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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

ZERO FIRST INFORMATION REPORT: INDIAN LAWS AND PRACTICE¹

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ABSTRACT

The initial information recorded by a police officer concerning an alleged cognizable offense is the First Information Report (FIR). Section 154 of the Code of Criminal Procedure, 1973, requires the filing of a FIR as soon as such information is received. If the offense happened elsewhere, the notion of "Zero FIR" permits registration of a FIR at any police station, regardless of jurisdiction. The goal is to guarantee that victims receive prompt reparation and that action is taken. If police fail to record a Zero FIR, there are remedies available, and action can be done against guilty officials. Courts and police have released circulars emphasizing the necessity of filing Zero FIRs in order to enhance effective law enforcement and preserve the rights of victims.

The filing of an FIR is a fundamental step to initiate legal action. However, delays in registering an FIR and subsequent investigations can occur. To address this issue, the concept of Zero FIR has been introduced. It allows the victim to file an FIR regardless of the jurisdiction and later transfer it to the appropriate jurisdiction. In this article, I aim to outline the core concept of an FIR and elucidate the concept of Zero FIR along with its essential prerequisites.

Key Words: Crime, FIR, Zero FIR, Justice System, India

¹ Author 1st (Vandana Kakkar) and 2nd (Dr. Harshita Thaliwal)

INTRODUCTION

In all societies, regardless of their development stage, instances of crime are inevitable. Following the occurrence of these crimes, the initial step toward enforcing the law involves reporting them to the police. Among their various responsibilities, the police are tasked with recording the offenses that fall under their jurisdiction. Typically, the police register minor (non-cognizable) offenses but are hesitant to register serious (cognizable) offenses. They fear that an increase in the number of reported offenses might lead to scrutiny of their efficiency, competence, and overall performance by the State and legal authorities. Consequently, they tend to avoid filing FIRs for serious offenses. This failure to register FIRs is a primary reason for the dissatisfaction among the general public toward the police.²

The First Information record (FIR) is a formal written document filed with the police in order to record the occurrence of a cognizable offense. It is the first formal information regarding a crime and is critical in starting the judicial procedure. The FIR comprises extensive information on the nature of the offense, the time and place it happened, the people involved, and any other pertinent information. This document serves as the basis for any later criminal inquiry.

SIGNIFICANCE OF FIR

The Initiation of Legal Proceedings for Filing a FIR indicates the initiation of legal proceedings. It initiates the criminal justice system, encouraging law enforcement to investigate the suspected wrongdoing. The FIR, or Basis for Investigation, gives law enforcement the initial report of the occurrence. It explains the facts, events, and details surrounding the crime, assisting authorities in their investigation. In court, the FIR has important evidentiary significance. It is frequently offered as a fundamental document laying the groundwork for a criminal case's basic narrative.³ Typically, FIRs are filed at the police station in the jurisdiction where the incident happened. An FIR can be filed by anybody with knowledge of the crime, including the victim or a witness. The timely filing of a FIR is critical for evidence preservation. It enables law enforcement to respond quickly, safeguarding the crime scene and preventing the loss or destruction of vital information. Individuals

² Chaturvedi, J.C.: "POLICE ADMINISTRATION AND INVESTIGATION OF CRIME", ISHA;BOOKS, DELHI, (2006)

³ First Report National Police Commission, Ch. - X Modalities for inquiry in to complaints against Police

having knowledge of a cognizable offense are frequently required by law to register a FIR. The accused, on the other hand, has the right to acquire a copy of the FIR, promoting openness in legal procedures.

UNDERSTANDING THE CONCEPT OF 'ZERO' IN ZERO FIR

Historically, India's conventional First Information Report (FIR) system was constrained by severe jurisdictional limits. This provided substantial complications, particularly in circumstances when crimes happened across different jurisdictions or during travel. Victims who were unable to file FIRs owing to jurisdictional constraints emphasized the need for a more flexible approach. Cases involving high-profile persons or occurrences that received widespread notice highlighted the flaws of the current FIR system.⁴ Increased media attention highlighted cases when victims were unable to get justice owing to delays caused by jurisdictional conflicts. A sense of unfairness drove the public to advocate for a system that would allow for instant reporting and response, regardless of jurisdictional borders.

