

*** THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

+ WRIT PETITION Nos.14072 AND 45558 OF 2016 AND 13559 OF 2017

% 27.04.2017

Pabbiseti Suresh Kumar

...Petitioner

vs.

\$ The State of Andhra Pradesh rep by its Principal
Secretary, Home Department, Secretariat, Hyderabad,
and others.

... Respondents

!Counsel for the Petitioner : Sri D.Jyothi Kumar

^Counsel for the Respondent : G.P. for Home (A.P.)

<Gist :

>Head Note :

? Cases referred

1. (2014) 2 SCC 1
2. (2014) 8 SCC 273
3. (1994) 4 SCC 260
4. (1978) 2 SCC 424
5. (2006) 8 SCC 1



THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.14072 AND 45558 OF 2016 AND 13559 OF 2017

COMMON ORDER:

These three writ petitions are being disposed of by this common order after hearing the learned counsel for the petitioners and the learned Government Pleader.

W.P.No.14072 OF 2016

This writ petition was filed challenging the action of the respondents 3 and 5 in summoning the petitioner, illegally confining him, and indulging in physical and verbal abuses, and for a consequential direction to the second respondent to cause an enquiry into the illegal confinement of the petitioner along with the physical and verbal abuse by the fifth respondent on 14.12.2015 in the office of the third respondent.

The petitioner stated that after his father's death, he was looking after the welfare of his family, performed the marriage of his sister and looked after the education of his brother also. The sixth respondent is his brother. The Petitioner was stated to have got married in 2007 and two children were born out of the marriage. Thereafter, he performed the marriage of the sixth respondent in the year 2014. While so, in December, 2015, the sixth respondent came to his house, demanded share of the property and threatened him with dire consequences in case of failure. On 14.12.2015, he came along with police and forced him to come to the office of the third respondent. He accordingly went to the office of the third respondent and by seeing the petitioner, the fifth respondent became aggressive and scolded him in filthy language and asked him why he did not settle the matter with his brother. The fifth respondent did not heed his words and forced him to give Rs.90,00,000/- to his brother, otherwise threatened him that he would be implicated in false criminal cases. When he resisted, the fifth respondent ordered two constables to tie up his legs

and hands with rope and he was laid on a table. He was forcibly beaten indiscriminately with long sticks on his back, shoulders and palms until he lost his consciousness. After he regained consciousness, the third respondent forcibly obtained his signatures on some blank papers and promissory notes in the presence of his brother, threatened the petitioner not to disclose the same to anyone and anywhere and threatened to kill him in encounter if he discloses the said incident. After coming to his house, his wife was shocked to see his position and applied some medicines. Next day, his in-laws came and after coming to know of the incident, all went to local police station and lodged a complaint against the respondents 5 and 6, but the police refused to take the complaint, and on the other hand, reported the matter to the fifth respondent. The fifth respondent called in-laws of the petitioner and threatened them also by obtaining their signatures on several blank papers forcibly and gave a similar threat to them also. Owing to such severe threat from the fifth respondent, his in-laws advised him to protect himself and his family members and his family is taking shelter with his well-wishers at different places due to the fear of the fifth respondent. The fifth respondent immediately occupied the dwelling house of the petitioner and was residing there along with his family by taking possession of all his belongings. Though several times, he visited fourth respondent to take his complaint, the complaint was not taken and when he addressed a written complaint and sent the same through registered post on 21.03.2016 to the second respondent, who received it on 23.03.2016, till now no action was taken. The third respondent is impleaded by name and arrayed as fifth respondent.

This Court, by order, dated 25.04.2016, issued notice before admission and permitted the counsel for the petitioner to take out notice on the fifth respondent. The notice to the sixth respondent was returned

with an endorsement that he left without intimation. No counter affidavit is filed by the fifth respondent though he was served.

