THESE DEATHS	POLICEMEN CHARGE SHEETED	POLICEMEN CONVICTED
STATES:					
1	Andhra Pradesh	8	1	0	0
2	Arunachal Pradesh	1	0	0	0
3	Assam	7	5	3	0
4	Bihar	2	1	4	0
5	Chhattisgarh	4	0	0	0
6	Goa	1	0	0	0
7	Gujarat	9	2	0	0
8	Haryana	3	1	0	0
9	Himachal Pradesh	1	0	0	0
10	Jammu & Kashmir	0	0	0	0
11	Jharkhand	2	0	0	0
12	Karnataka	2	1	0	0
13	Kerala	0	0	0	0
14	Madhya Pradesh	7	0	0	0
15	Maharashtra	19	1	6	0
16	Manipur	0	0	0	0
17	Meghalaya	1	0	0	0
18	Mizoram	0	0	0	0
19	Nagaland	0	0	0	0
20	Odisha	3	3	10	0

21	Punjab	3	1	0	0
22	Rajasthan	3	2	0	0
23	Sikkim	0	0	0	0
24	Tamil Nadu	3	3	3	0
25	Telangana	4	0	0	0
26	Tripura	1	0	0	0
27	Uttar Pradesh	9	9	2	0
28	Uttarakhand	0	0	0	0
29	West Bengal	3	3	0	0
TOTAL STATE(S)		96	33	28	0
UNION TERRITORIES:					
30	Andaman & Nicobar Islands	0	0	0	0
31	Chandigarh	0	0	0	0
32	Dadra & Nagar Haveli	0	0	0	0
33	Daman & Diu	0	0	0	0
34	Delhi UT	1	0	0	0
35	Lakshadweep	0	0	0	0
36	Puducherry	0	0	0	0
Total UT(S)		1	0	0	0
TOTAL ALL INDIA		97	33	28	0

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.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.3
Reasons of Custodial Deaths - 2016

S. No.	State/UT	Suicide	Illness		Injuries sustained during the Police Custody due to Physical Assault by Police	Natural Deaths	While Escaping from Police Custody
			Outside Hospital	Inside Hospital			
1	2	3	4	5	6	7	8
STATES:							
1	Andhra Pradesh	0	1	1	4	0	0
2	Arunachal Pradesh	0	0	0	0	0	0
3	Assam	1	0	0	0	0	0
4	Bihar	0	1	0	0	0	0
5	Chhattisgarh	2	0	1	0	0	1
6	Goa	0	0	0	0	1	0
7	Gujarat	5	1	0	0	3	0
8	Haryana	0	1	0	1	0	0
9	Himachal Pradesh	1	0	0	0	0	0
10	Jammu & Kashmir	0	0	0	0	0	0
11	Jharkhand	0	1	0	0	1	0
12	Karnataka	1	0	0	0	0	0
13	Kerala	1	1	0	0	0	0
14	Madhya Pradesh	7	2	2	0	0	0
15	Maharashtra	8	2	3	1	1	1
16	Manipur	0	0	0	0	0	0
17	Meghalaya	0	0	0	0	0	0
18	Mizoram	3	0	0	0	0	0
19	Nagaland	1	0	0	0	0	1
20	Odisha	0	0	0	0	0	0
21	Punjab	2	1	1	0	0	0
22	Rajasthan	1	0	2	0	0	0
23	Sikkim	0	0	0	0	0	0
24	Tamil Nadu	2	3	0	0	0	0
25	Telangana	0	0	0	0	0	0
26	Tripura	0	0	0	0	0	0
27	Uttar Pradesh	2	0	2	2	1	1
28	Uttarakhand	0	0	0	0	0	0
29	West Bengal	0	1	1	0	0	0
	TOTAL STATE(S)	37	15	13	8	7	4
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	1	0	0	0	0	0
35	Lakshadweep	0	0	0	0	0	0
36	Puducherry	0	0	0	0	0	0
	TOTAL UT(S)	1	0	0	0	0	0
	TOTAL (ALL INDIA)	38	15	13	8	7	4

TABLE 16A.3
Reasons of Custodial Deaths - 2016 (Concluded)

S. No.	State/UT	Assault by Other Criminals	Injuries sustained prior to police Custody	Mob Attack/Riots	Road Accident/Journey connected to Investigation	Others	Total Deaths in Police Custody
		9	10	11	12	13	14
STATES:							
1	Andhra Pradesh	0	0	0	0	0	6
2	Arunachal Pradesh	0	0	0	0	0	0
3	Assam	1	0	0	0	0	2
4	Bihar	0	1	0	0	0	2
5	Chhattisgarh	0	0	0	0	0	4
6	Goa	0	0	0	0	0	1
7	Gujarat	0	0	1	0	1	11
8	Haryana	0	0	0	0	1	3
9	Himachal Pradesh	0	0	0	0	0	1
10	Jammu & Kashmir	0	0	0	0	0	0
11	Jharkhand	0	0	0	0	0	2
12	Karnataka	0	0	0	0	0	1
13	Kerala	0	0	0	0	0	2
14	Madhya Pradesh	0	0	0	0	0	11
15	Maharashtra	0	0	0	0	0	16
16	Manipur	0	0	0	0	0	0
17	Meghalaya	0	0	0	0	0	0
18	Mizoram	0	0	0	0	0	3
19	Nagaland	0	0	0	0	0	2
20	Odisha	0	0	0	0	0	0
21	Punjab	0	0	0	0	0	4
22	Rajasthan	0	0	0	0	0	3
23	Sikkim	0	0	0	0	0	0
24	Tamil Nadu	0	0	0	0	0	5
25	Telangana	0	0	0	0	0	0
26	Tripura	0	0	0	0	0	0
27	Uttar Pradesh	1	0	0	0	0	9
28	Uttarakhand	0	0	0	0	0	0
29	West Bengal	0	0	0	1	0	3
TOTAL STATE(S)		2	1	1	1	2	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)		2	1	1	1	2	92

TABLE 16A.4
Escapes From Police Custody - 2016

S. No.	State/UT	No. of Cases Registered (U/S 224, 225 B)	Total No of Persons Escaped From Police Custody	Persons Escaped From Lockup	Persons Escaped Outside The Lockup	Escapees Re-arrested who Escaped		No. of Persons Charged Sheeted For Offence of Escape
						From Lockup	Other than Lockup	
1	2	3	4	5	6	7	8	9
STATES:								
1	Andhra Pradesh	33	34	4	30	2	20	19
2	Arunachal Pradesh	8	18	14	4	13	4	9
3	Assam	39	42	8	34	8	14	10
4	Bihar	49	51	9	42	19	12	38
5	Chhattisgarh	27	28	1	27	1	18	16
6	Goa	3	3	0	3	0	2	3
7	Gujarat	39	48	15	33	15	27	52
8	Haryana	42	56	15	41	14	29	65
9	Himachal Pradesh	10	10	0	10	0	10	8
10	Jammu & Kashmir	18	23	13	10	9	7	11
11	Jharkhand	9	12	3	9	3	1	10
12	Karnataka	26	33	3	30	3	22	20
13	Kerala	51	58	7	51	5	46	65
14	Madhya Pradesh	111	133	26	107	14	81	93
15	Maharashtra	98	118	21	97	21	73	76
16	Manipur	0	0	0	0	0	0	0
17	Meghalaya	5	5	1	4	1	0	1
18	Mizoram	7	7	1	6	1	2	5
19	Nagaland	0	0	0	0	0	0	0
20	Odisha	50	51	8	43	1	27	27
21	Punjab	56	64	9	55	3	29	56
22	Rajasthan	70	81	3	78	2	60	62
23	Sikkim	4	4	0	4	0	2	2
24	Tamil Nadu	24	24	2	22	1	17	12
25	Telangana	28	28	0	28	0	21	21
26	Tripura	4	7	3	4	0	3	4
27	Uttar Pradesh	282	327	34	293	27	235	260
28	Uttarakhand	4	5	0	5	0	0	0
29	West Bengal	21	25	10	15	5	11	14
TOTAL STATE(S)		1118	1295	210	1085	168	773	959
UNION TERRITORIES:								
30	A & N Islands	0	0	0	0	0	0	0
31	Chandigarh	5	5	0	5	0	5	5
32	D&N Haveli	0	0	0	0	0	0	0
33	Daman & Diu	0	0	0	0	0	0	0
34	Delhi UT	20	20	0	20	0	12	5
35	Lakshadweep	0	0	0	0	0	0	0
36	Puducherry	0	0	0	0	0	0	0
TOTAL UT(S)		25	25	0	25	0	17	10
TOTAL (ALL INDIA)		1143	1320	210	1110	168	790	969

