

District Police Complaints Authority (Procedure) Regulations, 2015

(Approved by the Government vide Letters No. ಒಇ 158 ಪ್ರೊಸಿಆ 2015, dated: 07.11.2015 and 06.01.2016)

CHAPTER – I
PRELIMINARY

1. **Short title and commencement:** (1) These regulations may be called the District Police Complaints Authority (Procedure) Regulations, 2015.
(2) These will come into force with effect from the date of approval by the Government*.
(*06.01.2016)
2. **Definitions:** (1) In these regulations, unless the context otherwise requires,
 - (a) "Act" means the Karnataka Police Act, 1963;
 - (b) "Chairman" means the Chairman of the District Authority as per Section 20D(1) of the Act;
 - (c) "Complainant" means a person by whom or on whose behalf a complaint is made or referred to the Authority;
 - (d) "Complaint" means any petition or communication containing allegations against police officers received by the District Authority from any source;
 - (e) "District Authority" means District Police Complaints Authority constituted by the Government under Section 20D of the Act;
 - (f) "Government" means Government of Karnataka;
 - (g) "Member" means a member of the District Authority, including Member-Secretary appointed under Section 20D(1) of the Act;
 - (h) "Secretary" means the ex-officio Member and Member-Secretary of the District Authority as per Section 20D(1) of the Act;
 - (i) "State Authority" means the State Police Complaints Authority constituted by the Government under Section 20C of the Act;
 - (j) "Year" means the calendar year unless specified otherwise.
 (2) Words and expressions not defined in these regulations shall, to the extent defined in the Act, have the same meaning as assigned to those therein.
3. **Office of the District Authority:** The Superintendent of Police of the district shall make arrangements in his office to deal with the work relating to the District Authority of which he is the Secretary. In respect of the cities having Police Commissioners, the Officer appointed as the Member-Secretary shall make arrangements in his office to deal with the work relating to the District Authority, in respect of the concerned city, of which he is the Secretary.

4. Receipt of incoming and dispatch of outgoing communications in the office of the Regional Commissioner pertaining to the District Authorities which come under his chairmanship :

(1) A separate Inward Register, named as "District Police Complaints Authorities Inward Register", shall be maintained in the office of the Regional Commissioner. All complaints and all other communications pertaining to the State Authority or District Authorities under the chairmanship of the Regional Commissioner, received by whatever mode at his office shall be entered in the said Register and put up to the Chairman with respective entry numbers and dates. Entries shall have running serial numbers in a calendar year. Fresh serial numbers will start next year. The number will be indicated on the communication as DPCA/INW/(serial number)/(year). Before the entries start for a day, the date is to be entered, preferably in red ink, and underlined. All other entries will be in blue ink. After all the entries of a day are over, the next date will be entered in the next row and the first entry for that next day will be with the next serial number and so on. The said Register shall be in Form I.

(2) After the Chairman has seen the complaints received in his office, the same shall be entered in serial order in a Case Register called as "DPCA Complaints Case Register". Each complaint received in the office of the Chairman shall have an entry in this Register. Entries shall have running serial numbers in a calendar year. Fresh serial numbers will start next year. Each complaint and communications related to it shall be sent to the Secretary of the concerned District Authority with a covering letter bearing the file number in which the covering letter is processed. The file number will be indicated as RC/(trilateral index of the Region)/DPCA/CMP/CR/(serial number)/(year). A photocopy of the complaint shall be maintained in the file. The instructions, if any, given by the Chairman shall also be complied with by the concerned Section of the office. This Register shall be in Form II.

(3) A separate Case Register named as "DPCA General Case Register" shall be maintained for other matters related to State Authority or District Authorities. The file numbers will be indicated as RC/(trilateral index of the Region)/DPCA/GEN/CR/(serial number)/(year).

(4) A separate Outward Register named as "District Police Complaints Authorities Outward Register", shall be maintained in the office of the Regional Commissioner. All outgoing communications pertaining to complaints and other work related to District Authorities and State Authority shall be diarized in this Register with running serial numbers in a calendar year. The number to be shown on the office copy of the outgoing communication will be indicated as DPCA/OUTW/(serial number)/(year). This Register shall be in Form III.

