

MOST URGENT
SUPREME COURT PRIORITY

Government of Tripura
Office of the Director General of Police
Tripura ::: Agartala.
(Legal Cell)

No. 1842-57 /R-77/DGP/LC/2016, Dated, the 8th, Nov, 2016.

To
The Superintendents of Police,
North / Unokoti / Dhalai / Khowai/
West / Sepahijala / Gomati and
South Tripura District.

The Superintendent of Police (GRP),
A.D Nagar, Agartala, Tripura

Subject:- Transmission of copy of signed order dated 07-09-2016 of the Hon'ble Supreme Court of India in Writ Petition (Criminal) No. 68 of 2016 (Youth Bar Association of India -Vs- Union of India and others)-compliance regarding.

Please find enclosed copy of signed order dated 07-09-2016 of the Hon'ble Supreme Court of India in Writ Petition (Criminal) No. 68 of 2016 (Youth Bar Association of India -Vs- Union of India and others), as received from the Asstt. Registrar PIL(WRIT) vide D.O No. 1482/2016/SC/PIL(W) dated 17-09-2016, contents of which are self explanatory. **(Copy enclosed).**

Home Department, Govt. of Tripura vide letter No. F.13(54)-PD/16/2668 dated 28-10-2016 has also sent this above mentioned Hon'ble Courts order and requested to take necessary action in this regard. **(Copy enclosed).**

In para -12 of the above mentioned signed order dated 07-09-2016, Hon'ble Supreme Court of India has issued the following directions:

(a) An accused is entitled to get a copy of the First Information Report at an earlier stage than as prescribed under Section 207 of the Cr.P.C.

(b) An accused who has reasons to suspect that he has been roped in a criminal case and his name may be finding place in a First Information Report can submit an application through his representative/agent/parokar for grant of a certified copy before the concerned police officer or to the Superintendent of Police on payment of such fee which is payable for obtaining such a copy from the Court. On such application being made, the copy shall be supplied within twenty-four hours.

Contd....P/2

(c) Once the First Information Report is forwarded by the police station to the concerned Magistrate or any Special Judge, on an application being filed for certified copy on behalf of the accused, the same shall be given by the Court concerned within two working days. The aforesaid direction has nothing to do with the statutory mandate inhere under Section 207 of the Cr.P.C.

(d) The copies of the FIRs, unless the offence is sensitive in nature, like sexual offences, offences pertaining to insurgency, terrorism and of that category, offences under POCSO Act and such other offences, should be uploaded on the police website, and if there is no such website, on the official website of the State Government, within twenty-four hours of the registration of the First Information Report so that the accused or any person connected with the same can download the FIR and file appropriate application before the Court as per law for redressal of his grievances. It may be clarified here that in case there is connectivity problems due to geographical location or there is some other unavoidable difficulty, the time can be extended up to forty-eight hours. The said 48 hours can be extended maximum up to 72 hours and it is only relatable to connectivity problems due to geographical location.

(e) The decision not to upload the copy of the FIR on the website shall not be taken by an officer below the rank of Deputy Superintendent of Police or any person holding equivalent post. In case, the States where District Magistrate has a role, he may also assume the said authority. A decision taken by the concerned police officer or the District Magistrate shall be duly communicated to the concerned jurisdictional Magistrate.

(f) The word 'sensitive' apart from the other aspects which may be thought of being sensitive by the competent authority as stated hereinbefore would also include concept of privacy regard being had to the nature of the FIR. The examples given with regard to the sensitive cases are absolutely illustrative and are not exhaustive.

(g) If an FIR is not uploaded, needless to say, it shall not enure per se a ground to obtain the benefit under Section 438 of the Cr.P.C.

(h) In case a copy of the FIR is not provided on the ground of sensitive nature of the case, a person grieved by the said action, after disclosing his identity, can submit a representation to the Superintendent of Police or any person holding the equivalent post in the State. The Superintendent of Police shall constitute a committee of three officers which shall deal with the said grievance. As far as the Metropolitan cities are concerned, where Commissioner is there, if a representation is submitted to the Commissioner of Police who shall constitute a committee of three officers. The committee so constituted shall deal with the grievance within three days from the date of receipt of the representation and communicate it to the grieved person.

(i) The competent authority referred to hereinabove shall constitute the committee, as directed herein-above, within eight weeks from today.

(j) In cases wherein decisions have been taken not to give copies of the FIR regard being had to the sensitive nature of the case, it will be open to the accused/his authorized representative/parokar to file an application for grant of certified copy before the Court to which the FIR has been sent and the same shall be provided in quite promptitude by the concerned Court not beyond three days of the submission of the application.