The second respondent filed a counter affidavit stating that the mother of the petitioner and the sixth respondent lodged a complaint on 28.02.2016 with the fourth respondent with regard to the house site property bearing H.No.10/284, situate at 10th ward, Markapur, Prakasam District and basing on the same, crime No.29 of 2016 was registered against the petitioner, his wife and his father-in-law. The investigation was taken up by the Sub Inspector of Police, Markapur Town Police Station. During the course of investigation, the complainant and other witnesses were examined and their statements were recorded. Since then, the accused were absconding. The complaint was registered on 28.02.2016 and the present writ petition was filed on 22.04.2016 in order to escape from criminal liability. The writ petition was filed in order to divert the attention of the investigating agency. The petitioner and his brother, the sixth respondent, are unnecessarily involving the police in civil litigation. The allegations against the third respondent summoning the petitioner on 14.12.2015, abusing him in filthy language and threatening the petitioner to pay Rs.90,00,000/- to the sixth respondent are all denied. The matter was enquired through the Deputy Superintendent of Police, Markapur Division. The other allegation that when the petitioner tried to lodge a complaint against the respondents 3 and 6 in Markapur Town Police Station, they refused to receive the same, is also denied as the Town Police Station records do not contain the alleged complaint. However, the representation sent on 21.03.2016 through registered post to the second respondent was admitted. But, he stated that the enquiry through the third respondent revealed that it was a false representation.

The petitioner filed a reply affidavit reiterating the averments made in the affidavit filed in support of the writ petition and further stated that after serving the notice on the fifth respondent, he started getting threatening calls from unknown persons, for which he filed a separate application seeking police protection. He also pointed out that the second respondent should not have got the matter enquired through the fifth respondent, who himself is a culprit. The entire counter affidavit was filed only to shield his subordinates and commented that the second respondent is like "Fence Ate Grass" and made him an "Orphan under law".

The above averments would show that the allegations were that the writ petitioner was taken to the Office of the third respondent in the month of December, 2015, he was abused and physically attacked, and his signatures were obtained on papers forcibly. When the complaint was sent to the second respondent, the second respondent being the head of the District Police ought to have reacted immediately. He filed a counter affidavit stating that he got enquired the incident through the third respondent, who is arrayed as the fifth respondent. It is stated that the petitioner is an accused along with his wife and in-laws. The nature of the complaint is not disclosed in the counter and the counter affidavit states that after registration of the crime on 28.02.2016, the petitioner and his family members are absconding. In the natural course of events, a family with two children and having relatives would not be unavailable. The entire episode shows that there is something more than that meets the eye and the petitioner expected justice from the hands of the second respondent, but unfortunately the second respondent neither took appropriate action nor made an impartial enquiry on his own. No subordinate officer would depose against himself when an allegation of excess of authority is made against such officer. The entire episode requires investigation.

W.P.No.45558 OF 2016

This writ petition was filed challenging the inaction of the respondents 2 to 4 in taking action against the fifth respondent, Sub Inspector of Police of Kamareddy Police Station and presently attached to the Office of the Superintendent of Police of Kamareddy District.

The petitioner, who is a potter and a lady, states that she went to Kamareddy Police Station in the month of May, 2016 to lodge a case of cheating against one Kammari Suvarna, W/o Srinivas, resident of Devanpally Village, as she has not returned the handloan money. When the fifth respondent was the incharge of the police station, the petitioner narrated her grievance. The fifth respondent asked her to give a written complaint and insisted to give her contact number to contact her while pursuing her complaint. Thereafter, the said Kammari Suvarna repaid part of the loan amount. However, the fifth respondent started calling the petitioner over phone without proper need, making lewd remarks and asking her to come to various places to fulfill his sexual desires. She used to disconnect the calls and sometimes she used to put off phone for days. The fifth respondent started stalking her in the market and other public places and used to speak in filthy language. The fifth respondent used to openly proclaim in the public stating that she is his kept mistress. Sometimes he used to come to the house of the petitioner, knocking her door and insulting her. During that period, her husband was in Dubai, where he was earning his livelihood. In June, 2016, she gave a written complaint against the fifth respondent to the third respondent, but no acknowledgement was given nor any action was taken. However, the associates of the fifth respondent intensified the harassment against her, after she gave the complaint. Her son, who was studying seventh class at Saraswathi Shishu Mandir School at Kamareddy is also being harassed as she was not responding to the overtures of the fifth respondent. She

