

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-8221 of 2016 (O&M)
Date of Decision:- 27.03.2017

H.C.Arora, Advocate

... Petitioner

Versus

Union Territory and another

... Respondents

CORAM: HON'BLE MR. JUSTICE S.S.SARON
HON'BLE MR. JUSTICE DARSHAN SINGH

Present:- Mr. H.C.Arora, Advocate,
petitioner in person.

Ms. Sonia Sharma, Addl. Govt. Pleader for U.T. Chandigarh.

S.S.Saron, J.

The petitioner H.C. Arora, Advocate has filed the present petition under Article 226 of the Constitution of India in the nature of Public Interest Litigation for directing respondents i.e. Union Territory, Chandigarh and the Home Secretary, Union Territory, Chandigarh Administration, Chandigarh to appoint Chairman of Union Territory Chandigarh Police Complaints Authority from amongst retired Judges of the High Court.

The Supreme Court in Prakash Singh v. Union of India (2006) 8 SCC 1 provided for setting up a Police Complaints Authority. It was said that there shall be a Police Complaints Authority at District level to look into complaints against police officers and upto the rank of Deputy Superintendent of Police. Similarly, there is to be another Police Complaints Authority at the State level to look into complaints against the 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. It is further provided that the State level Complaints Authority would take cognizance of only allegations of serious mis-conduct by the police personnel, which would include incident involving death, grievous hurt or rape in police custody. The District level Complaints Authority would, apart from the above cases, also enquire into allegations of extortion, land/house grabbing or any incident involving serious dispute of authority. The recommendation 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.

According to the petitioner, the State level Police Complaints Authority in the Union Territory of Chandigarh had been non-functional since September 2015 as the appointment of the earlier Chairman had been quashed by this Court vide order dated 20.08.2015.

It is now the accepted position that the State level Police Complaints Authority has been constituted and an appointment has been made. In the circumstances, it is submitted that the present petition has been rendered infructuous.

Accordingly the petition is dismissed as having been rendered infructuous.

(S.S.SARON)
JUDGE

(DARSHAN SINGH)
JUDGE

March 20, 2017
mohan

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No