

IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN, JAIPUR BENCH AT JAIPUR

D.B. P.I.L. PETITION NO. OF 2015

In the matter of:-

Dharma Raj	Petitioner
Versus	
State of Rajasthan	Respondents

SYNOPSIS & LIST OF EVENTS

Members of public are day – in and day – out confronted with injustice and atrocities at the hands of Police. People so aggrieved with the Police’s misconduct, in absence of an independent probe agency, have to eventually land with Police only for seeking action against the errant Police officials. But there being departmental collusion among the Police, almost every errant Police official goes scout free at the hand of the Police.

In this view of circumstances persisting for decades that the Honorable Supreme Court passed directions to Governments of Union, States and Union Territories on 22.09.2006 while hearing a Public Interest Litigation titled as **Prakash Singh & Ors Vs Union of India &**

Ors (Civil Writ Petition 310 of 1996) to inter alia constitute Police Complaints Authority as an independent probing agency to look into allegations against Police personnel.

The above referred directions given by the Honorable Apex Court were given the force of law in the State of Rajasthan by enacting the Rajasthan Police Act 2007 which inter alia provides for constitution of a separate probe agency named as “State Police Accountability Committee” and “District Police Accountability Committees” for looking into allegations of serious misconduct against Police officials.

Information received from the offices of Home Secretary and Director General of Police as latest as of July/August 2015 reveals that District Police Accountability Committee has not been set – up even for single district despite 8 years have elapsed since the Statute casted this duty on the Government of Rajasthan. Interestingly the Act confers the power to probe allegations of serious misconduct against Police officials in sub – ordinate ranks exclusively on the District Police Accountability Committee.

The information further unveils that the Government somewhere in September 2013 appointed chairperson and members for the State Police Accountability Committee and but has not allocated office premise to it yet. In absence of an office premise the State Police Accountability Committee is still in the womb of the Government where it can't do anything, like receiving complaints, conducting hearing on the complaints, disseminating its office address among the public etc etc, for achieving the objective for which the Honorable Supreme Court had given the directions and the legislature has enacted Chapter IX – Police Accountability – in the Rajasthan Police Act 2007.

The honorable Apex Court and the legislature having played a very constructive role in the matter of Police reform the common masses of the State are, solely on account of such omission by the Government, still deprived of a separate probe agency where they would at least expect fair investigation into serious misconduct of Police officials.

List of key events giving rise to this petition is as follows

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- 22.09.2006 The Apex Court passed directions to Governments of Union, States and Union Territories in Prakash Singh & Ors Vs Union of India & Ors (Civil Writ Petition 310 of 1996) to inter alia constitute Police Complaints Authority.
- 11.01.2007 The Honorable Supreme Court re – affirmed its directions passed to Governments of Union, States and Union Territories in Prakash Singh & Ors Vs Union of India & Ors on 22.09.2006.
- 01.11.2007 The Rajasthan Police Act 2007 came into force in the State of Rajasthan reportedly following a contempt of court petition filed in the Apex Court. Chapter IX in the Rajasthan Police Act 2007 provides for accountability of the Police force towards public.

September 2013 Chairperson and members for the State Police Accountability Committee were appointed.

July & August 2015 Information provided by the offices of Home Secretary and Director General of Police under the Right to Information Act 2005 conveys that even after 8 years the State Police Accountability Committee has not been constituted in a sense that no office premise has been allocated as to enable it to receive complaints, holding hearings on the complaints, communicating with litigants and disseminating its address among the public. Further the District Police Accountability Committee has also not been established even for a single district for last 8 years since this duty has been bestowed on the Government.

22.09.2015 Hence this petition.