

Policing and Protection of Rights during the Pandemic

The following submissions made by the Police and Prisons Monitor, Mrs. Maja Daruwala must be read with the attached submissions which have come from various different sources. The recommendations aim to assist the NHRC in devising protocols to assist police departments across the country to ensure preparedness and prevention mechanisms in day to day operations while delivering an important public service within a constitutional framework.

The recommendations below are made by the Committee of experts “impact of Covid-19 on human rights and future response” constituted by the National Human Rights Commission. The main objectives are to a) “assess the impact of Covid – 19 on human rights of people especially marginalised section of society; b) to suggest the response on the basis of which the Commission would like to issue necessary advisory to the Central and state governments”.

This assessment and suggested responses limit itself to prisons and police in relation to ensuring the fundamental principles of human rights are incorporated and form the basis of all protocols/advisories/SOPs* and violations that go out from the Central and State governments to these departments. They are made in the absence of information about already existing internal processes and steps that may have been taken to ameliorate it.

The NHRC, the SHRCs and other commissions are best placed to urge, help build and monitor the processes put in place by the executive. All suggestions to state governments, police departments, Police Complaints Authorities, and to the National Human Rights Commission are based on underscoring that all preparation and implementation exercises that advisories and orders are framed to comply with, must maximise legally protected constitutional rights. No fundamental right must be restricted or in any way constrained on the excuse of extraordinary circumstance prevailing.

General assessment

The pandemic and the sudden lockdown that followed has caused huge disruptions to life in general. It has deeply affected the administration and access to justice making an already difficult to access institution that much more distant. At the same time, police forces were uncertain of their response to implementing the lockdown and by and large treated infractions of lockdown as a law and order problem. This saw them seeking to ‘control’ the population rather than being part of the provision of assistance to government and people to prevent the spread of a public hazard. This lack of guidance and oversight saw too much violence and infractions of law which remain unpunished.

The courts limited their services sharply to hearing ‘urgent cases’. As well, earlier accumulation of cases in all courts, sudden short staffing due to illnesses and absence amongst duty holders, consequent down the line disruptions, has meant that access to remedies for those suffering injustices and those awaiting justice in prisons has been severely affected by delay and complete stoppage of due process. Legal aid authorities found themselves

* For the purposes of this document, these terms are used interchangeably.

overwhelmed. The decongestion of prisons has been uneven. The Supreme Courts directions of High-Level Committees to assist in decongestion have been using varied criteria for decongestion and much of the efficacy of these bodies has not yet been assessed. 5 months into the pandemic several prisons remain overcrowded unable to create space for social distancing. Everywhere there is a shortage of doctors, medical assistance, testing and isolating facilities. In fact, the absence of staff in prisons means that security measures are ever more stringent and require prisoners to be locked in together in small spaces for longer periods. Creating space for isolation wards forces other prisoners to live in even closer proximity to each other. The absence of already limited prison and police escort services has also meant that sick individuals cannot easily find their way to hospitals when needed and prisoners cannot avail of their due days in court. Though technology in the form of online filing, service and video conferencing for remand and bail as well as for urgent matters have been pressed into service, these facilities are nowhere near universally available and their effectiveness is in serious question.

Administrative convenience rather than the mandated rights framework has guided most official actions. The consequence is that the equation between citizen and state is further skewed in favour of the state. Violations become more frequent and impunity more imbedded into the system. The strain on the system is held up as an excuse for avoiding due process and ignoring rights violation. Both in substance and in process the rule of law is being undermined. There is deep concern that this may, with extended inattention from guardian institutions like the NHRC, commissions and the courts, become ‘normalised functioning.’

