

**Provisions of Sections 20C, 20D and 20E of Karnataka Police Act, 1963 as Amended  
by the Karnataka Police (Amendment) Act, 2012.**

**20C. State Police Complaints Authority.-** (1) The State Government shall, by notification in the official Gazette, constitute the State Police Complaints Authority consisting of five persons, namely:-

- (i) One shall be the Chairman selected from among the panel of three retired High Court Judges recommended by the Chief Justice of High Court of Karnataka.
- (ii) one member shall be from among the retired Civil Service who shall be an officer not below the rank of Principal Secretary to Government;
- (iii) one member shall be from Civil Society. The Civil Society member shall be chosen by the State Government from amongst the panel of three names recommended by the Search Committee consisting of three persons nominated by the State Government one each representing the Human Rights Commission, the Karnataka Public Service Commission and the Lokayukta. The State Government shall appoint one of the members as the Chairman of the Search Committee and an officer not below the rank of Deputy Secretary to Government, Home Department as the convener

of the Search Committee. The persons in the panel shall be a person of repute who has rendered humanitarian service in the field of education, health, upliftment of the poor etc. and had not aligned himself with any political party or ideological group;

- (iv) one women IPS Officer of not below the rank of Deputy Inspector General of Police; and
- (v) the Additional General of Police (Grievance) nominated by the State Government as the Ex-officio member and member Secretary of the Authority.

(2) A person shall be disqualified for being appointed as member, if he,—

- (a) has directly or indirectly associated himself with any Anti Social or Anti National group or body;
- (b) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude; or
- (c) is an undischarged insolvent; or
- (d) is of unsound mind and stands so declared by a competent court;
- (e) has such other disqualifications as may be prescribed.

(3) Every non-official member of the State Police Complaints Authority shall hold office for a period of three years.

(4) The salary or honorarium and other allowances payable to, and the other terms and conditions of service of the non-official members of the State Police Complaints Authority shall be such as may be prescribed.

(5) The Government shall provide such number of staff as is necessary for assisting the functions of the State Police Complaints Authority.

(6) The State Police Complaints Authority shall look into complaints against officers of the rank of Superintendent of Police and above, including Additional Superintendent of Police, and take cognizance of allegations of serious misconduct by the police officers which would include incidents involving death, grievous hurt or rape in police custody.

(7) The State Police Complaints Authority shall inquire into allegations of serious misconduct against police officers, after providing an opportunity of being heard to the alleged police officer either *suo moto* or on a complaint received from any of the following, namely:-

- (a) a victim or any person on his behalf; or
- (b) the National or the State Human Rights Commission; or
- (c) the police; or
- (d) any other source.

**Explanation.-** (1) "Serious misconduct" for the purpose of this Chapter, shall mean any act or omission of a police officer that leads to or amounts to,-

- (a) death in police custody; or
- (b) grievous hurt, as defined in section 320 of the Indian Penal Code, 1860 ; or
- (c) rape or attempt to commit rape; or
- (d) arrest or detention without due process of law.

(2) "Misconduct" in this context, shall mean any willful breach or neglect by a police officer of any law, rule, regulation applicable to the police that adversely affects the rights of any member of the public, excluding "serious misconduct" as defined in explanation (1).

(8) In the cases *suo moto* inquired by the State police Complaints Authority, it may, issue notice to Director General and Inspector General of Police and direct him to file his views on the complaint during the enquiry. The State Police Complaints Authority may take into account the views and facts furnished by the Director General and Inspector General of Police that may have a material bearing on the cases:

Provided that the State Police Complaints Authority shall not have jurisdiction on the complaint against police officer where a separate authority is created by any other Act for this purpose.

(9) On completion of the enquiry, if the allegations are proved partly or fully, the State Police Complaints Authority shall forward its report to the disciplinary authority for

appropriate action against the accused officers.

(10) The State Police Complaints Authority shall also supervise, monitor and control the functioning of District Police Complaints Authorities. It shall compile Annual Report of the functioning of State Police Complaints Authority and District Police Complaints Authorities and submit to the Government. The annual report shall contain,-

- (a) the numbers and types of cases of “serious misconduct” and “misconduct” considered by the State Police Complaints Authority during the year;
- (b) the number and types of cases of “serious misconduct” referred to it by the complainants upon being dissatisfied by the departmental inquiry into his complaint ;
- (c) the number and types of cases referred to above in which advice or direction was issued by it to the police for further action;
- (d) such other related Administrative and financial matters as may be prescribed.

