

The "Zero FIR" and Jurisdictional Efficiency: The Statutory Evolution of Zero FIR under BNSS Empowerment of the Common Citizen or Administrative Quagmire

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Abstract—the Paradigmatic Transition: From the Colonial Bedrock of IPC and Cr.P.C to the Indigenized Horizons of BNS and BNSS. The legislative landscape of Indian criminal jurisprudence has recently undergone a monumental, epoch-making metamorphosis. For well over a century, the substantive and procedural matrices of the nation's penal system were governed by the Indian Penal Code (IPC), 1860, and the Code of Criminal Procedure (Cr.P.C), 1973 (which itself inherited deep-seated colonial structures from its 1898 predecessor). These statutory frameworks, though resilient, were deeply inextricably intertwined with an anachronistic,² Victorian-era ethos designed primarily by the British Raj to subjugate a colonized populace rather than to deliver egalitarian justice. The introduction of the Bharatiya Nyaya Sanhita (BNS) and the Bharatiya Nagarik Suraksha Sanhita (BNSS) represents a radical, paradigm-shifting departure from this retributive legacy, signaling a conscious transition toward a victim-centric, technologically integrated, and thoroughly decolonized system of justice delivery.

I. INTRODUCTION

(Overview of the shift from IPC/Cr.P.C to BNS/BNSS)

The Philosophical Realignment: From Punitive Subjugation to Justice (Nyaya)

At the core of this legislative overhaul lies a profound philosophical inversion. The IPC was fundamentally punitive and danda-centric (punishment-oriented), enacted in the wake of the 1857 uprising to entrench state control and penalize dissent. Conversely, the nomenclature of the Bharatiya Nyaya Sanhita underscores a teleological shift toward Nyaya (justice).

The BNS dismantles archaic constructs that choked contemporary judicial evolution:

- The Abolition of Sedition: The notorious Section 124A of the IPC, a blunt instrument of colonial repression, has been unequivocally expunged. It has been replaced by more precise provisions targeting acts that jeopardize the sovereignty, unity, and integrity of India, thereby balancing national security with democratic civil liberties.
- Modernization of Offenses: The BNS introduces stringent, tailored provisions against contemporary algorithmic and systemic harms, explicitly codifying organized crime, cyber-enabled fraud, and terrorism, which hitherto relied on a patchwork of fragmented special legislations.
- Restorative Jurisprudence:³In an unprecedented legislative pivot, community service has been institutionalized as a formal punitive alternative for petty infractions, fostering rehabilitation over mere incarceration.

Procedural Metamorphosis: Digital Imperatives and Streamlined Protocols

Parallels, the Bharatiya Nagarik Suraksha Sanhita (BNSS) completely reimagine the procedural trajectory of the criminal justice administration, rectifying the systemic sclerotic delays that came to define practice under the Cr.P.C. The BNSS aggressively mandates the digitization of the entire evidentiary and investigative ecosystem.

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II. EVOLUTION OF JURISDICTIONAL LAW IN INDIA

The Epistemological and Structural Evolution of Jurisdictional Law in India: A Jurisprudential Analysis

The architecture of jurisdictional law in India represents a complex, syncretic evolution, transitioning from pluralistic indigenous customs to a hyper-codified, constitutionalized matrix. Inherent in the concept of jurisdiction (*jus dicere*—to speak the law) is the state’s sovereign authority to adjudicate disputes. In India, this authority has been continuously recalibrated to balance federal imperatives, equitable demands, and technological advancements.⁴ The trajectory of Indian jurisdictional competence can be historically and conceptually bifurcated into distinct evolutionary epochs, each redefining the parameters of territorial, pecuniary, subject-matter, and constitutional jurisdiction.

I. The Pre-Colonial Mosaic: Pluralistic and Contextual Fora

Prior to British hegemony, Indian jurisdictional tenets were characterized by decentralized, multi-layered legal systems.⁵ Under the classical Dharmashastric tradition, jurisdiction was not rigidly territorial but rather community-centric and occupational. Adjudicative bodies ranged from Kula (family councils) and Shreni (guild courts) to the Puga (local assemblies), culminating in the King’s Court (Sabha). During the Mughal era, this was overlaid with the Islamic jurisprudential matrix, introducing the Qazi-ul-Quzat (Chief Justice) and provincial Qazis. Jurisdictional boundaries were demarcated primarily by the nature of the dispute—religious, fiscal, or criminal—operating on a principle of personal law rather than strict geographic or statutory boundaries. The concept of a unified, binding

hierarchical jurisdiction was largely absent, replaced by a system of overlapping social and sovereign arbitration.