A. RECOMMENDATIONS TO STATE GOVERNMENTS AND POLICE DEPARTMENTS

This is a moment for the police to reimagine themselves with the assistance of the NHRC to be a law upholding service rather than merely a law enforcement force. Crucially, the protection of human rights must underline all police response.¹

SOPs must reinforce the necessity of policing being reoriented from a coercive force maintaining control over a population to that of a service assisting authorities and individuals to overcome a public-health crisis and minimising the risk of infection to themselves and the public while ensuring the safety and security of all.

As frontline workers police personnel are acutely vulnerable. A great many have become infected and too many lost their lives.² Police departments have to find ways of working with reduced staff strength and keeping their cohort well.

With this in mind, the aim of all SOPs should be to ensure the continuity of core police functions and services, in adherence with legal safeguards and due process, while putting in place all possible precautionary measures to prevent and minimize the transmission of Covid-19 among police personnel and the people they interact with.

Police stations are by definition public spaces. Guidance must insist that police stations must remain open 24x7 and are safe for approach by all. SOPs must point out that the public must not be discouraged from accessing any station. Safety protocols must be displayed outside the

¹ Please see guidance from the UN Office of the High Commissioner for Human Rights: <https://www.ohchr.org/EN/NewsEvents/Pages/COVID19Guidance.aspx>

² According to the Indian Police Foundation, at least 45895 personnel (including central police organizations) have tested positive, of which at least 266 have lost their life due to the disease.

station explaining the need for masks, the presence of sanitisers, physical distance regimes and chalk out designated spaces for specific business.

1. Police Preparedness and Response

Policing in India is often criticised for false and unnecessary arrest. Guidance that calls for minimising arrests will address this endemic problem while mitigating risk of contagion. Advisories from the NHRC, central and home departments and other similar agencies must press for curbs on arrest.

Actions can include:

- Barring arrests in all cases of bailable offences to the maximum extent possible. Insist that the arresting officer to record reasons in writing for making any arrest for review by the officer in charge of the police station.
- In specific, bar arrests of persons for merely breaking curfew.
- Barring arrests in all cases of offences with punishment up to 7 years as far as possible, in line with the provisions of Sections 41 and 41A of the Cr.P.C, with reasons recorded in writing.
- Barring police personnel from carrying out any preventive arrests during the pandemic.
- Barring arrests of people above 60 years or those with comorbidities, and higher risk of fatality from Covid-19.
- Coordinate with courts and jails to extensively use the facility of video-conferencing for court productions, wherever possible.
- Developing a checklist with objective grounds to determine if arrest is necessary in offences with punishment above 7 years as per conditions laid down in the Cr.P.C and landmark Supreme Court judgments.³ Requiring reasoned grounds for making an arrest to be provided in writing in the checklist for review by the officer in charge of the police station.
- Mandating officers in charge of police stations to report regularly at short periods in writing on compliance with all procedural safeguards guaranteed to arrested persons, particularly in light of the reduced working of magistrates' courts due to Covid-19
- Design through coordination with the local legal services authority a protocol to ensure safe and unhindered access 24x7, to lawyers, to ensure rights of detained persons whether during questioning, in detention custody or in prison awaiting trial are fully realised.
- SOPs must lay down the standards of overall cleanliness and sanitisation in reception areas, interview rooms, waiting areas, toilets and lock ups so as to ensure the ability to keep physical distance while being available for safe public dealing and continuing every day police work.

³ Joginder Kumar V State of U.P and Others 1994 SCC 260; and borrowing from the reporting requirements laid down in Armesh Kumar v. State of Bihar (2014) 8 SCC 273

