

Towards a Transparent E-FIR Regime: Legal and Procedural Challenges in India's Digital Criminal Justice

Akshaysinh Nitirajsinh Chudasama
Research Scholar
UWSL, Karnvati University , Sargasan, Gandhinagar
EMAIL ID: akshaynchudasama@gmail.com
MO: 70166 08236

Prof. Dr. P. Lakshmi
Research Guide , Dean UWSL.
UWSL, Karnvati University , Sargasan, Gandhinagar
EMAIL ID: Phd2022@karnavatiuniversity.edu.in
MO: 7016810948



Abstract:

This paper examines the legal uncertainty surrounding the First Information Report (FIR) within India's criminal justice system, particularly under the Criminal Procedure Code (CrPC) and the recent Bharatiya Nagarik Suraksha Sanhita (BNSS) Act 2023. While the BNSS Act seeks to modernize legal procedures, it fails to address existing ambiguities in the CrPC, further complicating the FIR process.

The study employs quantitative research to assess public perception of the e-FIR system through surveys conducted in Ahmedabad, Dhrangadhra, and Gogha—cities in Gujarat noted for significant mobile and internet penetration. Findings indicate that although the e-FIR system may enhance accessibility and transparency, the lack of clear legal guidelines continues to obstruct fairness and due process.

The paper also highlighting persistent challenges in legal clarity. It concludes that comprehensive legal reform is essential to streamline FIR reporting, protect individual rights, and ensure greater accountability in India's criminal justice framework.

Introduction:

In the digital age, public access to swift and transparent justice mechanisms is increasingly reliant on the integration of technology into legal systems. One such advancement is the Electronic First Information Report (E-FIR), which enables citizens to lodge complaints online without visiting a police station physically. This study aims to explore public perspectives on the E-FIR system, with a focus on the need for proper information dissemination, timely updates, and a robust tracking mechanism for registered complaints. In particular, the study investigates the demand for a unique identification system that allows complainants to trace their reports in real-time.

Gujarat was chosen as the study area due to its notable progress in digital literacy and internet accessibility. By 2036, it is projected that 82% of Gujarat's population will be digitally literate, and 8 out of 10 individuals will use mobile phones—figures that reflect the state's readiness for digital initiatives like E-FIR. Gujarat also ranks 10th nationally in internet penetration, making it an ideal region to assess the feasibility and reception of such systems.

For acquiring a varied and comprehensive grasp of the phenomenon of digital engagement in the context of various developmental settings, three regions were chosen: Ahmedabad (an urban metropolitan city), Bah Nagar (a developing city), and Gogha (a rural city, under-developed taluka). Together these areas provide a representative sample to determine public opinion among the urban, semi-urban and rural population.

This study aims to understand the public readiness for the E-FIR system, need for periodic updates after registration and the preference for a clear tracking system. It also assesses the existing E-FIR mechanism, its acceptance by the public, sense of accountability among law enforcers and general awareness about the concept of E-FIR.

The genesis of the procedure for criminal complaint in India can be traced back to the CrPC 1861, which brought about the introduction of a written criminal complaint. It was followed by subsequent amendments in 1872, 1882 and 1898 which further strengthened the documentation particularly for cognizable offences under Section 154. The CrPC of 1973 further set the guidelines for the procedure of filing FIRs, which was further streamlined in 2013, with additional protection for women and people with disabilities. The need to record and sign complaints correctly including sensitive matters by female officers is prescribed under section 154. Section 173 of the BNSS Act permits complaints to be made online and also requires to accommodate women and disabled people. It also allows for preliminary investigations by senior approval on certain offenses.

The New Criminal Law Amendment which has been brought by the Union Ministry has posed several challenges like the completion of Criminal Trial in 3 Years which as said by the current CJI will become mere words if the means to achieve it are not provided .

Research Objectives

1. To study the awareness and perception of the public about Electronic First Information Report (E-FIR) system in India.
2. To check citizens' eagerness to fill FIR without visiting police stations by using E-FIR.
3. To assess the demand from the public for transparency, authentication and complaint tracking facility in E-FIR.
4. To study public perception on framing a wider range of offences under the ambit of online FIR.
5. To compare the public preferences in terms of International E-FIR model and find out what are the features which can enhance India's E-FIR

Research Questions

1. How much is the awareness level about the E-FIR system in India?
2. Is there the willingness of citizens to utilize E-FIR mechanism rather than going personally to the police stations?
3. Is there a need for citizens to be authenticated and followed by in the E-FIR process?
4. Is the existing E-FIR system transparent and accessible?