II. The Colonial Imposition: Unification, Stratification, and Codification

The bedrock of contemporary Indian jurisdictional law was laid during the British Raj, driven by the imperial necessity to centralize power and streamline revenue extraction. This era executed a violent rupture from indigenous fluid jurisdiction to formalized, static structures.

The Diwani Rights and the Dual System (1765) the grant of Diwani rights to the East India Company in 1765 severed revenue jurisdiction from criminal administration (Nizamat). This created a schism that plagued early colonial governance until Warren Hastings’ Judicial Plans codified the Mofussil Adalats, separating provincial jurisdiction from the English-style Crown Courts.

The High Court’s Act, 1861 and the Fusion of Jurisdictions The historic conflict between the Supreme Courts (exclusively exercising Crown jurisdiction in Presidency towns) and the Sudder Adalats (Company court’s ruling the mofussil) was resolved via the Indian High Courts Act, 1861. This statutory fusion established the High Courts of Calcutta, Bombay, and Madras, consolidating letters patent that delineated precise original and appellate jurisdictions—a structural template that persists today.

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Statutory Codification

- Pecuniary Jurisdiction: Restricting fora based on the monetary valuation of the suit.
- Territorial Jurisdiction: Anchored to the locus of the cause of action or the residence of the defendant (*Forum Reus Sequitur Forum*).
- Subject-Matter Jurisdiction: Ensuring specialized courts adjudicated specific statutory disputes.

III. The Constitutional Dawn: The Apex Court and Federal Arbitration The promulgation of the Constitution of India in 1950 marked the ultimate democratization and sophistication of jurisdictional law. It transformed the Federal Court of India (established under the Government of India Act, 1935) into the Supreme Court of India, endowing it with an expansive jurisdictional repertoire unparalleled globally.

Constitutional Architecture of the Apex Court

- Original Federal Jurisdiction (Article 131): Positioned the Supreme Court as the exclusive arbiter of inter-state or Union-state disputes, safeguarding the federal equilibrium.
- Extraordinary Appellate Jurisdiction (Article 136): ⁶The plenary power of Special Leave Petitions (SLP) granted the apex court an omnipresent jurisdictional oversight over any tribunal or court in the territory, preventing systemic miscarriages of justice.
- Advisory Jurisdiction (Article 143): Enabled executive-judicial consultation on salient questions of law or public importance.

The Writ Revolution: Articles 32 and 226 -the codification of judicial review under Articles 32 and 226 democratized access to justice. The High Courts, under Article 226, were granted a jurisdictional canvas wider than the Supreme Court, allowing them to issue writs not just for fundamental rights violations but for "any other purpose." "Through the jurisprudential innovation of Public Interest Litigation (PIL) ⁷in the late 1970s (*SP Gupta v. Union of India*), the judiciary relaxed the rigid, Anglo-Saxon rule of locus standi. This expansion shifted jurisdiction from a private, adversarial mechanism into a dynamic, social-action tool for vindicating collective rights.

IV. The Modern Matrix: Specialization, Extra-Territoriality, and Digital Horizons In the contemporary era, the evolution of jurisdictional law has been compelled to transcend physical boundaries and traditional litigation models to match the speed of globalized commerce and technological integration.

The Rise of Statutory Tribunals-⁸To mitigate the systemic delays of traditional civil courts, Parliament invoked Articles 323A and 323B, fostering a regime of specialized, technocratic tribunals (e.g., NCLT, NGT, DRT). This has sparked ongoing constitutional debates regarding the ouster of civil court jurisdiction and the preservation of the High Courts' power of judicial superintendence over these specialized fora.

Extra-Territorial and Long-Arm Jurisdiction -With the globalization of crime and commerce, domestic law has increasingly asserted extra-territorial jurisdiction. Section 4 of the Indian Penal Code (now integrated into the *Bharatiya Nyaya Sanhita*) and Section 75 of the Information Technology Act, 2000, explicitly extend Indian jurisdictional reach to offenses committed outside geographic borders targeting Indian assets, data, or citizens.

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⁸ To mitigate the systemic delays of traditional civil courts, Parliament invoked Articles 323A and 323B, fostering a regime of specialized, technocratic tribunals (e.g., NCLT, NGT, DRT).

