

## e-FIR and Law Commission

By IAS Toppers | 2023-10-02 16:15:00



### e-FIR and Law Commission

The Law Commission has recently recommended allowing the filing of online **first information reports** (**e-FIRs**) for **cognisable offences** to overcome difficulties in filing FIRs and improve **police to public ratio**.



[Ref – Hindustan Times]

### **Recommendations of Law Commission:**

- To enable the **online submission** of **FIRs** for two specific situations:
  - When the accused is **unknown**.
  - When the accused is **known**, but the **potential jail term** for the offense is **up to three years**.
- It has been **partially implemented** in some states but the commission has recommended expanding the facility.

### **About the Cognizable Offenses:**

- **Cognisable offences** are those in which police officers can arrest an accused without a warrant or court permission. (**Code of Criminal Procedure, 1973**)
  - Examples: Murder, rape, and abduction.
- **Non-cognisable offences** are those in which police officers do **not** have the authority to **arrest** without a **warrant**.

### **About e-FIR:**

- For filing an e-FIR, the complainant does **not** have to visit the police station.
- They can register their complaint **through a mobile app** or the **police's online network**.
- Once an FIR is filed, designated investigating officers contact the complainant.
- This initiative is being implemented partially in Delhi, Gujarat, Karnataka, Madhya Pradesh, Odisha, Rajasthan, Uttar Pradesh, and Uttarakhand.
  - It only works in a **non-heinous cases** (theft, reporting lost items and vehicle thefts).
- The law panel has now recommended expanding this facility.

### **Benefits of e-FIRs:**

- **Increased Accessibility:** In areas with security or infrastructural issues, e-FIRs offer a convenient alternative rather than visiting a police station.
- **Overcoming Reluctance:** e-FIRs can mitigate the reluctance of policemen in cases of petty offences.
- **Addressing Police-to-Public Ratio:** It would overcome the difficulties resulting from low police to public ratio.
- **Reporting crimes in real time:** e-FIR would tackle the long persisting issue of delay in registration of FIRs by reporting crime in real time.

### **Criticisms of e-FIRs:**

- **Potential for Exaggeration:** There's a risk of complainants exaggerating claims, which can lead to legal complexities and discomfort for the accused.
  - Thus, it requires checks and balances.
- **Lack of Immediate Investigation:** E-FIRs might **not** be suitable for cases requiring immediate investigation, such as fatal accidents or grievous hurt incidents.
- **Infrastructure Constraints:** Not all police stations have the necessary infrastructure to handle e-FIRs efficiently.
  - There are 17,535 police stations in total, of which 628 are operating **without** a **landline**, while 285 run **without wireless/mobile** connection. (Ministry of Home Affairs)
  - The total number of **computers** in 17,535 police stations is **172,168**.

### **About Law Commission:**

- It is a **non-statutory** body, working under the **Union Ministry of Law and Justice**.
- It conducts research in the field of law and makes **recommendations** to the Centre in the form of reports.
- These recommendations are **not binding** on the government.
- Action on the said recommendations **depends** on the **ministries/departments**, which are concerned with the subject matter of the recommendations.