further alleges that the fifth respondent threatened her son to kidnap his mother if his mother does not listen to him. She again gave a complaint in writing to the third respondent on 02.11.2016 and narrated orally how she was being harassed and threatened by the fifth respondent. The third respondent did not issue any acknowledgement, but assured her that he would cause enquiry and take legal action. He also stated that she would receive a phone call in two days as her statement is needed. She met the third respondent after one week on 09.11.2016 in order to pursue her complaint, then she was told that the enquiry revealed *prima facie* case against the fifth respondent, but she was asked to be ready to face inconvenience in case F.I.R. was registered. She was also told that the third respondent directed the fourth respondent to register F.I.R., but no F.I.R. was registered. However, she received a phone call on the next day from the Deputy Superintendent of Police of Special Branch Police at Kamareddy, Kamareddy District, with regard to her complaint and asking her to come to the police station so as to record her statement. She went to the Office of the third respondent, where one male officer recorded her statement. The Deputy Superintendent of Police of Special Branch, Kamareddy, asked the statement of the advocate of the petitioner. When she again went to the third respondent, the third respondent appears to have stated that she cannot proceed with the complaint unless the petitioner's advocate gives a statement. Fed up with the attitude of the respondents 3 and 4, she lodged a fresh complaint on 29.11.2016 with the respondents 2 and 3 seeking action against the fifth respondent. But no action was taken. In those circumstances, she filed the above writ petition on 23.12.2016.

When notice before admission was ordered on 06.03.2017, the notice to the fifth respondent was returned unserved stating that no such

addressee. However, respondents 2 and 4 were served, but no counter affidavit is filed.

W.P.No.13559 of 2017

This writ petition was filed challenging the inaction of the official respondents in taking action on the petitioner's representation, dated 22.03.2017. In the affidavit filed in support of the writ petition, the writ petitioner states that she obtained lease of black granite quarry over an extent of 1.761 Hectares, in Survey No.821/1 (Old Survey No.785) situated at Putharamadhi Village, Irala Mandal, Chittoor District, from the Mines and Geology Department on 15.12.2014 and it was valid upto 24.11.2033. Since she had some financial difficulties, the tenth respondent offered to give her Royalty on produce and sale basis for mining operations in an extent of 1-00 Hectare in the leased area. Though the tenth respondent commenced work, he did not pay the Royalty. But the petitioner noticed that he was excavating material and shifting the same unlawfully. When she went to the mining area, she noticed that the eighth respondent, who is a rowdy element, was doing the work. She got issued a notice through her counsel on 25.02.2015 to the tenth respondent, and submitted a complaint to the sixth respondent on 17.03.2015, against him and others. Though the sixth respondent called the tenth respondent and others and tried to mediate, the matter could not be solved. Later on, she lodged another complaint with the sixth respondent on 09.09.2015 and on intervention, the tenth respondent stopped quarrying operations. Thereafter, she came to know that the respondents 8 and 9, who are unknown to the petitioner, started quarrying operations in her land and when she questioned, she was threatened with dire consequences. She states that respondents 8 and 9 are having political influence and they are rowdy elements. She further states that she approached Hon'ble Home Minister of Karnataka State and the Personal Secretary to the Hon'ble

