

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:710
ANSWERED ON:10.12.2013
POLICE COMPLAINTS AUTHORITY
Choudhary Shri Harish

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Supreme Court has directed to set up police complaints authority at State and district levels to investigate the complaints against police officers; and

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

Answer

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

(a) to (b): In Writ Petition (Civil) No. 310/1996 - Prakash Singh and Others Versus Union of India and Others, the Supreme Court passed several directions to States/Union Territories on police reforms which, inter alia, included a direction on setting up of a police complaint authority both at State as well as District level to look into the complaints against the police officers and directed to file affidavits of compliance. The State level Complaints Authority would take cognizance of only allegations of serious misconduct by the police personnel, which would include incidents involving death, grievous hurt or rape in police custody. The District level Complaints Authority would, apart from above cases, may also inquire into allegations of extortion, land/house grabbing or any incident involving serious abuse of authority.

A copy of the Supreme Court judgement was sent to all State Governments for consideration and appropriate action. The matter was heard on different dates. On 16.5.2008, the Hon'ble Supreme Court, with regard to the implementation of the various directions made earlier in its judgment dated 22.9.2006, directed to set up a Committee under the Chairmanship of Justice K.T. Thomas, former retired Judge of the Supreme Court and two other Members to examine the affidavits filed by the various States and the Union Territories (UTs) in compliance to the Supreme Court's directions. The Committee submitted its report to the Hon'ble Supreme Court and a copy of the report has been circulated to all States/UTs by the Registry of the Supreme Court on 4.10.2010. The Hon'ble Court is monitoring the status of implementation of its directions.

"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 therefore, the responsibility for implementation of the direction of the Hon'ble Supreme Court regarding setting up of Police Complaints Authority falls within the domain of the State Governments and Union Territory Administrations.

In so far as Union Territories are concerned, the Ministry of Home Affairs has already specified the composition, terms & conditions, appointment of Chairperson & Members and powers & functions of such authority for all the UT Administrations vide its letter dated 23.3.2010

The matter is sub-judice and is under active consideration of the Hon'ble Supreme Court.