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**ZERO FIRST INFORMATION REPORT: PRACTICE AND
IMPLEMENTATION**

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ABSTRACT

Zero First Information Report (FIR) is a revolutionary practice enacted as a legal provision in Indian Law that empowers citizens to seek justice by filing an FIR at the earliest possible moment without worrying about the hassle of technical and jurisdictional limitations of the police. The availability of this vital legal defense ensures the correct and prompt registration of complaints, thereby enabling citizens to access a more just and efficient justice system and eradicating delays and obstructions that could potentially undermine justice. Adopting this approach has improved access to justice and protection of the victim's rights by prioritizing prompt action over bureaucratic obstacles. This article is devoted to exploring the legislative background of Zero FIR, its development, and how it has been implemented as a provision in the current day.

INTRODUCTION

FIR, or First Information Report, is the initial information of any cognizable offense recorded by a police officer. According to section 154(1) of the Code of Criminal Procedure (C.r.P.C.), 1973, previously and now under section 173 section(1), subsections (i) and (ii) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 such information is to be recorded in a written report as soon as it is received, marking the beginning of the legal proceeding.

Nonetheless, the ability to file an FIR is frequently restricted by jurisdictional limits due to the police's reluctance to acknowledge severe cognizable crimes. This challenge is resolved by the concept of 'Zero FIR,' which permits the registration of an FIR at any

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police station, irrespective of jurisdiction.²The aim is to provide victims with timely reparations and ensure that appropriate measures are taken to achieve this. The 'Zero' in Zero FIR indicates that no serial number is assigned to the FIR that has been filed. Instead, it is marked with a '0', which gives meaning to its name.

Zero FIR, which was formerly only a practice in the Indian justice system, has now received the status of a legal provision after the introduction of the new BNSS in place of the old Cr.P.C. as a code of law.

IMPORTANCE OF ZERO FIR AND HISTORY

In the case of *Satvinder Kaur v. State (1999)*³, The Supreme Court addressed the territorial jurisdiction of registering an FIR, setting a precedent that would be very important in the evolution of the practice of Zero FIR. The court clarified that the police had the authority to file an FIR irrespective of jurisdiction. The case registered could be transferred later to the appropriate authority. The police should not refuse to record any complaints citing jurisdictional grounds ensuring that the complainant's right to report a crime is upheld. It held that a woman could lodge her complaint anywhere other than where the incident occurred. The first mention or introduction of the concept of Zero FIR, however, was after the commendation of the Justice Verma Committee in the Criminal Law (Amendment) Act, 2013. This commendation came after the heinous rape case of Nirbhaya in Delhi in 2012, a crucial step to help victims, especially women, report crimes without jurisdictional limitations stopping them. Suppose the question of why jurisdictional constraints affect a case is begged; in that case, we must understand the importance of promptly filing an FIR in succession to a crime. Knowledge of apt police jurisdiction is not a priority for the victim to worry about in the immediate aftermath of a crime, but filing an FIR at the earliest possible moment is. In the case of *Ramesh Kumari v. State (2006)*⁴, The Supreme Court reiterated the importance of registering an FIR for cognizable offenses. Without filing an FIR, the police cannot proceed with the investigation; they are duty-bound to record a crime before taking further action. It is, therefore, essential that an FIR be filed

²KAKKAR V & THALIWAL H, *Zero First Information Report: Indian Laws and Practice*, White Black Legal Law Journal, Vol. 2, Issue No. 16 (November, 2023).

³*Satvinder Kaur v. State (Govt. of NCT of Delhi)*, 8 SCC 728 (1999).

⁴*Ramesh Kumari v. State (NCT of Delhi)*, 2 SCC 677, AIR 2006 SC 1322 (2006).