**20D. District Police Complaints Authority.-** (1) The Government shall in consultation with State Police Complaints Authority, by notification in the official Gazette, constitute the District Police Complaints Authority under the chairmanship of the Regional Commissioner of the Region and three other members, namely:-

- (i) one member of retired Civil Service shall be an officer not below the rank of Joint Secretary to Government;
  - (ii) one member shall be from the Civil Society. The Civil Society member shall be chosen by the State Government from amongst the panel of three names recommended by the Search Committee consisting of three persons one each representing the Human Rights Commission, Karnataka Public Service Commission and the Lokayukta. The State Government shall appoint one of the members as Chairman of the Search Committee and an officer not below the rank of Deputy Secretary to Government, Home Department as convener of the Committee. The persons in the panel shall be a person of repute who has rendered humanitarian service in the field of education, Health, upliftment of the poor etc. and had not aligned himself with any political party or ideological group; and
  - (iii) the Superintendent of Police in charge of the District shall be ex-officio member and member Secretary of the Authority.
- (2) A person shall be disqualified for being appointed as member if he,—
- (a) has directly or indirectly associated himself with any Anti Social or Anti National group or body;

- (b) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude; or
- (c) is an undercharged insolvent; or
- (d) is of unsound mind and stands so declared by a competent court; or
- (e) has such other disqualifications as may be prescribed by the State Government.

(3) Every member of the District Police Complaints Authority other than the ex-officio member shall hold office for a period of three years.

(4) The salary or honorarium and other allowances payable to, and the other terms and conditions of service of the non-official members of the District Police Complaints Authority shall be such as may be prescribed.

(5) It shall be the duty of the district police complaints authority to ensure that all its members and their staff are regularly trained, inter alia about,-

- (a) technical and legal issues related to departmental inquiries;
- (b) specific forms of human rights violation; and
- (c) appropriate handling of victims of police abuse.

(6) Necessary staff required for the functioning of the District Police Complaints Authority shall be provided by Government.

(7) The District Police Complaints Authority shall look into complaints against police officers of and below the rank of Deputy Superintendent of Police and take cognizance of allegations of serious misconduct by the police officers, which would include incidents involving death, grievous hurt or rape in police custody.

(8) The District Police Complaints Authority shall,-

- (a) have the power to enquire into misconduct or abuse of power by or against police officers of and below the rank of Deputy Superintendent of Police after giving an opportunity of being heard to him. The Authority shall have the power to investigate any case itself or ask any other agency to investigate and submit a report. The District Police Complaints Authorities shall submit its report to the competent disciplinary authority for appropriate action against the accused officers;
- (b) if the complaint contains allegations against any police officer of or above the rank of Deputy Superintendent of Police the District Police Complaints Authority, shall forward the same to the State Complaints Authority, for further action;
- (c) forward the complaints of "serious misconduct", received directly by it, to the State Police Complaints Authority for further action:

Provided that District Police Complaints Authority shall not have jurisdiction on the complaints against the police offices where a separate authority is created by any other Act for this purpose.

(9) Each District police Complaints Authority shall prepare and submit to the State police complaints Authority an annual report before the end of each calendar year, inter alia, containing,-

- (a) the numbers and types of cases of “serious misconduct” and “misconduct” forwarded by it to the State Police Complaints Authority during the year;
- (b) the number and types of cases of “misconduct” referred to it by the complainants upon being dissatisfied by the departmental inquiry into his complaint ;
- (c) the number and types of cases referred to in clause (b) above in which advice or direction was issued by it to the police for further action;
- (d) such other related administrative and financial matters as may be prescribed.

**20E. Powers of the State Police Complaints Authority and District Police Complaints Authority.-** The State Police Complaints Authority and District Police Complaints Authority shall, while investigating any matter under this Act, have all the powers of a civil court in trying a suit and in particular, in respect of the following matters, namely:-