



गृह मंत्रालय
MINISTRY OF
HOME AFFAIRS



Standard Operating Procedure (SOP) Zero FIR & e-FIR

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PREFACE

The evolution of India's criminal justice system necessitates continual updates to its procedural protocols to ensure justice is swift, accessible, and fair. In this context, the implementation of electronic First Information Reports (e-FIR) and Zero FIR in New Criminal Laws, particularly the Bhartiya Nagarik Suraksha Sanhita (BNSS), represents a significant step forward in modernizing the legal framework and enhancing the efficiency of law enforcement agencies.

The introduction of e-FIR aims to leverage technology to simplify the process of reporting crimes, making it more accessible to the public, and reducing the time required for registration and subsequent action. This system is designed to eliminate geographical constraints and bureaucratic delays, ensuring that victims of crimes can report incidents promptly and accurately, regardless of their location.

Zero FIR, on the other hand, addresses the critical issue of jurisdictional limitations that have historically impeded the swift initiation of criminal investigations. By allowing any police station to register an FIR irrespective of the place of occurrence, Zero FIR ensures that no time is lost in starting the investigative process, thereby providing immediate relief and ensuring quicker response from the concerned authorities.

This set of Standard Operating Procedures (SOPs) is an attempt for the effective implementation of e-FIR and Zero FIR provisions as provided in the BNSS. The technical aspect in this draft SOP is only primordial and as we move forward with the implementation, continuous feedback and iterative improvements with time by legal experts will be crucial to addressing any challenges that may arise and ensuring the seamless functioning of these new protocols.

This SOP is only a suggestive guideline which is being shared for the use of police and enforcement units in states and central organisations, but the states and central police organisations can build upon this basic structure depending upon their peculiar needs and needs of special acts hanging upon these procedural laws.

SUBJECT:- SOPs REGARDING ZERO FIR AND e-FIR

1.

1.1. Introduction

The three new Criminal Laws have been notified by the Government of India on 25th December,2023 and are proposed to be enforced from 1st July,2024. Indian Penal Code,1861(IPC) has been replaced by The Bharatiya Nyaya Sanhita-2023(BNS), Criminal Procedure Code,1973(CrPC) has been replaced by The Bharatiya Nagarik Suraksha Sanhita-2023(BNSS) and The Indian Evidence Act,1872 (IE Act) has been replaced by The Bharatiya Sakshya Adhinyam-2023(BSA). It has been observed that there is a need of a set of Standard Operative Procedures (SOPs) regarding Zero FIR and e-FIR, under the provisions of BNSS-2023, to facilitate the Investigation Officers/Investigation Agencies to conduct the investigation as per due procedure provided by BNSS.

1.2 Scope

This SOP applies to all police officials involved in the registration and management of FIRs, including Station House Officers (SHOs), investigating officers, and administrative staff.

1.3 Objectives

1. To streamline the process of FIR registration and make it accessible to all citizens.
2. To ensure timely and efficient handling of complaints.
3. To maintain a transparent and accountable system for FIR management.

A. ZERO FIR REGISTRATION

The Bharatiya Nagarik Suraksha Sanhita (BNSS)-2023 has replaced Criminal Procedure Code,1973 and the provisions of registration of a cognizable offence is now provided under section 173 of BNSS instead of section 154 of CrPC. The SOP outlines the following procedural steps which may be followed for submission and processing of Zero FIRs.

1. Lodging a Zero FIR under BNSS

Step 1: A complainant approaches any police station *irrespective of territorial jurisdiction (173(1) BNSS)* to complain.

Step 2: On the receipt of any information regarding the commission of cognizable offence which has been committed outside of the territorial jurisdiction of that police station, the SHO or the officer on duty records the details of the complaint in the Zero FIR register, irrespective of the jurisdiction shall register the case as Zero FIR or 'O' FIR under relevant sections of law.

As per provisions of 173(1) of BNSS

“1. Every information relating to the commission of a cognizable offence, **irrespective of the area** where the offence is committed may be given orally or by electronic communication and if given to an officer in charge of a police station—

(i) orally, it shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it;

(ii) by electronic communication, it shall be taken on record by him on being signed within three days by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may prescribe in this behalf:

The information given by women against whom an offence under section 64-71, section 74-79 or section 124 of the BNS,2023 is alleged to have been committed or attempted, the same shall be recorded by a woman police officer or any women officer.

