

**Tripura Police Accountability
Commission (Conduct of Business)
Rules 2013.**



TRIPURA



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POLICE ACCOUNTABILITY COMMISSION

TRIPURA : AGARTALA

NO.F.1(89)/PAC/ESSTT/12

Dated : 12/07/2013

NOTIFICATION

**TRIPURA POLICE ACCOUNTABILITY COMMISSION
(CONDUCT OF BUSINESS) RULES 2013**

In exercise of the powers conferred by Section 65 of the Tripura Police Act 2007(No. 6 of 2007), the Tripura Police Accountability Commission hereby makes the following rules to regulate conduct of its business, namely :-

**TRIPURA POLICE ACCOUNTABILITY COMMISSION
(CONDUCT OF BUSINESS) RULES 2013**

Short title and commencement:-

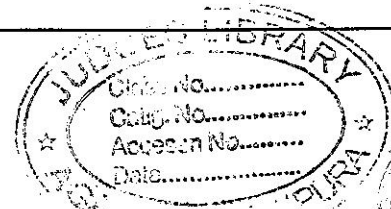
1.(1) These rules may be called the Tripura Police Accountability Commission (conduct of business) Rules,2013.

(2) They shall come into force from the date of publication in official Gazette.

2. Definitions :-

(1) In these rules ,unless the context otherwise requires ;

(a) "Act" means the Tripura Police Act,2007;



- (b) "Chairperson" means the chairperson of the Police Accountability Commission appointed under this Act;
- (c) "Complainant" means a person by whom or on whose behalf a complaint is made under the Act;
- (d) "Complaint" means a complaint about "serious misconduct" or "misconduct" taken cognizance of by the Police Commission;
- (e) "Government" means the State Government of Tripura ;
- (f) "Inquiry" means an inquiry instituted as per procedure specified in rule 7 of these rules;
- (g) "member" means a member of the Police Accountability Commission appointed under this Act;
- (h) "misconduct" means any willful breach or neglect by a police officer of any law, rule, regulation applicable to the police that adversely affects or infringes the rights of any member of the public other than "serious misconduct" as defined in the Act;
- (i) "Respondent Officer" means a police personnel who is the subject of a complaint;
- (j) "Secretary" means the Secretary to the Commission appointed under rule 3;
- (k) "section" means a section of the Act;

- (2) The words and expressions used but not defined in these rules but defined in the Act or the Criminal Procedure Code, 1973 shall have the meanings respectively assigned to them in those enactments.

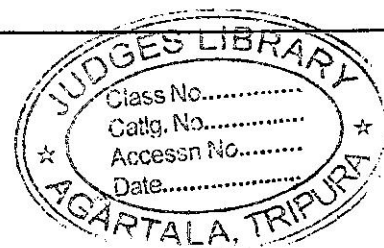
3. Appointment of Secretary:-

- (1) The Government shall appoint as Secretary to the Commission an officer not below the rank of Deputy Collector to the Government after due consultation with the Chairperson of the Commission.
- (2) The Secretary shall communicate to the Government the date on which any vacancy in the Commission is likely to arise due to completion of the term of the Chairperson or any member at least three months prior to such date :

Provided that in the event of a vacancy arising in the Commission for any other reason, the Secretary shall inform the Government of the same immediately.

4. General administration:-

- (1) The Chairperson shall be responsible for general superintendence, direction and management of the affairs of the Commission.
- (2) The Secretary shall be responsible for day to day management of the affairs of the Commission under supervision, direction and control of the Chairperson.



(3) In the event of the office of the Chairperson falling vacant for any reason, the senior-most member shall officiate as Chairperson and perform duties and functions till the vacancy is filled up.

5. Sittings and decisions of the Commission:-

(1) Subject to sub-rule (3) of rule 4, every sitting of the Commission shall be chaired by the Chairperson.

(2) Majority members including the Chairperson shall constitute quorum for any meeting where any decision in proceedings is required to be taken by the Commission.

(3) All decisions in a proceedings except routine and administrative matters shall be taken by majority of the members :

Provided that when there is a tie the person chairing the meeting shall have a casting vote.

(4) Absence of a member from any meeting or a vacancy in the Commission shall not affect validity of any proceedings so long there is quorum.

(5) The Secretary or any other senior officer of the Commission assigned by the Chairperson shall be responsible for recording and maintaining the minutes of every meeting of the Commission.

(6) No decision of the Commission shall be held invalid merely on the ground of any technical defect in the appointment of the Chairperson or member of the Commission.

(7) The Commission may cause preliminary inquiry before formal proceeding is set in motion or final decision in a proceeding is taken.

