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R.O.C.No.52064-A/2018/F1

From

R.Sakthivel, B.A., B.L.,
Registrar General,
High Court, Madras -104.



Dated: 31.07.2018

To

Sir,

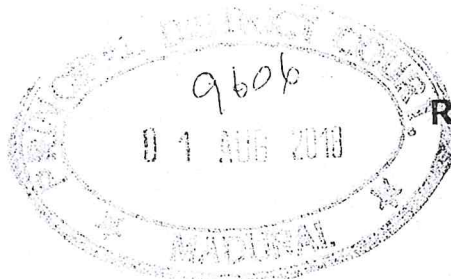
Sub: Law Commission of India - Amendment in Section 154 Cr.P.C. for enabling online registration of FIR - Views requested by the Law Commission of India from all the Judicial Officers - Considered - Copy of the letter forwarded for views - Reg.

Ref: Letter in D.O.No.6(3)/2018-LC(LS), dated 20.07.2018 received from the Chairman, Law Commission of India, New Delhi.

I am to state that the Hon'ble Chairman, Law Commission of India in his letter under reference cited has requested the High Court to send the written opinion of the Judicial Officers under the control of High Court, in respect of the Amendment in Section 154 Cr.P.C. for enabling online registration of FIR, through e-mail lcj-dla@nic.in on or before 06.08.2018. Upon considering the same, the High Court directed to forward the letter of Law Commission of India to all the Judicial Officers to submit their views.

As directed, I am to enclose herewith the letter dated 20.07.2018 received from the Hon'ble Chairman, Law Commission of India, New Delhi and request you to send your written opinion on the above said matter to the Law Commission of India, directly through e-mail lcj-dla@nic.in on or before 06.08.2018.

Yours faithfully,



R. Sakthivel
31/7/18
REGISTRAR GENERAL

To

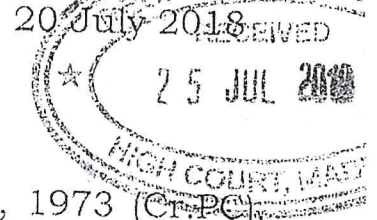
1. All the Principal District Judges/District Judges in the State of Tamil Nadu. }
2. The Principal Judge, City Civil Court, Chennai. } with a request
3. The Chief Judge, Court of Small Causes, Chennai. } to communicate
4. The District Judge-cum-Chief Judicial Magistrate, The Nilgiris. } the letter to all
5. The Chief Judge, Puducherry. } the judicial
6. The Director, Tamil Nadu State Judicial Academy, R.A.Puram, Chennai-28. } officers under
7. The Court Manager, High Court, Madras (with a request to } your control,
- communicate the letter to all the Court Managers in Tamil Nadu } forthwith.
- and Puducherry through e-mode.) }

डॉ० न्यायमूर्ति बलबीर सिंह चौहान
पूर्व न्यायाधीश, सर्वोच्च न्यायालय
अध्यक्ष
भारत का विधि आयोग
विधि एवं न्याय मंत्रालय
भारत सरकार



Dr. Justice B. S. Chauhan
Former Judge, Supreme Court of India
Chairman
Law Commission of India
Ministry of Law & Justice
Government of India

D.O. No.6(3) /2018-LC(LS)



Dear sister Indira Banerjee,

Section 154 of the Criminal Procedure Code, 1973 (Cr.PC), dealing with 'Information in cognizable cases', stipulates every information relating to the commission of a cognizable offence shall be reduced to writing by an officer in charge of the police station. The Supreme Court, emphasising upon the stricter compliance with this section, in *Lalita Kumari v. Govt. of U.P. & Ors.*, AIR 2014 SC 187, *inter-alia* observed:

Registration of FIR is mandatory under Section 154 of the Code, if it discloses commission of a cognizable offence.... The object sought to be achieved by registering the earliest information as FIR is *inter alia* two fold: one, that the criminal process is set into motion and is well documented from the very start; and second, that the earliest information received in relation to the commission of a cognizable offence is recorded so that there cannot be any embellishment etc., later.

Since the above judgement the spread of internet and technology has only risen, and it continues to rise highlighting its use in increasing transparency and accountability. In the times of RTI, when transparency is the basic *mantra* and the citizenry of this country is entitled to transparency as a matter of right, effective transparency and accountability can be achieved only if the required information is available in public domain. And, this holds true for the criminal justice administration system as well. As was also emphasised by the Supreme Court in *Youth Bar Association of India v. Union of India*, AIR 2016 SC 4136, holding that the copy of a registered FIR be uploaded on the police website within twenty-four hours of the registration, except for in the case of sensitive offences.

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In this connection, during the Directors General / Inspectors General Conference - 2017 held in January 2018, it was suggested that there should be an amendment in s.154, Cr.PC for enabling online registration of First Information Report. The Ministry of Home Affairs has asked the Law Commission to consider the suggestion and sought our views on the subject.

I would be grateful if you could request the judicial officers in your jurisdiction to send their written opinion on this matter to the Commission. We would appreciate if the same can be sent at the earliest possible, but, in any case, not later than 6 August 2018. Their opinions could be sent via email to lci-dla@nic.in.

With warm regards,

Yours sincerely,

B S Chauhan

[Dr. Justice B S Chauhan]

Hon'ble Justice Ms. Indira Banerjee
Chief Justice
Madras High Court
Chennai - 600104
Tamil Nadu