Provided further that—

In the event that the person against whom an offence under section 64, section 65, section 66, section 67, section 68, section 69, section 70, section 71, section 74, section 75, section 76, section 77, section 78, section 79 or section 124 of the Bharatiya Nyaya Sanhita, 2023 is alleged to have been committed or attempted, is temporarily or permanently mentally or physically disabled, then such information shall be recorded by a police officer, at the residence of the person seeking to report such offence or at a convenient place of such person's choice, in the presence of an interpreter or a special educator, as the case may be;

(b) the recording of such information shall be video graphed;

(c) the police officer shall get the statement of the person recorded by a Judicial Magistrate under clause (a) of sub-section (6) of section 183 as soon as possible.”

2. Preliminary enquiry

As per 173 (3) of BNSS, “Without prejudice to the provisions contained in section 175, on receipt of information relating to the commission of any cognizable offence, which is made punishable for three years or more but less than seven years, the officer-in-charge of the police station may with the prior permission from an officer not below the rank of Deputy Superintendent of Police, considering the nature and gravity of the offence—

(i) Proceed to conduct preliminary enquiry to ascertain whether there exists a prima facie case for proceeding in the matter within a period of fourteen days; or

(ii) proceed with investigation when there exists a prima facie case.

3.Registration and copy to the complainant

Step 3: After fulfilling the requirements under section 173 BNSS, the officer registers the Zero FIR. The FIR number is prefixed with "Zero" to indicate it is a Zero FIR. A copy of the information as recorded under sub-section (1) shall be given forthwith, free of cost, to the informant or the victim (173(2) BNSS)

After the registration of Zero FIR, if necessary, primary investigation may be done by the Investigation officer of same police station (e.g. Medical Examination of a Rape victim)

4.Transfer

Step 4: The officer forwards the Zero FIR to the police station having jurisdiction over the place of the incident.

Step 5: The concerned police station receives the Zero FIR and re-registers it as a regular FIR in their records.

Step 6: The SHO assigns the FIR to an investigating officer for further action.

5.Investigation

Step 7: The investigating officer proceeds with the investigation as per standard procedures under BNSS

Step 8: Regular updates on the investigation are provided to the complainant.

B. e-FIR REGISTRATION

The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, has replaced the Code of Criminal Procedure, 1973, has, among other changes, introduced the provisions of Zero-FIR, e-FIR. The provisions of registration of a cognizable offence have now been provided under section 173 of BNSS instead of 154 of CrPC. The SOP outlines the following procedural steps which may be followed for submission and processing of e-FIRs.

1. Initiation

Step 1: The complainant logs into the official police e-FIR portal or police website or may send the complaint/information to the concerned police station through ***any electronic communication***.

As per section 173(1) of The Bharatiya Nagarik Suraksha Sanhita (BNSS), Every information relating to the commission of a cognizable offence, irrespective of the area where the offence is committed may be given orally or by **electronic communication**.

Step 2: The complainant fills in the required details or submits the following information in his complaint, including personal information, details of the incident, and any supporting documents or evidence. The message so received electronically may be downloaded and kept in a computer in the police station. The electronic information relating to the commission of a cognizable offence may be entered in the e-complaint/e-FIR register or as prescribed by the head of the department.

2. Verification and Preliminary enquiry

Step 3: The submitted e-FIR is forwarded to the investigation officer for initial verification.

As per 173(3) of BNSS- “Without prejudice to the provisions contained in section 175, on receipt of information relating to the commission of any cognizable offence, which is made punishable for three years or more but less than seven years, the officer-in-charge of the police

station may with the prior permission from an officer not below the rank of Deputy Superintendent of Police, considering the nature and gravity of the offence —

(i) Proceed to conduct **preliminary enquiry** to ascertain whether there exists a prima facie case for proceeding in the matter within a period of fourteen days; or

(ii) proceed with investigation when there exists a prima facie case”

3. Registration within 3 days

Step 4: If the information is sent through electronic communication, the same shall **only be taken on record by police official being signed within three days** by the person giving it which means after signing the same FIR will be registered.

As per section 173 of The Bharatiya Nagarik Suraksha Sanhita (BNSS):

“(1) Every information relating to the commission of a cognizable offence, irrespective of the area where the offence is committed may be given orally or by **electronic communication** and if given to an officer in charge of a police station —

(i) orally, it shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it;

(ii) **by electronic communication, it shall be taken on record by him on being signed within three days by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may prescribe in this behalf:**

Provided that if the information is given by the woman against whom an offence under section 64, section 65, section 66, section 67, section 68, section 69, section 70, section 71, section 74, section 75, section 76, section 77, section 78, section 79 or section 124 of the Bharatiya Nyaya Sanhita, 2023 is alleged to have been committed or attempted, then such

information shall be recorded, by a woman police officer or any woman officer:

Provided further that—

(a) in the event that the person against whom an offence under section 64, section 65, section 66, section 67, section 68, section 69, section 70, section 71, section 74, section 75, section 76, section 77, section 78, section 79 or section 124 of the Bharatiya Nyaya Sanhita, 2023 is alleged to have been committed or attempted, is temporarily or permanently mentally or physically disabled, then such information shall be recorded by a police officer, at the residence of the person seeking to report such offence or at a convenient place of such person's choice, in the presence of an interpreter or a special educator, as the case may be;

(b) the recording of such information shall be videographed;

(c) the police officer shall get the statement of the person recorded by a Judicial Magistrate under clause (a) of sub-section (6) of section 183 as soon as possible.”

