

CHRI 2020

A STUDY ON ACCOUNTABILITY OF POLICE:

PROCESS AND OUTCOMES OF COMPLAINTS AGAINST DELHI POLICE PERSONNEL



CHRI

Commonwealth Human Rights Initiative
working for the practical realisation of human rights in
the countries of the Commonwealth



Making democracy work

Commonwealth Human Rights Initiative

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-governmental, non-profit organisation headquartered in New Delhi, with offices in London, United Kingdom, and Accra, Ghana. Since 1987, it has advocated, engaged and mobilised around human rights issues in Commonwealth countries. Its specialisations in the areas of Access to Justice (ATJ) and Access to Information (ATI) are widely known. The ATJ programme has focussed on Police and Prison Reforms, to reduce arbitrariness and ensure transparency while holding duty bearers to accountability. CHRI looks at policy interventions, including legal remedies, building civil society coalitions and engaging with stakeholders. The ATI looks at Right to Information (RTI) and Freedom of Information laws across geographies, provides specialised advice, sheds light on challenging issues, processes for widespread use of transparency laws and develops capacity. We review pressures on media and media rights while a focus on Small States seeks to bring civil society voices to bear on the UN Human Rights Council and the Commonwealth Secretariat. A new area of work is SDG 8.7 whose advocacy, research and mobilization across geographies is built on tackling contemporary forms of slavery.

CHRI has special consultative status with the UN Economic and Social Council and is accredited to the Commonwealth Secretariat. Recognised for its expertise by governments, oversight bodies and civil society, CHRI is registered as a society in India, a limited charity in London and an NGO in Ghana.

Although the Commonwealth, an association of 53 nations, provided member countries the basis of shared common laws, there was little specific focus on human rights issues in member countries. Thus, in 1987, several Commonwealth professional associations founded CHRI.

Through its research, reports, advocacy, engagement, mobilisation and periodic investigations, CHRI draws attention to the progress and setbacks on rights issues. It addresses the Commonwealth Secretariat, the United Nations Human Rights Council members, media and civil society. It works on and collaborates around public education programmes, policy dialogues, comparative research, advocacy and networking on the issues of Access to Information and Access to Justice.

CHRI's seeks to promote adherence to the Universal Declaration of Human Rights, the Commonwealth Harare Principles and other internationally recognised human rights instruments, as well as domestic instruments supporting human rights.

International Advisory Commission: Alison Duxbury, Chairperson. Members: Wajahat Habibullah, Joanna Ewart-James, Edward Mortimer, Sam Okudzeto and Sanjoy Hazarika

Executive Committee (India): Wajahat Habibullah, Chairperson. Members: B. K. Chandrashekar, Jayanto Choudhury, Maja Daruwala, Nitin Desai, Kamal Kumar, Madan B. Lokur, Poonam Muttreja, Jacob Punnoose, Vineeta Rai, A P Shah, and Sanjoy Hazarika

Executive Committee (Ghana): Sam Okudzeto, Chairperson. Members: Akoto Ampaw, Wajahat Habibullah, Kofi Quashigah, Juliette Tuakli and Sanjoy Hazarika

Executive Committee (UK): Joanna Ewart-James, Chairperson. Members: Richard Bourne, Pralab Barua, Tony Foreman, Neville Linton, Suzanne Lambert and Sanjoy Hazarika.

Sanjoy Hazarika, International Director

ISBN No.: 978-93-81241-85-1

© Commonwealth Human Rights Initiative, 2020. Material from this report may be used, duly acknowledging the source.



CHRI Headquarters, New Delhi

55A, Third Floor
Siddharth Chambers
Kalu Sarai, New Delhi 110 016
India
Tel: +91 11 4318 0200
Fax: +91 11 4318 0217
E-mail:
info@humanrightsinitiative.org

CHRI London

Room No. 219
School of Advanced Study
South Block, Senate House
Malet Street, London WC1E
7HU,
United Kingdom
E-mail:
london@humanrightsinitiative.org

CHRI Africa, Accra

Dr. Stanley Marbell Plaza
H/No. 158/2 Asylum Down
Accra.
Tel/Fax: +233 302 971170
Email:
chriafrika@humanrightsinitiative.org

A Study on Accountability of Police:

Process and Outcomes of Complaints Against Delhi Police Personnel

Research and Writing by

Sai Bourothu

Edited by:

Devika Prasad and

Sanjoy Hazarika

Table of Contents

<i>Acknowledgements</i>	<i>vi</i>
<i>Preface</i>	<i>vii</i>
INTRODUCTION	1
Delhi Police: Size and number of complaints	1
Complaints mechanisms in Delhi	2
Delhi Police	2
Statutory Commissions	3
Online portals	3
Publicly available data on complaints and action taken	4
Delhi Police Vigilance Unit and PG Cells	5
Vigilance Unit	5
Public Grievance Cells	6
DATA POINTS	7
METHODOLOGY	7
FINDINGS	13
Findings From The Data	17
Delhi Police: Findings	18
Commissions: Findings	25
RECOMMENDATIONS	29
ANNEXURE I	32
ANNEXURE II	34

Acknowledgements

CHRI gratefully acknowledges all the officials of the Delhi Police who diligently compiled the data on complaints in response to our Right to Information applications. We thank the representatives of Commissions who offered perspective and cooperation. CHRI appreciates the support extended by donors namely, the European Union Fund and Friedrich Naumann Foundation, without which this study would not have been possible. The feedback and input of CHRI colleagues – Raja Bagga and Vinu Sampath – added clarity and depth to this report. We thank Praja Foundation for making it possible for CHRI to conceive of, and conduct, this study. Lastly, and most significantly, we acknowledge the invaluable contribution of all the CHRI and Praja team members who worked to make the study and final report a reality.

Preface

This short study on a specific area of the responsibility by the Delhi Police assumes importance in the light of critical analysis, questioning and growing evidence on the organization's much criticized role in the recent riots and communal violence in North-east Delhi. By its very nature, the process of filing a complaint against the police, by which an ordinary citizen can lay a challenge (without going to a court of law) against an officer of the police department, one of the most powerful organizations in the country, should be an empowering process.

The challenges within the system of handling such complaints underlines the opportunities, openness (or lack of it) and opaqueness of the reporting system. The study was conducted in 2018-19 for data on complaints against police personnel from internal complaints mechanisms and statutory bodies mandated to receive complaints against personnel in Delhi Police.

One problem that it shows up is the scale of overall complaints, the near impossibility of book-keeping of paper trails (which can get ruined by mould or poor maintenance or lack of storage space or all of these) and the need to transit to a modern system based on digitization of data. This would make both record keeping and access much easier and more efficient but it should come with a caveat. At a time when both the Centre and the states play such emphasis on modernization of the police, this area must assume a priority. Such digitized records, as a matter of due process, must be put in the public domain as part of a policy of transparency and public service.

Given recent developments which raise serious questions on the accountability of Delhi Police, it is essential that proactive measures be taken to ensure transparency of this institution. This report's recommendations seek more proactive, comprehensive disclosure of data on complaints against police personnel to meet the goals of greater transparency and accountability.

Sanjoy Hazarika

International Director, CHRI

Introduction

This report by the Commonwealth Human Rights Initiative (CHRI), focused on and limited to Delhi, examines data related to the nature of, and responses to, complaints against Delhi Police personnel, which have been received and inquired into by the Delhi Police itself and also by statutory Commissions (external quasi-judicial bodies) with mandates to receive complaints against the police. It is based on a study of data from the years 2016 and 2017 for a two-year continuum.

The intent of the report is to bring a holistic analysis of data on complaints against the police and the action taken on them into the public domain, coalescing around the twin ends of transparency and accountability. As a microstudy of Delhi, the study underpinning this report was designed to bring together and provide data from multiple bodies (excluding the courts) mandated to address complaints – both internal to the Delhi Police and external.

Specifically, data was sought from 1) the Delhi Police at several levels, and 2) 16 Commissions at national and state level comprising:

1. The National Human Rights Commission
2. The National Commission for Scheduled Tribes
3. The National Commission for Scheduled Castes
4. The National Commission for Denotified, Nomadic and Semi-Nomadic Tribes
5. The National Commission for Protection of Child Rights
6. The National Commission for Women
7. The National Commission for Safai Karamcharis
8. The National Commission for Backward Classes
9. The National Commission for Minorities
10. Delhi Commission for Protection of Child Rights
11. Delhi Commission for Safai Karamcharis
12. Delhi Commission for Women
13. Delhi Commission for Minorities
14. Other Backward Classes Commission of Delhi
15. Public Grievances Commission
16. Central Vigilance Commission

Delhi Police: Size and number of complaints

The Delhi Police is established through the Delhi Police Act, 1978 and is administered by the Lieutenant Governor of Delhi.¹ Based on the numbers of police personnel, Delhi Police is among the larger police organisations in India. According to the latest count, as on 1 January 2019, Delhi Police had a total strength of 82,190 personnel (both civil and armed).² In strength³, it is the largest police among the Union Territories⁴,

¹ Article 239, Constitution of India

² Chapter 2, Basic Police Statistics, Table 2.1.2, Data on Police Organisations (as on January 1 2019), Bureau of Police Research and Development, Ministry of Home Affairs

³ Based on actual strength as reported in Data on Police Organisations

⁴ This may change when the statistics are updated with Jammu & Kashmir as a Union Territory.

and is larger than the police of 19 states. Only 10 state police are larger than Delhi Police.⁵ Organisationally, it is divided into 14 police districts, 182 police stations, 16 special units, and 15 battalions of armed police.

In the national context, based on yearly statistics, Delhi has accounted for the highest number of complaints received against police personnel in India over several years, namely 2011-2015.⁶ This is reinforced by the fact that while approximately 10 states would have had a higher police strength over this period, the highest numbers of complaints were received in Delhi.

Table 1: Complaints received against police in Delhi against national total: Crime in India, 2011-2015

Year	Number of complaints: Delhi	Number of complaints: All-India	% of Delhi complaints within all-India
2011 ⁷	12805	61765	20.7%
2012 ⁸	12342	57363	22%
2013 ⁹	12427	51120	24%
2014 ¹⁰	11902	47774	25%
2015 ¹¹	12913	54916	24%

This does not necessarily mean that the Delhi Police has the greatest frequency of misconduct among its ranks; it can be the combined effect of a variety of factors. For instance, this high number of complaints may reflect a greater public awareness in Delhi of forums to file complaints. There are a multiplicity of mechanisms to file complaints available in Delhi; and this may be an enabling factor. While unearthing the larger context requires a separate in-depth study, it is clear that Delhi has persistently logged the highest number of complaints received against the police across the country. In this light, it becomes even more important to gain understanding of the nature and breadth of complaints, and how they are being dealt with.

Complaints mechanisms in Delhi

Delhi has numerous mechanisms from where complaints against police can be filed.

Delhi Police

Within the Delhi Police, there is a dedicated structure to receive and address complaints against Delhi Police personnel, made up of the Vigilance Unit at Headquarters and Public Grievance (PG) Cells in every police district. Complaints against police sent to any police office will be forwarded to either the Vigilance unit or the appropriate PG Cell. Further details on the mandates and make-up of the Vigilance unit and PG Cells are at the end of this section.

5 These are Chhattisgarh, Gujarat, Jammu & Kashmir, Karnataka, Madhya Pradesh, Maharashtra, Rajasthan, Tamil Nadu, Uttar Pradesh, and West Bengal.

6 From 2016, the annual Crime in India reports no longer provide the total number of complaints received against police personnel.

7 Chapter 16, Complaints against police personnel and human rights violations by them, Table 16.1, Crime in India 2011: <http://ncrb.gov.in/StatPublications/CII/CII2011/cii-2011/Table%2016.1.pdf>

8 Chapter 16, Complaints against police personnel and human rights violations by them, Table 16.1, Crime in India 2012: <http://ncrb.gov.in/StatPublications/CII/CII2012/cii-2012/Table%2016.1.pdf>

9 Chapter 16, Complaints against police personnel and human rights violations by them, Table 16.1, Crime in India 2013: <http://ncrb.gov.in/StatPublications/CII/CII2013/CII13-TABLES/Table%2016.1.pdf>

10 Chapter 16, Complaints against police personnel and human rights violations by them, Crime in India 2014: <http://ncrb.gov.in/StatPublications/CII/CII2014/Table%2016.1.pdf>

11 Chapter 16, Complaints against police personnel and human rights violations by them, Crime in India 2015: <http://ncrb.gov.in/StatPublications/CII/CII2015/FILES/Table%2016.1.pdf>

As mentioned above, Delhi is the seat of national Commissions, other national-level oversight bodies, as well as its own five Commissions accorded as state-level, which can receive complaints against police personnel based on their mandates focused on human rights and/or rights of specific vulnerable groups. A table listing the mandates of each Commission and types of complaints they can receive is annexed at Annexure 1.

