

# POLICE COMPLAINTS AUTHORITY Government of NCT of Delhi



# FIFTH ANNUAL REPORT 2023-2024

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# POLICE COMPLAINTS AUTHORITY Government of NCT of Delhi





# **INDEX**

	I	
S.No.	Heads	PAGE NO.
1.	Message from Lt. Governor of Delhi	i
2.	Message from Chief Secretary, GNCT Delhi	ii
3.	From the Desk of the Chairperson, Police Complaints Authority (PCA), Delhi	iii
4.	Establishment of PCA, Delhi	1-4
5.	PCA - Current Composition	5
6.	Events/Activities - National Workshop of State Police Complaints Authorities at Chandigarh, Haryana, attended by Chairperson, PCA, Delhi	6-9
7.	Glimpses of a day in PCA, Delhi	10-11
8.	Introducing Chairperson, PCA, Delhi	12-14
9.	Details of complaints received/disposed by PCA, Delhi	15
10.	Staff position of PCA, Delhi	16
11.	Notification No. F.No. 28/1/2017/HP-I/Estt./Part file-635-641 dated 29 <sup>th</sup> January, 2018 – Regarding establishment of PCA, Delhi	17-21







विनय कुमार सक्सेना उपराज्यपाल Vinai Kumar Saxena Lt. Governor राज **निवास** दिल्ली-११००५४ RAJ NIWAS DELHI-110054

D.O.No.:RN/2024/ 215 Date: 19 /04/2024

## **MESSAGE**

I am happy to know that Police Complaints Authority is going to release its Annual Report for the year 2023-24.

It is a matter of satisfaction that Police Complaints Authority during the year of 2023-2024 disposed of 649 complaints received from the public.

I am sure that the Authority would go a long way in achieving its aims and objective with same passion and zeal in the times to come.

I extend my congratulation to the Police Complaints Authority on completion of another successful year and hope that it would remain ever vigilant and responsive to people's grievances and walk the extra proverbial mile to address them.

(Vinai Kumar Saxena)

# नरेश कुमार, भा.प्र.से. NARESH KUMAR, I.A.S





## मुख्य सचिव राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार Chief Secretary Government of NCT of Delhi

### **MESSAGE**

I am pleased that Police Complaints Authority is releasing Annual Report for the year 2023-2024.

In the year 2023-2024, the Authority disposed of 649 complaints received from the public.

The Authority is also working as a police reform institution to address grievances of the general public, society and Citizens of NCT of Delhi. They are providing their best to deliver to the society and have created the confidence in the mind of general public. They shall also continue to do the same in future also.

I congratulate the Police Complaints Authority on completion of the year 2023-24 successfully.

(NARESH KUMAR)

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# From the Desk of the Chairperson, Police Complaints Authority, Delhi

The Police Complaints Authority has been assigned a very important role of enquiring into the complaints of serious misconduct against Delhi Police personnel. It does not need much emphasis that in India, lots need to be done to establish faith of citizens in police, the first protectors of their rights.

Although, the government has taken many steps and coined many slogans to project police force to be a friend of citizens and to create trust between police and common man. There still remains a scope for filling this wedge. We have a distance to walk before trust between common man and police is cultivated, the way 'Bobby' of United Kingdom enjoys. Also, there is a general feeling that for grievances against police force, there is no one to turn to except judiciary.

Considering the power which a police constable, with whom the people have first brush, wields, there is an urgent need for sensitization of constabulary and above. Police officials who are the interface between police and public, need to show greater sensitivity and responsiveness to the common man's concerns and grievances.

In the light of above, while considering various recommendations of National Police Commission in the direction of police reforms, the Hon'ble Supreme Court directed setting up of Police Complaints Authority in States and Union Territories for quick and impartial enquiry into public complaints against misuse of powers by police officials.

It is the endeavor of the Police Complaints Authority, NCT of Delhi to revive that faith, by diligently and expeditiously enquiring into such complaints and recommending quick and suitable action.

