



IV. Measures to Improve Police-Public Relationship





Circular on role and duties of Human Rights Cells in the State/City Police Headquarters

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National Human Rights Commission

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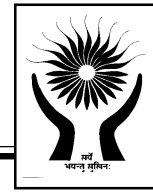
CIRCULAR ON ROLE AND DUTIES OF HUMAN RIGHTS CELLS IN THE STATE/CITY POLICE HEADQUARTERS.

Letters were addressed to all the DGsP, Police Commissioners and Addl. DGsP/IsG Human Rights, on June 1, 1999 inviting their suggestions as to the role and duties that the Human Rights Cell of the State PHQs would undertake and perform. Based on the response received and interaction with the officers, the following Guidelines are circulated for effective functioning of Human Rights Cells in the various Police Hqrs:

- 1) The Human Rights Cell will act as the main link between the NHRC and the State Police agencies.
- 2) All important cases/complaints referred by the Commission to the State Human Rights Cell wherever specifically indicated, would be got enquired into by an officer of appropriate level. Thereafter, the recommendations made by the Commission are to be followed up to ensure appropriate action against the delinquent officials is initiated and remedial measures taken, wherever required. However, in cases where the Human Rights Cell feels that an impartial enquiry may not be possible due to extraneous considerations, then it may recommend investigation by the State CID or even the CBI.
- 3) To keep a close watch on the alleged violations of Human Rights by police personnel which come to light through the newspapers, publications/other sources including complaints to different functionaries.
- 4) All enquiries/cases relating to police atrocities/harassment/abuse of authority, being sent by the Commission to the District Supdt. of Police for ascertaining facts and verification, may be monitored by the Cell. A copy of all such references will be sent to the Cell, to enable them to monitor timely response from the SPs. They will also ensure follow up action wherever specific directions have been passed by the Commission by way of compliance.
- 5) Human Rights Cell to regularly interact with the District SPs on human rights petitions/complaints and issue instructions/guidelines, so as to minimise and prevent violations of human rights by the police.



- 6) To conduct surprise visits to Police Stations, to check cases of illegal detention and abuse of authority.
- 7) To take such other steps as may be necessary for preventing violations and protecting and respecting the Human Rights of the citizenry who come in contact with the police functionaries.
8. To ensure that all Police Stations in the State display the Guidelines given by the Supreme Court in WP No.539 of 1986, in the case of D.K. Basu Vs. State of West Bengal. These requirements are in addition to the constitutional and statutory safeguards and directions given by the courts from time to time in connection with the safeguarding of the rights and dignity of the arrestee vis-a-vis the duties of the police. Special care has to be taken to see that women, children and the vulnerable sections of the society are not harassed by the police by calling them to the police station in avoidable circumstances.
- 9) To coordinate with State Police Academy & Training Centres to ensure that their in-service training curriculum have sufficient elements of human right jurisprudence for the trainees of all ranks. Such a module would aim at educating and sensitizing on the following matters:
 - a) Constitutional provisions relating to rights of citizens.
 - b) Key provisions in the substantive law that provide explicit “do’s” and “don’ts” in matters of arrest, interrogation, search and seizure etc.
 - c) Landmark judgements of the Supreme Court on human rights matters; and
 - d) The implications of fall-outs and non-observance of the human rights guidelines/ instructions/ laws, while discharging their duties and responsibilities.
- 10) Organise inter-active sessions/capsule courses of appropriate duration in all training institutions where prominent personalities, lawyers, NGOs are called for participation.
- 11) Compilation of the departmental circulars and directions on the human rights mandate, issued by the PHQ from time to time and see that these are recirculated for recapitulation.
- 12) To identify specific areas of societal human rights violations in the State and to plan out preventive and rehabilitative schemes in conjunction with the concerned Departments (for instance in the field of Child Rights -child sexual abuse, child-labour Gender Justice, Juvenile Justice, non-criminal mentally



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- ill lodged in prisons, discrimination towards the under-privileged, Backward/ SC/ST in specific areas etc.)
- 13) To organise one day seminars/workshops on human rights in different cities in association with the State Human Rights Commissions (wherever they are constituted), local University or colleges, philanthropic organisations like Rotary/Lion Clubs.
 - 14) Personally monitor investigation of cases relating to custodial deaths, rape and torture/illegal detentions in police custody and take remedial measures/follow up departmental action.
 - 15) Actively promote human rights literacy and awareness through publications and media programmes.
 - 16) Publication of quarterly Newsletter on “Human Rights in Law Enforcement” for circulation amongst police officers.

