## No. 24013/46/Misc./2013-CSR-III Government of India/Bharat Sarkar Ministry of Home Affairs

NDCC-II Building, Jai Singh Road, New Delhi, the 20th October, 2017.

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The Home Secretaries. (All State Governments/UT Administration),

Subject:- Advisory on safety of Journalists – Regarding.

Sir/Madam,

The Fourth Estate is an important institution of our democracy. It ensures that citizens are able to express their opinions freely without any fear and coercion as provided under the Constitution of India. It is the duty of State to ensure safety and security of journalists who ensure that the fourth estate discharges this key role.

- From time to time, incidents of attack on journalists/media persons are 2. reported in the media. All such cases need to be investigated promptly to ensure that criminals get prosecuted in a time bound manner. States should also take all preventive and deterrent action as deemed required. States are already empowered to provide security to individuals based on threat perceptions.
- While 'Police' and 'Public Order' are State-subjects under the Seventh 3. Schedule of the Constitution of India, in view of its importance, Govt. of India has been drawing the attention of State Governments / UT Administrations from time to time towards the need for a robust criminal justice system with emphasis on prevention and control of crime. Advisories dated 1/4/2010 on media relations and dated 23/5/2017 emphasizing the importance of time bound investigations for speedy delivery of justice may please be referred to in this regard (copies attached).

- 4. In this context, the State/UT Administrations are requested to strictly enforce the law to ensure that a peaceful environment prevails, allowing journalists/media personnel to exercise freedom of speech and expression in their professional pursuit; ensure that investigations are concluded in a time bound manner and public trust in criminal justice system is maintained.
- Kindly ensure that this Advisory is circulated amongst all the concerned Departments/Organizations under your jurisdiction for strict compliance.

Yours faithfully,

(S. K. Bhalla) Director (CS-I)

#### Copy to:-

- 1. The Secretary, Ministry of Information and Broadcasting
- The Director General of Police- All State Governments/UT Administrations
- Addl. Secretary (UT), UT Division, MHA, North Block, New Delhi.
- 4. JS (NE), NE Division, MHA, North Block, New Delhi
- 5. JS (J&K), J&K Division, MHA, North Block, New Delhi

# F. NO.15011/48/2009-SC/ST-W GOVERNMENT OF INDIA/BHARAT SARKAR MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA NORTH BLOCK NEW DELHI /CS DIVISION

New Delhi, the 1st April, 2010

### OFFICE MEMORANDUM

Subject: Advisory on Media Policy of Police-regarding

'Police' and 'Public Order' are State subjects under the Seventh Schedule (List-II) to the Constitution of India and, therefore, the State Governments and UT Administrations are primarily responsible for prevention, detection, registration, investigation and prosecution of all crimes within their jurisdiction. The Union Government, however, attaches highest importance to the matters relating to the prevention of crime; and therefore, the Union Government has been advising the State Governments/ UT Administrations from time to time to give more focused attention to the administration of the criminal justice system with emphasis on prevention and control of crime.

2. A good relationship of Police with media helps focus on the positive work done by the Police and the good detective and investigative efforts made. When crimes occur, the situation should be used to put the crime and law and order situation in correct perceptive, bring out efforts being made by the police to nab the accused, prevent unnecessary panic, and send a message to the public from the angle of crime prevention and alert them against terrorist acts etc. Press communiqués and conferences form a vital component of communication channel between police and media. However, while sharing information with the public through the media, adequate precautions need to be taken to ensure that only authentic and appropriate information as is professionally necessary is shared without hampering the process of investigation or issues of legal/privacy rights of the accused/victims and matters of strategic and national interest.

The following guidelines may be scrupulously adhered to while dealing with media:

- Only designated officers should disseminate information to the media on major crime and law and order incidents, important detections, recoveries and other notable achievements of the police.
- II. Police Officers should confine their briefings to the essential facts and not rush to the press with half-baked, speculative or unconfirmed information about ongoing investigations. The briefing should normally be done only at the following stages of a case:
  - a. Registration
  - b. Arrest of accused persons

- c. Charge-sheeting of the case
- d. Final outcome of case such as conviction/acquittal etc.

In a case that attracts the interest of the media, a specific time may be fixed everyday when the designated officer would make an appropriate statement on the investigation.