5. Receipt of incoming and dispatch of outgoing communications in the office of the Member-Secretary of the District Authority:

(1) A separate Inward Register, named as "District Police Complaints Authority Inward Register", shall be maintained in the office of the Secretary. All complaints and all other communications pertaining to the State

Authority or District Authority received by whatever mode at the office of the Secretary shall be entered in the said Register and put up to him with respective entry numbers and dates. Entries shall have running serial numbers in a calendar year. Fresh serial numbers will start next year. The number will be indicated on the communication as DPCA/INW/(serial number)/(year). This Register shall be in Form I

(2) After the Secretary has seen the complaints, the same shall be entered in serial order in a Case Register called as "DPCA Complaints Case Register". Entries shall have running serial numbers in a calendar year. Fresh serial numbers will start next year. Each complaint shall be dealt with in a separate file. Any correspondence relating to it shall be dealt with in the same file. The file number will be indicated as DPCA/(Name of the District)/CMP/CR/(serial number)/(year). This Register shall be in Form II. For the sake of convenience, the complaint number can be shown as CMP (serial number from the Complaints Case Register)/(year). For example, the number of the first complaint in the year 2015 in Kolar DPCA shall be CMP 1/2015 and the file number shall be DPCA/Kolar/CMP/CR/1/2015 The case number of each complaint shall be entered in red ink on top right-hand corner of the complaint and the file number shall be entered in red ink on the file cover.

(3) If any Member has directly received a complaint, it shall be passed on to the Secretary for entry in the Inward Register and dealt with in accordance with clause 5(1) and subsequent clauses.

(4) A separate Outward Register named as "DPCA Outward Register" shall be maintained. All outgoing communications pertaining to complaints and other work related to District Authority and State Authority shall be diarized in this Register with running serial numbers in a calendar year. The number to be shown on the office copy of the outgoing communication will be indicated as DPCA/OUTW/(serial number)/(year). This Register shall be in Form III.

(5) A separate Case Register named as "DPCA General Case Register" shall be maintained for other matters related to State Authority or District Authorities. The file numbers will be indicated as DPCA/(Name of the District)/GEN/CR/(serial number)/(year).

CHAPTER – II

PROCEDURE OF DEALING WITH COMPLAINTS IN THE OFFICE OF THE SECRETARY

- 6. General:** (1) Complaints may be made to the District Authority in Kannada or English. However, it may also entertain complaints in other languages.
- (2) No fee shall be chargeable on the complaints made to the District Authority.
- (3) Every complaint should specify the name, full postal address and phone number, if any, of the complainant and the full identity of the police officers against whom the complaint is made.

(4) If considered necessary, the District Authority may, in its discretion, verify the identity of the complainant in a manner as deemed fit.

(5) The complaint should bear the signature of the complainant. If the complainant can't sign, he should affix his left hand thumb impression duly attested by the person who has prepared the complaint on his behalf. The District Authority may, in its discretion, ask the name and address of such person if already not given.

(6) The complaint should disclose a complete picture of the matter leading to the complaint.

(7) The District Authority, in its discretion, may ask the parties before it to self-attest the photocopies of the documents produced by them.

(8) The complaint and documents enclosed should be page-numbered and an index attached.

(9) The District Authority may seek further information, documents, affidavit etc. as may be considered necessary by it.

7. Procedure regarding complaints: (1) After a complaint has been entered in the Complaints Case Register and a case file has been opened, a Basic Details Sheet in Form IV shall be prepared and kept on the noting side of the file. A List of Communications in Form V shall also be initiated and kept on the correspondence side of the file. The first entry in this list will show the receipt of the complaint itself. All subsequent outgoing and incoming communications will be reflected in this list as and when sent or received.

(2) After the case file is opened and Forms IV and V are prepared, if any defects are noticed, the Secretary shall decide whether (i) the defects are minor to be ignored, or (ii) the defects can be rectified by the office itself, or (iii) the defects are to be got rectified by the sender of the complaint, or (iv) the defects need to be examined by the District Authority.

(3) If the index of the complaint with its enclosures is not provided by the sender of the complaint to the District Authority, the Secretary may waive this requirement and in that case his office will prepare the index in Form VI.

(4) The Secretary shall ensure that all the complaints which are not in Kannada or English language are expeditiously got translated into Kannada.

