

**Constitution of Police  
Complaints Authorities**

Government of Maharashtra,  
Home Department,  
Government Resolution No. NPC 1008/2/CR-6/POL-3,  
Mantralaya, Mumbai 400 032.  
Dated the 25th July, 2008

**READ :** Judgment dated 22.9.2006 of the Supreme Court of India in Writ Petition (Civil) No. 310/1996 in Prakash Singh and Others Vs. Union of India and Others.

**BACKGROUND :** The Government of India had appointed a National Police Commission (NPC) for fresh examination of the role and performance of the police, both as a law enforcing agency and as an institution to protect the rights of citizens enshrined in the Constitution of India. The NPC after examining all the issues in depth, submitted various reports and the final report in 1981. Prakash Singh and Others had filed Writ Petition (Civil) No. 310 of 1996 against Union of India and Others under Article 32 of the Constitution of India for direction to implement the report of the NPC and to frame a new Police Act in order to ensure that the police is accountable essentially and preliminarily to the law of the land and the people.

The Hon'ble Supreme Court of India, while deciding the said Writ Petition by its judgment dated 22.9.2006, has held that it is essential to lay down guidelines to be operative till the new legislation is enacted by State Governments. The Hon'ble Supreme Court of India has issued directions under Article 32 read with Article 142 of the Constitution of India for the constitution of a State Police Complaint Authority and District Police Complaint Authority in the said judgment.

**RESOLUTION :** In pursuance of the judgment of the Hon'ble Supreme Court of India and till appropriate changes are made in the Bombay Police Act, 1951 and / or other relevant rules on the lines of the Supreme Court directions, the

ROTA/H-1604(B)(300-7-08)-1

Government of Maharashtra hereby constitutes the State Level Police Complaint Authority as under :

- i) A Retired Judge of the Mumbai High Court or a Retired Police Officer of the State Government who has held a post in the rank of Director General of Police or retired officer who has earlier worked as Chief Secretary/Additional Chief Secretary/Principal Secretary in the State Government. - Chairperson
- ii) an officer of the rank of Secretary to the State Government. - Member
- iii) A person of eminence appointed by the State Government. - Member
- iv) An officer not below the rank of Additional Director General of Police nominated by the State Government. - Member Secretary

2. The State Police Complaints Authority shall exercise powers and perform functions as under :

- i) look into the complaints against police officers of the rank of Deputy Superintendent of Police /Asst. Commissioner of Police and above in respect of misconduct, dereliction of duty, misuse of power, corruption, negligence or any matter which may be referred to it by the State Government.
- ii) require any person to furnish information on such points or matters as in the opinion of the authority may be useful for or relevant to the subject matter of enquiry;
- iii) make appropriate recommendations to the State Government. on any case enquired into it;

3. There shall be a Police Complaints Authority at each district level called the 'District Police Complaint Authority' consisting of the following members:

H-1604(B)-1a

- i) A Retired District Judge or a Retired Judge of equivalent rank - Chairperson
- ii) A officer of the rank of Collector. / Deputy Collector to be appointed by the State Government. - Member
- iii) A person of eminence appointed by the State Government. - Member
- iv) An officer of the rank of Superintendent of Police or a Deputy Commissioner of Police nominated by the State Government. - Member Secretary

4. The District Police Complaint Authority shall exercise powers and perform functions as follows :

- i) receive complaints against police officers upto the rank of police inspector posted in the respective districts including the Police Commissionerates if any, located within the particular District.
- ii) to enquire into complaints involving serious dereliction of duty, grave misconduct, misuse of powers, corruption, negligence and such other matters as may be referred by the State Government to the authority.
- iii) forward the complaint to the State Police Complaint authority against police officers of and above the rank of Dy. Suptd of Police/ Asst. Commissioner of Police.
- iv) receive and enquire into the complaints of non-registration of First Information Report;
- v) monitor the progress of departmental enquires against police officers upto the rank of police inspector.
- vi) to make appropriate recommendation to the appropriate authority on any matter enquire into by the authority.

5. For Commissionerate of Police, Mumbai there shall be a District Police complaint authority at Mumbai and Commissionerate of Police, Navi Mumbai will be part of the District complaint authority of District Raigad.

6.. The terms of office of the persons of eminence appointed by the state Govt. in the Police Complaint Authority at state level as well as at the district level shall be for a period not exceeding three years. The other terms and conditions of such members shall be as may be prescribed by the State Government.

7. This Government Resolution is available on the website of the Government of Maharashtra ([www.maharashtra.gov.in](http://www.maharashtra.gov.in)) and its computer code is 20080725151642001.

By order and in the name of the  
Governor of Maharashtra,

*S. A. Jaywant*  
( S.A. Jaywant )

Deputy Secretary to Government.

Copy to :

Home Secretary, Government of India,  
P.A. to the Chief Minister;  
P.A. to the Dy. Chief Minister;  
P.A. to the Chief Secretary;  
P.A. to the Addl. Chief Secretary (Home);  
P.A. to the Additional Chief Secretary (Services), General Administration Department;  
P.A. to Principal Secretary, Law & Judiciary Department;  
P.A. to Principal Secretary (Special), Home Department;  
The Director General of Police, Mumbai;  
All Range Inspector Generals of Police,  
All Commissioners of Police,  
All Divisional Commissioners (Revenue),  
All District Collectors,  
All Superintendents of Police,  
All Joint Secretaries/Deputy Secretaries, Home Department.  
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