- III. In the first 48 hours there should be no unnecessary release of information except about the facts of the incident and that the investigation has been taken up.
- IV. The general tendency to give piecemeal information/clues, on a daily/regular basis, with regard to the progress/various lines of investigation, should be strongly discouraged so that the investigations are not compromised and the criminals/suspects do not take undue advantage of information shared by the Police authorities about the likely course of the investigation.
- V. Meticulous compliance with the legal provisions and Court guidelines regarding protection of the identity of juveniles and rape victims should be ensured, and under no circumstances should the identity of juveniles and victims in rape cases be disclosed to the media.
- VI. Due care should be taken to ensure that there is no violation of the legal, privacy and human rights of the accused/victims.
  - a. Arrested persons should not be paraded before the media.
  - b. Faces of arrested persons whose Test Identification Parade is required to be conducted should not be exposed to the media.
- VII. No opinionated and judgmental statements should be made by the police while briefing the media.
- VIII. As far as possible no interview of the accused/victims by the media should be permitted till the statements are recorded by the police.
  - IX. The professional tradecraft of policing and technical means used for the detection of criminal cases should not be disclosed as it alerts potential criminals to take appropriate precautions while planning their next crime.
  - X. In cases where National security is at stake, no information should be shared with the media till the whole operation is over or until all the accused persons have been apprehended.
  - XI. The modus operandi of carrying out the operations should not be made public. Only the particulars of apprehended persons and details of recovery should be revealed to the media on completion of the operations.
- XII. There should not be any violation of court directions and other guidelines issued by the authorities from time to time on this matter.
- XIII. Preferably, there should be one officer designated as the Public Relations Officer to handle the immediate information needs of all media persons and give the correct and factual position of any crime incident.
- XIV. As and when instances of misreporting or incorrect reporting of facts/details pertaining to an incident or the department comes to notice, a suitable rejoinder

- should immediately be issued and, in more serious cases, the matter should be taken up at the appropriate levels for remedial action.
- XV. Any deviation by the police officer/official concerned from these instructions should be viewed seriously and action should be taken against such police officer/official.
- You are requested to kindly issue suitable directions to all concerned under intimation to this Ministry. The receipt of this letter may kindly be acknowledged immediately.

Yours faithfully.

(Nirmaljeet Singh Kalsi)
Joint Secretary to the Government of India
Ministry of Home Affairs, North Block
New Delhi - 110001
Tel. No. 23092630

To.

- 1. The Chief Secretaries of all State Governments and UT Administrations
- 2. The Principal Secretary / Secretary (Home) of all State Governments and UT Administrations.
- 3. Copy also for information and necessary action to:
  - The DGs / IGs (In-charge of Prisons) All State Governments / UTs for information and necessary action.
  - ii. The DGs of CPMFs/CPOs, Ministry of Home Affairs, Government of India.
  - iii. Director CBI, DoPT, Government of India.
  - iv. Ministry of Social Justice and Empowerment (Sh. P.P. Mitra, Joint Secretary), Shastri Bhawan, New Delhi.
  - v. Ministry of Women and Child Development (Mrs. Swarup Kiolkar, Joint Secretary, MWCD) Shastri Bhawan, New Delhi.
  - vi. JS(Judicial), JS(PM), JS(P-I), JS(P-II), JS(UT), JS(NM), JS(HR), JS (NE), JS (K), JS (DM) in Ministry of Home Affairs, Government of India.
  - Shri Onkar Kedia, DDG, Media, Ministry of Home Affairs, Government of India.

(Nirmaljeet Singh Kalsi) Joint Secretary to the Govt. of India

### No. 24013/26/Misc./2017-CSR.III Government of India/Bharat Sarkar Ministry of Home Affairs

N.D.C.C. II Building, Jai Singh Road, New Delhi, Dated the 23<sup>rd</sup> May 2017

The Chief Secretaries, All State Governments / UT Administrations.

Subject: Actionable points on recommendations of the DsGP/IsGP Conference- 2016 held on 25-27 Nov 2016 at NPA Hyderabad, Separation of law & order duty from investigation- Regarding.

Sir/Madam.

Attention is invited to this Ministry's Advisory No. 24013/201/2009-CSR.III dated 16<sup>th</sup> July 2010 regarding Prevention. Registration, Investigation and Prosecution of Crime a copy of which is enclosed for ready reference. This Ministry vide its above referred advisory has urged States/UTs that the investigation of crime may be separated from the law & order duty to the police officials and encourage outsourcing non-core police functions to free more policemen for the core policing functions.