8. Placing of case files of complaints before the District Authority: (1) A cause-list of the complaints shall be prepared by the Secretary and the case files along with the cause-list shall be placed in the forthcoming meeting of the District Authority.

(2) If any working day is declared as a holiday by the Government, the cases listed for that day shall be taken up on the next working day.

- 9. Consideration of complaints, issue of summons / notice, etc.:** (1) If on consideration of the complaint, the District Authority dismisses the complaint *in limine*, the said order shall be communicated to the complainant by the Secretary and the case shall be treated as closed.
- (2) If the District Authority directs that a complaint be forwarded to some other office or officer for disposal or for action as deemed fit or for a report or for necessary action and report, it will be sent by the Secretary and a copy of such communication may also be sent to the complainant or the office/person from whom the complaint was received.
- (3) If a complaint, in the opinion of the District Authority, comes under the purview of the State Authority or another District Authority, such complaint shall be transferred to the State Authority or the concerned District Authority as the case may be.
- (4) If the District Authority directs issue of summons in exercise of the powers under Section 20E of the Act or a notice or any other communication to any person, it will be issued by the Secretary under his signature.
- 10. Recording of Order/Resolution:** The order/resolution of the District Authority on a complaint considered in its meeting shall be recorded in separate Proceedings for each complaint.
- 11. Incorporation of other documents received:** Whenever any document is received in the District Authority relating to a complaint, the same shall be incorporated in the chronological order in the concerned complaints case file duly page-numbered. Appropriate entries shall be made in Form V. Index shall also be kept updated.
- 12. Procedure on completion of enquiry:** (1) On completion of enquiry, the District Authority shall prepare a report containing its findings on whether the allegations are not proved or partly or fully proved with reasons for arriving at the findings.
- (2) If the complaint was received from any constitutional or statutory authority, a copy of the report shall be furnished to it, irrespective of whether the allegations are not proved or partly or fully proved.
- (3) If the complaint was received from a victim or any person on his behalf and the allegations are not proved, a copy of the report shall be furnished free of cost to him and to the police officers complained against. Thereafter the case shall be treated as closed.
- (4) Irrespective of the source of complaint, if the allegations are partly or fully proved, the District Authority shall forward its report to the disciplinary authority for appropriate action against the accused officers. A copy shall also be sent free of cost to the complainant and also to the police officers complained against. Thereafter the case shall be treated as closed.
- 13. Mode of communication:** All communications from the Authority to the complainants

and / or respondents and on other important matters shall be sent by Speed Post / Registered Post Acknowledgement Due. Any other ordinary and routine communications may be sent by ordinary post. Speed Post track record shall invariably be downloaded from the website of the postal department and the print out shall be included in the file. Similarly, acknowledgement of the Registered Post shall be included in the file.

CHAPTER – III
Meetings of the District Authority

- 14. Venue and periodicity of the meetings:** The District Authority shall hold its meetings at a place within the jurisdiction of the Region of the Chairman and on the days as decided by him.
- 15. Agenda, Orders/Resolutions, Decisions and Record of the meeting:** (1) The Secretary shall prepare the agenda and agenda papers for each meeting of the District Authority and cause to circulate those to the Chairman and Members sufficiently in advance. The District Authority may, however, take up any matter for consideration, which is not included in the agenda.
- (2) The Orders/Resolutions of the District Authority on the complaints and decisions on other subjects considered in a meeting shall be recorded, in separate proceedings for each complaint and each subject, by the Secretary for approval by the Chairman and Members who attended the meeting. The signed proceedings relating to a complaint or a subject shall be taken to the concerned file of that complaint or subject for follow up action.
- (3) The Record of each meeting of the District Authority shall be recorded by the Secretary for approval by the Chairman and Members who attended the meeting. The Record shall indicate the subjects in the agenda taken up by the Authority, the subjects deferred, the subjects which could not be taken up for want of time, any subject not listed in the agenda but taken up by the Authority and the venue, time and date of the next meeting, if decided, and any other matter relevant to the meeting.
- (4) Dissenting opinions or different views, if any, expressed in the meeting and insisted upon to be recorded shall also form part of the proceedings. In such cases, the decision shall be taken on the basis of the majority opinion. In case of equality, the Chairman shall have casting vote. If any Member has any difference with the recorded proceedings, relating to any complaint or any other subject, sent to him/her for signatures, he/she shall send a note to the Secretary which shall be made available to the Chairman and other Members and the matter shall be placed in the next meeting for consideration.
- (5) The Secretary shall take necessary steps for timely follow up action on the