- Given there are just one or two small lockups in most police stations there must be a separate protocol for cleanliness and holding individuals in cells that ensures that physical distance is maintained, and the risk of transmission eradicated.
- Advisories to supervisory staff can emphasise regular and repeated training, briefings and cross learning are provided across ranks to enable police personnel, particularly those posted in the field and in police stations to apply operational guidances in their police work. Illustratively: use of equipment and preventive and safety measures, while on duty in the field and in the police stations; safe means of sanitising items in common use such as furniture, vehicles and electronic devices.
- To ensure implementation of operational measures designed to eliminate rights violations and curb infection, SOP advice or guidance must contain clear and specific warning that prompt, proportionate and assured disciplinary action will be initiated for negligence and/or misconduct on part of duty holders.
- Specific guidance must be provided to ensure that all police officials without exception can recognize possible Covid-19 symptoms and know how to take immediate steps to isolate and refer suspected Covid patients for medical assistance – whether these are people in their custody or among their ranks.
- Prepare protocols in coordination with local hospitals and medical facilities to provide mandatory testing of arrested persons and medical treatment to arrested persons who test positive.
- Prepare protocols for referring police personnel/victim/witnesses who have come in contact with Covid positive persons to medical facilities for testing and treatment.
- Protocols relating to tracing and tracking must by nature be limited to specific individuals for explainable reasons, temporary and carefully calibrated so as to ensure the privacy of persons and data.
- As a matter of good practice all SOPs should be framed in consultation with field units.
- Police preparedness to meet the multiple challenges that the prolonging pandemic poses requires essential coordination with varied agencies at state and district level. Localisation of such coordination is particularly important. Such coordination requires police to participate in, take guidance from and provide inputs into decision making. It is only this broader multi-level cooperative effort that will stem the contagion, ensure that scarce manpower resources are optimised, and the public is ensured optimal police services through this difficult time. The Kerala model of departmental collaboration and community cooperation offers some examples of good practice that involves working closely with all officials as well as with the community. (Pl see note attached)
- There is value in the Home Ministry collecting examples of good practice from across police departments and being the dissemination hub across the country. Illustratively, examples of good practice are to be found in the clear guidance laying down actionable measures to address key policing challenges in the time of COVID-19, in Standard

Operating Procedures- as by the Kerala Police⁴ and Madhya Pradesh Police⁵ - is available to all police officers across ranks. Indore's collaboration with charities and local volunteers to provide essential services including food and medicines to older folk, children and the vulnerable also provides a good example of the benefits of collaboration.⁶

- Ministries and HQ may be guided to augment or reconsider and rationalise the reallocation of funds to prioritise:
 - The sanitisation of police stations;
 - General health of police personnel prioritising those at the coal face;
 - The adequate supply of hygiene and safety supplies at all levels;
 - The dissemination of information to reach the remotest areas and ensure the effective functioning of helplines and online platforms given their increased usage in the foreseeable future.
 - Ensure all police stations have functioning CCTV cameras in police stations that cover all spaces at all time.

2. Measures for Reporting Crime

Given limited mobility and the additional vulnerabilities that the present situation visits upon victims, it is certain that many who face crime will have much difficulty approaching the police to file a complaint and seek redress. It is also true that a great deal of crime is suppressed by delay and refusal to register crime. This practice is a violation of right and an interference with justice.

- Protocols and guidance must re-emphasise the duty to promptly receive complaints of crime from all who approach the police in accordance with the requirements of privacy and accountability. It must also detail the statutory procedures that must be adhered to.
- To ensure that distant and underserved communities are able to access police assistance mobile numbers must be constantly publicised, citizens portals are complete, current and accessible and online registration is tested for being user-friendly, bi and/or trilingual and compatible with basic android smartphones. Helplines need to be ramped up with additional personnel. (for more detail see CHRI submission attached)
- Guidelines/protocols must be developed for receiving complaints online. These must include the duty to:
 - Acknowledge receipt of information/complaint received;
 - Record information received in appropriate forms;
 - Share recorded information with the complainant;
 - Transfer to the relevant jurisdiction;
 - Accurately follow the procedure for registering First Information Reports (FIR) with explanations of the categories of offences (cognizable) where this is mandatory;
 - Share regular updates with the complainant on the status of complaint;

⁴ Kerala Police, SOPs for day to day policing, in wake of Covid-19 challenges are easily available on the Kerala Police website: https://keralapolice.gov.in/frontend/assets/files/covid_sop.pdf

⁵ The SOPs by the Madhya Pradesh Police were given to CHRI by police officers. They are not available in the public domain (copy enclosed).