- 2. States have certainly made sincere attempts to improve the criminal justice system. Increasing number of total cognizable crime cases reported in 2013, 2014 and 2015 as 6640378, 7229193, 7326099 respectively (Annexure-I) indicate that people are now more aware of their rights and believe in reporting the crime. At the same time, it is noticed that while there is considerable improvement in registration of FIRs, the percentage of IPC cases investigated stands at 68.4%, 71.8% 71.5% respectively for year 2013 to 2015 (Annexure-II) whereas cases of crime against women, this percentage is just 61.8%, 68.4% and 66.5% respectively (Annexure-III). Data also indicates that there is backlog of cases taken up for investigation and over the period, there is a declining trend in cases in which chargesheets are submitted as compared to total cases in which investigations have been completed by the police.
- Justice delayed is Justice denied. Time bound completion of investigations is essential to ensure delivery of speedy justice. Law commission of India in its 154<sup>th</sup> report clearly brought out this aspect by giving following recommendations:
  - i) There should be a separate and exclusive cadre of investigating agency to investigate grave offences in every district subject to supervision by the higher authorities. When a case is taken up for investigation by an officer of such agency, he should be in charge of the case throughout till the conclusion of the trial. He should take the responsibility for production of witnesses, production of accused and for assisting the prosecuting agency.

(Ch. II, Para 7)

ii) The police official entrusted with the investigation of grave offences should be separate and distinct from those entrusted with the enforcement of law and order and other miscellaneous duties. Separate investigating agency directly under the supervision of a designated Superintendent of Police be constituted. The hierarchy of the officers in such agency should have adequate training and incentives for furthering effective investigations. The respective Law and Home Departments of various State Governments may work out details for structuring and betterment of their conditions of service.

(Ch. II, Para 9)

iii) The officials of the investigating police force be made responsible for helping the courts in the conduct of cases and speedy trial by ensuring timely attendance of witnesses, production of accused and proper co-ordination with prosecuting agency. Other necessary steps should also be taken for promoting efficiency in investigation. Accordingly, that necessary changes in the Police Acts, both Central and State, Police Regulations, Police Standing Orders, Police Manuals, be made by the Home Departments in consultation with the Law Departments of State Governments

(Ch. II. Para 9)

- 4. While States have put in place organizations such as Crime Bureau and Crime investigation department, which deal with specific cases of grave offences either entrusted by state government or the courts, whereas all other cases continue to be handled by police at local level. Since local police is entrusted with critical function of ensuring law & order, entrusting such responsibilities to them not only slows down the investigation process but may impact the quality of investigation as well as maintenance of law and order.
- 5. Supreme Court vide its order dated 22/09/2006 in Writ Petition (civil) 310 of 1996 in the matter of Prakash Singh Vs Union of India has issued seven directives wherein 4<sup>th</sup> directives states that 'The investigating police shall be separated from the law and order police to ensure speedier investigation, better expertise and improved rapport with the people. It must, however, be ensured that there is full coordination between the two wings. The separation, to start with, may be effected in towns/urban areas which have a population of ten lakhs or more, and gradually extended to smaller towns/urban areas also. Court further directed that these directions shall be complied with by the Central Government, State Governments or Union Territories, as the case may be, on or before 31st December. 2006 so that the bodies afore-noted became operational on the onset of the new year. The Cabinet Secretary, Government of India and the Chief Secretaries of State Governments/Union Territories are directed to file affidavits of compliance by 3rd January, 2007.

- 6. While 'Police' and 'Public Order' are State subjects under the Seventh Schedule (List-II) to the Constitution of India, the Union Government attaches the highest importance to prevention of crime and, therefore, has been advising the State Governments/ UT Administrations from time to time to give more focused attention to the administration of the criminal justice system with emphasis on prevention and control of crime. It is therefore the prime responsibility of States/UTs to make use of the mechanism available with it ensure that investigations of all offences are concluded in a time bound manner and public trust in criminal justice system gets strengthened.
- 7. Since amendment to Police Act by States may take longer time, the States/UTs are advised to take following immediate steps in the direction of separating law & order from investigation duty:
  - Establish investigation cell in all districts.
  - b) These cells may be headed by SP rank officer and supported by other officials as deemed fit, taking into account the crime scenario.
- c) All new cases may be entrusted to this cell while investigations already underway may continue to be dealt as per existing system.
- d) A roadmap may be made to separate law & order duty from investigation in a time bound manner.
- An investigation monitoring cell may be established at State/UT HQ level to supervise and guide the local investigation teams. This cell may be headed by ADG rank officer.
- f) Charge sheet must be filed as soon as the investigation gets completed so that trials get concluded early.
- g) Proper & regular training may be arranged for investigating officers to improve their skill level in use of technology as well as techniques.
- Take appropriate steps to ensure that all vacancies in police force get filled in a time bound manner.
- Consider outsourcing of non-core police functions to free more policemen for the core policing functions.
- 8. It is requested to take action as advised in para 7 above and convey roadmap for its implementation in your State/UT within a month which would help in strengthening the criminal justice system. Progress made by States/UTs shall be reviewed in coming DGsP/IGsP conference which is chaired by Hon'ble Prime Minister.

