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# **CRIME REGISTRATION MECHANISM OF INDIA & UNITED KINGDOM: A COMPARITIVE ANALYSIS**

AUTHORED BY - KUSHAGRA TRIPATHI

## **I. Abstract**

Registration and reporting of crime is the backbone of any criminal justice system. An effective, robust and transparent crime registration system helps in providing swift justice to the victims. This article aims to provide a comparative analysis of the crime reporting and registration processes in India and the United Kingdom (UK). This article also examines reasons behind India not following the UK model and what India can learn from the best practices of UK in crime registration mechanism.

## **II. Introduction**

The mechanisms for crime reporting and registration are crucial components of any judicial system, serving as the interface between law enforcement and the public. In India, the process is largely cantered around the First Information Report (FIR), which acts as a formal registration of an occurrence of crime in accordance with Bhartiya Nyaya Sanhita. It leads to initiation for investigations under the Bhartiya Nagarik Suraksha Sanhita (BNSS). In contrast, the United Kingdom has a more complex crime reporting system located within its broader legal framework. This article aims to provide a comparative analysis of the crime reporting and registration processes in India and the UK.

## **III. Overview of Crime Reporting Processes**

### **1. The Indian System: First Information Report (FIR)**

In India, mere reporting of crime through police emergency helpline i.e. 112 or 100 does not amount to registration of a criminal offence, there has to be an FIR lodged by the local police station of appropriate jurisdiction for official investigation to begin. An FIR is a written document prepared by the police when they receive information about the commission of a cognizable offense. The Bhartiya Nagarik Suraksha Sanhita (BNSS) governs this process, particularly under Section 154, which delineates the manner in which FIRs are registered.

- **Filing Criteria:** Under Section 154 of the BNSS, an FIR must be registered if the information discloses the commission of a cognizable offense. The FIR sets the legal machinery in motion for subsequent investigations.
- **Accessibility:** Any individual with knowledge of an offense can file an FIR. Victims or witnesses are thus empowered to initiate legal proceedings, thereby increasing public participation in criminal justice.
- **Accountability:** If the police refuse to register an FIR, aggrieved individuals can approach a magistrate under Section 156(3) of the BNSS for directions, fostering some accountability within law enforcement.

### **Landmark Supreme Court judicial pronouncements highlighting importance of FIR in India:**

- **Lalita Kumari v. Government of Uttar Pradesh<sup>1</sup>**  
This is one of the landmark judgments concerning FIR. The Supreme Court held that the police are mandated to register an FIR if the information discloses the commission of a cognizable offense. The ruling emphasized the principle of "no delay" in registering complaints, reinforcing the victim's right to seek justice without bureaucratic hindrance. This case mandated that police officers cannot refuse FIR registration and must investigate complaints when presented with credible information.
- **Sheikh Hasib Alias Tabarak v. State of Bihar<sup>2</sup>**  
In this case Supreme Court observed that the main purpose of the F.I.R. is to initiate the criminal justice process and to gather information about the alleged crime, enabling them to take appropriate actions to identify and apprehend the offender.
- **Thulia Kali v. State of T.N.<sup>3</sup>**  
In this case, Supreme Court clearly emphasized that the First Information Report in a criminal case is an extremely vital and valuable piece of evidence for the purpose of corroborating the oral evidence adduced at the trial. The importance of the FIR can hardly be overestimated from the standpoint of the accused.
- **State of Haryana v. Bhajan Lal<sup>4</sup>**  
Supreme Court in this another landmark case held that at the stage of registration of a

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<sup>1</sup> 2014 (2) SCC 1

<sup>2</sup> (1972) 4 SCC 773

<sup>3</sup> (1972) 3 SCC 393

<sup>4</sup> 1992 Supp (1) SCC 335

crime or a case on the basis of the information disclosing a cognizable offence in compliance with the mandate of Section 154(1) of the Code, the police officer concerned cannot embark upon an enquiry as to whether the information, laid by the informant is reliable and genuine or otherwise and refuse to register a case on the ground that the information is not reliable or credible. On the other hand, the officer in charge of a police station is statutorily obliged to register a case and then to proceed with the investigation.

