



POLICE COMPLAINTS AUTHORITY OF DELHI



Delhi has an independent Police Complaints Authority (PCA). The PCA is mandated to inquire into complaints against any member of the Delhi Police, by anyone affected by police wrongdoing, involving allegations of serious misconduct and abuse of authority. For the public, it provides a mechanism outside the Delhi Police to send complaints about police personnel.

- On 22 September 2006, the Supreme Court of India issued a direction to all states and Union Territories to set up Police Complaints Authorities in its 2006 judgment in *Prakash Singh & Ors v. Union of India & Ors*. This is one directive, out of seven, to kick-start police reform.

WHEN WAS THE DELHI PCA ESTABLISHED?

Delhi acted to create a PCA only six years after the Court's judgment, in 2012. At that time, an existing body, the Public Grievances Commission, was given the mandate to also function as a PCA for Delhi. This was challenged in the High Court of Delhi in 2015 on the ground that a fully independent PCA must be setup. On 29 January 2018, the Government of Delhi issued a Notification, by order and in the name of the Lieutenant-Governor of Delhi, establishing an independent PCA for Delhi. The Notification lays down the mandate, composition, tenure, and basic powers of the PCA. Following the 2006 Supreme Court judgement, several states have passed Police Acts that establish PCAs within them. Delhi has yet to amend or overhaul the Delhi Police Act 1978 to bring in the apex Court's directives and give the PCA a statutory basis.

WHO SITS ON THE DELHI PCA?

Chairperson

A retired High Court Judge



The Chair and each member have a term of three years



At least one of the three members or the Chairperson must be a woman

Member

A retired police officer of minimum scale of Joint Commissioner/ Inspector General of Police or corresponding rank

Member

A retired civil servant of minimum of scale of Secretary to GNCT of Delhi with experience in Public Administration

Member

A person of repute and stature from civil society

AS OF SEPTEMBER, 2019, THE CHAIR AND MEMBERS OF THE DELHI PCA ARE:

Chairperson: Justice P S Teji, Judge, Delhi High Court (Retired)

Member: Nutan Guha Biswas, IAS (Retired)

Member: P Kamraj, IPS (Retired)

Member: Tinu Bajwa, Advocate

WHAT CAN YOU COMPLAIN ABOUT TO PCA?



Death in
Police
Custody



Grievous hurt
in police
custody



Rape or
attempt to
rape in police
custody



Extortion,
land/ house
grabbing



Arrest or
detention
without due
process of
law



Any other
Serious abuse
of authority

WHO CAN FILE A COMPLAINT?

- A victim of police misconduct/abuse.
- Any person on behalf of victim on a sworn affidavit.
- The National Human Rights Commission (NHRC)
- Lieutenant-Governor, or Chief Secretary, or Principal Secretary (Home), GNCT of Delhi
- The PCA can also inquire into allegations of serious misconduct on its own (for instance if an incident of serious misconduct is reported in a newspaper article), without waiting for a complaint to be received. This is called taking action suo moto.

Note the following conditions set by the PCA on the admissibility of a complaint:

- The PCA will not take up anonymous and pseudonymous complaints
- The PCA will not accept a complaint that is already being considered by a court, the NHRC, or any other statutory body.

HOW CAN A COMPLAINT BE FILED?

- Any complainant can file a complaint by themselves. You do not need a lawyer to make a complaint to the PCA.
- You are not required to pay any fees.
- The complaint must be made in writing to the PCA.
- The complaint can be submitted by hand in person, or by post or courier to the address given below.

Try to give as much information as you can about the incident you are complaining about, including:

- Your name, address and contact details
- Day, time, date and exact location of the incident
- Name of the police station (if it happened in a police station)
- The number of police personnel involved
- Name(s) and designation(s) of the police personnel involved. If you don't have their names or designations, try to give physical descriptions.
- What happened, what was said or done
- Contact details of any witnesses
- A description of injuries or damage, if any
- The steps you took after the incident
- Any other helpful or relevant evidence, such as photographs or audio or video footage

WHAT CAN THE PCA DO?

It will conduct an inquiry by summoning relevant persons or authorities to collect the information and prima facie evidence it needs. It is mandated to try to submit its recommendations within 60 days of receipt of a complaint. The PCA will come to its findings/recommendations based on the available materials and evidence. Once it completes its inquiry, the PCA will send its findings/recommendations to the Chief Secretary, Delhi. The recommendations of the PCA should be binding, except if the government disagrees with the PCA's findings which it must do in writing.



Police Complaints Authority of Delhi
10th Floor, Chandralok Building,
Janpath, New Delhi -110001



011-21400977
011-21400976



CHRI

Commonwealth Human Rights Initiative

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