> Justice Poonam A. Bamba (Former Judge, High Court of Delhi) Chairperson Police Complaints Authority, Delhi

# **Establishment of the Police Complaints Authority, Delhi**

The Hon'ble Supreme Court in Writ Petition (Civil) 310 of 1996 titled as "Prakash Singh &Ors. Vs. Union of India and Ors", vide its landmark judgment dated 22.09.2006, while considering various recommendations of the National Police Commission with respect to quick and impartial inquiry of public complaints against the police regarding misuse of powers, directed Central Government/ State Governments/ Union Territories, to set up Police Complaints Authority(**PCA**). The Hon'ble Court in para 6 of the judgement observed:

"(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 retired judge of the High Court/Supreme Court. ...

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 Commission/LokAyukta/State **Public** rights 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 blinding on the concerned authority"

Subsequently, the Government of India, Ministry of Home Affairs issued directions to all Union Territories vide order No.14040/45/2009-UTP in March, 2010 for setting up of **PCAs**. In Delhi, the **PCA** was functioning as part of the Public Grievance Commission since 2012 onwards vide order No. F.12/04/2011/AR/1630-1789/c dated 27.02.2012.

A full-fledged Police Complaints Authority for Delhi was established by Notification No. F. No.28/1/2017/HP-I/Estt./Part file 635-641 dated 29.01.2018. Clause 2 of the notification lays down the composition of PCA as under:

- "2. The Police Complaint Authority of National Capital Territory of Delhi shall be headed by the Chairman/Chairperson with three Members. One of the three Members must be a woman. The Chairman/Chairperson will be selected from below mentioned category (a) and one member each from the categories (b) to (d) will be selected:
  - (a) A retired High Court Judge;
  - (b) A person of repute and stature from civil society;
  - (c) A retired civil servant of minimum of scale of Secretary to GNCT of Delhi with experience in Public Administration; and
  - (d) A retired Police officer of minimum of scale of Joint Commissioner/Inspector-General of Police or corresponding rank.

In case a woman is appointed as Chairman/Chairperson, then it shall not be mandatory to have a woman member."

Clause 4 contains the role and functions of PCA and reads as under:

- 4. "The role and functions of the Police Complaints Authority will be as under:
- (i) The Authority shall inquire into allegations of "serious misconduct" against police personnel, as detailed below, either suo motu or on a complaint received from any of the following:-
- (a) a victim or any person on his/her behalf on a sworn affidavit;
- (b) the National Human Rights Commission; or
- (c) Lieutenant-Governor or Chief Secretary or Principal Secretary (Home), GNCT of Delhi.

Explanation: "Serious misconduct" for the purpose of this chapter shall mean any act of commission or omission of a police officer that leads to or amount to:

- a) death in police custody;
- b) grievous hurt in police custody;
- c) rape or attempt to rape in police custody;
- d) arrest or detention without due process of law; or
- e) Extortion or land/house grabbing or any other incident involving serious abuse of authority.

Provided that no anonymous and pseudonymous complaints shall be entertained.

(ii) Any complaint not covered in category (i) above, may also be referred to Police Complaint Authority by Lieutenant-Governor or Chief Secretary or Principal Secretary (Home), GNCT of Delhi.

- (iii) The Police Complaints Authority may not entertain those cases which are under consideration before any Court or the National Human Rights Commission or any other statutory body
- (iv) Cases of complaints regarding Delhi Police will be looked into by Police Complaint Authority and not by Public Grievances Commission. Accordingly the cases relating to Delhi Police pending with Public Grievances Commission shall be transferred to Police Complaint Authority."

In pursuance of the above Notification, Justice P.S. Teji (Retd.), a former Judge of High Court of Delhi was appointed as Chairman and Sh. P. Kamaraj (IPS), Ms. Nutan Guha Biswas (IAS) and Ms. Tinu Bajwa, (Civil Society), were appointed as Members of the Police Complaints Authority, on 11.12.2018.

After completing their tenure, Chairman, Justice P.S. Teji demitted office on 13.08.2023 and the Members Shri P. Kamaraj, IPS, Ms. Nutan Guha Biswas, IAS and Ms. Tinu Bajwa demitted office on 25.05.2023, 25.07.2023 and 30.11.2023, respectively.

