

## Cases missing from police files

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It is a sorry state of affairs in the country where police officers are totally corrupt...” Harsh words, pronounced by the Supreme Court on July 24, which reflected its anger over the non-registration of complaints. The process of criminal justice begins with the registration of information by the police. Non-registration of a case ends the process of justice even before it has begun. The police resort to different practices in order to avoid registering complaints. Sometimes they intimidate the complainant and dissuade him or her from registering the complaint. Sometimes, a pretence is made of registering the complaint. An entry in the General Diary of the police station is made and a copy given to the complainant. He remains under the impression that the complaint has really been registered although that is not the case. Sometimes, the complaint is rejected on the grounds that it comes under the jurisdiction of some other police station. Even when the registration of a complaint becomes unavoidable, attempts are often made to minimise the gravity of the crime. An offence of robbery is reduced to that of theft or an attempt to murder becomes a case of causing hurt.

There are reasons why the police do not register FIRs. The government on occasion encourages non-registration in order to appear more effective. The recent instance of UP is a case in point. TV advertisements showed Amitabh Bachchan singing Mulayam Singh’s praises for his handling of crime when the reality was quite different. Incidentally, figures on crime are used not merely to advertise the success of the government but to project police efficiency as well. Corruption is another important reason for FIRs not being registered. There are other factors, too, like a heavy work load and inadequate staff. Existing investigators then come under pressure to avoid taking up additional cases.

In 1973, two new provisions were introduced in the Code of Criminal Procedure. It was made mandatory to provide a copy of the FIR to the complainant free of cost. Also, persons refused the registration of complaints could approach the district superintendent of police. However, the new provisions made little difference.

The Law Commission in its 84th Report of 1980 recommended a specific provision in the IPC prescribing punishment to the officer in charge of the police station for failing to register FIRs. The government did not accept the recommendation. More recently, the model Police Act drafted by the Soli Sorabjee Committee (October, 2006), punishes a police officer, who “without lawful reason, fails to register a First Information Report” with imprisonment for a term which may extend to three months or with fine or both. The draft is at present under the government’s consideration. Let us see what comes of it.