TABLE 16A.4
Escapes From Police Custody - 2016 (Concluded)

S. No.	State/UT	Disposal By Courts							
		Trials Completed		Convicted		Acquitted		No. Pending For Trial	
		Cases Involved	No of Persons	Cases Involved	No of Persons	Cases Involved	No of Persons	Cases Involved	No of Persons
		10	11	12	13	14	15	16	17
STATES:									
1	Andhra Pradesh	37	6	4	4	33	2	12	12
2	Arunachal Pradesh	0	0	0	0	0	0	2	6
3	Assam	3	3	3	3	0	0	4	4
4	Bihar	0	0	0	0	0	0	30	39
5	Chhattisgarh	0	0	0	0	0	0	14	13
6	Goa	1	1	1	1	0	0	3	4
7	Gujarat	0	1	0	0	0	1	25	39
8	Haryana	3	7	0	0	3	7	27	62
9	Himachal Pradesh	9	10	4	4	5	6	46	51
10	Jammu & Kashmir	1	1	1	1	0	0	12	16
11	Jharkhand	1	1	1	1	0	0	8	9
12	Karnataka	9	9	8	8	1	1	8	11
13	Kerala	2	2	2	2	0	0	31	40
14	Madhya Pradesh	0	0	0	0	0	0	65	79
15	Maharashtra	1	1	0	0	1	1	68	75
16	Manipur	0	0	0	0	0	0	0	0
17	Meghalaya	0	0	0	0	0	0	1	1
18	Mizoram	5	5	4	4	1	1	1	1
19	Nagaland	0	0	0	0	0	0	0	0
20	Odisha	0	0	0	0	0	0	4	4
21	Punjab	21	37	9	13	12	24	29	46
22	Rajasthan	1	1	0	0	1	1	42	55
23	Sikkim	0	0	0	0	0	0	2	2
24	Tamil Nadu	3	3	3	3	0	0	8	8
25	Telangana	2	2	2	2	0	0	17	17
26	Tripura	215	415	57	83	158	332	2087	4522
27	Uttar Pradesh	13	13	13	13	0	0	207	239
28	Uttarakhand	0	0	0	0	0	0	0	0
29	West Bengal	1	1	1	1	0	0	3	3
	TOTAL STATE(S)	328	519	113	143	215	376	2756	5358
UNION TERRITORIES:									
30	A & N Islands	0	0	0	0	0	0	0	0
31	Chandigarh	8	8	7	7	1	1	9	20
32	D&N Haveli	0	0	0	0	0	0	0	0
33	Daman & Diu	0	0	0	0	0	0	0	0
34	Delhi UT	1	1	1	1	0	0	3	3
35	Lakshadweep	0	0	0	0	0	0	0	0
36	Puducherry	0	0	0	0	0	0	0	0
	TOTAL UT(S)	9	9	8	8	1	1	12	23
	TOTAL (ALL INDIA)	337	528	121	151	216	377	2768	5381

TABLE 16A.5
Total Cases Registered Against Police Personnel - 2016

S. No.	State/UT	Total Number of Criminal Cases Registered During the Year	Police Personnel Arrested	Cases Charge-sheeted	Police Personnel Charge-sheeted	Police Personnel whose Cases were withdrawn/Disposed Off	Police Personnel whose Trials were Completed	Police Personnel Convicted	Police Personnel Acquitted
1	2	3	4	5	6	7	8	9	10
STATES:									
1	Andhra Pradesh	100	36	28	29	5	8	0	8
2	Arunachal Pradesh	24	10	13	13	0	6	5	1
3	Assam	37	18	8	8	1	0	0	0
4	Bihar	43	0	40	40	0	0	0	0
5	Chhattisgarh	65	26	32	38	1	1	0	1
6	Goa	20	11	8	8	0	1	0	1
7	Gujarat	130	131	91	105	2	3	0	3
8	Haryana	488	41	18	26	11	0	0	0
9	Himachal Pradesh	11	7	5	5	0	0	0	0
10	Jammu & Kashmir	29	22	15	17	1	0	0	0
11	Jharkhand	3	2	2	2	0	0	0	0
12	Karnataka	63	23	16	16	8	1	0	1
13	Kerala	171	50	49	42	16	0	0	0
14	Madhya Pradesh	66	44	61	65	4	1	1	0
15	Maharashtra	487	388	196	209	37	24	20	4
16	Manipur	0	19	0	0	0	0	0	0
17	Meghalaya	265	2	110	0	0	0	0	0
18	Mizoram	0	0	0	0	0	0	0	0
19	Nagaland	12	11	4	5	0	0	0	0
20	Odisha	64	35	28	25	0	0	0	0
21	Punjab	88	70	16	22	7	10	1	9
22	Rajasthan	158	30	33	31	1	1	0	1
23	Sikkim	0	0	0	0	0	0	0	0
24	Tamil Nadu	114	57	41	42	4	2	1	1
25	Telangana	57	33	29	29	1	0	0	0
26	Tripura	10	7	6	6	0	0	0	0
27	Uttar Pradesh	315	187	108	182	0	2	0	2
28	Uttarakhand	7	7	4	7	0	0	0	0
29	West Bengal	9	3	18	18	1	1	0	1
TOTAL STATE(S)		2836	1270	979	990	100	61	28	33
UNION TERRITORIES:									
30	A & N Islands	0	0	0	0	0	0	0	0
31	Chandigarh	13	14	14	16	0	12	3	9
32	D&N Haveli	0	0	0	0	0	0	0	0
33	Daman & Diu	1	5	0	0	0	0	0	0
34	Delhi UT	136	42	2	2	0	0	0	0
35	Lakshadweep	0	0	0	0	0	0	0	0
36	Puducherry	96	0	96	96	0	0	0	0
TOTAL UT(S)		246	61	112	114	0	12	3	9
TOTAL (ALL INDIA)		3082	1331	1091	1104	100	73	31	42

TABLE 16A.6

Cases Registered against Police Personnel for Human Rights Violation - 2016

Sl. No.	Incidence of	No. of Cases Registered	No. of Cases Found to be False	No. of Police Personnel Charge-sheeted	No. of Police Personnel Convicted
1	2	3	4	5	6
1	Fake Encounter Killings	13	6	4	0
2	Illegal Detentions or Arrests	16	2	1	0
3	Torture	1	0	0	0
4	Hurt/Injury	52	22	22	0
5	Extortion	50	18	7	0
6	Failure in Taking Action	2	0	0	0
7	Others Human Rights Violations	75	25	16	0
Total Human Rights Violation by Police		209	73	50	0

