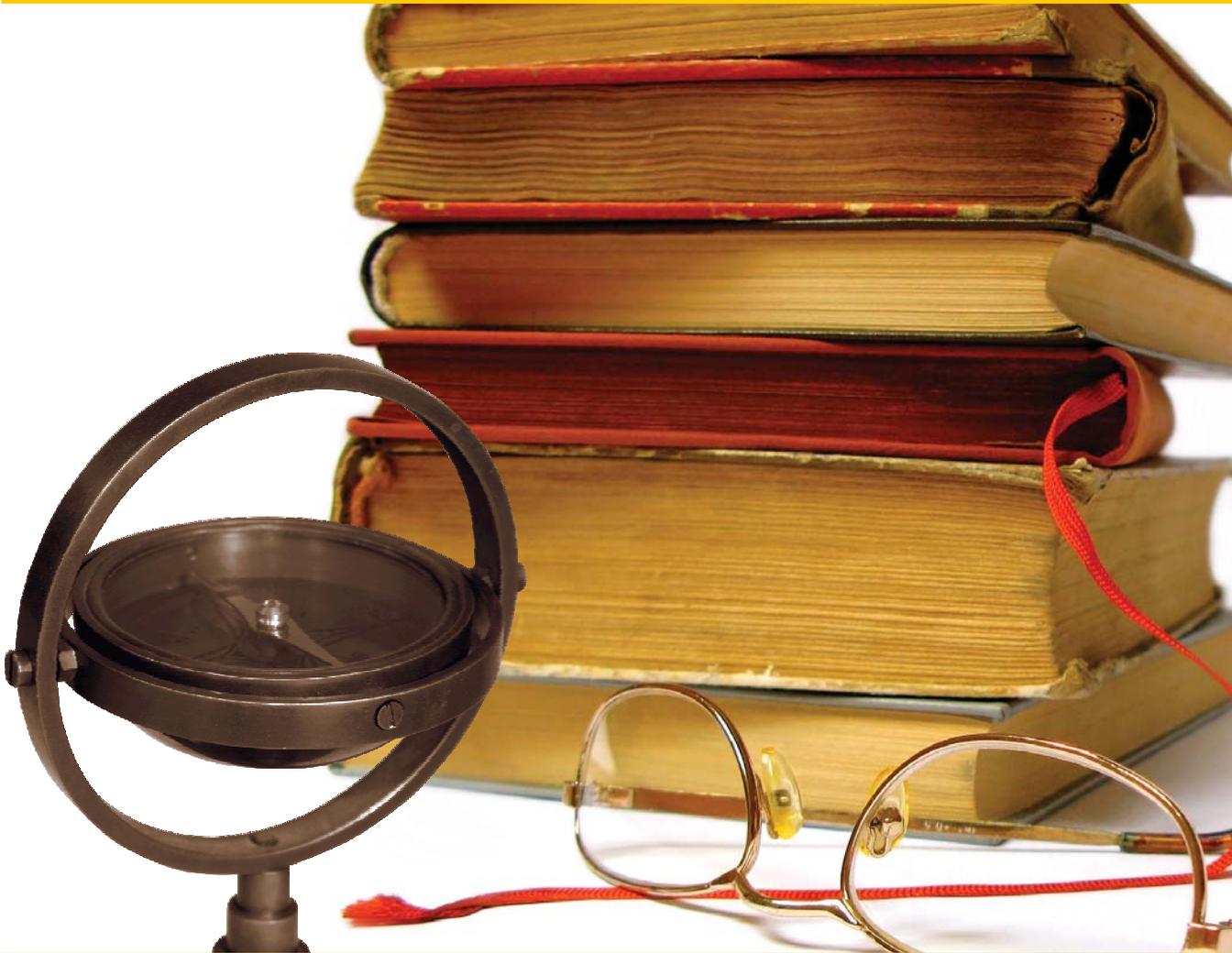


# YOUR GUIDE TO USING **POLICE COMPLAINTS AUTHORITIES**



# CHRI

Commonwealth Human Rights Initiative

working for the **practical realisation** of *human rights* in the countries of the Commonwealth

# Commonwealth Human Rights Initiative

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international non-governmental organisation, mandated to ensure the *practical* realisation of human rights in the countries of the Commonwealth. In 1987, several Commonwealth professional associations founded CHRI. They believed that while the Commonwealth provided member countries a shared set of values and legal principles from which to work and provided a forum within which to promote human rights, there was little focus on the issues of human rights within the Commonwealth.

The objectives of CHRI are to promote awareness of and adherence to the Commonwealth Harare Principles, the Universal Declaration of Human Rights and other internationally recognised human rights instruments, as well as domestic instruments supporting human rights in Commonwealth member states.