The Digital and Algorithmic Frontier the cloud-based internet economy has rendered the traditional physical locus of "cause of action" obsolete. Indian courts have progressively adapted through innovative doctrines:

- The "Effects" Doctrine: Asserting jurisdiction if a foreign digital entity's actions cause a direct, deleterious impact within Indian Territory.

- ⁹. Long-Arm Internet Jurisdiction: Evaluated through the matrix of passive versus interactive websites (as articulated in India TV Independence Award v. Yashraj Films), ensuring that digital presence targeting Indian consumers triggers domestic adjudicative competence.

III. DEFINING THE "ZERO FIR" CONCEPT

Ontological and Statutory Demarcation of the "Zero FIR" Concept

Within the traditional matrix of Indian criminal procedure, the initiation of the investigative machinery was historically contingent upon strict territorial prerequisites. Under the classical interpretation of Section 154 of the Code of Criminal Procedure (Cr.P.C), 1973, ¹⁰an information regarding the commission of a cognizable offense was expected to be registered within the local limits of the police station holding territorial jurisdiction over the locus criminis (the site of the crime). This rigid, geographically bound paradigm frequently engendered systemic inertia, as law enforcement authorities routinely engaged in jurisdictional buck-passing—refusing to register First Information Reports (FIRs) on the pretext that the offense transpired outside their designated administrative boundaries. This systemic failure often resulted in the critical dissipation of forensic evidence and an egregious violation of the victim's right to immediate state protection.

The concept of the "Zero FIR" emerged as a profound jurisprudential antidote to this bureaucratic paralysis. It represents a procedural mechanism whereby any police station, irrespective of its territorial jurisdiction or the geographic locus of the offense, is statutorily and constitutionally obligated to receive information regarding a cognizable offense and initiate immediate remedial action. The Nomenclature and Procedural Mechanics—The nomenclature "Zero FIR" is derived from its distinct numbering methodology within the police administrative ledger. When an information is lodged at a non-jurisdictional police station, it is not cataloged under the standard annual chronological serial numbers of that specific station. Instead, it is assigned the serial number "0" (Zero).

The execution of a Zero FIR enforces a strict, multi-stage procedural protocol:

- Mandatory Transcription: The police officer is legally bound to reduce the oral information to writing, fulfilling the core mandate of recording the disclosure without evaluating territorial competence.
- Immediacy of Interdiction: The registering station must immediately undertake crucial, time-sensitive investigative measures. This includes rendering medical aid to the victim, recording dying declarations, and securing the locus criminis to prevent the spoliation of transient forensic data.
- Expeditious Transmission: ¹¹Upon stabilizing the nascent stage of the case, the unnumbered Zero FIR, along with any preliminary evidence collected or statements recorded, must be expeditiously transferred via official channels to the police station possessing the requisite territorial jurisdiction.
- Regularization: Upon receipt, the jurisdictional police station regularizes the document by re-registering it under a regular, sequential serial number, seamlessly continuing the investigation.

⁹. Long-Arm Internet Jurisdiction: Evaluated through the matrix of passive versus interactive websites (as articulated in India TV Independence Award v. Yashraj Films), ensuring that digital presence targeting Indian consumers triggers domestic adjudicative competence.

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The genesis of the Zero FIR is rooted in executive directives and judicial pronouncements that sought to realign criminal procedure with constitutional morality. The concept gained definitive institutional traction in the wake of the seminal Justice Verma Committee Report (2013), ¹²constituted after the brutal Delhi gang-rape (Mukesh v. State for NCT of Delhi), which highlighted how jurisdictional

squabbles between police units catastrophically delayed medical and legal interventions.

Subsequent judicial pronouncements elevated this administrative directive to an inflexible mandate. In *Lalita Kumari v. Government of Uttar Pradesh* (2014), the Supreme Court of India established that the registration of an FIR under Section 154 is mandatory if the information discloses the commission of a cognizable offense, leaving no room for a preliminary inquiry into territorial jurisdiction. Furthermore, ¹³in *Kirti Vashisht v. State* (2019), the judiciary reaffirmed that a police officer's refusal to register a Zero FIR on the grounds of territorial limitations constitutes a severe dereliction of duty, inviting disciplinary actions and penal consequences under Section 166A of the Indian Penal Code.