Yours faithfully,

(Dilip Kumar)

Joint Secretary to the Govt. of India.

Tele No. 23438100.

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Table   Tabl	figura	6230	0 00				1005330	I Nerwork	A POST POST A	10.0	158596	187558	280954	197/457	The second	1 6 10
95.64         130.62         130.62         240.42         275.10         47.20	Rtar Pradesh	226445	TEEAR	6303	86.2	4987	Sdeg	6521	5 3666		377114	1067312	25.4343	111155	7.8.5	1000
155534   15553   15657   17.3   15.5   13805   11.108   940   84.2   15.0   10.0   1	Utarakhand	92.50	11007	203262	80.0	139462	246425	200202	2377510	0.70	822F	4692	5844	4362	24.6	
2558443         3372158         68.1         138435         185522         264634         189940         68.4         189441         76286         189441 <td>Yest (tengal</td> <td>159574</td> <td>748 35F</td> <td>0000</td> <td>77.3</td> <td>4569</td> <td>2015</td> <td>31.168</td> <td>0.6361</td> <td>2 12</td> <td>146918</td> <td>241926</td> <td>284564</td> <td>135631</td> <td>R.CH</td> <td>1177.1</td>	Yest (tengal	159574	748 35F	0000	77.3	4569	2015	31.168	0.6361	2 12	146918	241926	284564	135631	R.CH	1177.1
Fig. 10	DTALSTATE(S)	2558441	3177160	1093/8	7 88 7	1,38425	1855672	264637	15699415	2000	D-00	102/15	1,8995	8433	1/11/2	5
AGE	& N Islands	510	3000	0077767	69.0	1863760	2687767	35884449	2621420	0.40	15.0.63	1075471	26.2Brist	1902/47	72.4	
10   10   10   10   10   10   10   10	hundigarh	JUL	Editor.	0/6	76.1	YES	745	1051	0.80		1334181	2249852	3703388	2692147	72.7	2007170
The column   The	8N Haveli	217	SHID	3252	1903	20,00	3023	7/30m	1177	7 6	285	862	1021	715	15.65	
\$61.84   105a75   \$356.1   49.4   \$260.14   \$13.55.54   418   \$77.5   418   \$77.5   419   419	aman & EHL	356	1001	363	60.4	1550	272	513	NC N/N	00.3	8841	3248	5334	34899	E STATE OF THE PERSON NAMED IN COLUMN TO STATE OF THE PER	240.5
A	ethi OT	Men Ra	385	200	51.0	Tari	233	418	TOTAL STATE	100	200	769	203	282	6.7.2	
3756   5237   380,	акувафилер	40	\$0.5	79561	468.4	29014	155fdsd	276.141	(34/8/345)	43.0	3.27	CD2	123	336	45.3	18
S80.22	ναμαίρεταν	9542	0.937	36	24.1	100	N.I.	1281	1	30.0	12/0	14377	304540	1055504	516.4	446094
N 2647722 3493649 23899649 23899576 28854563 2790640 40.1 43359 7.99548 332415 377248	OTAL UT(S)	897.29	121491	19001	23.6	2862	35584	7,100	3411	0.9%	3030	95	12	75	58.5	-
177248 177248 177248	OTAL (ALLINDIA)	211	3493649	7,890000	21.7	35816	1,63796	217469	164614	4 70	43350	1941	4137	2932	6.63	11.75
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Mary Co. Co. Co.			2013			Mark Street									2013
State/UT	CR	TCFF	101	100	-		-	2014					2000		
1 Andhra Pradesh	32800	ARINE	3	750		5	TCFI	TCI	10%	322	97	1000	(101)		
2 Arumachal Predesh	2888	463	(%697)	61.3	26002	16512	24404	15678	643	12000	5	1	TCI	20%	CCS
3 Assam	12440	35003	545	54.1	186	35.1	513	2000	100	Caron	7.55	12	15189	61.8	1323
4 Biliar	1 3600	25000	14388	43.8	931.7	19130	37100	17/4654	200 T	741		965	442	24.2	22
5 Chhathiosch	COOCT	71117	11279	53.4	Burt	15383	23231	12653	1 / 1	10035		42865	21839	203	12262
6 Gran	770	7519	7867	78.0	5453	8295	7443	2000	3250	10131	13891	24066	12920	53.7	9141