Police Complaints Authority of Delhi

Each state and Union Territory is to have a Police Complaints Authority (PCA), a dedicated external police complaints body where members of the public can send complaints, as per the direction of the Supreme Court of India 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. 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.¹² This was challenged by CHRI in the High Court of Delhi in 2015 urging that a fully independent PCA be set up. 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. In the period for which data was sought for this study, 2016-2017, there was no independent PCA in Delhi as the PGC was acting as the PCA. It becomes thus significant to conduct a time-bound study to review the initial two years of Delhi's PCA to assess its effectiveness or otherwise.

Online portals

With the push to digitisation, several online portals have also been developed. Each has a specific scope and may cover only limited types of complaints against police, but nonetheless, provides one more mechanism to send in complaints. While this study does not delve into the functioning of these portals, a snapshot includes:

- the Centralised Public Grievance Redress and Monitoring System (<https://pgportal.gov.in/>): this is a portal run by the Department of Administrative Reforms & Public Grievances (under the central Ministry of Personnel, Public Grievances, and Pensions) which takes up about “1000 grievances” yearly (filtered based on gravity), forwards the grievance to the concerned Ministry/Department/State Government/UT, and follows up to their disposal. Complaints against Delhi Police personnel can be sent here and may be taken up.
- the Lt. Governor's Listening Post (<https://lg.delhi.gov.in/content/listening-post-grievances-0>): hosted by the Office of the LG of Delhi, complaints relating to different government departments in Delhi can be registered here through a helpline, online, or by post. It is unclear from the website whether the listening post accepts complaints against police officers. One of its listed functions is to assist in registration of First Information Reports.
- Public Grievance Monitoring System (<https://pgms.delhi.gov.in/Entrygrv.aspx?deptcode=>): hosted on the website of the Delhi government, and similar to the LG's Listening Post, complaints relating to different government departments in Delhi can be registered here. The Delhi Police is included as an option in the list of departments.

¹² By Resolution number F.12/04/2011/AR/1630-1789/C, dated 27 February 2012

Online Complaint Facilities provided by Commissions

Several Commissions have created online mechanisms on their websites by which complaints can be submitted – these are the National Human Rights Commission¹³, the National Commission for the Protection of Child Rights¹⁴, the National Commission for Women¹⁵, and the National Commission for Safai Karamcharis¹⁶. The Child Rights and Safai Karamcharis Commissions have taken the extra step to create Apps. The websites of the National Commission for Scheduled Castes¹⁷ and the Delhi Public Grievance Commission contain links to online complaint facilities, but they did not work.

Publicly available data on complaints and action taken

Data on complaints against police and action taken is publicly available in the following sources - yearly statistics published in *Crime in India* (India's annual crime statistics report), annual reports of the Delhi Police and annual reports of the various Commissions. Some, but not all of these, are available online; and are not consistently up-to-date. On the Delhi Police website, there is no information provided on the number of complaints received against police personnel, in any form.

Broadly, the data available is generic, across institutions. In terms of types and numbers of complaints, across all the reports publicly available, the data reported is limited to lists of 1) number of complaints received, by type or nature, with differing categories depending on the institution, and 2) number of complaints received, state and UT-wise. However, state and UT-wise lists with the rank and gender-wise breakdowns of police officers complained against are not provided. As a result, it is not possible to get the full picture which matches the complaint, the specific officer(s) complained against, and the action taken against the officer(s).

Chapter 16: Crime in India

Crime in India, released by the National Crime Records Bureau yearly, contains India's annual crime statistics. In every CII report, Chapter 16 is titled (and dedicated to): **Complaints against police personnel and human rights violations by them**. On complaints, the data contained is limited to the total number of complaints received by state. There is no description of the types of complaints received, perhaps due to the volume of the numbers. Action taken against complaints is broken down into several heads: number of inquiries (split into departmental, magisterial, and judicial) instituted, number of complaints declared false or unsubstantiated, number of cases registered (against police officers) during the year, and number of cases sent for trials/charge-sheeted. While this reporting is certainly useful, the absence of state police-wise lists of the rank and gender of police personnel against whom the specific action was taken prevents this from being as insightful as it could be.

In CII 2016, the structure of Chapter 16 changed. In a significant and unexplained gap, data on the total number of complaints received is no longer reported. Total criminal cases against police registered, total police arrested, total police charge sheeted, and total cases charge sheeted, are reported. Without knowing the total number of complaints received against police, it is not possible to ascertain how many cases were registered, against those received. This constrains the public from knowing the full extent of accountability.

13 <https://hrcnet.nic.in/HRCNet/public/webcomplaint.aspx>

14 <https://hrcnet.nic.in/HRCNet/public/webcomplaint.aspx>

15 <http://ncwapps.nic.in/onlinecomplaintsv2/>

16 <https://ncsk.nic.in/node/add/complaints>

17 <http://ncscmis.nic.in/NCSCCMIS/Welcome1.do>

18 <https://164.100.72.198/PGC/login.do>

Delhi Police Vigilance Unit and PG Cells

To situate the Delhi Police's internal apparatus to deal with complaints against police, brief descriptions of the makeup and mandates of the Vigilance Unit and PG Cells follow.

Vigilance Unit

The Vigilance Unit is a central Unit of the Delhi Police based in HQ. It is akin to an Internal Affairs unit of police forces in other countries, and is the internal accountability mechanism of the Delhi Police. It is headed by a Special Commissioner, Vigilance and has officers of all ranks within to conduct and/or assist in inquiries by the Unit.

Delhi Police Standing Order (SO) No. 293/2010 (not available in the public domain)¹⁹ lays down detailed guidelines for the functioning of the Vigilance Unit.

Mandate:

In terms of the mandate of the Vigilance Unit, the SO states:

“The Vigilance Unit has been set up at the Delhi Police Headquarters for prevention and detection of corruption or any other mal-practices on the part of personnel of Delhi Police during their official or private conduct. Complaints are received in the Delhi Police Vigilance Unit as well as in the offices of DCPs/ Districts/Units alleging malpractices, abuse of authority, misbehavior, distortion of facts, illegal detention, corruption, improper investigation etc. at the hands of police personnel”.²⁰

The SO goes on to state that while these complaints can normally be examined by the concerned DCP, the Vigilance Unit will take up inquiry in cases when instructed by the Delhi Police Commissioner, Special CP Vigilance, and Joint CP Vigilance.

The SO highlights various responsibilities of the Vigilance Unit in line with the mandate above, which appears to have a wide accountability role to play. These, paraphrased from the SO, include:

- To conduct periodic surprise checks of police stations and police posts (it is highlighted that this can include addressing cases of custodial violence and/or illegal detention)
- To check corruption and malpractices of the Traffic Police
- Prevention of corruption
- Enquiries into complaints of corruption, malpractices and illegal detention against police officials
- Enquiries into allegations of criminal misconduct, breach of discipline, negligence, corrupt practices, abusing authority, disobedience of orders issued from time to time, insubordination and breach of provisions of Police/Conduct rules
- Elimination of delay, inefficiency and other lapses in official work
- Investigation into allegations of disproportionate assets of police officers
- Investigation of criminal cases entrusted to it

Complaints received by Delhi Police from high political offices like the Prime Minister's Office, the LG's Office, the Ministry of Home Affairs, or Members of Parliament, or from Commissions (i.e NHRC, etc) are to be first examined by the DCP Vigilance to ascertain if an inquiry is warranted.

¹⁹ Accessed by CHRI through an RTI application

²⁰ Para (i) and (ii), Clause 1, Standing Order No. 293/2010

Public Grievance Cells

Carrying on the work of the Vigilance Unit in the districts are the PG Cells. Overseen by the DCP as the district-in-charge, every PG Cell is headed by a police officer of the rank of Assistant Commissioner of Police (ACP), lending the Cell seniority in leadership at the district level.

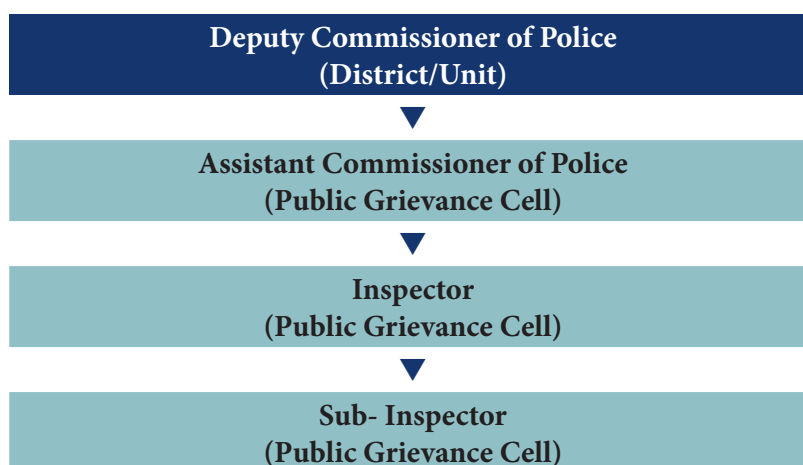


Fig. Organisational Structure of the Public Grievance Cell

Delhi Police Standing Order No. Ops-15 (not available in the public domain)²¹ lays down the functioning of the PG Cells. A large part of the PG Cells' mandate is to prevent human rights violations, enquire into allegations of violations, and keep a check on corruption and "gross misconduct" by Delhi Police personnel.

The P.G. Cell primarily deals with complaints filed by the public with the DCP or to the Cell.²² The PG Cell is to be accommodated in the office complex of the DCP, with a prominent board informing the public about it.

In line with the Vigilance Unit, below is a short summary of the many functions of the PG Cells as per the SO:

- To assist complainants who come to the office of the Deputy Commissioner of Police or to the PG Cell with complaints
- To conduct enquiries into complaints where prima facie evidence of corruption, violation of human rights or gross misconduct is alleged on the part of the subordinate officers and submit the report to the DCP
- Monitor the follow up action on these enquiry reports
- To conduct traps and sting operations and trap corrupt officers
- To also monitor complaints received in police stations
- Reply and report to Police HQ and Vigilance Unit as required
- To monitor the progress of all enquiries in which departmental action is recommended
- To monitor the compliance with all Standing Orders/Circulars on issues related to human rights, treatment of arrested persons, summoning of women to police stations, arrest of women, and issues relating to persons in police custody
- To hold regular meetings to train police station staff on civil liberties and human rights, and check their knowledge of orders issued by HQ

²¹ Accessed by CHRI through an RTI application

²² Clause 1, Standing Order No. Ops.-15

- To conduct surprise checks at police stations and report to the DCP
- To maintain data and ensure timely reply and follow-up action on complaints received from various agencies and Commissions

DATA POINTS

The study was designed to collect the following data points, separately for each year:

- Total number of complaints received against Delhi Police personnel from 1 January 2016 to 31 December 2016 and 1 January 2017 to 31 December 2017
- Rank-wise breakdowns of total complaints received
- Gender-wise breakdown of total complaints received
- Nature of complaints received
- Total received from victim or on victim's behalf
- Total admitted for inquiry
- Total closed without inquiry
- Total in which inquiry initiated *suo moto*
- Total pending inquiry
- Action taken (under specific heads)

METHODOLOGY

To collect data, the study necessitated the use of applications under the *Right to Information (RTI) Act, 2005*, inspections of records, and where possible, interviews were conducted with Delhi Police personnel.

We sent the first lot of RTI applications in mid-2018. It took close to one year to collect the data reported here, which was the maximum possible.

RTI applications

CHRI filed applications under the *Right to Information (RTI) Act, 2005* with the Delhi Police and to 16 Commissions. They asked similar questions with a few variations.

Delhi Police

To the Delhi Police, we filed applications to each of the 14 districts of Delhi Police and one application to Police Headquarters (HQ). The questions included in the RTI applications are reproduced below.

Districts

At the district level, the RTI applications were addressed to the Public Information Officers (PIO) designated in the Office of the Deputy Commissioner of Police (DCP), the officer in charge of the district.

1. Periods for which information in this application is sought: **a) 1st January 2016 to 31st December 2016 and b) 1st January 2017 to 31st December 2017**. Please provide the information separately for each year.
2. Please provide a rank-wise and gender-wise breakdown of total number of complaints received against police personnel in XXX District in 2016 and 2017:

Rank	2016		2017	
	Male	Female	Male	Female
Assistant Commissioner of Police (ACP)				
Inspector of Police				
Sub-Inspector of Police (SI)				
Assistant Sub-Inspector of Police (ASI)				
Head Constable				
Constable				
Total				

- These are the ranks present at the district level, up to and excluding the DCP who is the district-in charge. Complaints against the DCP will be forwarded to Headquarters.