6.Procedure for filing and registering Complaints :-

(1) Any person who desires an inquiry to be made by the Commission into one or more instances of misconduct of police shall submit to the Commission a complaint in writing in English or Hindi or any other official language of the State as soon as may be practicable subsequent to the occurrence of such instance:

(2) A complainant may submit complaint on plain paper providing all relevant details, to the extent available:

Provided that where such a complaint cannot be made in writing, the Secretary, or any other officer of the Commission authorized by him shall provide reasonable assistance to the complainant to reduce his complaint into writing :

Provided further that when a verbal complaint is reduced into writing it shall be read over to the complainant by the officer recording it and the signature or thumb impression of the complainant shall be affixed on the complaint petition.

(3) A complaint may be submitted by post, courier, fax, email, or in person at the office of the Commission.

(4) A complainant may supply copies of any document or record if any, in support of the allegations made in the complaint which may include but not be restricted to :

(i) medical report or any certificate issued by a qualified doctor disclosing the nature of injuries on the body of the victim;

(ii) photographs showing injuries ;

(iii) audio or video recordings relating to the allegations contained in the complaint;

(iv) relevant extracts from the Daily Diary of the Police Station concerned, if available;

(v) copy of First Information report , if any:

(vi) arrest memo ,if any:

(viii) copies of the complaints filed with the police or any other forum filed earlier about or relating to the current complaint:

Provided that no complaint shall be rejected for want of supporting documents and records.

(5) The Secretary shall provide reasonable assistance to the complainant to cure any technical defect in the complaint.

- (6) Where a complaint is submitted in person the Secretary shall after assisting the complainant to cure technical defects, if any, issue due acknowledgement to him or her indicating the file number assigned to the case.
- (7) Where a complaint is received by the Secretary by post, courier or email the secretary, shall issue due acknowledgement to him or her within a week indicating the file number assigned to the case.
- (8) The Secretary shall not reject a complaint merely on ground of technical defect.
- (9) The Secretary shall register a complaint case upon the direction of the Chairperson acting Suomotu in accordance with section 66(2) of the Act or upon information received from the National Human Rights Commission or the State Human Rights Commission or the Police or the victim or any person on his behalf or any other source.
- (10) The Secretary shall be responsible for recording all complaints received by the Commission in a register in the proforma specified by the Commission for this purpose .

8. Screening and referral of Compiants by the Commission :-

- (1) Upon registration the Secretary shall with the approval of the Chairperson, cause the complaint along with supporting documents, if any, to be laid before the Commission not later than 48 hours from the date of receipt of the complaint.
- (2) Where upon examination of the complaint and all supporting documents, if any the Commission decides that it has no jurisdiction to inquire into the complaint, it shall return the complaint for reasons to be recorded in writing, not later than fifteen days from the date of receipt of the complaint.
- (3) Where the Commission is satisfied upon preliminary examination that no prima facie case is made out in the contents of the complaint or the supporting documents it shall reject the complaint for reasons to be recorded in writing, not later than fifteen days from the date of receipt of the complaint.
- (4) Where the Commission is satisfied that the complaint falls within its jurisdiction and that there exists a prima facie case to conduct an inquiry, it shall immediately proceed to conduct an inquiry into the complaint or refer the case to any other officer or agency as it deems fit for the purpose of conducting a preliminary of part of an inquiry. Such as visit of places or recording of statement of witnesses.

(5) The Secretary shall duly authenticate every order of the Commission made under these rules and give free of charge a copy of the order to the complainant or the person representing the complainant or the victim as the case may be.

9. Conduct of inquiry:-

(1) The Commission shall after registration and cognizance issue notice to every respondent to show cause as to why departmental action or criminal proceedings should not be recommended against him or her on the basis of the complaint.

(2) The respondent shall submit his reply to the Commission within 15 days of receipt of the notice along with supporting documents, if any .

(3) The Secretary shall transmit to the complainant , free of charge , a copy of the reply and supporting documents, if any, received from every respondent within seven working days of receipt of such reply.

(4) Where the Commission refers a complaint to any other agency or officer for the purpose of conducting preliminary or part of an inquiry, such agency or officer shall inquire into the matter as expeditiously as possible and submit its report along with all supporting documents to the Commission within a period of thirty days.

(5) The Secretary or any other officer of the Commission, authorized by him shall, from time to time, provide the complainant with updates of the progress made in the case.

(6) The Secretary shall cause to be laid before the Commission every reply received from the respondent officer under sub-rule (5) or a report received under sub-rule (8) within seven days of receipt.

10. Issue of Notice of Hearing:-

(1) While disposing a complaint case the Commission may hold one or more hearings, as it may deem necessary, after giving due notice to the concerned parties including the complainant or his representative or the victim, as the case may be.

