



E-FILING NO - EF-HCK-2026-075970

BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

WP(PIL) No Of Year 2026

111.00 PUBLIC INTEREST LITIGATION

111.00 PUBLIC INTEREST LITIGATION

PETITIONER(S)

1. JAFFER KHAN

VS

RESPONDENT(S)

1. STATE OF KERALA
AND OTHERS

MEMORANDUM OF WRIT PETITION (PIL) FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF
INDIA

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Sd/-
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PRAVEEN.K.JOY(K/2625/1999)



BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

WP(PIL) No Of Year 2026

PETITIONER : JAFFER KHAN

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RESPONDENT : STATE OF KERALA AND OTHERS

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Sd/-

E-VERIFIED

PRAVEEN.K.JOY

K/2625/1999

BEFORE THE HONOURABLE HIGH COURT OF KERALA, ERNAKULAM

W.P. (PIL) No. /2026

Jaffer Khan	:	Petitioner
	Vs.	
State of Kerala & others	:	Respondents

SYNOPSIS

1. The present Writ Petition raises a continuing public-law issue concerning the effective functioning of the State Police Complaints Authority, Kerala ("SPCA"), a statutory police-accountability institution constituted under Section 110 of the Kerala Police Act, 2011. The petitioner had earlier approached this Hon'ble Court in W.P.(C) No.14170/2021 concerning the prolonged failure of the State Government to effectively appoint a Chief Investigation Officer ("CIO") for assisting the SPCA in the discharge of its investigative functions. The said proceedings culminated in the judgment dated 07.06.2022 rendered by the Division Bench in W.P.(C) No.14170/2021 and W.A. No.59/2022. By the judgment dated 07.06.2022, this Hon'ble Court directed the State Government to finalise the selection process for appointment to the post of Chief Investigation Officer within 60 days from 01.04.2022. The judgment followed repeated administrative proceedings, recruitment attempts and earlier judicial intervention concerning the same statutory requirement. The direction was consequently required to reach its logical conclusion. However, notwithstanding the expiry of the period stipulated by this Hon'ble Court and the passage of several subsequent years, the petitioner submits that the statutory requirement of an effective and institutionally adequate investigative mechanism for the SPCA has not been durably secured. The present petition is specifically founded upon the subsequent and continuing cause of action arising from the State's failure, after the judgment dated 07.06.2022, to ensure the effective discharge of the statutory obligation imposed by Section 110 of the Kerala Police Act, 2011, and from the continuing institutional deficiency affecting the functioning of the SPCA. The petitioner respectfully submits that the expiry of the period available for initiating contempt proceedings does not extinguish the independent constitutional jurisdiction of this Hon'ble Court under Article 226

where a subsequent cause of action arises in relation to implementation of an earlier judgment.

2. The Supreme Court has expressly recognised this principle in *State of Haryana and others v. M.P. Mohla*, (2007) 1 SCC 457, wherein it was held that if a subsequent cause of action arises in the matter of implementation of a judgment, a fresh writ petition may be filed because a fresh cause of action has arisen. The same distinction emerges from *J.S. Parihar v. Ganpat Duggar*, (1996) 6 SCC 291, where the Supreme Court held that once an order is passed pursuant to the directions of a Court, any grievance concerning the correctness or conformity of the subsequent action constitutes a fresh cause of action for judicial review in an appropriate forum and cannot ordinarily be converted into substantive adjudication in contempt jurisdiction. The present petition therefore invokes the ordinary and substantive writ jurisdiction of this Hon'ble Court and seeks prospective institutional relief. The petition does not seek to reopen the merits of any individual candidate considered in the earlier recruitment process. The petitioner does not seek his own appointment. The petitioner does not seek appointment of any particular individual. The petitioner seeks a lawful and effective institutional mechanism by which the SPCA can discharge the statutory functions entrusted to it by Section 110 of the Kerala Police Act, 2011.

3. Section 110(1) entrusts the State Police Complaints Authority with the examination and inquiry of complaints concerning all types of misconduct against police officers of and above the rank of Superintendent of Police and specified grave complaints against officers of other ranks. Section 110(6) requires the Government, in consultation with the Authority, to establish and provide all necessary facilities for its proper functioning. Section 110(8) further requires Government officers to render all possible assistance, including production of records and provision of expert assistance where necessary. The statutory mandate is therefore continuing. The need for investigative capacity is continuing. The obligation of the State to facilitate the proper functioning of the Authority is continuing. The petitioner's cause of action consequently does not depend exclusively upon the historical date on which the earlier judgment was

delivered. The present case is also distinguishable from a petition which merely seeks execution of an old judgment. The petitioner seeks judicial review of the present and continuing state of affairs and seeks consequential directions under Article 226 to secure compliance with the statutory scheme and to remedy the institutional deficiency which has continued after the earlier judicial intervention. In *Mahendra Prasad Agarwal v. Arvind Kumar Singh*, 2026 INSC 175, the Supreme Court held that where a subsequent governmental decision requires substantive challenge, the proper course is a fresh writ proceeding rather than expanding contempt jurisdiction beyond its legitimate limits. The present petition is therefore maintainable on the basis of a subsequent and continuing cause of action. There is no action from 2021 till now.

4. The underlying institutional problem also requires reconsideration of the structure of the CIO post itself. The Government's own earlier notification contemplated a one-year contractual appointment, without regularisation, carrying consolidated remuneration of ₹75,000/- per month, while simultaneously assigning the CIO highly sensitive investigative functions including investigation of custodial violence, preparation of investigation plans, examination of complainants, witnesses and accused persons, scene search, analysis of police, medical and post-mortem records and submission of reports to the Chairperson of the SPCA. The experience extending over nearly a decade demonstrates that repeated short-term recruitment exercises have not produced a durable institutional mechanism. The issue is therefore not merely whether another notification can be issued. The issue is whether the post has been structured in a manner capable of attracting a suitably qualified and independent professional possessing the level of investigative experience required for the statutory function.

The petitioner therefore seeks institutional directions concerning:

- (a) A permanent or otherwise institutionally secure CIO mechanism;
- (b) Genuine independence from the regular police hierarchy;
- (c) Substantial practical investigative experience;

- (d) Specialized expertise in criminology, criminal justice, human rights, forensic/scientific investigation, vigilance, intelligence, legal investigation or comparable fields;
- (e) Appropriate institutional status commensurate with the responsibility of investigating senior police officers;
- (f) Adequate remuneration and tenure;
- (g) A transparent Search-cum-Selection mechanism capable of identifying an appropriate professional pool; and
- (h) A time-bound and enforceable implementation mechanism.

The reliefs sought are thus prospective, institutional and public in character.

LIST OF DATES AND EVENTS

17.02.2012: Government constituted the State Police Complaints Authority under Section 110 of the Kerala Police Act, 2011.

30.05.2015: Government accorded sanction for creation of an investigation team for the SPCA, including retired personnel from All India Service or Central Government Services on a pro bono basis.

31.12.2015: The Chairperson of the SPCA proposed appointment of a Chief Investigation Officer.

03.03.2016: Government sanctioned appointment of a CIO.

25.04.2017: Government issued proceedings concerning appointment and conditions relating to the CIO.

23.09.2019: Government notification contemplated appointment of the CIO on contract for one year, without regularisation, with consolidated remuneration of ₹75,000/- per month and extensive investigative duties.

07.06.2022: The Division Bench disposed of W.P.(C) No.14170/2021 and W.A. No.59/2022 and directed the State Government to finalise the selection process for the CIO within 60 days from 01.04.2022.

26.05.2026: representation submitted before the Home Minister of Kerala

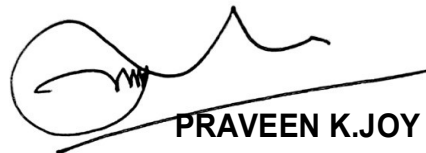
Points among other to be urged

The stand adopted by the respondent Government Authorities in not taking positive steps for appointment of the independent Chief Investigation Officer (CIO) at State Police Complaints Authority (SPCA) is highly illegal, arbitrary and against law. Unless the same is appointed, the smooth functioning of State Police Complaints Authority (SPCA) is not at all possible and hence the matter requires urgent consideration.

Statutes/Authorities relied on

Public Interest Litigation- Writ Petition filed under Article 226 of the Constitution of India

Dated this the 01st day of September, 2026



PRAVEEN K.JOY
ADVOCATE



E-FILING NO - EF-HCK-2026-075970

BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

WP(PIL) No Of Year 2026

PETITIONER(S)

1. JAFFER KHAN

AGED 62 YEARS

S/O OUKKAR HAJI, KARUVELIL HOUSE, ARAKKAPPADI VILLAGE, VENGOLA P.O, ERNAKULAM
, PIN-683547

VS

RESPONDENT(S)

1. STATE OF KERALA

REP. BY SECRETARY DEPARTMENT OF HOME AFFAIRS GOVERNMENT SECRETARIAT
TRIVANDRUM
, PIN-695001

2. THE SECRETARY

DEPARTMENT OF HOME AFFAIRS GOVERNMENT SECRETARIAT TRIVANDRUM
, PIN -695001

3. THE ADDITIONAL CHIEF SECRETARY

HOME DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM
, PIN -695001

4. THE STATE POLICE COMPLAINTS AUTHORITY

REP.BY CHAIRMAN, COTTON HILL, VAZHUTHACAUD TRIVANDRUM
, PIN -695014

5. THE SECRETARY

THE STATE POLICE COMPLAINTS AUTHORITY COTTON HILL, VAZHUTHACAUD TRIVANDRUM
, PIN -695014

6. THE STATE POLICE CHIEF

KERALA STATE, POLICE HEAD QUARTERS VELLAYAMBALAM, TRIVANDRUM
, PIN -695010

MEMORANDUM OF WRIT PETITION (PIL) FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF
INDIA BY PRAVEEN.K.JOY,T.A.JOY,M.P.UNNIKRISHNAN,N.ABHILASH,ARCHANA
VINOD,ABISHA.E.R,LAKSHMI K.S.,ALBIN VARGHESE,FATHIMA SHALU S.,MEGHA G.,ALTHAF
AMEER,ABHIJITH V. PRASAD,JOFFIN JOSEPH,ANAND P.S.
JOY & JOY ASSOCIATES, 2ND FLOOR,EMPIRE BUILDING, NEAR KERALA HIGH COURT,
ERNAKULAM-682018
PIN - 682018

STATEMENT OF FACTS

1. The petitioner herein is law abiding citizen of India. The petitioner is a resident of Arackappady village, Vengola panchayath in Perumbavoor. The petitioner has to his credit a reported decision of Division Bench of this Honourable Court in *2012(1) KLT 491 (Jaffarkhan Vs Kochumakkar and others)*. The petitioner is a member for Human Right Protection Activist and was the earlier President of Perumani Muslim Jamath Committee. The petitioner also filed a Public Interest Litigation with regard to the issue connected with Palarivattom fly over as WPC No.25343/2019. The Government filed RP No. 1243/2019, which was dismissed on 20.12.2019 against which SLP was preferred by State and others. The petitioner was the 9th respondent in Civil Appeal 3239-3246 of 2020 before the Supreme Court and the Apex Court set-aside the order of this Hon'ble Court, by disposing all the civil appeal vide judgment dated 22.09.2020 and directed this Hon'ble Court to dispose of the Pending writ petitions within a period of 6 months. Based on the same the writ petitions are disposed by this Hon'ble Court. The petitioner has also filed public interest litigation for effectively implementing Rule 151A of the Motor Vehicle Rules. For this WPC No.20500/2020 was filed and allowed. The petitioner also filed WPC No. 28137/2020 for implementation of speed Governor in public vehicles and the same was also disposed off by this Hon'ble Court. The petitioner has filed several public interest litigations.

2. The petitioner is a public-spirited citizen approaching this Hon'ble Court concerning the effective functioning of the State Police Complaints Authority, Kerala. The State Police Complaints Authority is a statutory institution constituted under Section 110 of the Kerala Police Act, 2011. Section 110(1) entrusts the State Authority with examining and inquiring into complaints concerning all types of misconduct against police officers of and above the rank of Superintendent of Police and specified grave complaints against officers of other ranks. Section 110(6) expressly requires the Government, in consultation with the Authority, to establish and provide all necessary facilities for its proper

functioning. Section 110(8) further contemplates Government assistance for production and examination of records and provision of expert assistance in matters requiring such expertise. The statutory scheme therefore contemplates an Authority having real and effective institutional capacity to inquire into serious allegations of police misconduct. The Government itself recognised the necessity of investigative assistance to the SPCA and commenced proceedings concerning the creation and appointment of a Chief Investigation Officer as early as 2015–2016. Despite repeated administrative proceedings and recruitment attempts, an effective and durable CIO mechanism was not established. The petitioner accordingly approached this Hon'ble Court in W.P.(C) No.14170/2021. In the said proceedings, the Government itself placed before this Hon'ble Court the history of steps taken for filling the post. This Hon'ble Court intervened on 13.08.2021 and directed expeditious completion of the process. The process was nevertheless not completed within the time stipulated, resulting in further proceedings. The Government thereafter revised the qualifications and issued a further notification. The matter ultimately came before the Division Bench along with W.A. No.59/2022. By judgment dated 07.06.2022, the Division Bench recorded the history of the matter and directed the State Government to finalise the selection process within 60 days from 01.04.2022. The petitioner is producing true copy of the judgment dated 07.06.2022 in W.P.(C) No.14170/2021 and WA No.59/2022 and the same may be marked as **Ext P1**. The direction was consequently required to result in a functioning investigative mechanism. However, notwithstanding the judgment and the expiry of the stipulated period, the petitioner submits that the underlying statutory requirement has not been durably secured. The petitioner has therefore been placed in a situation where a statutory police-accountability authority continues to require effective investigative capacity, while the institutional mechanism necessary for such investigation remains unresolved. The present petition is not an attempt to revive a stale contempt proceeding. The petitioner expressly submits that no relief by way of punishment for contempt is sought in the present proceedings. The petitioner also does not

seek to enlarge the contempt jurisdiction of this Hon'ble Court. The present petition invokes Article 226 for substantive judicial review and prospective institutional directions. The present cause of action includes the subsequent failure of the State, after the judgment dated 07.06.2022, to secure an effective institutional mechanism for the discharge of the statutory functions of the SPCA. The cause of action is further continuing because the statutory functions of the SPCA remain operative and the obligation under Section 110(6) to provide necessary facilities for its proper functioning remains in force. The petitioner therefore submits that the present petition is maintainable notwithstanding the expiry of the period within which contempt proceedings may have been initiated in respect of the historical non-compliance.

