

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

STARRED QUESTION NO:407

ANSWERED ON:23.04.2013

FUNCTIONING OF POLICE FORCES

Das Shri Bhakta Charan;Shanavas Shri M. I.

**Will the Minister of HOME AFFAIRS be pleased to state:**

(a) whether various courts/certain sections of the society have recently expressed concern over the functioning of the police forces and implementation of police reforms in the country;

(b) if so, the details thereof and the corrective action taken by the Union Government in this regard; and

(c) the measures taken by the Union Government to check arbitrary arrest of innocent persons and to improve the functioning of Police along with the steps taken to sensitize the police forces to deal with the cases related to women and children particularly, rape cases?

**Answer**

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN)

(a) to (c): A Statement is laid on the Table of the House.

STATEMENT IN REPLY TO PARTS (a) TO (c) OF LOK SABHA STARRED QUESTION NO. 407 FOR 23.04.2013.

(a): Yes, Madam.

(b): Recently, the Hon'ble Supreme Court of India took suo moto cognizance of the recent incidents of "Punjab cops beat up women in public" and "Police lathi-charge protesting Contractual Teachers in Patna" published in various newspapers of the country dated 5.3.2013 and 6.3.2013. The Hon'ble Court directed the Director General of Police, Punjab to file his own affidavit detailing the action taken against the policemen, who had mercilessly beaten an innocent and unarmed woman, who had complained of harassment and molestation by truck/taxi drivers. Also, the Director General of Police, Patna was ordered to file his affidavit explaining the rationale for beating of women who were participating in the teachers' agitation. The Ministry of Home Affairs, including State Governments and Union Territories (UTs) were also directed to file affidavits on the issue of implementation of the directions contained in the judgement of the Hon'ble Court in Prakash Singh and Others Vs. Union of India and Others dated 22.9.2006. The Ministry of Home Affairs has filed an Affidavit in the Hon'ble Court on 2.4.2013 detailing its position and the matter is sub-judice.

In order to improve the functioning of the police, various Commission/Committees were constituted during the last three decades for making recommendation regarding reforms in the police forces in the country. The Ministry of Home Affairs appointed a Review Committee on 21.12.2004 with a view to reviewing the recommendations of the previous Commission/ Committees set up on Police Reforms; to short list the recommendations which have not been implemented or have been implemented only partially; and to recommend the present course of action on such recommendations. The Committee gave its report in March, 2005, giving 49 recommendations on police reforms. A list of 49 recommendations is enclosed. The recommendations were meant for transforming the police into a professionally competent and service oriented organisation.

Besides this, on the recommendations of the Review Committee, the Model Police Act 2006 was drafted and sent to the State Governments on 31st October, 2006, with the request to frame new State Police Act or amend their existing State Police Act based on the Model Police Act. So far 13 State Governments, viz., Assam, Bihar, Chhattisgarh, Haryana, Himachal Pradesh, Kerala, Meghalaya, Mizoram, Punjab, Rajasthan, Sikkim, Tripura and Uttarakhand have formulated their State Police Acts and 2 State Governments, viz., Gujarat and Karnataka have amended their existing Police Acts.

"Public Order" and "Police" are "State subjects" falling in Entry 1 & 2 of List-II of the Seventh Schedule of the Constitution of India and it is the State Governments, which have to implement various police reforms measures. The Centre has been persuading the State Governments from time to time to bring in the requisite reforms in the police administration to meet the expectations of the people.

Even, as recently as 15th April, 2013 the MHA organised a Conference of Chief Ministers to discuss the recommendations of the 2nd ARC on 'Public Order' for implementation by the State & Central Governments.

The Ministry is also implementing a Scheme for Modernisation of State Police Force under which funds are provided by the Central Government to the State Governments and Union Territories for modernisation and upgradation of police infrastructure including housing for police personnel.

(c): The Police is expected to function in accordance with the law of the land. As per law every person arrested is to be produced

before the nearest Magistrate within 24 hours, and matter can only be under the order of the Court. The Ministry of Home Affairs has sent a detailed advisory dated 4.9.2009 to all the State Governments/UT Administrations requesting them to undertake a comprehensive review of the effectiveness of the machinery for ensuring safety and security of women and control of crimes committed against women in the country. Further, a detailed advisory dated 14.7.2010 was sent to all State Governments/UT Administrations advising them to undertake a comprehensive review of the effectiveness of the machinery for ensuring safety and security of children and control of crimes committed against them, which, inter-alia, include vigorous enforcement of all the existing laws and sensitizing the law enforcement machinery, i.e., the police as well as other functionaries of the criminal justice system towards prevention of crime against women and children through well-structured training and awareness programmes and seminars etc., set up exclusive 'Crime Against Women/Children' desks in each police station, women police stations, increase police patrolling especially during the night, etc.

The Indian Penal Code and the Code of Criminal Procedure (Cr. PC) have been amended recently through the Criminal Law (Amendment) Act of 2013 to make it more women friendly and to provide sufficient punishment to the offenders.