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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

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W.P.(C) 8978/2015

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Date of decision : 6th February, 2018

COMMON WEALTH HUMAN RIGHTS INITIATIVE..... Petitioner

Through : Ms. Rebecca M. John, Sr. Adv.
with Mr. Kushdeep Gaur and
Mr. Vardaan, Adv.

versus

UNION OF INDIA & ORS

..... Respondents

Through : Mr. Anurag Ahluwalia, Adv.
for R-1/Union of India
Mr. Gautam Narayan, ASC-R-
2/GNCTD
Mr. Gaurav Sarin, Adv. for R-
3/Lt. Governor
Ms. Supriya Juneja, Mr. Aditya
Singla, Mr. Gautam Khazanchi,
Ms. Drishti Harpalani, Mr. Udit
Arora and Ms. Nivedita
Mukhija, Adv. for R-
4/Commissioner of Police,
Delhi

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

1. Concerned with the far reaching changes which had taken place in India after the enactment of the Indian Police Act, 1861 and absence of any comprehensive review thereof, by an order dated 22nd September, 2006 passed in **W.P.(C) 310/1996 Prakash Singh & Ors. v. Union of India**, the Supreme Court had issued *inter alia* the following comprehensive directions :

“ **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 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 concerned authority.”

2. The Government of NCT of Delhi by the resolution no. *F.12/04/2011/AR/1630-1789/C* dated 27th February, 2012 constituted the Public Grievance commission. The petitioner makes a grievance that this Public Grievance Commission, is not in consonance with the spirit, intendment and purpose of the directions of the Supreme Court.
3. Consequently, by way of the present writ petition in public interest, the writ petitioner has sought the following prayers:

“(a) Issue an appropriate writ, order or direction quashing the impugned resolution no.F.12/04/2011/AR/1630-1789/C dated 27th February, 2012 issued by Respondent No. 2 (with the prior approval of Respondent No. 1);

(b) Issue an appropriate writ, order or direction, calling upon the Respondent No. 2 to establish new PCAs at the State and Range levels in the NCT of Delhi, and in compliance with the directive of the Hon’ble Supreme Court in the Prakash Singh case ;

(c) Issue an appropriate writ, order or direction calling upon the Respondent No. 1 and 2 to provide complete and adequate infrastructure and resources to the newly-established PCAs, in accordance with the directive of the Hon’ble Supreme Court in the Prakash Singh case”

4. During the pendency of the writ petition, it appears that the matter has been considered by the respondents. In this regard, a notification no. *F.No.28/1/2017/HP-I/Estt./part file-6350641* dated 29th January, 2018 has been issued by the Lieutenant Governor of Delhi constituting the *“Police Complaint Authority of National Capital Territory of Delhi”*. It would appear that the grievance of the petitioners thus stands addressed by the respondents. The copy of the notification is taken on record.

5. Appearing for the petitioner, Ms. Rebecca M. John, learned Senior Counsel has submitted that the petitioner has long years of

experience in the field and has put together a document captioned “*Analysis and Recommendations to the Draft Notification On Constitution of Police Complaints Authorities*”. Copy thereof has been handed over to Mr. Gaurav Sarin, learned counsel who is appearing for the respondent no.3 herein as well as to Mr. Gautam Narayan, learned Standing Counsel for the respondent no.2. It shall be open for these respondents to examine this document, and if deemed necessary and appropriate, incorporate any recommendations made therein in the working of the Police Complaint Authority.

6. In view thereof, no further orders are called for in this writ petition which shall stand disposed of.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

FEBRUARY 06, 2018/kr