



ODISHA POLICE
CRIME BRANCH
CRIMINAL INVESTIGATION DEPARTMENT

POLICE CIRULAR ORDER NO.366/2016

Sub: Uploading of FIR in official website and supply of FIR upon application

Hon'ble Supreme Court of India vide Order dated 7.9.2016 in WP (Cri) No.68/2016 (Youth Bar Association of India Versus Union of India and others) have directed to upload copies of FIRs, except those which are sensitive in nature, in police website within twenty four hours of registration so that the accused or any person connected with the same can download the FIR. The Hon'ble Court has further clarified that in case there is connectivity problem, due to geographical location or there is some other unavoidable difficulty, the time can be extended up to forty eight hours subject to further extension maximum up to seventy two hours.

2. To give effect to the order of Hon'ble Supreme Court as above, it has been decided that uploading of FIR and accessing of the same shall be facilitated in CCTNS project for which Director, SCRB, Bhubaneswar shall take necessary action in creating a doorway as well as search option. As FIRs are being generated in Core Application Software (CAS) under CCTNS Project in most of the Police Stations of the State, it has been decided to give a doorway to access the FIRs online through Citizen Portal which is open to the citizens for accessing different kind of services. For complying to the directions of Hon'ble Supreme Court, the requirement is to get the data synced with the State Data Centre (SDC) on a regular basis. As per instructions of MHA on CCTNS, Police Stations which either do not have any connectivity or have long-standing connectivity problems should enter FIRs offline and get the data synced to the State Data Centre by

taking the servers to the nearest PS/Higher Offices having network connectivity and this must be done on a daily basis. Unless Police Station data is synced with SDC, it would not be possible to access the FIRs in Citizen Portal within 24 hours of its registration. In respect of Police Stations which are generating FIRs manually, physical copy of FIR should be obtained from the Police Station and the same should be uploaded in CAS at District Police Office within 24 hours of its registration. Depending upon the geographical location of the Police Station and its connectivity etc. the time for uploading of FIR can be extended maximum up to seventy two hours. However efforts should be made to upload the FIR as expeditiously as possible in the website.

3. Hon'ble Supreme Court has directed that the decision not to upload copy of FIR on ground of sensitivity shall be taken by an officer not below the rank of Deputy Superintendent of Police. Accordingly, the district Superintendents of Police/Deputy Commissioners of Police and SsP of Police Units are advised to appoint an officer of the rank of Deputy Superintendent of Police as "Designated Officer". The responsibility of the Designated Officer is to scan all FIRs being uploaded in the CCTNS website and allow accessing of all non-sensitive FIRs by accused etc. in the Citizen Portal. The Designated Officer shall ensure that in respect of Police Stations which either do not have any connectivity or have long standing connectivity problems, the Police Station data is synced to State Date Centre (SDC) by taking the server to the nearest Police Station or the office of SDPO etc. having network connectivity. Further, in respect of Police Stations where FIRs are being generated manually, the Designated Officer shall obtain a physical copy of the FIR from the Police Station and upload the same in Core Application Software (CAS) at the District Police Office within twenty four hours of its registration. Depending upon the geographical location of the Police Station and its accessibility etc., the time for uploading of non-sensitive FIRs for accessing in the Citizen Portal can be extended maximum up to forty eight or seventy two hours. It shall be the responsibility of the Designated Officer to ensure that in all non-sensitive cases, FIRs are accessible in Citizen Portal within the given time frame. The Designated Officer shall

monitor the status of uploading of FIRs by generating "FIR Monitoring Report" in Core Application Software (CAS) on a daily basis. A copy of FIR Monitoring Report shall be submitted by him to the Superintendent of Police/Deputy Commissioner of Police of the district or SP of Police Unit and to SCRB on a daily basis. In case of any technical problem, he shall immediately contact Central Help Desk of SCRB for resolution of the same. Similarly, in case of any connectivity problem, he shall immediately raise a ticket and contact BSNL authorities for resolving the issue. Superintendents of Police/Deputy Commissioners of Police and SsP of the Police Units are advised to regularly monitor the status of uploading of FIR etc. so that there is no breach in complying to the order of the Hon'ble Supreme Court.