2016 DATA					
	STATE & UTs	DEATHS	CASES REGISTERED IN THESE DEATHS	POLICEMEN CHARGE SHEETED	POLICEMEN CONVICTED
STATES:					
1	Andhra Pradesh	6	0	0	0
2	Arunachal Pradesh	0	0	0	0
3	Assam	2	0	0	0
4	Bihar	2	0	0	0
5	Chhattisgarh	4	1	4	0
6	Goa	1	0	0	0
7	Gujarat	11	1	0	0
8	Haryana	3	1	4	0
9	Himachal Pradesh	1	0	0	0
10	Jammu & Kashmir	0	0	0	0
11	Jharkhand	2	0	0	0
12	Karnataka	1	0	0	0
13	Kerala	2	0	0	0
14	Madhya Pradesh	11	1	10	0
15	Maharashtra	16	3	0	0
16	Manipur	0	0	0	0
17	Meghalaya	0	0	0	0
18	Mizoram	3	0	0	0
19	Nagaland	2	2	0	0

20	Odisha	0	0	0	0
21	Punjab	4	1	2	0
22	Rajasthan	3	1	4	0
23	Sikkim	0	0	0	0
24	Tamil Nadu	5	5	0	0
25	Telangana	0	0	0	0
26	Tripura	0	0	0	0
27	Uttar Pradesh	9	8	0	0
28	Uttarakhand	0	0	0	0
29	West Bengal	3	0	0	0
TOTAL STATE(S)		91	24	24	0
UNION TERRITORIES:					
30	Andaman & Nicobar Islands	0	0	0	0
31	Chandigarh	0	0	0	0
32	Dadra & Nagar Haveli	0	0	0	0
33	Daman & Diu	0	0	0	0
34	Delhi UT	1	1	0	0
35	Lakshadweep	0	0	0	0
36	Puducherry	0	0	0	0
Total UT(S)		1	1	0	0
TOTAL ALL INDIA		92	25	24	0

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

TABLE 16A.3
Reasons of Custodial Deaths - 2017

S. No.	State/UT	Suicide	Death due to illness/ Death in Hospitals during treatment	Injuries sustained prior to police custody	Injuries sustained during the police custody due to physical assault by police	While Escaping from Custody	Road Accidents/ Journey Connected with Investigation	Others	Total
1	2	3	4	5	6	7	8	9	10
STATES:									
1	Andhra Pradesh	4	8	0	0	0	0	15	27
2	Arunachal Pradesh	0	0	0	0	0	0	0	0
3	Assam	0	0	0	0	0	0	0	0
4	Bihar	0	0	0	0	0	0	0	0
5	Chhattisgarh	1	0	0	1	0	0	1	3
6	Goa	0	0	0	0	0	0	0	0
7	Gujarat	4	2	0	2	0	0	2	10
8	Haryana	1	1	0	0	0	0	0	2
9	Himachal Pradesh	0	0	1	0	0	0	0	1
10	Jammu & Kashmir	0	0	0	0	0	0	0	0
11	Jharkhand	0	0	0	0	0	0	0	0
12	Karnataka	0	0	0	0	0	0	0	0
13	Kerala	0	0	0	0	0	0	0	0
14	Madhya Pradesh	3	0	0	0	1	1	0	5
15	Maharashtra	7	3	0	1	0	2	2	15
16	Manipur	1	3	0	0	0	0	0	4
17	Meghalaya	0	0	0	0	0	0	0	0
18	Mizoram	2	0	0	0	0	0	0	2
19	Nagaland	1	0	0	0	0	0	0	1
20	Odisha	0	1	0	1	0	0	0	2
21	Punjab	4	0	0	0	0	0	0	4
22	Rajasthan	1	1	0	0	0	1	0	3
23	Sikkim	0	0	0	0	0	0	0	0
24	Tamil Nadu	1	7	0	0	0	0	0	8
25	Telangana	2	2	0	0	1	0	0	5
26	Tripura	0	0	0	0	0	0	0	0
27	Uttar Pradesh	2	0	0	0	1	0	1	4
28	Uttarakhand	1	0	0	0	0	0	0	1
29	West Bengal	2	0	0	0	0	0	1	3
TOTAL STATE(S)		37	28	1	5	3	4	22	100
UNION TERRITORIES:									
30	A & N Islands	0	0	0	0	0	0	0	0
31	Chandigarh	0	0	0	0	0	0	0	0
32	D&N Haveli	0	0	0	0	0	0	0	0
33	Daman & Diu	0	0	0	0	0	0	0	0
34	Delhi UT	0	0	0	0	0	0	0	0
35	Lakshadweep	0	0	0	0	0	0	0	0
36	Puducherry	0	0	0	0	0	0	0	0
TOTAL UT(S)		0	0	0	0	0	0	0	0
TOTAL (ALL INDIA)		37	28	1	5	3	4	22	100

• As per data provided by States/UTs

TABLE 16A.3 Page 1 of 1

TABLE 16A.4
Escapes From Police Custody - 2017

S. No.	State/UT	Cases Reported	Persons Escaped			Escapees		Cases against Police for Negligence	Action taken for Negligence		
			From lockup	Outside Lockup	Total	Re-Arrested	Absconding		Police Personnel Arrested	Police Personnel Charge-Sheeted	Police Personnel Convicted
1	2	3	4	5	6	7	8	9	10	11	12
STATES:											
1	Andhra Pradesh	36	3	35	38	33	4	0	0	0	1
2	Arunachal Pradesh	3	9	1	10	10	0	0	0	0	0
3	Assam	13	5	9	14	11	3	0	0	0	0
4	Bihar	62	15	50	65	43	16	0	0	4	0
5	Chhattisgarh	27	6	24	30	25	8	8	0	0	0
6	Goa	4	0	4	4	2	1	0	0	0	0
7	Gujarat	41	7	42	49	39	11	14	23	20	0
8	Haryana	25	6	22	28	22	1	4	3	3	0
9	Himachal Pradesh	9	1	11	12	10	1	2	3	5	2
10	Jammu & Kashmir	11	3	8	11	8	2	3	1	1	0
11	Jharkhand	9	0	6	6	8	1	3	0	0	0
12	Karnataka	47	10	40	50	31	9	0	1	0	0
13	Kerala	35	5	29	34	30	4	0	0	0	0
14	Madhya Pradesh	319	15	89	104	74	13	0	1	6	5
15	Maharashtra	115	18	115	133	103	19	5	1	1	0
16	Manipur	0	1	0	1	1	0	0	0	0	0
17	Meghalaya	5	0	5	5	3	2	0	0	0	0
18	Mizoram	36	1	5	6	6	0	0	0	0	0
19	Nagaland	1	0	1	1	1	0	1	1	0	0
20	Odisha	43	4	45	49	37	4	0	0	0	0
21	Punjab	64	8	62	70	68	81	30	31	4	0
22	Rajasthan	71	5	69	74	82	11	0	0	16	8
23	Sikkim	0	0	0	0	0	0	0	0	0	0
24	Tamil Nadu	21	3	20	23	22	1	0	0	0	0
25	Telangana	24	6	18	24	19	0	2	0	8	0
26	Tripura	1	1	1	2	1	1	1	0	0	0
27	Uttar Pradesh	78	19	81	100	72	43	48	91	71	37
28	Uttarakhand	10	3	7	10	4	1	5	0	5	0
29	West Bengal	24	4	20	24	15	4	0	0	0	0
TOTAL STATE(S)		1134	158	819	977	780	241	126	156	144	53
UNION TERRITORIES:											
30	A & N Islands	0	0	0	0	0	0	0	0	0	0
31	Chandigarh	3	1	1	2	2	1	1	0	2	0
32	D&N Haveli	1	0	1	1	0	0	0	0	0	0
33	Daman & Diu	0	0	0	0	0	0	0	0	0	0
34	Delhi UT	25	0	28	28	21	4	3	1	1	0
35	Lakshadweep	0	0	0	0	0	0	0	0	0	0
36	Puducherry	0	0	1	1	1	0	0	0	0	0
TOTAL UT(S)		29	1	31	32	24	5	4	1	3	0
TOTAL (ALL INDIA)		1163	159	850	1009	804	246	130	157	147	53