Home Minister addressed a letter to the Superintendent of Police, Chittoor District, for taking necessary action and thereafter, F.I.R.No.10 of 2017 was registered on 17.03.2017, but the sixth respondent has not taken any action even after registration of crime. In the meanwhile, respondents 8 to 10 are illegally carrying out quarrying operations and threatening the petitioner's workers. She also states that they warned the workers of the petitioner that if they interfere, they would burn the proclainer and heavy machinery, which are used in quarrying operations. The Manager of the petitioner gave a complaint on 22.03.2017 and the same was registered by the sixth respondent as F.I.R.No.13 of 2017 on 22.03.2017, but no action was taken. Even after registration of the above crimes when those persons tried to interfere with the quarrying operations of the petitioner, the petitioner and her Manager sought protection, but there was no response from the officers. In those circumstances, she approached this Court by filing the above writ petition.

The above cases are specimen cases, which are being filed regularly before this Court burdening this Court with this type of litigation even after the directions of the Supreme Court in **Lalita Kumari v Government of Uttar Pradesh**¹ and **Arnesh Kumar v State of Bihar**². They could be avoided, had the police officers taken appropriate action, acted impartially and created confidence in the minds of the complainants. In fact, on an earlier occasion, this Court, by order dated 03.09.2010 in W.P.No.5473 of 2010, took a serious view of the interference of police in civil disputes and in pursuance of the said order, the then Government of Andhra Pradesh issued G.O.Ms.No.288, Home (PS&C.A2) Department, dated 06.11.2010, constituting the committees to monitor the cases of interference of police in the civil disputes. It appears that the people are

¹ (2014) 2 SCC 1

² (2014) 8 SCC 273

not aware nor the committees are functioning. This Court receives nearly 20 to 25 cases on daily basis and the cases can be classified under the following heads:

- (i) Not registering the complaints in spite of disclosure of offences;
- (ii) Even after registering the complaints, not conducting proper investigation;
- (iii) Interfering in civil matters;
- (iv) Not providing necessary protection to the persons, in whose favour the competent civil Court has passed orders; and
- (v) Delay in investigation, improper investigation and registering offences under wrong Sections in order to see that the accused is let off with small punishment.

The above classes of cases fall within the routine administrative duties of the police department if it is performed honestly or a higher officer intervenes at the appropriate time and remind subordinates of their duties. It is not the job of the Constitutional Court to interfere at every stage to remind the Station House Officer or Superintendent of Police to do their duties. It is also common knowledge that whenever cases are filed, in majority of the cases, the police are simply denying the allegations as no independent mechanism exists for verifying the allegations against the protectors of the people. In some cases, the anxiety of this Court to protect the human rights of the citizens was found to have been misused by the accused themselves in order to avert any police action or to threaten them with contempt of court proceedings. In these circumstances, this Court has to do a balancing act for protecting the individual freedom of the citizens and lawful discharge of the duties by the police. The maintenance of this balance and disposal of the cases require investigation into facts, based on records. This Court is not equipped to undertake such exercise in a routine manner except in rare cases.

These problems are not new. Commissions were constituted and the highest Court of this land took note of the situations and issued directions from time to time. Way back in 1994, the Supreme Court considered the case of an young advocate who was kept in custody for a period of five days. The Supreme Court called the Senior Superintendent of Police and asked him the reason for detention for a period of five days and it was stated that the petitioner was not detained at all and that his help was only taken for detecting some abduction cases and the petitioner was helpful and cooperating with the police. Since the detenu was released, though the Court felt that relief in Habeas Corpus Petition cannot be granted, it did not leave the matter there and started to inquire into the reasons for detention. The said case was examined in **Joginder Kumar v State of Uttar Pradesh and others**³ and detailed guidelines were issued with regard to the arrest of persons. The Supreme Court took note of the observations of the Justice Cardozo, Learned Hand and that of our Supreme Court in **Nandini Satpathy (Smt) v P.L.Dani**⁴. The relevant observations are as under and they are worth reproducing:

In **People v. Defore** (242 NY 13, 24 : 150 NE 585, 589 (1926), Justice Cardozo observed:

"The question is whether protection for the individual would not be gained at a disproportionate loss of protection for society. On the one side is the social need that crime shall be repressed. On the other, the social need that law shall not be flouted by the insolence of office. There are dangers in any choice. The rule of the *Aclams case* (*People v. Adams* (176 NY 351 : 68 NE 636 (1903))) strikes a balance between opposing interests. We must hold it to be the law until those organs of government by which a change of public policy is normally effected shall give notice to the courts that change has come to pass."