A filter shall be provided in Core Application Software (CAS) and the Designated Officer shall be supplied log in ID and password for selecting non-sensitive FIRs and uploading the same in Citizen Portal. District Superintendents of Police/Deputy Commissioners of Police and SsP of Police Units are requested to furnish the names of such officers by 2nd November, 2016 to SCRB.

4. An important issue to be decided is who can access and download a copy of the FIR from the website. The Hon'ble Supreme Court of India in their order have directed that an accused or a person connected with the FIR can access the same. Hence, persons eligible to access and download an FIR includes accused, complainant, victim, injured and their guardian/legal heir, if any. The aforesaid category of persons can download a copy of the FIR from Citizen Portal after uploading any one of Documents of Identification as at Annexure-1. Director, SCRB shall create boxes for eligible category of persons in the Citizen Portal. Eligible persons shall state his category, upload a scanned copy of identification document and then download copy of FIR.

5. Hon'ble Supreme Court of India have ordered that FIRs of offences which are sensitive in nature, shall not be uploaded in the website. The examples given in the aforesaid order are illustrative and not exhaustive in nature. The following categories of

cases hence are considered sensitive and hence excluded from being uploaded in the website.

- i) Cases registered under section 376, 376A, 376B, 376C, 376D IPC as the disclosure of identity of victim in such cases is a punishable offence under section 228A IPC.
- ii) Cases registered under the provisions of "The Protection of Children from Sexual Offences (POCSO) Act, 2012".
- iii) Cases involving a juvenile in conflict with law or a child in need of care and protection as Section 21 of Juvenile Justice (Care & Protection of Children) Act, 2000 prohibits disclosure of identity of such juvenile or child.
- iv) Cases in which desperate criminals/gangsters are involved or where there is a danger of the witnesses or the complainant being intimidated and terrorized.
- v) Cases relating to terrorists/extremists or involving issues of national security and cases registered under the provisions of Unlawful Activities (Prevention) Act, 1967.
- vi) Cases registered under the Official Secrets Act where disclosure of information would be prejudicial to the interest of State.
- vii) Cases in which the nature of FIR is such that it is, in the opinion of the Designated Officer, sensitive on grounds of privacy.
- viii) Any other case which in the opinion of Designated Officer may prejudice investigation and circumvent criminal justice system.

6. Hon'ble Supreme Court of India has further directed that an accused who has reasons to suspect that he has been roped in a criminal case can submit an application through his representative/agent/parokar for granting a certified copy before the concerned police officer or Superintendent of Police on payment of such fees which are

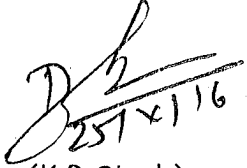
payable for obtaining of such a copy from the court. On such application being made, a copy shall be supplied within twenty four hours. The procedure to deal with such applications likely to be received in the Police Station or in the office of the district Superintendent of Police/Deputy Commissioner of Police of the district or Police Unit would be as under:

- i) The accused may submit an application through his representative/ agent/parokar for supply of certified copy to Officer-in-Charge/Inspector-in-Charge of a Police Station or office of Deputy Commissioner of Police/Superintendent of Police of the district or Police Unit during office hours of all working days along with a fees of ₹ 3/- (Rupees Three only) per page in cash. The application would be submitted in a form as at Annexure-2 in duplicate which will be available in all the Police Stations and office of Deputy Commissioner of Police/Superintendent of Police of the district or Police Unit. Amount collected in cash shall be properly accounted for and deposited in government account.
- ii) In case, an application is submitted in the Police Station, the same shall be received after putting date and time of receipt by the Duty Officer who will give an acknowledgement to the applicant. The application then will be put up to Officer-in-Charge/Inspector-in-Charge of the Police Station who would locate the relevant FIR and analyze its sensitivity in consultation with the Designated Officer in terms of instruction given above and supply certified copy of FIR within twenty four hours, if the case is non-sensitive in nature as per the order of Designated Officer. If the Officer-in-Charge/Inspector-in-Charge of the Police Station is of the opinion that the case is sensitive in terms of categories enumerated above, he shall send the FIR to the Designated Officer who shall then take a decision regarding supply or denial of copy of FIR to the applicant within a period of twenty four hours.