Resolutions and decisions of the District Authority after the same are signed by the Chairman and Members who attended the meeting. In cases where the Chairman is of the opinion that urgent action is required to be taken on the Order/Resolution/Decision of the Authority pending approval of the proceedings, he may accordingly direct the Secretary.

(6) Follow up action shall be reported in subsequent meetings until the action is complete.

(7) For each meeting there shall be a file containing a noting side and a correspondence side. The file shall, *inter alia*, contain (a) the Chairman's direction about venue, date and time of the meeting, (b) notice to the Members, (c) agenda and cause-list, (d) a photocopy set of resolutions and decisions of the original set which was signed by the Chairman and Members who attended the meeting, (e) record of the meeting, and (f) reports on follow up action on the resolutions and decisions. The file numbers shall be DPCA 1 MTG 2014 and so on for the meeting files of the year 2014. The file numbers for the year 2015 shall again start with DPCA 1 MTG 2015 and similarly the file numbers for the year 2016 shall again start with DPCA 1 MTG 2016 and so on. However, the meeting numbers shall be in continuation, starting with the first meeting of the District Authority. For example, if there is only one meeting in the year 2014, the subject matter of the meeting shall be "First meeting of the District Authority" and the file number shall be DPCA 1 MTG 2014. The subject matter of the first meeting in the year 2015 will be "Second meeting of the District Authority" and the file number shall be DPCA 1 MTG 2015. If there are 12 meetings in the year 2015 in addition to one meeting in 2014, the subject matter of the first meeting in the year 2016 will be "Fourteenth meeting of the District Authority" and the file number shall be DPCA 1 MTG 2016 and so on.

(8) An attendance register shall be maintained for the meetings of the District Authority, in which the Chairman and the Members attending the meeting shall sign their presence.

(9) Whenever the complainants and/or their advocates appear before the District Authority, their attendance shall be taken in an attendance sheet which shall be taken to the concerned file pertaining to the complaint.

CHAPTER IV **MISCELLANEOUS**

16. Other Registers: (1) DPCA General Case Register for the general subject matters (other than the complaints) shall be in Form VII.

(2) Registers on accounts matters and any other registers, not covered in previous paragraphs, shall be maintained in the formats laid down in the relevant Manuals, Handbooks, Financial Code, Treasury Code etc.

17. Monitoring of Receipt and Disposal of the complaints received in the District Authority:

(1) The Secretary shall prepare statements of receipt, disposal and pendency for each month in respect of the complaints received in the District Authority in the forms VIII(a) to (d) and place in the meeting to be held following the month under report.

(2) The Secretary shall be responsible for furnishing information in Forms VIII(a) to (d) to the Regional Commissioner and the State Authority before the 15th of each month in respect of the previous month. This return is to be furnished even if the information in each column of each Form is nil.

18. Annual Report: The Secretary shall prepare the annual report of the District Authority and place it in a meeting of the District Authority well in time so that it is finalized and sent to the State Authority within the stipulated time limit.

FORM - I
INWARD REGISTER

Date:

Sl. No.	Name and address of the sender	Subject matter	To whom sent for processing in the office	Date	Signature of receiver	Remarks, if any
(1)	(2)	(3)	(4)	(5)	(6)	(7)

FORM – II
COMPLAINTS CASE REGISTER

Date:

Sl. No.	Inward No.	Name, full address and phone no., if any of the sole / first complainant and number of others, if any	Date of incident	Police officer(s) against whom the complaint is made	Brief subject matter of the complaint	If received from other source, the details thereof	Order of the District Authority		Remarks, if any
							Date	Gist	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8a)	8(b)	(9)

FORM – III
OUTWARD REGISTER

Date:

Sl. No.	Case File No.	Subject of the communication	To whom the communication is addressed	Remarks, if any
(1)	(2)	(3)	(4)	(5)

