



Chandigarh Police

OFFICE OF THE DIRECTOR GENERAL OF POLICE, U.T., CHANDIGARH
ADDL. DELUXE BUILDING, SECTOR 9, CHANDIGARH - 160009

STANDING ORDER NO. 61 /2024

Standard Operative Procedure (SOP) for Zero FIR and e-FIR

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 Indian Penal Code, 1861 (IPC) has been replaced by The Bharatiya Nyaya Sanhita-2023 (BNS), Criminal Procedure Code, 1973 (Cr.P.C) has been replaced by The Bharatiya Nagarik Suraksha Sanhita-2023 (BNSS) and The Indian Evidence Act, 1872 (IE Act) has been replaced by The Bharatiya Sakshya Adhiniyam-2023 (BSA).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

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, 2023

Zero FIR refers to registration of FIR in a police station for a cognizable offence that has happened outside the territorial jurisdiction of the police station.

- i. A complainant who has information relating to commission of a cognizable offence, approaches any police station irrespective of the territorial jurisdiction (173(1) BNSS) to lodge his complaint.
- ii. 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.

Special provision for crimes against women - 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.

Special provision for mentally or physically disabled (temporary as well as permanent disability) victims against whom an offence under section 64-71, section 74-79 or section 124 of the Bharatiya Nyaya Sanhita, 2023 is alleged to have been committed or attempted - The police officer in such cases shall record the information at the residence of the person or at a convenient place of choice of the person reporting the complaint in the presence of an interpreter or a special educator, as the case may be. The recording of such information shall be videographed and the police officer shall get the statement recorded by the Judicial Magistrate under section 183(6)(a) as soon as possible. Relevant DD entry shall be made when these special provisions are invoked.

2. Preliminary enquiry before registration of FIR

Preliminary enquiry with prior permission from an officer not below the rank of DSP can be conducted when the information related to cognizable offence for which punishment is more than three years and less than seven years. In this regard Standing Order Number 60/24 should be referred to.

3. Registration of Zero FIR and supply the copy to the complainant

- i. After fulfilling the requirements under section 173 BNSS, the officer shall register the Zero FIR.
- ii. A copy of the information as recorded under subsection (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

- i. The officer shall enquire and ascertain the place of occurrence of the incident. He/she then forwards the Zero FIR to the police station having jurisdiction over the place of the incident.
- ii. The concerned police station after the receiving the Zero FIR will reregister it as a regular FIR in their records.
- iii. The SHO will assign the FIR to an investigating officer for further action

5. Investigation

- i. The investigation officer proceeds with the investigation as per standard procedures under BNSS, 2023.
- ii. 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

- i. The complainant logs into the official police e-FIR portal or Chandigarh police website or ICMS portal 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.

- ii. The information of a cognizable offence so received must include personal information, details of the incident and evidence or supporting documents. The message so received electronically may be downloaded and kept in a computer in the police station. It shall be entered in the e-complaint/e-FIR register.
- iii. Further, information relating to commission of cognizable offence given by electronic communication shall be taken on record by the officer-in-charge of a police station on being signed within three days by the person giving it. SHOs should hence communicate to the complainant to visit the police station to sign the complaint. Relevant DDR entry shall be made regarding the communication and if the complainant fails to appear, another DDR shall be made regarding the same and the concerned SDPO shall be intimated.

2. Verification and Preliminary enquiry

- i. The submitted complaint is forwarded to the investigation officer for initial verification.

Preliminary enquiry with prior permission from an officer not below the rank of DSP can be conducted when the information related to cognizable offence for which punishment is more than three years and less than seven years.

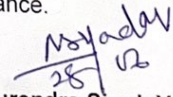
Further, if the nature and gravity of the information sent to police station through electronic communication requires immediate action /interference by police, matter may be registered on behalf of the complainant by the Investigation Officer himself, after verifying the facts and circumstance of the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

- ii. A copy of FIR is to be given forthwith, free of cost to the informant or the victim.
- iii. The SHO of the concerned police station reviews the FIR and assigns it to an investigation officer
- iv. The Investigation officer conducts the investigation as per the standard procedures

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.

Issued for meticulous Compliance.


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- Copy to all concerned