

**UT Administration of Daman & Diu and Dadra Nagar Haveli
Home Department
Secretariat Moti Daman**

No.1/95/Home/2011-12/418

Dated: - 10/08/2011

- Read:- (i) Supreme Court Judgment dated 22.09.2006 in the matter of Prakash Singh & Ors. Vs Union of India and Ors.**
(ii) Letter No.14040/45/2009-UTP dated 23rd March, 2010 of the Government of India, Ministry of Home Affairs, New Delhi.
(iii) Letter No.14040/127/2010-UTP(Pt.II) dated 3rd June,2011 of Government of India, Ministry of Home Affairs, New Delhi.

NOTIFICATION

The Administrator of Union Territories of Daman & Diu and Dadra & Nagar Haveli in consultation with Ministry of Home Affairs, Government of India is pleased to constitute the Police Complaints Authority for the Union Territories of Daman & Diu and Dadra & Nagar Haveli consisting of:

Shri Surendrasinh Mohansingh Parmar as Chairperson.
Advocate, Silvassa.

2. Terms and conditions

- (a) The term of the office of the Chairperson and the Members will be for three years and they may be entitled to the following remunerations:
Chairperson- ₹ 3000/- per sitting subject to the condition that the annual amount may not exceed Rs.4.8 lakh.
- (b) The Chairperson of the Police Complaints Authority of Daman & Diu and Dadra & Nagar Haveli, may be appointed separately by the UT Administration in consultation with the Central Government.
- (c) The Chairperson or member of the Police Complaints Authority may be removed from the office by the Administrator of the UT after giving him/her an opportunity to be heard. However, the Administrator shall, on receipt of the response, record his/her findings and forward the entire case with his/her recommendation to the Central Government for obtaining prior approval before issuing the orders.
- (d) The Chairperson and Members of the Police Complaints Authority shall not engage himself, during his/her term of office, in any paid employment, outside the duties of the office without permission of the Union Territory Administration.

3. Powers and function

- (a) The functions of the Police Complaints Authority will be as under:
- (i) The Authority shall inquire into allegations of "serious misconduct" against police personnel, as detailed below, either suo moto or on a complaints received from any of the following:
- (a) a victim or any person on his/her behalf;
(b) the National or State Human Right Commission;
(c) the police; or
(d) any other source.

Explanation: "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
- (b) grievous hurt, as defined in Section 320 of the Indian Penal Code, 1860;
- (c) rape or attempt to commit rape;
- (d) arrest or detention without due process of law;
- (e) extortion;
- (f) land/house grabbing; or
- (g) any incident involving serious abuse of authority

Provided that the Authority shall inquire into complaint of such arrest or detention, only if it is satisfied prima facie about the veracity of the complaint.

- (ii) The Authority may also inquire into any other case referred to it by the Administrator/Central Government.

(b) The powers of the Police Complaints Authority will be as under:

- (i) The Authority may require any person or authority to furnish information on such points or matter as in the opinion of the Authority may be useful for or relevant to the subject matter of enquiry.
- (ii) The Authority before finalizing its opinion, shall give the police officer, heading the police force in the UT an opportunity to present the department's view and additional facts, if any, not already in the notice of the Authority and in such cases, the Authority may review its findings upon receipt of additional information from the Police Officer heading the police force in the UT that may have a material bearing on the case.
- (iii) In the cases directly inquired by the Authority, it may, upon completion of the inquiry, communicate its findings to the police officer heading the police force in the UT with a direction:
 - (a) register a First Information Report; and/or
 - (b) initiate departmental action based on such findings duly forwarding the evidence collected by it to the police.
- (iv) The directions of the Authority shall ordinarily be binding, unless for the reason to be recorded in writing, the UT Administration decided to disagree with the finding Authority.

4. The Police Complaints Authority will submit its finding in a case within a period of 60 days from the date of receipt of the complaint and in case of inability to meet the deadline, the Authority may submit a report showing reasons therefore to the Administrator.

**By Order & in the Name of
The Administrator, Daman & Diu &
Dadra and Nagar Haveli**


(Surinder Kumar)
Dy. Secretary (Home)

Copy to:-

Shri Surendrasingh Mohansingh Parmar
"Atri Farm" Naroli Road,
Silvassa.

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1. Shri M. L. Varma, Deputy Secretary to Government of India, MHA, North Block New Delhi.
2. The Development Commissioner, Secretariat, Daman/Diu and DNH.
3. The Finance Secretary, Secretariat, Daman/Diu & DNH
4. The Inspector General of Police, Daman & Diu/DNH
5. The Dy. Secretary (Home/Vig), Secretariat, Daman/Diu & DNH.
6. The Superintendent of Police Daman & Diu/DNH.
7. The Chief of Police, Daman/Diu & DNH.
8. The S. O. to Administrator, Secretariat, Daman
9. The DIO, NIC Daman/DNH for uploading in the website
10. The HO, Govt. printing Press, Daman/DNH for publication in the Gazette
11. The Asstt. Director Official Language, Secretariat for translation in Hindi
12. Guard File/Office Copy.