5. What changes do the citizens want in the framework of E-FIR in India and what are their preferred models from abroad?

Research Methodology

Research Method

The study used Descriptive Quantitative Research Design. Primary data was gathered by using structured questionnaire which was distributed using Google Forms and secondary data was collected using desk research, government reports, journals, newspapers, and publication of international organizations. The study locations were identified and cluster sampling was used to select respondents from the identified sample locations.

Population and Sample

- Target group: Citizens of Gujarat, especially those who have access to technological tools and can potentially utilise the E-FIR system.
- Study Area: Ahmedabad (urban), Dhrangadhra/Bahnagar (semi-urban/developing) and Gogha (rural).
- The sampling technique used was Cluster Sampling.
- Sample Size: 50 respondents that filled up the questionnaire in 10 days

Research Tool / Instrument

The main research tool was a structured questionnaire in the form of google forms. A first pilot test, then a revision on the base of the feedback and a final version were used for data collection purposes. It was mainly on the awareness of the citizens, willingness of citizens in using E-FIRs, perceived need for transparency, authentication mechanisms, and E-FIR system improvements.

Data Analysis Technique

Descriptive statistical techniques were used to analyze the collected data. All responses were classified and displayed in frequency distribution, percentages, bar graph and pie charts to make it easy to interpret. The analysis was based on the evaluation of the level of awareness, willingness to use E-FIR systems, preferences for authentication and follow-up procedures, perceptions of transparency, and the support for an increased number of offences that could be reported online. The results were then analyzed based on the general legal and procedural issues in the implementation of the E-FIR mechanism under the BNSS system.

Literature Review and Theoretical Framework

Kuldeep Singh & Shaveta Begra (2020), The book delves into the essence of democracy, exploring its fundamental principles, meaning, and practical implementation, particularly in the context of elections. Democracy, as elucidated within its pages, embodies the ideals of popular sovereignty, equality, and civic participation, wherein the will of the

people is paramount. It meticulously examines the intricate relationship between democracy and elections, portraying elections as the cornerstone of democratic governance, facilitating the expression of citizens' preferences and the peaceful transfer of power. Moreover, the book delves into the rights and duties of citizens within the electoral process, emphasizing the importance of voting rights, political participation, and accountability. It also delves into the pivotal role of election commissions in upholding the integrity and fairness of elections, ensuring that they are conducted freely, fairly, and transparently. This comprehensive exploration underscores the significance of democracy as a guiding principle in shaping societies and fostering inclusive governance.

Although the legal system has a well-defined structure for this purpose, the actual execution of it is not always correct because the police usually do not file FIRs even when they are given a solid evidence of a cognizable crime. The disregard of the criminals in the law forces the complainants to make several visits to the police officials and bear significant legal costs, while the courts, burdened with heavy workload, take months to direct the police action. A number of issues are behind the police's hesitation to register FIRs. Law officers might refrain from filing so that they can keep the crime rate low or because they know that certain cases are politically sensitive. The registration of FIR is often delayed, hence the evidence submitted can be of no legal significance. In spite of the fact that an FIR may not always be taken as substantial evidence, in some exceptional scenarios like a dying declaration, it can be crucial for the conviction of a person. The judiciary has always insisted that FIRs must be filed immediately after an incident so that the memory of the informant is not altered and the possibility of the evidence manipulation is lessened. As a result, any FIR filing delay can highly damage the statement credibility. The legal provisions for FIR registration are simple to comprehend, yet their implementation is encumbered by numerous practical difficulties. The systemic delay and the unwillingness of the police officers to register FIRs not only frustrating the complainants but also the whole criminal justice process is being compromised. The importance of the immediate and unbiased registration of FIRs is very much essential in the maintenance of the integrity of crime investigation and the strengthening of the confidence of the public in the law enforcement. Further research should be devoted to the discovery and the implementation of the measures that will be able to make the police accountable and make the FIR registration process faster, thus, fixing the present deficits between the legislative intention and the reality.

