

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed

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ZERO FIR UNDER THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023.

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Abstract

Zero FIR is an important mechanism in the Indian criminal justice system that enables a person to report a cognizable offence at any police station, irrespective of the territorial jurisdiction where the offence occurred. Its main objective is to prevent delays in registering criminal complaints and ensure timely access to justice. Section 173(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) provides that information relating to a cognizable offence may be given to a police station irrespective of the area where the offence was committed. This paper examines the meaning, legal framework, objectives, procedure, judicial decisions and challenges relating to Zero FIR in India.

1. Introduction

The First Information Report (FIR) is an important part of the criminal justice system. It provides information to the police regarding the commission of a cognizable offence and enables the police to initiate criminal proceedings in accordance with law.

Previously, people sometimes faced difficulties when they approached a police station that did not have territorial jurisdiction over the place where the offence occurred. Such difficulties could delay the registration of complaints and affect the protection of victims.

To overcome this problem, the concept of Zero FIR was introduced. Under this mechanism, a person can report a cognizable offence at any police station, irrespective of where the offence occurred. The receiving police station records the information and transfers the case to the police station having territorial jurisdiction for further investigation.

The Bharatiya Nagarik Suraksha Sanhita, 2023, which came into force on 1 July 2024, provides the statutory basis for this principle under Section 173(1).

2. Objectives of the Study

1. To understand the meaning and concept of Zero FIR.
2. To examine the legal provisions relating to Zero FIR under the BNSS, 2023.

3. To explain the purpose and importance of Zero FIR.
4. To analyse the procedure for registering and transferring a Zero FIR.
5. To examine the remedies available when the police refuse to register a complaint.
6. To study relevant judicial decisions relating to Zero FIR.

3. Research Methodology

This paper follows the doctrinal method of legal research. It is based on statutory provisions, judicial decisions, legal articles and study materials relating to Zero FIR under the BNSS, 2023.

4. Meaning and Definition of Zero FIR

Zero FIR is an FIR registered by a police station that does not have territorial jurisdiction over the place where the alleged offence occurred.

It is called “Zero FIR” because it is traditionally assigned the serial number zero instead of an ordinary FIR number. After registration, it is transferred to the police station having territorial jurisdiction for further investigation.

Example: If a person is assaulted in Coimbatore but reports the offence at a police station in Chennai, the Chennai police station should not refuse to record information about the cognizable offence merely because the incident occurred in Coimbatore. The information may be registered as a Zero FIR and forwarded to the appropriate police station in Coimbatore.

The main principle is that territorial jurisdiction should not prevent a person from reporting a cognizable offence.

5. Legal Provisions under the BNSS, 2023

5.1 Section 173(1) – Information in Cognizable Cases

Section 173(1) of the BNSS, 2023, is the principal provision relating to the registration of information concerning cognizable offences. It permits information to be given to an officer in charge of a police station irrespective of the area where the offence was committed.

The information may be provided orally or through electronic communication, subject to the statutory requirements. Oral information must be reduced to writing and read over to the informant before signature. Information provided electronically must be signed by the person giving it within three days to be taken on record.

Although the expression “Zero FIR” is commonly used for this mechanism, Section 173(1) establishes the statutory principle that territorial limits should not prevent the reporting of a

cognizable offence.

5.2 Section 173(2) – Free Copy of Information

Under Section 173(2), a copy of the information recorded under Section 173(1) must be provided forthwith and free of cost to the informant or victim. This ensures transparency and allows the complainant to retain proof of the complaint.

5.3 Section 173(4) – Remedy Against Refusal

If the officer in charge of a police station refuses to record the information, the aggrieved person may send the substance of the information in writing and by post to the Superintendent of Police concerned.

If the Superintendent of Police is satisfied that the information discloses a cognizable offence, the officer may investigate the case or direct a subordinate police officer to investigate it. Where appropriate, the aggrieved person may also approach the Magistrate through the applicable legal procedure.

5.4 Section 175 – Police Power to Investigate

Section 175 of the BNSS deals with the power of police to investigate cognizable cases. After the complaint is transferred to the competent police station, further investigation is conducted in accordance with the applicable legal provisions.

6. Purpose and Importance of Zero FIR

6.1 Prevention of Delay

Zero FIR prevents unnecessary delays caused by disputes regarding territorial jurisdiction. The complainant need not travel to another police station merely to report the offence.

6.2 Protection of Victims

Victims of serious offences may require immediate police assistance. Zero FIR enables them to approach the nearest police station without first identifying the correct territorial jurisdiction.

6.3 Preservation of Evidence

Prompt reporting helps facilitate the preservation of CCTV footage, digital records, physical evidence and witness statements.

6.4 Access to Justice

Zero FIR makes the criminal justice system more accessible by reducing procedural obstacles and enabling victims to report offences more easily.

6.5 Police Accountability

It reinforces the responsibility of police officers to receive information about cognizable offences in accordance with law rather than reject complaints merely because of territorial jurisdiction.

6.6 Importance in Serious Offences

Zero FIR is particularly important in cases involving sexual offences, kidnapping, assault, trafficking and other serious crimes where prompt reporting and protective action may be necessary.

7. Who Can Lodge a Zero FIR?

Any person possessing information concerning the commission of a cognizable offence may approach a police station to report it, subject to applicable legal requirements.

The following persons may provide information:

1. The victim of the offence.
2. An eyewitness to the incident.
3. A person having direct knowledge of the alleged offence.
4. A family member or another person reporting the incident on behalf of the victim.
5. Any other person possessing relevant information concerning the offence.