3. The petitioner is now before this Hon'ble Court to represent the grievance with regard to the delay in appointment of a “**non-police independent investing officer**” namely the Chief Investigation Officer (CIO) at State Police Complaints Authority (SPCA). It is submitted that there were several Government notifications published for the recruitment of a Chief Investigation Officer (CIO) of the State Police Complaints Authority (SPCA) in Kerala. However the same has not been implemented in effective manner since 2016. Hence the petitioner approaches this Hon'ble Court to resolve the grievance of public at large regarding this issue.

4. It is submitted that, the Kerala Police Act 2011 in its section 110 provides for the constitution of a Police Complaints Authority. Under the said provision a two different committee is to be formed namely, The State police complaint Authority and The District police complaint Authority. The very purpose of the authority is for examining and inquiring into the complaints on all types of misconduct against police officers of and above the rank of Superintendent of Police. The object of setting up the authority is also for considering grave complaints against officers of other ranks in respect of sexual harassment of woman in custody or causing death of any person or inflicting grievous hurt on any person or rape etc. As per section 110(2) of the KP Act 2011, the full quorum of the authority shall be five including a chairperson who shall be a

retired judge of High Court. It is submitted that, it is the responsibility of the Government under section 110(6) of the KP Act, to establish and give all necessary facilities for their proper functioning in consultation with the authority. Hence considering this provision there is no scope for any further doubt with regard to the role and the responsibility of the government to provide necessary assistance to the authority for its proper functioning. In addition to Section 110 of the KP Act, there are rules framed for regulating and functioning of the Kerala State Police Complaints Authority. In fact the State Police Complaints Authority is an independent body constituted to consider and examine the complaints with regard to misconduct of the police officials of and above the rank of Superintendent of Police. It also has the power to consider the complaints where allegations are made against the police officers of grave nature such as rape and murder. No doubt that such authorities remain as the final hope of the general common public who are subjected to cruelty and brutality of the police officials under the head of discharging public duty. The efficient and effective functioning of the authorities such as SPCA will be a porters rest for the common man who are having severe grievances against the police officials who tries to act in an undemocratic and inhuman way.

5. In a democracy, if any Government officer has misbehaved or violated the law, the public has the right to complain about it and get remedial action taken to redress the wrong doing. In particular, when those who are supposed to uphold the law, themselves break it by treating the public in an unlawful or inappropriate manner, the public needs to have an avenue to complain and get prompt redress. It is with this aim, police complaint authority which is independent of the police with their own powers of investigation was ordered to be constituted. It also has the power to make binding recommendations for action and can deal exclusively with complaints of serious misconduct and dereliction of duty by the police. When such wide ample and independent powers are conferred upon such authorities, it is the duty and the responsibility of the Government to make all arrangements for their proper and efficient functioning. The issue which is highlighted herein deals with such responsibility

of the government, which should ensure for an independent and impartial investigating agency/officer which should assist the SPCA for discharging their duty in the most effective and efficient manner, which would be highly for ensuring complete justice for the aggrieved common public.

6. It is noteworthy that, since its constitution the State Police Complaints authority had made its interference in several exclusive and important issues which had took place in the state for this whole period. Efficient and eminent personalities had hold the post of Chairman of the authority with wholly dedicated mind to discharge their functions to the most best level for ensuring justice to the aggrieved and such actions have helped a lot to create an impression in the mind of the people that, the “**Doors of the Justice**” are not fully denied to them, even though a number of grave human right violations are reported through the actions of some officials. However there are many other limitations, challenges and difficulties faced by the authority while disposing/adjudicating the matters due to the lack of a proper and efficient non police independent investigation team. The petitioner herein seeks the kind interference of this Hon’ble Court with regard to this matter.

7. It is submitted that, the Chairperson of the State Police Complaints Authority through a letter with number 8/SPCA/2012 dated 12/10/2012, submitted a proposal for creating an investigation team for the authority. Considering the said proposal the Government under the Home Department issued order according sanction to create and investigation team for the SPCA. The petitioner is producing the true photocopy of the Government order with number GO (RT) No 1287/2015/Home dated 30/05/2015 and the same may be marked as **Ext.P2**. The selection is to be done by an independent committee headed by the chairman of the SPCA. Further Ext.P2order provides that the investigation team will consist of 5 retired personnel of gazette and non-Gazetted rank with expertise and experience in investigation, who are retired from All India service of Central Government services, who shall work on a Pro Bono basis.

8. It is submitted that, the then chairman of the State Police Complaints Authority addressed a letter dated 31.12.2015 to the Home Secretary citing some important aspects. It was stated in the letter that the lack of an agency for investigation had delayed the disposal of the cases. A duly equipped investigating officer attached to the authority will go a long way to in ascertaining the truth of the complaint against the police and timely disposal of cases and under no circumstances would a serving or retired police officer become an investigator of the police complaint authority. There were recommendations noting the Common Wealth human rights initiative (CHRI) that the police themselves assuming the role of an investigator not only makes the mockery of the complaint but also puts the complainant at additional risk with the police. Authority should be provided with full investigatory powers and the State Governments must make the service of independent investigators available to their complaint authority. The petitioner is producing the true photocopy of the letter issued by the Chairman of State Police Complaints Authority to the Home Secretary, Government of Kerala dated 31/12/2015 and the same may be marked as **Ext.P3**.

9. It is submitted that citing Ext.P2 Government order, another communication was issued by the then chairman of the State Police Complaints Authority to the Addl.Chief Secretary (Home and Vigilance). In the said letter, the chairman had expressed his disagreement with regard to the proposal of investigating officer on "Pro Bono Basis". In fact the duty of an investigating officer involves expertise and lot of travel across the length and breadth of the state and not merely confined to file work within the four walls of an office. The doubt as to the apprehension of the complainants against the police acting as investigating officers was also mentioned in the said letter. To entrust a police officer to enquire into an allegation of misconduct against a member of his own force leaves much to be desired, since no one can be a judge of his own cause, may be the officer is up right, but there is the violation of the wholesome principles that justice should not only be done but should manifestly and undoubtedly seen to be done, the letter added. The petitioner is producing the

true photocopy of the letter issued by the Chairman of State Police Complaints Authority to the Addl.Chief Secretary(Home and Vigilance) dated 03/02/2016 and the same may be marked as **Ext.P4**. In the said letter there was a further suggestion that, the financial burden of the state can be scaled down by limiting the appointment to one candidate namely; The Chief Investigating Officer (CIO) instead of an investigation team.

10. It is submitted that, considering Ext.P4 communication of the Chairman of the State Police Complaints Authority, the Government issued a fresh order. The said order states that, the Government has examined the case in detail and are pleased to accord to sanction to appoint Chief Investigating Officer for the State Authority. The condition was that, the investigating officer will be on contract basis for a period of one year without eligibility for regularization. The selection shall be done by the authority in its full quorum. The petitioner is producing the true photocopy of the Government order with number GO (RT) No 833/2016/Home dated 03/03/2016 and the same may be marked as **Ext.P5**.

11. After the issuance of the Ext.P5 order, the then chairman of the State Police Complaints Authority issued a fresh communication to the Addl.Chief Secretary (Home and Vigilance) requesting to modify the pay scale considering qualifications rank and for appointment of the CIO for a minimum of five years. It was also requested to make changes in Ext.P5 order with regard to the selection process by constituting the selection committee with the chairman, the Home Secretary and another High Court Judge. The petitioner is producing the true photocopy of the letter issued by the Chairman of State Police Complaints Authority to the Addl.Chief Secretary (Home and Vigilance), Government of Kerala dated 10/03/2016 and the same may be marked as **Ext.P6**. Considering Ext.P6 request, the government had made modifications to Ext.P5 order in its Para (a) and (e). By the said modifications the remunerations to the CIO was increased to Rs.75000/- from 50000/- and should possess the rank of Superintendent of Police. Further the appointment of the Chief Investigating Officer shall be made in consultation with the chairman of the State Police

Complaints Authority. The petitioner is producing the true photocopy of the Government order with number GO (RT) No 1624/2016/Home dated 18/05/2016 and the same may be marked as **Ext.P7**. Therefore it is clear from the above documents produced that, altogether three Government orders were issued with respect to the appointment of the Chief Investigating Officer for the Kerala State Police Complaints Authority.

12. It is submitted that, there after the then chairman of the State Police Complaints Authority forwarded the draft of the notification calling for application to the post of State Police Complaints Authority, Thiruvananthapuram for approval to the Addl.Chief Secretary(Home and Vigilance) vide a letter dated 23/05/2016. The same was approved by the Government and order issued. The petitioner is producing the true photocopy of the Government order with number GO (RT) No 42805/SSA5/2016/Home dated 07/06/2016 and the same may be marked as **Ext.P8**.

13. It is humbly submitted that, the very purpose of setting up a State Police Complaints Authority is to examine and enquire into the complaints received with regard to the misconduct and violation of law done from the part of the Police officials. Such complaints are expected to be disposed of after following a detailed procedure including opportunity of hearing to the offender and to the complainant. A police officer is supposed to discharge his functions and duties in accordance with law existing in the Country and with utmost care and responsibility. When grave and serious allegations are made against police officer including cases of custodial death, such cases are also to be dealt with by the authority. Under such circumstances, an efficient, effective and proper investigation to the alleged incident should be guaranteed. Moreover the investigation should be in an independent and impartial manner. There will be some suspicion and doubtfulness in the minds of the public that, whether such independent and impartial investigations could be offered to them for securing justice, if the investigation are being carried out by the officials of the same police force. If such a doubt arises in the public, they could not be blamed for

that. It is under such circumstances the necessity and relevancy of an independent investigation agency arises. Considering the importance of this aspects, the then Chairman of the State Police Complaints Authority issued a letter to the Addl.Chief Secretary (Home and Vigilance) pointing out the same aspect. It is learn from letter of the then chairman dated 03.07.2017 that additional chief Secretary(Home and Vigilance asked for some clarification in connection with the appointment of such a chief investigation officer at SPCA in the middle of the recruitment process. In the response to the above letter, he stressed the need for an independent investigator for functioning of the police comaplint authority. It was referred in the said letter that, legal provisions have been made for an independent investigator to enquire into all allegations of misconduct against the police in States namely Assam, Haryana,Sikkim,Meghalaya and Tripura. Therefore there is no bar in appointing an independent personal as inquiry/investigation officer. The petitioner is producing the true photocopy of the letter dated 03/02/2017 issued by the Chairman, State Police Complaints Authority to the Addl.Chief Secretary (Home and Vigilance) and the same may be marked as **Ext.P9**.

14. The Government has issued another new order over turning the essence of several previous letters and the contents of Ext.P9 in regards to non-police independent investigation submitted to the SPCA Chairman. It is submitted that, the matter covered under Ext.P9 letter was having great significance. Therefore due consideration was given by the Government to the said proposal. Accordingly a fresh Government order was issued with a further clause that, "Those officers who have worked in the rank of Superintendent of Police in the Central Investigation Agencies like Central Bureau of Investigation (CBI), National Investigation Agency(NIA) etc and not served in Kerala Police are eligible for appointment". It was further enumerated in the order that, the selection of Chief investigation officer will be done by a committee of three members headed by additional chief Secretary (Home and Vigilance) a nominee of chairman, state police complaint authority and Government nominee. A degree in law must be included as desirable qualification. The

surprising fact here is that this order eliminates the basic concept of non-police independent investigation system attached with the police complaint authority. Superintendent of police in central investigation agencies such as the NIA or CBI are either serving Indian police service (IPS) or have been transferred from some other police forces. Since the State police officers from the rank of SP to DGP are part of the Indian police services(IPS) it is against the public interest to try to appoint another IPS officer who has served in SP ranks in NIA, CBI as CIO in the police complaint authority. The investigation is an art that needs to be studied scientifically and since the matter is criminology, it is actually a criminologist who has deal with criminal investigation. The qualification required to investigate crimes should not be that of wearing a police uniform. On contrary, as in developed countries crime must be dealt with by those who has studied criminal investigation scientifically. It should be taken seriously that the selection of candidates that the Indian Police Service and the State police service is not for those who have studied subjects like criminology etc. The police are must to have basic professional academic qualification. Lack of professionalism and the ability to make scientific inquiries are some of the reason for custodial harassment. In a situation where even the selection to the police needs to be reformed, the suggestion that only in the superintendent of police of NIA or CBI or any such category can act as a chief investigating officer is imperceptive. The petitioner is producing the true photocopy of the Government order with number GO (RT) No 1036/2017/Home dated 25/04/2017 and the same may be marked as **Ext.P10**.