(2) The Secretary shall notify all concerned parties of the date of hearing at least 10 clear days in advance.

(3) Where the respondent officer is of the rank of a Deputy Superintendent of Police the notice of hearing shall be communicated to the Superintendent of Police or below and in all other cases the notice of hearing shall be communicated to the officer immediately superior to the respondent officer.

(4) Every officer who has received a notice of hearing under sub-rule (2) shall immediately communicate the same to the concerned respondent officer and ensure that such officer is given leave to attend the hearing on the stipulated date.

11. Conduct of Hearing:-

(1) The Commission shall observe the principles of natural justice.

Explanation : For the purpose of removal of doubt it is hereby declared that all proceedings before the Commission is a quasi-judicial proceedings and the Commission shall not be bound to strictly observe the provisions of the Code of Civil procedure, 1908, the Criminal Procedure Code, 1973 or the Indian Evidence Act, 1871 while conducting an inquiry.

(2) At the commencement of hearing the Commission shall explain to the concerned parties the general scope , purpose and procedure to be adopted at the hearing .

(3) The hearing shall be conducted in the official language of the State.

(4) Where the complainant or the victim is not familiar with the language in which the hearing is conducted, the Commission shall permit such person to be accompanied by another person of his choice to translate the proceedings into the language that he is familiar with:

Provided that where a complainant or a victim is unable to find an interpreter and makes a request to the Commission for translation of the proceedings, the Commission shall arrange for an interpreter at its own cost.

(5) The secretary or any other officer authorised by him shall maintain record of the proceedings at every stage of a hearing.

12. Appearance at Hearing :-

- (1) The parties to a complaint, if required by the Commission, shall appear in person.
- (2) With the leave of the Commission a party to the proceeding may engage lawyer to represent him.
- (3) The Commission may summon any person who has knowledge about matters relating to the complaint to appear for giving evidence on oath or producing documents or records relevant to the case .
- (4) Subject to proof of service of notice or summons under sub-rule(3) it shall be lawful for the Commission to draw adverse inference in the event of non-appearance of any person after receipt of notice and proceed to take further action by invoking its powers under section 62 of the Act.

13. Time Limit for completion of inquiry and grant of adjournments

- (1). Every inquiry shall be completed as expeditiously as possible, and in any case within a period of ninety days from the date of taking cognizance suomoto or on complaint:

Provided that where orders are passed after expiry of the time limit mentioned in this rule, the Commission shall record the reasons for delay in writing.

(2) The complainant or the victim or the respondent may apply for adjournment of a hearing at least three days in advance of the date of hearing and the Commission, at its discretion may grant adjournment:

Provided that the Commission may grant adjournment at a shorter notice on sufficient cause being shown by the party applying for adjournment and reasons for grant of the adjournment shall be recorded in writing:

Provided further that not more than three adjournment shall be granted to a party during the course of hearing

(3) The Secretary or any other officer authorised by him shall communicate order of adjournment to all concerned parties forthwith.

(4) Where the complainant or the victim or the respondent fails to appear before the Commission, the Commission shall proceed with the case ex parte.

14. Transparency in the Working of the Commission.

(1). Every hearing of the Commission shall be open to the public :

Provided that in exceptional circumstances and for reasons to be recorded in writing the Commission may hold such hearing in camera.

(2) The Secretary or any other officer authorized by him for the purpose shall be responsible for creating, developing and updating internet website, to publicise working of the Commission.

(3) The Secretary shall ensure display on Commission's website and official notice board the cause- list of cases every month.

(4) Minutes of all meetings and decisions of the Commission shall be uploaded on the website without delay.

(5) Any person may make application to the Secretary to obtain copies of orders or documents and other information under the **Right to Information Act**.

(6) A request made under sub-rule (5) shall not be rejected except for reasons specified in sections 8 and 9 of the Right to Information Act.

15. Outreach.

(1). The Secretary shall publish and disseminate basic information about the Commission and its procedures through print and electronic media.

(2) Without prejudice to sub-rule (1) the Secretary shall publish a guide in all the popular languages of the state giving the contact details, the powers and functions of the Commission, the procedure for filing complaints under the Act, the prescribed forms or formats for the purpose of receiving and disposing complaints and remedies available to the complainant under the Act.

(3) The Secretary shall update the guide from time to time when any changes are made in the Act or in any rule or procedure made under the Act.

(4) The Secretary shall make copies of the guide available at every police station and all other offices of the police department.

BY ORDER OF THE COMMISSION

**U. MAJUMDER
SECRETARY
POLICE ACCOUNTABILITY COMMISSION
TRIPURA**



