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The Gazette of the Democratic Socialist Republic of Sri Lanka
EXTRAORDINARY

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PART I : SECTION (I) — GENERAL

Government Notifications

L.D. B 2/2005.

CONSTITUTION OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

RULES made by the National Police Commission by virtue of the powers vested in it under paragraph (2) of the Article 155G of the Constitution.

NEVILLE PIYADIGAMA,
Chairman,
National Police Commission.

Colombo,
17th January, 2007.

Rules

1. These rules may be cited as the Rules of Procedure (Public Complaints) 2007.

2. Any person specified in Rule 3, who is aggrieved by an act or omission of a police officer, or the police service in carrying out his or its lawful duty may lodge a complaint against such police officer or the police service with the Public Complaints Investigation Division (hereinafter referred to as PCID) established by the National Police Commission (hereinafter referred to as “the Commission”) and seek appropriate redress in accordance with law.

3. A complaint against a police officer or the police service may be made to the PCID by –

- (a) an aggrieved person ;
- (b) a social organization, public organization or non-governmental organization ; or
- (c) an Attorney-at-Law on behalf of an aggrieved person,

which shall be entertained by the Director or Deputy Director or a Provincial Director of the PCID.

4. Every complaint received at the respective office of the officers specified in Rule 3, shall be serially numbered and registered in a Record Book and acknowledged within seven days of the receipt thereof. The complaint and all relevant Documents, if any, shall be maintained at the respective offices.

5. The Deputy Director, and the Provincial Directors, shall categorize the complaints into appropriate segments in Schedule I to these rules and cause forthwith an investigation made thereon. He shall ensure investigations under segment A of Schedule I are completed within thirty days and investigations under Segments B and C are completed within sixty days of the receipt of a complaint.

6. The officers designated as Investigating Officers of the Commission shall conduct investigation on the directions of the Director or Deputy Director or a Provincial Director, as the case may be.

7. The Commission in consultation with the Inspector General of Police shall obtain the service of Police Officers who shall be released to the Commission. These officers shall also be designated as Investigating Officers of the Commission and conduct investigations on the directions of the Director, Deputy Director or Provincial Director of the Commission.

8. The Commission in consultation with Inspector General of Police may empower the Director, Deputy Director, Provincial Director or an Investigating Officer of the Commission to visit any Police Station in order to inspect any person in the Police cells, and to question and examine such person and obtain any copies of statements made to Police by such aggrieved person and also to examine and obtain copies of any other relevant documents and any other information deemed necessary.

9. A Police Officer-in-charge of a Police station or a District, Senior superintendent of Police of a Division, and a Deputy Inspector General-in-charge of a Range are required to give assistance to the Investigating Officers to carry out their duties.

10. The Director or the Deputy Director or the Provincial Director as the case may be, shall as soon as a report of the investigation is received on the complaint of the aggrieved person or on the progress of the investigation of the Investigating Officer, forward such report to the Commission.

11. All Provincial Directors shall forward forthwith, copies of complaints against an act or omission set out in Segment A of Schedule I, received at their respective offices with their Reference numbers to the Director, PCID.

12. The Provincial Directors shall submit monthly returns to the Director PCID in respect of all complaints and the progress of investigations made on such complaints. Director, PCID shall maintain a Master Register and a Data Base of all complaints received in the Commission Headquarters and Provincial Offices.

13. (1) It shall be the primary duty and the responsibility of every senior police officer-in-charge of a District, Division or Range, (Territorial and functional) to conduct impartial investigations by independent officers into the category of complaints set out in Schedule I, where such complaint is made to him in the first instance and ensure that proper departmental action is taken in terms of procedures laid down in the Police Departmental Orders or any other regulations governing the discharge of duties by Police Officers.

(2) A senior police officer conducting inquiries shall inform immediately the PCID by fax and submit a report within one calendar month with recommendations on the completion of such investigation.

(3) The Director, PCID shall monitor every investigation and call for reports and give necessary instructions whenever necessary. Director shall take over any investigation if he is of the opinion that an inquiry has not been conducted satisfactorily. Director shall also submit reports to the Commission relating to the manner in which an investigation has been conducted for appropriate action by the Commission against senior police officer who fails to conduct proper investigations or comply with any Police Departmental order or regulation governing the discharge of duties by Police Officers or directions of the Commission.

