

**(2003) 08 PAT CK 0061**  
**In the Patna High Court**  
**Case No : C.W.J.C. No. 1311 of 2003**

|                                              |            |
|----------------------------------------------|------------|
| Bihar Vyavsayik Sangharsh Morcha and Another | APPELLANT  |
| Vs                                           |            |
| State of Bihar and Others                    | RESPONDENT |

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**Date of Decision :** 14-08-2003

**Acts Referred:**

**Citation :** (2003) 3 BLJR 1733 : (2003) 4 PLJR 18

**Hon'ble Judges :** R.S. Dhavan, C.J;S.K. Singh, J

**Bench :** Division Bench

**Advocate :** M.P. Gupta, for the Appellant; S.K. Ghose, A.A.G. 2, for the Respondent

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## Judgement

Ravi S. Dhavan, C.J.—An affidavit was filed by the Director General of Police on 4th August, 2003 giving some statistical data on crime and criminals. The data apparently has been made in such a way that it cannot satisfy an ordinary citizen who does not have the means to protect himself. Comparing the ranking of undivided Bihar, as the data has been presented, with other States or analysing crimes recorded with the population of the State and take out ratios on the frequency of rape, murder and kidnapping with the population, may be statistical jugglery but not a solution.

2. Hiding behind odious comparisons that the crime situation in other parts of the nation is worse, is also not going to supply a solution. The degradation of what is commonly called "the law and order situation" has not happened in a day. The seeds of this were sown more than 30 years ago. It is common knowledge that Bihar was on the tourist circuit up to the 1960's and its archaeological sites were advertised at public places and abroad, attracting visitors both from India and other nations. Today the state cannot guarantee that a common tourist is safe in any part of the state. This state is so rich in historical sites that it could make a business out of entertaining tourists, but today even local residents think twice of moving out of their house for pleasure. Major heavy engineering plants and other industries have shut down. Private industry has moved out. Only in business

terms, from these two sources, one a bounty of history for sight seeing, the other production out of industry, revenues have virtually come to a grinding halt. One cannot run a state on thin air. Why blame any one section? The common talk that the politician is responsible for it, or the administration does not do its job is mere demagoguery. Name anyone from any stratum of society regardless, everybody who is looking for personal advantages is in this game. This cycle has to be broken and one has to go forward.

3. The Court suggests the following measures as an ad interim exercise:

a) Let the Director General of Police make out a list of officers from the Station House Officer up to the Additional Director General of Police, of those who have remained in their station for more than four years. This dossier is to be supported with information from service record as to which officer throughout their career has remained at which station and for how long. Officers who have remained at one station for over four years must see a posting out within six weeks from today. These would be officers below the rank of Inspector General of Police. Staff below the SHOs who have remained at a particular station beyond three years will be identified by the District heads of police concerned and their movement will be undertaken by the Director General of Police.

It must be mentioned that the period four years is set because in the normal course of government service, transfers and postings are made for officers if they have been at a particular station for more than three years. This order obviously does not preclude the Director General of Police from making any transfers should an officer have been at a posting for a lesser period, which is within normal administrative powers.

b) On the monitoring of crime which the law obliges the state to register the Court suggests the following measures:

The State of Bihar will request the National Informatics Centre, Government of India, state unit, to make out a blueprint from monitoring the recording of a First Information Report, whether it is registered as an FIR or an entry in the General Diary. Every such record in continuation of the orders of the Court dated 5th August, 2003 will be transmitted by the police stations concerned to the district police officer whether the Superintendent of Police or the Senior Superintendent of Police. This will create a data base at the district police headquarters. A summary of the FIR or the General Diary containing the offences and the person's name, will be transmitted to the District Judgeships (District and Sessions Judge). A periodic report, as the police regulations so require, will also be given on the progress and action taken on a reported crime, whether it has culminated in a final report to be filed or a charge sheet to be filed before the Magistrate concerned.

4. If common names are occurring of an accused in more than one district, this information will be shared between the police officers who are heads of the districts concerned and intimated to the police headquarters and in terms of the

order dated August 5, 2003, as also to the district judgship.

5. The National Informatics Centre (NIC) will also draw up a plan (reference orders of the Court dated August 5 and this order) how an FIR may be recorded by computer by the SP/SSP/CJM on the failure of the police station to record it, and to create a data base on crime and criminals in the state.

6. Report to be submitted by the NIC to the Director General of Police for the action on it by the State Government, and the High Court to be informed on the report and progress on it.

7. Put up after 10 days on 25th August, 2003, in the supplementary list after fresh cases.

8. Let a copy of this order be given to learned Additional Advocate General 2.