3. Of the total complaints received in XXX District, please specify:

- a) the total number of complaints received that were against personnel posted at police stations in the district;
- b) the total number of complaints received that were against personnel posted at any other unit in the district.**

Please provide this information rank-wise for 2016 and 2017.

4. Please specify the total number of complaints received and admitted under the following heads:

Nature of Complaint	Total Received from victim or on victim's behalf		Admitted for inquiry		Closed without inquiry	
	2016	2017	2016	2017	2016	2017
Death						
Non-registration of FIR,						
Illegal arrest and detention						
Police torture, grievous hurt						
Custodial Rape						
Extortion, land/ house grabbing, serious abuse of authority						
Any other (<i>Please specify the nature</i>)						
Constable						
Total						

5. Please specify the total number of cases in which inquiries were initiated *suo moto* under the following heads:

Nature of Complaint	Total inquiries initiated Suo Motu	
	2016	2017
Death		
Non-registration of FIR,		
Illegal arrest and detention		
Police torture, grievous hurt		
Custodial Rape		
Extortion, land/ house grabbing, serious abuse of authority		
Any other (<i>Please specify the nature</i>)		
Total		

6. Out of the total complaints admitted for inquiry in 2016 and 2017, please specify how many complaints are pending inquiry (year-wise) as on the date of this application.

7. Please state the total number of cases in which the following action was taken:

Action taken	2016	2017
FIRs registered against the police personnel		
Departmental inquiry was conducted against the police personnel		
Compensation granted to the complainant		
Any other action taken (<i>please specify the nature</i>)		
Total		

Police Headquarters

In the RTI application to Police HQ²³, the only variation from the above was that we asked for the rank and gender-wise breakdowns of the total number of complaints received against police officers, from Constable to Commissioner rank: a) posted at the Delhi Police Headquarters at the time of complaint, and b) posted at any other Units at the time of complaint. Point b was included to ensure that the Public Information Officer at HQ would collate data of all complaints received regarding senior officers or any officer falling in the jurisdiction of the Vigilance Unit, and not just pertaining to those posted in HQ; at the time of the complaint.

RTIs to Commissions

RTIs were sent to each Commissions listed in the preceding pages. The questions are largely similar as those asked to the Delhi Police, and are reproduced below. Two additional questions were posed to the Commissions seeking information on subsequent action taken, and reporting, by the Delhi Police on the Commission's recommendations, following inquiries.

1. Periods for which information in this application is sought: a) 1st January 2016 to 31st December 2016 and b) 1st January 2017 to 31st December 2017.

²³ Enclosed in Annexure 2

2. Please state the total number of complaints received against police personnel of Delhi Police in 2016 and 2017, rank-wise and gender-wise, including the police station or Unit in which s/he was posted at the time of the complaint:

Rank	2016		2017		2017	2017	2017	2017
	Male	Police Station/ Unit	Female	Police Station/ Unit	Male	Police Station/ Unit	Female	Police Station/ Unit
Commissioner of Police								
Special Commissioner of Police								
Joint Commissioner of Police (JCP)								
Additional Commissioner of Police (Addl. CP)								
Deputy Commissioner of Police (DCP)								
Additional Deputy Commissioner of Police (Addl. DCP)								
Assistant Commissioner of Police (ACP)								
Inspector of Police								
Sub-Inspector of Police								
Assistant Sub-Inspector of Police								
Head Constable								
Constable								
Total								

3. Please specify the total number of complaints received against Delhi Police personnel in 2016 and 2017 under following heads:

Nature of Complaint	Total Complaints received from victim or on victim's behalf		Total admitted for inquiry by Commission		Total closed without inquiry by Commission	
	2016	2017	2016	2017	2016	2017
Death						
Non-registration of FIR,						
Illegal arrest and detention						
Police torture, grievous hurt						
Custodial Rape						
Extortion, land/ house grabbing, serious abuse of authority						
Any other (Please specify the nature)						
Total						

4. Please state the total number of cases in which your Commission initiated *suo motu* inquiries against Delhi Police personnel in 2016 and 2017 under the following heads:

Nature of Complaint	Total inquiry initiated Suo motu	
	2016	2017
Death		
Non-registration of FIR,		
Illegal arrest and detention		
Police torture, grievous hurt		
Custodial Rape		
Extortion, land/ house grabbing, serious abuse of authority		
Any other (<i>Please specify the nature</i>)		
Total		

5. Out of the total complaints received against Delhi Police personnel in 2016 and 2017, please specify how many complaints are pending inquiry at the Commission as on the date of this application.

Nature of Complaint	Pending Inquiries	
	2016	2017
Death		
Non-registration of FIR,		
Illegal arrest and detention		
Police torture, grievous hurt		
Custodial Rape		
Extortion, land/ house grabbing, serious abuse of authority		
Any other (<i>Please specify the nature</i>)		
Total		

6. Out of the total complaints received against Delhi Police personnel, please specify the number of cases where your Commission recommended:

Recommendation		
	2016	2017
Departmental Enquiry against the police personnel		
Registration of FIR against the police personnel		
Grant of compensation (please specify whether interim or final)		
Any other (please specify the nature of recommendation)		
Total		

7. Out of the total complaints received against Delhi Police personnel, please state the number of cases where your Commission was informed of the action taken by the Delhi Police in response to your recommendations:

Action taken		
	2016	2017
FIRs registered on the recommendation of Commission		
Departmental inquiry was conducted as per the recommendation of Commission		
Compensation granted		
Any other action taken (<i>please specify the nature</i>)		
Total		

8. Of all the complaints where a departmental inquiry was completed by the Delhi Police in 2016 and 2017 based on your recommendations, please state:
- (i) the total number of cases in which the Delhi Police informed your Commission of the findings/outcomes of the departmental inquiries conducted;
 - (ii) the total number of cases in which the Delhi Police informed your Commission in writing of the findings/outcomes of the departmental inquiries conducted

Inspections

To bolster data collection, CHRI conducted 15 inspections of records (as allowed under the RTI Act), in offices of district-level PG cells of Delhi Police and in some Commission offices.

Interviews

To fill gaps, and on the availability of officers, CHRI interviewed a small number of police personnel. Interviews were done with police personnel in three police districts – Rohini, Dwarka, and Outer – and one with the central Vigilance unit at Barakhamba Road.

To collectively validate the data collected and discuss remaining questions points, CHRI organised a “Data Findings and Review” workshop in September 2019. This was attended by police personnel from 9 districts of the Delhi Police, and representatives from three Commissions - the National Human Rights Commission, the Delhi Commission for Minorities, and the Delhi Commission for the Protection of Child Rights. In this workshop, all the data collected was presented to the participants for their review and feedback. This helped CHRI to fill gaps and verify.

RTI Journey

The use of the Right to Information threw up many challenges, and also provided insights, particularly in relation to record-keeping by the Delhi Police of information on complaints against the police. We received a variety of responses to our applications from the Delhi Police and Commissions. Inspection visits yielded both data and awareness of record-keeping registers and formats. While we got many direct responses, for the most part, we dealt with numerous transfers of our applications, and largely, failures to get full responses to all our queries. For a number of data points, we received no information, even after carrying out inspections. In many cases, appeals were necessary; and in some, appeals led to information being provided.²⁴ As a result, the study's findings are based on partial, not full, information. Notably, we received considerably more substantive information from the Delhi Police than the Commissions. A major learning is that the number of complaints received against police officers hampers the collation and disclosure of data on complaints against police specifically. In one example, the NHRC's website provides a broad breakup of the genesis of complaints received with the latest figures as of 2018. Of all types of complaints received, complaints against police amounted to 27695 in 2018 alone, or 32% of the entire share of complaints received by the NHRC. Record-keeping is split and spread across several sources (registers) and offices, again impeding collation and disclosure. Lastly, some of the data categories sought by CHRI are simply not maintained by these institutions.

FINDINGS

Findings are presented in two parts. The first provides a broad summary of the information and data received, and that not received, through RTI and inspections. The second contains brief analysis of findings that emerge from the data received itself, revealing insights on the total number of complaints against police received by the Delhi Police and some of the Commissions, rank and gender-wise breakdowns of those complained against, the nature of complaints and their frequency, and some aspects of action taken.

Information received through RTI applications and inspections

DELHI POLICE

As stated, RTI applications were sent to Delhi Police districts and Headquarters. CHRI received a total of 53 responses from districts, 66 responses from Units, and 26 responses from the armed police battalions. Of the responses received from the districts, 35 provided partial data, and 18 cited NIL, or non-availability of data, as the reason for not providing data. This clean break-up is not possible for the data from Units and armed police.

No data received

On three points, we received no data from the Delhi Police. These are: 1) number of inquiries instituted *suo moto* on complaints, 2) number of complaints pending inquiry as of the RTI application, and 3) number of complaints received from the victim or by someone on the victim's behalf.

The responses received from districts, units and armed police force are detailed in Table 2.

²⁴ All the information and documents relating to appeals are on file with CHRI.

Table 2: Information received from Delhi Police districts, Units, and armed police battalions

Query			
	Information received from the following districts of Delhi Police	Information received from the following Units of Delhi Police	Information received from the following battalions of Armed Police Force in Delhi Police
Rank and Gender wise breakdown of personnel against whom complaints were received	Central South New Delhi Dwarka North Rohini South East South West North West Outer West	Licensing branch Operations and Communications Provisioning and Logistics Police Control Room Special Protection Unit for Women and Children Rashtrapati Bhawan Railway Crime Police Training College – Jharoda Kalan Security Metro Establishment Indira Gandhi International Airport Special Branch	1st Battalion 3rd Battalion 4th Battalion 5th Battalion 6th Battalion 7th Battalion 11th- 15th Battalion
Number of complaints registered Suo-moto	NIL in all responses	NIL in all responses	NIL in all responses
Nature of offence in complaints received	North New Delhi Rohini West South East Central South South West Dwarka Outer	Licensing Branch Operations and Communications Police Control Room Special Protection Unit for Women and Children Rashtrapati Bhawan Crime Railway Police Training College Security Vigilance Indira Gandhi International Airport Metro	3rd Battalion 4th Battalion 5th Battalion 6th Battalion 7th Battalion 11th- 15th Battalion
Number of complaints pending	NIL in all responses received	NIL in all responses received	NIL in all responses received

Action taken against Police Personnel	West North West Outer Rohini South East South West Dwarka New Delhi East Central	Licensing branch Operations and Communications Provisioning and Logistics Police Control Room Special Protection Unit for Women and Children Rashtrapati Bhawan Railway Crime Police Training College – Jharoda Kalan Security Metro Vigilance Indira Gandhi International Airport Special Branch	1st Battalion 3rd Battalion 4th Battalion 5th Battalion 6th Battalion 7th Battalion 11th- 15th Battalion
---------------------------------------	---	--	--

Need for Inspections

The most common response regarding incomplete data was that “the information requested is voluminous and would divert disproportionate resources in terms of time and personnel to collate”. To address this, we shifted strategy to request inspection of records and collect the data in person. As a result, we carried out 12 inspection visits (with some repeat visits) in the following Delhi Police districts: East, Central, North East, South, South East, and Outer.

Inspections leading to awareness of sources of record-keeping

District Complaints Branch

The inspections yielded insights into sources of record-keeping of data on complaints and on action taken. We learned that there is a Complaints Branch in the office of every DCP where (literally) all complaints received by the police in a year are collated in a “General Complaints Register”. This register does not segregate the complaints categories into heads, it simply records every type of complaint received by the police, collating crime complaints in criminal and civil cases, and complaints received against police, together in the one register. There was no separate record for complaints against police personnel as it was organised year-wise, by date. In conversations with the PIOs and staff of the Complaints Branch, the research team discovered that at the district level, all complaints first arrive at the Complaints Branch. The Complaints Branch then transfer complaints against police to the Vigilance Unit or district PG Cell as required.

District Punishment Branch

On further enquiry, we realised that the data on action taken is recorded separately in a Punishment Branch (HAP) at each district. Ultimately, it was inspections of records of the Punishment branch which generated data on action taken.

Information received through RTI applications and inspections

COMMISSIONS

RTI applications were sent to 16 statutory Commissions²⁵. CHRI received some data only from 2 of the Commissions – the National Human Rights Commission and Delhi Commission for Protection of Child Rights. On filing of appeals, the Public Grievance Commission allowed for inspection of records which yielded some data. However, the data received from the Commissions is not substantive and the scant data received is limited only to numbers of complaints. Data received from the NHRC allows for some broader analysis and filtering of trends in complaints and action taken. The data from the other two is not sufficient enough to lend meaningful analysis.

