

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

STARRED QUESTION NO:84  
ANSWERED ON:29.11.2005  
POWERS TO POLICE FORCES  
Patil Shri Balasaheb Vikhe

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

- (a) whether the police forces in the country have been assured of more powers;
- (b) if so, the action taken in this regard;
- (c) whether there have been a large number of cases/reports of custodial deaths due to misuse of powers by the police force in the country;
- (d) if so, the details thereof; and
- (e) the steps taken/proposed to be taken to check such cases of misuse of power?

**Answer**

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SRIPRAKASH JAISWAL)

(a) to (e): A Statement is laid on the table of the house.

STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION NO. 84, REGARDING "POWERS TO POLICE FORCES" BY SH. BALASAHEB VIKHE PATIL DUE FOR ANSWER ON 29/11/05.

(a) & (b) "Police" is a subject in the State List of the Constitution. As such the powers of State police forces are derived under the State Police Acts. In most of the States the Police Act 1861 is still operative. However a Committee of experts has been setup on 20/09/05 by the Ministry of Home Affairs to draft a new Police Act with focus on greater accountability and transparency in the functioning of the police and to reflect the democratic aspirations of the people regarding the services to be rendered by the Police.

(c) & (d) During the last three years, i.e. 2002-03 to 2004-05 deaths in police custody reported to the National Human Rights Commission are as under :-

2002-03	2003-04	2004-05
183	162	136

(e) The National Human Rights Commission has recommended disciplinary action, including prosecution against the errant police officers involved in custodial deaths, wherever their guilt has been established after enquiry. The directions of the Supreme Court of India in the case of D.K. Basu Vs State of West Bengal and in Joginder Kumar Vs State of UP concerning guidelines for police personnel arresting and detaining a person in custody have also been conveyed by this Ministry to the State Governments for implementation.