

**Karnataka State Police Complaints Authority (Procedure) Regulations, 2014**

**(As amended by the Authority on 09-09-2015 and approved by Government vide letter No.**

**ಬಇ 158 ಪೊಸಿಲ 2015 ದಿನಾಂಕ:29.10.2015 )**

**CHAPTER – I**  
**PRELIMINARY**

**1. Short title and commencement:** (1) These regulations may be called the Karnataka State Police Complaints Authority (Procedure) Regulations, 2014.

(2) These will come into force with immediate effect.

**2. Definitions:** (1) In these regulations, unless the context otherwise requires,

(a) “Act” means the Karnataka Police Act, 1963;

(b) “Authority” means the State Police Complaints Authority constituted by the Government under Section 20C of the Act;

(c) “Chairman” means the Chairman of the Authority appointed under Section 20C(1) of the Act;

(d) “Complainant” means a person by whom or on whose behalf a complaint is made or referred;

(e) “Complaint” means any petition or communication containing allegations against police officers received by the Authority from any source or a matter containing allegations against police officers taken up *suo motu* by the Authority

(f) “District Authority” means District Police Complaints Authority constituted by the Government under Section 20D of the Act;

(g) “Government” means Government of Karnataka;

(h) “Member” means a member of the Authority, including Member-Secretary, appointed under Section 20C(1) of the Act;

(i) “Secretary” means the Member-Secretary of the Authority.

(j) “Year” means 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. Receipt and distribution of incoming and dispatch of outgoing communications:** (1)

All communications in writing by whatsoever mode they are received and addressed to the Authority, its Chairman, Members or other officers of the Authority, either by name or designation, shall be received by the official assigned with this work in the General Section. He will be called as Inward Receipt Official.

(2) Any communication addressed by name to the Chairman or a Member, whether in a sealed envelope or an open envelope or even without an envelope, shall be entered in the Inward Register by the Inward Receipt Official with whatever information is available from the open communication or the envelope, if any, without opening it and passed on to the addressee or his/her Personal Section with the entry number of Inward Register. All other communications shall be opened and entries made in the Inward Register by the Inward Receipt Official under the direct supervision of the officer in-charge of the General Section and put up to the Chairman. If sufficient number of copies is received, the same shall also be put up to the Members. The Inward Register shall be in Form I.

(3) All incoming communications will be entered in the Inward Register with running serial

....2

numbers in a calendar year. Fresh serial numbers will start next year. The number will be indicated as KSPCA/INW/1/2014 and so on. 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.

(4) After the addressee has seen the communications received by name and the Chairman has seen the communications put up to him, the complaints and subsequently received communications connected with a complaint shall be passed on to the Complaints Section. All other communications shall be transferred to the General Section. The instructions, if any, given by the addressee or the Chairman, as the case may be, shall be complied with by the concerned Section of the office.

(5) The complaints, after having been seen by the Chairman, shall be entered in serial order in a Complaints Case Register maintained by the Complaints Section. Each complaint shall be dealt with in a separate case file. The case number of each complaint shall bear the serial number and the calendar year of its entry in the Complaints Case Register after the identification index CMP. For example, the case number of the first complaint in the year 2014 shall be CMP 1/2014 and the case number of the first complaint in the year 2015 shall be CMP 1/2015 and the file numbers shall be KSPCA 1 CMP 2014 and KSPCA 1 CMP 2015 respectively. 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. All correspondence in a complaint case shall be in the same file with the same Complaints Case Register number assigned to it. The Complaints Case Register shall be in Form II.

(6) The General Section shall maintain (i) RTI Case Register for subjects related to the Right to Information Act, 2005; (ii) Legislature Questions Case Register for questions in the Legislative Assembly, Legislative Council and Parliament; (iii) Establishment Case Register for subjects related to establishment and service matters; (iv) Accounts Case Register pertaining to accounts matters and (v) Miscellaneous Case Register for the subjects not covered by any other register. A communication pertaining to any of the above categories shall be entered in the relevant Case Register with a case number for each subject. All subsequent communications in each case on the same subject matter shall be dealt with in the same file which shall have a noting side and a correspondence side. The file numbers shall be on the pattern of KSPCA 1 RTI 2015, KSPCA 1 LPQ 2015, KSPCA 1 EST 2015, KSPCA 1 ACT 2015, KSPCA 1 MSC 2015 and so on, as the case may be, entered on the file cover.

(7) All outgoing communications from the Authority shall be sent through an official assigned with this work in the General Section. He will be called as Outward Dispatch Official. All outgoing communications shall be diarized by him in the Outward Register with running serial numbers in a calendar year. Fresh serial numbers will start next year. The number to be shown on the office copy of the outgoing communication will be indicated as KSPCA/OUTW/1/2014 and so on. 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 Outward Register will be in Form III.

## **CHAPTER – II** **PROCEDURE OF DEALING WITH COMPLAINTS / SUO MOTU ACTION**

**4. General:** (1) Complaints may be made to the Authority in Kannada or English. However, it may also entertain complaints in other languages in its discretion.

