

GOVERNMENT OF INDIA
MINISTRY OF DEFENCE
DEPARTMENT OF DEFENCE
RAJYA SABHA
UNSTARRED QUESTION NO.1463
TO BE ANSWERED ON 1.1.2018

PROSECUTION OF ARMED FORCES UNDER AFSPA

1463. SHRI HUSAIN DALWAI:

Will the Minister of DEFENCE be pleased to state:

- (a) the number of cases received by the Central Government from Jammu and Kashmir Government for sanction of prosecution of Armed Forces personnel, under Armed Forces (Jammu and Kashmir) Special Powers Act, (AFSPA), 1990;
- (b) the number of such cases in which sanctions were granted, denied and pending;
- (c) the details for each request received including its year of receiving, offences alleged, outcome of investigation, current status of the sanction for prosecution; and
- (d) the reasons for denying or pending status of sanction for prosecution?

ANSWER
MINISTER OF STATE IN THE MINISTRY OF DEFENCE
DR. SUBHASH BHAMRE

(a) A total of 50 cases have been received by the Union Government from the Government of Jammu and Kashmir for Prosecution Sanction against Armed Forces personnel under AFSPA, 1990.

(b) & (c): A statement giving the details of the total number of cases received in each of the years, offence alleged and the current status of the sanction granted / denied / pending based on the investigation is annexed.

(d) The reason for denial / pendency of prosecution sanction is on account of lack of sufficient evidence to establish a *prima facie* case.

ANNEXURE IN RESPECT OF REPLY GIVEN IN PARTS (b) & (c) OF RAJYA SABHA UNSTARRED QUESTION NO. 1463 FOR 1.1.2018 REGARDING PROSECUTION OF ARMED FORCES UNDER AFSPA.

S. No.	Year	Total Requests Received	Offence Alleged	Current Status of Prosecution sanction
1.	2001	1	Death in operation	Denied
2.	2005	2	Death in an encounter	Denied
			Death in retaliatory fire	Denied
3.	2006	17	Killing after abduction	Denied
			Apprehending and killing	Denied
			Death after apprehension of civilian	Denied
			Outraging the modesty of a woman	Denied
			Disappearance of two civilians	Denied
			Rape of a woman	Denied
			Death of a civilian in operation	Denied
			Death of a civilian	Denied
			Beating of civilians	Denied
			Maltreatment	Denied
			Death of a civilian	Denied
			Disappearance of a civilian	Denied
			Illegal detention of a civilian	Denied
			Abduction of a civilian	Denied
			Death of a civilian after abduction	Denied
Abduction and Death of a civilian	Denied			
Disappearance of a civilian	Pending			
4	2007	13	Torture and Killing	Denied
			Apprehending and killing	Denied
			Torture and Killing	Denied
			Torture and killing	Denied
			Torture and killing	Denied
			Rape of a woman	Denied
			Custodial death	Denied
			Disappearance of a civilian	Denied
			Disappearance of a civilian	Denied
			Disappearance of a civilian	Denied
			Apprehending and killing	Denied
			Fake encounter leading to death of one person	Denied
			Killing of a civilian	Denied

5	2008	3	Detention and Killing	Denied
			Disappearance of a civilian	Denied
			Theft, molestation and rape	Denied
6	2009	2	Disappearance of civilians	Denied
			Death in custody	Denied
7	2010	4	Killing of a civilian	Denied
			Custodial death	Denied
			Killing of a civilian	Denied
			Killing of a civilian	Denied
8	2011	2	Kidnapping of a civilian	Pending
			Killing of a civilian	Denied
9	2013	3	Killing of suspected terrorist	Denied
			Killing of a civilian	Denied
			Killing of a civilian	Denied
10	2014	2	Killing of a civilian	Pending
			Killing of a civilian	Denied
11	2016	1	Killing of two civilians and causing injury to two civilians.	Denied
