
FROM COMPLAINT TO CUSTODY: A SOCIO-LEGAL STUDY OF POLICE JARGON, REMAND ABUSE, JUDICIAL SAFEGUARDS IN INDIA

Javeriya Khatoon, Aligarh Muslim University

Shwana Rayees, Aligarh Muslim University

ABSTRACT

This paper examines the advancing landscape of a First Information Report within India's Criminal Justice system, with the introduction of the Bhartiya Nagarik Suraksha Sanhita (BNSS). Despite constitutional safeguards and procedural protections, the average citizen remains unfamiliar with terms like cognizable offence, non-bailable offence, inquiry, investigation, warrant, police custody, and judicial remand-terminology that directly impacts their rights and interactions with law enforcement institutions. This work seeks to bridge the gap between law enforcement agencies and the general public. The research questions whether the updated nomenclature effectively simplifies the process for the common man or merely pours "old wine into new bottles."

The study begins by deconstructing the FIR and highlights how, for decades, the use of colonial-era jargon and linguistic difficulties, such as the usage of Urdu and Persian terminology in various Indian states, has created a "knowledge deficit" among informants. The paper examines how this language barrier allows for the manipulation of statements and deters the reporting of crimes. According to section 173 of the BNSS, FIRs submitted through electronic mode, such as email, or mobile platforms are legitimate.

Moreover, the paper scrutinizes the "Remand" phase a stage where the loss of personal liberty is most severe. It analyses the distinction between court and police detention and explores how "Police-speak" distances the informant from their own statement. It aims to fill up the gaps in consideration of fundamental issue of safeguarding of Article 21 and 22 of the Indian constitution.

This paper includes analysis of Judicial pronouncements, particularly those of Hon'ble Supreme Court of India, along with public opinions and perceptions, have played a transformative role in shaping criminal jurisprudence in India. The paper concludes by suggesting measures for promoting legal literacy and empowering citizens to understand their rights.

Keywords: First Information Report, Remand, Criminal Justice System, BNSS, Police Jargon.

Introduction

The First Information Report (FIR) is the first and most important step through which an ordinary citizen enters the unlawful justice system. It's the primary document that sets the law in motion and determines how a complaint is recorded, investigated, and afterward presented before the court. Still, for numerous people, the process of filing an FIR remains confusing due to the use of specialized police language and complex legal terminology. Also, the stage of remand, where an accused person may be transferred to police or judicial care, directly affects individual liberty and raises serious interests under Articles 21 and 22 of the Constitution of India. With the introduction of the Bhartiya Nagarik Suraksha Sanhita (BNSS), the government aims to contemporize and simplify criminal procedure, including terms like electronic FIR. This study examines whether these reforms truly make the system more citizen-friendly or simply relabel living procedures.

Understanding the FIR

The initial formal document created by the police is called a FIR. Regardless of the location of the incident, anybody can provide the police with information on the commission of a cognizable offense (severe crimes like murder, theft, or rape). It can be communicated orally or through electronic methods. It specifies how such data must be recorded. It includes data about the occurrence, including the location, time, kind of offense, circumstances of the offense, witness and accused descriptions, and any related proof collected at the crime scene.

The BNSS 2023 lacks a precise definition of "FIR," which causes police and courts to interpret it differently. Legal experts stress that this might lead to ambiguity about the aim and extent of a FIR.

Under Section 173 of the BNSS, it introduces the notion of electronic FIR(E-FIR), allowing FIR registration through online modes such as email or digital platforms. However, informant must sign the information within 3 days for it to be officially recorded. This provides suggestive relief, especially for women, by simplifying the reporting procedure and reducing the need to face trauma at police stations. However, public awareness, internet access, and digital literacy are necessary for its efficacy.¹

¹ Shashwat Kaushik, "FIR registration under Bhartiya Nagrik Suraksha Sanshita". Available at: <https://blog.ipleaders.in> (last visited on 23rd April, 2026).

Following the implementation of new criminal laws on July 1, 2024, data indicates over 5.56 lakh FIRs were registered under the Bharatiya Nyaya Sanhita (BNS) within two months, accompanied by a 166% increase in zero FIRs in 2025.²

Police language as a barrier

Police language frequently acts as a major obstacle for common citizens because it includes complex legal terms and social-period expressions that are tricky to understand. A poor laborer reporting theft may encounter police language that is difficult for him to understand, such as "dafa lagayenge," "tehrir do," "zimni report," or "malkhana," and he may silently consent out of fear. Additionally, if a woman reports domestic abuse, she can be asked whether it's a crime that can be prosecuted or if she wants a Non-Cognizable report, terms that she doesn't understand. Complaints are discouraged and hesitation is created. The formal wording used by police to register complaints sometimes confuses their meaning.

Key Legal Terminology

Cognizable offence: It is defined under Section 2 clause (1) of Sub clause(g) of the BNSS. A major offence that allows police to file a formal complaint and make an arrest without the court's prior approval.

Non bailable offence: It is defined under Section 2 (1) (c). It means court grants bail only after considering seriousness of the offence, evidence and risk of absconding. It is at the discretion of court to grant bail.

Bailable Offence: It is a type of crime in which the accused person has a legal right to be released on bail. Such as Minor theft, Simple hurt, Minor nuisance³. Bill as a matter of right.

