

## ***Excessive delay and inefficiency plaguing the performance of Kerala's Police Complaints Authorities***

**Commonwealth Human Rights Initiative Press Release, 16 November 2011  
New Delhi**

There is widespread dissatisfaction with the functioning and inefficiency of Kerala's Police Complaints Authorities. On 12<sup>th</sup> and 14<sup>th</sup> November 2011, the Commonwealth Human Rights Initiative (CHRI) organised two workshops in Palakkad and Cochin with complainants and civil society representatives wherein numerous problems in the working of the Complaints Authorities, based on the experiences of complainants, were discussed. Director-General of Prosecutions, Mr. Asaf Ali, addressed the Cochin workshop and provided useful recommendations for addressing many of the procedural problems in the working of the Authorities.

*"Excessive delay, failure to communication with complainants, weak procedures, and insufficient capacity are some of the glaring problems identified by complainants in the working of Kerala's Police Complaints Authorities. Considering the level of public dissatisfaction in these bodies, it is crucial for the state government to take people's recommendations into account and prioritise the strengthening of the Authorities through both policy and legal changes",* says Devika Prasad, senior programme officer, Police Reforms programme of CHRI.

These Authorities have the mandate to inquire into some of the most serious public complaints against police officers, including death, grievous hurt, rape and molestation of women in custody. In Kerala, they have been established at both the state and district levels, but due to constrained resources, they function out of headquarters in Cochin and do not have independent offices in any district.

*"Inquiries often take months to complete. In some instances cases are pending for two years. The pendency is mounting and undoubtedly very soon the Authority will be no different from a court – unable to deliver justice",* said one complainant. There is no explanation given to complainants for the delay. But most participants at the workshops felt that no reason could justify such delay. What irks most complainants is the presence of the district Collector and Superintendent of Police (SP) as members on the Authority. *"How can a police officer be expected to take action on his fellow officers? They are definitely going to be biased in favour of the errant officer"* said one complainant. It is time the government addressed these concerns.

The SP and Collector are extremely busy people who already have demanding responsibilities. They do not have the time to regularly attend the Authority's sittings and ensure time-bound inquiries. Having them on board is resulting in extreme delay. The Chief Minister's promise of reducing criminality in the force will see little result until steps are taken to strengthen the Police Complaints Authorities. *"Complainants and civil society representatives were unanimous in their recommendation that serving police and government officers not be given the additional charge of Complaints Authority member, as their lack of time is leading to tremendous delay. Instead, the complaints bodies can be made both more efficient and representative through the appointment of full-time independent members, drawn from the community and civil society at large based on specified criteria",* says P. Sherfudeen, Kerala state consultant, Police Reforms programme of CHRI. CHRI urges the state government to call for the records of the Authorities to examine the extent of pendency as well as the nature of inquiries being conducted.

Participants put forth many practical recommendations to strengthen the Complaints Authorities, which will be passed on to the state government with a request for immediate action. Some of these include more transparent and objective appointment processes of the Chair and members, procedural measures to address the delay and other gaps in procedure, and several suggestions towards making the Authorities' composition more representative. Mr. Asaf Ali, DG Prosecutions, usefully reminded the participants of the value of police complaints bodies, and the potential such bodies can have in

improving police accountability once they are adequately strengthened to be able to fulfil their mandate. Notably, he informed participants that Rules are currently being drafted to accompany the Kerala Police Act, 2011, and practical procedural changes can be brought in through the Rules.

At the time of passing the Kerala Police Act, 2011, people of the state had strongly objected to the composition of the Police Complaints Authorities. Their recommendations were completely ignored. As a result, the Authorities have failed to win the confidence of the people even after 5 years. If the state is serious about changing the status quo and strengthening police accountability, then it must act now by consulting people and effect changes in the composition and procedures of the Police Complaints Authorities.

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*The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international NGO working for the practical realisation of human rights in the countries of the Commonwealth.*