GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

RAJYA SABHA
UNSTARRED QUESTION NO. 3095

TO BE ANSWERED ON THE 30TH MARCH, 2022/ CHAITRA 9, 1944 (SAKA)

FALSE CASES AGAINST ADIVASIS AND DALITS

3095. SHRI G.C. CHANDRASHEKHAR :
SHRI KUMAR KETKAR :
DR. L. HANUMANTHAIAH :
SMT. PHULO DEVI NETAM :

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government has or intends to investigate reports that Dalits and Adivasis are most susceptible to false arrests;

(b) the details on the annual number of false cases reported during last five years, State wise;

(c) whether there are any protocol for dealing with acknowledged false cases;

(d) if so, the details thereof including the protocols for reinvestigating such cases and compensation for falsely accused individuals and if not, the reasons therefor;

(e) whether Government takes action against police officials who initiate false cases against minority groups; and

(f) if so, the details thereof and if not, the reasons therefor?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI AJAY KUMAR MISHRA)

(a) to (f): 'Police' and 'Public Order' are State subjects under the Seventh Schedule to the Constitution of India. The responsibilities to maintain law

and order, protection of life and property of the citizens, including investigation, handling complaints on wrongful arrest of a person, and prosecution of crimes, rest with the respective State Governments. The State Governments are competent to deal with such offences under the extant provisions of laws and their respective police manuals. Data on wrongful arrests and false cases thereon, are not maintained centrally.

The Code of Criminal Procedure, 1973, provides for arrest of persons, and compensation payable to persons arrested groundlessly.

The Indian Penal Code 1860, provides for the States/ Union Territories to take action against police officials for falsely charging a person.

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