
FIR: A GATEWAY TO CRIMINAL INVESTIGATION IN LIGHT OF THE BNSS, 2023

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ABSTRACT

This research explores the evolving landscape of First Information Report (FIR) within India's criminal justice system following the introduction of the Bharatiya Nyaya Sanhita (BNSS), 2023. The study begins by examining the conceptual and legal framework of FIR as the foundational document triggering formal criminal investigations, analyzing its historical significance and procedural importance. It then critically evaluates the key reforms introduced by the BNSS, 2023, which aims to modernize and streamline the FIR process. Through a comparative legal analysis, the research highlights the substantive differences between the traditional Criminal Procedure Code (CrPC) framework and the newly implemented BNSS provisions governing FIRs.

The study further explores how digital transformation is reimagining the role of FIR, emphasizing enhanced transparency, accessibility, and efficiency in criminal reporting mechanisms. It concludes by identifying significant implementation challenges and offering a critical assessment of whether these reforms effectively address longstanding issues in India's criminal reporting system, including delayed registrations, police reluctance, jurisdictional conflicts, and evidence preservation concerns. This comprehensive analysis contributes to the understanding of how procedural reforms in the initial stages of criminal investigation can impact the broader goals of justice delivery and public trust in the legal system.

Keywords: First Information Report (FIR); Bharatiya Nyaya Sanhita (BNSS) 2023; Criminal Justice Reform; Digital Transformation; Criminal Procedure Code (CrPC); Police Accountability;

Introduction

Within the Indian criminal justice system, the First Information Report (FIR) holds a special place as the legal instrument that notifies the state of a cognizable offense for the first time. In addition to initiating a criminal investigation, the FIR serves as a formal acknowledgement of alleged harm against an individual or community and serves as a procedural necessity and symbolic threshold. Historically, the Code of Criminal Procedure, 1973 (CrPC), **Section 154**, has governed¹, The FIR has been enmeshed in disputes concerning arbitrary police judgment, denials of registration, and delays that compromise the integrity of the evidence. In particular, the Supreme Court's historic decision in *Lalita Kumari v. Government of Uttar Pradesh*, which required the mandatory filing of First Information Reports (FIRs) in cognizable cases, highlighted the judicial intervention and scholarly criticism that these systemic flaws have prompted.².

In light of this, the CrPC's replacement with the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) signifies a significant change intended to modernize criminal procedure and enhance access to justice. Among its many innovations, the BNSS places a strong emphasis on technology integration, institutional responsibility, and procedural safeguards that are focused on the needs of citizens. These aspects are most evident in the way it redesigned the FIR system. Examining the FIR's development, assessing normative changes under the BNSS, and critically analyzing its capacity to restore a balance between state power and individual rights in criminal investigations, this paper looks at the FIR not just as a legal document but also as a tool of democratic empowerment.

Concept and Legal Framework of FIR

Indian criminal law's procedural architecture is firmly rooted in the legal and intellectual underpinnings of the FIR. While the FIR is not defined in the Indian Penal Code or the Constitution, it is primarily expressed in **Section 154** of the former CrPC, which requires that any information pertaining to a cognizable offense that is given orally to the officer in charge of a police station be recorded, read back to the informant, and duly signed. The two purposes of the FIR are embodied in this clause, which serves as both a formal trigger for the police

¹ s 154 Code of Criminal Procedure 1973.

² *Lalita Kumari v Government of Uttar Pradesh and Others* [2013] 14 SCR 713.

investigation and a contemporaneous record of the complainant's version of events. As such, it has substantial evidentiary value for corroboration though it is not substantive evidence in and of itself.

Judges' interpretations have enlarged and clarified the FIR's legal significance. The Supreme Court of India firmly decided in *Lalita Kumari v. Government of Uttar Pradesh* that a FIR must be filed for any offense that is cognizable, removing any room for preliminary investigation outside of specific, well-defined exclusions. After decades of police resistance, procedural confusion, and abuse of discretion in filing criminal complaints, this was a judicial response. The limits of acceptable police behaviour at the pre-investigation stage were further established by earlier cases like *State of Haryana v. Bhajan Lal (1992)* and *Arnesh Kumar v. State of Bihar (2014)*, which supported this.

Notwithstanding the clarity of the statute and the activism of the judiciary, the CrPC's FIR system was nonetheless vulnerable to institutional inefficiency, delay, and manipulation. These flaws spurred legislative reform under the BNSS, which introduces innovations in form, access, and accountability while attempting to maintain the procedural core of the FIR. Indian criminal procedure stresses that the FIR is the "sine qua non" of investigative legitimacy⁴, which is a constitutional promise of due process, equal protection, and prompt justice for all complainants. In a democratic society, the FIR thus both a procedural tool and a normative safeguard that is essential to the rule of law.