Albin Anto ,(2021), The paper underscores the fundamental principles of justice and the rule of law, aligning with John Locke's ideals on protecting individual rights, and stresses

the need for a robust judicial system to uphold liberty and justice. It highlights systemic challenges such as insufficient judicial strength and the inconsistent appearance of essential witnesses, which impede these goals. Notably, only 10.5% of judges reported that police and other key witnesses appear in all cases, while 47.4% said they appeared in most cases, 26.3% noted occasional appearances, and 15.8% observed appearances in few cases. The police were identified as the second largest hurdle in the timely disposal of cases. The excerpt calls for practical solutions to these issues, emphasizing the judiciary's critical role in maintaining the rule of law and safeguarding individual rights in India. It also analyzes the judicial system's challenges, particularly delays and backlogs, within the framework of Locke's social contract theory, which advocates for a just and effective legal system to protect individual rights.

Harsh Khanchandani (2022) , In the case of Lalita Kumari v. Govt. emphasises one where the minor, through her father, sought a protection under the writ petition after kidnap, but was frustrated by lack of intervention of police to report the case and register FIR under section 154 of CrPC. Moreover, in Uttar Pradesh, the Fam Seva scheme also focuses on the significance of petitionized FIR registration to restore families. The petitioner's position was that Sections 154(1) requires the registration of an FIR having received information of cognizable offense and emphasized on the use of the word 'shall' in the Act. At the same time, the opposition favored police discretion and believed that before conducting an investigation, more information needed to be collected. In the present case of Em. S. vs. State of Kerala and Anr. , the Supreme Court made a decision that FIR registration is mandatory where information provided gives particulars of a cognizable offense, thereby rejecting the concept of preliminary inquiry in such cases. With regard to the prima facie FIR recording and the consequent capability to put forth criminal initiation, and maintain original evidence, the court dismissed the police discretionary allegations. The ruling also lists good examples as to when initial investigations may be acceptable, including family-related issues or business related felonies. This has affirmed the position of the court to abide by the legislative enactment and prompt registration of FIR to protect the rights of the citizens and secure justice. The case can be viewed as significant within the context of legal practices to support mandatory FIR registration and protect citizens' rights when navigating the justice system.

Sai Sindhura Kongara , (2022) , The First Information Report (FIR) is a crucial initial step in criminal procedures, though it holds no evidential weight. Delays in filing FIRs, whether due to the informant or the police department, can negatively impact the case and hinder the pursuit of justice. Such delays may allow the accused to avoid punishment, casting doubt on the authenticity of the charges. Purposeful delays or manipulations by investigating officers

further jeopardize the inquiry process. It was laid down by the Supreme court in the case of “Thulia Kali v. State of Tamil Nadu” that FIRs are crucial in cognizable offenses and must be lodged time-bound. For instance, in the case of State of AP v. Punati Ramulu, the court discussed those cases where the investigating officers don’t enter the first information report promptly, and the whole investigation process become flawed and may involve manipulation of evidence. The court observed that cases do not come to court due to untimely filing of FIRs and that the accused abscond; which are all indications that the said officers have neglected their duties. The Supreme Court, when headed by M. R. Sarin, wanted a clarification between the pertinent terms of Section 157(1); ‘Forthwith,’ he stated, refers to the police giving immediate action taken. The case of “Alla China Appa Rao and Others v. State of A.P.” the court observed thus: “The expression ‘forthwith’ was held to mean ‘immediately or at once,’ but in the limited as well as in the broader sense, ‘immediately’ or, in other words, action within a reasonable time and without undue delay. ”In “Nalli v. State,” the High Court of Madras dismissed a case on the grounds of ‘unexplained delay’ and ‘inordinate time taken’ for the case to be forwarded to the Magistrate, emphasizing the prescience of swift FIR lodging.

Result and Discussion/ Findings

Results

I. Till what Extent will the inclusivity of Electronic Communication Extend

Form the survey it was found that ‘56%’ people were willing to report the E-FIR instead of going to police station if provided with the option .As shown in Figure 1.3:



Figure 1.3 Shows willingness of people to register E-fir

70% percent of the people opined that the current system is futile and needs to be strengthened. There is still much ambiguity as to how the system can work in practice because grievances are so diverse. There remains doubt as to whether the police will enroll complaints from these various platforms and whether they will register as to plying justice. The off line reporting system has also revealed the reluctance of the police to record complaints and register FIRs as revealed by the IPF Survey.