Through its reports and periodic investigations, CHRI continually draws attention to progress and setbacks to human rights in Commonwealth countries. In advocating for approaches and measures to prevent human rights abuses, CHRI addresses the Commonwealth Secretariat, member governments and civil society associations. Through its public education programmes, policy dialogues, comparative research, advocacy and networking, CHRI's approach throughout is to act as a catalyst around its priority issues.

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# YOUR GUIDE TO USING **POLICE COMPLAINTS AUTHORITIES**

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# Introduction

Obtaining an effective remedy for complaints against the police has been an arduous, daunting and time consuming struggle in India. Of a total of 51,767 complaints reported in the country against police personnel, enquiries were instituted only in 14,350 cases (27.7%). Of these, 1,273 police personnel were sent for trial. However, of the 149 trials that were actually completed in 2007, only 43 personnel were convicted as compared to 106 acquittals and 199 cases otherwise disposed off. Moreover, although disciplinary action was initiated against 19,187 personnel, 2,329 cases were withdrawn, and only 665 personnel were dismissed from service. Perhaps most revealing is that, whereas 64 cases of human rights violations by the police were reported throughout the country during 2007, only 37 policemen were chargesheeted and none convicted during the year.<sup>1</sup>

Making the police accountable for their actions has been a recurrent theme in the reports submitted by various police reforms commissions and committees constituted by the Indian Government over the years. The First Report of the National Police Commission, released in 1979, stressed the need for an independent authority to look into complaints against the police. This call was repeated by the Ribeiro Committee in 1998 and the Padmanabhaiah Committee in 2000. Subsequently, provisions for complaints authorities at the state and district levels were included in the Model Police Act that was developed by the Police Act Drafting Committee (PADC) in 2006, headed by Soli Sorabjee.

The culmination of all these reports was the landmark Supreme Court judgement in September 2006<sup>2</sup> directing all state governments and the central government to immediately reform the way police forces are functioning all over the country. The Supreme Court gave seven directives for changes to the police. The sixth directive ordered that Police Complaints Authorities (PCAs) be set up in all states<sup>3</sup>. It was intended that these would function as robust, independent mechanisms designed to make the police accountable for their actions.

What the Supreme Court orders becomes law of the land and must be obeyed.<sup>4</sup> The Court ordered governments to follow its directive until they frame new laws. It is up to state and central governments to make new police laws and rules that set up PCAs and give them sufficient powers to make these bodies truly effective. The Court directed the setting up of both state level and district level police complaints authorities so that they would be easily accessible for all. This was to ensure that

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<sup>1</sup> *Crime in India 2007*, National Crime Records Bureau: Chapter 16.

<sup>2</sup> *Prakash Singh and Others v Union of India and Others* (2006) 8 SCC 1

<sup>3</sup> See Annex I for full text of the directive

<sup>4</sup> Constitution of India, Article 141

complaints against officers of the rank of Superintendent of Police and above could be made to the state PCA and complaints against officers of and below the rank of Deputy Superintendent of Police could be made to the district level PCA. This was also to ensure that people living all over a state would have easier access to a complaints body without having to travel to the state capital.

The judgement has not gone down well with most governments who are in turn making all attempts to avoid implementation. Till date, only eighteen states have established PCAs through legislation or government orders. These are Assam, Arunachal Pradesh, Jharkhand, Meghalaya, Bihar, Chhattisgarh, Goa, Gujarat, Haryana, Himachal Pradesh, Kerala, Maharashtra, Rajasthan, Sikkim, Tripura, Orissa, Punjab and Uttarakhand. However, not all of these states who have enacted legislation have actually established functioning PCAs on the ground. Further, the powers, mandate, composition and funding of these PCAs vary quite considerably from state to state. As a result, their functionality and effectiveness as oversight and accountability mechanisms also differ.

None of the state governments that have set up PCAs have complied with the Supreme Court's directive in its entirety. This has led to most PCAs suffering from a number of deficiencies including reduced powers, limited mandates and inadequate funding. Nevertheless, where they do exist, these PCAs provide an additional recourse for persons affected by police misconduct. Their structure and composition to some extent makes them independent, though not totally so. Moreover, unlike other commissions, they exist solely to look at complaints against the police and have no other mandate. One of the surest ways to strengthen these fledgling PCAs is for citizens to be aware of their mandates and powers and use them effectively whenever necessary. It is with this aim that CHRI has developed this User Guide.