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& Haryana	980%	10339	6705	4 37			12241	10798	583	10.148	2283	3610	2 2		365
9 Himadial Pradesh	E478	1300	0000	93.3	6374	17.54	10157	8674	85.4	1,723	CAAC		7616	4,50	7016
10 Janamus & Kashmir	3500	A346.2	IU/a	679	(049)	1517	1837	1456	2000	1 144.5	0496		1868	82.5	5306
11 Marshand	DESIGN.	2000	7352	58.2	2552	3321	42.29	1001	10.0%	4.00.40	1789	1663	1323	70.4	TOO
Q Kamataka	CONTRACT OF THE PERSON OF THE	57.6%	5530	58.3	4543	5077	9524	Ct.tr.s	2000	(35)	3353	46.39	3500	35.4	2536
A Married	17007	15701	101101	6.4.4	57.13	13014	12151	* 25011	8	45,44	6518	10538	6919	68.1	3778
4.6 28 4.45	11216	14359	20101	20.8	27,00	11306	20,000	ARGSTO	21.2	11264	12705	17700	11902	67.3	1001
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to Maherashtra	24895	322%8	20750	E 4 3	TO STATE OF	2007	34561	27692	87.5	28455	24135	28083	22,713	O.A. A.	0.80
16 Manipur	285	1393	1,2,1	000	2423811	567.92	36787	245317	66.3	22775	31136	J. Beate	21.74.7	100	2154
17 Meghalaya	343	1001	2000	16.3	28	337	1504	2002	13.3	77	36.8	14.30	09757	29.3	22,123
18 Mizoram	177	230	250	30.0	5955	186	1211	107	34.0	212	3000	W.C.F.	193	11.8	20
19 Nagaland	63	0.00	707	72.Fr	183	358	322	240	74.5	San	16.8	1070	586	37.0	224
20 Odisha	14175	20000	18	563.2	48	6.79	8	22	0.02	de.	000	(14)	707	83.4	10
21 Parriets	ACOUNT	17/1/2	14.487	629	17094	14606	20008	1 164530	2.079	100	360	0.26	86	68.3	60
Relastban	Septiment of the septim	0/9/	3439	46.0	2953	8428	8317	A 8.7%	2000	New Average	1/144	24381	16520	68.0	15010
	67933	29.248	14731	50.4	3.44.73	31151	CTUDE	24703	0311	34.30	5291	9230	5024	54,4	3538
34 Taxol Man	F.G.	128	104	83.2	10021	inc)	151	Industry.	B	15172	28365	313877	28358	18.16	14986
TOTAL MAIN!	7475	12343	7133	878	6000	36.03	124		80.9	101	53	72	181	12.62	7
Herangauti		0				13137	20000	Dates	100	4750	5847	TUNKE	63.19	63.2	Arrest
Emilling Co.	1678	1828	1674	7,83	15,461	40.000	60430	13424	65.7	11361	15135	22116	156301	6.04	10000
sztuttar Pradesh	32546	37773	28078	74.4	13866	1010	17897	3.5817	85.6	1341	1267	1329	1108	776.4	10000
28 Uttarakhand	17.19	1990	1455	76.6	1000073	35467	46476	37423	30 %	76384	35527	44579	24255	17.00	11120
West Bengal	29826	507394	33734	ICA 1	AUGG	Side	16421	1000	87.7	626	1453	1635	1100	7007	(0/0)
TOTAL STATE(S)	295930	395191	2A959n	7 63	200000	687.36	566057	36723	649	35287	53238	57955	Mont	0.00	727
30 A S. N Islands	106	153	023	2000	0888377	321993	437668	306231	70.0	245833	300549	439437	305934	100	02655
Chandigach	488	646	300	13.4		343	197	1115	83.9	16	136	2012 F	1110	00.00	237086
32 D&M Haven	21	95	707	43.7	85	432	272	420	58.2	762	463	300	077	1111	96
Carrian & Dio	24	30	3 9		127	21	34	92	58.8	9.1	X	200	000	F)	376
34 DelfG U?	128681	Sinan	Canada Canada	22.0	18	48	25	7.5	26.0	174	7.0	92	1	30.8	1.2
35 Lakahadween	2	Division in	2015	355	6429	15265	23862	8885	38.2	Patrice.	12100	To a constant	50	48.7	12
36 Puducherry	536	2	N.	46.0	re	9	2	. 3	42.5		A CALL	ECOTT C	11674	32.6	77972
TOTAL UTISE	13646	1777	940	50.4	p4)	77	102	6.0	63.7	10	2 000			17	***
TOTAL (ALL INCHA)	30000	25622	8534	37.2	6891	15929	23879	5491	10.7	1,044	00	103	7.4	71.8	66
WICH THE TAIL	SUSSIBIL	418143	250314	0.44				The section of the se	Charles !	1827/18/8	TANGET	2000000			