Statutory Codification: The Transition to Bharatiya Nagarik Suraksha Sanhita (BNSS)-While the Zero FIR existed for over a decade primarily as an administrative construct fortified by judicial precedents, it frequently suffered from uneven enforcement due to its omission from the literal text of the Cr.P.C. The evolutionary leap in Indian criminal jurisprudence has resolved this lacuna through the enactment of the *Bharatiya Nagarik Suraksha Sanhita (BNSS)*, 2023, which formally repeals and replaces the CrPC.

The BNSS has effectively codified and institutionalized the Zero FIR within its statutory architecture. Under the new code, the provision corresponding to the old Section 154 has been explicitly re-engineered to mandate that information regarding a cognizable offense may be given to an officer in charge of a police station, "irrespective of the place where the offense was committed."

This statutory crystallization de-radicalizes the concept from an extraordinary judicial intervention into an ordinary, black-letter mandate of criminal procedure. By striping law enforcement of the defense of territorial incapacity at the threshold of a criminal action, the statutory institutionalization of the Zero FIR marks a monumental shift from state-centric administrative convenience to an absolute, victim-centric paradigm of access to justice.

Statement of Problem: The "Shunting" of Victims
Statement of the Problem: The Bureaucratic "Shunting" of Victims The structural efficacy of any criminal justice architecture is fundamentally contingent upon the frictionlessness of its foundational

point of access. ¹⁴In the historical schema of Indian criminal procedure, this threshold has been chronically undermined by a systemic pathology colloquially and jurisprudentially designated as the "shunting" of victims. This phenomenon describes the systematic, institutional evasion practiced by law enforcement personnel who exploit real or contrived ambiguities in territorial jurisdiction to refuse the registration of a First Information Report (FIR). Consequently, victims of heinous crimes—often in states of acute physical trauma and psychological vulnerability—are subjected to a degrading, Kafkaesque odyssey, shunted sequentially from one police precinct to another as administrative authorities disclaim territorial accountability.

This bureaucratic ping-pong is not merely an administrative inconvenience; it represents a systemic failure that actively subverts the rule of law, causes the irretrievable spoliation of transient forensic evidence, and inflicts profound secondary victimization.

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IV. HISTORICAL AND JUDICIAL GENESIS

Pre-2013 Era: The Rigidity of Section 154 CrPC-Prior to the watershed legislative and judicial interventions of 2013, the procedural genesis of a criminal action in India was governed by a hyper-rigid, geographically insulated interpretation of

Section 154 of the Code of Criminal Procedure (CrPC), 1973. This statutory provision, which dictated the protocol for the recordation of information in cognizable offenses, operated under the shadow of a colonial administrative paradigm. It implicitly assumed that criminal investigation was a static, localized enterprise tied strictly to the locus criminis (the site of the crime). Consequently,¹⁵ the early application of Section 154 was characterized by a strict insistence on territorial closeness. This structural bias regularly paralyzed the entry point of the criminal justice system, turning a vital administrative boundary into an insurmountable barrier for victims seeking immediate state protection.

The Statutory Matrix of Section 154: ¹⁶Textualism vs. Spatial Realities-The text of Section 154(1) of the CrPC dictated that every information relating to the commission of a cognizable offense, if given orally to an officer in charge of a police station, had to be reduced to writing by him or under his direction. While a superficial reading of the statute suggested an absolute, mandatory obligation, its practical application was deeply constrained by Chapter XIII of the Code, specifically Section 177, which declared that:

This focus on the trial court's territorial limits led to an equivalent, restrictive mandate at the police level. Station House Officers (SHOs) systematically read Section 154 not as a tool for public safety, but through the lens of their specific territorial jurisdiction.

If a victim disclosed an offense that occurred even marginally outside the geographic grid assigned to those specific police station by the state government under Section 2(s) of the Code, the officer routinely disclaimed any authority to act. This created a strict division of law enforcement responsibilities, transforming what was meant to be a unified sovereign power into a fragmented collection of independent local offices.

The Pathology of Jurisdictional Evasion and Strategic Inaction

This structural rigidity gave rise to significant institutional pathologies, most notably the strategic evasion of registering FIRs. ¹⁷Under the pre-2013 operational culture, police performance was measured by crude statistical indexes, where low

numbers of recorded crimes were incorrectly equated with effective law enforcement.

Station House Officers systematically exploited the territorial limitations of Section 154 to keep crime statistics low and manage unmanageable caseloads. This evasion was executed through two primary methods:

- The Forum Non-Conveniens Rejection: When a victim approached a police station to report a crime, the desk officer would conduct a detailed initial screening of the geographic coordinates of the incident. If the locus criminis fell outside their precinct lines, the victim was summarily turned away and instructed to find the competent local authority.
- The Preliminary Jurisdictional Inquiry: Officers frequently conducted unauthorized preliminary inquiries under the guise of verifying whether they had territorial jurisdiction. This deliberate delay gave perpetrators ample opportunity to intimidate victims, destroy physical evidence, and construct alibis.