**This User Guide aims to explain the:**

- (a) type of complaints you can make to PCAs;**
- (b) manner in which you can make a complaint to a PCA;**
- (c) rights of the Complainant; and**
- (d) nature of the remedy you can expect from a PCA.**

# 1. Why do we need Police Complaints Authorities?

In a democracy, if any government officer has misbehaved or violated the law, the public has a right to complain about it and get remedial action taken to redress the wrongdoing. In particular, when those who are supposed to uphold the law themselves break it by treating the public in an unlawful or inappropriate manner, the public needs to have an avenue to complain and get prompt redress.<sup>5</sup>

Statistics and accounts from victims have shown that many complaints ranging from misconduct, non registration of First Information Reports (FIRs), illegal arrests and detentions to physical abuse in custody by a police officer are not dealt with when taken to the police department. Internal disciplinary mechanisms are weak; the Complainant is left out of the process and the public, often rightly so, gets the impression that the police do not want to take action on complaints against their own fellow-officers. The public therefore has little faith in internal (departmental) inquiries which, in any case, do not follow the principles of natural justice.

Human Rights Commissions both at national and state levels have also been found to be largely toothless, as they have only recommendatory powers, which are often ignored by governments and the police. Besides, Human Rights Commissions do not exclusively deal with complaints against the police. Their mandate expects them to deal with a variety of human rights abuse complaints. Therefore, they often do not have the time and resources to look into all complaints quickly and effectively.

As all these existing mechanisms have failed to get timely action on complaints of police misconduct, the public has lost confidence in getting justice when they make a complaint about someone in uniform. This was the reason the Supreme Court ordered setting up of Police Complaints Authorities, which:

- ◆ are independent of the police;
- ◆ have their own powers of investigation;
- ◆ can make binding recommendations for action; and
- ◆ can deal exclusively with complaints of serious misconduct and dereliction of duty by the police.

Many states have now set up PCAs so that people can make complaints about serious police misconduct such as death, rape or being seriously injured in police custody.

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<sup>5</sup> Until now, if anyone has a complaint about how a police officer has treated them, they can take that matter to the police department itself, to the courts or, where applicable, to the National Commission for Women or the National or State Human Rights Commissions.

There are differences in each state's PCA as they all have been set up under either the state Police Act or a state specific government order. They are not all called PCAs but follow varying nomenclature state-wise. In some states they are known as Police Accountability Commissions. Some states may have only a state level authority, whilst others may have both state and district level authorities. To make a complaint to a PCA in your state, use the sample form template in Annex III of this booklet.<sup>6</sup>

## 2. Who sits on the Police Complaints Authority?

Generally, the PCA will comprise of a chairperson who is often a retired judge and between three to five other members.<sup>7</sup> The other members may include retired police officers, civil servants or persons from civil society.<sup>8</sup>

## 3. What can you complain about?

You can complain about any serious misconduct by the police to the state PCA. Serious misconduct is any act or omission by a police officer that leads to or amounts to:

- ◆ death in police custody;
- ◆ grievous hurt sustained whilst in custody\*; and
- ◆ rape in police custody.

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<sup>6</sup> This sample format has been developed by CHRI taking into consideration several details that need to go into an ideal complaint. Most states do not require any format to be followed but to avoid rejection/dismissal of a complaint on technical grounds this format is suggested.

<sup>7</sup> The Supreme Court order states that the Chairman of the District PCA should be a retired district judge whilst the Chairman of the state PCA should be a retired High Court judge. The Supreme Court order states that the Chairman of the state PCA be chosen by the state government out of a panel of names proposed by the Chief Justice whilst the head of the district level PCA be chosen by the Chief Justice or a judge of the High Court nominated by him. In practice, however, most PCA Chairmen are judges appointed directly by the state government.

<sup>8</sup> The Supreme Court order states that these members be chosen by the state government from a panel of names proposed by the State Human Rights Commission/ Lok Ayukta or State Public Service Commission. In practice, most government orders or legislation passed by states have their members chosen directly by the state government without providing for an empanelment process.

**\*'Grievous Hurt' as defined in Section 320 of the Indian Penal Code, 1860 includes:**

- ◆ Castration;
- ◆ Permanent loss of sight of either eye;
- ◆ Permanent loss of hearing of either ear;
- ◆ Loss of any body part;
- ◆ Permanent loss of the use of any body part;
- ◆ Permanent damage to the head or face;
- ◆ Broken bone or tooth; and
- ◆ Injury which is life threatening or which keeps you in bed for twenty days and prevents you from doing your daily tasks.

If a district PCA exists in your area, you can complain to them for the above cases as well as cases of:

- ◆ Extortion by a police officer;
- ◆ Land/ house grabbing by a police officer; and
- ◆ Any incident involving serious abuse of authority by a police officer.