II. Limited Scope of Inclusion for online Reporting

Further in the states in India where E - Complaint is taken is for non Heinous Crimes i.e .with the punishment of less than 3 Years so further the ambiguity remains on wither the scope of taking the Fir for offences of more than 3 years will be inculcated or not and if so the Complainant information will be taken as a complaint or a FIR .

As per the survey '75%' people felt the need of more inclusiveness of crimes that can be reported online .As Shown in Figure 1.4:

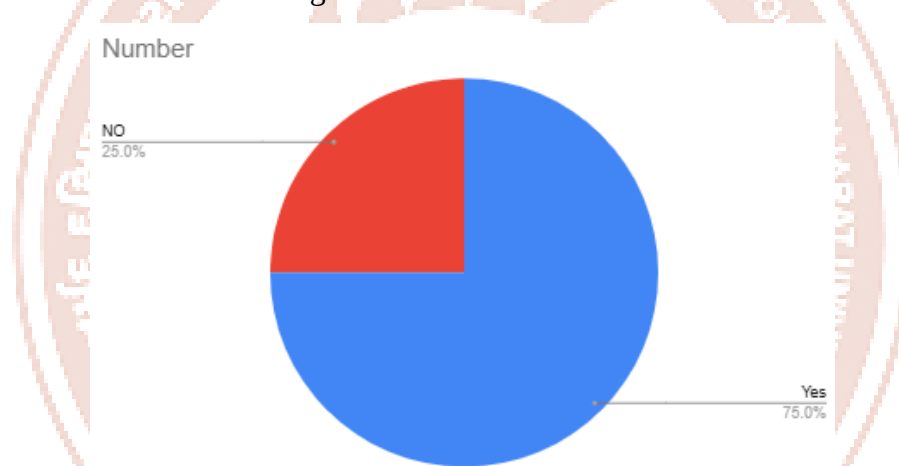


Figure 1.4 people in favore of inclusion of crimes in E-fir

III. Lack of Authentication Process

As per the survey '65%' people were willing to have an authentication process so as to get a timely update to their online E –FIR .As shown in Figure1.5:

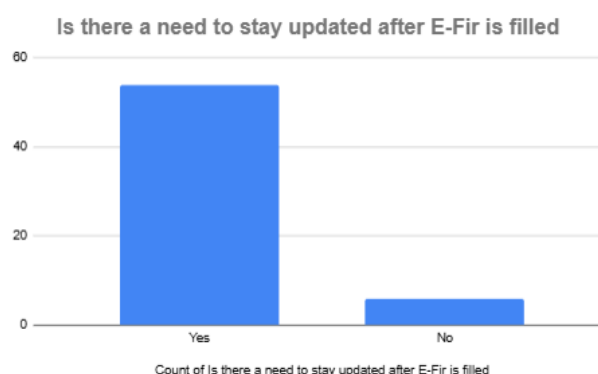


Figure 1.5 need of authentication and follow-up mechanism

The system which prevails in the states which at present has the online complaint system fail to contain any systematic authentication system so as to increase the authenticity of the complaint and nor is the issue brought in light or dealt with in the new BNSS . Whereas in Countries like the United Kingdom , New Zealand and Hon Kong they have a verification system linking verification before starting and few have a specific time limit for a single complaint to be registered therefore increasing the authentication for speedy and robust Justice system .In the UK they have more crimes option to file online and 10 mins system of code delivery , in New zeland it is 30 min time limit , in Honking there is 1 hour time to complain and in end itself a code for follow-up is provided and lastly in Saudi Arabia application based with limited crimes system is there.

When given to choose from the 4 countries , the system UK was preferred most by 45% , Honkong by 25% , Saudi Arabia 10 % and Newzeland 10 % as shown in fig 1.6.