⁶ <https://www.thehindubusinessline.com/opinion/columns/how-policing-works-in-india-in-covid-19-times/article31729922.ece#>

- Review adherence with the protocol, and specify disciplinary measures in instances of negligence and/or violation.
- In relation to cognizable offences, protocols must be frequently circulated to ensure strict adherence with Section 154 of the Code of Criminal Procedure (Cr.P.C) that mandates immediate registration of FIR for cognizable offences. The process of registration of FIR must continue to be in-person at the police station.
- To ensure the habit of refusing to register FIRs is discontinued, supervisory staff and HQ along with the Home departments of states must lay down clear policy guidelines for all personnel to follow as well put in place means of checking malpractice assessing its extent and reporting back to the legislature.

These policy prescriptions must be public. They indicate a renewed role for SHRCs, other commissions and the Police Complaints Authorities to take strict action, including instituting criminal proceedings as required under law against concerned police personnel in instances of harassment, and/or refusal to register First information Report for complaints alleging cognizable offences and unnecessary arrests.

3. Responding to crimes against women and children: Police responsibilities

There is clear evidence that the pandemic and lockdown policies have placed women and children at increased risk, particularly when they live with the person who victimizes them. Illustratively, the National Commission of Women reported a staggering 120 % jump in complaints relating to crimes against women within the first week of the nation-wide lockdown.⁷ The legal aid authority's data also confirms this rise.

Police departments are urged to either include a designated section on the police response to women and children in COVID-19 SOPs, or develop a specific SOP to ensure a prompt and coordinated response.⁸ Many of the measures suggested can be carried over post-Covid. The SOP must:

- Clearly indicate that incidents of violence against women and children across all sections of society are to be given high priority;
- Ensure that there are staff, particularly women officers, available at all times to man Women and Child Helpdesks at police stations, and Crimes Against Women cells and Special Juvenile Police Units at the district levels;
- An SOP that ensures that Urgent Response Teams are available in every district to ensure prompt and holistic response to crimes against women and children, which can specify:
 - Composition of the team, with emphasis on coordinated response including legal aid lawyers, medical professionals and police officers, and ensuring presence of at least one woman police officer;

⁷ See suo moto petition, High Court of Jammu and Kashmir, order dated 16.04.2020:

http://jkhighcourt.nic.in/doc/upload/orders&cir/ordersuc_jmu/Suo%20Moto%20PIL_18042020.pdf.

⁸ For guidance, see UNODC thematic brief Coronavirus Disease (COVID-19) response on gender based violence against women and girls: https://www.unodc.org/documents/Advocacy-Section/GBVAW_and_UNODC_in_COVID19_final_7Apr2020.pdf.

- Formulation of contingency escape plans laying down the steps to be followed to ensure safe, anonymous escape from a household for a woman or child victim who seeks to escape her victimisation;
 - Steps to be followed on receiving information/complaint of an alleged crime, including preferred response time, and coordination with other service providers including shelter/observation homes, Protection/Probation officers, legal aid authorities, and medical professionals;
 - The ways in which to maintain the privacy and anonymity of the women/children involved.
 - Cooperation and planning with community resources should include identifying special measures to set up emergency warning systems at local chemists, grocery, provision/ration stores, deemed safe and reliable for this task, for women and children to be able to alert the police from these local stores if they wish;⁹
- SOPs can also lay out proactive measures to ensure the safety of women and children, such as:
- Reaching out to victims of domestic violence and other crimes against women and children reported in the past within the jurisdiction of every police station;¹⁰
 - Maintaining regular communication with local civil society organizations, NGOs, social workers, counsellors, shelter homes, and health workers as a way to identify, protect and provide remedies to victims at risk;¹¹
 - Ensuring all helpline numbers, and the names and numbers of all designated police station contacts and district Protection Officer are available in local chemists, grocery, and provision stores.
- Given the reported increase in cybercrimes against women during the pandemic period,¹² specific SOPs/guidance are needed to put in place measures to prevent, protect and provide remedies to women victims, including targeted campaigns to raise awareness such as the [Cyberher campaign](#) of the Women Safety wing, Telangana Police.
- The SOPs should include specific guidance for registering FIRs for crimes against women, ensure adherence with additional safeguards laid down in section 154, Cr.P.C., namely:
- Making sure a woman police officer records the information;

