

Zero Fir: An Undiscovered Right for the Legal Protection of Women

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ABSTRACT: *The case of Nirbhaya led to several reforms in our current judicial system and one of them was Zero FIR. This substantial clause has led to the FIR being filed from everywhere and was quite a turning stone in legal history, but people are still not aware of this right, and it was just the movie 'Pink' that led to the awakening of what 'ZERO FIR' is among the minds of people. So, the focus in this paper is on debating what exactly is 'Zero FIR'? Thought of Zero FIR The arrangement of Zero FIR came up as a suggestion in Justice Verma Committee Report in the new Criminal Law (Amendment) Act, 2013 after the shocking Nirbhaya instance of December 2012. The arrangement says: A FIR can be recorded at any police headquarters independent of spot of wrongdoing and zone of locale. This arrangement is for everybody. When in a difficult situation Men and ladies will be profited equally. Alas! The tragedy lies in unawareness of masses regarding their rights and on the part of government failing to spread awareness, as well This paper discusses in brief the road less travelled and all the unexplored ways it leads to.*

KEYWORDS: *Criminal, FIR, Legal Right, Protection, Women, Zero FIR.*

INTRODUCTION

In our Country, the capital itself is known to be quite possibly the most perilous urban areas to live in. Numerous fights occurred everywhere on the nation against the weak status of peace. From that point forward, the decision body concocted arrangements to set the movement of equity preferring the person in question.. Zero FIR is one such arrangement, which may assist the casualty with engaging for examination without sitting around idly. Yet, commonly the casualties are denied the option to document a FIR by police specialists on the grounds that the territory of wrongdoing took doesn't fall under their locale. This arrangement of law was presented in the proposal of the Justice Verma Committee in the new Criminal Law (Amendment) Act, 2013 after the horrendous Delhi Rape case however just the film 'Pink' has made numerous hypotheses in the psyches of Indians particularly ladies with respect to the idea of Zero FIR. The film has played the scene as:[1]

Sir, a man hit me on the bosom from his bicycle and afterward demonstrated me his center finger. I have the gaadi number. I'd prefer to enlist a grumbling. Where did this occur, mama? What dress would you say you were wearing? I was wearing precisely what I am currently. It occurred in Indiranagar recently. Amma, don't you realize you need to go to the Indiranagar police headquarters to enlist that grievance? Go, go at this point. Furthermore, you should wear a dupatta, at that point nobody will hit you once more.[2]

In any case, there is one more angle appeared in the film that individuals should think about - Zero FIR and other FIR related laws. The film manages youthful working ladies in Delhi who have never had a brush with the law, and subsequently, think nothing about their legitimate rights. In the film, Taapsee Pannu's character Meenal goes to a police headquarters to record a protest against a gathering of young men compromising her and her companions, after she harmed one of them in self-protection. Nonetheless, subsequent to giving her good gyaan, the cop reveals to her that he can't enlist a grievance on the grounds that "ghatnatoh Surajkundki hai". At the point when she later goes to a senior official, he educates her regarding Zero FIR - that independent of the purview where the wrongdoing occurred, a FIR can be recorded anyplace and be later moved to the concerned police headquarters. In another scene, after Meenal is captured just before the end of the week and her companions are attempting to get her bail, a legal counselor advises them to come on Monday, as she can't get abandon an end of the week. That is when Amitabh Bachchan's character - Deepak Sehgal, a resigned attorney - acts the hero and discloses to them that ladies and minors can get abandon ends of the week and the bail procedures can be heard at an appointed authority's home on Saturday and Sunday. To ensure that individuals, and young ladies specifically, think about these laws, the focal government is wanting to utilize the film to spread mindfulness about lawful techniques.[3]

Delhi Police authorities disclose to us that they have been attempting to spread mindfulness about law through their Parivartan Cell and the film may help them in the endeavour. In this paper, the analyst has attempted to investigate the idea of zero FIR and arrangements identifying with it inside and out. What is FIR? First let us comprehend what does an FIR mean[4].