15. Even after issuance of the Government orders cited above, the State Government had failed to attain finality in concluding the exercise. The existence of the authorities such as SPCA will no doubt ensure efficiency and justice in services of the officials to a large extent. It also creates a hope in the mind of the public that they have effective resort even if in any case subjected to any kind of torture or brutality by the officials under the name of discharging public duty. Hence an effective action is required in the matter from the government authorities. The issue is being prolonged since the publication of

the 1st government order in this regard dated 30.05.2015. Even now the government had not made any effective steps for the implementation of the content in the government order. Even after all the above efforts, in the final stage of appointment, the under Secretary issued a letter to SPCA dated 28.02.2020 on behalf of additional Secretary (Home and Vigilance) questioning in the necessity to appoint a chief investigating officer in the police complaint authority. In the said communication it is came to notice that the Government is reconsidering the necessity for a chief investigation officer.

16. Since the issuance of the very first government order with regard to the appointment of the chief investigation officer at State police complaint authority, the State had witnessed a number of incidents for the brutality and misconduct of the police officials. A number of "custodial deaths" were reported during this whole period. The dependents of the persons who were subjected to custodial death by the police officials in an inhuman and brutal manner are still wandering for justice. One of the heart breaking incidents was reported at Varappuzha police station which leads to the brutal murder of youngster named "Sreejith" in police custody. Later the death of an entrepreneur of a company named Haritha Finance was brutally tortured in custody and later died. Likewise a number of incidents were reported. There should be a non-police independent and impartial investigating mechanism to assist the State police complaint authority to discharge its functions in an effective, efficient and trustworthy manner.

17. It is to be noted that the notification inviting application from the eligible candidates to be appointed as the chief investigation officer (CIO-SPCA) was published initially in the month of April, 2017. The job description, age, qualification general and educational, experience, mode of submitting application etc were notified by the Government. However as a continuation of the same later nothing happened. The petitioner is producing the true photocopy of the notification inviting application from candidates to be appointed as the Chief Investigation Officer (CIO-SPCA) dated 17.04.2017 and the same may be marked as **Ext.P11**.

18. The petitioner respectfully submits that a judgment of a constitutional court cannot be treated as an administrative recommendation. Once a binding judicial direction is issued, the concerned authorities are required to give effect to it. It is submitted that a dispute once adjudicated must reach its logical conclusion and that the judgment of a court must be implemented. In the present case, the Division Bench granted the State a specific period for finalising the selection process. The State cannot indefinitely remain in an administrative cycle of notifications, reconstitutions, interviews and fresh recruitment exercises without producing the institutional outcome contemplated by the judgment and the statutory scheme. If the State has subsequently taken some action, the legality, adequacy and consequences of that action may be examined in the present writ proceedings. If the State has taken no effective action, the continuing failure itself constitutes the basis for appropriate public-law directions. In either event, the present proceeding is properly maintainable under Article 226. Section 110 of the Kerala Police Act, 2011 creates a continuing statutory framework for police accountability. The State Police Complaints Authority is not a temporary committee constituted for a limited period. Its jurisdiction continues so long as the statutory scheme remains in force. The obligation under Section 110(6) that the Government establish and provide all necessary facilities for the proper functioning of the Authority is likewise continuing. Section 110(8) further recognises the need for Government assistance and expert assistance where required. A statutory authority cannot be effectively constituted in form while being denied the practical institutional capacity necessary to perform its statutory functions. The continuing absence of an effective investigative mechanism therefore constitutes a continuing public-law deficiency.

19. The CIO is not an ordinary administrative post. The Government's own notification assigned the CIO functions including investigation of custodial violence and torture, preparation of investigation plans, examination of complainants, witnesses and accused persons, scene search, analysis of police station records, technical information, medical and post-mortem materials,

monitoring of investigations and submission of reports to the Chairperson of the SPCA. Such functions require substantial practical investigative expertise. Investigations of serious police misconduct may involve evidence extending over substantial periods and may require continuing examination of documentary, medical, scientific, electronic and testimonial material. Continuity of investigative leadership and institutional memory are therefore material requirements. The earlier model contemplated a one-year contractual appointment without regularisation. The petitioner respectfully submits that the experience of repeated recruitment failures demonstrates the need to reconsider the institutional design of the post. The issue is not merely whether another notification can be issued. The issue is whether the terms of the post are capable of attracting the class of professional required for the statutory function. A person possessing substantial investigative experience may already hold secure employment in Government, a statutory body, an autonomous institution or another professional organisation. Such a person may reasonably decline an uncertain short-term engagement involving serious investigative responsibility. Repeated failure under such a recruitment model cannot automatically establish that qualified professionals are unavailable. It may instead establish that the institutional conditions offered are inadequate to attract the necessary professional expertise. The State is therefore required to reconsider the post and recruitment mechanism as a matter of institutional design. The statutory purpose of the SPCA is to provide an accountability mechanism concerning police misconduct. The CIO may be required to investigate allegations concerning senior police officers. Genuine institutional independence is therefore an important element of effective investigation. The petitioner does not allege that every serving police officer lacks independence or integrity. The petitioner's submission is institutional rather than personal. Where the investigator is structurally dependent upon the same police hierarchy whose officers may be subject to investigation, an avoidable institutional concern arises. The State should therefore design the CIO mechanism so as to permit appointment of a suitably qualified professional who is institutionally

independent of the regular police hierarchy, subject always to the Constitution and applicable law. The statutory investigative function requires more than academic qualification. The recruitment mechanism should give substantial weight to demonstrated investigative experience. Depending upon the nature of the candidate's professional background, relevant expertise may include:

- (a) Criminal investigation;
- (b) Criminology;
- (c) Criminal justice;
- (d) Human rights;
- (e) Forensic and scientific investigation;
- (f) Vigilance investigation;
- (g) Intelligence and information analysis;
- (h) Legal investigation;
- (i) custodial-crime investigation; and
- (j) Other comparable specialized investigative experience.

20. The essential objective should be to secure a professional possessing substantial investigative experience, specialised competence and institutional independence. The CIO may be required to deal with investigations concerning officers of and above the rank of Superintendent of Police. Institutional standing is therefore relevant to effective performance of the statutory function. The petitioner does not seek that this Hon'ble Court itself prescribe a particular service rank contrary to law. The petitioner seeks a direction to the competent authorities to determine an appropriate institutional status, pay level and functional authority consistent with the responsibility entrusted to the CIO. Such determination may take into account the rank of officers whose conduct may be investigated, the statutory responsibilities of the SPCA, the experience required, the independence necessary and comparable institutional arrangements. The remuneration attached to the post is directly relevant to the State's ability to attract suitably qualified professionals. The earlier notification contemplated consolidated remuneration of ₹75,000/- per month for a one-year contractual appointment without regularisation. The petitioner respectfully

submits that the adequacy of the remuneration and tenure should be objectively reconsidered having regard to the professional responsibility involved. The investigator should also possess sufficient tenure and institutional security to conduct sensitive investigations without being placed in a position of inherent vulnerability arising from repeated short-term renewal. The petitioner therefore seeks appropriate directions for the competent authorities to determine adequate remuneration, tenure and service conditions in accordance with law. The post requires a comparatively rare combination of investigative experience and specialised professional expertise. Ordinary recruitment methods may therefore fail to identify the appropriate professional pool. The respondents should consider, wherever legally permissible, a specialised Search-cum-Selection mechanism. Such mechanism may include:

- (a) national-level publicity;
- (b) Identification of suitable professionals;
- (c) Invitation of applications from qualified non-police professionals;
- (d) Evaluation of actual investigative experience;
- (e) Transparent assessment of professional credentials;
- (f) Participation of suitably qualified independent experts; and
- (g) A reasoned and transparent selection process.

21. The petitioner seeks no appointment of himself or any particular person. The relief sought is confined to establishment of a lawful mechanism capable of securing a suitable professional for the statutory function. The petitioner has no personal claim to the post of CIO. The petitioner does not seek any appointment, remuneration or financial benefit. The petition concerns the effective functioning of a statutory police-accountability authority. The issue affects members of the public who may require an independent mechanism for investigation of serious allegations of police misconduct. Effective investigative capacity also protects police officers against false or unsubstantiated allegations by ensuring that complaints are examined through a professional and impartial mechanism. The relief is consequently institutional and public in character.

22. The petitioner respectfully submits that the present writ petition is maintainable under Article 226 of the Constitution of India. The Supreme Court in *J.S. Parihar v. Ganpat Duggar*, (1996) 6 SCC 291 held that once an order is passed by the Government pursuant to directions issued by the Court, a fresh cause of action arises for judicial review in an appropriate forum if the aggrieved party challenges the correctness or conformity of the subsequent action. The principle was expressly reiterated in *State of Haryana and others v. M.P. Mohla*, (2007) 1 SCC 457. In paragraph 23 of the said judgment, the Supreme Court held:

“If a subsequent cause of action has arisen in the matter of implementation of a judgment a fresh writ petition may be filed, as a fresh cause of action has arisen.”

23. The earlier judgment dated 07.06.2022 directed completion of the selection process within a specified period. The present petition arises after expiry of that period and concerns the continuing failure to secure an effective statutory investigative mechanism. The present petition therefore rests upon events and circumstances subsequent to the original adjudication and upon the continuing statutory obligation of the respondents. The petition is consequently not barred merely because the original judgment has become final. Nor does the expiry of the period contemplated for contempt proceedings extinguish the constitutional jurisdiction of this Hon'ble Court to examine a present and continuing public-law wrong. The petitioner's remedy under Article 226 is independent of the punitive jurisdiction exercised in contempt. The Supreme Court in *R.N. Dey v. Bhagyabati Pramanik*, (2000) 4 SCC 400 cautioned against using contempt as an execution proceeding where other legal remedies are available. In *Ashok Paper Kamgar Union v. Dharam Godha*, (2003) 11 SCC 1, the Supreme Court explained that contempt requires wilful disobedience and that the contempt jurisdiction cannot be expanded into an adjudication of substantive matters outside the order alleged to have been violated. Therefore, where the petitioner seeks a substantive institutional remedy under Article 226, the existence or expiry of a contempt remedy cannot by itself constitute a bar to the exercise of

writ jurisdiction. The Supreme Court has more recently reaffirmed this distinction in *Mahendra Prasad Agarwal v. Arvind Kumar Singh*, 2026 INSC 175, wherein the Court recognised that where a subsequent governmental decision requires substantive challenge, the appropriate remedy is a fresh judicial proceeding and that contempt should not be converted into a substitute for such adjudication. The present petition therefore falls within the recognised category of cases where a fresh cause of action arises in the matter of implementation of an earlier judgment. The present proceeding seeks examination of the present institutional position and substantive directions concerning the adequacy, permanence, independence, status, tenure, remuneration and recruitment architecture of the investigative mechanism. These matters constitute a distinct and subsequent public-law controversy. The petitioner accordingly submits that the principles of *res judicata* and constructive *res judicata* do not bar the present petition, particularly insofar as the present reliefs arise from subsequent events and continuing statutory obligations.

24. It is submitted that the process is being indefinitely delayed and dragged. The petitioner is now submitted afresh representation before the authorities. But no action taken so far. The petitioner is producing the true photocopy of the representation submitted before the Hon'ble Home Minister of Kerala dated 26.05.2026 and the same may be marked as **Ext.P12**. The matter requires an urgent consideration and interference from this Hon'ble Court since it is being delayed for a long time. The petitioner prays for urgent orders from this Hon'ble court including directions to the government to take urgent actions for appointing a duly qualified non police independent investigation expert as chief investigation officer at SPCA. The serious delay that the home department and the additional chief Secretary (Home and Vigilance) have been following from the begging highly suspicious. The voluntary appointment of the ACS (Home and Vigilance) as the Chairman of the recruitment committee by himself and the appointment of ADGP from the State police as the government nominee call into question the independence and transparency of the selection process. There is every chance that the matter will be further delayed if directions are not

issued from this Hon'ble Court. The petitioner left with no other effective alternative remedy is forced to approach this Honourable court on the following among other:

GROUND

A. The present writ petition is founded upon a subsequent and continuing cause of action arising after the judgment dated 07.06.2022. The Hon'ble Supreme Court in *State of Haryana v. M.P. Mohla*, (2007) 1 SCC 457 has expressly recognised that where a subsequent cause of action arises in the matter of implementation of a judgment, a fresh writ petition may be filed. In *J.S. Parihar v. Ganpat Duggar*, (1996) 6 SCC 291 recognizes the distinction between contempt jurisdiction and substantive judicial review of subsequent governmental action.

B. The present petition does not seek punishment for contempt and does not ask this Hon'ble Court to enlarge its contempt jurisdiction. The expiry of the period for initiating contempt proceedings does not, by itself, extinguish the constitutional jurisdiction of this Hon'ble Court under Article 226 to examine a subsequent or continuing public-law wrong. The present petition seeks substantive prospective directions concerning the continuing functioning of a statutory authority.

C. Section 110(6) of the Kerala Police Act, 2011 imposes a continuing obligation upon the Government to establish and provide necessary facilities for the proper functioning of the SPCA. Section 110(8) recognises the requirement of Government assistance and expert assistance in appropriate matters. SPCA has continuing statutory jurisdiction over serious complaints concerning police misconduct.