Thereafter, Justice Poonam A Bamba, Former Judge of High Court of Delhi, was appointed as Chairperson, PCA vide order No.F.28/3/2021/HP-1/Estt.2222 to 2230 dated 16.10.2023. She joined the PCA on 17.10.2023. However, Members are yet to be appointed.

# Police Complaints Authority, Delhi

# **Current Composition**

(As on 31.03.2024)



Justice Poonam A. Bamba (Chairperson)

(w.e.f. 17.10.2023 to Till date)

Member	Member	Member
Vacant	Vacant	Vacant

# **Events /Activities**

# National Workshop of State Police Complaints Authorities, at Chandigarh, attended by Chairperson, PCA, Delhi

Chairperson, Justice Poonam A. Bamba attended National Workshop organised by State Police Complaints Authority, Haryana at Haryana Niwas, Chandigarh on 5<sup>th</sup> February, 2024. The workshop was attended by Chairpersons/Members of State Police Complaints Authorities of Andhra Pradesh, Goa, Gujrat, Kerala, Maharashtra, Uttarakhand, Jharkhand, Rajasthan, Punjab and others.



Sh. Manohar Lal Khattar, Hon'ble Chief Minister, Haryana addressed the gathering. Another highlight of the workshop was the key note address delivered by none other than Sh. Prakash Singh, IPS (Retd.), well known for his efforts in the field of police reforms. In his address, he traced the history of rules governing police, and talked about the need for bringing about reforms in the police force. Needless to mention that it was in writ petition filed by Sh. Prakash Singh bearing WPC No. 310/1996 titled as 'Prakash Singh &Ors Vs. Union of India &Ors', the Hon'ble Supreme Court vide its judgement dated 22.09.2006 directed setting up of Police Complaints Authorities at state and district level, in every State/Union Territory.



Sh. Prakash Singh, IPS (Retd.) and Chairperson, PCA, Delhi

The workshop provided to the Police Complaints Authorities from different States, a forum for exchange of ideas and to share best practices.



Justice Shrihari P Davare, Chairman, PCA, Maharastra (left), Justice Poonam A. Bamba, Chairperson, PCA Delhi (Centre), Sh. Prakash Singh, IPS (Retd.) (Right)

The workshop was also attended by Sh. Baldev Raj Mahajan, Advocate General, Haryana, Sh. T.V.S.N. Prasad, IAS, Home Secretary, Haryana, Sh. Abdul Bari Salmani, Chairperson, State Minority commission, Punjab, Dr. M. Tamilvanan, IPS, Director, National Police Academy, Hyderabad and Sh. Alok Mittal, IPS, ADGP, CID, Haryana etc.



**During Tea-Break** 

# Glimpses of a day in the Police Complaints Authority, Delhi



**A Meeting in Progress** 



# Glimpses of a day in the Police Complaints Authority, Delhi



**Parties Awaiting Hearing** 



# Chairperson, PCA, Delhi

# JUSTICE POONAM A. BAMBA, FORMER JUDGE, DELHI HIGH COURT



Justice Poonam A. Bamba was born on 01st September, 1961 at Delhi. She did her schooling from Delhi. Graduated with Honours in Botany from Hansraj College, Delhi University. She did her LL.B. and LL.M. from Faculty of Law, Delhi University. She holds Diploma in Administrative Law from the Indian Law Institute, New Delhi.

She Practiced as an advocate in Delhi District Courts and High Court of Delhi, worked with Banks- Punjab National Bank and Central Bank of India, as Law Officer/Deputy Chief Officer (Law) and with Securities and Exchange Board of India (SEBI), Mumbai, as Division Chief (Legal) and Joint Legal Advisor. She also represented these banks and SEBI before various courts of India and also the Securities Appellate Tribunal, Mumbai.

Justice Poonam A. Bamba is a Trained Mediator.

She attended various national and international Training Programmes, including a month long Programme on Capital Market, at Baruch College, New York, USA and a Programme on Investigation and Enforcement of Securities Laws at Securities and Exchange Commission (SEC), Washington, USA; and also attended various conferences of International Organization of Securities Commissions (IOSCO).