Some states have, through legislation or government orders, provided PCAs with a mandate to look into complaints other than what was provided in the Supreme Court order.

<b>State</b>	<b>PCA Mandate</b>
Assam	Death in police custody, grievous hurt, molestation, rape or attempt to commit rape, arrest or detention without due process of law, forceful deprivation of ownership rights or possession, blackmail or extortion and non registration of FIR
Bihar (District Level)	Misbehavior of police officers below the rank of Superintendent of Police
Chattisgarh	Serious misconduct
Goa	Serious misconduct <sup>9</sup>

<sup>9</sup> The Chairman of the Goa state PCA has interpreted the government order in such a way so as to empower him to take cognisance of all cases of police misconduct.

State	PCA Mandate
Gujarat	Serious misconduct, dereliction of duty, misuse of powers, or any other matter specified by the government
Haryana	Serious misconduct
Himachal Pradesh	Criminal misconduct (not defined)
Kerala	Serious misconduct
Maharashtra	Misconduct, dereliction of duty, misuse of power, corruption, negligence or any matter which may be referred to it by the state government
Rajasthan	Serious misconduct
Sikkim	Serious misconduct
Tripura	Serious misconduct, arrest or detention without due process of law, violation of human rights, allegation of corruption against police personnel
Uttarakhand	Serious misconduct and arrest or detention without due process of law

## 4. Who can make a complaint?

In most cases, the PCA can enquire into allegations of serious misconduct against the police on its own or when it receives a complaint from:

- ◆ A victim or a person complaining on his behalf; this could be a friend or a family member;
- ◆ Any person who has witnessed any misconduct being committed by the police; and/or
- ◆ Any other source.<sup>10</sup>

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<sup>10</sup> These include the police, the National Human Rights Commission or the State Human Rights Commission. The Haryana, Assam, Tripura and Sikkim Police Acts, in particular, state that the PCA can enquire into any allegation of serious misconduct on a complaint from the National or State Human Rights Commission.

## 5. How do I make a complaint?

Any person can make a complaint on his/her own. You don't require a lawyer for this purpose. The idea is to make the process simple.

A person wishing to file a complaint with the Authority should first contact the PCA office to obtain the prescribed format if any. Till date, with the exception of Orissa<sup>11</sup>, none of the authorities that are functioning have specified any particular format. A sample template form is included in Annex III of this booklet. The person can put the complaint in writing and send it by post or fax or submit it in person. The complaint should be made as soon as possible after the incident.<sup>12</sup> The complaint should be in writing and must include:

- ◆ Your Name;
- ◆ Your Address; and
- ◆ Your Contact details/ Phone numbers.

You then need to say:

- ◆ What happened;
- ◆ When it happened;
- ◆ Who you are complaining about, which includes the name and designation of the police officer;
- ◆ What was said or done;
- ◆ Whether anyone else was there whilst the incident happened (witnesses) and how to contact them (if you know this); and
- ◆ If you were hurt or if anything got damaged.

Some important and relevant documents which will add weight to your complaint can be attached along with the complaint. These documents can be:

- ◆ Medical report or any certificate issued by a doctor disclosing the nature of injuries;
- ◆ Photographs showing injuries;
- ◆ Any prior complaints lodged before the police or any other forum and evidence which shows that no steps have been taken on these complaints;
- ◆ Proof of daily diary entry (DDE); and
- ◆ Any other evidence

If you hand deliver your complaint, keep a copy of the complaint and the papers you have submitted, as well as a date stamped receipt with you as a record. If you

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<sup>11</sup> The Orissa government has, via a government order, vested the PCA's powers in its Lokpal. The order also states that all complaints against police officers should be made to the Lokpal in a specific form accompanied by an affidavit which are included as Annex IV and V of this handbook.

<sup>12</sup> Complaints must be made within 12 months of occurrence of the alleged breach of discipline or offence in Orissa and within 6 months in Chhattisgarh.

send your complaint by registered post, always ensure to send it by registered post AD. The acknowledgment received will give you proof of your application being sent and received by the concerned Authority.<sup>13</sup>

## 6. What happens to your complaint ?

After the complaint is lodged, the PCA will conduct a detailed inquiry by first summoning the Complainant and recording all the information provided. After that, the Respondent i.e. against whom the complaint is filed will be sent a copy of your complaint to file his reply to the charges made against him. The Complainant and the Respondent are given full opportunity to place the relevant information before the Authority. They might take the assistance of an investigating agency and consider their report. The Authority will interview witnesses and obtain documents and information he thinks is necessary. For the purpose of the examination of the complaint/witnesses, the Authority has all the powers of a civil court which include:

- a) Summoning and enforcing the attendance of any person and examining him under oath;
- b) Requiring the discovery and production of any public document;
- c) Receiving evidence on affidavit;
- d) Requisitioning any public record or copy thereof from any court or office;and
- e) Any other matter which may be prescribed.