DISCUSSION

A First Information Report (F.I.R.) is the principal data in purpose of time with respect to the commission of a cognizable offense that is given to the police and is recorded in the way given under area 154 of the Cr.P.C. It is for the most part an objection stopped with the police by the survivor of a cognizable offense or by somebody for their benefit, however anybody can make such a report either orally or recorded as a hard copy to the police.

Any individual who knows about the commission of a cognizable offense may enlist a F.I.R. with the police. Such individual might be:

- the casualty of the offense, or
- a relative of the person in question, or
- an observer to the offense, or
- the individual who has submitted the offense, or
- a cop, or

- whatever other individual who has come to think about such offense. A F.I.R. may likewise be enrolled under the request for a Magistrate.

For instance, Sarita records a grumbling before the Magistrate that her better half is hassling her for share. In the event that the Magistrate advances the grumbling to the official accountable for the concerned police headquarters without taking insight, at that point the official should enlist a F.I.R. and afterward explore the case (Cr.P.C., segment 156 (3)5. Each FIR has sequential no, date of event, season of event, spot of event, substance of protest and so forth and it is held up due to commission of cognizable offence (an offence where police can make a suomoto move and no earlier endorsement from court is required). Each police headquarters has jurisdictional region for which they can take up the examination if commission of cognizable offense zone found under their purview. Assume my telephone is robbery at Bus remain of LalQuila, Delhi then the police headquarters whose under LalQuila come will stop my FIR and examine it.[5]

In Zero FIR, any police headquarters can enroll FIR regardless of jurisdictional territory however the examination will be taken up the police in which spot of event announced in FIR. The police headquarters enrolls the zero FIR checking it sequential no. zero and move to the skilled jurisdictional zone which can do the examination. The sacredness of lawful cycle stays same in zero FIR. It is extremely useful for individuals as it encourage them by not permitting making rounds of various police headquarters for housing the FIR.[6]

A Zero FIR can be documented in any police headquarters by the person in question, independent of their home or wrongdoing place. Regardless of whether you are away from the spot of occurrence or are ignorant of the correct purview, you can effectively document a FIR in any police headquarters. This kind of FIR is named as a Zero FIR. Presently is all the more stunning that the cops deny to recognize a Zero FIR and furthermore attempt to persuade the person in question and his family to move toward the concerned police headquarters for enrolling the FIR instead of attempting to help them.[7]

A Constitution Bench of the Supreme Court in LalitaKumari v. Govt. of UP and Others has given the accompanying rules:-

- a) The enrollment of FIR is obligatory under area 154 of CrPC, if the data reveals commission of an insight offense.
- b) The cop can't maintain a strategic distance from his obligation of enlisting offense if cognizable offense is unveiled. Move should be made against failing officials who don't enroll the FIR if data got by him reveals a cognizable offense.
- c) Action should be taken against failing officials who don't enroll the FIR if data got by him unveils a cognizable offense. The Supreme Court in BimlaRawal and Others Vs. State (NCT of Delhi) and Another has held:-

"Obviously the law is that police can enlist a FIR of commission of a cognizable wrongdoing yet after enrollment of FIR, if on examination or examination, it is discovered that wrongdoing was not dedicated inside the purview of that Police Station yet was submitted inside the ward of some other Police Station, the FIR ought to be moved to that Police Station.[8] Notwithstanding, if at the hour of enrollment of FIR itself, it is clear apparently that wrongdoing was submitted outside the purview of the Police Station, the Police after enlistment of FIR should move the FIR to that Police Station for examination. Regularly a 'Zero' FIR is enlisted by Police in such cases and after enrollment of FIR, the FIR is moved to the concerned Police Station."

How to File a Zero FIR?

- a. Like every ordinary Fir, a Zero FIR can be documented in agreement to the beneath referenced agenda.
- b. Articulation will be recorded by the cop recorded as a hard copy.
- c. All subtleties, with no hypothesis or presumption ought to be given to the police during the assertion.
- d. Offer the expression official by marking the register.
- e. Get a duplicate of your grumbling and request the distinguishing proof number or Roll isn't given.

When to utilize a Zero FIR?