D. The judgment dated 07.06.2022 expressly directed the State Government to finalise the CIO selection process within 60 days from 01.04.2022. The said judicial direction was required to reach its logical conclusion. The subsequent failure to secure an effective and durable investigative mechanism constitutes a continuing institutional deficiency.

E. The reliefs concern matters which were not finally adjudicated in the earlier proceedings, including the institutional adequacy, permanence, independence, tenure, remuneration and recruitment architecture of the CIO mechanism. The petition therefore does not constitute an impermissible attempt to relitigate the same cause of action. Supreme Court in *R.N. Dey v. Bhagyabati Pramanik*, (2000) 4 SCC 400 cautioned against using contempt as an execution mechanism where other remedies are available. Supreme Court in *Ashok Paper Kamgar Union v. Dharam Godha*, (2003) 11 SCC 1 emphasized the limited scope of contempt jurisdiction and the requirement of wilful disobedience.

F. The proper forum for substantive judicial review of a present institutional deficiency is the writ jurisdiction of this Hon'ble Court. Government's own earlier notification contemplated highly specialised investigative functions for the CIO. The repeated failure of short-term recruitment exercises demonstrates the need to reconsider the institutional design of the post. The permanent statutory nature of the SPCA requires an investigative mechanism capable of providing continuity and institutional memory. A genuinely independent investigator is necessary for effective investigation of allegations concerning members of the police establishment. A appropriate tenure and institutional security are relevant to the functional independence of an investigator dealing with sensitive allegations. State is required to design a recruitment mechanism capable of attracting persons possessing the specialised investigative experience necessary for the statutory function. The petition raises questions concerning rule of law, institutional accountability and effective functioning of a statutory authority. The continuing failure of the investigative mechanism affects the public at large and cannot be treated as a purely private dispute.

G. Supreme Court in *Mahendra Prasad Agarwal v. Arvind Kumar Singh*, 2026 INSC 175 has recently emphasised the need for courts to provide effective substantive adjudication rather than perpetually remand matters for reconsideration, while recognising that substantive challenges to subsequent governmental decisions belong in appropriate judicial proceedings. The stand adopted by the respondent Government Authorities in not taking positive steps

for appointment of the independent Chief Investigation Officer (CIO) at State Police Complaints Authority (SPCA) is highly illegal, arbitrary and against law.

H. The Kerala Police Act 2011 in its section 110 provides for the constitution of a Police Complaints Authority. Under the said provision a two different committee is to be formed namely, The State Authority and The District Authority. The very purpose of the authority is for examining and inquiring into the complaints on all types of misconduct against police officers of and above the rank of Superintendent of Police. The object of setting up the authority is also for considering grave complaints against officers of other ranks in respect of sexual harassment of woman in custody or causing death of any person or inflicting grievous hurt on any person or rape etc. The authority of SPCA cannot be denied anymore. Therefore the Government is at the responsibility to ensure that there is opportunity for the authority to discharge its duties and functions in its full spirit.

I. It is the responsibility of the Government under section 110(6) of the KP Act, to establish and give all necessary facilities for their proper functioning in consultation with the authority. Hence considering this provision there is no scope for any further doubt with regard to the role and the responsibility of the government to provide necessary assistance to the authority for its proper functioning. In addition to Section 110 of the KP Act, there are rules framed for regulating and functioning of the Kerala State Police Complaints Authority. In fact the State Police Complaints Authority is an independent body constituted to consider and examine the complaints with regard to misconduct of the police officials of and above the rank of Superintendent of Police. Hence the authority and power of the SPCA is much wider. An independent Investigation Agency is essential for assisting the authority. Therefore interference from this Hon'ble Court is highly necessary in the matter.

J. The State Police Complaints Authority has the power to consider the complaints where allegations are made against the police officers of grave nature such as rape and murder. No doubt that such authorities remains as the final hope of the general common public who are subjected to cruelty and

brutality of the police officials under the head of discharging public duty. The efficient and effective functioning of the authorities such as SPCA will be a porters rest for the common man who are having severe grievances against the police officials who tries to act in an undemocratic and inhuman way. Therefore urgent and appropriate directions may be pleased to be issued with the concerned authorities of the Government to create an effective environment for the Authority to discharge its functions.

K. It is a basic principle of natural justice and Human Right that, when those who are supposed to uphold the law, themselves break it by treating the public in an unlawful or inappropriate manner, the public needs to have an avenue to complain and get prompt redress. It is with this aim, police complaint authority which is independent of the police with their own powers of investigation was ordered to be constituted. It also has the power to make binding recommendations for actions and can deal exclusively with complaints of serious misconduct and dereliction of duty by the police. When such wide ample and independent powers are conferred upon such authorities, it is the duty and the responsibility of the Government to make all arrangements for their proper and efficient functioning. Hence interference from this Hon'ble Court is highly necessary in the matter. The State Police Complaints authority had made its interference in several exclusive and important issues which had took place in the state ever since its formation. Efficient and eminent personalities had hold the post of Chairman of the authority with wholly dedicated mind to discharge their functions to the most best level for ensuring justice to the aggrieved and such actions have helped a lot to create an impression in the mind of the people that, the **"Doors of the Justice"** are not fully denied to them, even though a number of grave human right violations are reported through the actions of some officials. The power and dignity of the authority has to be up holded. Therefore urgent orders are necessary in the matter.

L. A police officer is supposed to discharge his functions and duties in accordance with law existing in the Country and with utmost care and responsibility. When grave and serious allegations are made against police

officer including cases of custodial death, such cases are also to be dealt with by the authority. Under such circumstances, an efficient, effective and proper investigation to the alleged incident should be guaranteed. Moreover the investigation should be in an independent and impartial manner. There will be some suspicion and doubtfulness in the minds of the public that, whether such independent and impartial investigations could be offered to them for securing justice, if the investigation are being carried out by the officials of the same police force. If such a doubt arises in the public, they could not be blamed for that. The necessity and relevancy of an independent investigation Officer to assist the SPCA had arisen while carefully considering some recent issues. Considering the importance of this aspects, the then Chairman of the State Police Complaints Authority issued a letter to the Addl.Chief Secretary (Home and Vigilance) pointing out the same aspect. It was referred in the said letter that, legal provisions have been made for an independent investigator to enquire into all allegations of misconduct against the police in States namely Assam, Haryana, Sikkim, Meghalaya and Tripura. Therefore there is no bar in appointing an independent persona as inquiry/investigation officer. In State of Kerala also the same pattern can be followed. Therefore urgent orders may be pleased to be issued with.

M. Even after issuance of several Government orders, the State Government had failed to attain a finality in concluding the exercise. The existence of the authorities such as SPCA will no doubt ensure efficiency and justice in services of the officials to a large extent. It also creates a hope in the mind of the public that they have effective resort even if in any case subjected to any kind of torture or brutality by the officials under the name of discharging public duty. Hence an effective action is required in the matter from the government authorities. Since the issuance of the very first government order with regard to the appointment of the Investigating officer at State police complaint authority, the State had witnessed a number of incidents for the brutality and misconduct of the police officials. A number of "custodial death" were reported during this whole period. The dependents of the persons who

were subjected to custodial death by the police officials in an inhuman and brutal manner are still wandering for justice. The job description, qualification general and educational, experience, mode of submitting application etc were notified by the Government. However as a continuation of the same later nothing happened. There should be a Chief investigating officer, appointed for the functioning of State Police Complaint Authority and the non-appointment of the same is totally illegal and would effect the police-at-large, since there could not be any positive measures/steps intimated by the Police Complaint Authority at all.

For these and other reasons which may be urged at the time of hearing it is most respectfully prayed that this Honourable Court may be pleased to grant the following

RELIEF

In the above circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to:

- i. Issue a writ of mandamus or any other appropriate writ, order or direction declaring that the respondents are under a continuing statutory obligation under Section 110 of the Kerala Police Act, 2011 to provide the State Police Complaints Authority with the necessary institutional facilities and investigative capacity required for its proper functioning;
- ii. Declare that the present writ petition is maintainable under Article 226 notwithstanding the expiry of the period within which contempt proceedings could have been initiated in respect of the historical non-compliance of the judgment dated 07.06.2022, the present petition being founded upon subsequent and continuing causes of action and substantive public-law relief;
- iii. Issue a writ of mandamus directing the respondents to give effective and meaningful implementation to the judgment dated 07.06.2022 in W.P.(C) No.14170/2021 and W.A. No.59/2022 and to ensure that the investigative function of the SPCA is effectively operationalized;

- iv. Direct the respondents to place before this Hon'ble Court a comprehensive status report disclosing the steps taken pursuant to the judgment dated 07.06.2022 and the present status of the CIO mechanism;
- v. Direct the respondents to produce the complete records relating to the creation, sanction, recruitment and attempted recruitment of the CIO from 2021 onwards;
- vi. Direct the respondents to produce all Government Orders, notifications, proceedings, applications, shortlisting records, interview records, Selection Committee proceedings and reasons for rejection/non-selection relating to the CIO;
- vii. Direct the respondents to take appropriate lawful steps for establishment of a permanent or otherwise institutionally secure post/mechanism of Chief Investigation Officer for the SPCA, instead of continuing indefinitely with unsuccessful short-term contractual arrangements;
- viii. Direct the respondents to ensure that the CIO mechanism is institutionally independent from the regular police hierarchy, subject to the Constitution, the Kerala Police Act, applicable statutory provisions and service rules;
- ix. Direct the respondents to prescribe eligibility conditions requiring substantial practical investigative experience together with appropriate specialised expertise in criminology, criminal justice, human rights, scientific/forensic investigation, vigilance, intelligence, legal investigation, custodial-crime investigation or comparable fields;
- x. Direct the respondents to determine an appropriate institutional status, pay level, tenure and functional authority for the CIO commensurate with the responsibilities entrusted to the post and the rank of officers whose conduct may fall within the jurisdiction of the SPCA;
- xi. Direct the respondents to provide remuneration and service conditions reasonably capable of attracting and retaining suitably qualified independent investigative professionals;

- xii. Direct the respondents, wherever legally permissible, to constitute or suitably modify a Search-cum-Selection Committee capable of identifying and attracting suitably qualified professionals at the State and/or national level;
- xiii. Direct the respondents to ensure that the recruitment mechanism gives due weight to actual investigative experience, specialised professional expertise and independence from the regular police hierarchy;
- xiv. Direct the respondents to formulate and implement the aforesaid institutional mechanism within a time-bound period to be fixed by this Hon'ble Court;
- xv. Direct the respondents to file a compliance report before this Hon'ble Court upon completion of the aforesaid process;
- xvi. Pass such other order or direction as this Hon'ble Court may deem fit and proper in the interests of justice.

INTERIM RELIEF

Pending disposal of the Writ Petition, the petitioner respectfully prays that this Hon'ble Court may be pleased to:

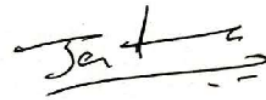
- i. Direct the respondents to disclose the present status of the Chief Investigation Officer mechanism of the State Police Complaints Authority;
- ii. Direct the respondents to produce before this Hon'ble Court the complete Government file relating to the creation, recruitment and proposed appointment of the CIO from 2021 onwards;
- iii. Direct the respondents to disclose whether any temporary, contractual or other appointment is presently in force, proposed or contemplated and, if so, disclose the tenure, remuneration, qualifications, status and conditions thereof;
- iv. Direct the respondents to produce the proceedings of all Selection Committees/Search-cum-Selection Committees relating to the CIO;

- v. Direct the respondents to file a status report explaining the steps taken pursuant to the judgment dated 07.06.2022 and the present reasons for the continued absence of an effective institutional investigative mechanism;
- vi. Direct the respondents to place before this Hon'ble Court the present structure and functional arrangements, if any, through which investigations contemplated under Section 110 of the Kerala Police Act are presently being undertaken; and
- vii. Pass such further interim order or orders as this Hon'ble Court may deem fit and proper.

Dated this the 01st day of September, 2026.



PRAVEEN K. JOY
ADVOCATE



PETITIONER

BEFORE THE HONOURABLE HIGH COURT OF KERALA, ERNAKULAM

W.P. (PIL) No. /2026

Jaffer Khan : Petitioner

Vs.

State of Kerala & others : Respondents

AFFIDAVIT

I, Jaffer Khan, aged 62, S/o Oukkar Haji, Karuvelil House, Arakkappadi Village, Vengola P.O, Ernakulam-683547 do hereby solemnly affirm and state as follows:

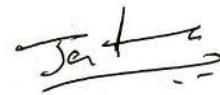
1. I am the petitioner herein. I am conversant with the facts of the case. I am swearing to this affidavit on my personal behalf and I am competent to swear to do so.

2. The above Writ Petition (PIL) has been filed seeking directions to the respondents to strictly implement the provisions of the Government orders for appointing independent Chief Investigating Officer to assist State Police Complaint Authority and for other reliefs. It is submitted that the petitioner has no personal or private interest in the matter and it is only in public cause that the same is filed and moreover there is no authoritative pronouncement by High Court or Supreme Court on the question raised and the result of litigation will not lead to any undue gain to himself or anyone associated with him. This is only a public interest petition.

3. The averments in the Writ Petition (PIL) may be read as a part of this affidavit. Exhibits produced herewith and marked are true copies of their originals. The petitioner has filed WPC No.14170/2021 and judgment has been passed on 07.06.2022. Even after the Judgment from 2022 to 2026 there is no action taken for appointment of Independent CIO. Hence now it is a new cause of action with regard to the non-appointment of Independent CIO. The petitioner is entitled for the reliefs claimed. Hence the Writ Petition (PIL) may be allowed in the interest of justice.