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^{16.} Textualism vs. Spatial Realities-The text of Section 154(1) of the CrPC dictated that every information relating to the commission of a cognizable offense

^{17.} Under the pre-2013 operational culture, police performance was measured by crude statistical indexes, where low numbers of recorded crimes were incorrectly equated with effective law enforcement

The Jurisprudential Failure: Victim Trauma vs. Administrative Formalism

The pre-2013 implementation of Section 154 forced victims to bear the entire administrative burden of the state's fragmented structure. A citizen who had suffered an acute violation was forced to act as an amateur surveyor, navigating complex jurisdictional lines to locate the precise police station responsible for the crime scene.

This bureaucratic focus on territorial boundaries completely ignored the realities of modern, mobile criminal behavior. Crimes committed on moving trains, across multiple fast-moving vehicles, or by

transient offenders defied simple geographic categorization.

By prioritizing strict administrative boundaries over the immediate need to secure evidence and protect human life,¹⁸ the pre-2013 implementation of Section 154 turned the First Information Report into an exclusive, highly restrictive gatekeeping mechanism. This system frequently left victims stranded in a jurisdictional vacuum, showing a profound gap between rigid administrative formalism and the real-world demands of substantive justice.

The Turning Point: Justice Verma Committee Recommendations and the Demolition of Jurisdictional Formalism

The year 2012 marked a point of severe institutional crisis for Indian criminal jurisprudence.¹⁹ The brutal gang-rape of a young paramedic in Delhi (Mukesh v. State for NCT of Delhi) exposed not merely a breakdown in public safety, but a catastrophic failure in the procedural entry points of the legal system. The immediate, nationwide outrage forced a realization that the traditional, compartmentalized approach to law enforcement was actively obstructing justice.

In response to this crisis, the Union Government appointed a high-level committee on December 23, 2012, chaired by Justice J.S. Verma, former Chief Justice of India, and including Justice Leila Seth and Gopal Subramaniam.²⁰ The resulting Justice Verma Committee Report (2013) served as a profound jurisprudential critique, fundamentally challenging the state-centric, geographically bound assumptions that had historically paralyzed the implementation of Section 154 of the CrPC.

The Critique of Institutional Complicity and Jurisdictional Evasion

A central contribution of the Justice Verma Committee was its explicit recognition that police inaction and jurisdictional squabbling were not merely administrative inefficiencies, but forms of institutional complicity. The Committee investigated the systemic failures that occurred immediately after the Delhi incident, documenting how the victim and her companion were left on the roadside while responding police units engaged in arguments over territorial boundaries.

The Report observed that the traditional interpretation of Section 154 had created an environment where law enforcement prioritized

administrative self-preservation over public safety. The Committee wrote:

"The present system of registration of FIRs has turned police stations into autonomous fiefdoms, where territorial boundaries are weaponized to deny sanctuary to those in acute trauma. This bureaucratic insularity is fundamentally antithetical to the constitutional mandate of equal protection under the law."

By recharacterizing jurisdictional rejection as a violation of fundamental human rights under Article 21 of the Constitution, the Committee dismantled the defense of administrative incapacity, laying the groundwork for a more accessible legal architecture.

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The Paradigm Shift: Conceptualizing the "Zero FIR"- To eliminate the practice of turning away victims based on geography, the Justice Verma Committee proposed a radical procedural innovation: the formal institutionalization of the Zero FIR. The Committee argued that in cases of cognizable offenses—particularly those involving sexual violence or severe physical trauma—the absolute duty of the state to register the crime and preserve evidence must completely supersede any considerations of territorial jurisdiction. This recommendation forced a conceptual shift from a territorial model of law enforcement to a functional model. Under this proposed framework:

- The receiving police station was stripped of its power to evaluate its own territorial competence at the threshold of a complaint.
- ²¹The recording of the information was decoupled from the final place of trial, turning the initial report into an immediate tool for

emergency intervention rather than a binding jurisdictional commitment.

- The immediate preservation of transient forensic evidence and the swift medical stabilization of the victim were recognized as universal responsibilities of the state, binding upon any officer regardless of their assigned geographic grid.

