

U6/167036/2016/PHQ

Police Headquarters, Kerala

Thiruvananthapuram-695010

Dated 10-11-2016.

CIRCULAR No. 26 /2016

Sub :- Uploading of First information Report through CCTNS – directions of the Hon'ble Supreme Court in its judgment in Writ Petition (Crl) No. 68/2016 - complied with – instructions issued – reg.

Ref:- 1. Judgment of Hon'ble Supreme Court dated 07.09.2016 in Writ Petition (Crl) No. 68/2016 filed by *Youth Bar Association of India Vs Union of India and others*.
2. PHQ Circular No.1/2016.
3. PHQ Circular No.25/2016.

Hon'ble Supreme Court of India vide judgment 1st cited has directed that the copies of the First Information Reports (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 within twenty four hours of the registration of the First Information Report. The direction of the Apex Court for uploading of FIR in the website of all States shall be given effect from the **15th November, 2016**. In order to ensure a technically faultless and legally sound system to guarantee public access to copies of FIRs, the following legal as well as technical instructions are issued for strict compliance:

Legal instructions

1. An accused is entitled to get a copy of the FIR at an earlier stage than as prescribed under Section 207 of the Cr.P.C.

2. 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 before the concerned Police officer or to the District Police Chief for granting of a certified copy of the FIR, on payment of such fees which is payable in the Court for obtaining such a copy. On receipt of such one application, the copy shall be supplied within twenty-four hours.

3. The copies of the FIRs, unless the offence is sensitive in nature, like sexual offences, offences pertaining to insurgency, terrorism and that category, offences under POCSO Act and such other offences, should be uploaded on the police website, 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 concerned as per law for redressal of his/her grievances. In case there are 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 a further 72 hours and it is only related to connectivity problems due to geographical location.

4. The decision not to upload the copy of the FIR on the website as directed by the Hon'ble Supreme Court of India, shall be taken by the Sub Divisional Deputy Superintendent of Police (SDPO) concerned. Such decision shall, in no case be taken by an officer below the rank of Deputy Superintendent of Police. The decision taken by the SDPO will be duly communicated to the concerned Jurisdictional Magistrate.

5. If the FIR is not uploaded, needless to say, it shall not be a ground to obtain the benefit under section 438 of the Cr. P.C.

6. In case a copy of the FIR is not provided on the ground of sensitive nature of the case, a person aggrieved by the said action, after disclosing his identity, can submit a representation to the District Police Chief. The District Police Chief shall constitute a committee of three officers preferably consisting of ACP/DySP-SB, ACP/DySP DCRB and ACP/DySP Admin which shall deal with the said grievance. 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 aggrieved person.

7. 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 the concept of privacy. The examples given with regard to the sensitive cases vide circular 2nd cited as reference are absolutely illustrative and are not exhaustive.

8. The District Police Chiefs shall constitute the committees, as directed above, before 15th November, 2016 and report compliance.

9. In cases wherein a decision has been taken not to give a copy of the FIR owing to the sensitive nature of the case, it will also be open to the accused/his authorized representative to file an application for grant of certified copy before the Court where the FIR has been sent and the accused may get the copy of the FIR from the Court.

Technical instructions

1. The provision for publishing the FIR by the concerned SHOs at police stations through CCTNs and downloading of FIR by public through Kerala Police official website (www.keralapolice.gov.in) have been developed and is ready for use.

2. The FIR can be uploaded to the website soon after the FIR is registered in the CCTNS platform. For this after the FIR is registered in CCTNS platform, go to the

Registration Menu - > Select First Information Report then go down to Publish/Un publish option (Ref Screen Shot 1).



On clicking it the FIR numbers will be displayed in sequence chronologically. Option is there to publish or unpublish an FIR on the right corner column (Ref Screen Shot 2).



S.No.	FIR No.	FIR Date	Act and Sections	FIR submitted in court	Status	Number of Citizen Views	Publish or Unpublish
1	70/2016	17/10/2016 14:00	Click Here	No/ Not known	Unpublished	0	[-] Publish
2	69/2016	20/09/2016 15:25	Click Here	No/ Not known	Unpublished	2	[-] Publish
3	68/2016	20/09/2016 11:07	Click Here	Yes	Published	1	[+] Unpublish
4	67/2016	16/09/2016 12:06	Click Here	No/ Not known	Published	0	[+] Unpublish
5	66/2016	16/09/2016 12:02	Click Here	No/ Not known	Unpublished	0	[-] Publish

On selecting it, a window will open asking confirmation for marking it for publishing (Ref Screen Shot 3).

S.No	FIR No	FIR Date	Click Here	No/ Not known	Unpublished	0	Click Here	0										
6	65/2016	16/09/2016 11:58		No/ Not known	Unpublished	0		0		0		0		0		0		0
7	64/2016	06/09/2016 16:58	Click Here	No/ Not known	Unpublished	0		0		0		0		0		0		0
8	63/2016	29/08/2016 05:00	Click Here	No/ Not known	Unpublished	0		0		0		0		0		0		0
9	62/2016	29/08/2016 00:00	Click Here	No/ Not known	Unpublished	0		0		0		0		0		0		0
10	61/2016	28/08/2016 15:00	Click Here	No/ Not known	Unpublished	0		0		0		0		0		0		0

1 2 > go Total Pages: 21 Displaying records From 6 To 10 of 103 Records per page 5

On clicking Yes, that FIR will get published, once the synchronization is completed from the Police Station server to the State Data Center Server. Hence, SHOs should ensure that if online syncing is not happening, manual syncing should be done at least once in 24 hours with the help of the CCTNS Help Desk.

3. The above mentioned facility should be used by the SHO to mark the “publishing” of FIR in CCTNS from 00:00 Hrs 15-11-2016 00:00 as contemplated in the Supreme Court order. The SHO concerned shall publish an FIR unless the offence is sensitive in nature, like sexual offences, offences pertaining to insurgency, terrorism and that category, offences under POCSO Act and such other offences.

4. Once the FIR is marked for publishing in the CCTNS, the same will be available in the Kerala Police Website for viewing and downloading by the public at large.

5. The District Police Chiefs should ensure that all Police Stations record GD & register FIRs through CCTNS only, without any pendency. They shall also ensure that offline CCTNS machines in Police Stations are to be continuously synchronized with the online CCTNS server at the SDC. For this, uninterrupted BSNL connectivity should be available at the time of synchronization. DPCs should ensure proper BSNL connectivity at Police Stations.

6. In case, the CCTNS system is not working/not available due to technical reasons like application issues, hardware issues, connectivity issues etc., the FIRs should be registered manually after appropriate entry of the same in the manual GD. The non-working of CCTNS shall be reported to DySP (DCRB). The

defect in CCTNS System shall be reported to CCTNS Helpdesk No.9497970300 and the same is to be rectified immediately by all concerned. As soon as the CCTNS system is up and working, the manual GD and manual FIR are to be stopped and all the pending GD & FIRs should be entered in the chronological order into the CCTNS system and it should also be indicated whether they are to be published or not.

All District Police Chiefs are hereby directed to personally monitor the action taken on these instructions by their subordinate officers and ensure compliance of the above directions.

S/d (10/11/2016)
DGP & State Police Chief


10/11/2016

Approved for issue
Inspector General of Police (HQ)

Distribution: All Officers in List B for necessary action

Copy to: 1. Director, SCRB for publishing the Circular in the official Website of Kerala Police.

2. All seats in D and U Branches
3. Circular Book