## **2. The UK System: Crime Reporting and Recording**

In the UK, crime reporting is governed by a framework emphasizing accuracy, accessibility, and victim support. There is not one specific law that governs crime reporting in entirety, it is done through various combination of laws and codes of practice, including the Police and Criminal Evidence Act 1984 and its associated codes of practice.

The United Kingdom employs a multi-channel, technologically advanced, and victim-centered approach to crime reporting:

- **Online Reporting Portals**

Citizens can report non-emergency crimes such as theft, vandalism, and hate incidents via official police websites like <https://www.police.uk>. These portals are user-friendly and provide confidentiality for victims.

- **Emergency and Non-Emergency Numbers**

999: For emergencies where immediate police intervention is needed. 101: For non-emergency issues that still require police attention.

- **In-person and Third-Party Reporting**

Victims may report crimes at local police stations or through NGOs/support organizations, especially for sensitive offenses like domestic violence or sexual assault, maintaining anonymity and safety.

- **National Crime Recording Standard (NCRS)**

Introduced in 2002, the NCRS requires all crime reports to be recorded accurately and ethically. It mandates belief in the victim's account unless credible evidence suggests otherwise, ensuring transparency in crime statistics.

- **Victim Support Services**

Under the Victim's Code, victims receive updates, access to legal and psychological aid, and information about their rights. A Victim Liaison Officer is also appointed who ensures consistent support and complete justice to victims.

## IV. Comparative Analysis of Crime Reporting Systems

### Advantages of the Indian FIR System -

#### 1. Empowerment of Citizens

One of the primary advantages of the FIR system in India is that it empowers ordinary citizens to initiate legal proceedings. The ability to file an FIR allows victims and witnesses to take an active role in the enforcement of laws, thereby encouraging community involvement in crime prevention.

#### 2. Quick Initiation of Investigations

Following the filing of an FIR, police are mandated to investigate the matter without needing prior approval from a magistrate. This immediacy can lead to swifter justice, especially in cases where evidence may be time-sensitive, such as in violent crimes or organized crime.

#### 3. Documented Formal Complaints

FIRs serve as official documents that record information about an alleged crime. This documentation facilitates better tracking of crime statistics and aids in transparency in the justice system, thus enhancing public confidence.

#### 4. Filters frivolous criminal complaints

The mechanism of FIR helps police in filtering out frivolous and non-serious crime reporting which helps police in acting efficiently in the serious cognizable criminal offences without its time and resources getting wasted on the pile of frivolous reported matters.

### Disadvantages of the Indian FIR System –

#### 1. Discretionary Power of Police

One significant disadvantage is the discretionary power vested in police regarding FIR registration. There is no oversight mechanism on the police's power to register or not register an FIR amounting to arbitrariness. Factors such as corruption, lack of training, or systemic biases may lead to wrongful refusals and undermine citizens' rights. This discretion has contributed to a significant number of unregistered complaints, especially pertaining to sensitive crimes.

## **2. Red Tape-ism**

The process of filing an FIR can be bureaucratically complicated and intimidating for many illiterate and unaware citizens, particularly in rural areas or among marginalized groups. This can result in under-reporting of crimes, particularly violence against women and disenfranchised communities.

## **3. Compartmentalization of Crimes**

The FIR system may narrow the focus on individual offenses, limiting the ability of investigators to connect broader patterns of criminal behaviour. This compartmentalization may hinder comprehensive approaches to crime prevention and investigation.

## **4. Reluctant Attitude of Police**

Generally Station House Officers (SHOs) in India who heads the police stations tends to show reluctant attitude towards registration of FIR because registration its creates accountability of the police station officers concerned. Therefore in order to escape accountability and mechanism of formal investigation local police in most of the cases hesitates FIR registration and resort to alternate ways of providing relief.