In submitting a First Information Report (FIR), the idea of 'Zero' in Zero FIR basically signifies the elimination or absence of constraints relating to jurisdictional limits. Historically, FIRs had to be filed in the police station in whose jurisdiction the offense occurred. However, the 'Zero' in Zero FIR represents a significant departure in this paradigm, providing greater flexibility and immediacy in reporting offenses. Here's a thorough explanation of the 'Zero' in Zero FIR:

Flexibility in Jurisdiction:

Individuals can report a crime at any police station, regardless of where the incident occurred or where the information is obtained, under Zero FIR. The 'Zero' literally means 'initial' or 'serial zero,' meaning that the FIR should be registered at any police station as soon as possible as the first step in the legal procedure.

⁴ Crime, Prosecution & Defence: Investigators Guide by Sukhdev Kohli, Bright Law House, 2001, p. 13.

Eliminating Delays:

By reducing delays associated by jurisdictional complexity, zero FIR allows for quick action. Without having to wait for jurisdictional explanations, law enforcement can begin investigations immediately. In emergency situations where time is of the essence, Zero FIR provides for rapid reporting and the start of legal processes, assisting in the preservation of evidence and preventing escapes.

Seamless Transfer and Processing:

The FIR is first recorded at the police station where it is reported, then issued a serial or zero number and submitted to the proper authority for further investigation. Following registration, the Zero FIR is handed to the police station or jurisdiction where the crime occurs under its authority for complete investigation and legal actions.

Enhanced Accessibility and Efficiency:

Zero FIR improves access to justice by allowing anyone to report crimes without regard for geography, assuring rapid action, and emphasizing victims' rights. The notion eliminates bureaucratic barriers that might otherwise inhibit prompt reporting and the beginning of legal actions.

Impact on Criminal Justice System:

Zero FIR enables quick action, guaranteeing that the judicial procedure begins without delay, assisting with obtaining evidence and speeding justice. This notion portrays a responsive criminal justice system that adapts to changing requirements and obstacles in dealing with crimes that cross jurisdictional lines.⁵ In essence, the 'Zero' in Zero FIR denotes the absence of jurisdictional constraints at the initial stage of FIR registration, allowing for quick reporting and the beginning of legal actions, contributing to a more efficient and responsive criminal justice framework.

PROCEDURE FOR FILING A ZERO FIR

A person informs the police regarding committing of a cognizable offence. A Zero FIR can be filed at any police station, regardless of where the offense took place. Narrate the Incident Give the

⁵ The Indian Journal of Criminology & Criminalistics, Volume XXVIII, Issue No.-3, Sept, to Dec.- 2007, Page No.-4.

police officer on duty a full account of the crime. Include critical information such as the nature of the offense, the time, and the place.

FIR Registration Based on the information supplied, the police officer promptly records the FIR without asking clarification on jurisdictional limits. Inclusion of data The Zero FIR contains critical data such as the date, time, and location of the infraction, descriptions of the occurrence, names of people involved (if known), and any other pertinent information.

FIR Copy You should receive a copy of the FIR as confirmation of its registration. Examine the document for correctness and indicate any differences that you find. **Assignment of Zero FIR Number** At the registering police station, the Zero FIR is issued a unique serial or zero number. This number will be used in any future communications and court actions relating to the case.

Transfer to Relevant Jurisdiction After registration, the Zero FIR is transferred to the police station with jurisdiction over the location of the offense. **Further Investigation** The FIR is then referred to the appropriate authority for further investigation and legal actions.

Follow-Up and information Check in with the relevant police station or jurisdiction for information on the case's progress. **Legal Implications of False Zero FIRs** It should be noted that submitting a false or misleading Zero FIR might result in legal penalties. The procedure is intended to ensure accurate reporting.