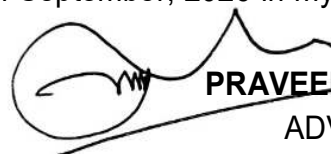
What is stated above is true.

Dated this the 01st day of September, 2026.



Deponent

Solemnly affirmed and signed before me by the above said deponent who is personally know to me on this the 01st day of September, 2026 in my office at ERNAKULAM.



PRAVEEN.K.JOY
ADVOCATE



2022:KER:26552

W.P.(C) No. 14170/2021 &
W.A. No. 59/2022

: 1 :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 7TH DAY OF JUNE 2022 / 17TH JYASHTA, 1944

WP(C) NO. 14170 OF 2021

PETITIONER/S:

JAFFER KHAN,
AGED 52 YEARS,
S/O. OUKKAR HAJI, KARUVELIL HOUSE, ARAKKAPPADI VILLAGE,
VENGOLA P.O., -683 547.

BY ADVS.
PRAVEEN K. JOY
T.A.JOY
E.S.SANEEJ
M.P.UNNIKRISHNAN
M.K.SAMYUKTHA
N.ABHILASH
DEEPU RAJAGOPAL

RESPONDENT/S:

- 1 STATE OF KERALA
REP. BY SECRETARY, DEPARTMENT OF HOME AFFAIRS, GOVERNMENT
SECRETARIAT, TRIVANDRUM-695 001.
- 2 THE SECRETARY (DELETED)
DEPARTMENT OF HOME AFFAIRS, GOVERNMENT SECRETARIAT,
TRIVANDRUM-695 001.
- 3 THE ADDITIONAL SECRETARY (DELETED)
DEPARTMENT OF HOME AFFAIRS, GOVERNMENT SECRETARIAT,
TRIVANDRUM-695 001.
[RESPONDENTS NO 2 AND 3 ARE DELETED FROM THE ARRAY OF
PARTIES AS PER ORDER DATED 22-07-2021 IN WPC.]
- 4 THE STATE POLICE COMPLAINTS AUTHORITY



2022:KER:26552

W.P.(C) No. 14170/2021 &
W.A. No. 59/2022

: 2 :

REP. BY CHAIRMAN, COTTON HILL, VAZHUTHACAUD, TRIVANDRUM-
695 014.

- 5 THE SECRETARY,
THE STATE POLICE COMPLAINTS AUTHORITY, COTTON HILL,
VAZHUTHACAUD, TRIVANDRUM-695 014.
- 6 THE STATE POLICE CHIEF,
KERALA STATE, POLICE HEAD QUARTERS, VELLAYAMBALAM,
TRIVANDRUM-695 010.

BY ADVS.

SRI.V.MANU, SENIOR GOVT. PLEADER

SONU AUGUSTINE

SHIRAS ALIYAR

SHRI.T.B.HOOD, SPL.GOVERNMENT PLEADER

SRI. K.P. HARISH, SR. GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07.06.2022,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



2022:KER:26552

W.P.(C) No. 14170/2021 &
W.A. No. 59/2022

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 7TH DAY OF JUNE 2022 / 17TH JYAISHTA, 1944

WA NO. 59 OF 2022

JUDGMENT DATED 25.11.2021 IN WP(C) 23529/2021 OF HIGH COURT OF KERALA

APPELLANT/PETITIONER:

V. PRAVEEN,
13 F, ANTA MARVEL APARTMENT,
KANNADIKKADU, MARADU POST,
ERNAKULAM-682 304.

BY ADV SONU AUGUSTINE

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
HOME DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
- 2 THE ADDITIONAL CHIEF SECRETARY,
HOME & VIGILANCE, ROOM NO.357-A, MAIN BLOCK,
GOVERNMENT OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
- 3 KERALA STATE POLICE COMPLAINT AUTHORITY,
COTTON HILL, VAZHUTHACAUD, THIRUVANANTHAPURAM-695 014.
REPRESENTED BY ITS CHAIRMAN.

SRI. TEK CHAND, SR. GOVERNMENT PLEADER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 07.06.2022, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



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JUDGMENT

SHAJI P. CHALY, J.

The captioned Public Interest Writ Petition and the writ appeal are materially connected in respect of the failure of the State Government to appoint an independent Chief Investigation Officer in the State Police Complaints Authority, in spite of the notification issued and the procedure started. Therefore, on consent, we have heard the writ petition and the appeal together and propose to pass this common judgment.

2. In the Public Interest Writ Petition, the petitioner seeks a writ of mandamus directing the State of Kerala to implement strictly and in its full spirit, the provisions of the Government Orders for appointment of Chief Investigation Officer to assist the State Police Complaints Authority; and for a further direction to the State Government to complete the process of appointment of independent Chief Investigation Officer to assist the State Police Complaints Authority in accordance with Ext. P10 notification issued by the Government and the proceedings initiated thereunder.

3. The claim raised by the petitioner is that he is an advisory committee member of the Road Accident Forum for the State of Kerala and is also a human right protection activist. According to the



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petitioner, the State Government has issued several notifications for the recruitment of Chief Investigation Officer in the State Police Complaints Authority, Kerala; however, the same has not been pursued in an effective manner since 2016 to finalise the proceedings and make the appointment.

4. That apart, it is pointed out that the very purpose of the State Police Complaints Authority is for examining and inquiring into the complaints on all types of misconduct against the police officers of and above the rank of Superintendent of Police.

5. The case of the petitioner is that in exercise of the powers conferred, the State Government issued Exts.P1 to P10 notifications for appointment of the Chief Investigation Officer. However, the Officer is not appointed. It is further submitted that unless and until directions are issued by this Court, the Government would not appoint the independent Chief Investigation Officer in order to carry out an effective, impartial and fair enquiry enabling the State Police Complaints Authority to act in accordance with law.

6. W.A. No. 59 of 2022 is filed challenging the judgment of the learned single Judge dated 25th November, 2021 in W.P.(C) No. 23529 of 2021, whereby the following reliefs sought for by the appellant were declined by the learned single Judge:

1. Issue a writ of mandamus or any other appropriate writ,



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order or direction, directing the respondents to conduct an impartial interview to the post of Chief Investigation Officer with proper assessment and marks.

2. Issue a writ of mandamus or any other appropriate writ, order or direction directing the respondent not to invite similar notification till proper interview is conducted as per Ext.P1 notification.

7. Material facts for the disposal of the appeal are as follows:

As per Ext. P1 notification dated 23.09.2021, the State Government has invited application for the post of Chief Investigation Officer in State Police Complaints Authority and the appellant applied for the said post as per Ext. P2 application.

8. According to the appellant, he retired from the service of the Income Tax Appellate Tribunal, Government of India, as a Deputy Registrar on 30.11.2019. While the selection process was pending, the connected Public Interest writ petition was filed and taking into account the urgency of the matter, this Court, as per the order dated 13th August, 2021 in W.P.(C) No. 14170 of 2021, directed the Government to speed up the reconstitution of the selection committee and finalise the selection committee to the post of Chief Investigation Officer within a period of three weeks from the date of the order. The said direction was issued on the basis of the statement filed by the State Government in the Public Interest Writ Petition with respect to the developments that have taken place consequent to the issuance of



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the notification for selection.

9. Anyhow, on 02.09.2021, an interview was conducted by the Additional Chief Secretary, Home & Vigilance, 2nd respondent, in the writ appeal. While so, on 30.09.2021, the Public Information Officer, as per Ext. P8 communication dated 30.09.2021, on the basis of Ext. P7 application submitted by the appellant under the Right to Information Act, informed that the shortlisted candidates were rejected due to lack of sufficient experience required for the position of the Chief Investigation Officer. It was also informed that no marks were awarded to the candidates by the interview Board. Ext. P8 is extracted hereunder for convenience:

“GOVERNMENT OF KERALA

Home (SSA) Department

No. HOME-SSAS/162/2021-HOME

30/09/2021, Thiruvananthapuram
From

The State Public Information Officer and Deputy Secretary.

To

Sri. V. Praveen,

13 F, Anta Marvel Apartment, Kannadikkadu,

Maradu P.O., Ernakulam, Pin - 682 304

Sir,

Sub: Home Department— Request for information under Right to
Information Act, 2005 - furnishing of reply - Regarding.



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Ref: Your application dated 07.09.2021 received in this office on 14.09.2021.

I am to invite your attention to the reference cited and to inform you the following details.

1) 23.09.2019

2) 9

3) The applications received against the notification were scrutinized by the Government based on the notification dated 23.09.2019 and those applications having no basic qualification/ experience prescribed for the post were eliminated in the first instance.

4) 2

6) 1

7, 8) As per the minutes of the meeting held on 02.09.2019 marks are not awarded by the Interview Board members to any of the candidates.

9) The interview scheduled to be conducted on 26.07.2021 was postponed due to the absence of Sri. K. Chenthamarakshan, Rtd. District Judge, the Member nominee of the Chairman, SPCA in constituted as per G.O.(Rt)No. 209/202 1/Home dated 20.01.2021 for the selection of CIO.

10) 62

11) None of the shortlisted candidates were selected for the post of CIO

12) Both shortlisted candidates were rejected due to lack of sufficient experience required for the post of the CIO.

13) No one is responsible for the delay and the same was occurred purely on administrative reasons.

2. In order to give relevant copies of the documents sought for in



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items 1, 5 and 8 having 9, 36 and 2 pages (Total 47 pages) respectively you are requested to furnish an original challan amounting Rs.94/- (Rupees Ninety Four only) by remitting the amount in the Head of Account 00-70-60-118-99 in Government Treasury.

3. If you are aggrieved by the above decision, you can prefer an appeal under Section 19 of the Right to Information Act, within 30 days from the receipt of this communication to the following Appellate Authority.

Address of the Appellate Authority

Special Secretary & Appellate Authority, Home (SSA) Department,
Government Secretariat Thiruvananthapuram 695 001.
Phone - 0471 2518464.

Yours Faithfully

Priya Mol M.P

State Public Information Officer & Deputy Secretary”

10. The learned single Judge, after taking into consideration the contentions advanced by the rival parties, has dismissed the writ petition basically holding that the appellant did not have sufficient experience in contemplation of the notification issued by the State Government and the bio-data of the appellant would clearly show that his investigating capacity was essentially confined to the offences under the Minor Statute as well as Fiscal Statutes; and that he did not have any investigative experience in accordance with the Code of



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Criminal Procedure and into the offences committed under the major Penal Law - the Indian Penal Code. Therefore, it was held that there are no reasons for taking a different view from the reasoning given by the Committee that the appellant did not possess the requisite experience as required for the job which he was expected to discharge. It is, thus, challenging the legality and correctness of the findings of the learned single Judge, the appeal is preferred.

11. The paramount contention advanced by the appellant is that despite having all essential and desirable qualifications and experience, including a degree in Law, the application of the appellant was rejected. It is also contended that the rejection of the application of the short listed candidates indicate that the State Government is not interested to appoint the Chief Investigation Officer in the State Police Complaints Authority as directed by this Court in the captioned writ petition as per order dated 30.09.2021.

12. That apart, it is contended that the extremely delayed interview, its postponement initially, its second called for interview, non verification of credentials of candidates prior to the interview, rejection of both candidates stating lack of sufficient experience etc. demonstrate that the whole process was nothing but a farce.

13. It is also contended that the attempt of the State Government is nothing but a pre-determined and pre-conceived design



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of the vested interests to scuttle the process of selection as ordered by this Court in the Public Interest Writ Petition. It is further pointed out that the Hon'ble Apex Court had directed all the State Governments to appoint an independent Chief Investigation Officer to maintain the impartiality in investigations so as to render justice to the victims of police atrocities and misconduct.

14. It is further contended that the appellant fulfils the essential as well as desirable qualification of LLB along with the required experience in criminal investigation and therefore, the rejection of the application without appreciating the credentials of the appellant is illegal and arbitrary and the writ court ought to have corrected the same. Therefore, it is contended that the learned single Judge has not adverted to the contentions advanced by the appellant properly and accordingly, interference is required to the judgment of the learned single Judge.

15. We have heard learned counsel for the writ petitioner Sri. Praveen K. Joy, learned counsel for the appellant Sri. Sonu Augustine and learned Senior Government Pleader Sri. V. Manu, and perused the pleadings and materials on record.

16. Insofar as the Public Interest Writ Petition is concerned, the writ petitioner seeks a direction to complete the selection process in accordance with the notification issued by the State Government for



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selecting a candidate to the post of Chief Investigation Officer for the State Police Complaints Authority.

17. As we have pointed out above, on 13th August, 2021, this Court passed a detailed order in W.P.(C) No. 14170 of 2021 and directed to complete the selection process after reconstituting the selection committee. Such a direction was issued on the basis of the statement filed by the State Government that delay occurred due to certain technical and other unavoidable reasons. However, it is stated that one of the Selection Committee Members retired from service and the committee was reconstituted as per an order dated 20.01.2021. It was also submitted that there were 9 applicants; however, 7 were found ineligible and two candidates were shortlisted. Other reasons are also stated for the delay in conducting the interview.

18. Anyhow, a period of three weeks was granted for conducting the selection from the date of order i.e., 13.08.2021. However, since the direction could not be complied with, I.A. No. 1 of 2021 dated 11th November, 2021 was filed for the extension of time for complying with the order dated 13.08.2021 and accordingly, as per order dated 30.11.2021, three months' time from 11.11.2021 was granted for completing the selection process.