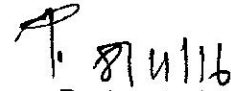
(k) The directions for uploading of FIR in the website of all the States shall be given effect from 15th November, 2016.

It is requested to take necessary action for strict compliance of the above mentioned directions of the Hon'ble Supreme Court of India by the concerned O/C of PSs and Dy. Superintendent of Police i.e SDPOs including constitution of a committee of three officers by the Superintendent of Police concerned for addressing the grievance as mentioned in para - "h" above within the stipulated time given by the Hon'ble Supreme Court of India. The decision not to upload the copy of the FIR on the website shall not be taken by an officer below the rank of Deputy Superintendent of Police i.e SDPO or any person holding equivalent post, as mentioned in Para -"e" of the order.

Action taken report in this regard may please be intimated by 21-11-2016 positively for taking further action from this end.

The matter is time bound and Supreme Court priority.

Encl:- As stated.



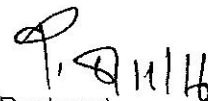
(Lalhminga Darlong)
Asstt. Insp. Genl. Of Police (Crime),
For Director General of Police.
Tripura.

Copy along with its enclosures to:-

- (i) The Inspector General of Police (L/O), Tripura for information please.
- (ii) The Dy. Inspector General of Police, (S/R), Tripura for information please.
- (iii) The Dy. Inspector General of Police, (N/R), Tripura for information please.
- (iv) The SP(CID), Tripura for information and necessary action please.
- (v) The SP(EB), Tripura for information and necessary action please.
- (vi) The Principal, Police Training Academy, Tripura for information please.

Copy also to:-

- (vii) The Under Secretary, Home Department, Govt. of Tripura for information please.
- (viii) The I/C, E-Governance Cell, PHQ for uploading the same in the Tripura Police Website.



(Lalhminga Darlong)
Asstt. Insp. Genl. Of Police (Crime),
For Director General of Police.
Tripura.

89/16



No.F.13 (54)-PD/16/2668.
GOVERNMENT OF TRIPURA
HOME DEPARTMENT

Dated, Agartala, the 28 October, 2016.

✓
To
The Director General of Police,
Tripura, Agartala.

Subject: - Writ Petition (Criminal) No. 68 of 2016 (Youth Bar Association of India – Vs- Union of India & Ors.)

Sir,

I am directed to enclose here with a copy of order dated 07-09-2016 passed in Writ Petition (Criminal) No. 68 of 2016 (Youth Bar Association of India – Vs- Union of India & Ors.) by the Hon'ble Supreme Court of India and to request you to kindly take necessary action in this regard.

Yours faithfully.

Arup Deb 28/10/16
(Arup Deb)

Under Secretary to the
Government of Tripura

Encl: - As Stated.

For perusal pl.

llw
31/10

DCP

Pl. discuss the status

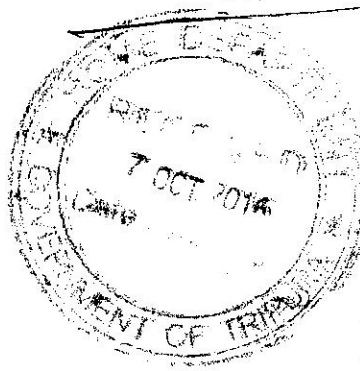
At G (Chone)

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MC P...

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on file - m.f.
21/11/16

No. 3274/Sey/H/16
07/10/16

SPEED POST



D.NO. 1482 /2016/SC/PIL(W)

SUPREME COURT
INDIA
NEW DELHI

All Communications should be addressed to the Registrar, Supreme Court by designation, NOT by name

Dated : 17th September, 2016

From : Assistant Registrar PIL (WRIT)

- To :
- 1 Union of India
Through the Secretary
Department of Home
North Block, Central Secretariat
New Delhi - 110001
 - 2 State of Andhra Pradesh,
Through the Home Secretary,
Government of Andhra Pradesh,
Hyderabad 500 001
 - State of Arunachal Pradesh,
Through the Home Secretary,
Government of Arunachal Pradesh,
Secretariat,
Itanagar 791 111
 - 4 State of Assam,
Through the Home Secretary,
Government of Assam,
Block C, 3rd Floor,
Secretariat,
Dispur, Guwahati 781006
 - State of Bihar,
Through the Home Secretary,
Government of Bihar,
Old Secretariat,
Patna 800 015
 - 6 State of Chhattisgarh,
Through the Home Secretary,
Government of Chhattisgarh,
DKS Bhavan, Room No. 207,
Mantralaya, State Government Secretariat,
Raipur 429001