The Concept of Remand

The period between arrest and remand is one of the most important periods in criminal proceedings, as it directly impacts a person's liberty. When the police arrest a person the law requires them to produce the accused before a magistrate within 24 hours this rule is written in

² Debabrata Mohapatra, "Zero FIRs surged by 166% in 2025: Odisha CM Majhi", The Times of India, Available at: <https://timesofindia.indiatimes.com> (last visited on 23rd April,2026)

³ R.V. Kelkar's, Criminal Procedure Pg. no. 232 (Eastern Book Company, Lucknow, 5th edn.,2012)

section 57 of CrPC⁴ and the Section 58 of BNSS⁵. If the investigation is not completed within 24 hours the police may, under section 157 BNSS can apply for remand. Sometimes the police cannot complete the investigation within 24 hours and they have to question the accused further, in this situation police may request the court for permission to detained the accused for a few additional days, this permission is called remand. It means holding a person in Custody with court permission for the purposes of investigation. Such custody is of two kinds: Judicial Custody and police Custody.

While remand is a procedural necessity, it has a direct and serious impact on personal liberty, loss of freedom of movement and autonomy which is protected under Article 21 of the Indian Constitution. During Remand there is high chances of coercion, intimidation, and custodial violence or torture. The accused may be pressured into making confessions.⁶

Judicial Pronouncements

Manoj Kumar Sharma and others v. The State of Chhattisgarh and Anr ⁷

The Hon'ble Supreme Court of India expounded on the paramount importance and purpose of a First Information Report (FIR) in the criminal justice system.

Lalita Kumari v Government of Uttar Pradesh⁸

The petitioner alleged that the police failed to register FIR despite receiving information disclosing a cognizable offence. The matter was referred to Constitutional Bench to determine whether registration of FIR under Section 154 of Criminal Procedure Code is mandatory or discretionary. Ruling Guidelines:

- a. Registration of FIR is mandatory if information discloses commission of cognizable offence
- b. Preliminary inquiry must be completed within 7 days
- c. Police officers refusing to register FIR may face disciplinary action.
- d. Reasons for conducting preliminary inquiry must be recorded in writing.

⁴ Code of Criminal Procedure, 1973 (Act No. 2 of 1973)

⁵ Bharatiya Nagrik Suraksha Sanhita, 2023 (Act No. 46 of 1973)

⁶ Ratanlal & Dhirajlal, The Bhartiya Nagarik Suraksha Sanhita 2023, Pg.no. (24th ed. 2025).

⁷ AIR 2016 9 SCC 1

⁸ AIR 2014 11 SCC 129

- e. The scope of preliminary inquiry is not to verify the veracity or otherwise of the information received but only to ascertain whether the information reveals any cognizable offence.

D.K. Basu v. State of West Bengal 1997⁹

This case laid down important safeguards against custodial violence and illegal detention. The Court handled the issue as a PIL after receiving a letter citing an increase in judicial death rates. According to the Court, torture in police custody is against Article 21, which safeguards individual liberty and life. It provided necessary instructions, such as creating an arrest note, or memo of arrest, notifying family members or relatives, performing a medical examination, and bringing the accused before a magistrate within 24 hours, to prevent abuse of arrest authority. Police accountability and protection of civilians were enhanced by the decision.

Bridging the Gap: Recommendations for Public Legal Awareness

- Every police station should maintain and display templates in the locally understood words to ensure accessibility and transparency.¹⁰
- Police officers should be legally required to read out the informant's rights in their native language before recording any statement.
- Use government platforms or resources (My Gov, Digilocker, Umang app) to record short explainer videos and infographics on terms like cognizable offence, remand, and judicial custody focusing specially on first-generation smartphone users in rural areas.
- Legal aid should be began only at trial it must be available from the moment of FIR filing.
- Integrate public communication and plain language skills into police training curricula at state academies.

CONCLUSION

This study emphasizes that the process from FIR to remand is not simply a legal procedure but also an assessment of the extent to which the average person may still obtain justice. The wider

⁹ AIR 1997 SC 610.

¹⁰ Dr. Simardeep Singh and Dr Ravinderjeet Kaur, Role of first Information Report (FIR) in the Justice Delivery System, International Journal for Multidisciplinary Research (IJFMR), E-ISSN: 2582-2160

issue is the ongoing use of complicated police language that causes fear, misunderstanding, silence, and even while BNSS calls for modernization through changes such as digital FIR. The remand stage is another example of how regular procedures might limit personal liberty under Articles 21 and 22. Significant protections have been established by courts, but their efficacy depends on knowledge and execution. In the end, justice starts where awareness begins, thus laws must not only exist but also be understood.

REFERENCES

1. R.V. Kelkar's, Criminal Procedure, Eastern Book Company, Lucknow, 5th edn.2012
2. Ratanlal & Dhirajlal, The Bhartiya Nagarik Suraksha Sanhita 2023, 24th ed. 2025.
3. Singhal's, The Bharatiya Nagarik Suraksha Sanhita (BNSS 2023), Singhal Law Publications, 1st ed.2025.
4. S.N. Mishra, Bharatiya Nagarik Suraksha Sanhita, 2023, Central Law Publication, 24th ed. 2025.
5. <https://blog.ipleaders.in>
6. <https://www.scconline.com>
7. <https://timesofindia.com>
8. <https://www.thehindu.com>
9. <https://live.law.in>
10. <https://indiankanoon.org>
11. <https://indianexpress.com>
12. <https://epaper.hindustantimes.com>