• As per data provided by States/UTs

TABLE 16A.4 Page 1 of 1

TABLE 16A.5
Cases Registered against Police Personnel - 2017

S. No.	State/UT	Number of Cases				Number of Police Personnel					
		Registered	Quashed/Stayed by Courts	Charge-sheeted	Final Report Submitted	Arrested	Charge-sheeted	Cases With-drawn/Disposed Off	Trials were Completed	Convicted	Acquitted or Discharged
1	2	3	4	5	6	7	8	9	10	11	12
STATES:											
1	Andhra Pradesh	164	0	344	95	103	101	2	61	0	61
2	Arunachal Pradesh	9	0	1	4	0	5	0	0	0	0
3	Assam	8	4	1	2	0	1	0	0	0	0
4	Bihar	4	0	4	0	0	5	0	0	0	0
5	Chhattisgarh	20	0	10	15	0	17	3	99	3	96
6	Goa	25	0	2	13	11	11	0	1	0	1
7	Gujarat	191	10	125	34	178	176	2	23	0	23
8	Haryana	39	0	23	22	0	23	3	4	0	4
9	Himachal Pradesh	9	18	21	8	16	16	0	0	0	0
10	Jammu & Kashmir	40	0	52	45	0	28	1	36	1	35
11	Jharkhand	2	0	0	1	0	0	0	0	0	0
12	Karnataka	45	2	14	25	0	29	2	3	0	3
13	Kerala	114	4	16	55	45	31	8	6	3	3
14	Madhya Pradesh	50	0	60	36	0	48	4	264	10	254
15	Maharashtra	456	35	237	151	0	232	29	16	11	5
16	Manipur	0	0	0	0	0	0	0	0	0	0
17	Meghalaya	1	0	0	1	0	0	0	0	0	0
18	Mizoram	1	0	1	0	0	0	0	0	0	0
19	Nagaland	14	0	1	6	0	6	0	0	0	0
20	Odisha	44	14	23	18	0	12	0	0	0	0
21	Punjab	114	1	26	27	45	38	7	14	4	10
22	Rajasthan	169	7	82	57	0	29	1	1	0	1
23	Sikkim	0	0	0	0	0	0	0	0	0	0
24	Tamil Nadu	116	4	23	31	0	23	9	5	1	4
25	Telangana	87	0	18	40	47	44	3	3	0	3
26	Tripura	4	0	0	2	2	2	0	0	0	0
27	Uttar Pradesh	106	0	36	54	88	81	7	192	92	100
28	Uttarakhand	2	1	1	1	2	2	0	0	0	0
29	West Bengal	23	0	15	0	0	15	2	2	0	2
TOTAL STATE(S)		1857	100	1136	743	537	975	83	730	125	605
UNION TERRITORIES:											
30	A & N Islands	8	0	7	0	7	7	0	0	0	0
31	Chandigarh	8	0	11	0	0	11	1	5	3	2
32	D&N Haveli	0	0	0	0	0	0	0	0	0	0
33	Daman & Diu	0	0	0	0	0	0	0	0	0	0
34	Delhi UT	13	0	4	0	5	5	0	0	0	0
35	Lakshadweep	0	0	0	0	0	0	0	0	0	0
36	Puducherry	119	0	63	51	0	2	0	0	0	0
TOTAL UT(S)		148	0	85	51	12	25	1	5	3	2
TOTAL (ALL INDIA)		2005	100	1221	794	549	1000	84	735	128	607

Note: * Data of Persons Arrested is under Clarification

TABLE 16A.5 Page 1 of 1

● As per data provided by States/UTs

TABLE 16A.6

Cases Registered against State Police Personnel for Human Rights Violation - 2017

Sl. No.	Incidence of	Number of Cases					Number of Policemen			
		Registered	Final Reports Submitted	Charge Sheeted	Convicted	Acquitted/Discharged	Arrested	Charge Sheeted	Convicted	Acquitted/Discharged
1	2	3	4	5	6	7	8	9	10	11
1	Encounter Killing	6	2	2	0	0	8	4	0	0
2	Deaths in Custody	7	2	4	0	0	20	20	0	0
3	Illegal Detention	0	0	0	0	0	0	0	0	0
4	Torture/Causing Hurt/Injury	17	2	13	3	1	13	12	3	1
5	Extortion	6	2	1	0	0	3	2	0	0
6	Other	20	6	9	0	0	13	10	0	0
Total Human Rights Violation by Police		56	14	29	3	1	57	48	3	1

● As per data provided by States/UTs

TABLE 16A.6 Page 1 of 1

2017 DATA					
	STATE & UTs	DEATHS	CASES REGISTERED IN THESE DEATHS	POLICEMEN CHARGE SHEETED	POLICEMEN CONVICTED
STATES:					
1	Andhra Pradesh	27	27	0	0
2	Arunachal Pradesh	0	0	0	0
3	Assam	0	0	0	0
4	Bihar	0	0	0	0
5	Chhattisgarh	3	2	4	0
6	Goa	0	0	0	0
7	Gujarat	10	2	5	0
8	Haryana	2	1	0	0
9	Himachal Pradesh	1	1	9	0
10	Jammu & Kashmir	0	0	0	0
11	Jharkhand	0	0	0	0
12	Karnataka	0	0	0	0
13	Kerala	0	0	0	0
14	Madhya Pradesh	5	0	0	0
15	Maharashtra	15	2	5	0
16	Manipur	4	0	0	0
17	Meghalaya	0	0	0	0
18	Mizoram	2	0	0	0
19	Nagaland	1	0	0	0
20	Odisha	2	2	0	0

21	Punjab	4	2	0	0
22	Rajasthan	3	2	3	0
23	Sikkim	0	0	0	0
24	Tamil Nadu	8	8	0	0
25	Telangana	5	5	0	0
26	Tripura	0	0	0	0
27	Uttar Pradesh	4	4	1	0
28	Uttarakhand	1	1	0	0
29	West Bengal	3	3	0	0
TOTAL STATE(S)		100	62	27	0
UNION TERRITORIES:					
30	Andaman & Nicobar Islands	0	0	0	0
31	Chandigarh	0	0	0	0
32	Dadra & Nagar Haveli	0	0	0	0
33	Daman & Diu	0	0	0	0
34	Delhi UT	0	0	0	0
35	Lakshadweep	0	0	0	0
36	Puducherry	0	0	0	0
Total UT(S)		0	0	0	0
TOTAL ALL INDIA		100	62	27	0

