

Crl.O.P.No.18110 of 2016**P.N.PRAKASH, J.**

In compliance with the directions of this Court dt.15/11/2016- the Office of the Director General of Police, Mylapore, Chennai has brought to the notice of this Court the issuance of Circular RC.No.159749/Crime 4(3) 2017 dt.2/1/2017 with enclosure thereto. This case is listed today for reporting compliance as per orders dt.15/11/2016. The Circular is taken on record.

2. It is noted that State Crime Research Bureau, head quartered in Chennai, led by the Additional Director General of Police was already in the process of developing an online platform through (Crime and Criminal Tracking Network and Systems) CCTNS in relation to registration of FIRs, collection of documents, filing of Final reports. As part of the said online portal, it was envisaged that documents relating to motor accidents claims-registered as FIRs- could be uploaded and made available to insurance companies on payment of charges. The following factual position is brought to the notice of this Court by State Crime Research Bureau.

3. In order to help the victims of road accidents get their insurance claims settled expeditiously, a scheme to share the relevant documents of road accident cases online through CCTNS platform was

envisaged. Accordingly, SCRB prepared a detailed scheme to upload the relevant documents collected during the investigation of road accident cases and share the same with various stakeholders.

4. The State Apex Committee chaired by the Chief Secretary of Tamil Nadu has accorded in principle approval for sharing of data with insurance companies on road accident cases on payment basis through CCTNS vide Minutes of the State Apex Committee (SAC), Meeting communicated in Government Lr. No. 5303/Modern/2012-10, dt. 09.11.2016.

5. It was planned to share the following documents:

1. First Information Report (FIR)
2. Vehicle Registration Certificate
3. Driving license
4. Insurance Certificate
5. Commercial fitness certificate and Permit
6. Rough sketch
7. Observation Mahazar
8. MVI Report
9. Post mortem report
10. Accident Register Copy
11. Wound Certificate
12. Final Report

6. In the meantime, on 15.11.2016 this Court had passed orders vide directions in CRL.OP.No.18110 of 2016, dt. 15.11.2016 to follow the Claim Tribunals Agreed Procedure and file Detailed Accident Report (DAR) before Claim Tribunals and Jurisdictional Magistrates in road accident cases along with the Charge sheet. Since SCRB was already working on development of an online facility to share the documents pertaining to the road accident cases with insurance companies, it was proposed that the same online facility can be extended to the Claim Tribunals, Jurisdictional Magistrates, victims and accused as well. A provision will be created to upload and share the additional documents as required in DAR (Annexure) through CCTNS. This online facility will ensure transparency and expeditious settlement of claims of the road accident victims. It is planned to implement this online facility by 31.03.2017.

7. The above said factual matrix is in the context of road accidents claims and need for compliance on implementation of the Detailed Accident Report procedure- as per orders of this Court dt.15/11/2016 following the verdict of the Hon'ble Supreme Court made in **Jaiprakash v National Insurance Co Ltd** dt.13/6/2016. However, the CCTNS is not confined to recording of road accidents claims as crimes and provisions of uploading of documents. **Crime and Criminal Tracking Network and Systems** is a mission mode project under the National e-

Governance Plan of Govt. of India. This project has been successfully implemented across Tamil Nadu covering 1910 FIR registering units & 479 Higher Offices.

8. As part of this project, **CIPRUS Software** was developed and installed in all Police stations and FIR registering Special Units for entering case details, station records, staff details, etc. Currently, all FIRs and Final reports/ Charge sheets are being generated through CIPRUS Software and sent to courts successfully since 15.04.2016 and 02.10.2016 respectively. Further, it is planned to send system generated arrest card, bail bond, remand report and arrest intimation from 01.02.2017 onwards. The other investigation events which are done outside the police station like Observation Mahazar, Rough sketch, Seizure Mahazar are being scanned and uploaded or entered in the software at a later date before generating the final report/charge sheet. Also, provision to enter Form 95, alteration report, case diaries, statements, etc is also available in the software but it is not mandatory. It was as part of this new technology driven regime that was being envisaged, that the uploading of documents relating to road accidents claims were telescoped into. The order dt.15/11/2016 was read as legal mandate to put in place the regime in larger public interest. Provision of documents to all stakeholders, easy accessibility while ensuring compliance with the legal boundaries has been seamlessly built into the

platform. The Police administration has now agreed to energise this multifaceted platform, and specifically, the compliance with DAR procedure on and from 31/3/2017 and they have sought time till that date to complete the circle of compliance.

9. This Court has little hesitation in recording initial compliance as per Circular dt.2/1/2017 of the orders of this Court dt.15/11/2016 and granting time till 31/3/2017 to report further compliance when the entire online portal and facility would get energized for use and benefit.