The informant need not always be the person against whom the offence was committed. The police must assess the information in accordance with the law applicable to the alleged offence.

8. Procedure for Registration of Zero FIR

Step 1: Approach a Police Station

The complainant approaches the nearest police station, irrespective of whether the alleged offence occurred within its territorial limits.

Step 2: Provide Information

The complainant explains the incident and provides available details, such as the date, time, place and nature of the offence.

Step 3: Recording of Information

The police record the information under Section 173(1) of the BNSS. Oral information must be reduced to writing and read over to the informant before signature.

Step 4: Registration of Zero FIR

Where the receiving police station lacks territorial jurisdiction, the information may be registered as a Zero FIR and assigned the serial number zero under the applicable procedure.

Step 5: Supply of Copy

A copy of the recorded information must be supplied free of cost to the informant or victim under Section 173(2).

Step 6: Transfer of FIR

The Zero FIR is forwarded to the police station having territorial jurisdiction over the place where the offence occurred.

Step 7: Investigation

The competent police station proceeds with the investigation in accordance with the BNSS and other applicable laws.

9. Refusal to Register a Zero FIR

A police officer should not refuse to record information about a cognizable offence solely because the offence occurred outside the territorial jurisdiction of that police station.

If the police refuse to register the complaint, the complainant may take the following steps:

1. Request the officer to record the information under Section 173(1) of the BNSS.
2. Submit a written complaint and retain proof of submission.
3. Send the substance of the information in writing and by post to the Superintendent of Police under Section 173(4).
4. If necessary, approach the Magistrate through the applicable statutory procedure.

Section 199(c) of the Bharatiya Nyaya Sanhita, 2023, provides punishment for a public servant who fails to record information under Section 173(1) concerning the specified cognizable offences listed in that provision. The punishment is rigorous imprisonment of not less than six months, which may extend to two years, and a fine. This provision applies to the specified offences and should not be treated as automatically covering every refusal to register a Zero FIR.

10. Judicial Decisions Relating to Zero FIR

10.1 *Lalita Kumari v. Government of Uttar Pradesh*

Citation: (2014) 2 SCC 1.

Facts: The case concerned the failure of police authorities to register an FIR despite information disclosing the commission of a cognizable offence.

Judgment: The Supreme Court held that registration of an FIR is mandatory when the information discloses a cognizable offence, subject to the limited categories in which preliminary inquiry is permissible under the judgment.

Relevance: This judgment establishes an important principle regarding the registration of criminal complaints. It supports the requirement that information disclosing a cognizable offence must be dealt with according to law.

10.2 *State of Andhra Pradesh v. Punati Ramulu*

Citation: 1993 Supp (3) SCC 302.

Facts: A police constable refused to record a complaint concerning a murder because the police station lacked territorial jurisdiction over the place where the offence occurred.

Judgment: The Supreme Court criticised the refusal and held that lack of territorial jurisdiction could not prevent the police from recording the information and forwarding it to the police station having jurisdiction.

Relevance: This case directly supports the principle underlying Zero FIR and demonstrates that territorial jurisdiction should not be used as a reason to prevent a person from reporting a cognizable offence.

10.3 *Satvinder Kaur v. State (Government of NCT of Delhi)*

Citation: (1999) 8 SCC 728.

Principle: The Supreme Court considered the relationship between territorial jurisdiction and police investigation. It recognised that territorial jurisdiction does not necessarily prevent the police from proceeding with an investigation at the initial stage.

Relevance: This judgment helps explain why territorial objections should not obstruct the commencement of criminal proceedings. Its specific holding should be distinguished from the administrative procedure for Zero FIR under the BNSS.

11. Difference Between Zero FIR and Ordinary FIR

An ordinary FIR is generally registered by the police station having territorial jurisdiction over the place where the alleged offence occurred.

A Zero FIR is registered at a police station irrespective of territorial jurisdiction and is subsequently transferred to the appropriate police station for investigation.

The main difference is the territorial jurisdiction of the police station that initially records the information. Both mechanisms concern the reporting of cognizable offences and operate within the applicable criminal procedure.

12. Challenges in the Implementation of Zero FIR

Despite its importance, certain practical difficulties may affect the effective implementation of Zero FIR.

Lack of Public Awareness: Many people do not know that they can report a cognizable offence at a police station outside the territorial jurisdiction of the place where it occurred.

Lack of Police Training: Some police personnel may not be sufficiently familiar with the legal requirements and administrative procedures for Zero FIR.

Delay in Transfer: Unnecessary delays in forwarding complaints to the competent police station may affect the investigation and preservation of evidence.

Coordination Problems: Effective implementation requires proper communication and coordination between the receiving police station and the police station responsible for investigation.

Victim Vulnerability: Victims of serious offences may face fear, trauma and difficulties in accessing police assistance. Procedural obstacles may further aggravate these problems.

13. Conclusion

Zero FIR is an important mechanism in India's criminal justice system because it reduces the obstacles created by territorial jurisdiction. Section 173(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, provides the statutory basis for giving information about a cognizable offence irrespective of the area where it occurred. Section 173(4) also provides a remedy when the police refuse to record information.

Judicial decisions such as *Lalita Kumari v. Government of Uttar Pradesh* and *State of Andhra Pradesh v. Punati Ramulu* highlight the importance of proper registration of complaints and the limited role of territorial objections. Effective implementation of Zero FIR is essential to

protect victims, facilitate timely reporting, preserve evidence and improve public confidence in law enforcement. Therefore, Zero FIR plays a significant role in promoting access to justice and ensuring that territorial jurisdiction does not become an obstacle to reporting a cognizable offence.