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

TABLE 16A.3
Reasons of Custodial Deaths - 2018

S. No.	State/UT	Suicide	Death due to illness/ Death in Hospitals during treatment	Injuries sustained prior to police custody	Injuries sustained during the police custody due to physical assault by police	While Escaping from Custody	Road Accidents/ Journey Connected with Investigation	Others	Total
1	2	3	4	5	6	7	8	9	10
STATES:									
1	Andhra Pradesh	1	7	0	0	2	0	1	11
2	Arunachal Pradesh	0	0	0	0	0	0	0	0
3	Assam	0	0	1	0	1	0	0	2
4	Bihar	1	0	0	0	0	0	0	1
5	Chhattisgarh	0	0	0	0	0	1	1	2
6	Goa	0	0	0	0	0	0	0	0
7	Gujarat	3	6	3	1	1	0	0	14
8	Haryana	1	1	0	0	0	0	0	2
9	Himachal Pradesh	0	0	0	0	0	0	0	0
10	Jammu & Kashmir	0	0	0	0	0	0	0	0
11	Jharkhand	0	1	0	0	0	0	0	1
12	Karnataka	0	1	0	0	1	0	0	2
13	Kerala	0	0	0	1	0	0	0	1
14	Madhya Pradesh	3	1	0	0	0	0	0	4
15	Maharashtra	1	5	0	1	0	0	0	7
16	Manipur	0	0	0	0	0	0	0	0
17	Meghalaya	0	0	0	0	0	0	0	0
18	Mizoram	0	0	0	0	0	0	0	0
19	Nagaland	0	0	0	0	0	0	0	0
20	Odisha	1	0	0	0	0	0	1	2
21	Punjab	1	1	0	0	0	0	0	2
22	Rajasthan	2	2	1	0	0	0	0	5
23	Sikkim	0	0	0	0	0	0	0	0
24	Tamil Nadu	2	7	2	0	1	0	0	12
25	Telangana	1	0	0	0	1	0	0	2
26	Tripura	0	0	0	0	0	0	0	0
27	Uttar Pradesh	0	0	0	0	0	0	0	0
28	Uttarakhand	0	0	0	0	0	0	0	0
29	West Bengal	0	0	0	0	0	0	0	0
TOTAL STATE(S)		17	32	7	3	7	1	3	70
UNION TERRITORIES:									
30	A & N Islands	0	0	0	0	0	0	0	0
31	Chandigarh	0	0	0	0	0	0	0	0
32	D&N Haveli	0	0	0	0	0	0	0	0
33	Daman & Diu	0	0	0	0	0	0	0	0
34	Delhi UT	0	0	0	0	0	0	0	0
35	Lakshadweep	0	0	0	0	0	0	0	0
36	Puducherry	0	0	0	0	0	0	0	0
TOTAL UT(S)		0	0	0	0	0	0	0	0
TOTAL (ALL INDIA)		17	32	7	3	7	1	3	70

• As per data provided by States/UTs

TABLE 16A.3 Page 1 of 1

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

TABLE 16A.4
Escapes From Police Custody - 2018

S. No.	State/UT	Cases Reported	Persons Escaped			Escapees		Cases against Police for Negligence	Action taken for Negligence		
			From lockup	Outside Lockup	Total	Re-Arrested	Absconding		Police Personnel Arrested	Police Personnel Charge-Sheeted	Police Personnel Convicted
1	2	3	4	5	6	7	8	9	10	11	12
STATES:											
1	Andhra Pradesh	26	1	35	36	22	6	3	0	1	0
2	Arunachal Pradesh	2	2	0	2	2	0	0	0	0	0
3	Assam	38	25	12	37	6	28	0	0	0	0
4	Bihar	54	14	50	64	35	18	1	0	1	0
5	Chhattisgarh	31	5	27	32	24	15	0	0	0	0
6	Goa	4	0	5	5	4	1	0	0	0	0
7	Gujarat	38	8	36	44	38	6	11	20	20	0
8	Haryana	27	10	23	33	16	3	17	12	12	0
9	Himachal Pradesh	11	1	10	11	11	4	2	7	7	0
10	Jammu & Kashmir	17	9	9	18	13	4	3	7	6	0
11	Jharkhand	13	6	9	15	10	2	1	0	0	0
12	Karnataka	40	4	29	33	23	11	3	0	1	0
13	Kerala	37	7	30	37	34	2	0	0	0	0
14	Madhya Pradesh	312	26	80	106	94	22	5	1	1	2
15	Maharashtra	77	16	71	87	64	11	0	0	0	0
16	Manipur	0	0	0	0	0	0	0	0	0	0
17	Meghalaya	3	1	2	3	3	0	0	0	0	0
18	Mizoram	228	0	6	6	5	0	0	0	0	0
19	Nagaland	1	2	0	2	1	1	1	1	0	0
20	Odisha	29	7	39	46	15	13	5	0	0	0
21	Punjab	53	18	40	58	32	19	23	37	4	1
22	Rajasthan	54	11	42	53	45	17	0	0	7	2
23	Sikkim	0	0	0	0	0	0	0	0	0	0
24	Tamil Nadu	27	5	27	32	28	4	2	0	1	0
25	Telangana	29	1	28	29	21	8	0	0	0	0
26	Tripura	4	3	1	4	4	0	0	0	0	0
27	Uttar Pradesh	77	13	76	89	72	17	52	61	54	4
28	Uttarakhand	4	0	4	4	4	2	0	0	0	0
29	West Bengal	19	2	20	22	16	5	0	0	0	0
TOTAL STATE(S)		1255	197	711	908	642	219	129	146	115	9
UNION TERRITORIES:											
30	A & N Islands	0	0	0	0	0	0	0	0	0	0
31	Chandigarh	4	3	4	7	4	1	1	3	0	0
32	D&N Haveli	0	0	0	0	0	0	0	0	0	0
33	Daman & Diu	0	0	0	0	0	0	0	0	0	0
34	Delhi UT	22	3	19	22	10	2	6	0	0	0
35	Lakshadweep	0	0	0	0	0	0	0	0	0	0
36	Puducherry	0	0	0	0	0	0	0	0	0	0
TOTAL UT(S)		26	6	23	29	14	3	7	3	0	0
TOTAL (ALL INDIA)		1281	203	734	937	656	222	136	149	115	9