Data not maintained

It is a common pattern that most of the Commissions responded to say the data sought on complaints against police personnel - and specifically the request to filter data related only to Delhi Police personnel - is not maintained by them. This affirms that these oversight bodies do not maintain state, rank and gender-wise data of complaints received against police officers. This is also linked to a larger issue of their capacity. In subsequent clarifying discussions, particularly at the review workshop, it came to light that due to high numbers of complaints received; high numbers against police personnel among other public servants; and lack of internal investigative staff, many of the Commissions forward complaints against police back to the police themselves. This may be another reason that record-keeping of this data is limited at the Commissions. Unfortunately, Commissions did not respond to requests for interviews and these gaps and concerns could not be discussed with each of them. Insights were gained on practices of the NHRC at the review workshop, and to a lesser extent of the others present.

The responses received from the Commissions are detailed in Table 3.

Table 3: Responses received from the Commissions

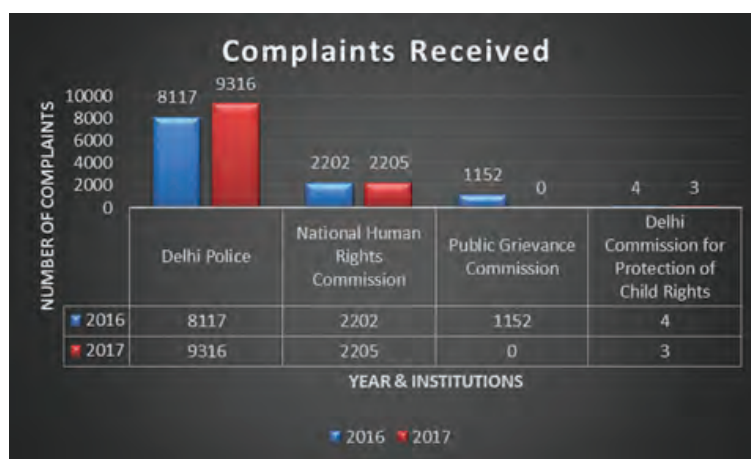
Name of the Commission	Response by PIO	Response by First Appellate Authority
National Human Rights Commission	Data on Nature of Offence and action taken by the Commission given.	
National Commission for Scheduled Tribes	Data not maintained by commission, application transferred to Delhi Police.	No response
National Commission for Scheduled Castes	Data not maintained by Commission.	No response.
National Commission for Denotified, Nomadic and Semi-Nomadic Tribes	No response.	No response.
National Commission for Protection of Child Rights	Data not maintained.	No response.
National Commission for Women	Data not maintained.	No response

²⁵ The National Human Rights Commission, National Commission for Scheduled Tribes, National Commission for Scheduled Castes, National Commission for Denotified, Nomadic and Semi-Nomadic Tribes, National Commission for Protection of Child Rights, National Commission for Women, National Commission for Safai Karamcharis, National Commission for Backward Classes, National Commission for Minorities, Delhi Commission for Protection of Child Rights, Delhi Commission for Safai Karamcharis, Delhi Commission for Women, Delhi Commission for Minorities, Other Backward Classes Commission of Delhi, Public Grievances Commission, and Central Vigilance Commission.

National Commission Safai Karamcharis	No complaints received.	No response
National Commission for Backward Classes	Not mandated to receive complaints. Transferred to National Commission for Scheduled Castes	No response.
National Commission for Minorities	Data not maintained.	Appeal disposed
Delhi Commission for Protection of Child Rights	Data provided on number of complaints in each year.	
Delhi Commission for Safai Karamcharis	No data available.	No response
Delhi Commission for Women	Data not maintained. Transferred to Delhi Police	Appeal disposed.
Delhi Minority Commission	Data not maintained.	No response.
Other Backward Classes Commission of Delhi	Data not maintained.	No response.
Public Grievance Commission	Data not maintained.	Inspection order to collect data. Data on number of complaints and nature of offence available. No data on rank and gender of personnel.
Central Vigilance Commission	Data not maintained	Appeal disposed.

Findings From The Data

Of all the institutions to which CHRI submitted RTI applications, the Delhi Police provided the most expansive data for both years, followed by the National Human Rights Commission. The majority of findings stem from the Delhi Police data. Two other Commissions – the Public Grievance Commission and the Delhi Commission for the Protection of Child Rights - provided very limited data.



In terms of total complaints against police officers received in 2016 and 2017:

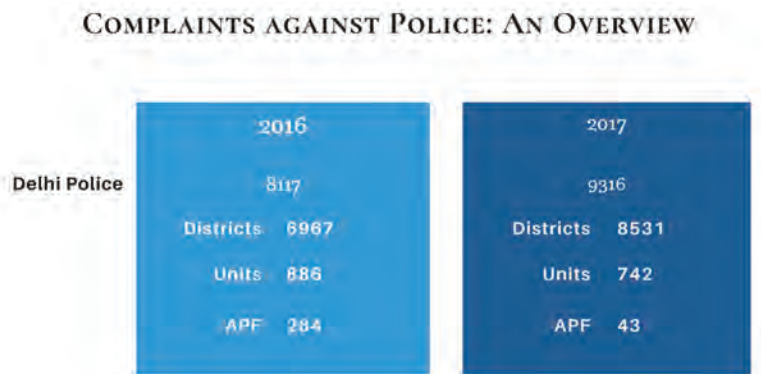
- The Delhi Police received 8117 complaints in 2016, and 9316 complaints in 2017
- The National Human Rights Commission received 2202 complaints against Delhi Police personnel in 2016, and 2205 complaints in 2017

- The Public Grievance Commission received 1152 complaints in 2016; in 2017, its mandate to receive complaints against police was made inoperational due to the litigation ongoing in that year
- The Delhi Commission for the Protection of Child Rights received 4 complaints in 2016, and 3 complaints in 2017.

Delhi Police: Findings

The Delhi Police provided data on rank and gender-wise breakdowns of police personnel complained against; nature of offences in complaints, and action taken on complaints. The data was received from districts, Units, and armed police battalions and is presented in these groupings. As stated above, only partial data was received under each data category. Due to this, the total data received under each data head does not tally with the overall total for each year.

The number of complaints against police officers received by the Delhi Police increased by 15% from 2016 to 2017



In total, the number of complaints received rose by 15% from 2016 to 2017. A close examination of the data reveals this can be attributed to the 22% increase in the number of complaints at the districts from 2016-2017, from 6967 to 8531. Even though there was reduction in the number of complaints at Units and the armed police, and as significant as 84% reduction at armed police, the rise in the number of complaints at the districts pushed the overall total up.

Rank-wise

- **Of the data received on rank-wise breakdown, the rank of the police personnel complained against remained unidentified in 33% of complaints in 2016 and 21% of complaints in 2017**
- **Across 2016-2017, 97% of complaints where rank was specified are against personnel of Inspector rank and below. The highest number of complaints received were against Sub-Inspectors in both 2016 and 2017.**

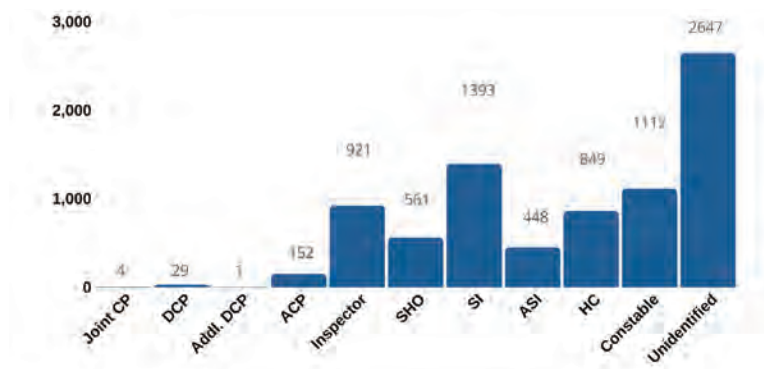


Fig. Rank Wise (data on) complaints in the year 2016

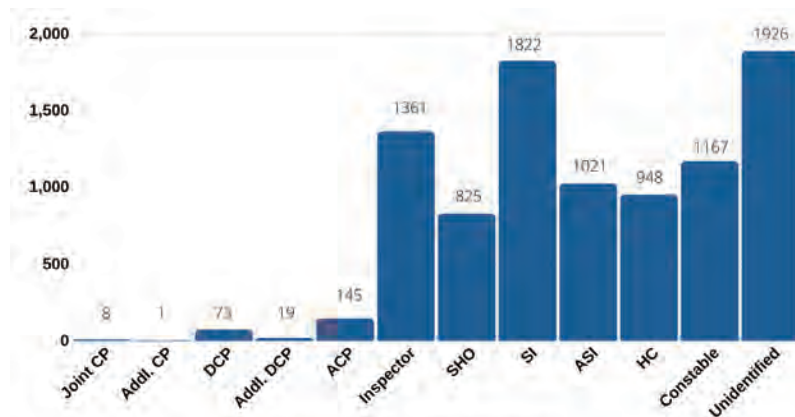


Fig. Rank Wise data on complaints in the year 2017

For 2016, CHRI received data on rank-wise breakdown for 5470 complaints, out of the total 8117 complaints; and for 7390 complaints out of the total 9316 in 2017. This means that in the registers from which the data was sourced, the rank of the police personnel complained against remained unidentified in 33% of complaints in 2016 and 21% of complaints in 2017.

Secondly, of the data for which rank was specified, a rank-wise analysis revealed that in 2016 and 2017, the majority, at 97%, of complaints received were of police personnel of the rank of Inspector and below, from Sub-Inspector, Assistant Sub-Inspector, to Head Constable and Constable. These ranks constitute those that work at police stations. The category of SHO refers to Station House Officers who are in charge of police stations and will be either Inspector or Sub-Inspectors. In both 2016 and 2017, the highest number of complaints were received against Sub-Inspectors – 1393 in 2016, rising to 1822 in 2017.

In the inspection visits to the district PG Cells, the research team saw that the complaints registers did not uniformly maintain data on rank of personnel. In interviews, police personnel posted in PG Cells put forth that complainants usually are not aware of the name or rank of the personnel being complained against; the only thing they are aware of is that the complaint is against a person from the Delhi Police. Notably, record-keeping does not run in tandem with inquiry processes. This data bears out that it is a reality that most complainants do not know the name or rank of the police officer they seek to complain against, and so the first step in the internal process to proceed on complaints is for the designated enquiry officer to properly identify the police personnel complained against. PG Cell staff revealed that this information does not percolate to them in every case, leaving many entries left without updates.

Gender-wise

- **Of the data received on gender-wise breakdown, the gender of the police personnel complained against was not known in 61% of complaints in 2016 and 55% of complaints in 2017, pertaining largely to police districts.**
- **In 2016 and 2017, 95.04% of complaints where gender was specified were against male police personnel in Delhi**

		2016				2017					
Districts		Units		APF		Districts		Units		APF	
Total complaints	Gender breakdown given	Total	Gender breakdown given	Total	Gender breakdown given	Total	Gender breakdown given	Total	Gender breakdown given	Total	Gender breakdown given
6967	2055	886	820	264	264	8531	3471	742	699	43	43

For 2016, CHRI received data on gender-wise breakdown for 3139 complaints, out of the total 8117

complaints; and for 4213 complaints out of the total 9316 in 2017. This means that in the registers from which the data was sourced, the gender of the police personnel complained against was unknown in 61% of complaints in 2016 and 55% of complaints in 2017. It must be pointed out that this is attributed to the records maintained at the districts largely. In the data received from the armed police, the gender breakdown was given in all complaints. The Units-level data also provided a high proportion of gender breakdown. Inspections of complaints registers at the district level revealed that gender-wise data was even less consistently available than rank-wise.

In 2016, in the data with gender breakdown, 96% of complaints - 3014 out of 3139 – were against male police. In 2017, 94% of complaints - 3974 out of 4213 were against male police. Taken together for both years, in the data with gender breakdown, 95% of complaints - 6988 out of 7532 - were against male police, and 5% - 364 out of 7352 - implicated policewomen.

Women Police in Delhi in 2016 and 2017

In a larger context, on average, in both years, the representation of women in Delhi Police stood at about 9%.²⁶



26 Derived from Data on Police Organisation, 2017 and 2018

Nature of complaints

- Of the data received on the nature of complaints, the nature of complaints was specified in 37% complaints in 2016 and in 42% in 2017.
- In both 2016 and 2017, the largest share of complaints were of non-registration of First Information Reports (FIRs) and corruption

2016		2017									
Districts		Units		APF		Districts		Units		APF	
Total	Nature of complaints data given	Total	Nature of complaints data given	Total	Nature of complaints data given	Total	Nature of complaints data given	Total	Nature of complaints data given	Total	Nature of complaints data given
6967	2511	886	416	264	61	8531	3592	742	352	43	14

In 2016, data on the nature of complaints was received in 37% of complaints - 2988 out of 8117 total complaints. In 2017, nature of complaints was known in 42% - 3958 out of 9316 total complaints.