### **Advantages of the UK Crime Registration & Reporting System -**

#### **1. Comprehensive Recording**

One of the significant advantages of the UK system is the requirement for police to record all reported incidents and initiate investigation without having any discretion even if the victim does not wish to proceed with legal action. This comprehensive approach leads to more accurate crime statistics and a better understanding of crime trends.

#### **2. Victim-Centric Approach**

The UK system emphasizes the rights of victims, ensuring they receive adequate support and information regarding the legal process. This prioritization fosters a less intimidating environment, encouraging victims to come forward and report crimes.

#### **3. Independent Oversight**

The structure for crime reporting in the UK includes rigorous safeguards to ensure

accountability. Independent bodies and oversight mechanisms regularly review police actions, ensuring that necessary standards are maintained and fostering public trust in law enforcement by reducing arbitrariness of police.

### **Disadvantages of the UK Crime Registration & Reporting System -**

#### **1. Complexity**

The UK system can be intricate and may confuse some victims and witnesses, particularly regarding the various avenues through which crimes can be reported. While multiple reporting channels enhance accessibility, they can also overwhelm individuals unfamiliar with the legal process.

#### **2. Resource Constraints**

The increased administrative workload associated with accurately recording and registering all reported crimes places significant demands on time and resources of police. Having limited staff and plethora of reported crimes to be registered leads to jeopardizing response times and the quality of investigations.

#### **3. Potential Underreporting**

Despite the UK's comprehensive recording practices, reliance on victims to report crimes can sometimes still lead to underreporting, particularly regarding sensitive offenses such as domestic abuse, sexual violence, and hate crimes.

## **V. Why India Did Not Adopt the UK Model**

Even after having colonial set of common law principles, India differed with United Kingdom on mechanism of crime registration. Reasons for the same are elaborated below:

#### **1. Colonial Legacy of Codification and Control**

- **Legal Codification under British Rule:** Unlike the UK's common law approach relying heavily on judicial precedents and discretion, British administrators in colonial India preferred a codified system for easier governance and control. This led to statutes like the Indian Penal Code 1860 (Bhartiya Nyaya Sanhita now), Criminal Procedure Code (Bhartiya Nagarik Suraksha Sanhita, 1898), and Police Act (1861) - all emphasizing structured procedures.
- **Need for Centralized Investigation:** The colonial government prioritized public order and efficient criminal investigation for aggressive policing. The FIR mechanism

provided a clear, accountable starting point to initiate police action and control unrest.

## 2. Administrative Simplicity and Police-Centric Governance

- **Uniform Procedure Across Diverse Populations:** India's vast and diverse population necessitated a uniform reporting and investigation mechanism. The FIR served this purpose, ensuring that the process of initiating criminal cases remained consistent across states and languages.
- **Limited Resources and Infrastructure:** Unlike the UK, which had the capacity to implement nuanced and discretionary systems backed by strong oversight institutions, India's limited resources in the early post-independence years meant it required a clear-cut, low-discretion process to register and investigate crimes.

## 3. Cultural and Social Considerations

- **Low Legal Literacy and Victim Awareness:** The Indian society, particularly in rural and marginalized communities, had low levels of awareness about legal rights and remedies. Since the mindset of Indian police have generally not been as sympathetic towards victims as of UK police it would have been tough for illiterate and unaware citizens to get justice in criminal system without a well defines mechanism of FIR. It provided a tangible and accessible way for the layperson to engage with the justice system.
- **Public Trust in Documentation over Discretion:** In India, trust in informal police discretion has historically been low. A documented, acknowledged complaint (FIR) reassured complainants that their grievance was formally recognized and recorded, creating a legal obligation to act.
- **Caste, Gender, and Societal Dynamics:** In the UK, societal equality allowed victims to engage with police institutions more freely. In India, marginalized groups often face systemic barriers. A formal FIR, backed by legal safeguards (e.g., Section 154 CrPC/BNSS), created some layer of accountability.