• As per data provided by States/UTs

TABLE 16A.4 Page 1 of 1

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

TABLE 16A.5
Cases Registered against Police Personnel - 2018

S. No.	State/UT	Number of Cases				Number of Police Personnel					
		Registered	Quashed/ Stayed by Courts	Charge- sheeted	Final Report Submitted	Arrested	Charge- sheeted	Cases With- drawn/ Disposed Off	Trials were Compl eted	Convic- ted	Acquit- ted or Dischar- ged
1	2	3	4	5	6	7	8	9	10	11	12
STATES:											
1	Andhra Pradesh	97	2	45	5	0	61	0	11	1	10
2	Arunachal Pradesh	5	0	0	1	0	0	0	0	0	0
3	Assam	30	0	5	10	0	5	6	1	0	1
4	Bihar	17	0	11	1	0	63	55	0	0	0
5	Chhattisgarh	255	2	3	16	19	12	0	4	1	3
6	Goa	10	0	0	8	0	9	0	1	0	1
7	Gujarat	170	4	125	107	174	163	2	10	0	10
8	Haryana	64	0	46	31	0	26	7	2	1	1
9	Himachal Pradesh	13	0	5	43	0	9	2	0	0	0
10	Jammu & Kashmir	47	0	0	34	0	40	1	0	0	0
11	Jharkhand	2	0	0	0	0	0	0	0	0	0
12	Karnataka	92	1	38	20	0	17	5	0	0	0
13	Kerala	97	2	31	12	6	31	1	12	4	8
14	Madhya Pradesh	172	0	97	63	18	73	8	376	20	356
15	Maharashtra	401	7	197	28	319	197	3	2	2	0
16	Manipur	2	0	0	0	0	0	0	0	0	0
17	Meghalaya	0	0	0	0	0	0	0	0	0	0
18	Mizoram	3	0	0	2	0	2	0	0	0	0
19	Nagaland	3	0	0	0	0	0	0	0	0	0
20	Odisha	19	0	1	4	4	4	0	0	0	0
21	Punjab	286	6	17	14	0	18	13	16	5	11
22	Rajasthan	3340	2	2138	1012	3	26	0	8	1	7
23	Sikkim	0	0	0	0	0	0	0	0	0	0
24	Tamil Nadu	71	1	7	25	26	19	1	3	0	3
25	Telangana	111	0	48	1	0	46	2	0	0	0
26	Tripura	11	1	1	5	0	1	0	0	0	0
27	Uttar Pradesh	90	3	32	27	0	46	15	136	5	131
28	Uttarakhand	5	0	2	3	3	0	23	0	0	0
29	West Bengal	46	27	9	11	0	35	6	1	0	1
TOTAL STATE(S)		5459	58	2858	1483	572	903	150	583	40	543
UNION TERRITORIES:											
30	A & N Islands	11	0	0	9	7	7	0	0	0	0
31	Chandigarh	2	0	0	6	1	3	2	3	1	2
32	D&N Haveli	0	0	0	0	0	0	0	0	0	0
33	Daman & Diu	0	0	0	0	0	0	0	0	0	0
34	Delhi UT	7	0	4	1	0	5	0	0	0	0
35	Lakshadweep	0	0	0	0	0	0	0	0	0	0
36	Puducherry	0	0	0	0	0	0	0	0	0	0
TOTAL UT(S)		20	0	4	16	8	15	2	3	1	2
TOTAL (ALL INDIA)		5479	58	2862	1499	580	918	152	586	41	545

● As per data provided by States/UTs

TABLE 16A.5 Page 1 of 1

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

TABLE 16A.6

Cases Registered against State Police Personnel for Human Rights Violation - 2018

Sl. No.	Incidence of	Number of Cases					Number of Policemen			
		Registered	Final Reports Submitted	Charge Sheeted	Convicted	Acquitted/Discharged	Arrested	Charge Sheeted	Convicted	Acquitted/Discharged
1	2	3	4	5	6	7	8	9	10	11
1	Encounter Killing	4	3	0	0	0	0	0	0	0
2	Deaths in Custody	3	1	0	0	0	9	0	0	0
3	Illegal Detention	1	0	0	0	0	0	0	0	0
4	Torture/Causing Hurt/Injury	3	3	3	0	0	1	1	0	0
5	Extortion	17	9	7	0	1	11	11	0	1
6	Other	61	20	15	0	0	19	14	0	0
Total Human Rights Violation by Police		89	36	25	0	1	40	26	0	1

● As per data provided by States/UTs

TABLE 16A.6 Page 1 of 1

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

2018 DATA					
	STATE & UTs	DEATHS	CASES REGISTERED IN THESE DEATHS	POLICEMEN CHARGE SHEETED	POLICEMEN CONVICTED
STATES:					
1	Andhra Pradesh	11	11	0	0
2	Arunachal Pradesh	0	1	0	0
3	Assam	2	2	0	0
4	Bihar	1	1	0	0
5	Chhattisgarh	2	1	0	0
6	Goa	0	0	0	0
7	Gujarat	14	3	11	0
8	Haryana	2	2	0	0
9	Himachal Pradesh	0	0	0	0
10	Jammu & Kashmir	0	0	0	0
11	Jharkhand	1	1	0	0
12	Karnataka	2	1	0	0
13	Kerala	1	1	0	0
14	Madhya Pradesh	4	0	0	0
15	Maharashtra	7	1	2	0
16	Manipur	0	0	0	0
17	Meghalaya	0	0	0	0
18	Mizoram	0	0	0	0

19	Nagaland	0	0	0	0
20	Odisha	2	1	0	0
21	Punjab	2	0	0	0
22	Rajasthan	5	4	0	0
23	Sikkim	0	0	0	0
24	Tamil Nadu	12	12	0	0
25	Telangana	2	2	0	0
26	Tripura	0	0	0	0
27	Uttar Pradesh	0	0	0	0
28	Uttarakhand	0	0	0	0
29	West Bengal	0	0	0	0
TOTAL STATE(S)		70	44	13	0
UNION TERRITORIES:					
30	Andaman & Nicobar Islands	0	0	0	0
31	Chandigarh	0	0	0	0
32	Dadra & Nagar Haveli	0	0	0	0
33	Daman & Diu	0	0	0	0
34	Delhi UT	0	0	0	0
35	Lakshadweep	0	0	0	0
36	Puducherry	0	0	0	0
Total UT(S)		0	0	0	0
TOTAL ALL INDIA		70	44	13	0

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

ANNEXURE A-6 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



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



Annexure - I

STATEMENT SHOWING STATE-WISE NO. OF CASES REGISTERED FROM 01/04/2017 TO 31/03/2018

Name of the State/UTs	Complaints	Suo-motu Cognizance	Intimation Received about Custodial Deaths and Rapes			Intimations Received about Encounter Deaths	Total
			Police Custodial Deaths/Rapes	Judicial Custodial Deaths/Rapes	Defence/ Para-Military Custodial Deaths/Rapes		
All India	562	3	0	0	0	0	565
Andhra Pradesh	1082	0	2	36	0	1	1121
Arunachal Pradesh	32	1	3	3	0	5	44
Assam	232	1	11	29	1	18	292
Bihar	3403	3	7	109	0	0	3522
Goa	45	1	0	0	0	0	46
Gujarat	1476	0	14	50	0	0	1540
Haryana	2962	2	7	46	0	4	3021
Himachal Pradesh	159	0	2	6	0	0	167
Jammu & Kashmir	189	0	0	4	0	1	194
Karnataka	864	2	4	11	0	2	883
Kerala	578	1	3	38	0	0	620
Madhya Pradesh	2574	7	7	114	0	1	2703
Maharashtra	2069	7	19	125	0	10	2230
Manipur	35	0	1	1	0	3	40
Meghalaya	28	0	2	2	0	4	36
Mizoram	12	0	1	2	0	0	15
Nagaland	19	0	0	2	0	0	21
Odisha	4909	3	4	54	0	7	4977
Punjab	839	2	10	127	0	1	979
Rajasthan	3182	5	3	91	0	4	3285
Sikkim	5	0	0	2	0	0	7
Tamil Nadu	1976	3	11	72	0	2	2064
Tripura	45	0	1	5	0	0	51
Uttar Pradesh	38196	17	12	390	0	44	38659
West Bengal	1563	0	5	138	0	4	1710
Andaman & Nicobar	35	0	0	0	0	0	35
Chandigarh	117	0	0	2	0	0	119
Dadra & Nagar Haveli	15	0	0	0	0	0	15
Daman & Diu	17	0	0	0	0	0	17
Delhi	5771	8	7	42	0	1	5829
Lakshadweep	4	0	0	0	0	0	4
Puducherry	102	0	0	0	0	0	102
Chhattisgarh	520	4	3	54	0	40	621
Jharkhand	1531	3	6	50	0	10	1600
Uttarakhand	1466	0	0	17	0	1	1484
Telangana	746	1	3	14	0	1	765
Foreign Countries	229	0	0	0	0	0	229
Grand Total	77589	74	148	1636	1	164	79612

<https://thewire.in/rights/custodial-death-judicial-inquiry-crpc>

Most States Have Flouted Mandatory Judicial Inquiry into Custodial Deaths for 15 Years

Sukanya Shantha

9-11 minutes

Mumbai: On June 26, following nationwide outrage, the Madurai bench of the Madras high court ordered for a judicial magistrate's inquiry into the alleged custodial murders of P. Jayaraj and Bennix, a father and son duo, in Thoothukudi, Tamil Nadu. A judicial magistrate, M.S. Bharathidasan, was immediately assigned the job, and the magistrate has since been conducting an inquiry parallel to the police investigation.