AS(H)
Pl. forward
it to DSP
for taking
mla

7/10/16

Sanyal
17-10-16

No. 4025/WP/16
17/10/16

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- 7 Government of NCT of Delhi,
Through the Commissioner of Police
Police Headquarters, IP Estate, ITO,
New Delhi - 110002
- 8 State of Goa,
Through the Home Secretary,
Secretariat, Porvoriam,
Goa - 403001
- 9 State of Gujarat,
Through the Home Secretary,
Government of Gujarat,
3rd Floor, New Sachivalaya Complex,
Gandhinagar 382010
- 10 State of Haryana,
Through the Home Secretary,
Government of Haryana,
Secretariat, Sector 7,
Chandigarh 160 001
- 11 State of Himachal Pradesh,
Through the Home Secretary,
Government of Himachal Pradesh,
Secretariat,
Shimla 171001
- 12 State of Jammu & Kashmir,
Through the Home Secretary,
Government of Jammu & Kashmir,
Civil Secretariat, Sonwar,
Srinagar - 190001
- 13 State of Jharkhand,
Through the Home Secretary,
Government of Jharkhand,
Secretariat, Ranchi 834001
- 14 State of Karnataka,
Through the Home Secretary,
Government of Karnataka,
Vidhana Soudha,
Bangalore 560001
- 15 State of Kerala,
Through the Home Secretary,
Government of Kerala,
Secretariat, Thiruvanthapuram
- 16 State of Madhya Pradesh,
Through the Home Secretary,
Government of Madhya Pradesh,
Vallabh Bhavan, Bhopal- 462003

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- 17 State of Maharashtra,
Through the Home Secretary,
Government of Maharashtra,
Room No. 518, 5th Floor,
Main Building Mantralaya,
Mumbai 400032
 - 18 State of Manipur
Through the Home Secretary,
Room No. 171, South-Block,
Secretariat,
Imphal-795001
 - 19 State of Meghalaya,
Through the Home Secretary,
Government of Meghalaya,
Main Secretariat Building
Shillong 793001
 - 20 State of Mizoram,
Through the Home Secretary,
Government of Mizoram,
Civil Secretariat, Block-C,
Aizawl- 796001
 - 21 State of Nagaland,
Through the Home Secretary,
Government of Nagaland,
Secretariat, Kohima 797001
 - 22 State of Orissa,
Through the Home Secretary,
General Admn Department
Orissa Secretariat
Bhubaneshwar 751001
 - 23 State of Punjab,
Through the Home Secretary,
Government of Punjab,
Punjab Civil Secretariat,
Chandigarh 160001
 - 24 State of Rajasthan,
Through the Home Secretary,
Government of Rajasthan,
Secretariat,
Jaipur (Rajasthan)5
 - 25 State of Sikkim,
Through the Home Secretary,
Tashiling Secretariat,
Gangtok 737101

- 26 State of Tamil Nadu,
Through the Home Secretary,
Government of Tamil Nadu,
Secretariat,
Chennai 600009
- 27 State of Telengana
Through the Home Secretary,
Government of Telengana,
Secretariat,
Hyderabad
- 28 State of Tripura,
Through the Home Secretary,
Government of Tripura,
Civil Secretariat,
Agartala 799001
- 29 State of Uttrakhand
Through the Home Secretary,
4B Shubhash Road,
Dehradun 248001
- 30 State of Uttar Pradesh
Through the Home Secretary,
Government of Uttar Pradesh
Lal Bahadur Shastri Bhavan,
UP Secretariat,
Lucknow 226001
- 31 State of West Bengal,
Through the Home Secretary,
Government of West Bengal,
Writers' Building,
Kolkata-700001
- 32 Union Territory of Andaman & Nicobar,
Through the Administrator,
Andaman & Nicobar Administration,
Secretariat, Port Blair,
Andaman & Nicobar Islands 744101
- 33 Union Territory of Chandigarh,
Through the Administrator,
4th Floor, UT Secretariat/ Mini Secretariat,
Sector 9, Chandigarh 160001
- 34 Union Territory of Dadra & Nagar Haveli,
Through the Administrator,
Administrator's office, Secretariat,
Silvassa 396230

- 35 Union Territory of Daman & Diu,
Through the Administrator,
Administrator's office, Secretariat,
Daman & Diu Administration,
Fort Area, Moti Daman 396220
- 36 Union Territory of Lakshadweep,
Through the Administrator,
Lakshadweep Administration,
Secretariat, Kavaratti 682555
- 37 Union Territory of Puducherry
Through the Home Secretary,
Government of Puducherry
Chief Secretariat Building,
No. 1, Beach Road,
Puducherry 605001

IN THE MATTER OF:

WRIT PETITION (CRL.) NO. 68 OF 2016
(Under Article 32 of the Constitution of India)

Youth Bar Association of India

... Petitioner

Versus

Union of India & Ors.

