

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 3012**

TO BE ANSWERED ON THE 22ND MARCH, 2022/ CHAITRA 1, 1944 (SAKA)

REFUSAL TO REGISTER FIR

3012. SHRI MADDILA GURUMOORTHY

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the Government is aware of the rising cases of refusal to register First Information Report (FIR) in cases of domestic violence and dowry harassment by the Police;**
- (b) if so, the details of the measures taken to ensure accountability;**
- (c) whether the Government has proposed to undertake gender sensitisation training for all police personnel; and**
- (d) if so, the details thereof and if not, the reasons therefor?**

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI AJAY KUMAR MISHRA)**

(a) to (d): 'Police' and 'Public Order' are State subjects under the Seventh Schedule to the Constitution of India. The responsibilities to maintain law and order, protection of life and property of the citizens including investigation and prosecution of crime against women rest with the respective State Governments. The State Governments are competent to deal with such offences under the extant provisions of laws. However, Government of India had enacted the Criminal Law (Amendment) Act, 2013, which has the provision of punishment

of six months extendable to two years for non-registration of FIRs in cases of crimes against women.

Further, Officer Incharge of a police station is duty bound to register the case on the basis of information disclosing a cognizable offence under Section 154(1) of the Code of Criminal Procedure (CrPC). As per Section 154(3) of CrPC, if Officer Incharge of police station refuses to register First Information Report (FIR), aggrieved person may inform the Superintendent of Police of the District who can either investigate the case himself or direct any police officer to investigate the same. Failure to register an FIR on receipt of information about a cognizable offence will invite prosecution of the police officer as specified under section 166A of the Indian Penal Code (IPC) or departmental action or both.

Further, Government has issued advisories to States/UTs to take measures for prevention of crimes against women, stressing on mandatory registration of FIRs, providing on-line complaint filing system, increasing representation of women in Police, gender sensitization of police, etc. Details of these advisories are available on website of Ministry of Home Affairs at www.mha.gov.in.