(2) No fee shall be chargeable on the complaints made to the 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 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 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 complaint and documents enclosed should be page-numbered and an index attached.
- (8) If the complaint is forwarded by an office with photocopying facilities, it shall send five sets of the complaint and its enclosures. An individual complainant will have an option to furnish five sets of the complaint and its enclosures if he is in a position to do so.
- (9) The Authority may seek further information, documents, affidavit etc. as may be considered necessary by it.

**5. Procedure regarding complaints:** (1) After a complaint has been entered in the Complaints Case Register, the Complaints Section shall open a case file and prepare Basic Details Sheet in Form IV and open a Sheet of Communications in Form V. The first entry in this sheet will show the receipt of the complaint itself. All subsequent outgoing and incoming communications will be reflected in this sheet as and when sent or received.

(2) If any Member has directly received a complaint, it shall be passed on to the Inward Receipt Official for entry in the Inward Register and placed before the Chairman. Thereafter, it shall be dealt with in accordance with clause 3(4) and subsequent clauses.

(3) While opening the case file and preparing Forms IV and V, if any defects are noticed by the Complaints Section, it shall submit the matter to the Chairman for deciding 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 Authority.

(4) If the index of the complaint with its enclosures is not provided by the sender of the complaint to the Authority, the Chairman may, in his discretion, waive this requirement and in that case the Complaints Section will prepare the index in Form VI.

(5) The Complaints Section shall ensure that all the complaints, which are not in Kannada or English language, shall be expeditiously got translated into English or Kannada.

**6. Placing of case files of complaints before the Authority:** (1) A cause-list of the complaints ordered by the Chairman to be placed before the Authority shall be prepared by the Complaints Section and the case files along with the cause-list shall be placed in the forthcoming meeting of the Authority.

(2) In case of urgency or for any other reason, the Chairman may direct a case file to be circulated among the Members for their opinion on the proposed action. If the Members concur with the proposed action, it shall be taken as the Resolution of the Authority.

Provided that if any Member suggests it to be discussed in a meeting, then the matter shall be placed in the forthcoming meeting or a meeting convened urgently in case of urgency.

(3) 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.

**7. Consideration of complaints, issue of summons / notice, etc.:** (1) If on consideration of the complaint, the Authority dismisses the complaint *in limine*, the said order shall be communicated to the complainant by the Deputy Secretary and the case shall be treated as closed.

(2) If the Authority directs that a complaint be forwarded to Government or some other office or officer for disposal or for action as deemed fit or for necessary action and report, it will be sent by the Deputy Secretary and a copy of such communication shall also be sent to the complainant or the office / person from whom the complaint was received.

(3) If the 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 under the signature of the Secretary or any officer/staff authorized by him by general or specific order.

**8. Recording of Order/Resolution:** The order/resolution of the Authority on a complaint considered in its meeting shall be recorded in the form of Proceedings.

**9. Incorporation of other documents received:** Whenever any document is received in the 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.

**10. Procedure on completion of enquiry:** (1) On completion of the enquiry, the 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 or whether the enquiry was taken up *suo motu*, if the allegations are partly or fully proved, the 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.

(5) Original documents produced by a party shall be returned to him if a request is received after completion of the enquiry. Photocopies duly verified and attested by the Complaints Section shall be kept on record before the original documents are returned.

**11. 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.

**12. Procedure regarding *suo motu* action:** The Chairman or any Member may propose a case to be taken up for *suo motu* action. For this purpose a note giving details of the case will be prepared by him / her and taken to the Inward Register and Complaints Case Register and placed before the Authority. The procedure contained in this Chapter shall *mutatis mutandis* apply to it.

### **CHAPTER-III** **SUPERVISION, MONITORING AND CONTROL OF FUNCTIONING OF** **DISTRICT AUTHORITIES**

**13. Guidelines to the District Authorities:** The Authority, exercising its powers under Section 20C(10) of the Act, may issue guidelines from time to time to facilitate smooth functioning of District Authorities.

**14. Calling for information and periodical returns:** (1) The Authority may call for any general or specific information from any District Authority which the Authority deems necessary to supervise, monitor and control the functioning of District Authorities.

(2) The Authority may prescribe periodical returns, with suitable periodicity and format, for the District Authorities to furnish to it. The Authority may make observations on the returns received from District Authorities who shall have to comply with the observations made.

**15. Inspection:** (1) The Chairman or Members of the Authority, with the approval of the Chairman, may, either alone or jointly, take up inspection of District Authorities from time to time.

(2) The inspection reports shall be placed before the Authority in its meetings before the same are sent to the concerned District Authority for information and compliance, if any.

### **CHAPTER – IV** **MEETINGS OF THE AUTHORITY**

**16. Venue and periodicity of the meetings:** The Authority shall ordinarily hold its meetings in its office at Bangalore on the days decided by the Chairman, excepting Saturdays and general holidays. However, it may, in the discretion of the Chairman, hold its meetings at any other place in Karnataka, if necessary.

