Disclosure of Chargesheets

Why in news?

The Supreme Court had recently held that the state is not obliged to provide the public free access to chargesheets by uploading them on police or government websites.

What is the Supreme Court (SC) observation?

> *Under Section 173 CrPC, a charge sheet is the final report prepared by a police officer or investigative agency after completing their investigation of a case.*

- **SC observation** - The Court ruled that a charge sheet filed against an accused in a criminal case is **not a public document** within the meaning of the Right to Information Act 2005 or the Indian Evidence Act.
- It declared chargesheets to be **private documents**.
- It had held that putting up chargesheets for public viewing would **violate the rights** of the accused, victims and even the investigating agency.
- It would also be **contrary to the scheme of the Code of Criminal Procedure**.
- **Impacts -** It may be a **setback in ushering transparency** in the criminal justice administration.
- The Supreme Court's order is a wake-up call to all investigating agencies, including the Central Bureau of Investigation, which have often been assaulted by courts for **delays** in filing a charge sheet or for the **poor quality of investigation.**

What are the contradictions?

- **Youth Bar Association of India vs Union of India (2016)** - It directed that the First Information Report (FIR) should be on the relevant investigating agency's website within 24 hours of its registration for public perusal and appropriate action.
- **FIR vs chargesheet** - But now the SC differentiated the chargesheet from the FIR stating that the latter had vital information such as a list of prosecution witnesses.

What is the need for the disclosure of chargesheets?

- **Filed after due investigation** - There is a need to disclose the chargesheets as they were filed after due investigation unlike First Information Reports (FIRs) which were based on unsubstantiated allegations.
- **Evaluate the quality of an investigation** - The prospect of critical analysis by a rank outsider has the potential to enhance the soundness of an investigation and prevent biased prosecution against innocents.

References

1. The Hindu| Charge sheet scrutiny is not a case of prying eyes
2. The Hindu| Chargesheets need not be put in public domain