immediately in the aftermath of a criminal event for the complaint to have legitimacy, and the presence of territorial jurisdiction is often a cause for the victim being unable to report their grievances to the police. This is why the Delhi High Court held that if the police receive a cognizable offense, they are bound to record it under Section 154 C.r.P.C. as an FIR but if it is discovered that the offense has not been committed under the said police station's jurisdiction, then the 'Zero FIR' recorded must be forwarded to the concerned police station who has authority to make proceeds. (*Kirti Vashisht v. State & Ors.*, 2019).⁵ The Bombay High Court also held that Under Section 156 (1), a police officer has the authority to investigate any cognizable case within the local limits of their police station, as specified in Chapter XIII. Furthermore, even if a police officer is summoned, under sub-section (2), he/she cannot be canvassed in the court for the mere reason of the absence of jurisdiction to check into this matter. In accordance with the provisions of the C.r.P.C., the report shall be signed as per Sections 168, 169, and 170. Section 170 clearly states that if the officer in charge of the police station finds sufficient evidence and reasonable grounds to move the case forward to a magistrate who can take cognizance of the case, the case should proceed accordingly. Suppose the investigating officer determines that the offense occurred outside the territorial jurisdiction of their police station. In that case, the FIR can be sent to the appropriate police station with jurisdiction over the offense area. However, this does not mean that the police officer can refuse to record or investigate the FIR. (*Satish Dharmu Rathod & Ors. v. State of Maharashtra & Ors.* 2017).⁶ All these examples push the notion that it is essential for a victim or witness likewise to file an FIR for the police to take cognizance of a matter. It is also necessary for the police to file an FIR in the context of any cognizable offense without dismissing the complainant's issue citing jurisdictional or administrative constraints. Although the C.r. P.C. did not include the practice of Zero FIR as a provision, all the above instances make it clear that it was encouraged comprehensively. This was until the introduction of the new code of laws and the induction of the Bharatiya Nagarik Suraksha Sanhita to replace the old criminal laws on July 1, 2024. The BNSS now has a separate provision in its section for registering an FIR that gives Zero FIR legal validity and not just a precedent that the courts set to follow.

LEGAL PROVISIONS OF ZERO

⁵Kirti Vashisht v. State & Ors., CRL.M.C. 5933/2019 & Crl.M.A. 40833/2019 (Delhi High Court, 2019).

⁶Satish Dharmu Rathod & Ors. v. State of Maharashtra & Ors., (2017) 1 A.I.R. Bom. R (Cri) 779.

Previously, no specific laws or provisions explicitly backed the concept of zero FIR. After the recommendation of the Justice Verma Committee in 2013, there was a newly supplemented section 166A under the Indian Penal Code, subsection (c) of which stated that the failure of a public servant to record any information given to them under subsection (1) of Section 154 of the C.r.P.C.,1973 would be punishable by a prison term of no less than 6 months and extendable up to 2 years, plus they would also be liable to pay fines.

Section 460 of the Criminal Procedure Code helps safeguard against irregularities that may spoil the criminal proceeding. Subsection (e) permits a magistrate to acknowledge an offense under section 190 of the code, even if it exceeds their jurisdiction, and such acknowledgment will not be deemed invalid due to procedural irregularities.

These legal provisions did not validate Zero FIR directly but certainly encouraged its practice. However, under the new BNSS, filing of an FIR irrespective of the area where the original crime was committed, has been made mandatory under subsection (1) of Section 173. It has been mentioned that any complaints reported either orally under part (i) of subsection 1, which has to be reduced to a written record, or by electronic means under part (ii), under which the officer shall record it once signed by the person within three days, and the details shall be entered into a book maintained by the officer in a format prescribed by the State Government, thus also giving legal acknowledgment to the practice of e-FIR or electronic FIR. A careful interpretation of Sections 173(4) and 175(3), along with Sections 210 and 223 of the BNSS, indicates that if a police officer declines to file an FIR, the affected individual can seek recourse from higher authorities or a jurisdictional magistrate. However, the magistrate cannot initiate an investigation without first considering the police's reasons for not registering the FIR and without hearing from the accused. Essentially, this framework grants more authority to police officers while limiting the magistrates' powers at the pre-cognizance stage. It is anticipated that future judicial rulings will address and correct any negative outcomes resulting from these provisions.

IMPACT OF ZERO

Zero FIR has been a beneficial practice for many victims, who, under normal circumstances, receive the short end of the stick regarding police cooperation. The promotion and implementation of this concept has led to the recognition of more serious offenses by the police allowing effective delivery of justice for the affected people. In light of the case of