The high court's intervention, however, can nowhere be treated as an extraordinary step. The court was, in fact, only spelling out the bare minimum prerequisite prescribed under [Section 176 \(1A\)](#) of the Code of Criminal Procedure (CrPC).

The provision to conduct a judicial magistrate's inquiry into matters of custodial deaths, rapes and disappearances have existed in the statute since 2005. It was introduced as a replacement to the earlier Section 176 (1) of the CrPC, which until then only prescribed an executive magistrate's inquiry.

But 15 years later, the amended section continues to remain near dormant. Only with public outrage and a higher court's intervention is it implemented.

Deaths in custody, both police and prison, have been rampant and there has been a steady rise in the numbers each year. Since the amendment in the law, as many as 1,373 persons have died in legal or illegal police custody. But among them, states have proceeded with the mandatory judicial inquiry in just 298 cases, which is about 21% of the total cases.

These deaths are never straightforward, points out human rights activist Suhas Chakma. “Just by the government data itself, it is clear that most of these deaths occur in illegal police custody. The detained persons die even before they are produced before the magistrate,” Chakma points out. Between 2005 and 2018, 873 out of the total 1,373 persons have died while in police custody, but not remanded by the judiciary. Since their detentions are not judicially sanctioned, those dead were all illegally detained.

The police, however, in almost all cases, shirk responsibility. These deaths, according to the annual ‘Crimes in India’ report published by the National Crimes Report Bureau, happen due to prior illnesses, or by suicide. Since 2005, in about 266 cases, FIRs were registered against policemen. Of them, on investigation, 54 policemen were chargesheeted. But not one person has been convicted till date.

The story gets grimmer when the person is incarcerated in a jail. In the case of prisons, the number rises dramatically. Since 2005, a shocking 22,027 incarcerated persons have lost their lives in judicial custody or in prisons.

Since over 70% of the total prison population are usually undertrials, most of these deaths could be of those awaiting justice. These deaths are classified simply as caused due to “natural” and “unnatural” reasons, and almost always escape judicial scrutiny. Most of these deaths classified as “natural” are usually [due to poor medical care](#) available for prisoners. Also, the NCRB report and [several independent research findings](#) have concluded that the representation of Dalit, Adivasis, Denotified Tribes, Nomadic Tribes, Other

Backward Classes and lower caste Muslims is disproportionately high. In deaths too, these communities are overrepresented.

In November last year, Chakma moved the Supreme Court seeking compulsory implementation of the provision. He says only this provision can bring out the pattern of police violence and extra-judicial killings in the country. “Deaths are common in custody. In most cases, they get passed off as an accepted custodial norm and it doesn’t create any ripple in society,” he says.

His petition points at statistics meticulously collected from the NCRB and the National Human Rights Commission over the past 15 years.

Also read: In the process of drafting this petition, Chakma applied for information under Right to Information Act asking for state-wise information on the implementation of CrPC provision. While most states have claimed that the information sought was “unavailable”, a few police stations and prisons from Assam, Delhi, Maharashtra, Meghalaya, Odisha and Telangana however provided information. These states too, however, show utter disregard for the legal provision, Chakma says.

For example, a total of 58 cases of deaths and one case of disappearance took place in eight jails of Assam between 2015-17. However, inquiry by the judicial magistrate was conducted in just one case. Similarly, for the same period in Delhi, five persons had died while in custody but the state carried out a judicial inquiry in just one.

In Maharashtra, even as 47 deaths were recorded, the state police claimed that the information regarding judicial inquiry was “not available”.

Story behind judicial inquiry

The amendment to the CrPC was done after a long-drawn debate and advocacy work by the human rights activists that had begun at least a decade before the law was amended.

Within weeks of its constitution, in 1993, the National Human Rights Commission (NHRC) issued its first ever guidelines relating to custodial deaths and rapes. District magistrates and police superintendents were directed to submit a preliminary report on the incident within 24 hours of its occurrence.

Similarly, the Law Commission picked up the issue of 'Custodial Crimes' for its 152nd report published in 1994 and stated that, "Despite constitutional and statutory provisions safeguarding the liberty and the life of an individual, the growing incidence of custodial torture and death have become a disturbing factor in the society and the gory tales of dehumanising torture, assault and death in the custody of police being reported almost in every morning newspaper." The law commission had observed that executive magistrates or the district collectors only looked at these investigations as formalities and "the findings did not inspire confidence".

Following the Law Commission's report, the Code of Criminal Procedure Code (Amendment) Bill, 1994 was introduced by the union of India and referred to the Rajya Sabha's parliamentary standing committee. After 13 elaborate sittings, the committee submitted its 28th report seeking amendment to the existing law. The report found executive magisterial inquiries to be highly inadequate and therefore, recommended mandatory judicial inquiries after amending Section 176(1A) CrPC. Finally, 11 years later, then Union home minister Shivraj Patil introduced the Bill in the Rajya Sabha.

Chakma says the amendment was done with two crucial objectives. "One was for establishment of accountability of those indulging in custodial crimes and

another, also the most important one, was to develop a civilised society governed by the rule of law.”

Failure of judicial system

In his experience of working on the issue for close to two decades, Chakma says, there is a certain degree of accountability seen when allegations of rape are levelled against the policemen. “Cases of rape are more likely to be investigated. The outcome might not be favourable, but the states show some seriousness in dealing with these cases. But in the case of deaths and disappearance, they maintain a radio silence.”

When the executive fails to hold its own accountable, it is the judiciary and the human rights commission that is expected to do the job. “But both have continued to be mute spectators,” he says.

“It is worrying how magistrates never seek an explanation for the deaths of those in their custody. The police close files, claiming the deaths occurred due to illness or by suicide, and the courts blindly accept them. Nothing stops them from following the procedures laid down in the law but they simply don’t,” he adds.

Since its inception, the NHRC has been active in ordering monetary compensation for custodial deaths. “This compensation is ordered only when the commission holds that the person was killed or abused in custody. The commission, however, has failed to hold the erring officers responsible and never intervened before the court or pushed for a penal accountability,” Chakma points out. Between 2005 and 2019, the commission has received complaints and reports in 24,043 cases of custodial deaths or rapes. But not once did the commission seek the enactment of Section 176(1A) CrPC or make any legal interventions.

Since Chakma filed the petition in November last year, notices have been issued to the Centre and all states. But since the COVID-19 pandemic outbreak, the proceedings in the case have taken a backseat.