⁹ In its *suo moto* petition, the Jammu and Kashmir High Court examined emergency measures taken in several other countries to respond to domestic violence and other crimes against women. It directed the Jammu and Kashmir and Ladakh UT administrations to review and consider suitable innovative measures to mitigate the sufferings of victims of domestic violence, and placed before it steps taken in this regard.

¹⁰ The Odisha Police launched a “Phone-Up Programme” in April 2020 to reach out to women who were victims of violence in the past to find out their well-being. The state level call center of the State Crimes Records Bureau was authorized to make the calls. In case of continuing violence, the SCRB call center will intimate the district officials for follow-up action. See Odisha Police headquarters, Press Note, “Phone-Up Programme” to break the cycle of domestic violence during COVID-19 lockdown”, 17.04.2020: <https://www.odishapolice.gov.in/sites/default/files/PDF/Phone-Up%20Programme%20to%20break%20the%20cycle%20of%20domestic%20Violence%20during%20COVID-19%20lockdown.0.pdf>

¹¹ Madhya Pradesh Police SOP on crimes against women places emphasis on regular communication and coordination with local NGOs, social workers and health workers as a way to prevent and provide remedies to women victims. The SOP is not available on the website. The department shared a copy with CHRI.

¹² ““Significant” increase in Cyber Crimes against Women during Lockdown: Experts,” *NDTV*, May 3, 2020: <https://www.ndtv.com/india-news/significant-increase-in-cyber-crimes-against-women-during-lockdown-experts-222352>.

- Where victims are mentally or physically disabled, the information is recorded at their residence or at a convenient place of their choice; and
 - The recording of such information is videographed.
- Coordinate with courts and jails to extensively use the facility of video-conferencing for court productions, wherever possible.

4. Active disclosure of information

With unprecedented restrictions in place disclosing and disseminating information becomes even more important.

Presently a glance at the RTI disclosure under S 4 and a quick review of the State Police Citizens Portals shows them to be uneven in quality of content, often incomplete in information, not current and inconsistent in access. MHA, home departments and Commissions need to remind police departments of the statutory duty to ensure complete and current information is available to the public by multiple appropriate means: Illustratively, not limited to:

- Proactive disclosure under Section 4 of the Right to Information Act, 2005.
- Uploading all First Information Reports on the police website within 24 hours of registration in compliance with the Supreme Court's directions in *Youth Bar Association of India v. Union of India (AIR 2016 SC 4136)*
- Displaying names and addresses of all arrested persons, along with names and designations of arresting officers, on the notice board of every district Police Control Room.
- Maintaining a public database of arrested persons and the offences charged at the Control Room at police headquarters, as per Section 41C, Cr.P.C.

5. Preparedness to facilitate safe public assemblies

All departments require to be reminded of the scope of freedom of speech and the right to peaceful assembly. These two Constitutional rights have been under severe attack during this Covid time. Unjustified scrutiny of posts and questioning, unwarranted use of sedition and similar provisions, unreasoned arrests, and restrictions on assembly have become frequent and are often selective. There is an urgent need to facilitate the protection of the constitutional rights to freedom of speech and expression and the right to peaceful assembly guaranteed under Article 19(1) (a) and (b) of the Constitution and ensure that any actions or restrictions imposed are in keeping with the enjoyment of these guaranteed rights.

