

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 737**

TO BE ANSWERED ON THE 25TH JULY, 2023/ SRAVANA 3, 1945 (SAKA)

CREATION OF POLICE COMPLAINTS AUTHORITY

737. SHRI MARGANI BHARAT:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Union Government is considering to work with the States to compose a Police Complaints Authority (PCA) independent of the police force at the district and State level;

(b) if so, the details thereof and if not, the reasons therefor;

(c) the measures taken to incorporate women representation in PCA;

(d) whether the Government has taken any steps to ensure timely processing of complaints and their redressal received by the PCAs; and

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

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI NITYANAND RAI)**

(a) to (e): “Police” is a State subject falling in List-II (State List) of the Seventh Schedule of the Constitution of India. It is primarily the responsibility of the State Governments/UT Administrations to make the police force efficient and capable and its functioning more effective and transparent. Police Forces of the States work within the existing legal and institutional framework in the matter.

The Supreme Court in its judgement in the matter of Writ Petition (Civil) 310 of 1996 titled Prakash Singh and Ors Vs Union of India and Ors

directed to constitute Police Complaints Authority at the district level to look into complaints against police officers up to the rank of Deputy Superintendent of Police and at the State level to look into complaints against officers of the rank of Superintendent of Police and above. The district level Authority may be headed by a retired District Judge out of panel of names proposed by the Chief Justice or a Judge of the High Court nominated by him and the State level Authority may be chosen by the State Government out of a panel of names proposed by the Chief Justice. These authorities may be assisted by three to five members depending upon the volume of complaints in different States/districts.

“Police” being State subject, the aforesaid judgement was forwarded to State Governments/UT Administrations for its implementation. As per available information, Andhra Pradesh, Arunachal Pradesh, Assam, Chhattisgarh, Goa, Gujarat, Haryana, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Odisha, Punjab, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh, Uttarakhand, West Bengal, Andaman and Nicobar Islands, Chandigarh, Dadra & Nagar Haveli and Daman & Diu, Delhi, Jammu and Kashmir, Lakshadweep and Puducherry have constituted the Police Complaints Authorities. Bihar has constituted the District Accountability Authority for each District.