## 4. Lack of Institutional Capacity for UK-style Crime Recording

A critical reason India did not adopt the UK's crime recording system and instead implemented the FIR-based model lies in its institutional capacity constraints. These span across administrative, technological, and oversight domains, which are foundational to the UK's approach but are either absent or underdeveloped in India -

- **Absence of Standardized Crime Recording Framework:**

Unlike the UK's National Crime Recording Standards (NCRS) and Home Office Counting Rules (HOOCR), India lacks a harmonized, centrally mandated framework for consistent crime classification and recording. Crime statistics in India rely heavily on local practices and police discretion, which vary significantly and result in underreporting and non-uniform data.

- **Deficient Audit and Oversight Mechanisms:**

The UK has independent oversight bodies like HMICFRS and the Independent Office for Police Conduct (IOPC). India lacks a comparable body empowered to routinely audit police compliance with registration norms or to independently investigate failures in crime reporting.

- **Inadequate Technological Infrastructure:**

While platforms like CCTNS and ICJS exist in India, their reach and effectiveness remain limited. Many police stations, especially in rural and semi-urban areas, lack reliable internet, updated hardware, or trained staff to utilize these systems effectively.

- **Staffing and Training Deficits:**

India suffers from an acute shortage of police personnel and inadequate training on modern, victim-centric practices. There is a significant skills gap in classifying crimes accurately, understanding digital crime recording systems, and applying trauma-informed practices.

- **Absence of Unified Victim Support Architecture:**

The UK integrates victim support into the crime reporting process. India, however, lacks a national system that offers psychological, legal, or procedural aid to victims at the time of reporting. Where support systems exist, they are ad hoc, localized, or NGO-driven.

- **Weak Internal Accountability and Review Systems:**

There is no effective internal mechanism in India to regularly review or penalize improper non-registration of crimes. Unlike the UK, where accountability measures are enforceable, Indian police officers face little institutional deterrence for misconduct in handling reports.

## VI. What India Can Learn from UK Model

Below mentioned are the learning which India can draw from the best practices in crime registration mechanism of UK. -

### 1. Emphasizing Comprehensive Crime Recording

India can learn from the UK's comprehensive crime recording model. Unlike the FIR system, where police discretion can lead to crime underreporting, a model where all reported incidents are documented whether resulting in an FIR or not could improve the overall understanding of crime rates and trends. This approach would allow law enforcement agencies to address systemic issues more effectively and allocate resources accordingly.

### 2. Victim-Centric Support Services

Adopting a victim-centric approach similar to that of the UK and other developed nations could improve the overall reporting process in India. This could involve creating specialized units within police departments dedicated to providing support and guidance to victims, ensuring they feel safe and empowered to report incidents.

### 3. Independent Oversight Bodies

Similar to the Independent Police Complaints Commission (IPCC) in the UK, establishing independent oversight bodies in India may ensure accountability and transparency in police operations. These bodies could manage complaints about police conduct, including failures to register FIRs, which would help restore public trust in law enforcement.

## VII. Conclusion

The comparative analysis of the crime reporting and registration processes in India and the UK reveals distinct advantages and disadvantages in each system. While India's FIR framework empowers citizens and allows for swift investigations, it is hampered by police discretion and bureaucratic challenges. Landmark Supreme Court cases have underscored the importance of FIRs as a tool for justice, reinforcing victims' rights. Conversely, the UK system prioritizes comprehensive reporting and victim support but struggles with complexity and resource constraints. Understanding why India has not adopted a system similar to that of the UK involves recognizing historical, cultural, and political nuances.

Nevertheless, future amendments to the FIR law can significantly enhance its robustness and citizen-friendliness, addressing the prevalent issues within the Indian criminal justice framework. By drawing from the strengths of both systems and considering landmark judicial precedents, along with adopting practices from the UK, India can aspire to create a more effective and transparent approach to crime reporting and legal accountability.