10. To the same effect is the statement by Judge Learned Hand, in **Fried Re** (161 F 2d 453, 465 (2d Cir 1947):

"The protection of the individual from oppression and abuse by the police and other enforcing officers is indeed a major interest in a free society; but so is the effective prosecution of crime, an interest which at times seems to be forgotten. Perfection is impossible; like other human institutions criminal proceedings must be a compromise."

³ (1994) 4 SCC 260

⁴ (1978) 2 SCC 424

The quality of a nation's civilisation can be largely measured by the methods it uses in the enforcement of criminal law.

11. This Court in **Nandini Satpathy (Smt)** (AIR at p. 1032) quoting Lewis Mayers stated: (SCC p. 433, para 15)

"The paradox has been put sharply by Lewis Mayers:

'To strike the balance between the needs of law enforcement on the one hand and the protection of the citizen from oppression and injustice at the hands of the law-enforcement machinery on the other is a perennial problem of statecraft. The pendulum over the years has swung to the right.' "

Again (in AIR para 21, at p. 1033), it was observed: (SCC p. 436, para 23)

"We have earlier spoken of the conflicting claims requiring reconciliation. Speaking pragmatically, there exists a rivalry between societal interest in effecting crime detection and constitutional rights which accused individuals possess. Emphasis may shift, depending on circumstances, in balancing these interests as has been happening in America. Since *Miranda (Miranda v Arizona (384 US 436 : 16 L Ed 2d 694 (1966))*, there has been retreat from stress on protection of the accused and gravitation towards society's interest in convicting law-breakers. Currently, the trend in the American jurisdiction according to legal journals, is that 'respect for (constitutional) principles is eroded when they leap their proper bounds to interfere with the legitimate interests of society in enforcement of its laws...'. (*Couch v United States (409 US 322, 336 : 34 L Ed 2d 548 (1973))*). Our constitutional perspective has, therefore, to be relative and cannot afford to be absolutist, especially when torture technology, crime escalation and other social variables affect the application of principles in producing humane justice."

The Supreme Court also relied on the Third Report of the National Police Commission.

The pace of the law is slow and sometimes the Courts intervene till a suitable legislation is made. It took nearly fifteen years for Legislature to step in to implement the directions of the Supreme Court for protection of the arrested persons. The Code of Criminal Procedural was amended by inserting Sections 41-A to 41-D by the Criminal Procedure (Amendment) Act, 2008.

In **Prakash Singh and others v Union of India and others**⁵ (**Prakash Singh** 'for brevity'), the Supreme Court considered the recommendations of the National Police Commission, other Commissions and Committees set up thereafter, in respect of police reforms. Several

⁵ (2006) 8 SCC 1

directions were issued. In the present cases, we are considering 'the police complaints mechanism'. Supreme Court issued directions to the Central Government, State Governments and Union Territories for compliance till framing of appropriate legislations in respect of police reforms in general and to meet the problems faced by the citizens as above in particular and they are as follows:

State Security Commission

(1) The State Governments are directed to constitute a State Security Commission in every State to ensure that the State Government does not exercise unwarranted influence or pressure on the State Police and for laying down the broad policy guidelines so that the State Police always acts according to the laws of the land and the Constitution of the country. This watchdog body shall be headed by the Chief Minister or Home Minister as Chairman and have the DGP of the State as its *ex officio* Secretary. The other members of the Commission shall be chosen in such a manner that it is able to function independent of Government control. For this purpose, the State may choose any of the models recommended by the National Human Rights Commission, the Ribeiro Committee or the Sorabjee Committee, which are as under.