14. (1) Complaints against any act or omission set out in Segment A in Schedule I, shall be investigated by a team of Investigating Officers with the assistance of police officers attached to PCID, when such complaints are made direct to the Commission and where the Director opines that it is prudent to carry out such investigations by the PCID.

(2) Preliminary investigations shall be carried out by the PCID or a senior police officer as the case may be, on any complaint against any act or omission set out in Segment A in Schedule I and a report prepared on whether there exists a prima-facie case or sufficient material and evidence to prefer criminal or disciplinary charges against the officer against whom such complaint has been made. The preliminary investigations shall be completed within 21 days from the date of receipt of a complaint.

(3) Findings and recommendations of the Deputy Director, Provincial Director and Investigating Officers (Police Commission) shall be submitted to the Commission by the Director, PCID, with his recommendations.

15. The PCID shall refer every complaint against an act or omission set out in Segment B to the Inspector General of Police who shall cause an impartial investigation conducted by an independent officer or officers. Reports and recommendations of Inspector General of Police shall be submitted to the Commission by the Director with his observations.

16. Complaints against an act or omission set out in Segment C shall be referred to a DIG and SSP of a Division in the provinces for impartial investigation by one or more independent officers. The reports received from DIGG/Senior Superintendent of Police Division shall be scrutinized by the Deputy Director and the Provincial Directors and may be referred back for further investigations, if necessary.

17. At the conclusion of an investigation, if it is recommended that disciplinary action or prosecution against a police officer shall be instituted, the IG or DIGG, as the case may be, shall be notified along with evidence recorded at the investigations and draft charges, to initiate forthwith such disciplinary action according to departmental procedure or prosecution against such police officer.

18. The IG or DIG as the case may be shall send copies of charge sheet, and where criminal proceedings are instituted, furnish copies of complaints, with the progress of the case, and in both instances, shall report to the Director PCID. The final order of the disciplinary inquiry or the findings of the Court shall be intimated forthwith to the Director PCID by the relevant authority.

19. The Commission on receipt of such final order made after the disciplinary inquiry or the findings of the court shall forthwith grant whatever redress possible, according to the law, to the complainant.

20. Notwithstanding the procedure herein established on the directions of the Commission, the Director or Deputy Director or Provincial Directors shall be empowered to initiate investigations against any police officer or the police service on disclosures received through any source including the print or electronic media and the procedure set out herein shall *mutatis mutandis* apply to such investigations.

21. Where these rules are silent in respect of any matter or procedure, the Commission may decide on the procedure as appropriate for any specific matter.

SCHEDULE I

Segment "A"

1. Acts in violation of Human Rights.
2. Allegations of torture and/or cruel, inhuman or degrading treatment and/or injury to a member of public in Police care/custody ; and by any action of a Police Officer.
3. Death of a person in Police care or custody.
4. Fabrications of cases and making false reports and statements to court.
5. Any allegations which attracts public interest and where wide publicity is given through the mass-media demanding independent investigations into such allegations.
6. Cognizable offences, committed by Police Officers.

7. Interference, intimidation threat to victims and witnesses directly by themselves or by deployment of intermediaries, in cases under investigations ; or in respect of disciplinary inquiries and Court cases.
8. Any attempt to coerce/intimidate/subvert evidence/reports of Medical Officer or any other Public Officer into submitting false documents or engage in dereliction of duties of such officers.
9. Gross abuse of power, neglect of duties and acts bringing into disrepute the Police Service.
10. Incidents of shooting by Police Officers.
11. Illegal arrest and detention.
12. Refusal to record complaints.

Segment “B”

1. Assault/intimidation/abuse and threat.
2. Refusal/failure/postponement to record a statement required to be made to the Police.
3. Making deliberate distortions in statements recorded.
4. Failure to maintain records – erasing or otherwise altering the records.
5. Exhibiting partiality towards members of the political parties in carrying out official duties.
6. Miscarriage of justice resulting from misconduct by a Police Officer.
7. Fatal road traffic accident in which a Police officer or a police vehicle is involved.
8. General inefficiency, lapses, indiscipline etc. of the Police Service, DIGG Ranges, OICC SSPP Divisions, Districts and OICC Stations.
9. Willful institutions of defective or incomplete criminal charges against the accused persons.

Segment “C”

1. Undue delay in making available certified copies of statements made to the Police by any person on payment of the usual charges.
2. discouraging, complainants or witnesses from making statements.
3. Use of abusive words, threats or intimidation on complainants or witnesses.
4. Inaction and partiality by the Police in taking action on complaints made.