Justice Bamba joined Delhi Higher Judicial Service on 05<sup>th</sup>December, 2002. During her tenure spanning over a period of 19 years approximately, she presided over various jurisdictions viz. Sessions Courts, Special Judge, CBI, at Patiala House Courts, NIA Court, Matrimonial Court, Family Court as Judge/Principal Judge, Land Acquisition Court, Appellate Court under Public Premises (Eviction of Unauthorized Occupants) Act, 1971, Food Safety Appellate Tribunal.

She remained posted as District & Sessions Judge in different districts for a period of about five years i.e., at South East District, Saket at New Delhi District at Patiala House Courts and as Principal District & Sessions Judge, at South District, Saket Courts Complex.

Justice Bamba was elevated as a Permanent Judge of High Court of Delhi on 28<sup>th</sup> March, 2022.

She is the Member of Delhi International Arbitration Centre.

Justice Bamba was appointed as Chairperson, Police Complaints Authority on 16.10.2023.

She has authored four books viz. Perfect Marriage- Not a Mirage, How to Save your Marriage (2<sup>nd</sup> Edition), 'Temple of Justice- A School of Life', 'Parents at War- Custody Battles in Indian Courts' and a Coffee table book, "Patiala House: Palace To Seat of Justice". She has also published Articles on various subjects in Journals of Delhi Judicial Academy, National Stock Exchange, and that of Central Bank of India.

Justice Bamba has been visiting as Guest Faculty/Resource Person at National Judicial Academy, Bhopal, Delhi Judicial Academy, Dwarka, Delhi, UTI Institute of Capital Markets, Mumbai, Training Institute, Stock Holding Corporation of India, Mumbai, Northern India Bankers Staff Training College, Delhi and Zonal Staff Training College, Central Bank of India.

She as a sports person, had earned title of the 'Best Athlete' of Law Faculty, University of Delhi in the year 1983.

# Complaints Received and Disposed of in Police Complaints Authority, Delhi

2023 – 2024				
Total Complaints Received & Carried	1688			
Forward				
Disposal	649			
Pending	1039			
Percentage of Disposal*	38.44%			

<sup>\*</sup>The post of Chairperson was vacant from 14.08.2023 to 16.10.2023 and the three posts of Members were vacant from 25.05.2023, 25.07.2023 and 30.11.2023 respectively, affecting the disposal.

2022-2023				
Total Complaints Received & Carried	2321			
Forward				
Disposal	1825			
Pending	496			
Percentage of Disposal	78.62%			

2021-2022			
Total complaints Received & Carried	2440		
Forward			
Disposal	978		
Pending	1462		
Percentage of Disposal	40.08%		

# Position of Manpower in PCA, Delhi (as on 31.03.2024)

Group-Wise sanctioned strength and in position					
Manpower	Group A	Group B		Group C	Total
		Gazetted	Non-		
			Gazetted		
Sanctioned	04	05	03	12	24
Strength					
In Position	02*	05	06#	08	21

<sup>\*</sup>Includes Secretary (PCA) posted on additional charge.

# Officers/Officials of Police Complaints Authority (as on 31.03.2024)

Crown A	Grou	ір B	Group C	
Group A	Gazetted	Non-Gazetted	Group C	
1.Sh. Atish Kumar	1.Sh. Digvijay	1.Ms. Rekha	1.Sh. Ravi Kumar	
(Secretary)	Singh (Section	Thakur (ASO)	(Sr. Assistant)	
	Officer)			
2.Sh. Kuldeep Singh		2.Sh. Manoj	2.Sh. Swaraj Rauthan	
(Deputy Secretary)	2.Sh. Sanjeev	Kumar (ASO)	(Sr. Assistant)	
	Gaur (Section			
	Officer)	3.Ms. Kamlesh	3.Sh. Pankaj Kumar	
		Sharma (ASO)	Yadav (Jr. Assistant)	
	3.Sh. Sanjay			
	Kumar (AAO)	4.Sh. Sumit	4.Sh. Ankit Kr.	
		Kumar Sharma	Chauhan (Steno)	
	4.Sh. Pradeep	(ASO)		
	Mohan (PS)		5.Sh. Sangam Kr.	
		5.Ms. Shama	Sahani (Steno)	
	5.Ms. Narinder	Sheikh (PA)		
	Kaur (PS)		6.Sh. Shubham Mishra	
		6.Sh. Ramvir	(Steno)	
		Singh (PA)		
			7.Sh. Sumit (Steno)	
			8.Sh. Vinay Poswal	
			(Steno)	

<sup>\*</sup>Includes two Assistant Section Officers and two PAs diverted from other departments.