The police have several SOPs available to deal with freedom of assembly and dealing with large crowds which can assemble for religious reasons or to protest or otherwise. However, these are often not known or if known implementation is observed more in the breach than in observance. As such there is frequent conflict, use of excess force and violation of the right to assemble and peaceful protest.

- Central and state governments as well as Commissions and police departments are advised to provide initial training and on the job re-training by way of videos or

booklets to embed in personnel of the scope of constitutional guarantees of free speech and freedom of assembly as well as the right to peaceful protest and indicate that they continue unabated and have not been abrogated in present circumstances.

To ensure the safety of all persons involved, including police personnel, the SOP/plan at a minimum can include the following:

- In line with the Supreme Court's directions in *Ramlila Maidan Incident v Home Secretary, Union of India & Ors. (2012) 5 SCC 1*), denial of permission by police (or any relevant executive authority) can only be for valid and exceptional reasons. In the presence of Covid-19 the exceptional circumstance must be limited to health and safety considerations alone.
- As always, any use of force in managing the assembly must be proportionate and only when necessary; and authorised by law in accordance with procedural safeguards, and mandated procedures on initiating use of force and reporting on force always used. The SOP should state that all use of force will be investigated, and excess force penalised.
- Routes, numbers, location of the assembly as well as any safety measures for public and police in the event of any untoward incident or mishap, must be the outcome of consultations between police and organisers. Protocols must be based on ensuring precautions against the spread of Covid-19 and not expand into other considerations.
- Designate and announce the distancing norms and safety precautions, like wearing of masks, and maintaining distance.
- Define places where people can go for medical assistance in case the assembly is dispersed.
- SOPs must mention the duty of police personnel to assist the public get swiftly to safety and also get quick medical assistance. It must detail in-situ arrangements and procedures for getting people to safety and out of harm's way as well as to nearby medical facilities at the earliest.
- Place this information widely in the public domain so people know in advance and can seek permission accordingly.

6. Coordination with the State and District Health Facilities and Essential Service Providers

- Institute weekly reporting of state wise, and police district wise, testing statistics, number of infections detected, number treated, numbers of deaths due to Covid, and numbers recovered in coordination with the health department.
- Coordinate with district and state health departments, medical facilities/hospitals in ensuring police personnel are provided with compulsory and frequent testing and health check-ups, high-priority in receiving treatment.
- Coordinate to ensure police personnel have special emergency wards in hospitals.

- Obtain and post names and locations of COVID testing centres, names of hospitals, number of doctors and other healthcare personnel, at every police district and police station.
- Regularly update the names and locations of COVID testing centres, names of hospitals, doctors on the state police website.
- Collate all Covid-19 helpline numbers¹³ set up by the police at all levels, and prominently display as a consolidated list on the state police website and in all police stations for easy access.

B. RECOMMENDATIONS TO THE NATIONAL HUMAN RIGHTS COMMISSION

At a time when courts have restricted their functioning the NHRC has an enhanced and crucial role to play in ensuring that rights violations are minimised and eliminated and the best protections are afforded to the most vulnerable toward realisation of their rights and their access to justice. The following measures are recommended to the NHRC (and are equally applicable to SHRCs and Commissions).

- After laying down publicly known criteria for the post, increase the number of NHRC appointed Special Rapporteur, and/or NGO Core group member, and/or Special Monitor so that NHRC has eyes and ears across the nation.
- Activate with suitable orientation, the relevant Special Rapporteur, and/or NGO Core group member, and/or Special Monitor to keep under review implementation of guidelines in different geographies and report back; conduct inspection visits¹⁴ to police stations/lock-ups prioritising the worst Covid-affected or violation prone police districts, with all precautions necessary. Mandate a written report following each visit to be sent to the officer in charge of the police station, the district Superintendent of Police, the state Director General of Police, and to the NHRC Chairperson and members that indicates shortfalls in lawful compliance and seek reports of improvements within a given time line. Disobedience to the NHRCs directions must come with consequences and where there is third party harm inflicted directly attributable to lack of compliance there must be consequences visited upon the individual and department.
- Seek out and collate all existing Standard Operating Procedures on policing challenges during Covid-19 developed by state police departments and circulate to all police departments to enable cross-sharing.
- Examine these for compliance with maximising constitutional rights and access to instrumentalities of justice.