Sd/-

(D.R. Karthikeyan)
Director General (Inv.)



Measures for Improving Police-public relationship and confidence.

D.R. Karthikeyan
Director General (Inv.)

राष्ट्रीय मानव अधिकार आयोग
National Human Rights Commission

22 December, 1999

Dear Shri

The bulk of the complaints received by the National Human Rights Commission concerns security forces. Again most of such complaints relate to alleged commissions and omissions on the part of the police during the investigation. Many of them pertain to non-registration of complaints, delayed investigations, investigations not being done fairly, objectively and impartially and the inaccessibility of police officers.

It goes without saying that to be effective and successful, the police must enjoy the trust, confidence and respect of the people living in the jurisdiction. The Commission advises all the States to comply with the following suggestions, which are already in force in the State of Kerala to improve police-public relationship and confidence and also to effectively prevent violation of law and to detect crimes that may occur.

For removing such apprehensions and difficulties, the following steps may be adopted:

- I. Toll free phone number for public to convey crime intelligence/ information to the police**
 - a. A toll free telephone number which is **1090** is given for the entire State of Kerala. For the purpose of uniformity all over the country, all the States could adopt No. **1090** for this purpose.
 - b. Any member of the public can ring up **1090** which will be installed in the Police Control Room/Police Station/Sub Divisional Office. This will be toll free within the State even on the STD from remote parts of the District and the State.
 - c. While recording the information on phone No. **1090**, the caller will not be compelled to give his name and address. If the caller so desires, a code number may be given to him so that at a future date, the caller can call **1090**, identify himself with the code number and get to know the result of the investigation as a result of his information.
 - d. In appropriate cases where valuable information results in detection of quality cases, the caller/informant could be rewarded or his public-spirited service could be recognized by way of issuing a commendation certificate at the appropriate level.



II. Need for the investigating agencies to keep the complainants/victims informed of the progress of investigation

- a. F.I.R. should be issued promptly on receipt of a complaint revealing cognizable offence. Copy of the F.I.R. should be handed over to the complainant and an entry to this effect should be made in the First Case Diary itself.
- b. If the complaint does not reveal a cognizable offence warranting registration of an F.I.R., the complainant should be intimated the reasons therefor.
- c. If the investigation of a case is not completed within three months from the date of registration, the complainant should be intimated in writing such a fact and also the specific reasons for not completing the investigation. Such reasons could be like the inability to arrest the accused, the inability to complete examination of all the witnesses, non-receipt of report from the expert, non-receipt of prosecution sanction, legal impediment and similar specific reasons.
- d. The proof of sending such an intimation like postal acknowledgment or written acknowledgment from the complainant should be obtained and kept on the case file. An entry to that effect is also to be made in the Case Diary file.
- e. If the investigation of the case could not be completed within 6 months of the date of registration, once again a similar intimation should be given to the complainant indicating the cause for such non-completion of investigation and an acknowledgment obtained and kept on the case file.
- f. If the investigation is not completed within one year, a more detailed intimation should be prepared by the I.O. who should also obtain the endorsement of the next higher gazetted officer, who should personally verify and satisfy himself the genuineness of the cause for such delay. Such an intimation with the endorsement of the gazetted officer should be sent to the complainant and the acknowledgment kept in the case file.
- g. When the charge sheet is filed before the court on completion of investigation, a similar intimation should be sent to the complainant alongwith the copy of the charge sheet. This fact should also find a mention in the case diary.
- h. In case the complainant is not available for any reason, such notices can be handed over to any other member of the family.

III Meeting of Station House Officers with the public

The Station House Officers be directed to hold regular monthly meetings in various towns/villages in their jurisdictions twice a month. It will help the public to meet the Police Officers and voice their grievances, if any. This will also

enable the Police to sensitise the public on various issues and seek their cooperation in prevention of crime and maintenance of law and order. This will make the SHO obligatory to visit town/village in his jurisdiction alongwith his staff after giving advance publicity through Panchayat and press. The senior officers also could be asked to attend such meetings wherever possible.

Experience of Kerala is that most of such calls on toll free number are genuine and have resulted in detection of a number of pending cases and in prevention of commission of offences.