The primary thought of a Zero FIR is to start the examination or inclination the police to make their underlying move. Whenever you have held up a Zero FIR, submit sure that your question isn't moved to the proper police headquarters in your locale with no underlying activity or investigation.

Crimes like homicide, assault and mishaps require prompt activity from the concerned police specialists so they take fitting examples, observers and other conditional subtleties. Zero FIR permits the specialists to pen down the underlying activity taken instead of attempting to sort out what had occurred at the wrongdoing scene initially.

Further Analysis

If an individual visits Police Station advising the police that his companion was killed out and about (cognizable offense). Frequencies like this require quick activity on piece of the police (like gathering tests, getting data from observers, and so on); in such a circumstance police can't pardon themselves saying that the case doesn't fall inside their purview. This will hamper the exceptionally evenhanded of the police power that is 'to keep up peace'. And yet it is compulsory to cling to legal guidelines, so after examination is finished, if the Investigating Officer comes to the end result that the reason for activity for housing the FIR has not emerged inside his regional locale, at that point

he is needed to present a report and forward the case to the Magistrate engaged to take comprehension of the offense and should likewise present all the materials including duplicate of FIR, gathered example of proof and definite report of the request done work the date the case is moved to the concerned Police Station. On account of SatvinderKaur versus State (Government of NCT Delhi).[9]

The complainant had advanced in the Supreme Court against the request for the High Court, where the High Court had suppressed the FIR documented at Delhi Police Station by the complainant. The Supreme Court held that, Police can examine the case, which doesn't fall under their purview. On account of BimlaRawal and Ors.v State (NCT of Delhi) and Anr, FIR was held up in Delhi, in spite of the way that all episodes happened in Mumbai. Writ Petition was recorded in Supreme Court with respect to the mala fide expectations of police surrendering under the pressing factor of inverse gathering. High Court suppressed the FIR documented at Delhi and requested to record a new FIR in Mumbai. For this situation the police abused the force of recording a Zero FIR at the command of the contrary party.

I. Impact: The notorious AsaramBapu Rape case: Take a popular illustration of AasaramBapu Rape case, In the FIR, the spot of occurrence of offense falls under the locale of Jodhpur, Rajasthan yet the Police Station Kamla Market, Delhi enlisted the FIR, at that point moved it to Jodhpur, for additional investigation.

ii. Why it is required?

1. In India, 93 instances of assaults are accounted for consistently. Arrangements like ZERO FIR are basic to draw out the cycle of equity in an effective manner. Numerous cases go unsolved in view of absence of proof, which was lost due to wastage of time.
2. Wrongdoings like homicide, assault and mishaps require prompt activity from the concerned police specialists with the goal that they take fitting examples, onlookers, and other fortuitous subtleties.
3. Zero FIR is an incredible resource when you are voyaging and shockingly become a survivor of any cognizable wrongdoing .You can arrive at any police headquarters and document a zero FIR.

CONCLUSION

Way Ahead: After rape on a lady, the lady faces the genuine attack by the police. The defender turns into the assaulter. Just when a senior official mediates than such grumblings or FIRs are enrolled and examined upon. How would we stop such occurrences? On the off chance that all grievances on ladies related offenses were to be recorded by senior most officials why do we have a police headquarters in each region? Indeed, even 3 years after the new Criminal Law (Amendment) Act was passed in 2013, many cops neglect to perceive Zero FIR and rather keep on avoiding their duty on others. The idea of Zero FIR is a free locale FIR. It was acquainted all together with stay away from the postponement in documenting the wrongdoing that

antagonistically impacts the person in question. The public authority should run missions to make individuals mindful of such arrangements and people groups ought to likewise show more worry about knowing their privileges.

Amitabh Bachchan starrer ‘Pink’ has awakened the minds of many people. Also how we are not aware of our right and continue to be suppressed and intimidated by the police officers. We hope that the message of PINK reaches every individual and no one is bullied by any police officer. We are not here to judge every police officer, but at majority times such incidents happen. It is very easy to manipulate a vulnerable person. Stop being one. Do not let any police officer to tell you which type of offence should be reported and which not. They will say something like once an FIR is filed, it will not be taken back and it will result in a long legal procedure. These are their key words.

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