The enquiry is carried out in strict confidence and in an impartial manner. It is extremely important that you keep the Authority apprised at all the times of any change in your address or phone number so that you can be contacted whenever needed. As this is your complaint, it is critical that you assist the Authority at every stage of the process after a complaint is filed.

## 7. What are the rights of the Complainant?

You have the right to be regularly informed about the progress on your complaint and any final actions taken resulting from the completion of the enquiry.

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<sup>13</sup> The Assam, Chhattisgarh, Haryana and Orissa PCAs require a sworn statement against the police personnel to be submitted by the Complainant along with the complaint. In addition to an affidavit, Orissa also requires that every complaint be accompanied by a fee payable in shape of a court fee stamp of Rs. 50 if the complaint involves an officer of the rank of ASP and above and Rs. 25 if the complaint concerns any other police officer. However, this fee is waived if the Complainant is a woman, a physically challenged person, an SC, an ST, a person below the poverty line or a person in police or judicial custody.

You have the right to attend all hearings in an enquiry about your complaint<sup>14</sup> and will be informed of the date and place of each hearing. However, it is not binding on the Complainant to attend all the hearings. You have a right to access all the documents produced during the course of enquiry.

In Himachal Pradesh, you have the right to receive a written transcript of hearings in Hindi or English if you cannot understand the proceedings.

In some states e.g. Tripura, the PCA has the power to ask for measures to protect witnesses, victims and their families who might face threats or harassment for making complaints or for giving evidence. If the act does not specifically mention this provision in your state but you are facing threats from the police officer or any other party then you should complain about this immediately to the Chairperson of the Authority. He in return can ensure that you are provided with protection. That the officer is threatening you will also go into the file and eventually go against the officer concerned when the matter is being decided.

## 8. What can the Police Complaint Authority do?

After a careful review of all the evidence obtained during the investigation, the Authority will deliver a written order. It could be dismissal of the complaint on the following grounds:

- ◆ The complaint fails to meet the mandate of the Authority;
- ◆ Litigation regarding the subject matter of the complaint is already pending in a court of law; and/or
- ◆ There is insufficient evidence to support the complaint.

If, on the other hand, the enquiry establishes the misconduct of the police officer involved, the Authority shall make recommendations to the concerned Authority or the state government that:

- ◆ Internal disciplinary proceedings be initiated against the police officer if he is found in breach of discipline or when an offence is made out;
- ◆ An FIR be registered if the police officer is found to have committed an offence;and
- ◆ Any other recommendation according to the facts and circumstances of the case. In some cases, an FIR and disciplinary enquiry may both be ordered if required.

In Tripura and Sikkim, the PCA can also recommend that the state government pay monetary compensation to the victim.

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<sup>14</sup> All hearings will be conducted in a language you understand, or else an interpreter will be arranged by the PCA if required.

## 9. What can I do if I don't get a fair hearing from the Authority?

At any stage during the proceedings before the PCA, if:

- ◆ any of the parties (the Respondent or Complainant) feel that they have not got a fair hearing based on principles of natural justice; and/or
- ◆ a decision is reached which negates the principles of natural justice,

The party concerned may seek a review of the hearing and/or decision by invoking the writ jurisdiction of the High Courts under Article 226 of the Constitution of India.

The principles of natural justice include the notion of procedural fairness and may incorporate the following guidelines:

- ◆ A person who makes a decision should be unbiased and act in good faith. He therefore cannot have an interest in the case or the outcome;
- ◆ The person who is likely to be affected must be notified of the charge against him/her;
- ◆ Proceedings should be conducted so they are fair to all the parties - expressed in the Latin maxim *audi alteram partem*: "let the other side be heard"; and
- ◆ The parties have a right to a "reasoned judgement"- the deciding Authority should give the logic behind arriving at a decision.

## 10. What are the alternate mechanisms available in case you are not satisfied with the decision of the Police Complaint Authority and/or if you are a victim of police abuse?

You can file a complaint in the concerned police station and ask for the registration of an FIR. If the police refuse to register it, send your complaint to the senior officer and to the District SP (DSP). The DSP will order the registration of an FIR. Alternatively, or if your FIR is still not registered, you can approach the nearest magistrate. When the magistrate directs the police to register a case and investigate it under section 156(3) of the Code of Criminal Procedure, the complaint is transformed into an FIR. Even if the direction made by the magistrate does not ask the police to register the case, but only to investigate it, the police have a duty to treat the direction as an FIR.