NHRC	Ribeiro Committee	Sorabjee Committee
1. Chief Minister/HM as Chairman	1. Minister i/c Police as Chairman	1. Minister i/c Police (<i>ex officio</i> Chairperson)
2. Lok Ayukta or, in his absence, a retired Judge of the High Court to be nominated by the Chief Justice or a Member of the State Human Rights Commission	2. Leader of Opposition	2. Leader of Opposition
3. A sitting or retired Judge nominated by the Chief Justice of the High Court	3. Judge, sitting or retired, nominated by the Chief Justice of the High Court	3. Chief Secretary
4. Chief Secretary	4. Chief Secretary	4. DGP (<i>ex officio</i> Secretary)
5. Leader of Opposition in the Lower House	5. Three non-political citizens of proven merit and integrity	5. Five independent members.
6. DGP as <i>ex officio</i> Secretary	6. DG Police as Secretary	

The recommendations of this Commission shall be binding on the State Government.

The functions of the State Security Commission would include laying down the broad policies and giving directions for the performance of the preventive tasks and service-oriented functions of the police, evaluation of the performance of the State Police and preparing a report thereon for being placed before the State Legislature.

... ..

Police Complaints Authority

(6) There shall be a Police Complaints Authority at the district level to look into complaints against police officers of and up to the rank of Deputy Superintendent of Police. Similarly, there should be another Police Complaints Authority at the State level to look into complaints against officers of the rank of Superintendent of Police and above. The district level Authority may be headed by a retired District Judge while the State level Authority may be headed by a retired Judge of the High Court/Supreme Court. The head of the State level Complaints Authority shall be chosen by the State Government out of a panel of names proposed by the Chief Justice; the head of the district level Complaints Authority may also be chosen out of a panel of names proposed by the Chief Justice or a Judge of the High Court nominated by him. These Authorities may be assisted by three to five members depending upon the volume of complaints in different States/districts, and they shall be selected by the State Government from a panel prepared by the State Human Rights Commission/Lok Ayukta/State Public Service Commission. The panel may include members from amongst retired civil servants, police officers or officers from any other department, or from the civil society. They would work whole time for the Authority and would have to be suitably remunerated for the services rendered by them. The Authority may also need the services of regular staff to conduct field inquiries. For this purpose, they may utilize the services of retired investigators from the CID, Intelligence, Vigilance or any other organization. The State level Complaints Authority would take cognizance of only allegations of serious misconduct by the police personnel, which would include incidents involving death, grievous hurt or rape in police custody. The district level Complaints Authority would, apart from above cases, may also inquire into allegations of extortion, land/house grabbing or any incident involving serious abuse of authority. The

recommendations of the Complaints Authority, both at the district and State levels, for any action, departmental or criminal, against a delinquent police officer shall be binding on the authority concerned.

There are other directions relating to the minimum tenure of DGP, IG of Police and other officers, the supervision of investigation, constitution of Police Establishment Board and National Security Commission. But it appears that only in respect of minimum tenure of DGP, the directions have been followed and in respect of other directions, there is no compliance. It took seven years for the Government of Andhra Pradesh to issue G.O.Ms.No.191, Home Department, dated 08.08.2013, for constitution of Police Complaints Authority and it remained on paper only for the last four years. The newly formed State of Telangana has not taken any action pursuant to the said directions and this fact was highlighted by the report of the 'Time of India' by publishing a news item on 05.04.2017 (Siddharth.Tadepalli@timesgroup.com). This has a direction connection with the day to day work of atleast one Court of this common High Court and the timely action of the Supreme Court directions would have reduced the burden to a large extent on this Court.

