

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:6244
ANSWERED ON:04.05.2010
FAULTY REGISTRATION OF FIRS
Sinh Dr. Sanjay; Vasava Shri Mansukhbhai D.

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether there are reports of faulty registration of FIRs by the police resulting in acquittal/less punishment for the accused;
- (b) if so, the details thereof and the reaction of the Government thereto;
- (c) whether the various Police Commissions have looked into the matter and made any recommendations in this regard;
- (d) if so, the details thereof;
- (e) whether there are provisions in the Police Act, 1861 and various State Police Acts for the prosecution of police officials for dereliction of duty for registering faulty FIRs; and
- (f) if so, the details thereof?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN)

(a) & (b): 'Police' is a State subject and, therefore, no such details of faulty registration of FIRs, if any, by police, resulting in acquittal/less punishment for accused are available/maintained.

(c) & (d): The National Police Commission was constituted in 1977, submitted eight reports during the period February, 1979 to May, 1981. In the fourth report the following broad recommendations were made in respect of Reporting Centres:

- (i) Enabling the officer in-charge of Police Station to ascertain adequate information from the complainant.
- (ii) Registration of FIR to be made mandatory irrespective of jurisdiction.
- (iii) Recording of FIR in constituent units of police stations.

(e) & (f): Under Section 29 of Police Act 1861, there is a provision for penalties for neglect of duty etc. In order to have a relook at the role and functions of the police, Soli Sorabjee Committee was constituted to draft a Model Police Act to replace the Police Act of 1861. Model Police Act drafted by the committee contains well defined duties of the police which inter-alia contains section 199 (b) which states as under:-

"A police officer with out lawful reason, fails to register a First Information Report (FIR) as required by Section 154 of the Code of Criminal procedure, 1973 shall be punished with imprisonment for a term which may extend to three months or with a fine or both."

The Model Police Act has been sent to all States for consideration and appropriate action as Police is a State subject.