... Respondents

Sir,

I am directed to forward herewith for your information, compliance and necessary action a certified copy of the Signed Order of this Court dated 07.09.2016 passed in the matter above-mentioned.

Please acknowledge receipt.

Yours faithfully,


Assistant Registrar

Encl. As above

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IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

WRIT PETITION (CRL.) NO.68 OF 2016

Youth Bar Association of India

Petitioner(s)

Versus

Union of India and Others

Respondent(s)

O R D E R

Certified to be true copy

[Signature]
Assistant Registrar (Judicial)
Supreme Court of India

Issue Rule.

2. In this writ petition, preferred under Article 32 of the Constitution of India, the petitioner, Youth Bar Association of India, has prayed for issue of a writ in the nature of mandamus, directing the Union of India and the States to upload each and every First Information Report registered in all the police stations within the territory of India in the official website of the police of all States, as early as possible, preferably within 24 hours from the time of registration.

3. After the writ petition was entertained by the Court, notices were issued to the Union of India and the States.

4. It is submitted by Mr. Sanpreet Singh Ajman learned counsel appearing for the petitioner that aft

registration of the First Information Report if it is uploaded in the official website of police, that will solve many unnecessary problems faced by the accused persons and their family members. Learned counsel would contend that when the criminal law is set in motion and liberty of an individual is at stake, he should have the information so that he can take necessary steps to protect his liberty. In this context, he has drawn our attention to a passage from the judgment rendered in State of West Bengal and others vs. Committee for Protection of Democratic Rights, West Bengal and others (2010) 3 SCC 571, wherein it has been observed:-

"Article 21 of the Constitution in its broad perspective seeks to protect the persons of their lives and personal liberties except according to the procedure established by law. The said Article in its broad application not only takes within its fold enforcement of the rights of an accused but also the rights of the victim. The State has a duty to enforce the human rights of a citizen providing for fair and impartial investigation against any person accused of commission of a cognizable offence, which may include its own officers. In certain situations even a witness to the crime may seek for and shall be granted protection by the State."

5. In Som Mittal vs. Government of Karnataka (2008) 3 SCC 753, the Court has ruled thus:-

"The right to liberty under Article 21 of the Constitution is a valuable right, and hence should not be lightly interfered with. It was won by the people of Europe and America after tremendous historical struggles and sacrifices. One is reminded of Charles Dickens novel 'A Tale of Two Cities' in which Dr. Manette was incarcerated in the Bastille for 18 years on a

mere lettre de cachet of a French aristocrat, although he was innocent."

6. In D.K. Basu vs. State of West Bengal AIR 1997 SC

610 it has been opined that:-

"The rights inherent in Articles 21 and 22(1) of the Constitution required to be jealously and scrupulously protected. We cannot wish away the problem. Any form of torture of cruel, inhuman or degrading treatment would fall within the inhibition of Article 21 of the Constitution, whether it occurs during investigation, interrogation or otherwise. If the functionaries of the Government become law breakers, it is bound to breed contempt for law and would encourage lawlessness and every man would have the tendency to become law unto himself thereby leading to anarchanism. No civilised nation can permit that to happen. Does a citizen shed off his fundamental right to life, the moment a policeman arrests him? Can the right to life of a citizen be put in abeyance on his arrest? These questions touch the spinal court of human rights jurisprudence. The answer, indeed, has to be an emphatic 'No'. The precious right guaranteed by Article 21 of the Constitution of India cannot be denied to convicted undertrials, detenues and other prisoners in custody, except according to the procedure established by law by placing such reasonable restrictions as are permitted by law."

7. Learned counsel for the petitioner has also drawn our attention to a Division Bench decision of Delhi High Court, rendered in Court on its Own Motion through Mr. Ajay Chaudhary vs. State (2010) 175 DLT 110 (DB).

8. On being asked, Mr. Tushar Mehta, learned Additional Solicitor General appearing for the Union of India, has submitted that the directions issued by the High Court of Delhi can be applied with certain modifications. Learned

Additional Solicitor General has also drawn our attention to paragraph 4 of the affidavit filed in an interlocutory application in the present writ petition. The said paragraph reads as under:-

"4. That is it respectfully submitted that Central Government is supporting all the states to set up a mechanism for online filing of complaints under the protect 'Crime & Criminal Tracking Network & Systems (CCTNS)'."