The Legislative Ingestion: The Criminal Law (Amendment) Act, 2013

V. LANDMARK PRECEDENTS: LALITA KUMARI AND KIRTI VASHISHT

The Judicial Stabilization of Threshold Mandates via Lalita Kumari and Kirti Vashisht- While the legislative amendments of 2013 provided the statutory armature for a victim-centric criminal justice entry point, it was the structural interventions of the higher judiciary that permanently eliminated administrative discretion at the threshold of criminal actions. The operationalization of the "Zero FIR" construct as an absolute mandate, rather than a discretionary administrative courtesy, is historically and jurisprudentially anchored in two seminal decisions of the Supreme Court of India and the High Court of Delhi: ²²Lalita Kumari v. Government of Uttar Pradesh (2014) and Kirti Vashisht v. State (2019). Together, these judgments formed a sophisticated judicial shield that completely dismantled the defense of territorial incapacity frequently used by law enforcement to evade investigations.

Lalita Kumari v. Govt. of U.P. (2014): The Absolute Mandate of Threshold Registration

The Constitution Bench decision in Lalita Kumari v. Government of Uttar Pradesh represents the ultimate judicial authority on the interpretation of Section 154 of the Code of Criminal Procedure. The core legal question before the five-judge Bench was whether a police officer possesses the administrative discretion to conduct a preliminary inquiry into the veracity or territorial jurisdiction of an information before formally registering a First Information Report (FIR). Writing for the unanimous Bench, Chief Justice P. Sathasivam executed a strict, textualist reading of Section 154(1), declaring that the use of the word "shall" leaves no room for administrative manipulation. The Court established a clear, non-

negotiable rule: ²³If the information discloses the commission of a cognizable offense, the registration of an FIR is an absolute, mandatory obligation. The Court explicitly restricted the use of preliminary inquiries to a highly narrow, exceptional category of cases—such as matrimonial disputes, commercial offenses, medical negligence actions, or cases involving abnormal delay—solely to verify whether a cognizable offense is disclosed, rather than to test the truth of the allegations or determine territorial jurisdiction. By prioritizing the absolute text of Section 154 over the internal administrative rules of police departments, Lalita Kumari removed the legal basis for jurisdictional gatekeeping. The judgment established that the state's duty to register a crime is triggered instantly by the nature of the allegation, meaning that any internal arguments over police boundaries must be deferred until after the crime has been formally recorded.

²¹ The recording of the information was decoupled from the final place of trial, turning the initial report into an immediate tool for emergency intervention rather than a binding jurisdictional commitment

²² Lalita Kumari v/s Government of Uttar Pradesh (2014) & Kirti Vashisht v/s State (2019) Together, these judgments formed a sophisticated judicial shield that completely dismantled the defense of territorial incapacity frequently used by law enforcement to evade investigations

²³ If the information discloses the commission of a cognizable offense, the registration of an FIR is an absolute, mandatory obligation.

Kirti Vashisht v. State (2019): The Explicit Codification of the Zero FIR Obligation

While Lalita Kumari established the absolute requirement to register cognizable offenses generally, it was the High Court of Delhi's decision in Kirti Vashisht v. State (W.P. (Cr.) 3543/2018) that explicitly applied this rule to the problem of territorial shunting, creating a binding protocol for the Zero FIR.

²⁴In Kirti Vashisht, the petitioner had been subjected to continued harassment and criminal actions that spanned multiple states and various police jurisdictions within the National Capital Region. When she attempted to lodge an FIR, she was

repeatedly turned away by different police stations, each claiming that the primary cause of action had occurred outside their designated boundaries.

Justice Brijesh Sethi used this case to issue a definitive critique of institutional evasion. The High Court explicitly held that when a victim of a cognizable offense approaches a police station, the officer in charge cannot refuse to record the information on the ground of territorial lack of jurisdiction. The court ordered that:

- The police station must instantly record the information under a "Zero FIR" protocol, assigning it the numerical designation of zero.
- The precinct must immediately carry out necessary basic actions, such as preserving transient physical evidence and securing medical evaluations for the victim.
- The completed Zero FIR must be transferred electronically and physically to the competent police station without requiring any further effort or action from the victim.

The Unified Jurisprudential Doctrine: Eradicating the Jurisdictional Shield

²⁵The combination of Lalita Kumari and Kirti Vashisht fundamentally altered the relationship between the citizen and the law enforcement apparatus. Lalita Kumari established the absolute requirement to register the crime, while Kirti Vashisht provided the specific procedural mechanism—the Zero FIR—to ensure that territorial boundaries could not be used to bypass that requirement.