**17. Agenda, Orders/Resolutions, Decisions and Record of the meeting:** (1) The Secretary shall, in consultation with the Chairman, cause the agenda and self-contained notes thereon to be prepared by the office for each meeting of the Authority and cause to circulate those to the Chairman and Members sufficiently in advance. The Authority may, however, take up any matter for consideration, which is not included in the agenda. The cause list of the complaints to be placed before the Authority shall be timely prepared and circulated in advance with copies of the complaints, enclosures and Forms IV and V and VI, if any. If it is voluminous, the file may be circulated.

(2) The Orders/Resolutions of the Authority on the complaints and decisions on other subjects considered in a meeting shall be caused to be recorded, in separate proceedings for

each complaint and each subject, by the Secretary for approval by the Chairman and the 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 Authority shall be caused to be recorded by the Secretary for approval by the Chairman and the 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 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 Authority after the same are signed by the Chairman and the 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 send the file with his direction to the Secretary for taking further action.

(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 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 set signed by the Chairman and the 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 KSPCA 1 MTG 2013 and so on for the meeting files of the year 2013. The file numbers for the year 2014 shall again start with KSPCA 1 MTG 2014 and similarly the file numbers for the year 2015 shall again start with KSPCA 1 MTG 2015 and so on. However, the meeting numbers shall be in continuation, starting with the first meeting of the Authority. For example, if there is only one meeting in the year 2013, the subject matter of the meeting shall be "First meeting of the Authority" and the file number shall be KSPCA 1 MTG 2013. The subject matter of the first meeting in the year 2014 will be "Second meeting of the Authority" and the file number shall be KSPCA 1 MTG 2014. If there are 16 meetings in the year 2014 in addition to one meeting in 2013, the subject matter of the first meeting in the year 2015 will be "Eighteenth meeting of the Authority" and the file number shall be KSPCA 1 MTG 2015 and so on.

(8) An attendance register shall be maintained for the meetings of the 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 Authority, their attendance shall be taken in an attendance sheet which shall be taken to the concerned file pertaining to the complaint.

**CHAPTER – V**  
**MISCELLANEOUS**

**18. Authentication of orders, decisions and reports:** Orders, decisions and reports of the Authority shall be authenticated under the round seal of the Authority by the Secretary or any officer of the Authority not below the rank of a Section Officer.

**19. Composition of sections in the office and maintenance of records:** (1) The nomenclature of the sections in the office of the Authority, such as Inward and Outward Section, Complaints Section, Accounts Section, General Section etc., is only for functional convenience. The composition of the sections may vary and may comprise of one or more officials/officers. An official/officer may also be part of more than one section. The work allocation within a section shall be done by the officer designated as Section-in-charge by general or specific internal orders issued by the Secretary from time to time.

(2) The Case Registers (other than the Complaints Case Register) shall be maintained in Form VII. 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.

**20. Annual Report:** The Secretary shall cause to obtain the annual reports of the District Authorities, cause to prepare the consolidated draft annual report including the Authority and place in a meeting of the Authority well in time so that it is finalized and sent to the Government within the stipulated time limit.

**21. Monitoring of Receipt and Disposal of the complaints received in the State Authority and District Authorities:**

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

(2) The statements in respect of complaints received in District Authorities shall also be compiled in similar formats for all the District Authorities put together, based on the information furnished by them in the periodical returns, and it shall be placed before the Authority for monitoring purpose.

**FORM - I**  
**INWARD REGISTER**

Date:

Sl. No.	Name and address of the sender	Subject matter	To whom sent	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 and District/ Commissionerate	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 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 complaint/action disposed off on the same matter or incident?	
	(b) If so, (i) The Complaints Case Register number	
	(ii) Dare of disposal Gist of disposal	

Signature  
....10

**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)

**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)

Forms VIII(a) to (d)

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

Sl. No.	District / City	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) District-wise/City-wise Consolidated Position of Cases in the month of ..... , .....

Sl. No.	District / City	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)
Total						

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

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)
2013					
2014					
2015					
Total					

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

Year in which the complaints are received	No. of cases pending at the end of the previous year	No. of cases received from 1 <sup>st</sup> of January of the current year to the end of the month under report	Total	No. of cases disposed of from 1 <sup>st</sup> 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)	(6)
2013					
2014					
2015					
Total					

Explanation: (1) In respect of forms VIII(a) to (d): (i) 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 2013 and 2014 which are pending disposal at the beginning of the month of October 2015, there shall be 3 statements prepared in format (a): one for the complaints received in the year 2013, one for the complaints received in the year 2014 and one for the cases in the year 2015 and so on. (ii) Statement in format (b) will show the position in respect of each district/city consolidated from the statements (a) of all the years. (iii) 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 year 2015 for the years 2013 and 2014. (iv) The number of cases pending at the beginning of the month will be 0 in the format (c) in the statement for the month of January of the current year. (v) "No. of cases received from 1<sup>st</sup> of January of the current year to the end of the month under report" will be 0 in format (d) against previous years. (vi) Statement in format (d) will not be required for the month of January as the data will be same as in format (c).

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

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