

No. 15011/75/2019-SC/ST-W
Government of India
Ministry of Home Affairs
(WS Division)

114-B, North Block,
New Delhi - 110 001.

16th May, 2019

To

The Addl. Chief Secretary / Principal Secretary / Secretary, Home Department
(All States/UTs)

Sub: Failure to record information under sub-section (1) of Section 154 of Cr.PC
punishable under Section 166A of IPC -reg

- Reference: (i) Insertion of section 166A in IPC as part of Criminal-Law (Amendment) Act, 2013 dated 2nd April 2013
(ii) MHA advisory No. 15011/35/2013-SC/ST-W dated 10th May 2013
(iii) MHA advisory No. 15011/91/2013-SC/ST-W dated 5th February 2014
(iv) MHA advisory No. 15011/22/2015-SC/ST-W dated 12th May 2015
(v) Amendment in section 173 Code of Criminal Procedure vide the Criminal Law (Amendment) Act 2018

Sir / Madam,

I am directed to refer to the above-mentioned references and state that the Government has been taking steps to strengthen legislative provisions for timely and effective action in cases of cognizable offences committed against women as a measure to increase safety for women in the country.

2. The law enables the police to register FIR or a "Zero" FIR (in case the crime is committed outside the jurisdiction of police station) in the event of receipt of information on commission of a cognizable offence, which includes sexual assault cases on women. Compulsory registration of FIR under sub-section (1) of section 154 of the Code of Criminal Procedure, 1973 is obligatory. Section 166A(c) of IPC provides for punishment to a public servant for failure to record FIR in relation to cognizable offences punishable under section 326A, Section 326B, Section 354, Section 354B, Section 370, Section 370A, Section 376A, Section 376AB, Section 376B, Section 376C, Section 376D, Section 376DA, Section 376DB, Section 376E or Section 509, Section 173 in Code of

Dy. Sd. / cell
24/5/19

Criminal Procedure has been amended in Criminal Law (Amendment) Act 2018 to provide for completion of police investigation in two months in case of rape.

3. However, even with the provisions in law being in place, certain instances reported recently point to the failure of police in some States / UTs to adhere to these legal provisions. This may not auger well for the delivery of criminal justice in the country, especially in context of women safety. In this context, it is requested that States / UTs may suitably reiterate instructions to the police to ensure strict compliance with the provisions in the law with respect to registration of FIR.

4. States / UTs may also consider conducting refresher courses for the police personnel on this issue to increase awareness and compliance. ✓

5. The receipt of this letter may be acknowledged. It is requested that an Action Taken Report in this regard may also be furnished to the Ministry.

Sd/-

(Punya Salila Srivastava)

Joint Secretary to the Government of India

Tel.No.: 011-23092785

e-mail: jsws-mha@nic.in

Copy to:

Directors General of Police / Commissioners of Police,
(All States / UTs)

Punya Salila

(Punya Salila Srivastava)

Joint Secretary to the Government of India