#### GOVERNMENT OF INDIA



#### असाधारण

#### EXTRAORDINARY

# प्राधिकार से प्रकाशित

#### PUBLISHED BY AUTHORITY

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### भाग—IV PART—IV

#### राष्ट्रीय राजधानी राज्य क्षेत्र, दिल्ली सरकार

### GOVERNMENT OF THE NATIONAL CAPITAL TERRITORY OF DELHI

# गृह पुलिस—1 शाखा, गृह विभाग अधिसूचना

दिल्ली, 29 जनवरी, 2018

सं. फा. 28/1/2017/गृह पुलिस-1/स्थापना/पार्ट फा./635-641.—िदेनांक 22 सितम्बर, 2006 की रिट याचिका (सी) सं. 310/1996 (प्रकाश सिंह एवं अन्य बनाम भारत संघ एवं अन्य) में माननीय सर्वोच्च न्यायालय द्वारा पारित तथा गृह मंत्रालय, भारत सरकार द्वारा 05 अक्तूबर, 2015 के पत्र संख्या 14040/108/2015—यूटीपी तथा दिनांक 26 सितम्बर, 2017 के पत्र संख्या 14040/108/2015—यूटीपी तथा दिनांक 26 सितम्बर, 2017 के पत्र संख्या 14040/108/2015—यूटीपी के अनुसार जारी निर्देशों के अनुपालन में राष्ट्रीय राजधानी क्षेत्र दिल्ली के उपराज्यपाल एतद्वारा उक्त मामले में माननीय सर्वोच्च न्यायालय द्वारा जारी निर्देशों के अनुसार दिल्ली पुलिस से संबंधित शिकायतों पर कार्यवाही के लिये राष्ट्रीय राजधानी क्षेत्र हेतु पुलिस शिकायत प्राधिकरण का गठन करते हैं :--

#### 2. संरचना

राष्ट्रीय राजधानी क्षेत्र दिल्ली की पुलिस शिकायत प्राधिकरण का एक अध्यक्ष तथा तीन सदस्य होगें। तीन सदस्यों में एक महिला सदस्य होगी। अध्यक्ष का चयन नीचे उल्लिखित श्रेणी (क) में से किया जायेगा तथा श्रेणी (ख) से (घ) प्रत्येक में से एक–एक सदस्य का चयन किया जाएगा :

- (क) उच्च न्यायालय का सेवानिवृत्त न्यायाधीश;
- (ख) समाज से प्रसिद्ध एवं ख्याति प्राप्त व्यक्ति;
- (ग) दिल्ली सरकार में न्यूनतम सचिव पद के वेतनमान वाले सेवानिवृत्त लोक सेवक जिसका अनुभव लोक प्रशासन में हो; तथा
- (घ) पुलिस के संयुक्त आयुक्त / महानिरीक्षक के वेतनमान या समकक्ष रैंक का एक सेवानिवृत्त पुलिस अधिकारी।

633 DG/2018 (1)

यदि महिला को अध्यक्ष के रूप में नियुक्त किया जाता है तो महिला का सदस्य के रूप में होना अनिवार्य नहीं है।