If none of these remedies work, you can file a writ petition in the High Court of your state asking it to direct the police to register an FIR.

The other “allied institutions” which can be approached, wherever applicable, are:

- ◆ National or State Human Rights Commission;
- ◆ National Commission for Women; and
- ◆ National Commission for Minorities.

All the above mentioned institutions are empowered to deal with complaints of police atrocities received either orally, written or suo motu, where such complaints fall under their jurisdiction. For serious crimes, these commissions constitute an Enquiry Committee that makes spot enquiries, examines witnesses, collects evidence and submits a report with recommendations. They also facilitate action by bringing the matter to the notice of relevant state authorities.

## 11. Useful Tips

- ◆ Do not complain to more than one Authority at the same time
- ◆ Give the PCA some time to decide on your complaint
- ◆ If you don't hear anything from them, write to the PCA asking for information about the progress of your case
- ◆ If you receive no response then you can approach the other allied institutions or even the courts as listed above
- ◆ You can also make use of the Right to Information Act to procure any document which has not been provided to you by the commissions or the PCA or in case of inordinate delay in disposing of the complaint.

# Annex I

## Supreme Court Directive Establishing Police Complaint Authorities

### Police Complaints Authority:

(6) There shall be a Police Complaints Authority at the district level to look into complaints against police officers of and up to the rank of Deputy Superintendent of Police. Similarly, there should be another Police Complaints Authority 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 while the State level Authority may be headed by a retired Judge of the High Court/ Supreme Court. The head of the State level Complaints Authority shall be chosen by the State Government out of a panel of names proposed by the Chief Justice; the head of the district level Complaints Authority may also be chosen out of a panel of names proposed by the Chief Justice or a Judge of the High Court nominated by him. These Authorities may be assisted by three to five members depending upon the volume of complaints in different States/districts, and they shall be selected by the State Government from a panel prepared by the State Human Rights Commission/Lok Ayukta/State Public Service Commission. The panel may include members from amongst retired civil servants, police officers or officers from any other department, or from the civil society. They would work whole time for the Authority and would have to be suitably remunerated for the services rendered by them. The Authority may also need the services of regular staff to conduct field inquiries. For this purpose, they may utilize the services of retired investigators from the CID, Intelligence, Vigilance or any other organization. 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. The recommendations of the Complaints Authority, both at the district and State levels, for any action, departmental or criminal, against a delinquent police officer shall be binding on the concerned authority.

# Annex II

## Ranks of Police Officers in India (by Badge)

A police officer is required to wear his name tag with his uniform. His rank can be recognised by the badges he wears. The badges of ranks are shown below:

**Director General of Police**  
Crossed Sword, Baton and  
State Emblem



**D  
G  
P**



**I  
G  
P**

**Inspector General of Police**  
Crossed Sword, Baton and  
One Star

**Deputy Inspector General  
of Police**  
State Emblem and Three Stars



**Dy  
I  
G  
P**



**S  
S  
P**

**Senior Superintendent of Police  
(Selection Grade)**  
State Emblem and Two Stars

**Superintendent of Police**  
State Emblem and One Star



**S  
P**



**Addl.  
S  
P**

**Additional Superintendent  
of Police**  
State Emblem

**Assistant/Deputy  
Superintendent of Police**  
Three Stars



**Inspector**  
Three Stars and a Ribbon 1/2"  
in width, half red and half blue  
worn horizontally, red colour facing the stars

**Sub Inspector**  
Two Stars and a Ribbon 1/2"  
in width, half red and half blue  
worn horizontally, red colour facing the stars



**Assistant Sub Inspector**  
One Star and a Ribbon 1/2"  
in width, half red and half blue  
worn horizontally, red colour  
facing the stars

**Head Constable**  
Three Stripes on the upper  
part of the arm sleeve



# Annex III

## Sample Complaint form for PCAs

### Filing a complaint to the State/District Police Complaints Authority

TO:

CHAIRMAN  
DISTRICT/ STATE POLICE COMPLAINT AUTHORITY  
(POSTAL ADDRESS)

#### VICTIM DETAILS:

- FULL NAME OF VICTIM:
- FATHER'S NAME:
- ADDRESS:
- SEX:
- OCCUPATION:
- PHONE NUMBER:

#### POLICE OFFICER DETAILS:

- NAME OF THE POLICE OFFICER:
  
- RANK OF THE POLICE OFFICER (please check):