Key FIR Reforms Under the BNSS, 2023

The FIR process reformulation is one of the most revolutionary aspects of the BNSS, which represents a significant reinvention of criminal procedure in India. In order to overcome decades of jurisprudential criticism and policy stagnation, the BNSS replaced the CrPC by including statutory norms that take into account both technology requirements and constitutional demands. Along with correcting previous procedural flaws related to FIR filing, the new framework seeks to realign the system toward efficiency, transparency, and victim empowerment.

Central to this reform is **Section 173** of the BNSS³, which is more important than the

³ s 173 Bharatiya Nagarik Suraksha Sanhita 2023.

contentious **Section 154** of the CrPC. The clause codifies the court order made in *Lalita Kumari v. Government of Uttar Pradesh (2013)* by confirming that filing a formal complaint is essential for offenses that are subject to cognizable penalties. On the other hand, the BNSS stands out by clearly stating police accountability. Under the new approach, officers who neglect, delay, or manipulate the filing of a FIR will face severe penalties, establishing a permanent deterrent against procedural arbitrariness.

The BNSS has formally adopted digital infrastructure, which is one of its most inventive features. According to **Section 173(3)**, FIRs submitted by electronic means, such as email, online portals, or mobile platforms, are legitimate. This essentially eliminates the logistical and physical obstacles that deter disenfranchised complainants. In addition to making access more accessible, the use of digital FIRs produces a verifiable, impenetrable record that improves administrative accountability and evidential integrity. In addition to this digital revolution, the Zero FIR process has been formally institutionalized, allowing FIRs to be filed at any police station, regardless of territorial jurisdiction, with the need that they be forwarded to the proper authorities. This clause, which was previously used informally in progressive nations, now has statutory authority and allows for quick remedy, particularly in situations involving international crimes or sexual assault.

Furthermore, **Section 176** of the BNSS imposes time-bound obligations on investigative agencies⁴, which mandates that investigations for offenses carrying a maximum sentence of ten years in prison be finished within ninety days. This clause attempts to solve the ongoing hold-ups in India's criminal justice system, which frequently make justice elusive. Furthermore, the BNSS prioritizes the rights of victims and informants by requiring the prompt delivery of a free copy of the FIR and guaranteeing real-time updates on the status of the investigation via digital tracking tools.

Instead of being a discretionary administrative instrument, the FIR is now viewed as a procedural right that affects citizens. Thus, the BNSS aims to rebalance the unequal power relations that have traditionally defined interactions between law enforcement and the public at the criminal law threshold. These reforms, if faithfully carried out with sufficient infrastructure support, promise not only administrative improvement but also a normative shift toward a criminal justice system that is transparent, accountable, and participatory—a shift that

⁴ s 176 Bharatiya Nagarik Suraksha Sanhita 2023.

would bring procedural law into line with the larger constitutional values of due process, dignity, and accessibility to justice.

Comparative Legal Analysis: CrPC vs BNSS FIR Framework

The change from the CrPC to the BNSS signifies a conceptual reorientation of the criminal justice system, especially with relation to the FIR, rather than just a statutory update. The BNSS provides structural, procedural, and technological improvements in response to systemic problems long ingrained in the CrPC regime, while maintaining the substantive integrity of the fundamental principles controlling FIRs, such as fast registration for cognizable offences. While the CrPC established the structure for procedural justice, a comparative legal study shows that the BNSS aims to fulfil its spirit through digital accessibility and enforceable responsibility.

The table below outlines key areas of divergence and innovation:

Criteria	CrPC, 1973	BNSS, 2023
Statutory Basis for FIR	Section 154	Section 173
FIR Registration Mandate	Mandated by law, reinforced by case law (<i>Lalita Kumari</i>) but poorly implemented	Explicitly codified with disciplinary penalties for non-compliance
Zero FIR	Not statutorily recognized; applied inconsistently through practice	Formally incorporated into statute, facilitating immediate filing regardless of jurisdiction
Digital FIR Filing	Largely absent; no uniform implementation across states	Recognized under Section 173(3); permits filing via electronic means (email, portals)
Copy to Informant	Statutorily required, but often withheld in practice	Mandatory free copy provision with tracking rights for the informant

Timelines for Investigation	No explicit investigation deadlines; often subject to delay	Time-bound completion mandated (90 days for offences punishable up to 10 years)
Police Accountability	Largely dependent on internal disciplinary mechanisms or writ jurisdiction	Enhanced with statutory penalties for refusal, delay, or falsification

Recognizing that the FIR process under the CrPC had become opaque and frequently exclusionary due to procedural inertia, administrative discretion, and technology obsolescence, the BNSS implemented these improvements. While the implementation of time-bound investigations and digital tracking creates a responsive culture that was previously absent from the system, the formalization of Zero FIRs and electronic submissions successfully removes logistical and spatial barriers to justice.