9. Mr. Saurabh Trivedi, learned counsel appearing for the State of Uttarakhand has submitted that the First Information Report in respect of certain offences which are registered, like sexual offences and the offences registered under the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), may be difficult to be put on the website.

10. Mr. Ranjan Mukherjee, Mr. Shikhar Garg, and Mr. Yusuf Khan, learned counsel appearing for the States of Meghalaya, Mizoram and Sikkim respectively, have submitted that insurgency would be a sensitive matter and, that apart, it may not be possible on the part of the said States to upload the First Information Reports within 24 hours.

11. Mr. Uddyam Mukherji, learned counsel appearing for the State of Odisha has submitted that whether a matter is sensitive or not, the Court may say no reasons should be given because the allegation in the F.I.R. shall speak for itself.

12. Having heard learned counsel for the parties, we think it appropriate to record the requisite conclusions and, thereafter, proceed to issue the directions:-

(a) An accused is entitled to get a copy of the First Information Report at an earlier stage than as prescribed under Section 207 of the Cr.P.C.

(b) An accused who has reasons to suspect that he has been roped in a criminal case and his name may be finding place in a First Information Report can submit an application through his representative/agent/parokar for grant of a certified copy before the concerned police officer or to the Superintendent of Police on payment of such fee which is payable for obtaining such a copy from the Court. On such application being made, the copy shall be supplied within twenty-four hours.

(c) Once the First Information Report is forwarded by the police station to the concerned Magistrate or any Special Judge, on an application being filed for certified copy on behalf of the accused, the same shall be given by the Court concerned within two working days. The aforesaid direction has nothing to do with the statutory mandate inhered under Section 207 of the Cr.P.C.

(d) The copies of the FIRs, unless the offence is sensitive in nature, like sexual offences, offences pertaining to insurgency, terrorism and of that category,

offences under POCSO Act and such other offences, should be uploaded on the police website, and if there is no such website, on the official website of the State Government, within twenty-four hours of the registration of the First Information Report so that the accused or any person connected with the same can download the FIR and file appropriate application before the Court as per law for redressal of his grievances. It may be clarified here that in case there is connectivity problems due to geographical location or there is some other unavoidable difficulty, the time can be extended up to forty-eight hours. The said 48 hours can be extended maximum up to 72 hours and it is only relatable to connectivity problems due to geographical location.

(e) The decision not to upload the copy of the FIR on the website shall not be taken by an officer below the rank of Deputy Superintendent of Police or any person holding equivalent post. In case, the States where District Magistrate has a role, he may also assume the said authority. A decision taken by the concerned police officer or the District Magistrate shall be duly communicated to the concerned jurisdictional Magistrate.

(f) The word 'sensitive' apart from the other aspects which may be thought of being sensitive by the competent authority as stated hereinbefore would also include concept of privacy regard being had to the nature of the

FIR. The examples given with regard to the sensitive cases are absolutely illustrative and are not exhaustive.

(g) If an FIR is not uploaded, needless to say, it shall not enure *per se* a ground to obtain the benefit under Section 438 of the Cr.P.C.

(h) In case a copy of the FIR is not provided on the ground of sensitive nature of the case, a person grieved by the said action, after disclosing his identity, can submit a representation to the Superintendent of Police or any person holding the equivalent post in the State. The Superintendent of Police shall constitute a committee of three officers which shall deal with the said grievance. As far as the Metropolitan cities are concerned, where Commissioner is there, if a representation is submitted to the Commissioner of Police who shall constitute a committee of three officers. The committee so constituted shall deal with the grievance within three days from the date of receipt of the representation and communicate it to the grieved person.

(i) The competent authority referred to hereinabove shall constitute the committee, as directed herein-above, within eight weeks from today.

(j) In cases wherein decisions have been taken not to give copies of the FIR regard being had to the sensitive nature of the case, it will be open to the accused/his

authorized representative/parokar to file an application for grant of certified copy before the Court to which the FIR has been sent and the same shall be provided in quite promptitude by the concerned Court not beyond three days of the submission of the application.

(k) The directions for uploading of FIR in the website of all the States shall be given effect from 15th November, 2016.

13. Let a copy of this order be sent to all the Home Secretaries and the Director Generals of Police of the States concerned.

14. The writ petition is, accordingly, disposed of.

Sd/-
[Dipak Misra]

Sd/-
.....J.
[C. Nagappan]

New Delhi
September 07, 2016.