



21.06.2022

To
Mr. Sylendra Babu IPS,
Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai – 600 004.

Dear Mr. Sylendra Babu,

Sub. Letter of appreciation for your recent 41 Standard Operating Principles in dealing accused or suspect persons dated 14th June 2022 – Regarding

People's Watch has been deeply disturbed by the state of incidents of custodial torture and violence including those leading to deaths that have shaken the conscience of, well-meaning citizens, the government including different sections of the police itself.

However, it is time for us to appreciate your good self in these very difficult and challenging moments to have come forward with these 41 guidelines. We have read them very carefully and meticulously seen that they are grounded squarely in the matters arising out of the very recent custodial deaths that have taken place in the state.

Thanking an official of your stature is not only our greatest pleasure but equally our responsibility and we therefore also assure you that on our part and the part of all civil society organizations in the State associated and with which we partner, we will undertake a campaign on these guidelines so that different sections of civil society will become more aware of the SOP and its 41 guidelines.

The above 41 guidelines, however, cannot be effectively monitored if your good self does not authorize meaningful and trustful monitoring mechanisms to function from within and report to your good self through your very efficient zonal IGs and City Commissioners/ Additional Commissioners who work on the ground. Such a mechanism can be created by your good self by appointing good members who are fair, non-party political and known for their honesty in their public life who are appointed as Members of the State and District Police Complaints Authority, as mandated in the judgement of the Hon'ble Supreme Court sixteen long years ago in 2006 in Prakash Singh v/s Union of India. If such State and District Police Complaints Authorities are headed by the retired High Court judges at the State level and retired judges at the District level, such a body of over 120 persons in the State will bring you sufficient feedback on the actual implementation of the SOP and 41 guidelines on the ground.

The same Prakash Singh case that has been the basis of the appointment of DGPs like your goodself in Tamil Nadu from 2007 onwards, has also directed that field-level officers such as SHOs, SPs,

Commissioners of Police, DIGs, and IGs are provided a fixed tenure of two years at least to be able to independently function. Maintaining law and order and undertaking criminal investigations in police stations and overseeing them in Commissionerates and Districts at the range and zonal levels is a must for the professionalism of the supervisory officers to become effective. Recently, we were able to see that officers appointed less than a year ago belonging to these very same ranks have been transferred without even completing one year in most cases and in some cases less than a few months in office. Police transfers, especially of such officers in the field cannot be made political. They have to be brought within the realm of law to benefit from the professional skills of the police officers in charge.

The effective and immediate implementation of the directives of the Hon'ble Supreme Court in *Paramvir Singh Saini versus Baljit Singh and others* dated 02.12.2020 delivered by Justice RF Nariman in which People's Watch had also intervened for the effective installation of CCTV cameras 24x7, with audio and video facilities, with storage capacities of a minimum of eighteen months with a poster at the entrance of the police stations announcing that the police station is under CCTV surveillance and the public have the right to seek for the CCTV footage related to any alleged violations that have taken place in the police station. People's Watch together with a host of other organizations will also be willing to strengthen your hands by visiting police stations, preparing reports and submitting them to your good self confidentially.

It is imperative not to forget that officers who are allegedly held responsible for custodial deaths/custodial torture are usually those who already have cases against them in which they have been held guilty by the Tamil Nadu State Human Rights Commission (TN SHRC) or in addition also have cases pending against them in different criminal courts of the State. In common parlance, therefore, such individual police officers are "police history sheeters" within the police force, who repeatedly commit violations and in some cases are never even suspended for a single day, let alone being charge-sheeted or disciplinary proceedings being initiated against them. It is therefore important that at the level of your zonal officers, namely, IGs and Commissioners of Police, a common template of such officers and police personnel is evolved first to make sure that if proceedings are pending against them, they are not appointed to positions where they will interact with the public. They can safely be kept in battalions and other special police units and be carefully watched for a change of behaviour before being restored to normal postings. This will send a strong message to the few continuously erring police personnel who are ultimately responsible for tarnishing the image of the entire police force through their continued hardened behaviour.

It is unfortunate now to see that home guards are engaged in night patrolling. This fact has been revealed in the case of Vignesh and this should be immediately stopped. Home guards can never be policemen. Many events relating to the police which are not legal are carried out at night. However, senior police officials responsible for night patrolling oversight duties such as Assistant Commissioners, Commissioners, DSPs and Inspectors are not even held responsible on the principle of command responsibility for violation that occur. Those who are in command have a legal responsibility for the violations that occurred in the jurisdiction that they were supervising. Command responsibility is a very serious principle in international criminal law, which allows for those in command to be held criminally

liable for crimes committed by their subordinates. This will apply if the person in command was in a position to prevent the crimes committed by the members of the force under their effective control and knew or should have known that the crime would have been committed. This principle can strengthen officers of your rank to ensure that the 41 guidelines laid down by you are meticulously followed.

Therefore, as People's Watch appreciates your guidelines, we also wish that they are further strengthened by using the above measures and that these guidelines are shared by your goodself with all the Chairpersons and Member Secretaries of the State Legal Services Authority (SLSA), District Legal Services Authority (DLSA), Taluk Legal Services Committees (TLSC) and all Chairpersons and Members of Tamil Nadu State Human Rights Institutions (SHRIs) such as State Human Rights Commission (SHRC), State Commission for Protection of Child Rights (SCPCR), State Commission for Women (SCW), State Commission for Minorities (SCM), State Commissioner for PwD (SCPwDs) and the State Commission for Scheduled Castes and Scheduled Tribes (SC SC/STs).

We thank you wholeheartedly and assure you to be a critical accompanier with the Tamil Nadu police despite our critical comments, which are never meant to be personal but always wanting to strengthen the quality of policing in Tamil Nadu. We know it is a tough task but with the support of the citizenry and the non-involvement of the political brass from the ruling parties in policing, we assure you that your task can be greatly improved and strengthened.

Thanking you,

Yours Sincerely,



(Henri Tiphagne)

Executive Director – People's Watch

Copies to:

1. The Hon'ble Chief Minister of Tamil Nadu, Govt. of Tamil Nadu, Chennai.
2. The Chief Secretary, Govt. of Tamil Nadu, Secretariate, Chennai
3. The Home Secretary, Govt. of Tamil Nadu, Secretariate, Chennai
4. All ADGPs
5. All Inspectors General of Police (IGP)
6. All Deputy Inspectors General of Police (DIG)
7. All Commissioners of Police
8. All District Superintendents of Police
9. Executive Chairman, State Legal Services Authority, Chennai
10. Member Secretary, State Legal Services Authority, Chennai
11. All District Legal Services Authority
12. All Districts Collector
13. The Chairperson and Members of Tamil Nadu State Human Rights Commission, Chennai
14. The Chairperson, Tamil Nadu State Commission for Women, Chennai
15. Tamil Nadu State Commission for the Scheduled Castes and Scheduled Tribes, Chennai
16. Tamil Nadu Commission for Protection of Child Rights, Chennai
17. The Chairperson, State Minorities Commission, Chennai
18. All Media