With regards,

Yours sincerely,

Sd/-

(D.R. Karthikeyan)

To

**Chief Secretaries, DGPs of all States and
Union Territories and Commissioners of Police: Delhi, Chennai,
Mumbai, Bangalore, Calcutta, Hyderabad and
Ahmedabad.**

**Letter to all Chief Justices of High Courts on the Constitution of District
Complaints Authority**

Dr. Justice K. Ramaswamy
Member

राष्ट्रीय मानव अधिकार आयोग
National Human Rights Commission

No. 4/10/99-PRP&P
December 24, 1999

Dear Brother Chief Justice,

The Commission is deeply concerned at the criticism that the public authorities are abusing and misusing their power to trample the human rights of the innocent people and, in particular, focus in the media on the excesses committed by the Police personnel. The Commission has deliberated on this and resolved to write to the State Governments to constitute a District Complaints Authority to examine the conduct of the public authorities and the growing tendency of incivility and rude behaviour towards the public, the arbitrary arrest of the people by the Police and their detention, allegations of false implication in criminal cases and custodial violence, etc. The Authority also, in case it finds that the complaints require to be dealt with either by the State Human Rights Commission, if existing, or the National Human Rights Commission, as the case may be, may refer to it their recommendation in that behalf which would be considered and action taken thereon. For that, the composition of the Authority may consist of (i) the Principal District Judge of the district concerned as Chairman; (ii) the District Collector/Deputy Commissioner in charge of the district; (iii) the Sr. Supdt. of Police/Supdt. of Police in charge of the district as Members of the Authority; and (iv) the Supdt. of Police/Addl. Supdt. of Police, as the Ex-officio Member-Secretary of the Committee. The Committee is required to examine grievances of the public in the matters referred to above.

In the State of Kerala, such a system is already in existence as 'District Human Rights Authority'.

For the Principal District Judge of the concerned district to function as Chairman, it would be obvious that permission from the High Court is necessary. In the matters referred to above, the learned District Judge does not directly deal with them on the judicial side, nor has he any supervisory jurisdiction on the administrative side. Under these circumstances, the Commission is of the view that the learned District Judge may act as Chairman of the District Complaints Authority, as it does not, in any way, come in conflict with his discharge of the functions on the judicial side. On the other hand, he being the Chairman of the District Complaints Authority, would infuse credibility and a sense of seriousness in other wings of the Government also. This would enable the National Human Rights Commission to effectively monitor the protection and promotion of human rights in the society.

I would, therefore, request the High Court through you to consider issuing the necessary directions to the learned District Judges in this behalf. The action taken may kindly be intimated.

With regards,

Yours sincerely,

Sd/-

(Dr. Justice K. Ramaswamy)

To

Chief Justices of all High Courts.

Letter to Chief Ministers of all States on the District Complaints Authority

Dr. Justice K. Ramaswamy
Member

राष्ट्रीय मानव अधिकार आयोग
National Human Rights Commission

No 4/10/99-PRP&P
December 24, 1999

Dear Chief Minister,

The National Human Rights Commission has been receiving innumerable complaints against the civilian authorities and Police personnel criticising that they are abusing and misusing power and tend to trample the human rights of the innocent people and, in particular, focus in the media on the atrocities committed by the Police personnel. The Commission, therefore, after deep deliberation, decided to suggest constitution of District Complaints Authorities consisting of the principal District Judge of the concerned district, the District Collector/Deputy Commissioner in charge of the District civil administration, the Sr. Supdt. of Police, Supdt. of Police in charge of a District police administration as Members of the District Complaints Authority, and the Supdt. of Police/Addl. Supdt. of Police to act as the Ex-officio Member-Secretary of the Authority to whom the complaints would be addressed and appropriate recommendations, if necessary, could be made to the State Human Rights Commission, if any in existence, or to the National Human Rights Commission. In the State of Kerala, such a District Complaints Authority named as 'District Human Rights Authority' for each district has been constituted and is functioning effectively. The functioning of a District Complaints Authority would inculcate a sense of responsibility in the conduct of the public officials and create faith and confidence among the people in the rule of law.

I would, therefore, request you to kindly constitute District Complaints Authority and advise the Chief Secretary and D.G P. of your State to instruct District Collectors/Deputy Commissioners and Sr. Supdts. of Police/Supdts. of Police to act as Members and Supdt. of Police/Addl. Supdt. of Police as Ex-officio Secretary of the District Complaints Authority and the District Judge to act as Chairman with public notice of its constitution and function. This step would go a long way to infuse confidence of the people in the rule of law. The action taken may kindly be intimated.

With regards,

Yours sincerely,

Sd/-

(Dr. Justice K. Ramaswamy)

To

Chief Ministers/Administrators of all States/Union Territories