19. Fact remains, selection was not conducted in accordance with the directions. However, when the matter was posted before this



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Court on 16th March, 2022, the learned Senior Government Pleader submitted that after revising the qualifications, as per G.O.(Rt.) No. 691/2022/Home dated 15.03.2022, a notification dated 15.03.2022 has been issued by the State Government inviting applications for filling up the post of Chief Investigation Officer and that the selection process would be completed within a reasonable time. Anyhow, from the notification, it is clear that the last date for the submission of the application was 31.03.2022. Admittedly, the selection process is not yet completed and thereupon, I.A No. 2 of 2022 is filed by the State Government seeking a further period of 60 days from 01.04.2022 to complete the selection process. In the affidavit filed in support of the petition, it is stated that the file was approved by the Chief Minister on 12.03.2022 and the notification inviting applications could be issued only on 15.03.2022 and the last date for submission of application was 31.03.2022. Therefore, it is submitted that after 31.03.2022, a further time period of at least 15 days would be required to scrutinize the applications and shortlisting the candidates, and that thereafter a further period of 25 days for fixing the date of interview, providing sufficient time for the candidates to take part in the interview and for the actual conduct of the interview.

20. That apart, it is submitted that a further time of 20 days' will be required for verification of the documents finalising the



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selection process and for actual appointment and that 60 days' time from 01.04.2022 would be a reasonable time required for the finalisation of the selection process.

21. Be that as it may, in view of the developments that have taken place as discussed above, primarily we would have to consider whether any interference is required to the judgment of the learned single Judge leading to the captioned writ appeal. In our considered opinion, the application of the appellant was rejected basically on the ground that the appellant did not have the required qualification in accordance with the desirability of the State Government as per Ext. P1 notification. In order to consider the contentions raised by the appellant, it is better that relevant portions of Ext.P1 notification is extracted:

**“GOVERNMENT OR KERALA
Home (SS A) Department
NOTIFICATION**

No. Home-SSA5/234/2017-Home

Date:23.09.2019

Thiruvananthapuram

Sub: Inviting application for the post of Chief Investigation Officer in State Police Complaints Authority.

Applications are invited by the Government for selection



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of Chief Investigation Officer for filling up the post of Chief Investigation Officer in the State Police Complaints Authority on contract basis as per the GO (Rt.) No.1036/2017/Home dated 25.04.2017. The term of appointment will be for a period of one year. The person appointed will not be eligible for regularization.

Mode of Recruitment : Direct (on contract basis)

Remuneration : Rs.75,000/-pm (consolidated)

Job Description:- Investigate custodial violence including all types of physical and mental torture inflicted upon a person in police custody by a police personnel. Draft investigation plan for early identification of issues by assessing the scope and determining the methodology and techniques required to carry out a thorough and effective investigation. Obtain facts or statements from complainants, witnesses and accused persons, record interviews using recording device. Monitor conditions of victims who are unconscious so that arrangements can be made to take statements if consciousness is regained. Organize scene search, analyse data, Station House GD, technical information, medical, postmortem report, inquest report to determine what additional information and investigative work are needed. Record progress of investigation, maintain data informational files on Suspects safely, submit timely reports to Chairperson, SPCA. Liaison with officers of police department in connection with investigation of all complaints. Maintain surveillance to obtain information on suspects The position requires regular



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travel depending on investigational requirements. All other duties related to investigations are as required.

Qualifications:

(a) General:- The candidates should be persons of ability, integrity and should have adequate knowledge and have shown capacity in the field of crime investigation. The candidate should be prepared for hard work as the job involves field work in remote areas, hilly terrains etc.

b) Educational :-The candidate should possess a Postgraduate degree in any subject preferably Human Rights or any other related areas, from a reputed university.

(c) Desirable

(i) A Degree in Law from a reputed University.

(ii) Diploma or any other certified course in Criminology/Psychology/Crime Detection/Criminal Justice process which is not less than one year from a reputed university.

(iii) Should be well versed in the decisions of the Hon'ble Supreme Court and High Courts on Custodial torture, illegal detention, illegal arrest etc.

Experience-

(a) essential-

(i) Should have worked in the rank of Superintendent of Police in Central Investigation Agencies like Central Bureau of Investigation (CBI), National Investigation Agency (NIA) etc. and not served in Kerala Police.



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(i) Candidate should be well versed in crime data analyzing human rights protection/criminology/psychology/crime detection.

(iii) Should have good knowledge and communication skills in English, Hindi and proficiency in Malayalam language equivalent to the level to SSLC or similar.

iv) Should have excellent hands-on experience with computers including advanced softwares, android applications, advanced mobile phones, internet and MS office systems.

(b) Desirable :-

Senior level experience in the field of criminal law, analyzing information, crime data, information gathering, office management, investigation or intelligence, thorough knowledge in criminal justice process, national security, enforcement etc. ...”

22. The learned single Judge, after considering the writ petition and taking into account the requirements as contained in Ext. P1 notification, has arrived at the conclusion that the petitioner who has worked as an Intelligence Officer and in other posts in the Central Government Department, did not satisfy the experience for which he is expected to have in accordance with Ext. P1 notification issued by the State Government. We also find that the State Government, as per the notification, desired that the incumbent in the office should have



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the experience to assist the authority by conducting investigation into the offences committed by the Police Officers above the rank of Superintendent of Police. Therefore, we find force in the findings rendered by the learned Single Judge. We are also of the view that the experience of the appellant in conducting the investigation of minor offences is different from the investigative experience acquired by an officer in crimes under the major penal law following the procedure contained under the Code of Criminal Procedure. Anyhow, much water has flowed after the selection process and the State Government has issued a fresh notification altering the qualifications prescribed and applications were invited from the qualified persons, the last date of which was 31.03.2022. The appellant has also not challenged the subsequent steps taken by the Government for conducting the selection process altering the qualification also.

23. Taking into account the aforesaid aspects, we are of the considered opinion that the appellant has not made out a case of any jurisdictional error or other legal infirmities in the judgment of the learned single Judge requiring our interference in an intra court appeal filed under Section 5 of the Kerala High Court Act, 1958. Therefore, we have no hesitation to hold that the appeal filed by the writ petitioner has no merit and it is accordingly dismissed.

24. However, considering the facts and circumstances



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deliberated above, we direct the State Government to finalise the selection process to the post of Chief Investigation Officer of the State Police Complaints Authority within a period of 60 days from 01.04.2022 as sought for by the State Government in I.A. No. 2 of 2022 in W.P.(C) No. 14170 of 2021. The writ petition is allowed to the above extent.

All pending IAs would stand closed, in view of the disposal of the appeal and the writ petition.

sd/-
S. MANIKUMAR,
CHIEF JUSTICE.

sd/-
SHAJI P. CHALY,
JUDGE.

Rv



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APPENDIX OF WP(C) 14170/2021

PETITIONER'S EXHIBITS:

- | | |
|-------------|---|
| Exhibit P1 | THE TRUE PHOTOCOPY OF THE GOVERNMENT ORDER WITH NUMBER GO(RT) NO.1287/2015/HOME DATED 30.5.2015. |
| Exhibit P2 | THE TRUE PHOTOCOPY OF THE LETTER ISSUED BY THE CHAIRMAN OF STATE POLICE COMPLAINTS AUTHORITY TO THE HOME SECRETARY, GOVERNMENT OF KERALA DATED 31.12.2015. |
| Exhibit P3 | THE TRUE PHOTOCOPY OF THE LETTER ISSUED BY THE CHAIRMAN OF STATE POLICE COMPLAINTS AUTHORITY TO THE ADDL. CHIEF SECRETARY (HOME AND VIGILANCE) DATED 3.2.2016. |
| Exhibit P4 | THE TRUE PHOTOCOPY OF THE GOVERNMENT ORDER WITH NUMBER GO(RT) NO.833/2016/HOME DATED 3.3.2016. |
| Exhibit P5 | THE TRUE PHOTOCOPY OF THE LETTER ISSUED BY THE CHAIRMAN OF STATE POLICE COMPLAINTS AUTHORITY TO THE ADDL. CHIEF SECRETARY (HOME AND VIGILANCE), GOVERNMENT OF KERALA DATED 10.3.2016. |
| Exhibit P6 | THE TRUE PHOTOCOPY OF THE GOVERNMENT ORDER WITH NUMBER GO(RT) NO.1624/2016/HOME DATED 18.5.2016. |
| Exhibit P7 | THE TRUE PHOTOCOPY OF THE GOVERNMENT ORDER WITH NO.42805/SSA5/2016/HOME DATED 7.6.2016. |
| Exhibit P8 | THE TRUE PHOTOCOPY OF THE LETTER DATED 3.2.2017 ISSUED BY THE CHAIRMAN, STATE POLICE COMPLAINTS AUTHORITY TO THE ADDL. CHIEF SECRETARY (HOME AND VIGILANCE). |
| Exhibit P9 | THE TRUE PHOTOCOPY OF THE GOVERNMENT ORDER WITH NUMBER GO (RT) NO.1036/2017/HOME DATED 25.4.2017. |
| Exhibit P10 | THE TRUE PHOTOCOPY OF THE NOTIFICATION INVITING APPLICATION FROM CANDIDATES TO BE APPOINTED AS THE CHIEF INVESTIGATION OFFICER (CIO-SPCA) DATED 17.4.2017. |

GOVERNMENT OF KERALA

Abstract

Home Department – State Police Complaints Authority – Creation of an Investigation Team under the Authority – Sanction accorded – Orders issued.

HOME (SECRET SECTION-A) DEPARTMENT

G.O.(Rt) No.1287/2015/Home Dated, Thiruvananthapuram, 30.05.2015
 Read:- 1) G.O(Rt)No.475/12/Home dated 17.02.2012.
 2)Letter No.8/SPCA/2012 dated 12.10.2012 from the Chairman, State Police Complaints Authority, Thiruvananthapuram.

O R D E R

As per the order read above, Government constituted the State Police Complaints Authority(SPCA) by appointing the Chairperson and Members as laid down in section 110 of Kerala Police Act 2011. The Chairperson, State Police Complaints Authority in his letter 2nd cited above submitted proposal for creating an investigation team for the Authority consisting of working or retired officers from Police Department. Government have examined the case and are pleased to accord sanction to create an investigation team for State Police Complaints Authority on the following conditions:

- (a) Engaging 5 retired personnel of gazetted and non-gazetted rank with expertise and experience in investigation work who have retired from the All India Service or Central Govt. Services. These persons shall work on a pro bono basis.
- (b) The panel so prepared should be renewed every year based on performance of the members.
- (c) The selection shall be done by an independent committee headed by the Chairperson, State Police Complaints Authority.

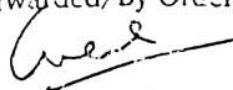
By Order of the Governor,

S. SUKHI,
Additional Secretary to Government

To

~~The~~ Chairman, State Police Complaints Authority,
 TC No.XV/1402, Tagore Nagar, Vazhuthacaud, Thiruvananthapuram - 695014.
 The Secretary, State Police Complaints Authority,
 TC No.XV/1402, Tagore Nagar, Vazhuthacaud, Thiruvananthapuram - 695014.
 The Accountant General (A & E)/Audit, Kerala, Thiruvananthapuram.
 The Treasury Officer, District Treasury, Thiruvananthapuram.
 Stock file/Office copy.

Forwarded/By Order,



Section Officer



Justice K. NARAYANA KURUP
CHAIRMAN
Kerala State Police Complaints Authority

Phone: 0471- 2336939
Email –spcakerala@gmail.com

31/12/2015

To,
Home Secretary,
Government of Kerala.

Sub: - Appointment of Chief Investigation Officer for the SPCA

Madam,

As you know the authority has been functioning all these years without an agency or individual to investigate allegations of misconduct against the police. This has resulted in delay in disposal of cases. A duly equipped investigating officer attached to the authority will go a long way to in ascertaining the truth of the complaint against the police and timely disposal of cases. The police officers whether sitting or retired assuming the role of an investigator has been deplored by independent national bodies such as the National Commonwealth Human Rights Initiative (CHRI) etc...in their opinion “authority should be provided with full investigatory powers. For this State governments must make the service of independent investigators available to their complaints authority. Police themselves assuming the role of an investigator not only makes the mockery of the complaint but also puts the complainant at additional risk with the police”. Justice DaSilva in his interview with CHRI team aptly stated ‘we should have the power not only to identify misconduct, but also the power to investigate independently’. Above all, to ask the police to investigate misconduct against the police by the police themselves goes against the basic tenets that no one shall be a judge in his own cause. Therefor it is better to have an independent individual duly qualified appointed as Chief Investigation Officer (CIO) for SPCA.

In this context it is relevant to notice that the National Human Rights Commission (NHRC) has issued a notice for the post of Senior Research Officer in which the stipulated qualification is Masters in Human Rights and crime analyzing experience.

With Regards,

Justice K. Narayana Kurup.

Justice K. NARAYANA KURUP
Chairperson



State Police Complaints Authority
T. C. No. XV/1402, Tagore Nagar
Vazhuthacadu
Thiruvananthapuram - 695 014
Telefax: 0471-2336939

Dated...03-02-2016.....