1.	DGP	
2.	ADDITIONAL DGP	
3.	INSPECTOR GENERAL OF POLICE (IGP)	
4.	DEPUTY INSPECTOR GENERAL OF POLICE (Dy.IGP)	
5.	SENIOR SUPERINTENDENT OF POLICE (SSP)	
6.	SUPERINTENDENT OF POLICE (SP)	
7.	ADDITIONAL SUPERINTENDENT OF POLICE (Add. SP)	
8.	Dy.SP/ASP	
9.	INSPECTOR	
10.	SUB-INSPECTOR	
11.	ASSISTANT SUB-INSPECTOR	
12.	HEAD CONSTABLE	
13.	CONSTABLE	

**DATE OF INJURY:**

**PLACE OF INJURY:**

**NAME OF THE POLICE STATION/LOCATION WHERE THE INJURY HAPPENED:**

**TYPE OF INJURY** (please check):

1.	GRAVE MISCONDUCT	
2.	DEATH	
3.	GRIEVOUS HURT* (see explanation below)	
4.	RAPE IN POLICE CUSTODY	
5.	MOLESTATION OF WOMEN IN CUSTODY	
6.	OTHER (DESCRIBE):	

**DESCRIPTION OF THE INJURY:**

**STEPS YOU TOOK AFTER THE INJURY:**

**HAVE YOU REGISTERED YOUR COMPLAINT WITH ANYONE ELSE? (EXAMPLE: A COMMISSION OR COURT) (describe)**

**WITNESS DETAILS (IF ANY):**

- FULL NAME OF WITNESS:
- FATHER'S NAME:
- ADDRESS:
- SEX:
- OCCUPATION:
- PHONE NUMBER:

**OTHER PAPERS THAT YOU SHOULD ATTACH:**

1. PHOTOCOPY OF THE DOCTOR'S REPORT (IF ANY):
2. PHOTOCOPY OF ANY COMPLAINT ALREADY FILED (IF ANY):
3. PHOTOCOPY OF FIR (IF ANY):
4. ANY OTHER SUPPORTING DOCUMENT:

I swear that the information above is true and correct to the best of my knowledge.

Signature of the Person filling out the form: \_\_\_\_\_

DATE: \_\_\_\_\_

**\*EXPLANATION:**

*'Grievous Hurt'* includes:

- ◆ *If you will never see again from either one of your eyes*
- ◆ *If you will never hear again from either one of your ears*
- ◆ *If you have lost any of your body parts*
- ◆ *If you have lost the use of any of your body parts*
- ◆ *If your head or face have been damaged forever*
- ◆ *If you have a broken bone or tooth*
- ◆ *If you have an injury that could end your life*
- ◆ *If you have an injury that keeps you in bed for 20 days and stops you from doing your daily work*

# Annex IV

## Orissa Complaint Form

### FORM - A

To

The Lokpal

Sir,

I, Shri/Shrimati..... S/o, W/o.....  
aged.....years, a permanent resident of .....  
and at present residing at House No..... Ward..... Village/  
Municipality with number in the voter's list ( if any) .....  
hereby make a complaint which occurred on.....(date) as  
follows:—

I, therefore pray you to kindly enquire into the above complaint and take further  
action as deemed proper.

Yours faithfully,

Complainant

# Annex V

## Orissa Affidavit Form

### FORM - B

I, Shri/Shrimati.....Son/Daughter/Wife/ Widow  
of.....aged.....years, a  
permanent resident of.....  
..... at present residing at  
House No.....Ward.....Village/Municipality with  
number.....in the voter's list, if any, do swear in the name  
of God hereby solemnly affirm and state as follows:—

1. That I am the complainant in the accompanying Complaint  
..... to file the accompanying Complaint who is unable to file the same  
because of.....(reason).

2. That the facts stated in the attached complaint in .....  
paragraph.....are true to the best of my knowledge and in  
paragraph.....are true to my information and belief.

Identified by:

Deponent

# Annex VI

## Adresses of Functioning PCA's

### **Assam State Complaints Authority**

Chairman Justice (Retd.) DN Choudhry  
Room No. 39 Janta Bhawan, Dispur Guwahati - 6

### **Goa State Police Complaints Authority**

Chairman Justice (Retd.) Eurico Santana De Silva  
State Police Complaints Authority  
"Serra Building", Near All India Radio  
Altinho, Panaji- Goa 403 601

### **Kerala State Complaints Authority**

Chairman Justice (Retd.) KK Deneshan  
Kerala State Police Complaint Authority  
C/o Ministry of Home Affairs  
The Secretariat  
Thiruvananthapuram

