

114

GOVERNMENT OF PUDUCHERRY

Abstract

Home (Police) – Police Complaints Authority – Terms and Conditions – Powers and Functions – Orders - Issued.

Home Department

G.O.Ms.No.71

Puducherry, dt.09.12.2016

Read: (1) G.O.Ms.No.54, dated, dated 06.10.2016 of Home Department, Puducherry.
(2) Corrigendum No.I/11014/1/2013/P3/Home, dated 17.10.2016 of Home Department, Puducherry.

ORDER:

The following Notification shall be published in the Extra-Ordinary Official Gazette :-

NOTIFICATION

The Hon'ble Supreme Court of India in judgement dated 22.09.2006 in Writ Petition (Civil) No.310 of 1996 titled Prakash Singh and Others Vs. Union of India and Others had inter alia issued directions to Central Government / State Governments / UTs. to constitute Police Complaints Authority to look into the complaints against Police Officers. Accordingly, the Police Complaint Authority was constituted vide G.O. Ms. No.1, dated 03.01.2011 which expired on 02.01.2014, and thereafter vide G.O. first read above.

2. In supersession of the G.O. first read above, the Lieutenant Governor of Puducherry is pleased to re-constitute the Police Complaints Authority with the following composition:-

1	Thiru Justice G. Rajasuria, Judge(Retired), High Court, Madras, Plot No.3, Mohan Nagar Main Road, Mohan Nagar, Madambakkam, Chennai-605126, Tamil Nadu	Chairman
2	Thiru R. Balaraman, Advocate, No.42, Chellan Nagar, Puducherry-11.	Member...
3	Smt. M. Premalatha Malarmannan, No.17, Francis Assisi Street, Kurusukuppam, Puducherry-12.	Member
4	Additional Secretary(Home), Government of Puducherry.	Convenor-cum-Secretary

3. The terms and conditions and the powers and functions of the Police Complaint Authority shall be as follows:

(A) Terms and Conditions

(a) The terms of the office of the Chairperson and the members will be for three years and they shall be entitled to the following remunerations:-

(i) Chairperson –

Sl.No.	Particulars of sittings	Honorarium	Sitting fees
i) a)	8 sittings and above	₹.40,000/- per month	₹.3,500/- per sitting
b)	7 sittings and below	₹.20,000/- per month	₹.3,500/- per sitting
ii)	Travelling Allowance	Travelling Allowance or A/C car will be provided during the sittings and for to and fro journeys between the place of residence and Pondicherry. If own car is utilized for the above purpose they are entitled to claim the admissible mileage allowance for the road journey as per rules in force. The above claim shall be as applicable to the judges of the High Court, Madras.	
iii)	Daily Allowance	As applicable to the judges of the High Court, Madras for each day.	

(ii) Members – ₹.3,000 /- per sitting, subject to the condition that the annual amount may not exceed ₹.4.8 lakhs.

(b) The Chairperson or member of the Police Complaints Authority may be removed from office by the Lieutenant-Governor, Puducherry after giving him / her an opportunity to be heard. However, the Lieutenant-Governor, shall, on receipt of the response, record his / her findings and forward the entire case with his / her recommendations to the Central Government for obtaining its prior approval before issuing the orders.

(c) The Chairperson and Members of the Police Complaints Authority shall not engage himself / herself, during his/her term of office, in any paid employment, outside the duties of office without permission of the Union Territory Administration.

Powers and Functions

(1) The power of the Police Complaints Authority may be as under:-

(i) The Authority may require any person or authority to furnish information on such points or matters, as in the opinion of the Authority may be useful for or relevant to the subject matter of enquiry;

(ii) The Authority, before finalising its opinion, shall give the Police Officer heading the police force in the Union Territory an opportunity to present the Department's view and additional facts, if any, not already in the notice of the Authority and in such cases, the Authority may review its findings on receipt of additional information from the Police Officer heading the police force in the Union Territory that may have a material bearing on the case;

(iii) In the cases directly inquired by the Authority, it may, upon completion of the inquiry, communicate its findings to the police officer heading the police force in the Union Territory with a direction to, -

- (a) register a First Information Report; and / or
- (b) initiate Departmental action based on such findings, duly forwarding the evidence collected by it to the police.

(iv) The directions of the Authority shall ordinarily be binding, unless for the reasons to be recorded in writing, the Union Territory Administration decides to disagree with the findings of the Authority.

(2) The functions of the Police Complaints Authority will be as under:-

(i) The Authority shall inquire into allegations of "serious misconduct" against police personnel, as detailed below, either suo moto or on a complaint received from any of the following quarters:-

- (a) a victim or any person on his / her behalf.
- (b) the National or the State Human Rights Commission;
- (c) the police, or
- (d) any other source.

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

- (a) death in police custody;
- (b) grievous hurt, as defined in Section 320 of the Indian Penal Code, 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

Provided that the Authority shall inquire into a complaint of such arrest or detention, only if it is satisfied prima facie about the veracity of the complaint.

(ii) The Authority may also inquire into any other case referred to it by the Lieutenant-Governor of Puducherry / Central Government.

(iii) The Authority may submit its findings in a case within a period of 60 days from the date of receipt of the complaint and in case of inability to meet the deadline, the Authority may submit a report showing reasons therefor to the Lieutenant-Governor of Puducherry.

4. This issues with the concurrence of the Finance Department vide their I.D. No.2421/FC/FD/F5/A3 , dated 28.11.2016.

// BY ORDER OF LIEUTENANT GOVERNOR //


(B. PRABAGARAN)
DEPUTY SECRETARY TO GOVERNMENT

To
The Director of Stationery and Printing, Puducherry – with request to publish the same in the next issue of official gazette and to send 50 copies thereon.

Copy to:

- 1. The Chairman and Members.
- 2. The Joint Secretary(UT), M.H.A., New Delhi.
- 3. The Director General of Police, Puducherry.
- 4. The Private Secretary to Chief Minister, Puducherry.
- 5. The Central Record Branch.
- 6. G.O. file
- 7. Stock file.

GOVERNMENT OF PUDUCHERRY
HOME DEPARTMENT

PRESS RELEASE

The Police Complaints Authority, Puducherry has been re-constituted with the composition of Justice G. Rajasuria, Judge (Retd), High Court, Chennai as the Chairman and Thiru R. Balaraman, Advocate, Puducherry and Tmt. M. Premalatha Malarmannan, as its Members and Thiru Yasam Lakshmi Narayana Reddy, Additional Secretary (Home) as its Convenor-cum-Secretary, vide G.O. Ms. No.71, dated 09.12.2016.

With functioning of Police Complaints Authority the public have one more forum to approach for specific complaints as defined under para 3 of the Government Order. Police Complaints Authority can act suo moto or on a complaint received from a victim or any of the person on his/her behalf, National Human Rights Commission, Human Rights Committee, Puducherry, the Police or any other source.

The public are hereby informed that any complaint against any police personnel or police officers of the Union Territory of Puducherry shall be addressed to the Convenor-cum-Secretary, Police Complaints Authority, Home Department, Chief Secretariat, Puducherry.

P. P. Velbina Jayaram 4/1/17

UNDER SECRETARY TO GOVERNMENT