- 3. नियुक्ति, हटाने तथा नियुक्ति की निबंधन एवं शर्तै:-
- (1) राष्ट्रीय राजधानी क्षेत्र दिल्ली के उपराज्यपाल पुलिस शिकायत प्राधिकरण के अध्यक्ष तथा सदस्यों के नियुक्ति प्राधिकारी होंगे।
- (2)(क) प्राधिकरण के अध्यक्ष का चयन दिल्ली उच्च न्यायालय के मुख्य न्यायाधीश द्वारा प्रस्तावित नामों के पैनल से किया जायेगा।
- (ख) प्राधिकरण के सदस्यों का चयन लोकायुक्त तथा अध्यक्ष, जन शिकायत आयोग के परामर्श के पश्चात् मुख्य सचिव द्वारा तैयार पैनल से किया जायेगा।
- (3) अध्यक्ष तथा प्राधिकरण के सदस्यों का कार्यकाल तीन वर्ष का होगा। सदस्यों की अधिकतम आयु सीमा 65 वर्ष होगी लेकिन अध्यक्ष तीन साल के कार्यकाल को पूर्ण करने के लिये 65 वर्ष से अधिक, यदि आवश्यक है, जारी रख सकते हैं, इसमें उपराज्यपाल का अनुमोदन आवश्यक होगा।
- पुलिस शिकायत प्राधिकरण के अध्यक्ष तथा सदस्यों का पारिश्रमिक एवं भत्ते समय—समय पर सरकार द्वारा अधिसूचित रूप में होंगे।
- (5) पुलिस शिकायत प्राधिकरण के अध्यक्ष तथा सदस्यों को उपराज्यपाल, राष्ट्रीय राजधानी क्षेत्र दिल्ली द्वारा निम्नलिखित किन्हीं कारणों से सुनवाई का अवसर देने के पश्चात् हटाया जा सकता है:
- (क) कदाचार या दुर्व्यवहार की पुष्टि होना;
- (ख) लगातार कर्त्तव्य निवर्हन की अवहेलना करना;
- (ग) ऐसी स्थिति उत्पन्न होना जिससे वह नियुक्ति के उपयुक्त नहीं रह जायेगा;
- (घ) कार्यकाल के दौरान अपने पद की ड्यूटी से बाहर किसी आय प्राप्ति के रोजगार में संलग्न होना।
- (6) पुलिस शिकायत प्राधिकरण का अध्यक्ष तथा सदस्य प्राधिकरण के पूर्णकालिक सदस्य होंगे तथा लाभ की किसी अन्य गतिविधि में संलग्न नहीं होंगे।

#### 4. भूमिका और कार्य :--

पुलिस शिकायत प्राधिकरण की भूमिका एवं कार्य निम्न प्रकार होंगे :--

- (1) प्राधिकरण पुलिस कर्मियों के विरुद्ध नीचे बताये गये रूप में ''गंभीर कदाचार'' के आरोप में जांच करेगा या निम्नलिखित में से किसी से प्राप्त शिकायत पर स्वतः कार्यवाही करेगाः—
- (क) कोई पीड़ित या उसकी तरफ से शपथ पत्र के माध्यम से कोई अन्य व्यक्ति,
- (ख) राष्ट्रीय मानवाधिकार आयोग; या
- (ग) दिल्ली के उपराज्यपाल या मुख्य सचिव या प्रधान सचिव (गृह)।

स्पश्टीकरण : ''गंभीर कदाचार'' का इस अध्याय के उद्देश्य से अर्थ होगा किसी पुलिस अधिकारी के कार्य या त्रुटि का कोई कार्य, जिसका परिणाम निम्नलिखित रूप में होगा :—

- (क) पुलिस हिरासत में मौत;
- (ख) पुलिस हिरासत में गंभीर चोट;
- (ग) बलात्कार या पुलिस हिरासत में बलात्कार का प्रयास;
- (घ) कानून की अपेक्षित प्रक्रिया के बिना गिरफ्तारी या हिरासत में रखना; या
- (ङ) फिरौती या भूमि / घर पर कब्जा करना या प्राधिकार के गंभीर दुरूपयोग संबंधी कोई अन्य घटना। प्रावधान है कि किसी अज्ञात तथा छदमनाम शिकायत पर कार्यवाही नहीं की जायेगी।
- (2) उपराज्यपाल या मुख्य सचिव या प्रधान सचिव (गृह), उक्त श्रेणी (1) के अन्तर्गत न आने वाली किसी भी शिकायत को दिल्ली सरकार पुलिस शिकायत प्राधिकरण को भेज सकते हैं।
- (3) पुलिस शिकायत प्राधिरण सामान्यतः उन मामलों पर कार्यवाही नहीं करेगा जो किसी न्यायालय या राष्ट्रीय मानवाधिकार आयोग या किसी अन्य सांविधिक निकाय के सामने विचाराधीन हैं।
- (4) दिल्ली पुलिस संबंधी शिकायतों के मामले पुलिस शिकायत प्राधिकरण देखेगा न की जन शिकायत आयोग। तद्नुसार दिल्ली पुलिस के जन शिकायत आयोग के पास दिल्ली पुलिस के सभी लंबित मामले पुलिस शिकायत प्राधिकरण को हस्तांतरित किये जायेंगे।