By making the refusal to register a Zero FIR a direct violation of Supreme Court mandates, these precedents laid the foundation for holding individual officers legally accountable under Section 166A of the Indian Penal Code. This judicial framework successfully decoupled the initial recording of a crime from the final place of trial, establishing the principle that while a trial requires a competent court, the recording of a crime requires only an officer of the state.

VI. THE LEGISLATIVE ARCHITECTURE OF SECTION 173 BNSS, DECOUPLING INFORMATION FROM JURISDICTION

The enactment of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, represents a definitive, epistemological break from the colonial, state-centric underpinnings of the Code of Criminal Procedure (CrPC), 1973. Rather than merely re-indexing or cosmetically modifying old provisions, the BNSS reconstructs the foundational entry points of the criminal justice system.

This structural transformation is most clearly visible in Section 173 of the BNSS, which replaces the historic Section 154 of the CrPC. By deliberately decoupling the recording of information from rigid rules of territorial jurisdiction, Section 173 codifies the "Zero FIR" construct into law. This effectively transforms a once-discretionary judicial remedy into an absolute, black-letter statutory command.

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Textual Deconstruction: The Dissolution of Territorial Barriers

The structural shift accomplished by Section 173(1) of the BNSS is found in its precise, expansive syntax. The historical text of Section 154(1) of the CrPC had left an opening for administrative evasion by failing to explicitly define where an information could be lodged, allowing police departments to implicitly read in territorial limits. Section 173(1) explicitly closes this loophole by declaring:

The insertion of the phrase "irrespective of the place where the offense was committed" systematically dismantles the traditional focus on geographic closeness. By utilizing this uncompromising language, the legislature has executed a profound jurisprudential shift:

- The Stripping of Administrative Discretion: ²⁶A Station House Officer (SHO) is textually prohibited from evaluating the territorial

relationship between the locus criminis and the precinct boundaries as a condition for recording the complaint.

- The Decoupling of Information from Trial Venues: The statutory duty to record the information is entirely separated from the territorial rules governing subsequent inquiries and trials under Chapter XIV of the Sanhita.
- Universal Sovereign Responsibility: The statute treats the entire police apparatus of the state as a single, indivisible entity. An information given to any police officer triggers an immediate, non-negotiable obligation to act on behalf of the sovereign.

Electronic Imperatives and the Modernized Entry Pipeline

Beyond its geographic liberation, Section 173 of the BNSS re-engineers the entry pipeline to match the realities of a digital, interconnected society. The statute explicitly recognizes "electronic communication" as a valid medium for the initiation of a criminal action, introducing a modern, two-step process to ensure accessibility while preserving procedural integrity:

This electronic integration acts as a powerful structural countermeasure against the practice of physical "shunting." By allowing a victim to submit an electronic signature or record their statement through digital channels, the statute makes it impossible for local police stations to use physical exclusion or geographic distance to avoid their duties.

The Statutory Obligation of Transfer and Preliminary Inquiries-Section ²⁷173 comprehensively address the subsequent lifecycle of a Zero FIR. Once information regarding an offense outside the precinct's territory is recorded, the station is legally bound to initiate immediate protective measures—such as preserving evidence or securing medical evaluations—before routing the document.

The section mandates the swift electronic and physical transmission of the record to the competent jurisdictional police station, shifting the entire administrative burden of determining the correct venue from the vulnerable victim to the state.

Furthermore, while Section 173(3) introduces a formal framework for conducting a preliminary inquiry in specific offenses punishable by three to seven years of imprisonment, it carefully limits this

power. The statute dictates that such an inquiry must be confined strictly to determining whether a prima facie cognizable case exists, completely barring officers from using the inquiry as a tool to delay registration based on territorial disputes.

Through this tight statutory architecture, Section 173 of the BNSS successfully moves Indian criminal procedure away from an exclusive, geographically fragmented gatekeeping system, establishing instead a universally accessible public service designed to vindicate the rule of law without delay.

²⁶A Station House Officer (SHO) is textually prohibited from evaluating the territorial relationship between the locus criminis and the precinct boundaries as a condition for recording the complaint.