Crucially, by centralizing informant rights and police procedure openness, the BNSS also fills in the normative deficiencies that beset the CrPC framework. The BNSS incorporates these duties within the legislative text itself, whereas the CrPC relied on judicial activism to maintain procedural integrity. Consequently, even if the two statutes have similar theological roots, the BNSS represents a clear move toward a justice delivery system that is more accountable and citizen-focused.

Reimagining FIR's Role in a Digital, Transparent Framework

Reconfiguring legal procedures through technological integration has become not only desirable but also necessary in the current digital era. The FIR assumes increased importance in this changing environment, serving as a standard for openness, accessibility, and institutional confidence in addition to being the starting record for criminal procedure. By acknowledging internet tracking tools and computerized FIR filing, the BNSS reframes the FIR as a digital link between the state and its citizens rather than an opaque administrative roadblock. This rethinking is an example of a larger legal movement in criminal justice systems toward e-governance, where interactive inclusion and procedural efficacy are inextricably linked.

The FIR was often unavailable to complainants under the CrPC, prone to manipulation, and delayed by bureaucratic procedures. The BNSS, in comparison, presents a citizen-centric paradigm that places a higher priority on traceability and immediacy⁷. The ability to file FIRs electronically, including through online portals and mobile applications, greatly reduces the hurdles to legal participation, especially for distant and underprivileged communities who formerly faced social and geographic barriers to receiving police services. Additionally, implementing real-time FIR tracking creates previously unheard-of procedural transparency, turning what was a one-sided administrative action into a dialogue and accountability process.

The ramifications of this digital revolution are extensive. The BNSS reduces police discretion while enhancing evidence integrity by producing tamper-resistant digital records. Automated updates also improve procedural visibility for complainants, enabling victims and informants to continue playing an active part in the inquiry. These changes are in line with similar developments in countries like Singapore and the United Kingdom, where e-policing has been crucial in reducing the disconnect between public trust and governmental power. However, effective implementation is just as important to the success of this digital shift as legislative foresight. Data privacy, inequalities in infrastructure, and digital literacy continue to be major obstacles. However, by rethinking the FIR from a digital perspective, the BNSS develops jurisprudence that is both normatively progressive and technologically responsive—rooted in the constitutional promise of transparency, dignity, and equal justice access.

Implementation Challenges and Critical

The ambitious reforms of the BNSS, especially with regard to the FIR, must be weighed against the complicated realities of institutional opposition, infrastructural inequity, and socio-legal variety, even though the law is a step in the right direction toward procedural modernization. Systemic obstacles continue to hinder the shift from statutory aspiration to actual implementation, endangering the transformative potential of the BNSS. The success of the new FIR system, despite its progressive structure, will ultimately depend on the state's capacity to rectify long-standing structural flaws and change institutional attitudes.

The biggest issue is the widespread digital divide that exists in a large portion of rural and semi-urban India. The BNSS's emphasis on electronic FIRs, online portals, and real-time tracking assumes a baseline of digital literacy and infrastructural access that remains unevenly distributed. In areas with inadequate internet connectivity or low technological penetration, the

promise of digital access may result in de facto exclusion. Moreover, marginalized groups—particularly women, Dalits, Adivasis, and linguistic minorities—may find themselves disadvantaged not due to legislative design but because of socio-economic conditions limiting their ability to engage with digital legal interfaces.

Law enforcement agencies' institutional shortcomings exacerbate these access problems. The resources, personnel, and technical preparedness of police stations across the country vary greatly. The deployment of centralized databases, tracking interfaces, and e-FIR systems necessitates not only a large infrastructure investment but also a significant increase in staff capability. There is still a significant chance of procedural mistakes, data manipulation, and technology abuse in the absence of comprehensive training.

Concerns about cybersecurity and data privacy are equally troubling. Digital FIRs increase transparency, but they also bring up concerns regarding the safe handling and sharing of private data. Since the BNSS does not yet offer a thorough structure for protecting data, there is a chance that it will be misused or disclosed without authorization, especially when it comes to sexual offenses or politically sensitive claims.

Perhaps most importantly, there has to be a paradigm shift in the way law enforcement is oriented. The discretionary mindset of police officers who have been used to opacity and selective enforcement cannot be rebalanced by statutory responsibilities alone. The ability of the BNSS to promote a new procedural ethic—one based on constitutional adherence, technical integrity, and citizen empowerment—will be its real test, not its textual requirements. Even under a revised legal system, the FIR runs the risk of continuing to be a formality rather than a substantive right until such a change takes place.

Conclusion

To sum up, the BNSS represents a significant change to India's criminal justice system, especially with regard to the FIR. The BNSS wants to turn the FIR from a formality into a powerful tool for justice by using digital technology, imposing deadlines, and improving police accountability. However, resolving implementation issues including digital literacy gaps, infrastructure inequities, and data privacy is necessary to make these reforms a reality. The development of the FIR under the BNSS represents a dedication to maintaining the rule of law

and defending citizens' rights in the digital age as India moves toward a more open and effective criminal justice system.