### 5. पुलिस शिकायत प्राधिकरण की शक्तियां निम्न प्रकार होंगी:--

- (1) प्राधिकरण किसी व्यक्ति या प्राधिकारी को किसी ऐसे बिन्दु या मामले में ऐसी सूचना प्रदान करने के लिये कह सकता है जो प्राधिकरण की राय में शिकायत की विषयवस्त के लिये उपयोगी या प्रासंगिक होगा:
- (2) प्राधिकरण अपनी रिपोर्ट को अंतिम रूप देने से पहले दिल्ली पुलिस को अपना दृष्टिकोण तथा अतिरिक्त तथ्य यदि कोई है और प्राधिकरण के जानकारी में पहले नहीं है पर पर्याप्त अवसर प्रदान करेगा। प्राधिकरण दिल्ली पुलिस से ऐसी सूचना जो मामले पर प्रभाव डालती है ऐसी अतिरिक्त सूचना प्राप्त होने पर अपने निष्कर्ष की समीक्षा कर सकती है;
- (3) जांच पूरा होने पर प्राधिकरण अपने निष्कर्ष / सिफारिश मुख्य सचिव, दिल्ली को सूचित करेगा;
- (4) प्राधिकरण अपने निष्कर्ष और सिफारिशें शिकायत की प्राप्ति की तिथि से साठ दिनों के भीतर की अवधि में प्रस्तुत करने का प्रयास करेगा:
- (5) प्राधिकरण, दिल्ली के उपराज्यपाल को प्राधिकरण के पास साठ दिन से अधिक लम्बित मामलों के बारे में विनिर्दिष्ट करते हुए अर्धवार्षिक रिपोर्ट प्रस्तुत करेगा।
- पुलिस शिकायत प्राधिकरण की सिफारिशें सामान्य रूप से बाध्यकारी होंगी जब तक उपराज्यपाल लिखित कारणों को अभिलेखबद्ध करते हए प्राधिकरण के निर्णय से असहमत न हो।

राष्ट्रीय राजधानी क्षेत्र दिल्ली के उपराज्यपाल के आदेश से तथा उनके नाम पर, अजय गर्ग, विशेष सचिव (गृह)

# HOME POLICE-I BRANCH, HOME DEPARTMENT NOTIFICATION

Delhi, the 29th January, 2018

**F. No. 28/1/2017/HP-I/Estt./Part file-635-641.**—In compliance with the directions passed by the Hon'ble Supreme Court in WP (C) No. 310/1996 (Prakash Singh & Ors-Vs-Union of India & Ors) dated  $22^{nd}$  September 2006 and directions issued by Government of India, Ministry of Home Affairs, vide letter No. 14040/108/2015-UTP dated  $05^{th}$  October 2015 and letter No. 14040/108/2015-UTP dated  $26^{th}$  September 2017, the Lt. Governor of the National Capital Territory of Delhi is pleased to constitute the Police Complaint Authority for National Capital Territory of Delhi to deal with complaints relating to Delhi Police as directed by the Hon'ble Supreme Court in the said case, the terms and conditions for Police Complaint Authority for National Capital Territory of Delhi will be as under:

#### 2. Composition

The Police Complaint Authority of National Capital Territory of Delhi shall be headed by the Chairman/Chairperson with three Members. One of the three Members must be a woman. The Chairman/Chairperson will be selected from below mentioned category (a) and one Member each from the categories (b) to (d) will be selected:

- (a) A retired High Court Judge;
- (b) A person of repute and stature from civil society;
- (c) A retired civil servant of minimum of scale of Secretary to GNCT of Delhi with experience in Public Administration; and
- (d) A retired Police officer of minimum of scale of Joint Commissioner/Inspector-General of Police or corresponding rank.

In case a woman is appointed as Chairman/ Chairperson, then it shall not be mandatory to have a woman Member.

