

F.No. 24013/201/2009-CSR-III
GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA
CENTRE- STATE DIVISION

North Block, New Delhi, the 16th July, 2010

To,
The Chief Secretaries
All State Governments/UT Administrations.

Subject:- Advisory on Prevention, Registration, Investigation and Prosecution of Crime.

Sir/ Madam,

'Police' and 'Public Order' are State subjects under the Seventh Schedule (List-II) to the Constitution of India. The Union Government, however, 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.

The Government of India is deeply concerned about crime and would, therefore, advise the State Governments and UT Administrations to take the following steps for effective prevention, detection, registration, investigation and prosecution of all crimes within their jurisdiction:-

Prevention

- i. A concerted effort should be made to fill-up all the vacant posts in the police at the earliest. It should be ensured that the recruitment is transparent, objective and corruption-free using a recruitment procedure that is technology-based and free of all avoidable human interference, wherever possible.
- ii. State Governments/UT Administrations may consider creation of a separate cadre for intelligence; revision of special branch manual; appointment of a dedicated intelligence officer in each police station; and reactivating the beat constable system with suitable localization and modernization.
- iii. All the Police Stations must be provided with pucca buildings, vehicles, appropriate communication equipment, including mobile phones wherever necessary, computers with internet connectivity and backup power supply, photocopiers, fax machines etc. to make their functioning more effective and efficient. Obsolete police equipment, including firearms and riot control equipment, must be upgraded, especially in sensitive and crime-prone areas.
- iv. Regular training, physical exercises and firing practice must be ensured to keep the police force physically and professionally fit and prepared. Suitable training should also be imparted to the police in behavioural aspects to make their functioning citizen friendly, service oriented and to develop a positive and helpful attitude in them. They should especially be sensitized to crime against the vulnerable sections of society, including women, children, SCs/STs, senior citizens and persons with disabilities.
- v. Regular training drills in handling all types of emergencies must be undertaken to check the preparedness of the force for reacting to any emergency in the shortest possible time effectively and efficiently.

Registration

- vi. A Reception Officer (of the rank of Head Constable) must be available round the clock in every Police Station. Equal and fair treatment must be given to every petitioner/ complainant irrespective of his/her status, class or creed and a proper receipt should be given for every complaint forthwith. The disposal of the complaint should normally be ensured within two days by holding an on the spot enquiry in the ward/village concerned. Wherever found appropriate, the complaint should be converted into an FIR.
- vii. Whenever an FIR is registered, a signed copy of the FIR must be provided to the complainant on the spot. The State Governments/ UT Administrations must ensure registration of cases round the clock and deal sternly with any dereliction of duty in this regard.
- viii. 'Crime against Women/Children' desks may be set-up in every police station.

Investigation

- ix. Separation of 'Investigation of crime function' from the 'Law & Order duty' is recommended. Owing to the high priority that the maintenance of public order gets, the work relating to investigation of crime gets neglected. Separation of the two wings should be implemented in urban police stations, to begin with. The possibility of outsourcing non-core police functions to free more policemen for the core policing functions may also be explored.
- x. Proper forensic assistance must be provided for investigation of crime by strengthening the forensic facilities, provision of mobile forensic laboratories and positioning of adequate number of trained technical/ scientific personnel for the purpose.
- xi. Scientific and upgraded investigation/ interrogation skills and methodologies must be used while keeping in view the legal/privacy/human rights of accused/ victims/witnesses.

Prosecution

- xii. Proper legal advice/services of prosecutors must be made available to the police at all levels for effective prosecution of crime. The legal advisory role of prosecuting staff should be emphasized through departmental instructions. Control over prosecution should rest with senior police officers. This is vital for maintaining proper standards of prosecution.
- xiii. A suitable mechanism must be put in place to regularly monitor and review the progress of prosecution of criminal cases at District/ State level and reporting the progress to the State Government/ UT Administration at appropriate level.

Police – Community/Civil Society Partnership

- xiv. Reporting of crime/ valuable information about crime by reluctant/fearful citizens, who are witness to or have important information about a crime, should be encouraged through financial rewards and anonymity. The local police must be assigned to follow up on the tips and information so received. A telephone number/ website must be dedicated to receiving information from informers/general citizens.
- xv. Citizen volunteers must be identified and trained and their services utilised as the "eyes and ears" in prevention and control of crime. The print and electronic media must be used

effectively to highlight the efforts of local police in crime prevention and to educate the residents about what they can do to help the police.

- xvi. Senior Police Officers should hold regular meetings with the Resident Welfare Associations (RWAs) and other Associations. They should be encouraged to keep surveillance in their respective areas and inform the police in case any suspicious person/activity/object comes to notice. The local police must also regularly verify the antecedents of all domestic servants/ maids/ helps, especially serving in the homes of old persons and persons with disabilities.
- xvii. The community policing initiatives must be encouraged in the area of every Police Station. States/UTs may consider setting up Community Counselling Centres (CCC) at the Police Stations for resolution of conflicts especially affecting women, children and other vulnerable sections of the society. Assistance of eminent personalities of the area, NGOs and other Governmental agencies may be taken to sustain the CCCs. Personal counselling must be provided to resolve family disputes.

Cyber-Crimes

- xviii. State Governments and UT Administrations must build adequate technical capacity in handling cyber-crime (wherein a computer is either a tool or a target or both). They must create necessary technical infrastructure, including establishment of adequate number of cyber police stations, and post technically trained manpower for detection, registration, investigation and prosecution of cyber-crimes.
- xix. The States/UTs must establish anti-cyber-crime missions to stop those behind computer intrusions, frauds, the spread of malicious code etc.; to identify and thwart online sexual predators who use the Internet to exploit children and produce, possess or share child pornography; to counteract operations that target intellectual property, endangering national security and competitiveness; and to dismantle national and transnational organized criminal enterprises engaging in crimes/frauds on the Internet.

The receipt of this letter may please be acknowledged.

Yours faithfully,



(Dr. Nirmaljeet Singh Kalsi)
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16.7.2010

Copy for information and necessary action to:-

1. The Principal Secretary/ Secretary Home – All State Governments/UT Administrations.
2. The Director General of Police – All State Governments/UT Administrations.
3. The DGs/IGs (In-charge of Prisons) – All State Governments/UT Administrations.