The armed police provided the least specificity in the data given. The armed police reported 75 complaints in which some nature of complaint was given. However, 71 complaints were listed only as “Other misconduct” with no more detail. 4 complaints were of corruption.

The analysis of the combined data for 2016 and 2017 indicates that the major share of complaints received were regarding the following:

1. Non-registration of FIR – 28.21%
2. Corruption – 24.28%
3. Extortion, Land/House grabbing, inaction/misuse of power – 12.26 %
4. Inaction/ Misuse of power – 9.53 %
5. Misbehaviour, threat and harassment – 8.24 %
6. Police torture/Assault/Grievous Hurt – 7.54%



In both years, non-registration of FIRs was the most frequent type of complaint received against police personnel - 30.72% in 2016 (918 out of 2988 complaints), and 26.32% in 2017 (1042 out of 3958 complaints). This was followed by complaints of corruption - 23.05% in 2016 (691 out of 2988 complaints), and 25.16% in 2017 (996 out of 3958 complaints).

The breakdown of the number of complaints by nature from districts, units and armed police are in the following tables.

Table 4: Nature wise segregation of complaints in districts, units and armed police force- 2016

Nature of Offence	Number of complaints in 2016				Percentage
	Total	District	Units	APF	
Non registration of FIR	918	843	75	0	30.72%
Corruption	691	515	176	4	23.05%
Extortion/ Land and House grabbing	450	381	69	0	15.06%
Inaction/ Misuse of power	238	227	11	0	7.96%
Misbehaviour, Threat, Harassment	294	258	46	0	9.83%
Police Torture/ Assault/ Grievous Hurt	207	207	0	0	6.92%

Table 5: Nature wise segregation of complaints in districts, units and armed police force- 2017

Nature of Offence	Number of complaints in 2017				Percentage
	Total	District	Units	APF	
Non registration of FIR	1042	999	43	0	26.32%
Corruption	996	825	171	0	25.16%
Extortion/ Land and House grabbing	402	367	35	0	8.10%
Inaction/ Misuse of power	424	414	10	0	10.71%
Misbehaviour, Threat, Harassment	279	210	69	0	7.04%
Police Torture/ Assault/ Grievous Hurt	317	314	3	0	8.00%

The highest number of complaints by far of most heads come from the districts. As said above, the armed police did not report complaints under any specific head except for corruption. On the most frequent complaints of non-registration of FIRs and corruption, the highest numbers are from the districts.

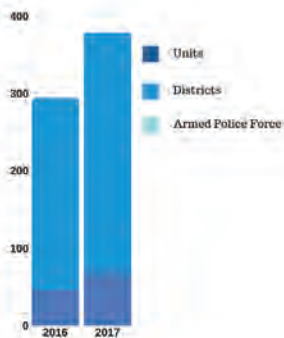
MISBEHAVIOR, THREAT, HARRASSMENT

DISTRICTS

8.63% of the complaints in 2016
5.30% of complaints in 2017

UNITS

1.53% of complaints in 2016
1.74% of complaints in 2017



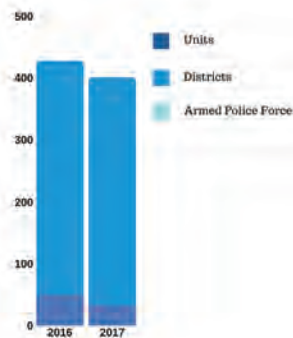
EXTORTION, LAND/HOUSE GRABBING, SERIOUS MISUSE OF POWER

DISTRICTS

12.75% of the complaints in 2016
9.27% of complaints in 2017

UNITS

2.30% of complaints in 2016
0.88% of complaints in 2017



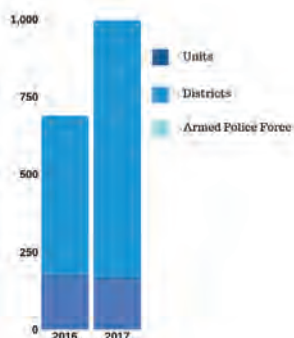
CORRUPTION

DISTRICTS

17.23% of the complaints in 2016
20.84% of complaints in 2017

UNITS

5.89% of complaints in 2016
4.32% of complaints in 2017



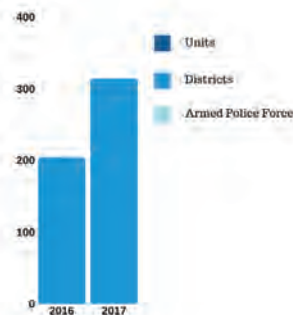
POLICE TORTURE, ASSAULT AND GRIEVOUS HURT

DISTRICTS

6.92% of the complaints in 2016
7.95% of complaints in 2017

UNITS

No complaints in 2016
0.07% of complaints in 2017



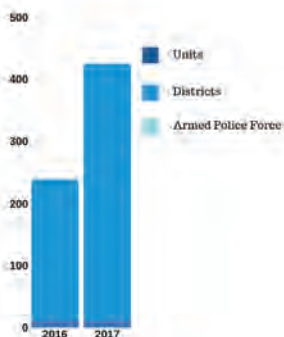
INACTION, MISUSE OF POWER

DISTRICTS

7.59% of the complaints in 2016
10.45% of complaints in 2017

UNITS

0.36% of complaints in 2016
0.25% of complaints in 2017



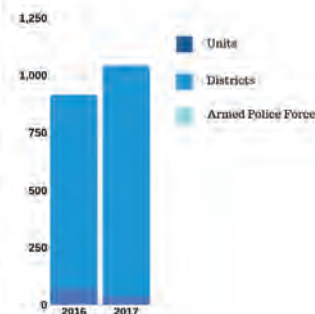
NON REGISTRATION OF FIR

DISTRICTS

28.21% of the complaints in 2016
25.25% of complaints in 2017

UNITS

2.51% of the complaints in 2016
1.08% of the complaints in 2017



OTHER COMPLAINTS

2016



OTHER COMPLAINTS

2017



Action taken

- It is not possible to report trends as the data received does not specify whether this is action taken on complaints received in 2016 and 2017

For the year 2016, CHRI received data on action taken against personnel in Delhi police for 3252 complaints. For 2017, CHRI received data for action taken on 2821 complaints. The breakdown at district, Unit and armed police is given in the table below. It is not known whether this is action taken exclusive to complaints received in 2016 and 2017. There is a possibility that the data reflects action taken in 2016 and 2017, but on complaints from previous years for which the inquiry process was concluded in these years.

Data received on action taken					
2016			2017		
Districts	Units	APF	Districts	Units	APF
3092	136	24	2670	134	17

The RTI applications sought action taken in respect of the following - number of FIRs registered against police personnel, number of cases in which departmental enquiries were conducted, compensation granted to the complainant, and any other action taken. The applications requested that any other action taken be specified. In the responses received from districts, Units and armed police, the number of Show Cause Notices (SCN) and Explanatory Cause Notices (ECN) issued to police personnel were provided. This is interesting as it indicates the internal disciplinary process was initiated through the giving of these notices, though this is just one preliminary step towards the ultimate conclusion of the process.

A show cause notice compels the respondent to appear and explain why action should not be taken against him or her. In response to an explanatory cause notice, the respondent is given a chance to explain their side on the complaint received.

In a notable anomaly, the data received by CHRI on the number of departmental enquiries initiated against respondents in 2016 and 2017 does not tally with the data reported by the BPRD in these years on this head. Data received by CHRI indicated that 186 departmental enquiries were initiated in 2016, and 142 in 2017. This is inconsistent with the data presented by the BPRD which states that 738 departmental proceedings were initiated in the year 2016²⁷, and 699 in 2017²⁸. It is beyond the scope of this study to determine the reasons for this, which could be multiple, but this was significant to point out.

Table 6: Action taken against police personnel in the years 2016 and 2017

Action taken	2016			2017		
	Districts	Units	APF	Districts	Units	APF
FIR registered	57	5	0	51	12	1
Departmental Enquiry	186	66	11	142	78	3
Explanatory Cause Notice	1555	12	2	959	5	1
Show Cause Notice	1161	13	3	1431	6	4
Advisory	56	2	0	14	0	0
Suspension	77	3	0	73	0	0

²⁷ Table 10.1, Page 133, Data on Police Organisation 2017, Bureau of Police Research and Development

²⁸ Table 6.2.3, Page 160, Data on Police Organisation 2018, Bureau of Police Research and Development

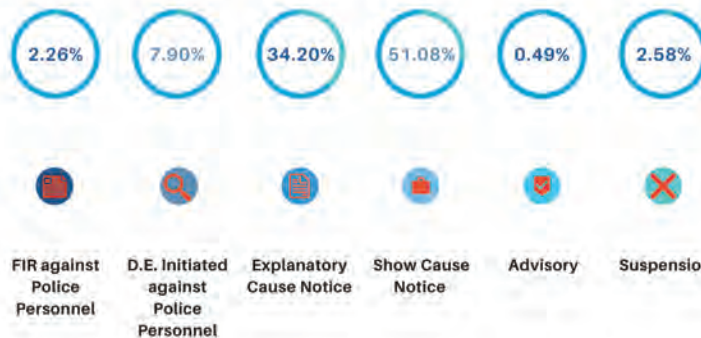
PERCENTAGE WISE

ACTION TAKEN AGAINST POLICE PERSONNEL- 2016



PERCENTAGE WISE

ACTION TAKEN AGAINST POLICE PERSONNEL- 2017



Commissions: Findings

National Human Rights Commission

- The NHRC received 2202 complaints against Delhi Police personnel in 2016, and 2205 complaints in 2017
- In both years, the most frequent complaint alleged “failure to take lawful action”.
- In both years, the majority of complaints received against Delhi Police personnel were dismissed at first scrutiny and not inquired into.

The NHRC provided data only on total number of complaints received against Delhi Police personnel, nature of complaints, and action taken. To reiterate, the NHRC reported receiving 2202 complaints against Delhi Police personnel in 2016, and 2205 complaints in 2017.

Nature of complaints

In terms of nature of complaints, in both 2016 and 2017, the most frequent complained of to the NHRC was “**failure to take lawful action**”. In 2016, they constituted 55.67% - 1226 out of 2202 total - of all complaints received against police personnel in Delhi. In 2017, they made up 50.38 % of all complaints - 1111 out of 2205 complaints. The second most frequent was misuse/ abuse of power at 29.43% - 547 out of 2202 – in

2016, and at 30.46% - 566 out of 2205 - in 2017. False implication ranks third at 12.1% in 2016 - 267 out of 2202, and at 8.66% - 191 out of 2205 - in 2017. The breakdown of the rest of the nature of complaints received in both years are provided in table 7.

Table 7: Nature of complaint in other cases 2016 and 2017

Nature of complaint	2016	2017
Misconduct	119	65
Arbitrary use of power	7	18
Abduction/ kidnapping	6	2
Atrocities on SC/STs by police	6	1
Custodial Death	4	1
Custodial torture	42	55
Death in police firing	1	0
Death in police encounter	10	2
Alleged fake encounters	7	2
Illegal arrest	11	12
Unlawful detention	43	29
Police motivated incidents	4	2
Victimisation by police	15	20
Alleged custodial deaths	2	8

Action recommended

As per the Protection of Human Rights Act, 1993, the NHRC can make recommendations following the completion of an inquiry. In 2016, it was found that the action taken by the NHRC on complaints against Delhi Police personnel was mostly to dismiss complaints in limine, at 37.51% - 826 out of 2202. “Dismissed in Limine” means the complaint was dismissed at the scrutiny stage and not inquired into, as it did not prima facie reveal a human rights related issue. Notably, there was a drastic decrease in complaints dismissed in limine in just one year, going down to 17.41% - 384 out of 2205 – in 2017.

The Commission “dismisses with direction” in cases where it is found that no enquiry is required. In 2016, 34.65% of complaints (763 out of 2202) were dismissed with directions, while in 2017, 50.92% of complaints (1123 out of 2205) were thus dismissed. More largely, in 2016, 72.16% (1589 out of 2202 complaints) of all complaints received against Delhi Police personnel were either dismissed in limine, or dismissed with directions without an NHRC investigation. This remained fairly consistent in 2017 with 68.34% (1507 out of 2205 complaints) of the complaints received were either dismissed in limine, or with directions without an investigation. In cases where an investigation was held by the NHRC, in 2016, 27.79% (612 out of 2202 complaints) were closed on the consideration of the NHRC Investigation Division’s inquiry report. In 2017, 31.56% (696 out of 2205 complaints) were closed on the consideration of the inquiry report.

Taken together, this indicates that in 2016 and 2017, the vast majority of complaints received against Delhi Police personnel by the NHRC were dismissed and not inquired into.