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Lalita Kumari, registering an FIR was mandated after receiving information about a cognizable offense. There were exceptions where a preliminary inquiry was required before filing an FIR. (Supreme Court of India, 2014).⁷ This case can be considered one of the most important factors that helped influence the inclusion of the new provisions under the BNSS since today, all the above-mentioned requirements have achieved legal validity and can be exercised legitimately. Zero FIR as a concept is extremely impactful when it comes to citizens stepping up and reporting crime as well as seeking remedies for the same. The controversial case against self-proclaimed godman Asaram Sirumalani Harpalani, also known as Asaram Bapu, was filed as a 'Zero FIR'. He was accused of sexually assaulting a minor girl who was a student at one of his ashrams. The crime took place in Jodhpur, Rajasthan. The distressed father of the victim approached the police stations in Jodhpur and Saharanpur. Still, the police dismissed their claims and declined to file the FIR, influenced by Asaram Bapu's undue pressure. Following this, a case against Asaram Bapu was lodged at the Kamla Nagar Police Station in New Delhi. Initially recorded under a 'zero number,' this First Information Report (FIR) was subsequently transferred to Jodhpur for further investigation, leading to Asaram Bapu's conviction. The implementation of Zero FIR has also facilitated the advent of e-FIR, enabling individuals to file an FIR online without needing to visit a police station. This is especially useful for travelers who experience or witness a crime, as they can easily contact any police station during their journey or upon arrival at their destination.⁸

CASES THAT SHAPED THE EVOLUTION OF ZERO FIR INTO A PROVISION

The judiciary for a long time has supported and encouraged the practice of Zero FIR through rulings in different cases that set precedents for the police to follow. The benchmark set in different cases has influenced the evolution of Zero FIR to its current form. Taking a look at some of these crucial cases would help us better understand their involvement in this context:

- *Mukesh & Anr v. State (2017)*⁹: The infamous gang rape case of 'Nirbhaya' in New Delhi, 2012 which shook the whole country. This was the catalyst for

⁷Lalita Kumari v. Government of Uttar Pradesh & Ors., (2014) 2 SCC 1.

⁸GOYAL & GARG, *Zero FIR: A FIR without Jurisdiction*, Lex Forti Legal Journal, Vol. 1, Issue No. 5 (June, 2020).

⁹Mukesh & Anr vs State For NCT Of Delhi & Ors., (2017) 6 SCC 1.

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introducing the concept of Zero FIR in India. The delays in lodging the FIR and the sloppy investigation subsequently begged the introduction of a new legal mechanism that allowed the victims to report crimes immediately after they occurred to the police, irrespective of the location of occurrence. The formation of the Justice Verma Committee was the aftermath of this case leading to the subsequent adoption of Zero FIR as a key provision in the Indian criminal justice system.

- *Mohd. Akhtar v. State (2018)*¹⁰: The Kathua Rape Case of 2018, where an 8-year-old was gang-raped and murdered. The case had 8 accused and the victim's family faced severe challenges in registering an FIR due to jurisdictional challenges. The police's initial refusal to register the FIR caused delays in the investigation. This case highlighted the importance of effectively implementing Zero FIR to ensure victims of serious crimes can access justice promptly.

- *Arnab Ranjan Goswami v. Govt. of Maharashtra (2020)*¹¹: This case highlighted the inability of the Mumbai police to file an FIR after receiving information about an architect's suicide from the deceased's relatives. The Supreme Court reaffirmed the necessity of the police to file an immediate report in the aftermath of an incident, and failure or delays to file a Zero FIR might lead to legal ramifications for the personnel involved.

- *Anita Kushwaha v. Pushap Sudan (2016)*¹²: The Supreme Court in this case held that the registration of a Zero FIR is mandatory if there is disclosure of a cognizable offense from the information. The court also stated that it is the statutory role of the police to register an FIR irrespective of territorial jurisdiction. The subject matter of this case pondered a significant legal question of whether the Supreme Court held the power to transfer civil cases across states including to and from Jammu and Kashmir. The case emphasized the court's power to make justice accessible, irrespective of geographic limitations.

Implementation and Exercise of the Provision

Law enforcement organizations were encouraged by the judiciary to uphold the integrity of the Zero FIR practice. Enforcing this concept would help victims

¹⁰Mohd. Akhtar vs The State Of Jammu And Kashmir, (2018) 5 SCC 336.

¹¹Arnab Ranjan Goswami v. Union of India, (2020) 14 SCC 12.

¹²Anita Kushwaha vs Pushap Sudan, (2016) 8 SCC 509.

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register offenses immediately and seek remedies for the wrongs committed against them, without having to worry about territorial constraints or other bureaucratic issues. However, the implementation of the new laws a few months back has changed the scenario, the concept now legally mandated, has favoured the victims and made it easier for them to promptly file an FIR to set the criminal justice framework into play. Now, it is important to raise awareness among the general public, and efforts for the same are being made to educate people about the prospects of Zero FIR, informing people of their legal right to report crimes without regard to jurisdiction.