### **Kerala District Complaints Authority**

The Huzur Shrivatsav  
The Secretary  
District Police Complaint Authority  
Collectorate, Kasargod<sup>14</sup>

### **Sikkim State Police Complaints Authority**

Chairman Justice (Retd.) RK Patra  
Bungalow No.12  
VIP Colony  
Gangtok, Sikkim - 737101

### **Tripura State Police Complaints Authority**

Chairman Justice (Retd.) DP Kundu  
Office Quarter No. Type 6/14 Government Quarter  
Shyamali Bazar, Post Office Kunjadan  
Agartala - 799006

### **Uttarakhand State Police Complaints Authority**

Chairman Justice (Retd.) Shambhu Nath Srivatsav  
G-Race Course, Near Police Lines, Dehradun

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<sup>14</sup> This can be substituted for the various districts of Kerala, namely Kannoor, Kozhikode, Wayanad, Malappuram, Palakkad, Trichur (Northern Districts), Ernakulam, Idukki, Kottayam, Alapuzha, Kollam, Pathanamthitta and Thiruvananthapuram (Southern Districts), wherever applicable.



# CHRI Programmes

CHRI's work is based on the belief that for human rights, genuine democracy and development to become a reality in people's lives, there must be high standards and functional mechanisms for accountability and participation within the Commonwealth and its member countries. Accordingly, in addition to a broad human rights advocacy programme, CHRI advocates access to information and access to justice. It does this through research, publications, workshops, information dissemination and advocacy.

**HUMAN RIGHTS ADVOCACY:** CHRI makes regular submissions to official Commonwealth bodies and member governments. From time to time CHRI conducts fact finding missions and since 1995, has sent missions to Nigeria, Zambia, Fiji Islands and Sierra Leone. CHRI also coordinates the Commonwealth Human Rights Network, which brings together diverse groups to build their collective power to advocate for human rights. CHRI's Media Unit also ensures that human rights issues are in the public consciousness.

## **ACCESS TO INFORMATION:**

CHRI catalyses civil society and governments to take action, acts as a hub of technical expertise in support of strong legislation, and assists partners with implementation of good practice. CHRI works collaboratively with local groups and officials, building government and civil society capacity as well as advocating with policy-makers. CHRI is active in South Asia, most recently supporting the successful campaign for a national law in India; provides legal drafting support and inputs in Africa; and in the Pacific, works with regional and national organisations to catalyse interest in access legislation.

## **ACCESS TO JUSTICE:**

**Police Reforms:** In too many countries the police are seen as oppressive instruments of state rather than as protectors of citizens' rights, leading to widespread rights violations and denial of justice. CHRI promotes systemic reform so that police act as upholders of the rule of law rather than as instruments of the current regime. In India, CHRI's programme aims at mobilising public support for police reform. In East Africa and Ghana, CHRI is examining police accountability issues and political interference.

**Prison Reforms:** The closed nature of prisons makes them prime centres of violations. CHRI aims to open up prisons to public scrutiny by ensuring that the near defunct lay visiting system is revived.

Obtaining an effective remedy for complaints against the police has been an arduous, daunting and time consuming struggle in India. Too often, serious police abuses go unchecked and citizens feel powerless as existing mechanisms and the judiciary have failed to end a culture of impunity that exists within the police.

“Where on account of acts of omission and commission of police, the Rule of Law becomes a casualty, the guilty Police Officers (should be) brought to book and appropriate action (should be) taken without any delay.

– Supreme Court of India in *Prakash Singh & ors vs. Union of India and ors.*

Since 2007, there has been a new recourse for victims of police misconduct to turn to - Police Complaints Authorities. These institutions are intended to function as robust, independent oversight mechanisms. By ordering the creation of these authorities throughout India, the Supreme Court has hoped to make the police in India more accountable to the people they are meant to serve.

As these authorities are slowly constituted across the country, it is essential that they be used effectively whenever necessary. This guide aims to empower you by providing information about the types of complaints you can make, how to go about making complaints, your rights as a Complainant, and the nature of the remedy you can expect.

Only by using these Authorities can we as citizens strengthen them and ensure that they are able to fulfill their role in transforming the police in India from an oft-dreaded force to a people oriented service.

## **COMMONWEALTH HUMAN RIGHTS INITIATIVE**

B-117, 11nd Floor, Sarvodaya Enclave, New Delhi - 110 017

Tel.: +91-(0)11 2686 4671, 2685 0523

Fax: +91-(0)11 2686 4688

[info@humanrightsinitiative.org](mailto:info@humanrightsinitiative.org); [www.humanrightsinitiative.org](http://www.humanrightsinitiative.org)