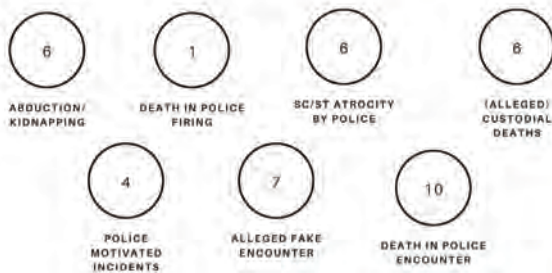
NATIONAL HUMAN RIGHTS COMMISSION
NATURE OF OFFENCE (TOTAL CASES DISPOSED) 2017



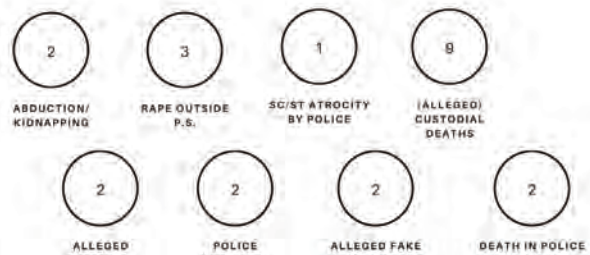
NATIONAL HUMAN RIGHTS COMMISSION
Nature of Offence (Total cases disposed) 2016



OTHER CASES DISPOSED
2016



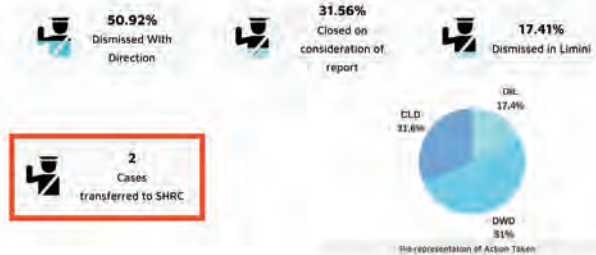
OTHER CASES DISPOSED
2017



ACTION TAKEN ON COMPLAINTS - 2016



ACTION TAKEN ON COMPLAINTS - 2017



Public Grievance Commission

The data got from the PGC was through inspection of records and is very limited. Data was able to be collected only for 2016.

The PGC received a total of 1152 complaints against Delhi Police personnel in 2016. Rank and gender wise breakdowns, and action taken, were not given in the registers inspected. The highest number of complaints were for “Inaction” which constituted 719 complaints, while Non registration of FIR constituted 311 complaints and lastly harassment/ threat/ misbehavior accounted for 121 complaints.



Recommendations

The overarching finding of this report is that limited data constrains access to, and development of, a comprehensive picture of complaints against the police and how these are being dealt with by the Delhi Police and statutory Commissions. It was not possible to match complaints received, the ranks and gender of officer(s) complained against, and the action taken against complaints upon examining data received through RTI for 2016 and 2017. As a result, CHRI could not get complete, consistent data for any data category it had sought. What emerges as a key challenge is the lack of uniformity in the maintenance of data on complaints against police.

Transparency is hampered as there is no proactive disclosure of disaggregated data on complaints against police at regular intervals by the Delhi Police and the Commissions. Accountability is stymied by both the lack of disclosure on information on complaints against police, as well as the gaps in internal reporting.

In order to address data gaps unearthed by this study, CHRI proposes the following recommendations to the Delhi Police and to the Commissions. These simple and practical measures would serve to: (a) strengthen internal record-keeping and transparent reporting of data on complaints against police as also action taken; (b) improve public access to data on police accountability. Recognising that Commissions receive complaints against the full gamut of public servants and not just police, the recommendations to the Commissions are made in light of the high proportion of complaints against police received by most Commissions.

To the Delhi Police Vigilance Unit

1. Revise and expand the data collection, and format, of the quarterly reports²⁹ to be sent by the office of the PG Cell to the DCP (Vigilance) to record data complaint-wise at the police station level, rather than the present requirement which is limited only to category-wise totals for the district. Taken together, a complete account of complaints against police will emerge at the district and police station levels in tandem, which would be useful to better understand patterns and challenges at the macro and micro level. To do this, the following is proposed:

For police station data:

- devise a separate sheet for each police station to record police-station wise data, by complaint;
- record the rank and gender of each police personnel (wherever known) complained against with reference to each complaint;
- record the allegations contained in each complaint;
- record the date when each complaint was first received by the Delhi Police;
- record the office, or Unit, or police station of Delhi Police to which a complaint was first sent;
- record the name and designation of the enquiry officer, once assigned, examining the complaint;
- annex the police station-wise sheets to the district-wise data

For district data:

- Cull out trends and report district-level patterns based on the police-station wise data, including:
 - o The total number of complaints received across the district; including police-station wise breakups

²⁹ As in Annexure A of Standing Order No. Ops 15 (Functioning of the Public Grievances Cell)

- o The total number, by rank and gender, of police personnel complained against; including police-station wise breakups
 - o The total numbers of nature of misconduct alleged, category-wise, including police station wise breakups
 - o A list of the names and designations of enquiry officers assigned to inquire into each complaint
2. In parallel with the revision of the reporting format, revise the format (as much as is feasible) of the paper-based registers at the district-level PG Cells to adopt the changes suggested above
 3. Conduct a systemic review to assess how digitization of records of complaints against police can be expanded and used more optimally than at present; and consider converting to digital records as far as possible
 4. Develop a standard, digitized tracking format to ensure each district PG Cell can record the developments at each step of the departmental enquiry process with reference to each complaint, particularly to ensure action taken at each stage is recorded in one place
 5. Devise measures for the PG Cell to match the final action taken on each complaint, recorded by the district-level Punishment branch, with the records maintained by it, to create a complete and holistic record for each complaint in at least one place at the district level
 6. Devise renewed measures to facilitate timely and regular exchange of information between police stations, the Complaints branch, the PG Cell, and the Punishment branch in each district
 7. Revise Standing Order No. Ops 15 to specifically mandate the Assistant Commissioner of Police (P.G. Cell) to conduct regular inspections of PG Cell complaints registers to ensure the entries are accurate, well-maintained, and up-to-date
 8. Review the staff strength of the district level PG Cells and Punishment branches to assess whether additional staff is needed for the work required to be done

To the Delhi Police leadership

1. Revise the format of the Delhi Police Annual Report to include and publish yearly disaggregated data on complaints against police, to include:
 - Total complaints received at each level – Headquarters, districts, units, and armed police
 - Totals of rank and gender of personnel complained against
 - Totals of nature of complaints
 - Totals of action taken on complaints, reported by type of action
2. Make the full Delhi Police Annual Report available on the Delhi Police website with no more delay, including archives of all annual reports published
3. Publish the district-level quarterly data on complaints against police on the Delhi Police website
4. Publish all Standing Orders pertaining to the Vigilance Unit and departmental enquiry processes on the Delhi Police website

To the Commissions

1. Consider and adopt measures to maintain separate records for complaints received against police personnel, state-wise. It is suggested this can be done quarterly. Each complaint can be designated a specific case number and tracked. At a minimum, this can include:
 - o The total number of complaints received in the quarter;
 - o The nature of complaints;
 - o Where known, rank and gender of police officers complaints against;
 - o The total number of complaints forwarded to a police department for inquiry;
 - o The total number of complaints dismissed without inquiry;
 - o The total number of complaints admitted for inquiry by the Commission.
2. In parallel, maintain a record of action taken:
 - o Number of complaints, and time taken, in which inquiry was completed by the police;
 - o Number of complaints in which inquiry was completed by the Commission;
 - o Recommendations by the Commission;
 - o Number of cases in which the Commission asked the police for action-taken reports post inquiry;
 - o Number of cases in which action taken reports were received from the police;
 - o Status and gist of action taken report
3. Expand reporting on complaints against police in Annual Reports enumerating (in tables), state-wise, the total number of complaints against police received, nature of complaints, ranks and gender of police personnel complained against (where known), and action taken
4. Publish and place on the websites of Commissions, and thus in the public domain, the reports emerging out of the complaints once investigations are complete and decisions taken
 - Data on complaints against police personnel should be released quarterly at each Unit/ District of the Delhi police under Section 4 of the Right to Information Act, 2005. This data could be collated from the P.G. Cell/ Vigilance Branch and the H.A.P (Punishment Branch) by the nodal officer assigned, in most cases which is the Assistant Commissioner of Police (P.G. Cell/ Vigilance).
 - Data released should include gender wise and rank wise breakdown of personnel against whom complaints have been received.
 - The complaints register in the Vigilance Branch/ P.G. Cell should be regularly inspected by Assistant Commissioner of Police (P.G. Cell) to ensure that the entries are informative, accurate and well maintained.
 - The complaints register at the P.G. Cell/ Vigilance Cell should contain details of the personnel being complained against. In case the complainant is unaware of the name and rank of the police personnel at the time of filing the complaint, the same should be updated into the register once the above facts surface in the preliminary Enquiry. The suggested format for the complaints register is as below:

ANNEXURE 1

TO

Public information Officer
Delhi Police Headquarter, I.P Estate
ITO, New Delhi-110002

Application for information under Section 6(1), Right to Information Act, 2005

Dear Sir/Madam,

I would like to obtain the following information under the RTI Act 2005:

8. Periods for which information in this application is sought: a) 1st January 2016 to 31st December 2016 and b) 1st January 2017 to 31st December 2017. Please provide the information separately for each year.
9. Please provide a rank-wise and gender-wise breakdown of total number of complaints received against police officers, from Constable to Commissioner Rank, in 2016 and 2017. Of the complaints received, please specify a) the total complaints received that were against personnel posted at the Delhi Police Headquarters at the time of complaint, and b) the total complaints received that were against personnel posted at any other Units at the time of complaint.
10. Please specify the total number of complaints received and admitted under the following heads:

Nature of Complaint	Total Received from victim or on victim's behalf		Admitted for inquiry		Closed without inquiry	
	2016	2017	2016	2017	2016	2017
Death						
Non-registration of FIR,						
Illegal arrest and detention						
Police torture, grievous hurt						
Custodial Rape						
Extortion, land/ house grabbing, serious abuse of authority						
Any other (<i>Please specify the nature</i>)						
Total						

11. Please specify the total number of cases where inquiries were initiated suo moto under the following heads:

Nature of Complaint	Total inquiries initiated Suo Motu	
	2016	2017
Death		
Non-registration of FIR,		
Illegal arrest and detention		
Police torture, grievous hurt		
Custodial Rape		
Extortion, land/ house grabbing, serious abuse of authority		
Any other (<i>Please specify the nature</i>)		
Total		

12. Out of the total complaints admitted for inquiry in 2016 and 2017, please specify how many complaints are pending inquiry (year-wise) as on the date of this application.

13. Please state the total number of cases in which the following action was taken:

Action taken	2016	2017
FIRs registered against the police personnel		
Departmental inquiry was conducted against the police personnel		
Compensation granted to the complainant		
Any other action taken (<i>please specify the nature</i>)		
Total		

I am a citizen of India and I would like to obtain the information by registered post at the address mentioned above. If possible, I would like to have the information in English. I am enclosing the required fee of Rs. 10 via Indian Postal Order no. 44F 014477 with this request. Kindly inform me of any additional fees payable towards obtaining this information.

ANNEXURE II

The Table below is a compilation of all the authorities, working at national level and Delhi level, in different areas of protection of people and have the power to inquire or investigate into individual complaints regarding violation of their rights by the State or its law enforcing agencies including Delhi Police.