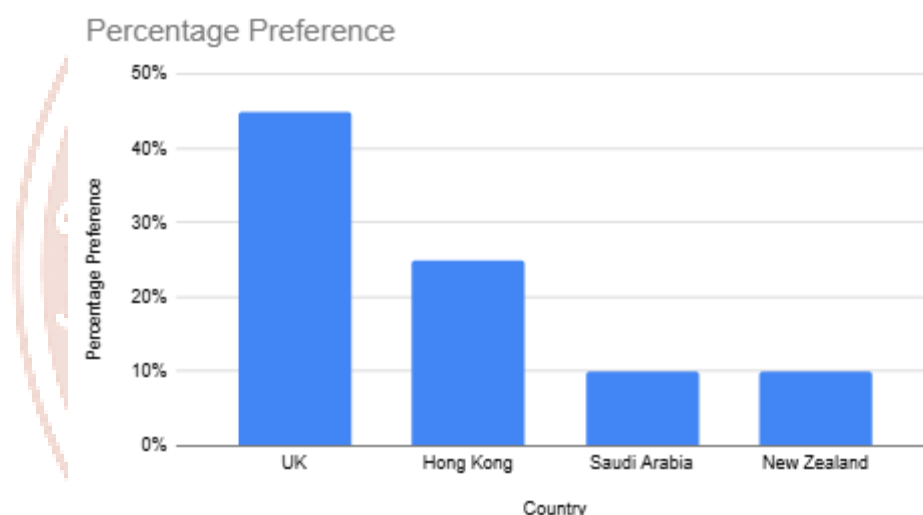


Figure 1.6 Shows most favored mechanisms

IV. Lack of Data and Awareness

‘50% ‘people of the survey were of the opinion that the present system lacks transparency. There is no data that before the BNSS how much complaints came from online e reporting and how much were disposed off or considered by the police . The NCRB has also not recorded any data relating to the same . The need for accountability is therefore required for the new BNSS .

20% said that they were not aware of the concept of E-FIR , and 12% were willing to get more understanding on it was seen in the survey.

Discussion

Digital complaint filing has been made possible under Section 2(i) and the procedure mentioned in Section 173(2) of the BNSS. To bring justice into the modern age, the law allows

FIRs to be submitted via emails, messages, video files and other electronic means. At the same time, many practical challenges remain as the system is equipped.

Concerns exist because there is no clear approach to verify who sent an FIR online. If we fail to verify reports, there is a higher chance of false complaints which may overpower law enforcement and interfere with due process. While the UK, New Zealand and Hong Kong use reliable methods for verifying complaints, the BNSS does not include them.

In addition, though there is the Crime and Criminal Tracking Network and Systems (CCTNS), various states in India remain reluctant about using advanced cloud-based infrastructure due to uncertainties related to security and unequal government funding. Because of this, the growth and speed of handling online complaints are limited.

Submitting electronic complaints often has no effect and the complainant is required to travel to the police station for the FIR to be recorded. Owing to fully take advantage of its e-complaint systems, India requires strong verification methods, sufficient infrastructure spending and clear guidelines by the government. Lack of these means leads to law reform failing to reach or help people in courts.

Conclusion

All things considered, upholding legal certainty is the key factor in handling the procedural issues of India's criminal justice system. There have been some concerns on the application and interpretation of the law in the BNSS Act and other related Acts under the Criminal Procedure Code (CrPC), which some parts of the Act are still unclear. As a result of the unclear aspects of these laws, justice and clarity in their application are put at risk, proving it is essential to reform these areas.

The study reveals that there is a push towards the digital space as a justice solution today. 65% of people who participated in the study believed in applying authentication systems to ensure the timely posting of E-FIRs and 75% wanted more crimes to be made reportable via online means. On the other hand, most people did not want to use the web based FIR system and went to the police station. Over half of those who participated in the survey said that there is a lack of transparency in the complaints system. 45% of the sample group favoured the E-FIR model of the UK, 25% liked the model of Hong Kong and 20% did not know that E-FIR exists.

These numbers also indicate that the public is ready to change, provided there are suitable standards and clear systems as well. Indian laws should be updated so that justice becomes accessible to all, earlier, in a transparent and technologically-appropriate manner..

Conflict of Interest Statement

The author declared no conflict of interest in the publication

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References (APA 7th Edition Style only, Please cite electronic resources as where applicable with DOI number)