¹³ For example, a designated helpline set up by the Delhi Police: <https://www.delhipolice.nic.in/4-CP-Order-dated-24-3-2020.jpg>

¹⁴ In line with Section 12(c) of the Protection of Human Rights Act, 1993

- Recommend, urge and assist the Director General of Police of all states and Union Territories (UTs) that do not have them to order the immediate drafting and adoption and of a set of Covid-specific SOPs, to be placed on the police website and circulated through various means to all police personnel and to the general public. Give emphasis to the priority areas for human rights protection.
- Recommend and urge and repeatedly remind, the Director General of Police of all states and UTs to comply with all statutory obligations to disclose information of police decisions and actions.
- Collate all Covid-19 helpline numbers set up by state police departments (at all levels) and display as a consolidated list on the NHRC's website for easy access; with recommendations to police chiefs to ensure these are current and prominently displayed in the public domain.
- Draft and circulate to all police departments a template checklist of legal and procedural rights of all persons in custody, whether suspect, witness, or arrested person, for adoption at the police station overseen by the officer in charge.
- Recommend and urge the Director General of Police of all states and UTs to issue circulars directing police officers to minimise arrests as far as possible stipulating the criteria when arrest is necessary in line with legal standards.
- Activate through dialogue and collaboration the over 170 guardian institutions that are dotted across the country especially the SHRCs to participate in monitoring the police and assisting them to develop their response to the Covid -19 period within the framework of upholding constitutional rights and being of utmost service to the public while ensuring their own health.
- Recommend and urge the Director General of Police of all states and UTs to collaborate with the NHRC in conducting consultations inter and intra state for monitoring, brainstorming and overcoming challenges.

In all the above. Much in the same way as the NHRC has reached out to members of the Covid Committee, I would urge the NHRC to take the widest possible assistance from local legal aid bodies, academic institutions and the CSO community of specialists in ensuring the implementation of recommendations.

C. RECOMMENDATIONS TO THE STATE GOVERNMENTS AND POLICE COMPLAINTS AUTHORITIES

Police Complaints authorities provide the possibility of local complaints and remedies against police functioning. The directions in the *Prakash Singh & Ors v. Union of India & Ors*, 2006 require them to be set up. There are presently only 17 of them. Most do not follow the composition laid down by the court, nor do they have staff and resources sufficient to carry out their functions effectively. They are routinely in contention with the police establishment or ignored.

The NHRC may urge state governments and the Centre to strengthen the working of Police Complaints Authorities (PCAs), in strict accordance with the Supreme Courts directions.

In specific the NHRCs recommendations may press:

- Where non-existent, immediately constitute Police Complaints Authorities (PCAs) at the state and district levels, as mandated by the Supreme Court in *Prakash Singh & Ors v. Union of India & Ors*, 2006
- Include PCAs as part of ‘essential services’, and ensure they remain functional and accessible throughout.
- Direct the PCAs to develop and/or review existing Rules of Procedure to specify/expand mediums through which people can approach the authorities and file complaints for police misconduct during the pandemic. The rules must clearly specify the procedure for filing complaints, inquiry procedure, timelines and the range of actions that the authorities can take following the completion of an inquiry. The authorities must expand the use of technology and social media in receiving complaints and maintaining regular contact with the complaint
- Ensure adequate resources, including workforce and budget, for the PCA members to function effectively