However, If the nature and gravity of the information sent to police station through electronic communication requires immediate action /interference by police, matter may be registered on behalf of the complainant by the Investigation Officer himself, after verifying the facts and circumstance of the information.

Step 5: A copy of FIR is to be given to complainant. As per BNSS 173(2) A copy of the information as recorded under sub-section (1) shall be given forthwith, free of cost, to the informant or the victim.

4. Assignment

Step 6: The SHO of the concerned police station reviews the FIR and assigns it to an investigating officer.

5. Investigation

Step 7: The investigating officer conducts the investigation as per standard procedures

Remedy for citizens for non-registration of e-FIR and ZERO FIR by police officer

1. Remedy under Section 173 (4) BNSS

As per Section 173(4) BNSS , “any person aggrieved by a refusal on the part of an officer in charge of a police station to record the information referred to in subsection (1), may send the substance of such information, in writing and by post, to the Superintendent of Police concerned who, if satisfied that such information discloses the commission of a cognizable offence, shall either investigate the case himself or direct an investigation to be made by any police officer subordinate to him, in the manner provided by this Sanhita, and such officer shall have all the powers of an officer in charge of the police station in relation to that offence failing which such aggrieved person may make an application to the Magistrate”

2. Remedy under Section 199 BNS

As per **Section 199 BNS** -Public servant disobeying direction under law.

“Whoever, being a public servant —

(a) knowingly disobeys any direction of the law which prohibits him from requiring the attendance at any place of any person for the purpose of investigation into an offence or any other matter; or

(b) knowingly disobeys, to the prejudice of any person, any other direction of the law regulating the manner in which he shall conduct such investigation; or

(c) fails to record any information given to him under sub-section (1) of section 174 of the Bhartiya Nagarik Suraksha Sanhita, 2023 in relation to cognizable offence punishable under section 64, section 65 section 66, section 67, section 68, section 71, section 73, section 77, section 124 or section 143 or section 144,

shall be punished with rigorous imprisonment for a term which shall not be less than six months but which may extend to two years, and shall also be liable to fine.”

Conclusion

The incorporation of Zero FIR and e-FIR in India's new criminal laws signifies a transformative step towards modernizing the country's justice system. Zero FIR allows victims to file FIRs at any police station, irrespective of jurisdiction, ensuring swift and barrier-free access to legal recourse. This change is particularly beneficial for victims in urgent or threatening situations, facilitating immediate police action and aiding in the timely preservation of evidence. Complementing this, the introduction of e-FIR enables the online filing of FIRs, broadening accessibility and convenience for the public. By leveraging digital platforms, e-FIR minimizes the need for physical presence at police stations, thereby reducing delays and administrative burdens. Together, these reforms enhance the efficiency, responsiveness, and inclusivity of the legal process, reflecting a commitment to victim-centric justice and aligning with global best practices. However, their success will depend on adequate training for law enforcement, widespread public awareness, and robust mechanisms to ensure accountability and prevent misuse. In this regard, NCRB has launched a Mobile App “**NCRB Sankalan of criminal Laws**”, which is a compilation of new criminal laws. With its user-friendly design, comprehensive content, and innovative features, the app empowers users to learn the new laws effectively.

Overall, the adoption of Zero FIR and e-FIR in the new criminal laws underscores a significant advancement towards a more accessible, transparent, and equitable justice system in India.



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NCRB Mobile App “NCRB Sankalan of Criminal Laws”

NCRB has launched a Mobile App “NCRB Sankalan of criminal Laws”. This App is compilation of new criminal laws namely Bharatiya Nayaya Sanhita, Bharatiya Nagarik Suraksha Sanhita and Bharatiya Sakshya Adhinyam. It is available on Googleplay store as well as Apple App store. This App is useful for General Public, Court Officers, Advocates, Law Students as well as for Police Officers in enhancing their knowledge about the New Criminal Laws. This App serves as a comprehensive guide providing complete information about the new criminal laws at one place. It provides an Index linking all Chapters and Sections of the new laws and a corresponding chart for section wise comparison between old and new laws with a search and linking facility for quick information retrieval. The App is designed to work in offline mode also in absence of connectivity. With its user-friendly design, comprehensive content, and innovative features, the app empower susers to learn the new laws effectively.



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