- Hong Kong Police Force. (n.d.). *FAQs about Emergency Report Centre (ERC)*. https://www.police.gov.hk/ppp_en/13_faqs/faq_erc.html
- Indian Police Foundation. (2021). *Smart policing survey 2021*. Indian Police Foundation.
- Jain, A. (2023, September 20). *Police complaint via WhatsApp? HC gives green light, says it's compliant with FIR filing laws*. ThePrint. <https://theprint.in/judiciary/police-complaint-via-whatsapp-hc-gives-green-light-says-its-compliant-with-fir-filing-laws/1752308/>
- Nagar, S. (2025). Technology-driven justice and victim rights in India. *Victimology and Victim Justice*, 1–19. <https://doi.org/10.1177/25166069251328904>
- New Zealand Police. (n.d.). *How to report a crime or incident*. <https://www.police.govt.nz/advice-services/how-report-crime-or-incident>
- Renushe, H. N., Rasal, P. R., & Desai, A. S. (2012). Data mining practices for effective investigation of crime. *International Journal of Computer Applications*, 3, 865–870. <https://www.researchgate.net/publication/288737356>
- Routledge. (2024). [Book title not provided]. Routledge. <https://doi.org/10.4324/9781003433651>
- Royal Canadian Mounted Police. (n.d.). *Contact us*. Government of Canada. <https://www.rcmp-grc.gc.ca/cont/index-eng.htm>
- Sahu, S. L. (2023). Role of crime and criminal tracking network and system in cyber crime control. *Police Vigyan*, 148, 12–25. <https://bprd.nic.in/uploads/pdf/1.%20Police%20Vigyan%20Jan%20to%20June%202023.pdf>
- Salwan, P., & Bisht, B. S. (2023). Digital governance: Government of India initiatives. *International Journal of Science and Research*. [Complete volume, issue, and page numbers required.]

- Science Research. (2025). *Science Research*, 2(5), 469–486. <https://doi.org/10.70558/IJSSR.2025.v2.i5.30658>
- Second Administrative Reforms Commission. (2007). *Fifth report: Public order* (pp. 86–90). Government of India.
- Sharma, A., Ashok, & Sindhu, M. (2014). *Integration of advanced e-FIR lodging system*. [Publication details required].
- Sharma, A., Ashok, & Sindhu, M. (2014). Integration of advanced e-FIR lodging system with general hospitals for medical report generation. *International Journal of Social Science*, 3(2), 45–52.
- Sharma, R., & Goel, K. (2024, August 24). *The arbitrary power of preliminary enquiry*. NewsClick. <https://www.newsclick.in/arbitrary-power-preliminary-inquiry>
- Shastri, P. (2024, February 9). *Gujarat saw Rs 156 crore frozen for cyber frauds, highest in India*.
- Singh, B. D., & Gupta, S. (2025). *Reimagining justice: The role of technology in justice delivery*. [Publication details required].
- Skolnick, J. H. (1966). *Justice without trial: Law enforcement in democratic society*. Wiley.
- The Bharatiya Nagarik Suraksha Sanhita, 2023, No. 46 of 2023, § 173 (India).
- The Bharatiya Nagarik Suraksha Sanhita, 2023, No. 46 of 2023, § 2 (India).
- The Code of Criminal Procedure, 1861, No. 25 of 1861, § 139 (India).
- The Code of Criminal Procedure, 1872, No. 10 of 1872, § 112 (India).
- The Code of Criminal Procedure, 1882, No. 10 of 1882, § 154 (India).
- The Code of Criminal Procedure, 1898, No. 5 of 1898, § 154 (India).
- The Code of Criminal Procedure, 1973, No. 2 of 1974, § 154 (India).
- Thomas, A. (2024, April 21). *Change in mindset needed for new criminal laws: CJI D.Y. Chandrachud*. Hindustan Times. <https://www.hindustantimes.com/india-news/change-in-mindset-needed-for-new-criminal-laws-cji-101713638071421.html>
- Tiwari, A. (2024). Criminal justice reform in Digital India: Balancing progress and rights. *Indian Journal of Law and Legal Research*, 6(3), 1–15.
- Tiwari, A. (2024). Transforming criminal justice system. *Indian Journal of Law and Legal Research*, 6(4), 1–18.

- TNN & Agencies. (2023, June 26). *National cybercrime portal got 21 lakh cases, FIRs in only 2%*. The Times of India. <https://timesofindia.indiatimes.com/city/mumbai/natl-cybercrime-portal-got-21l-cases-firs-in-only-2/articleshow/101264726.cms>
- Trivedi, J. (2024). *Police and e-governance: A study of e-citizen portal*. ResearchGate. <https://www.researchgate.net>
- Ujale, M. (2015, December 16). *What is causing the CCTNS delay?* eGov Magazine. <https://egov.eletsonline.com/2015/12/what-is-causing-the-cctns-delay/>
- United Kingdom Police. (n.d.). *Contact us*. <https://www.police.uk/pt/contact-us>
- Vibhute, K. I. (2004). *Criminal justice administration in India: Need for procedural reforms*. Eastern Book Company.