“The Tamil Nadu incident is only a grim reminder to both the courts and states to act swiftly now and ensure that the judicial process is honoured,” he says.

<https://www.newindianexpress.com/nation/2020/jul/11/gujarat-tamil-nadu-report-most-custodial-deaths-in-country-no-conviction-2168193.html>

Gujarat, Tamil Nadu report most custodial deaths in country, no conviction

By Sana Shakil

3-4 minutes

Forensic experts inspect the encounter site near Kanpur | PTI

Express News Service

NEW DELHI: If at all a probe is ordered in case of [Vikas Dubey's 'encounter'](#), over which many, including former senior police officers, have raised serious doubts, and the police personnel involved in Thursday's encounter of his aides are found guilty and are convicted, it would be an exception and not a norm.

That's because in all such cases, as per National Crime Records Bureau's latest report of 2018, there has not been a single conviction of a police

personnel. No policeman was convicted for human rights violations, including custodial deaths, according to data analysed by this newspaper.

A total of 70 custodial deaths were reported in 2018, of which most of the people — 46 — were not on remand. Gujarat reported 14 such deaths, the highest; Tamil Nadu followed with 12 such deaths and Andhra Pradesh with 11. Other states which reported custodial deaths were Maharashtra (7), Rajasthan (5), Madhya Pradesh (4), and 2 each from Assam, Chhattisgarh, Haryana, Karnataka, Odisha, Punjab and Telangana. Bihar, Jharkhand and Kerala also reported one custodial death each.

Of the total cases, magisterial inquiry was ordered in only 21 — eight in Gujarat, five in Andhra, three in Tamil Nadu, two each in Punjab and Rajasthan and one in Assam. While Section 176 (1A) of CrPC mandates judicial inquiry in every case of custodial death, NCRB data shows it was ordered only in 28 of the 70 cases — nine in Tamil Nadu, seven in Maharashtra, five in Gujarat, four in MP and one each in Chhattisgarh and Rajasthan.

Of the 46 incidents of people who were not on remand and died in police custody, only in 29 incidents were criminal cases filed. Charge sheets were filed in only five matters in which a total of 13 policemen were charge-sheeted and 23 personnel were arrested, but not a single cop was convicted in any of those cases. Of the total 24 deaths in police/judicial remand, 15 criminal cases were registered but the accused were given a clean chit even before the chargesheets were filed.

According to the NCRB, highest number of custodial deaths (32) happened due to illness followed by suicides (17). Seven died while escaping and seven due to injuries sustained earlier. Three deaths were reported due to injuries caused by the police, one prisoner died in a road accident and the cause of death of three prisoners could not be known.

There were 89 cases of alleged human rights violations by police and in none of them was anyone convicted. These included four encounters, 3 custodial deaths, 3 cases of police torture, 17 of extortion by police personnel, an illegal detention and 61 other cases.

<https://www.thehindu.com/data/five-states-including-tamil-nadu-recorded-over-100-custodial-deaths-but-zero-police-convictions-between-2001-18/article31949326.ece>

Data | Five States including Tamil Nadu recorded over 100 custodial deaths but zero police convictions between 2001-18

Vignesh Radhakrishnan

2-3 minutes

The recent [death of a father-son duo from Tamil Nadu](#), allegedly due to custodial violence, has sparked anger across India.

While calls for a fair probe are growing, data show that between 2001 and 2018, only 26 policemen were convicted of custodial violence despite 1,727 such deaths being recorded in India. As most such deaths were attributed to reasons other than custodial torture, only a few led to convictions.

Crime and punishment

Between 2001 and 2018, 1,727 persons died in police custody. This includes both persons on police/ judicial remand and those just arrested and not produced before court. Only 26 policemen were convicted in this period for such deaths.

Other reasons

Only 4.3% of the 70 deaths in 2018 were attributed to “injuries during custody due to physical assault by police”. The reasons recorded for the other deaths included suicide and death in hospitals during treatment.

Hardly any convictions

The graph plots the number of custodial deaths against the number of policemen convicted between 2001 and 2018. Except in Uttar Pradesh, Madhya Pradesh, Chhattisgarh and Odisha, no policeman was convicted for such deaths across the country.

Tamil Nadu, West Bengal, Gujarat, Andhra Pradesh and Maharashtra recorded zero convictions despite recording more than 100 custodial deaths in the period.

Getting away

Apart from custodial deaths, more than 2,000 human rights violation cases were recorded against the police between 2000 and 2018. Only 344 policemen were convicted in those cases.

<https://www.thehindu.com/news/national/five-custodial-deaths-in-india-daily-says-report/article31928611.ece>

Five custodial deaths in India daily, says report

Special Correspondent

3-4 minutes

A total of 1,731 people [died in custody](#) in India during 2019. This works out to almost five such deaths daily, according to a report by a rights group released on Friday.

Timed with the International Day in Support of Victims of Torture, 'India: Annual Report on Torture 2019' said 1,606 of the deaths happened in judicial custody and 125 in police custody.

"Out of the 125 deaths in police custody, Uttar Pradesh topped with 14 deaths, followed by Tamil Nadu and Punjab with 11 deaths each and Bihar with 10 deaths," said the report published by the National Campaign Against Torture (NCAT).

The other States in that order are Madhya Pradesh with nine deaths; Gujarat with eight; Delhi and Odisha with seven each; Jharkhand with six; Chhattisgarh, Maharashtra and Rajasthan with five each; Andhra Pradesh and Haryana with four each; Kerala, Karnataka and West Bengal with three each; Jammu and Kashmir, Uttarakhand and Manipur with two each; and Assam, Himachal Pradesh, Telangana and Tripura with one each.

The Tripura case was that of Mangal Das who died in Gomati district's Radha Kishorepur police lock-up on October 31, 2019. Former Chief Minister Manik Sarkar had on June 21 listed his death among the four — three this year — in a letter to Chief Minister Biplab Kumar Deb.

Of the 125 cases in police custody, 93 persons (74.4%) died due to alleged torture or foul play, while 24 (19.2%) died under suspicious circumstances in which the police cited suicide (16), illness (seven) and injuries (one). The reasons for the custodial death of five others (4%) were unknown, the report said.

“Torture methods used in 2019 included hammering iron nails in the body (Gufran Alam and Taslim Ansari of Bihar), applying roller on legs and burning (Rizwan Asad Pandit of Jammu and Kashmir), ‘falanga’ wherein the soles of the feet are beaten (Rajkumar of Kerala), stretching legs apart in opposite side (Rajkumar of Kerala), and hitting in private parts (Brijpal Maurya and Lina Narjinari of Haryana),” said NCAT director Paritosh Chakma.

The other methods of torture included electric shock, pouring petrol or applying chilli powder on private parts, beating while handcuffed, pricking body with needles, branding with a hot iron rod, beating after stripping, urinating in mouth, inserting a hard blunt object into anus, beating after hanging upside down with hands and legs tied, forcing to perform oral sex, pressing finger nails with pliers, beating with iron rods after victim is suspended between two tables with hands and legs tied, and kicking the abdomen of a pregnant woman.

The NCAT’s analysis also revealed 75 (60%) of these 125 belonged to the poor and marginalised communities. They included 13 from Dalit and tribal communities and 15 were Muslims, while 35 were picked up for petty crimes. Three of them were farmers, two security guards, two drivers, a labourer, a rag-picker and a refugee.

Women continued to be tortured or targeted for sexual violence in custody and the victims often belonged to the weaker sections. During 2019, the death of at least four women in police custody was reported, the NCAT said.