## 3. Appointment, Removal and terms & conditions of appointment:

- Lt. Governor, National Capital Territory of Delhi shall be the Appointing Authority of the Chairman/Chairperson and Members of the Police Complaint Authority.
- (ii) (a) The Chairman/Chairperson of the Authority shall be selected out of a panel of names proposed by Chief Justice , High Court of Delhi.
  - (b) The members of the Authority shall be selected out of the panel prepared by Chief Secretary, Delhi after consultation with Lok Ayukta and Chairman, Public Grievances Commission.

- (iii) The term of the Chairman/Chairperson and Members of the Authority shall be three years. The upper age limit for Members shall be 65 years but the Chairman/Chairperson can continue beyond 65 years, if necessary, to complete 03 years tenure, subject to the approval of Lieutenant Governor.
- (iv) The remuneration & perks of the Chairman/Chairperson and the Members of the Police Complaints Authority will be as notified by the Government from time to time.
- (v) The Chairman/Chairperson or Member of the Police Complaints Authority may be removed by the Lieutenant-Governor, National Capital Territory of Delhi after giving him/her an opportunity to be heard, on any of the following grounds:
  - a) Proven misconduct or misbehaviour;
  - b) Persistent neglect to perform duties;
  - c) Occurrence of any situation that would make him/her not suitable for appointment; or
  - d) Engaging during term of office in any paid employment outside the duties of office.
- (vi) The Chairman/Chairperson and the members of the Police Complaints Authority shall be whole time members of the Authority and will not engage in any other remunerative activities.

#### 4. Role and functions

The role and functions of the Police Complaints Authority will be as under:

- (i) The Authority shall inquire into allegations of "serious misconduct" against police personnel, as detailed below, either *suo motu* or on a complaint received from any of the following:
  - a) a victim or any person on his/her behalf on a sworn affidavit;
  - b) the National Human Rights Commission; or
  - c) Lieutenant-Governor or Chief Secretary or Principal Secretary(Home), GNCT of Delhi.

**Explanation: "Serious misconduct"** for the purpose of this chapter shall mean any act of commission or omission of a police officer that leads to or amounts to:

- a) death in police custody;
- b) grievous hurt in police custody;
- c) rape or attempt to rape in police custody;
- d) arrest or detention without due process of law; or
- e) Extortion or land/house grabbing or any other incident involving serious abuse of authority.

Provided that no anonymous and pseudonymous complaints shall be entertained.

- (ii) Any complaint not covered in category (i) above, may also be referred to Police Complaint Authority by Lieutenant-Governor or Chief Secretary or Principal Secretary (Home), GNCT of Delhi.
- (iii) The Police Complaint Authority may not entertain those cases which are under consideration before any Court or the National Human Rights Commission or any other statutory body.
- (iv) Cases of complaints regarding Delhi Police will be looked into by Police Complaint Authority and not by Public Grievances Commission. Accordingly the cases relating to Delhi Police pending with Public Grievances Commission shall be transferred to Police Complaint Authority.
- 5. The power of the Police Complaints Authority will be as under:
  - The Authority may require any person or authority to furnish information on such points or matters
    as in the opinion of the Authority may be useful for or relevant to the subject matter of the
    complaint;
  - (ii) The Authority, before finalising their report, shall afford the Delhi Police an adequate opportunity to present their view and additional facts, if any, not already in the notice of the Authority. The Authority may review their findings on receipt of additional information from Delhi Police that may have a material bearing on the case.
  - (iii) Upon completion of the inquiry, the Authority shall communicate their findings/recommendations to Chief Secretary, Delhi.
  - (iv) The Authority will endeavour to submit their findings and recommendation within a period of sixty days from the date of receipt of the complaint.

- (v) The Authority will submit biannual reports to the Lieutenant-Governor, National Capital Territory of Delhi about the cases which are pending before the Authority specifying those cases which are pending for more than 60 days.
- 6. The recommendation of the Police Complaints Authority shall ordinarily be binding unless for the reasons to be recorded in writing, the Government decides to disagree with findings of the Authority.

By Order and in the Name of the Lieutenant-Governor of National Capital Territory of Delhi, AJAY GARG, Spl. Secy. (Home)