FORM – IV
BASIC DETAILS SHEET

Sl. No.	Item	Information
(1)	(2)	(3)
1.	Complaints Case Register No. and date	
2.	Date of the complaint	
3.	Inward No. and date	
4.	Name of sole / first complainant and number of others	
5.	Address and phone No., if any, of the sole/first complainant	
6.	Name(s), designation(s), address(es) and phone nos., if any, of the respondents	
7.	(a) Is the complaint received directly from the complainant or through some other source?	
	(b) If from other source, the details thereof	
8.	(a) Is there any earlier complaint/action/ disposal on the same matter or incident?	
	(b) If so, (i) The Complaints Case Register number of the earlier complaint (ii) Date of action/disposal (iii) Gist of action/disposal	

FORM – V
RECORD OF COMMUNICATIONS

Complaints Case Register No.

Name of the sole / first complainant

Sl. No.	Date of communication	Description of communication	Inward No. of incoming communication	Outward No. of outgoing communication	Remarks, if any
(1)	(2)	(3)	(4)	(5)	(6)

Note: For incoming communication, column 5 will be vacant. For outgoing communication, column 4 will be vacant

FORM – VI
INDEX

Complaints Case Register No.

Name of the sole / first complainant

Sl. No.	Description of the document	Date of the document	Page numbers	Remarks, if any
(1)	(2)	(3)	(4)	(5)

FORM – VII
General Case Register

Sl. No.	From whom received		Action taken		Gist of final decision	Remarks, if any
	Name and designation	Reference number and date	Date	Action		
(1)	(2)	(3)	4(a)	4(b)	(5)	(6)

FORM – VIII
Monitoring Forms (a) to (d)

(a) Position of Cases of the year in the month of , in DPCA,.....District

Sl. No.	Sub-division/Police Station/City/District	Cases of the year pending at the beginning of the month		Cases received during the month		Total for disposal		Cases disposed of during the month		Cases pending at the end of the month	
		Total	CMP Nos.	Total	CMP Nos.	Total	CMP Nos.	Total	CMP Nos.	Total	CMP Nos.
(1)	(2)	(3a)	(3b)	(4a)	(4b)	(5a)	(5b)	(6a)	(6b)	(7a)	(7b)
Total											

(b) Consolidated Position of Cases in the month of ,in DPCA,.....District.

Sl. No.	District	Cases pending at the beginning of the month	Cases received during the month	Total for disposal	Cases disposed of during the month	Cases pending at the end of the month
(1)	(2)	(3)	(4)	(5)	(6)	(7)

(c) Abstract of overall position of opening balance, receipt, disposal and closing balance of complaints for the month of ,in DPCA,.....District

Year in which the complaints are received	No. of cases pending at the beginning of the month	No. of cases received during the month	Total for disposal	No. of cases disposed of during the month	No. of cases pending at the end of the month
(1)	(2)	(3)	(4)	(5)	(6)
2014					
2015					
2016					
Total					

(d) Cumulative position of the cases in the current year upto the end of the month of of the current year in DPCA,.....District

No. of cases pending at the end of the previous year	No. of cases received from 1 st of January of the current year to the end of the month under report	Total	No. of cases disposed of from 1 st of January of the current year to the end of the month under report	No. of cases pending at the end of the month under report
(1)	(2)	(3)	(4)	(5)

Notes: (1) In respect of forms VIII(a) to (d): (i) The District Authority may decide whether the information is to be compiled Police Station-wise or Sub-division-wise or for the district itself. (ii) If the cases of complaints received during the previous years are pending disposal, a statement in format (a) shall be prepared for each of such preceding years. For example, if there are some cases of complaints received during 2014 which are pending disposal at the beginning of the month of October 2015, there shall be 2 statements prepared in format (a): one for the complaints received in the year 2014 and one for the complaints received in the year 2015 and so on. (iii) Statement in format (b) will show the position consolidated from the statements (a) of all the years. (iv) The number of cases received during the month will be 0 in the formats (a), (b) and (c) in a year for the preceding years, e.g. it will be 0 in the statements in the year 2015 for the information relating to the year 2014.

(2) Proper spacing between rows and columns to be ensured to accommodate anticipated nature of entries in all these forms I to VIII(d).