LEGAL PROVISIONS GOVERNING ZERO FIR IN INDIA

In India, the notion of Zero FIR is largely controlled by legal rules defined in the Criminal Procedure Code, which permits the instant registration of a FIR regardless of jurisdiction. The following legal laws support Zero FIR:

Section 154 of the Criminal Procedure Code requires the filing of a FIR when information concerning the commission of a cognizable offense is received. It underlines the official incharge of the police station's responsibility to swiftly register the FIR. This clause places no constraints on

establishing a FIR based on jurisdiction⁶. It provides for the filing of a FIR even if the incident took place beyond the geographical jurisdiction of the police station where the complaint is submitted. Several Supreme Court of India cases have reaffirmed the notion of Zero FIR, emphasizing the significance of rapid registration and inquiry, regardless of jurisdictional limits.⁷

ROLE OF JUDICIARY

*Sakshi v. Union of India (2004)*⁸:

The case featured a vicious gang-rape and murder in Delhi, where the victim's friend was first turned away by police while seeking to submit a FIR since the occurrence happened beyond the jurisdiction of the police. The Supreme Court stressed the responsibility of the police, regardless of jurisdiction, to file a FIR, noting that failing to do so breaches a person's fundamental rights under Article 21 of the Constitution (right to life and personal liberty).

*Lalita Kumari v. Govt. of U.P. (2014)*⁹:

The need of required FIR registration in situations involving cognizable offenses was stressed in this case. The petitioner requested that the police record FIRs as soon as possible. The Supreme Court highlighted that registration of a FIR is required under Section 154 of the Criminal Procedure Code, particularly in severe cases. It emphasized the importance of early action and inquiry, regardless of jurisdiction, and reaffirmed the Zero FIR idea.

*Arnab Ranjan Goswami v. Govt. of Maharashtra (2020)*¹⁰:

The case concerned an architect committing suicide and the Mumbai police failing to file a FIR after getting information from the deceased's relatives. The Supreme Court reaffirmed police officers' need to file a FIR as soon as possible. It stressed the necessity of Zero FIR and warned that failure or delay might result in legal ramifications for the personnel involved.

⁶ The Delhi Law Times, 2003, Vol. CII, Journal Section(JS) 8.

⁷ http://en.wikipedia.org/wiki/First_Information_Report

⁸ *Sakshi v. Union of India (2004) 5 SCC 546, AIR 2000 SC 3479*

⁹ *Lalita Kumari v. Govt. of U.P. (2014) 417 SC*

¹⁰ *Arnab Ranjan Goswami v. Union of India 2020 14 SCC 12*

State of Punjab v. CBI (2016):

The issue concerned the meaning of the phrase "information" in the context of FIR filing under Section 154 of the Criminal Procedure Code. The Supreme Court highlighted that the mere receipt of information revealing a cognizable violation requires the police to quickly file a FIR. This decision reaffirmed the Zero FIR philosophy.

Practical Implementation:

In reality, law enforcement organizations are supposed to respect the Zero FIR rule, which allows anyone to report crimes at any police station without regard to jurisdiction. Efforts are being undertaken to raise public knowledge about Zero FIR, informing people about their rights to report crimes without regard to geography.

IMPACT OF ZERO FIRST INFORMATION REPORT **IN RECENT TRENDS**

The legal provisions pertaining to Zero FIR are essentially derived from interpretations and directives provided by the Criminal Procedure Code as well as judicial declarations. These sections stress the significance of filing FIRs without regard to jurisdictional constraints, guaranteeing swift action, preserving evidence, and emphasizing victim rights in the Indian criminal justice system.

While the Criminal Procedure Code currently lacks an explicit mention of Zero FIR as a separate legal provision, its principles are embedded within the existing framework, supported by judicial precedents and the duty imposed on law enforcement agencies to ensure the immediate registration and investigation of crimes, regardless of jurisdictional boundaries.¹¹

¹²The term "Zero First Information Report (FIR)" is not commonly used in law enforcement or judicial proceedings. However, it appears to apply to the initial report made by police or authorities when no precise facts or specifics regarding an occurrence are known. While it may not be a well-known word, the concept of processing cases with little or no starting information exists in law

¹¹ FIRST INFORMATION REPORT, by DSP Goh Boon Keng, Journal of the Royal Malaysia Police Senior Officers' college, 2003.