- iii) In case, an application for getting copy of FIR is submitted to the office of Deputy Commissioner of Police/Superintendent of Police of the district or Police Unit, a specified officer shall receive the same with date and time and issue acknowledgement to the applicant. The application thereafter shall be submitted to the Designated Officer referred above who after analyzing the sensitivity shall pass appropriate order for supply or otherwise of certified copy of FIR within twenty four hours.
- iv) The reason for refusing supply of FIR would be recorded in writing by the Designated Officer and communicated to the applicant within twenty four hours. In case the FIR does not exist, the same will also be communicated to the applicant. In the event of a copy of FIR not being made available to the applicant, the fees deposited by him for the purpose shall be refunded.
- v) The communication for refusal to supply copy of FIR shall mention that the applicant can make a representation against such order to the Commissioner of Police/ Superintendent of Police who would refer the same to a Review Committee of three senior officers not below the rank of Deputy Superintendent of Police/ Assistant Commissioner of Police constituted for the purpose.
- vi) The Review Committee shall deal with the grievance of refusal to supply copy of FIR within three working days from the date of receipt of the representation and communicate the decision to the aggrieved person.
- vii) Commissioner of Police/Superintendent of Police as per order of the Hon'ble Supreme Court shall constitute the Committee of three officials referred above by 1st November, 2016 positively.

7. Director, SCRB, Bhubaneswar shall be the Nodal Officer to monitor and deal with all issues connected with uploading of FIRs, providing access to download and complying to other directions of Supreme Court dated 7.9.2016. He may organize appropriate training programme for Designated Officers at the earliest.

8. The direction for uploading FIR in the website shall be given effect from 15th November, 2016. All-out sincere efforts must be made by all concerned to comply to the order of Hon'ble Supreme Court in letter and spirit.


25/11/16
(K.B.Singh)

Director General of Police
Odisha, Cuttack


Memo No. 32125 /CID-PS

Date 25 .10.2016

Copy forwarded to:

- All District SsP including SsRP, Rourkela & Cuttack/DCsP, Cuttack & Bhubaneswar
- SsP CID, CB/EOW/STF, Bhubaneswar
- All Range IsGP/DIsGP/IGP, Railways, Cuttack/Commissioner of Police, Bhubaneswar-Cuttack
- Addl. DG of Police, HRPC, Cuttack/Director (Investigation), OHRC, Bhubaneswar/Director, State Crime Records Bureau, Bhubaneswar/Director, Vigilance, Cuttack

for information and necessary action.


25/11/16
(K.B.Singh)

Director General of Police
Odisha, Cuttack

Address-Buxibazar, Cuttack - 753 001 Tel- 0671-2304834
Fax:0671-2304659 e-mail:adgcidcb.orpol@nic.in

ANNEXURE-1

Documents of Identification

- i) Passport
- ii) Voter ID Card
- iii) PAN Card
- iv) Government/Defence ID Card
- v) ID Card of reputed employers
- vi) Driving License
- vii) Pension Payment Orders issued by Central/State Government and Public Sector Undertakings
- viii) Ration Card
- ix) Photo ID Cards issued by Post Offices
- x) Photo Identity Cards issued to bonafide students by a University or college or institution.

ANNEXURE-2

APPLICATION FOR OBTAINING COPY OF FIR FOR THE ACCUSED

1	FIR No./Year/Date (If known)	
2	Timeframe of Registration of FIR	From To
3	Police Station	
4	District	
5	Name of the complainant	
6	Name of the accused/alleged person	

7. Applicant's detail

(i)	Name	
(ii)	Parentage	
(iii)	Address	
(iv)	Contact Phone Number (s)	
(v)	Relation with the accused/alleged person	

Stamp of Police Station/ Office
of Deputy Commissioner of Police/
Superintendent of Police

Signature of applicant