The Addl. Chief Secretary (Home & Vigilance)
Thiruvananthapuram

Ref No: 1422/SSA5/2016/Home

Madam,

Sub:- STATE POLICE COMPLAINTS AUTHORITY- APPOINTMENT OF
CHIEF INVESTIGATION OFFICER FOR THE AUTHORITY- REG

Ref: 1) . G.O. (Rt.) No.1287/2015/Home dated 30.05.2015
2) My letter dated 31.12.2015
3) 1422/SSA5/ 2016/Home dated 01.02.2016

The Government as per proceedings first referred to above was pleased to constitute an Investigation Team for the State Police Complaints Authority (SPCA) on a pro bono basis.

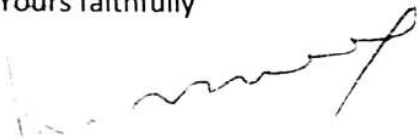
I was nonplused by the said order as it provides for no remuneration to the members of the Investigation Team. It is trite knowledge that in the absence of attractive remuneration nobody will be prepared to serve the Authority especially when it is remembered that the job involves expertise and lot of travel across the length and breadth of the state and not merely confined to file work within the four walls of an office. However, in deference to the Govt. letter, I made some discreet enquiries in this regard which only strengthened my opinion that in this day and age nobody will be prepared to render free service to the Authority/ Government wasting their time and energy for nothing. To exact work and deny payment goes against the very spirit of the constitution which enshrines the principle of equal pay for equal work besides constituting unjust enrichment by the State. That apart, and more importantly the choice of candidate for the team is confined to police officers only. Here again, it may be pointed out that to entrust a police officer to enquire into an allegation of misconduct against a member of his own force leaves much to be desired, since no one can be a Judge in his own cause. May be, the officer is upright, but there is the violation of the wholesome principle that justice should not only be done but should manifestly and undoubtedly seen to be done. The enquiry by a police officer in such a scenario against his own kindred will always be viewed with suspicion even though such an officer is having a good track record of investigative skills while probing crimes against private individuals. The apprehension of the complainants against the police acting as investigator is aired in a report by Commonwealth Human Rights Initiative (CHRI) New Delhi (2012) as follows.

"If my complaint had to go to the police itself for an inquiry, why would have I bothered to approach the Authority. This not only makes a mockery of complaint but also puts me at additional risk with the police". Justice Di Silva in his interview with the CHRI team aptly stated: "We should have the power not only to identify misconduct, but also the power to investigate independently." It is in the above backdrop that I wrote to the Government vide letter referred to as item 2 above to constitute an independent investigative team and a beginning can be made by appointing a chief investigator by the Authority to enquire into allegations of misconduct against the police.

Financial implications will certainly be there and that is inevitable and it is better to remember that there is no such thing as a free lunch in this world. The financial burden of the State can be scaled down by limiting the appointment to one candidate namely; the Chief Investigation Officer (CIO) forgetting for a moment that the Authority is already flooded with complaints that require the help of at least one investigator. **The Chief Investigation Officer can be selected on a regular basis on a pay scale applicable to Senior Superintendent of Police (SP)**

Therefore I request the Government to accord sanction to create the post of CIO instead of an investigation team to enquire into allegations of misconduct against erring police officers at the earliest.

Yours faithfully



Justice K. Narayana Kurup



GOVERNMENT OF KERALA

Abstract

Home Department – State Police Complaints Authority – Appointment of Chief Investigation Officer – Sanction accorded – Orders issued.

HOME (SECRET SECTION-A) DEPARTMENT

G.O.(Rt) No.833/2016 /Home Dated, Thiruvananthapuram, 03.03.2016

Read:- 1) G.O(Rt)No.475/12/Home dated 17.02.2012.

2) Letter dated 31.12.2015 from the Chairman, State Police Complaints Authority, Thiruvananthapuram.

ORDER

As per the order read 1st above, Government constituted the State Police Complaints Authority (SPCA) by appointing the Chairperson and Members as laid down in section 110 of Kerala Police Act 2011. The Chairperson, State Police Complaints Authority in his letter 2nd read above has submitted proposal for appointing a Chief Investigation Officer for the Authority. Government have examined the case in detail and are pleased to accord sanction to appoint a Chief Investigation Officer for State Police Complaints Authority on the following conditions:

- (a) The appointment of the Chief Investigation Officer will be on contract basis for a period of one year on a consolidated monthly payment of ₹ 50,000/- (Rupees fifty thousand only) subject to the condition that the officer will be in the rank of Deputy Superintendent of Police (in the revised scale of pay of ₹ 45,800-89,000).
- (b) The appointment will be purely on contract basis. He will not be eligible for regularisation.
- (c) A contractual agreement should be executed in this regard clearly stating the remuneration, period of appointment, the Authority's power to terminate the contract by giving one month's prior notice and that the Chief Investigation Officer is not eligible for regularisation etc.

- (d) The selection of the Chief Investigation Officer will be done by the Authority in its full quorum meeting (with all 5 members including the Chairman present).
- (e) Specific qualification and criteria for selection for the appointment of the Chief Investigation Officer shall be fixed in advance and shall be got approved by the Authority. Wide publicity shall be given for the selection. Notices inviting applications for the post of Chief Investigation Officer shall be given at least in two leading dailies.

By Order of the Governor,

DEEPA DEVI S.
Additional Secretary to Government

To

The Chairman, State Police Complaints Authority, TC No.XV/1402,
Tagore Nagar, Vazhuthacaud, Thiruvananthapuram -695014.
✓ The Secretary, State Police Complaints Authority, TC No.XV/1402,
Tagore Nagar, Vazhuthacaud, Thiruvananthapuram - 695014.
The Accountant General (A & E)/Audit, Kerala, Thiruvananthapuram.
The Treasury Officer, District Treasury, Thiruvananthapuram.
Stock file/Office copy.

Forwarded/ By order,



Section Officer.

Justice K. NARAYANA KURUP
Chairperson



State Police Complaints Authority
T. C. No. XV/1402, Tagore Nagar
Vazhuthacaud
Thiruvananthapuram-695 014
Telefax : 0471-2336939

Dated...10-03-2016...

The Addl. Chief Secretary (Home & Vigilance)
Thiruvananthapuram

Madam,

Sub:- STATE POLICE COMPLAINTS AUTHORITY- APPOINTMENT OF
CHIEF INVESTIGATION OFFICER (CIO) - REG

Ref: G.O. (Rt.) No.833/2016/Home dated 03.03.2016

The government as per G.O. (Rt.) No.833/2016/Home dated 03.03.2016 was pleased to order that "the selection of the Chief Investigation Officer will be done by the Authority in its full quorum meeting". Having bestowed my serious thoughts on the above, I feel that the proposed selection of the CIO by the Authority in its full quorum meeting (with all 5 members including the Chairperson present) will be quite unwieldy and therefore I request the government to modify the selection of the CIO by making the selection body more compact by stipulating that the selection of the CIO will be made by the appointing Authority, namely; the government in consultation with the chairman of the Authority. For example the selection committee shall consist of the Chairman of the Authority, the Home Secretary and another High Court Judge.

Clarification may also be accorded regarding Para '(e)' of G.O. (Rt.) No.833/2016/Home dated 03.03.2016. Since the appointing Authority is the government, the government may fix the qualification and criteria for the selection of CIO in consultation with the chairman of the Authority rather than seeking the approval of the Authority as a whole for reason noted supra.

In this day and age, it will be preposterous to assume that any man of worth will come forward to work as CIO for a consolidated salary of Rs 50,000/-. Accordingly, I suggest that a consolidated pay of Rs. 100,000/ including TA, DA, HRA, Medical Allowance etc... may be fixed for the selected candidate. At the risk of repetition I may point out that the qualification etc for the candidate shall be fixed by the appointing Authority, namely; the government in consultation with the chairman of the Authority.

Besides, the rank of the selected candidate may be fixed as Superintendent of police on a permanent basis or at least for a period of 5 years.

Yours faithfully

Justice K. Narayana Kurup



GOVERNMENT OF KERALA

Abstract

Home Department-- State Police Complaints Authority -- Appointment of Chief Investigation Officer—modified-- Order issued.

HOME (SECRET SECTION-A) DEPARTMENT

G.O.(Rt) No.1624/2016/Home

Dated, Thiruvananthapuram, 18.05.2016

Read: - 1) G.O (Rt) No. 833/2016/Home dated 03.03.2016.

2) Letter dated 10.03.2016 from the Chairman, State Police Complaints Authority, Thiruvananthapuram.

ORDER

Government as per Order read above, accorded sanction for the appointment of Chief Investigation Officer for the State Police Complaints Authority and laid down certain conditions of service, method/manner of selection etc. for the appointment. Subsequently as per letter read above, the Chairperson, State Police Complaints Authority has submitted proposal for modification of certain conditions regarding the appointment of the Chief Investigation Officer.

2) Government have examined the proposal in detail and are pleased to modify the Government order read above as follows.

(i) Para (a) of the Order read above will be substituted as follows:

The appointment of the Chief Investigation Officer will be on contract basis for a period of one year on a consolidated monthly payment of ₹ 75, 000/- (Rupees Seventy five thousand only) and the officer will be in the rank of Superintendent of Police.

(ii) The following provision will be added in para (e) of the order read above:

The appointment of Chief Investigation Officer shall be made in consultation with the Chairman, State Police Complaints Authority.

3) The Government order read above stands modified to the above extent.

By Order of the Governor,

SHIBU ISSAC
Deputy Secretary to Government.

To

The Chairman, State Police Complaints Authority, TC No.XV/1402,
Tagore Nagar, Vazhuthacaud, Thiruvananthapuram- 695014.

The Secretary, State Police Complaints Authority, TC No.XV/1402,
Tagore Nagar, Vazhuthacaud, Thiruvananthapuram- 695014.

The Accountant General (A & E)/Audit, Kerala, Thiruvananthapuram.

(This is issued with the concurrence of Finance Department)

The Treasury Officer, District Treasury, Thiruvananthapuram.

Finance Department (Vide U.O. No.(E.221634) Exp.A3/246/2016-FIN
dated 12.05.2016)

Stock file/ Office copy.

Forwarded/ By order,



Section Officer.

R



GOVERNMENT OF KERALA

No.42805/SSA.5/2016/Home

Home (Secret Section- A) Department
Thiruvananthapuram, Dated: 07.06.2016

From

Additional Chief Secretary to Government.

To

The Secretary
State Police Complaints Authority
T.C. No. XV/1402,
Lane No.2, Tagore Nagar, Vazhuthacadu, Thiruvananthapuram.

Sir,

Sub: - State Police Complaints Authority- Notification inviting application for the post of Chief Investigation Officer-reg.

Ref: - Letter No.527/SPCA/2016 dated 23.05.2016 from the Chairperson, State Police Complaints Authority.

I am directed to invite your attention to the reference cited and to inform that the draft notification inviting application for the post of Chief Investigation Officer in the State Police Complaints Authority is approved. I am also to request you to proceed further in this regard by publishing the notification/ advertisement, in leading dailies/ visual media.

Yours faithfully,

DEEPA DEVI. S.
Additional Secretary

For Additional Chief Secretary to Government

Approved of issue


Section Officer

Justice K. NARAYANA KURUP
Chairperson



State Police Complaints Authority
T. C. No. XV/1402, Tagore Nagar
Vazhuthacadu
Thiruvananthapuram- 695 014
Telefax: 0471-2336939

Dated...03-02-2017.....

The Additional Chief Secretary (Home & Vigilance)

Thiruvananthapuram

Ref No: 42805/SSA5/2016/Home

Madam,

Sub:- HOME DEPARTMENT- STATE POLICE COMPLAINTS AUTHORITY-
APPOINTMENT OF CHIEF INVESTIGATION OFFICER- CLARIFICATION
SOUGHT FOR-REG.

Ref: 1) G.O. (Rt.) No. 1624/2016/ Home dated 18.05.2016

2) My letter No. 527/SPCA/2016 dated 23.05.2016

With references to the above, I am to inform you that legal provisions have been made for an independent investigator to enquire in to allegations of misconduct against the police in states namely Assam, Haryana, Sikkim, Meghalaya and Tripura. Therefore, there is no bar in appointing an independent person as inquiry/ investigation officer. Needless to emphasize that such an independent officer shall necessary be a non police officer. In this connection, it is worthwhile to mention that I had informed the government of the above position vide letter dated 03/02/2016 and my opinion has been echoed by the Commonwealth Human Rights Initiative, New Delhi in its letter addressed to the Hon'ble Chief Minister on 06/12/2106.

Yours faithfully

Justice K. Narayana Kurup



GOVERNMENT OF KERALA

Abstract

Home Department-- State Police Complaints Authority -- Appointment of Chief Investigation Officer—modified-- Order issued.

HOME (SECRET SECTION-A) DEPARTMENT

G.O.(Rt) No.1036/2017/Home

Dated, Thiruvananthapuram, 25.04.2017

- Read: -
1. G.O (Rt) No. 475/12/Home dated 17.02.2012.
 2. G.O (Rt) No. 833/2016/Home dated 03.03.2016.
 3. G.O (Rt) No. 1624/16/Home dated 18.05.2016.
 4. Letter dated 25.06.2016 & 06.02.2017 from the Chairman, State Police Complaints Authority, Thiruvananthapuram.

ORDER

As per the Order read 1st above, Government have constituted the State Police Complaints Authority (SPCA) by appointing the Chairman and Members, as stipulated in Section 110 of Kerala Police Act 2011. Government as per Orders read 2nd and 3rd paper above have accorded sanction for the appointment of Chief Investigation Officer in the State Police Complaints Authority and laid certain conditions of service, method, mode of selection etc.