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VII. CONCLUSION AND POLICY RECOMMENDATIONS

Conclusion & Comprehensive Policy Recommendations:

Synthesizing the New Paradigm of Indian Criminal Jurisprudence

1. The Dialectic of Digital Jurisprudence and Systemic Realities

The systemic transition within the Indian criminal justice ecosystem from the legacy Code of Criminal Procedure (CrPC), 1898/1973, to the contemporary Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, represents a profound structural evolution. This research paper has critically deconstructed this legal shift across several key axes: the tension between empowerment and illusion from the victim's perspective; the operational friction of the "Three-Day Signature" barrier; the socio-spatial inequalities of the rural-urban digital divide; the administrative burdens of CCTNS data-entry pipelines; the statistical distortions caused by the "Burking" phenomenon under the Zero FIR mandate; the statutory limits of accountability under Section 198 BNS; and the qualitative, lived realities of Station House Officers (SHOs) and litigants.

Our findings reveal a complex institutional landscape. The modern, digital-first, and time-sensitive mandates of the BNSS are conceptually progressive and driven by a genuine intent to democratize access to justice. However, when these advanced frameworks are implemented on top of under-resourced, culturally rigid, and patriarchal administrative structures, significant systemic friction occurs.

Statutory innovations designed to empower survivors—such as the Zero FIR and mandatory audio-video recordings—frequently break down into administrative bottlenecks, data silos, and secondary victimization. The single timeline or automated system clock designed to accelerate case workflows often induces temporal anxiety among frontline officers, resulting in a focus on superficial compliance rather than substantive investigation.

Ultimately, this paper concludes that technology alone cannot serve as a substitute for structural equity or human capital. Without radical, comprehensive reforms targeted at the frontline execution layer, the virtualization of the legal matrix will fail to achieve true modernization. Instead, it risks creating an advanced digital illusion that hides historical inequalities beneath a facade of bureaucratic automation.

2. Policy Recommendations: A Multi-Tiered Strategic Blueprint

To resolve these systemic contradictions and ensure that the contemporary procedural code delivers substantive justice, the state must transition from a model of reactive administrative enforcement to one of proactive, structural innovation. The following targeted policy interventions are urgently recommended:

I. Re-Engineering the Medico-Legal and Forensic Pipeline

- **Decoupling Clinical Relief from Prosecutorial Utility:** The state must statutorily separate the delivery of emergency medical care, prophylactic therapeutics (such as PEP and emergency contraception), and psychological stabilization from formal forensic data collection and police authorization. Immediate medical relief must be governed exclusively by clinical urgency.

- **The Institutionalization of Automated Forensic Fail-Safes:** To prevent the "Three-Day Signature" barrier from invalidating perishable biological evidence, the BNSS rules should incorporate a "presumptive validation" clause. If an administrative sign-off from a senior official or magistrate is delayed past a pre-calculated fraction of the 72-hour window, the e-justice system must automatically grant temporary approval or escalate the file to an alternate ombudsman to preserve the case's legal validity.

III. Optimizing Police Infrastructure and Reforming Data Metrics

- **The Transition to Asynchronous Edge-Computing for CCTNS Nodes:** To relieve the data-entry pressure on frontline police stations, the core CCTNS software architecture must be upgraded to support offline data input with background smart-syncing. This ensures that routine operations can be entered smoothly without requiring active internet connections, protecting data integrity from local connectivity failures.
- **The Decoupling of Registration Volumes from Performance Evaluations:** Senior police hierarchies and political bodies must abandon the practice of using absolute FIR numbers as a proxy for evaluating regional public order. Performance metrics must pivot to process-oriented indices, evaluating personnel based on the velocity of forensic processing, the conversion rate of charge sheets, and survivor satisfaction scores. This shift removes the structural incentive for "Burking" and jurisdictional dumping.

IV. Strengthening Administrative Accountability Frameworks

- **The Automatic Removal of Sanction Barriers for Willful Lawlessness:** Section 218 of the BNSS must be amended to feature an automatic waiver of prior government sanction requirements when a prima facie case establishes that a public servant knowingly and willfully violated an explicit statutory mandate or judicial order under Section 198 BNS. Willful disobedience must never be shielded under the guise of official duty.

- The Implementation of Graduated Sentencing and Restorative Mandates: The penal parameters of Section 198 BNS must be enhanced to introduce a graduated scale, raising the maximum penalty to rigorous imprisonment for up to five years when public disobedience results in severe financial ruin, bodily harm, or systemic human rights violations. Furthermore, criminal courts must be empowered to order immediate financial restitution to the victim, drawn directly from the personal assets of the offending official.

REFERENCE

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