10. At the very outset, upon recording these facts, this Court deems it fit and proper to commend the excellent work undertaken by the TamilNadu Police and the State of TN which has backed the efforts with men and money in putting together this online platform. Technology is the way to go. Digital is now the buzzword. In particular, criminal justice system requires this vital dosage and if this online platform, when goes on track, and delivers on the promise, then there is reason to hope that the criminal justice system would get strengthened. The SCRB headed by Mrs.Seema Agarwal, IPS, ADGP, Mr.Sumit Sharan, IG and ably assisted by Mr.Rajendran, ADSP, Mr.Russel Samraj (Retd.), ADSP, Ms.B.Shridevi, DSP, Mr.R.Rajkumar, DSP, Mr.T.Paneer Selvam, Inspector of Police, Mr.T.Savarinathan, Inspector of Police, and Mr.Peter Francis Thambusamy

and Team from NIC who all are persons with zeal and passion, has embarked on a course which would be a landmark in the annals of administration of justice itself. To quote Vepa P.Sarathi, the author of the Law of Evidence, *"The law, it is said, walks a respectable distance behind science, but courts try to keep abreast. The criminal is quick to use science to commit ingenious crimes, and so the police and the courts should be no less innovative"*. Technology like sunlight is a sure disinfectant and will usher in a welcome era of transparency. This court had the benefit of a demonstration of the online model when it would go upstream and found it be a boon to rid several ills that plague the criminal justice system. Hence, this Court deems it appropriate to commend the efforts of all the men and women who have been instrumental in conceiving this project and now taking it to its logical culmination for the betterment of societal interests.

11. The Police Administration appears to be delivering on their promise and once the online portal gets to work, still the other stake holders need to be ready to assimilate the benefits on offer. In particular, the Court and court administration is a vital adjunct in this circle. Unless the link provided by the online portal now developed by SCRB is seamlessly received by the Courts, the fuller purpose of the platform may not be served. Hence, this court tapped into the services of Mr.Kumarappan, Registrar (I.T.), High Court, Madras, who could be nominated as the

pointman between SCRB and State to ensure completion of the circle in the courts receiving the benefit of links uploaded. For this purpose, considering the financial stakes that may arise, creation of servers or provision of linkages etc, this Court thought it fit to request the appearance of the learned Advocate General of State of TN today for hearing. The learned Advocate General has obliged the request, hence, thanks is due to him.

12. This Court is therefore satisfied that the office of Director General of Police is on the right track to ensure compliance with the orders of this Court dt.15/11/2016. The circular dt.2/1/2017 is the initial compliance requiring further tweaking of the online system to come in place by 31/3/2017 as indicated by them. Hence, the Police administration is given time till 31/3/2017 to report fuller compliance and best wishes to them for accomplishing the assignment in good time successfully.

13. While so, this Court has requested the learned Advocate General to offer his fullest support to make a success of this online portal to go on air as early as possible and deliver on its promise. Since the Court and its administration is a vital cog in the wheel of criminal justice system having a direct nexus in the online platform, at the request of this Court Mr.Kumarappan has agreed to be Pointman to go. He is at liberty to interact

with SCRB and whatever their requirements carry them to the State of TN through the office of the learned Advocate General and the requirements of the Court itself, for better administration of criminal justice system and the State of TN shall consider providing all the support that is sought for, to make a success of the online platform within the stipulated time line. Mr. Kumarappan has the experience and expertise in the field of law and IT and therefore the stakeholders can take advantage of his role in this regard.

14. This Court makes it clear that be it the SCRB or the Police Administration or the State of TN or the Court Administration represented by the Registrar General of this Court, would be at liberty to move this Court for any clarifications or modifications as may require to be attended to, for the smoother ushering in of the promised online portal to go live by 31/3/2017.

15. In fine, this Court:

- i) records the issuance of the circular dt.2/1/2017 as initial compliance with the directions of this Court by orders dt.15/11/2016
- ii) grants time to Office of the Director General of Police represented by SCRB in this respect till 31/3/2017 to report fuller compliance with the streaming of the online portal live in strict compliance with the orders of

this court dt.15/11/2016 to provide the availability of the documents as uploaded to the claimants/victims of motor accidents, owners/drivers/accused persons , insurance companies and the claim tribunals and jurisdictional Magistrates for the purposes set out in the order dt.15/11/2016

- iii) hereby nominates Mr.Kumarappan, Registrar (IT) as the Pointman to co ordinate between the Office of the DGP, SCRB and the State of TN and the Court administration represented by the Registrar General for fuller compliance with the live streaming of the online portal in question
- iv) hereby mandates that the State of TN shall fully assist and offer such co operation as sought for by the Police Administration or the Pointman Mr.Kumarappan, as indicated by the learned Advocate General for the intended purposes
- v) hereby makes it clear that be it the Office of Director General of Police or the SCRB or the State of TN or the Pointman as the case may be, would be at liberty to approach this Court for clarifications as may be necessitated in the circumstances of the case

16. This Court hereby records with appreciation the intent and commitment shown by the Government of Tamil Nadu to put on track a technologically driven online portal in line with the orders of this Court dt.15/11/2016 triggered by the orders of the Hon'ble Supreme Court of

India dt.13/5/2016. In fact, the SCRB's effort has gone beyond the mandate of the directions of this Court and it has encompassed well beyond the road accident claim jurisdiction and the effort requires all help and support to ensure that the criminal justice system, a vital limb in the maintenance of law and order and administration in the State, functions smoothly and in a healthy manner to serve the larger interest of the public.

List this case on 1/4/2017 for reporting the status and progress of the compliance.

05.01.2017

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