As per the letter read as 4th paper above, the Chairman, State Police Complaints Authority sought certain clarifications on the mode of appointment, criteria for selection, qualification etc. of the Chief Investigation Officer.

Government have re-examined the case in the light of the request and orders issued as per reference 2nd and 3rd cited, and are pleased to order as follows.

- (a) The appointment of the Chief Investigation Officer will be on contract basis for a period of one year on a consolidated monthly payment of ` 75, 000/- (Rupees Seventy five thousand only). Those officers who have worked in the rank of Superintendent of police in the Central Investigation Agencies like Central Bureau of Investigation (CBI), National Investigation Agency (NIA) etc and not served in Kerala Police are eligible for appointment.

(b) The person thus appointed will not be eligible for regularisation.

(c) A contractual agreement should be executed in this regard, clearly stating the remuneration, period of appointment the Authority's power to terminate the contract by giving one month's prior notice and that the Chief Investigation Officer is not eligible for regularisation etc.

(d) The selection of Chief Investigation Officer will be done by a committee of three members headed by Additional Chief Secretary (Home & Vigilance), a nominee of the Chairman, State Police Complaints Authority and a Government nominee.

(e) A Degree in Law must be included as a desirable qualification. Other desirable qualification and criteria for selection for the appointment of the Chief investigation Officer shall be fixed in advance and shall be got approved by the Authority. Wide publicity shall be given for the selection. Notice inviting application for the post of Chief Investigation officer shall be given at least in two leading dailies.

The Government Orders read as 2nd and 3rd above modified to the above extent.

By Order of the Governor,

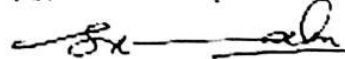
SUBRATA BISWAS

Additional Chief Secretary to Government.

To

The Secretary, State Police Complaints Authority, TC No.XV/1402, Lane No.2,
Tagore Nagar, Vazhuthacaud, Thiruvananthapuram- 695014.
The Accountant General (A & E)/Audit, Kerala, Thiruvananthapuram.
The Director of Tresuries, Thiruvananthapuram.
The Treasury Officer, District Treasury, Thiruvananthapuram.
The Law Department (vide file No. 19992/opinion E1/16/law)
Stock file/ Office copy.

Forwarded / By Order



Section Officer

Chief Investigation Officer

Chief Investigation Officer (CIO-SPCA)

April 17, 2017



Chief Investigation Officer (CIO-SPCA)

State Police Complaints Authority (SPCA), T. C. XV /1402, Tagore Nagar, Lane -2
Vazhuthacaud, Thiruvanthapuram-14 Kerala.

Invites application for the post of Chief Investigation Officer, equivalent to the rank of Superintendent of Police at Kerala Police Complaints Authority, Thiruvananthapuram, Kerala State (<http://ciorecruitmentatpcakerala.blogspot.in/>)

Mode of Recruitment: - Direct

Address: The Secretary, State Police Complaints Authority, T. C. XV /1402, Tagore Nagar, Lane -2 Vazhuthacaud, Thiruvanthapuram-14 Kerala.

Phone: - 0471 2336939, Email: - spcakerala@gmail.com

City: Thiruvananthapuram

State: Kerala

Scale: - Rs. 75,000.00 P.M (consolidated)

Description: - To investigate 'custodial violence' including all types of physical and mental injuries inflicted upon a person in police custody by a police personnel. Draft investigation plan for early identification of issues by assessing the scope and determining the methodology and techniques required to carry out a thorough and effective investigation. Obtain facts or statements from complainants, witnesses and accused persons, record interviews using recording device. Monitor conditions of victims who are unconscious so that arrangements can be made to take statements if consciousness is regained. Organize scene search; analyze data, Station House GD, technical information, medical, postmortem report, inquest report to determine what additional information and investigative work is needed. Record progress of investigation, maintain data safely and informational files on suspects, submit timely reports to Chairman, SPCA. Liaison with officers with Police Department in connection with investigation of all complaints. Maintain surveillance to obtain information on suspects. Position requires regular travel depending on investigational requirements. All other duties related to investigations as required.

Qualifications:-

- a) **General:** Candidate should be prepared for hard work as the job involves field work in remote areas, hilly terrains etc.
- b) **Educational:** Candidates should possess post graduate degree in any subject preferably Human Rights or any other related areas from a reputed university.

Desirable:

- a) Diploma or any other certified course in Criminology/ Psychology/ Crime detection /Criminal Justice Process which is not less than one year from a reputed University.
- b) Should be well versed in the decisions of the Hon'ble Supreme Court and High Courts on custodial torture, illegal detention, illegal arrest etc.

Experience:-

Essential:

- a) Candidate should be well versed in crime data analyzing/ human rights protection/ Criminology/ Psychology/Crime detention
- b) Good knowledge and communication skills in English, Hindi and proficiency in Malayalam language equivalent to the level of SSLC or similar.
- c) Excellent hand-on experiences with computers including advanced softwares, android applications, advanced mobile phones, internet, and MS Office systems.

Desirable:

Senior level experience in the field of criminal law, analyzing information, crime data, information gathering, office management, investigation or intelligence, thorough knowledge in criminal justice process, national security, enforcement, etc...

Age Limit: - Maximum up to 55

Mode of submitting Application:- Interested candidates meeting the above requirements may forward their application (ANNEXURE-I) along with their CV, copies of all relevant documents/ certificates regarding age, educational qualification and two recent passport size photograph to The Secretary, State Police Complaints Authority, T. C. XV /1402, Tagore Nagar, Lane -2 Vazhuthacaud, Thiruvanthapuram-14 Kerala, (Phone: - 0471 2336939). The envelope should be superscripted with "Application for the post of Chief Investigation Officer". Applications have to be sent in physical format only, by post or courier. Online application will not be considered. Applications received without the required documents/certificates will be rejected. Only the shortlisted candidates will be called for interview. The final selection will be based on the performance of interview and other relevant verification.

Last Date: - The last date for submission of application is **9th June 2017**. The application received after the last date will not be considered for appointment.

**Secretary
State Police Complaints Authority**

ANNEXURE-I

**GOVERNMENT OF KERALA, DEPARTMENT OF HOME AFFAIRS
STATE POLICE COMPLAINTS AUTHORITY
APPLICATION FORM (DIRECT/ PERMANENT AUTHORITY
FOR THE POST OF CHIEF INVESTIGATION OFFICER-2017**

(This form should be filled in by the candidate. Should be completed in all respect and should be accompanied by certified copies of testimonials. Two copies of recent passport size photograph should be pasted/ affixed on the application at the space provided for this purpose. Incomplete application will not be entertained and will be summarily rejected. Answer must be given in words and not by dashes and dots)

1. CANDIDATE'S NAME in capital letters (in English)

Please affix recent
self attested
photograph of self

2. Father's Name in capital letters (in English)

3. Date of Birth:

Date	Month	Year

4. Age: as on date of publication of vacancy

Years	Months	Days

5. Gender:

Male	Female

6. Nationality:

Indian

☐

Other

☐

Ext: P10/4

7. Write complete mailing address, in block letters:-

8. Educational/Professional Qualification in reverse chronological order from 10th std. onwards:-

Educational /Professional Qualification	Year Of Passing	COURSE NAME/CLASS	Name of Board/University

9. Any other higher Qualification, please specify

10. Computer Literacy: Yes/No

11. Languages Known:

12. Experience: - (A brief bio-data is enclosed)

Organi sation	Designation & Place of posting	Brief listing of responsibilities	From	To	Total years

13. Present Designation, Place of Posting and Office Address:-

14. Present scale of pay (INR) and date of grant of:-

15. Details of awards, if any:-

16. Self Certification and Declaration: I hereby certify and declare that:-

1. All statements made in this application are true, complete and correct to the best of my knowledge and belief. In the event of any information being found false or incorrect, or ineligibility being detected before or after the interview/selection, my candidature may be cancelled and action can be taken against me.

2. I have read the provisions in advertisement carefully and I fulfill all the conditions of eligibility regarding age limits, educational qualifications etc. prescribed in the advertisement and other relevant rules and instructions.

3. I certify that there is no vigilance/similar (current or previous) or any disciplinary proceedings pending against me.

Date
Place

SIGNATURE OF THE CANDIDATE
(UNSIGNED APPLICATION WILL BE REJECTED)



Enter your comment...

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Archive

Report Abuse

From

Jaffer Khan,
S/o Oukkar Haji,
Karuvally House, Vengola P.O,
Perumbavoor, Ernakulam- 583 556

To

Shri. Ramesh Chennithala
Hon'ble Minister for Home Affairs,
State of Kerala

Ref:- Judgment of the Hon'ble High Court of Kerala (Division Bench) in WPC
No. 14170/2021 dated 07.06.2022

Sub:- Appointment of Chief Investigating Officer (CIO) in the State Police
Complaints Authority- Regarding

Respected Sir,

The applicant is a permanent resident of the above shown address. The applicant is an advisory committee member of the Road Accident Forum for the State of Kerala and is also a human right protection activist. The applicant intends to bring the notice of the Hon'ble minister requesting immediate action in a very urgent matter through this representation.

The State Government has issued several notifications for the recruitment of Chief Investigation Officer in the State Police Complaints Authority, Kerala; however, the same has not been pursued in an effective manner since 2016 to finalize the proceedings and make the appointment. In exercise of the powers conferred, the State Government issued several notifications for appointment of the Chief Investigation Officer. However, the Officer is not appointed. Since there was huge and inordinate delay from the part of the Earlier government, the

applicant was forced to approach the Hon'ble High Court of Kerala through a public interest litigation. It resulted in the judgment cited in the above reference.

As per the judgment of the Hon'ble High Court, there was clear directions issued to the State Government for appointing a Chief Investigation Officer in the State Police Complaints Authority. Even though several extensions were sought the matter is not still finalized. The responsible persons in the earlier government for reasons only known to them, evaded from the responsibility to implement the Court order. The copy of the Judgment of the Hon'ble High Court in WPC No. 14170/2021 is annexed herewith.

The issue raised herein is of high importance. Even though the matter was brought to the notice of the authorities many times, no actions were initiated. The directions in the Judgment of the High Court still remains unattended. I hope that the newly formed Government and the Ministry of Home Affairs will take care of the matter with due diligence and importance.

Hence it is hereby requested to your Good Office to kindly consider this request and take appropriate actions in the matter and thereby implement the directions of the Hon'ble High Court, at the earliest.

26.05.2026

Ernakulam

Jaffer Khan

VAKALATH
BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

WP No. of 2026
(PIL)

Petitioner
Jaffer Khan

Vs.

Respondent

State of Kerala and others

I. Jaffer Khan, aged 62, S/o Oukkav Haji, Karuvetil House, Arakkappadi Village, Vengola. P.O

Ernakulam - 683 547

Plaintiff/Defendant/Appellant/Respondent/Petitioner in the above appeal/petition do hereby appoint and retain **PRAVEEN.K.JOY**, Saneej E S, T.A.Joy, Unnikrishnan.M.P, Abhilash.N, Fathima Shalu S and Albin Varghese, Abisha E.R, Megha G Lakshmi K.S, Althaf Ameer, Abhijith V. Prasad, Archana Vinod, Joffin Joseph, Anand P S Advocate of the High Court to appear for me/us in the above Suit/Appeal/Petition and to conduct and prosecute or defend the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including all applications for return of documents or the receipt of any money that may be payable to me/us in the said Suit/Appeal/Petition and also in applications for review and in application for leave to appeal to the Supreme Court of India.

Duly executed and signed in my presence;

1. Noufal M.K, Advocate Clerk

Reg. No. 3/2008

Certified that this Vakalath was read, translated and explained to the executants in Malayalam who seemed to understand the same and executed and signed before me this the 1st day of September, 2026 at Ernakulam. The executants is personally know to me.

Praveen K Joy
PRAVEEN.K.JOY
(P-337) (K-2625/99)
(Advocate)

T.A Joy
T.A.JOY
(J-1073) (K62A/2009)
(Advocate)

Saneej E S
SANEEJ.E.S
(S-2901) (K-224/2014)
(Advocate)

Unnikrishnan M.P
UNNIKRIISHNAN M.P
(U-156) (K-293/2015)
(Advocate)

Abhilash N
ABHILASH.N
(A-1845) (K-187/17)
(Advocate)

Fathima Shalu S
FATHIMA SHALU S
(K/2636/2021)
(Advocate)

Albin Varghese
ALBIN VARGHESE
(K/965/2022)
(Advocate)

Abisha E R
ABISHA ER
(K/1032/2023)
(Advocate)

Archana Vinod
ARCHANA VINOD
K/1693/2023
(Advocate)

Megha G
MEGHA G
(K/4061/2023)
(Advocate)

Lakshmi K.S
LAKSHMI K.S
(K/2692/2024)
(Advocate)

Abhijith V. Prasad
ABHIJITH V. PRASAD
(K/1173/2025)
(Advocate)

Althaf Ameer
ALTHAF AMEER
(K/000538/2025)
(Advocate)

Joffin Jospeh
JOFFIN JOSPEH
(K/945/2026)
(Advocate)

Anand P S
ANAND P S
(K/002418/2026)
(Advocate)

M/s. JOY & JOY ASSOCIATES

2nd Floor, Empire Building

Near Kerala High Court

Ernakulam, Kochi- 682 018

Ph: 98460 14753

Email: advocatepraveenjoy@gmail.com

Attested

Praveen K Joy
PRAVEEN.K.JOY

Advocate

Accepted