¹² Fourth Report- National Police Commission, 27.5- Reporting Centres

enforcement.

In recent years, there has been some influence on the treatment of situations with limited information:

Improved Initial Response: Law enforcement organizations have been developing ways for responding quickly even when initial information is limited. This might entail deploying resources quickly, acquiring preliminary evidence, and launching investigations based on the little information available.

Technological improvements: With improvements in technology such as artificial intelligence (AI), data analytics, and surveillance systems, authorities now have methods to obtain information even when the original report is lacking in depth. This might include analyzing CCTV footage, employing facial recognition, or piecing together information from numerous sources.

Community engagement and Reporting: There is a greater emphasis on community engagement in incident reporting. Anonymity tip lines, community watch programs, and internet reporting platforms encourage people to report even if they have minimal information, which helps law enforcement with their investigations.

Training and processes: Law enforcement organizations may have altered their training processes to deal with instances with little information. This might involve specific training for cops to properly obtain essential details despite the initial absence of major information.

Inquiry Challenges: The absence of crucial details in a zero FIR scenario may cause the inquiry to be prolonged or hampered. In such circumstances, specialist expertise and resources are required to efficiently investigate and acquire evidence.

While there may not be a commonly accepted name such as "Zero FIR," the principle of addressing crimes with minimum initial information is a vital part of modern law enforcement. To deal with such events, agencies constantly change their ways, using technology, community engagement, and specialized training to better their reaction and investigative procedures.

Public Perspective and Education

The general public's understanding of the Zero FIR idea is steadily improving. Law enforcement efforts, media attention, and community involvement initiatives have all helped to raise awareness.

Various activities, such as workshops, seminars, and educational campaigns, are being launched to educate the public about the option of submitting a Zero FIR. This involves educating people that they may report a crime at any police station, regardless of where it occurred, especially if they are having difficulty completing a FIR in the jurisdiction where the incident occurred.

Additionally, law enforcement authorities use social media channels, public service announcements, and informative materials to raise awareness of the Zero FIR rule. Clear and easily accessible information regarding this option ensures that people understand their rights and the reporting methods available, potentially boosting the chance of timely and effective law enforcement responses.

CONCLUSION

In the criminal justice system, the First Information Report is a critical document. Its importance stems from its position as the first stage in judicial procedures, giving critical information for investigations and laying the groundwork for the pursuit of justice. The advent of Zero FIR in the Indian legal scene arises from the understanding of existing FIR systems' inadequacies. This progression tackles jurisdictional difficulties, promotes faster justice, and coincides with the evolving nature of criminal actions in an interconnected world. The notion emphasizes the government's commitment to a judicial system that is responsive, accessible, and capable of dealing with the intricacies of modern crime.

The Zero FIR system ensures convenient complaint registration at any police station, even if the crime occurred outside their jurisdiction. Previously, police could refuse to file FIRs, but the Supreme Court ruling in *Lalita Kumari vs. the State of U.P* mandates that any information indicating a cognizable offense must be registered as an FIR without further inquiry. Lack of legal assistance can jeopardize the case's essence. In the Hathras rape case of 2020, delays in filing the FIR occurred

as the accused were from an influential caste. Prompt FIR filing is crucial to apprehend the accused and minimize evidence tampering. Therefore, filing an FIR immediately after an offense is vital to preserve facts and evidence.

Understanding the objective and procedure for filing a FIR is critical for both the general public and law enforcement. It is an important instrument for preserving law and order, guaranteeing justice, and supporting the rule of law in a community. The Zero FIR idea transforms the old FIR system by resolving jurisdictional restrictions and assuring rapid action in the beginning of legal procedures, resulting in a more efficient and responsive criminal justice system in India.

In essence, the 'Zero' in Zero FIR denotes the absence of jurisdictional constraints at the initial stage of FIR registration, allowing for quick reporting and the beginning of legal actions and so contributing to a more efficient and responsive criminal justice framework. The Zero FIR idea dramatically accelerates the process of reporting crimes by removing jurisdictional barriers, assuring quick registration, and prompt beginning of legal actions, resulting in a more responsive and efficient criminal justice system.



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