PROCEDURE FOR FILING A ZERO FIR AND BENEFITS

A Zero FIR can be filed in any police station across India, irrespective of the location of the crime committed. (As per the current and previous criminal laws of the country)

Once registered, the report has to be transferred to the appropriate police station after a preliminary investigation.

During this process, the FIR recorded receives no official serial number and is designated the number zero. After being transferred to the police station and authorized to carry out a further investigation, they register the case again, and a fresh investigation is started. The aim is to streamline the criminal justice procedure and make it easier for people to lodge complaints against crimes with the police without being discouraged by complications and technical limitations, especially jurisdictional constraints. This practice serves several benefits for people wanting to file an FIR. These include:

- Documenting a First Information Report at the earliest instance with no jurisdictional barriers causing an obstruction and enabling prompt filing, allowing effective measures to be taken for investigation and delivering justice.
- Stopping the police from turning away victims due to bureaucratic issues like jurisdictional constraints and ensuring accountability in them. Mandating the registration of a cognizable offense irrespective of jurisdictional issues makes them responsible for timely action against crimes reported.
- Streamlined process of FIR registration, facilitating effective investigation and also ensuring continuity of investigation, since the cases are transferred to the appropriate

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authorities after the initial report, making sure investigations remain continuous and efficient in manner.

- Enhancement in victim protection and an accessible process for those who are not familiar with jurisdictional limitations or are in that each problem is given equal importance, regardless of the location of their filing. Consistency in recording complaints will also be maintained by applying this practice.
- A reduction in crime reporting barriers, ending the dilemma of geographical boundaries dictating jurisdiction and encouraging victims to report crimes.
- Improvement in legal framework contributing to a more responsive environment, helping in addressing procedural inefficiencies, and enhancing the overall productivity of the criminal justice system. The concept of Zero FIR has repeatedly been reinforced by the judiciary through rulings in different cases guaranteeing that the legal system facilitates prompt registration and investigation of complaints.
- The existence of a uniform procedure for filing complaints ensures that all complaints are treated equally, irrespective of the area of their filing.

Zero FIR provides numerous advantages by ensuring timely registration of complaints and directing them to the relevant jurisdictional police station for investigation. It eliminates jurisdictional hurdles, prevents police inaction, and safeguards victims. This practice also simplifies the complaint registration process and enhances accessibility, thus promoting a more efficient and effective criminal justice system.

CONCLUSION

Zero FIR has been one of the most instrumental tools in helping victims seek remedy against the actions by which they have been wronged. FIR is an important piece of paper, laying a framework for an investigation's proceeds and a crucial first step in setting the judicial system into play. An FIR, as significant as a document, was riddled with limitations and shortcomings, especially jurisdictional barriers. To solve this issue, the Justice Verma Committee in 2013 suggested Zero FIR as a practice to be implemented in the aftermath of the Nirbhaya Rape Case. The victim's friend exercised this very concept in the case, where she filed a Zero FIR with the police, succeeding in transferring the case to the appropriate police station for further investigation.

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Zero FIR allows filing a report for any cognizable offense, irrespective of the area of the crime. Previously, police could refuse to file FIRs, but the Lalita Kumari judgment mandated the recording of any cognizable offense by the police with no further inquiry. An FIR must be promptly filed after a crime occurs; delays could be extremely damaging to the essence of the case. It is of topmost priority to file an FIR so that the police can begin an investigation as soon as possible, reducing the chances of evidence tampering and apprehending the accused. In the case of *P. Rajagopal vs. State of Tamil Nadu (2019)*¹³, the reasoning put forward by The Supreme Court was that the tardiness of lodging FIRs has often demonstrated a suspicious character. But the tardiness can, once in a while, be forgiven; however, as a rule, it usually spawns doubts about the complaint's veracity. That is why, in other words, there is a requirement that all complaints must absolutely be reported to the police in a definite time frame; besides this, the implementation of Zero FIR is also an important thing.

Zero FIR lies at the root of a concept that fast-tracks justice by eradicating all jurisdictional constraints while registering an FIR. As a result, timeliness is a critical driver of the law enforcement system and necessary actions are taken promptly. It is vital for every citizen and law enforcement official to comprehend the general aims and the way it is of the utmost importance that this practice is preserved whole in the society, to ensure everybody sticks to it.

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¹³P. Rajagopal vs. State of Tamil Nadu, 2019 Latest Caselaw 319 SC

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