S. No.	Departments and Commissions	Relevant Powers	Relevant PIO
NATIONAL LEVEL			
1.	Delhi Police		PIO:
			Appellate Authority:
2.	National Human Rights Commission	<p>Section 12. Functions of the Commission³⁰:</p> <p>(a) Inquire, suo motu or on a petition presented to it by a victim or any person on his behalf [or on a direction or order of any court, into complaint of</p> <p style="margin-left: 20px;">i. violation of human rights or abetment thereof; or</p> <p style="margin-left: 20px;">ii. negligence in the prevention of such violation, by a public servant;</p> <p>(b) Intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court;</p> <p>(c) Visit, notwithstanding anything contained in any other law for the time being in force, any jail or other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection, for the study of the living conditions of the inmates thereof and make recommendations thereon to the Government;</p> <p>(d) Such other functions as it may consider necessary for the protection of human rights.</p>	<p>PIO:</p> <p>http://nhrc.nic.in/</p> <p>National Human Rights Commission, Manav Adhikar Bhawan Block-C, GPO Complex, INA, New Delhi - 110023</p> <p>Appellate Authority:</p> <p>For Administration Division and Training & Research Division: Dr. Sanjay Dubey, Director (Admn.)</p> <p>For Investigation Division: Shri Gurbachan Singh DG(I)</p> <p>For Law Division: Shri Shri Sunil Arora Deputy Registrar/In-charge JR(Law)</p> <p>National Human Rights Commission, Manav Adhikar Bhawan Block-C, GPO Complex, INA, New Delhi - 110023</p>

³⁰ Section 12, Chapter III Functions and Powers of the Commission, The Protection of Human Rights Act, 1993

3.	National Commission for Women	<p>Section 10. Functions of the Commission³¹:</p> <p>(a) Inquire, suo motu or on a petition presented to it by a victim or any person on his behalf [or on a direction or order of any court, into complaint of</p> <p>i. violation of human rights or abetment thereof; or</p> <p>ii. negligence in the prevention of such violation, by a public servant;</p> <p>(b) Intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court;</p> <p>(c) Visit, notwithstanding anything contained in any other law for the time being in force, any jail or other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection, for the study of the living conditions of the inmates thereof and make recommendations thereon to the Government;</p> <p>(d) Such other functions as it may consider necessary for the protection of human rights.</p>	<p>PIO:</p> <p>http://nhrc.nic.in/</p> <p>National Human Rights Commission, Manav Adhikar Bhawan Block-C, GPO Complex, INA, New Delhi - 110023</p> <p>Appellate Authority:</p> <p>For Administration Division and Training & Research Division: Dr. Sanjay Dubey, Director (Admn.)</p> <p>For Investigation Division: Shri Gurbachan Singh DG(I)</p> <p>For Law Division: Shri Shri Sunil Arora Deputy Registrar/In-charge JR(Law)</p> <p>National Human Rights Commission, Manav Adhikar Bhawan Block-C, GPO Complex, INA, New Delhi - 110023</p>
----	--------------------------------------	--	--

31 Section 10, Chapter III- Functions of the Commission, The National Commission For Women Act, 1990

4.	National Commission for Protection of Child Rights	<p>Section 13. Functions and powers of the Commission³²:</p> <p>(a) Inquire into violation of child rights and recommend initiation of proceedings in such cases</p> <p>(b) Inspect or cause to be inspected any juvenile custodial home or any other place of residence or institution meant for children, under the control of the Central Government or any State Government or any other authority including any institution run by a social organization, where children are detained or lodged for the purpose of treatment, reformation or protection and take up with these authorities for remedial action, if found necessary.</p> <p>(c) Inquire into complaints and take suo moto notice of matters related to:</p> <p>i. Deprivation and violation of child rights;</p> <p>ii. Non implementation of laws providing for protection and development of children;</p> <p>iii. Non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships to and ensuring welfare of the children and to provide relief to such children or take up the issues arising out of such matters with appropriate authorities;</p> <p>(b) Such other functions as it may consider necessary for the promotion of child rights and any other matter incidental to the above function.</p>	<p>PIO:</p> <p>Shri. G. Suresh, Assistant Director National Commission for Protection of Child Rights ,5th Floor, Chanderlok Building-36 Janpath, New Delhi-110001</p> <p>Contact Number: 011-23478229</p> <p>E-mail - suresh.g@nic.in</p> <p>Appellate Authority:</p> <p>Ms. Geeta Narayan, Member Secretary National Commission for Protection of Child Rights, 5th Floor, Chanderlok Building-36 Janpath, New Delhi-110001</p> <p>Contact Number: 011-23478228</p> <p>E-mail- ms.ncpcr@nic.in</p>
5.	National Commission for Minorities	<p>Section 9. Functions of the Commission³³:</p> <p>(a) Look into specific complaints regarding deprivation of rights and safeguards of the minorities and take up such matters with the appropriate authorities;</p> <p>(b) Any other matter which may be referred to it by the Central Government.</p>	<p>PIO:</p> <p>http://www.minorityaffairs.gov.in/rti/list-cpios-and-appellate-authority</p> <p>Appellate Authority:</p>

32 Section 13, Chapter III. Functions and Powers of the Commission, The Commission for Protection of Child Rights Act, 2005

33 Section 9, Chapter III, Functions of the Commission, The National Commission For Minorities Act, 1992

6.	<p>National Commission for Scheduled Castes</p>	<p>Duties of the Commission³⁴:</p> <p>(a) To investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes under the Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;</p> <p>(b) To inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes;</p> <p>(c) To present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;</p> <p>(d) To make in such report recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes; and</p> <p>(e) To discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Castes as the President may, subject to the provisions of any law made by Parliament, by rule specify.</p> <p>7.0 Investigation And Inquiry By The Commission³⁵</p> <p>The Commission may adopt any one or more of the following methods for investigating or inquiring into the matters falling within its authority:</p> <p>(a) by the Commission directly;</p> <p>(b) by an Investigating Team constituted at the Headquarters of the Commission; and</p> <p>(c) through its State Offices</p> <p>(d) by the State Agencies</p> <p>(e) by any other institution/Dept funded by Central Govt. and its statutory bodies.</p> <p>After submission of the inquiry/investigation report to the Chairperson by any of the above methods, the Chairperson may decide about further action to be taken in the matter.</p> <p>7.3 Procedure for Inquiry</p> <p>Inquiry into specific complaints</p> <p>(a) The Commission is required to inquire into specific complaints with respect to the deprivation of rights and safeguards of Scheduled Castes.</p>	<p>PIO:</p> <p>http://www.minorityaffairs.gov.in/rti/list-cpios-and-appellate-authority</p> <p>Appellate Authority:</p> <p>Shri Kaushal Kumar, Deputy Director</p> <p>National Commission for Scheduled Castes, 5th Floor, Loknayak Bhawan, Khan Market, New Delhi</p> <p>Contact Number: 011-24606818</p>
----	--	---	---

³⁴ Article 338 (5) of the Constitution

³⁵ The functions, duties and power of the Commission have been laid down in the clauses 4,5,8,9 & 10 of the Article 338 of the Constitution. Clause 4: empowers the Commission to regulate its own procedure for meaningful performance. The Rules of Procedure framed by the Commission under this provision have been notified on 25 March 2009 vide notification F.No.1/1/NCSC/2004- C.Cell of NCSC.

	<p>(b) Complaints should clearly disclose the violation of Reservation policy, DOPT OMs, Government of India Orders, State Government Orders, PSUs and Autonomous Bodies orders or any other violation Rules of Reservation.</p> <p>(c) No action will be taken on matters, which are sub judice.</p> <p>(d) The cases of Administrative nature like transfer/posting/grading of ACRs will not be taken up by the Commission unless there is caste based harassment of petitioner.</p> <p>Inquiry into cases of atrocities</p> <p>(e) Whenever information is received in the Commission about any incident of atrocity against a person belonging to Scheduled Castes, the Commission would immediately get in touch with the law enforcing and administrative machinery of the State and the district to ascertain the details of incident and the action taken by the district administration. If after detailed inquiry/investigation; the Commission finds substance in the allegation/complaint regarding atrocity, the Commission may recommend to file an FIR against the accused with the concerned law-enforcing agency of the State/District.</p>	
--	---	--

7.	National Commission for Scheduled Tribes	<p>Functions and Duties of Commissions³⁶:</p> <p>(a) To investigate and monitor all matters relating to the safeguards provided for the Scheduled Tribes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards.</p> <p>(b) To inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Tribes.</p> <p>(c) To present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards</p> <p>(d) To make in such report recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socioeconomic development of the Scheduled Tribes; and</p> <p>(e) To discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Tribes as the President may, subject to the provisions of any law made by Parliament, by rule specify</p> <p>After completion of the investigation or inquiry, as the case may be, the head of the State Office shall submit the report to the Secretary of the Commission suggesting the course of action that could be followed in the matter. The gist or findings of the report may be placed before the Secretary who may decide about further action in the matter.³⁷</p>	<p>PIO:</p> <p>http://www.ncst.nic.in/sites/default/files/2017/RTI/630.pdf</p> <hr/> <p>Appellate Authority:</p> <p>http://www.ncst.nic.in/sites/default/files/2017/RTI/630.pdf</p>
----	---	--	---

³⁶ clauses(5), (8) and (9) of the Article 338A of the Constitution, as amended by Constitution [Eighty-ninth Amendment] Act, 2003

³⁷ Chapter III. Investigation and Inquiry by the Commission. Rules of Procedure of The National Commission For Scheduled Tribes via Notification F.No.1/1/NCST/2004-C.Cell New Delhi dated 17th September, 2004

8.	<p>National Commission for Backward Classes</p>	<p>Constitution of India, 1950</p> <p>Under Article 338(5) of the Constitution, the powers of the National Commission for Backward Classes are same as that of the National Commission for Scheduled Castes</p> <p>By clause (10) of the same Article, “Backward Classes” are included within the expression “Scheduled Castes”. Clause (10) of Article 338 reads as follows:</p> <p>“(10) In this article references to the Scheduled Castes and Scheduled Tribes shall be construed as including references to such other backward classes as the President may, on receipt of the report of a Commission appointed under clause (1) of Article 340, by order specify and also to the Anglo-Indian community”.</p> <p>NCBC Act, 1993³⁸</p> <p>Functions of the Commission—(1) The Commission shall examine requests for inclusion of any class of citizens as a backward class in the lists and hear complaints of over-inclusion or under-inclusion of any backward class in such lists and tender such advice to the Central Government as it deems appropriate. (2) The advice of the Commission shall ordinarily be binding upon the Central Government.</p>	<p>PIO:</p> <p>http://www.ncbc.nic.in/User_Panel/UserView.aspx?TypeID=1164</p> <hr/> <p>Appellate Authority:</p> <p>Shri Rakesh Srivastava, Member Secretary, National Commission for Backward Classes, Ministry of Social Justice & Empowerment, Trikoort-1, Bhikaji Cama Place, New Delhi-110066. Contact No. 011-26183190 Fax No. 011-26183227 E-mail ms-ncbc@nic.in</p>
9.	<p>National Commission for Denotified, Nomadic and Semi-Nomadic Tribes</p>	<p>They do not have powers to look into individual complaints or carry any investigation.</p> <p>http://socialjustice.nic.in/writereaddata/UploadFile/gnBCIII-creofNCDNT2015.pdf</p>	<p>PIO: --</p> <hr/> <p>Appellate Authority: --</p>

10.	<p>National Commission for Safai Karamcharis</p>	<p>Functions of the Commission³⁹:</p> <p>(a) Investigate specific grievances and take suo moto notice of matters relating to non-implementation of:-</p> <ol style="list-style-type: none"> i. programmes or schemes in respect of any group of Safai Karamcharis; ii. decisions, guidelines or instructions, aimed at mitigating the hardship of Safai Karamcharis; iii. measures for the social and economic upliftment of Safai Karamcharis; iv. the provisions of any law in its application to Safai Karamcharis; <p>and take up such matters with the concerned authorities or with the Central or State Governments;</p> <p>(b) Make periodical reports to the Central and State Governments on any matter concerning Safai Karamcharis, taking into account any difficulties or disabilities being encountered by Safai Karamcharis;</p> <p>(c) Any other matter which may be referred to it by the Central Government</p>	<p>PIO:</p> <p>Sh. Jatender Singh, Under Secretary – Matters concerning Administration.</p> <p>Ms. Yasmin Sultana, Assistant Director – Matters concerning R&D.</p> <p>National Commission for Safai Karamcharis “B” Wing, 4th Floor, Lok Nayak Bhawan, Khan Market, New Delhi 110003 Tele : 011-24618119, Telefax: 011-24648922</p> <p>Appellate Authority: Sh. Narain Dass, Secretary - Matters concerning Administration. Sh. Varinder Singh, Deputy Director - Matters concerning R&D. National Commission for Safai Karamcharis “B” Wing, 4th Floor, Lok Nayak Bhawan, Khan Market, New Delhi 110003 Tele : 011-24618119, Telefax: 011-24648922</p>
-----	---	--	--

³⁹ Section 8(1). Chapter III Functions And Powers of the Commission under the National Commission for Safai Karamcharis Act, 1993.