In the meanwhile, the National Legal Services Authority, in respect of general complaints from the public, thought it fit to create a mechanism to deal with the complaints or address public grievances. The National Legal Services Authority received Office Memorandum, dated 07.04.2016 from the Ministry of Personnel, Public Grievance and Pension, Department of Administrative Reforms and Public Grievances informing the desire of the Hon'ble Prime Minister to reduce the time taken to redress a grievance from the existing two months period to one month and in view of the said desire, they felt need for redressal of grievances of the

public in respect of the following nature of complaints and from the indicated source as follows:

Source of Complaints:

Complaints may be:

- i) Received by NALSA directly from the public.
- ii) Received by NALSA from the office of the President of India, Prime Minister of India, Chief Justice of India and the Department of Justice, Ministry of Law and Justice, Government of India.
- iii) Received by the State/District Authorities or Taluka Committees from the public directly.
- iv) Received by the State/District Authorities or Taluka Committees from the various authorities including from the office of the Chief Justice of the respective state.
- v) Received by the State from NALSA.
- vi) District Authorities may further receive complaints forwarded by the State Authority or NALSA.
- vii) Taluka Committees may also similarly receive complaints forwarded by the State Authority or NALSA or District Authority.

Nature of Complaints:

The complaints may include:

- i) Against a legal aid lawyer, where a legal aid lawyer has been assigned to a party at any level, including in respect of his working and conduct.
- ii) Against not being provided legal aid, where a party feels that he/she is entitled to legal aid.
- iii) Against any public authority for inability to get any entitlement.
- iv) A general complaint involving a number of issues.
- v) A general airing of grievances by a person.
- vi) A person may simply be desirous of getting legal aid.
- vii) A person may be wanting any specific information.
- viii) Anonymous complaints.

It is pertinent to notice that the mechanism directs that whenever a complaint is received by any Authority or Committee at any level, the approach should be towards problem solving rather than replying and disposing of the complaint. The relevant observations are as follows.

Approach of the Authority/Committee to the complaints/public grievances

When a complaint is received by any Authority or Committee at any level, the approach should be towards problem solving rather than replying and disposing of the complaint. Our orientation should not be towards somehow getting the complaint off our board and thereby showing disposal of the complaint at our end. Rather, we need to deal with the complaints/public grievances pro-actively so that a party feels satisfied that he/she has received appropriate response and knows what further course of action is available to it. The objective should be redressal and not mere disposal.

Except communicating the Standard Operating Procedure (SOP) to the concerned District Legal Services Authorities/Taluk Legal Services Committees by the concerned State Legal Services Authority, no concrete steps appears to have been taken in terms of the Standard Operating Procedure prescribed by the National Legal Services Authority. Now the activities of the Legal Services Authorities have to be integrated with the directions contained in **Prakash Singh**, which were issued a decade back.

In view of the above legal position, these writ petitions are disposed of directing the Principal Secretaries to Governments, Home Departments of Telangana and the Andhra Pradesh to constitute a 'State Security Commission' and a 'Police Complaints Authority' as directed by the Supreme Court in **Prakash Singh**, by co-opting the Member Secretary of the State Legal Services Authority of the concerned States as Member of the State Security Commission and the Secretary of the District Legal Services Authority as a Member of the Police Complaints Authority at the District Level. Since more than a decade has passed after the Supreme Court issued directions and there is an urgent need to create a mechanism for redressal of the grievances of the public in respect of police actions, The "State Security Commission" and the "Police Complaints Authority" shall be constituted as expeditiously as possible not

later than three months from the date of receipt of copy of this order and on such constitution, the complaints of the petitioners in the above three writ petitions, shall be sent to the State Security Commission for further action since there was failure on the part of the Superintendents of Police concerned in taking action by investigating into the complaints. On constitution of such Commission and Authority, wide publicity shall be given in the print and electronic media in order to educate the general public.

The writ petitions are accordingly disposed of. Miscellaneous petitions, if any pending in these writ petitions, shall stand closed.

27.04.2017
pln

Note: LR copy be marked.
(By order)
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A.RAMALINGESWARA RAO, J