STATE LEVEL

11.	Department of Public Grievances, Delhi	<p>The Commission examines complaints made by members of public against acts of omission or Commission including cases of inaction or harassment or extortion or corruption or abuse of power and authority on the part of the officials of the departments of Government of NCT of Delhi and local bodies, autonomous organizations/undertakings and other institutions owned or substantially financed by the Government of NCT of Delhi including Delhi Police.</p> <p>Police Complaints Authority</p> <p>The Authority enquires into the allegations of serious misconduct against the personnel of Delhi Police. The serious misconduct has been defined in the resolution of the government⁴⁰ as given below:</p> <ul style="list-style-type: none"> (a) Death in police custody (b) Grievous hurt, as defined in s. 320 of IPC, 1860 (c) Rape or attempt to commit rape (d) Arrest or detention without due process of law (e) Extortion (f) Land/house grabbing; or (g) Any incident involving serious abuse of authority <p>The complaint against police can be filed in the Police Complaint Authority (PCA) by:</p> <ul style="list-style-type: none"> (a) A victim or any other person on his/her behalf (b) The National or State Human Rights Commission (c) The police; or (d) Any other source <p>How to file a Complaint to Police Complaint Authority</p> <p>The complaint can be filed in the prescribed proforma and it can also be filed in plain paper by post or hand at the address of the Authority. It can also be sent by email and complaints can also be filed online through website.</p> <p>The Police Complaints Authority can suo motu enquire into the allegations of misconduct. The Authority may also inquire into any other case referred to it by the Administrator/ Central Government.</p> <p>Disposal of complaint by Police Complaint Authority</p> <p>The Authority upon completion of its enquiry, communicates its findings to the Commissioner of Police with the directions to register an FIR and/or initiate departmental action based on findings and forward the evidence collected by it to Delhi Police.</p> <p>The directions of the Authority are ordinarily binding upon Delhi Police unless for the reasons to be recorded in writing, the govt of NCT of Delhi decides to disagree with the findings of the Authority.⁴¹</p>	<p>PIO:</p> <p>Sh. R K Meena Deputy Secretary (PCA) Police Complaints Authority, M Block, Vikas Bhawan, I P Estate New Delhi Contact: 23379900 Email Id: pca.delhi@nic.in : rk.meena24@gov.in</p> <p>APIO:</p> <p>OS (PCA) Police Complaints Authority, M Block, Vikas Bhawan, I P Estate New Delhi Contact: 23379900 Email Id: pca.delhi@nic.in</p> <p>Appellate Authority:</p> <p>Sh. N Dilip Kumar Member (P/T) (PGC) Public Grievances Commission 2nd Floor, M-Block Vikas Bhawan New Delhi 110110 Contact: 23379522 Email Id: pgcdelhi@nic.in</p>
-----	---	---	---

⁴⁰ Resolution no. F. 12/04/2011/AR/1630-1789/C dated 27th February, 2012

⁴¹ Citizens Charters, Public Grievances Commission, Delhi

12.	Delhi Commission for Women	<p>Chapter III Functions Of The Commission⁴²:</p> <ul style="list-style-type: none"> - Investigate and examine all matters relating to the safeguards provided for women under the constitution and other laws - Take up the cases of violation of the provision of the Constitution and of other-laws relating to women with appropriate authorities - Look into complaints and take suo moto notice of matters relating to: - <ul style="list-style-type: none"> o Deprivation of women's rights o Non-implementation of laws enacted to provide protection to women and also achieve the objective of equality and development o Non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships and ensuring welfare and providing relief to women, and take up the issues arising out of such matters with appropriate authorities. 	<p>PIO:</p> <p>Transparency Officer, 2nd Floor, C-Block, Vikas Bhawan, I P Estate, New Delhi – 2 Contact: 23379738</p> <p>Assistant Secretary (Admn.) 2nd Floor, C-Block, Vikas Bhawan, I P Estate, New Delhi – 2 Contact: 23379738</p> <p>Appellate Authority: Member Secretary, 2nd Floor, C-Block, Vikas Bhawan, I P Estate, New Delhi – 2 Contact: 23378936</p>
13.	Delhi Commission for Protection of Child Rights	<p>Functions of the Commission⁴³:</p> <p>(a) Inquire into violation of Child Rights and initiate proceedings. The Commission receives complaints of violations of the Child Rights from following sources:</p> <ol style="list-style-type: none"> i. Individual ii. Organizational (NGOs etc.) <p>(b) Apart from above, the Commission is also empowered to inquire into complaints and take suo motu notice of matters related to:</p> <ol style="list-style-type: none"> i. Deprivation and violation of Child Rights ii. Non-implementation of laws providing for protection and development of children iii. Non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships and ensuring the welfare of the children and to provide relief to such children or take up the issues arising out of such matters with appropriate authorities <p>It can also take cognizance from reports in the Media in which a clear case of violation of Child Rights is reported.</p>	<p>PIO:</p> <p>Sh. Kishore Kumar Bhagchandani, Head Clerk Delhi Commission for Protection of Child Rights 5th Floor, ISBT Building, Kashmere Gate, Delhi-6 Contact No. 011- 23862685 /86</p> <p>Appellate Authority: Sh. Rakesh Bhatnagar, Secretary, DCPCR Delhi Commission for Protection of Child Rights 5th Floor, ISBT Building, Kashmere Gate, Delhi-6 Contact No. 011- 23862685 /86</p>

42 Chapter III- Functions of Commission, Delhi Commission for Women Act, 1994

43 Functions and Charter of Delhi Commission for Protection of Child Rights. http://delhi.gov.in/wps/wcm/connect/doi_dcpcr/DCPCR/Home/Charter

14.	Delhi Minorities Commission	<p>Functions of the Commission⁴⁴: Look into specific complaints regarding the deprivation of the rights and safeguards of the Minority communities and to take up such matters with the appropriate authorities for necessary action.</p>	<p>PIO: Not found on the website</p> <p>Appellate Authority: Not found on the website</p>
15.	Commission for Other Backward Classes of the national Capital Territory of Delhi	<p>The Commission for Other Backward Classes of the National capital Territory of Delhi, was constituted by the Lt. Governor of the National Capital Territory of Delhi vide Notification No. F.28(93)/91-92/SC/ST/P&S/109 dated 20.04.1993 as a permanent body in compliance with the directions of the Hon'ble Supreme Court of India contained in its Judgment dated the 16th November, 1992 in the W.P. (Civil) no.930 of 1990 (Indira Sawhney and Ors. Vs. Union of India and Ors.) for the purpose of entertaining, examining and recommending upon requests for inclusion and complaints of over-inclusion and under-inclusion in the lists of Other Backward Classes of Citizens.</p> <p>Functions⁴⁵: The main function of the Commission is to entertain, examine and recommend upon requests for inclusion and complaints of over inclusion and under-inclusion in the list of Other Backward Classes. Further, to tender such advice to the Government, as it deems appropriate.</p>	<p>PIO: Not found on the website</p> <p>Appellate Authority: Not found on the website</p>
16.	Delhi Commission For Safai Karamcharis	<p>Functions of the Commission⁴⁶:</p> <p>(a) To investigate, examine and monitor all matters relating to –</p> <p>i. The safeguards provided to Safai Karamcharis, residing in Delhi, under the Constitution of India, or under any law for the time being in force or under any judicial decisions or any orders or instructions issued by the Government of India or the Government, and to evaluate the working of such safeguards;</p> <p>ii. denial or violation of any right of Safai Karamcharis;</p> <p>iii. Any other matter pertaining to the welfare and protection of Safai Karamcharis;</p> <p>(b) To look into the specific complaints with respect to the deprivation of the rights and safeguards of Safai Karamcharis;</p>	<p>PIO: Dy. Secretary, DCSK 5477/72, Kalyan Bhawan, Kikarwala Chowk, Raigarpara, Karol Bagh, New Delhi-110005 Tel. No. 25750320</p> <p>Appellate Authority: Secretary, DCSK 5477/72, Kalyan Bhawan, Kikarwala Chowk, Raigarpara, Karol Bagh, New Delhi-110005 Tel. No. 25750320</p>

44 Section 10. Chapter – III Functions and Powers of the Commission. The Delhi Minorities Commission Act-1999

45 Citizen's Charter 2011

46 Section 12. Chapter – III Functions and Powers of the Commission. The Delhi Commission for Safai Karamcharis Act. 2006

CHRI Programmes

CHRI seeks to hold the Commonwealth and its member countries to a high standard of human rights practice, transparency and fulfill the Sustainable Development Goals (SDGs). CHRI specifically works on strategic initiatives and advocacy on human rights, Access to Justice and Access to Information. Its research, publications, workshops, analysis, mobilisation, dissemination and advocacy, informs the following principal programmes:

1. Access to Justice (ATJ)

Police Reforms: In too many countries the police are seen as an oppressive instrument of the State instead of protectors of citizens' rights, leading to widespread rights violations and denial of justice. CHRI promotes systemic reforms so that police act as upholders of the rule of law rather than as enforcers of a regime. CHRI's programme in India and South Asia aims at mobilising public support for police reforms and works to strengthen civil society engagement on the issues. In Tanzania and Ghana, CHRI examines police accountability and its connect to citizenry.

Prison Reforms: CHRI's work in prisons looks at increasing transparency of a traditionally closed system and exposing malpractices. Apart from highlighting systematic failures that result in overcrowding and unacceptably long pre-trial detention and prison overstay, it engages in interventions and advocacy for legal aid. Changes in these areas can spark improvements in the administration of prisons and conditions of justice.

2. Access to Information

* **Right to Information:** CHRI's expertise in the promotion of Access to Information is widely acknowledged. It encourages countries to pass and implement effective Right to Information (RTI) laws. It routinely assists in the development of legislation and has been particularly successful in promoting RTI laws and practices in India, Sri Lanka, Afghanistan, Bangladesh, Ghana and Kenya. In Ghana, CHRI as the Secretariat for the RTI civil society coalition, mobilised efforts to pass the law; success came in 2019 after a long struggle. CHRI regularly critiques new legislation and intervenes to bring best practices and knowledge to the governments and civil society both when laws are being drafted and when they are first implemented. It has experience of working in hostile environments as well as culturally varied jurisdictions, bring valuable insights to countries seeking to evolve new RTI laws.

* **South Asia Media Defenders Network (SAMDEN):** CHRI has developed a regional network of media professionals to address the issue of increasing attacks on media workers and pressure on freedom of speech and expression in South Asia. This network, the South Asia Media Defenders Network (SAMDEN) recognises that such freedoms are indivisible and know no political boundaries. Anchored by a core group of media professionals who have experienced discrimination and intimidation, SAMDEN has developed approaches to highlight pressures on media, issues of shrinking media space and press freedom. An area of synergy lies in linking SAMDEN with RTI movements and activists.

3. International Advocacy and Programming

Through its flagship Report, *Easier Said Than Done*, CHRI monitors the compliance of Commonwealth member states with human rights obligations, especially at the UN Human Rights Council. It advocates around human rights challenges and strategically engages with regional and international bodies including the UNHRC, Commonwealth Secretariat, Commonwealth Ministerial Action Group and the African Commission for Human and People's Rights. Ongoing strategic initiatives include advocating for SDG 16 goals, SDG 8.7, monitoring and holding the Commonwealth members to account and the Universal Periodic Review. We advocate and mobilise for the protection of human rights defenders and civil society spaces.

4. SDG 8.7: Contemporary Forms of Slavery

Since 2016, CHRI has pressed the Commonwealth to commit itself towards achieving the United Nations Sustainable Development Goal (SDG) Target 8.7, to 'take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.' In July 2019 CHRI launched the Commonwealth 8.7 Network, which facilitates partnerships between grassroots NGOs that share a common vision to eradicate contemporary forms of slavery in Commonwealth countries. With a membership of approximately 60 NGOs from all five regions, the network serves as a knowledge-sharing platform for country-specific and thematic issues and good practice, and to strengthen collective advocacy.

Published with support from




Delegation of the European Union to India
5/5, Shantiniketan, New Delhi - 110 021
Phone: +91-11-66781919
Fax: +91-11-66781955
Website: https://eeas.europa.eu/delegations/india_en
www.facebook.com/EUinIndia

This report has been produced with the financial assistance of the European Union. The European Union is made up of 28 Member States who have decided to gradually link together their know-how, resources and destinies. Together,

during a period of enlargement of 50 years, they have built a zone of stability, democracy and sustainable development whilst maintaining cultural diversity, tolerance and individual freedoms. The European Union is committed to sharing its achievements and its values with countries and peoples beyond its borders.

The Contents of this report are the sole responsibility of the Commonwealth Human Rights Initiative and can under no circumstances be regarded as reflecting the position of the European Union.

Praja Foundation

 Regional Office South Asia
6, USO House, USO Road
Special Institutional Area, New Delhi 110067
Phone: +91 (11) 41688149/50
www.fnfsouthasia.org

Praja is a non-partisan organisation working towards enabling accountable Governance. We have been operating in Mumbai since 1998 and have been coming up with reports on the performance of Elected Representatives and on thematic issues such as Civic Services, Public Health, Municipal Education, Crime and Policing and Affordable Housing. In October 2013, we started work in Delhi.



Regional Office South Asia
6, USO House, USO Road
Special Institutional Area, New Delhi 110067
Phone: +91 (11) 41688149/50
www.fnfsouthasia.org



Commonwealth Human Rights Initiative

3rd floor, 55A, Siddhartha Chambers, Kalu Sarai
New Delhi - 110 016
Tel: +91-11-4318 0200
Fax: +91 11 4318 0217
Email: info@humanrightsinitiative.org
Website: www.humanrightsinitiative.org