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IRB – Immigration and Refugee Board of Canada

Pakistan: First Information Reports (FIRs), including procedures and whether a complainant can obtain a copy of an FIR; appearance and security features of FIRs (2017-January 2020) [PAK106395.E]

Research Directorate, Immigration and Refugee Board of Canada

1. Definition and Purpose

According to the websites of the Punjab Police and the Balochistan Police, "[a]n FIR is an account of a cognizable (i.e. over which police has jurisdiction [1]) offence that is entered in a particular format in a register at the police station" (Punjab n.d.; Balochistan n.d.). The US Department of State's *Country Reports on Human Rights Practices for 2018* indicates that the FIR "is the legal basis for any arrest, initiated when police receive information about the commission of a 'cognizable' offense" (US 13 Mar. 2019, 11). A 2016 compendium on police laws and criminal procedures in Pakistan [2] similarly indicates that the police cannot proceed to arrests without having registered an FIR (RSIL Pakistan and NPB of Pakistan July 2016, 61). The compendium specifies that the purpose of FIRs is "to set legal machinery into motion" (RSIL Pakistan and NPB of Pakistan July 2016, 61). A report on the prosecution of terrorism cases in Pakistan published by the US Institute of Peace (USIP), a "national, nonpartisan, independent institute, founded by [US] Congress" (USIP n.d.), also indicates that an FIR marks the beginning of an investigation (Abbas Zaidi Apr. 2016, 13). The compendium specifies that a preliminary inquiry is not required before registering an FIR (RSIL Pakistan and NPB of Pakistan July 2016, 61). US *Country Reports 2018* indicates that an FIR "allows police to detain a suspect for 24 hours, after which a magistrate may order detention for an additional 14 days if police show detention is necessary to obtain evidence material to the investigation" (US 13 Mar. 2019, 11). Sources note that while an FIR is not considered "a substantive piece of evidence" (RSIL Pakistan and NPB of Pakistan July 2016, 61; Abbas Zaidi Apr. 2016, 13), it "has assumed tremendous importance in the system" (Abbas Zaidi Apr. 2016, 13). The compendium specifies that "its importance cannot be ignored because it depicts the initial version of events conveyed to the prosecution" (RSIL Pakistan and NPB of Pakistan July 2016, 61). The compendium adds that an FIR is not meant to be an "exhaustive document" and that "if the detailed facts have not been mentioned therein, it would not diminish its correctness" (RSIL Pakistan and NPB of Pakistan July 2016, 61).

2. Appearance and Security Features

For samples of FIRs, as well as caste information appearing in FIRs, see PAK106223 of January 2019.

In correspondence with the Research Directorate, an advocate High Court practicing in Lahore indicated that the format of FIRs is the same across Pakistan and Azad Kashmir, but that in a few areas, FIRs are "computerized (typed)," while in other areas, they are still handwritten (Advocate High Court 28 Nov. 2019). The same source added that FIRs have no particular security features, while noting that carbon copies of FIRs are sent to the Inspector General's office and to the prosecutor's office, and one copy is retained at the concerned police station (Advocate High Court 28 Nov. 2019). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. The websites of the Punjab Police and of the Balochistan Police both indicate that the FIR copy delivered to the complainant is signed by the police officer and bears the stamp of the police station (Punjab n.d.; Balochistan n.d.).

3. Procedure to Register an FIR

3.1 Individuals Who Can Lodge an FIR

The websites of the Punjab Police and of the Balochistan Police state that "[e]very person has a right to report any matter at the concerned police station and have a [criminal (Balochistan n.d.)] case registered in the form of an FIR" (Punjab n.d.; Balochistan n.d.). The compendium on police laws and criminal procedures in Pakistan specifies the following:

- the complainant does not need to have witnessed the incident;
- an FIR can be lodged by a minor;
- a "[d]ying declaration" may be treated as an FIR (RSIL Pakistan and NPB of Pakistan July 2016, 61).

According to *US Country Reports 2018*, a "third party" usually initiates an FIR, but "police can file FIRs on their own initiative" (US 13 Mar. 2019, 11). A guide for citizens on FIRs, produced by the Centre for Peace and Development Initiatives Pakistan (CPDI Pakistan), an NGO devoted to promoting democratic institutions and human rights (CPDI Pakistan n.d., 4), indicates that FIRs are generally lodged by the victim of the offence or by someone on their behalf (CPDI Pakistan n.d., 1).

3.2 Means of Reporting

Sources indicate that the commission of the offence can be reported orally or in writing (CPDI Pakistan n.d., 1; Punjab n.d.; Balochistan n.d.), directly at a police station or to a patrolling police officer (Punjab n.d.; Balochistan n.d.). The CPDI Pakistan guide on FIRs indicates that a telephonic message "can be treated as an FIR" (CPDI Pakistan n.d., 1);

however, in contrast, the compendium on police laws and criminal procedures states that “[t]elephonic message recorded by police” cannot be considered FIRs (RSIL Pakistan and NPB of Pakistan July 2016, 61).

3.2.1 FIRs Lodged Online

In correspondence with the Research Directorate on 18 December 2018, a representative of a law office in Lahore wrote that it is possible to register FIRs through online portals in Khyber Pakhtunkhwa (KP) Province, Karachi and Punjab (Law Office 18 Dec. 2018). Other sources similarly stated that it is possible to file FIRs online in Karachi (Karachi-based Lawyer 24 Dec. 2018; Lahore-based Lawyer 21 Dec. 2018).

A June 2018 article published in *The News International*, a Pakistani newspaper, quotes the KP police's director of public relations as saying that since the launching of the online portal, the KP police have registered 2,643 online FIRs across the province, 2,154 of which “have been processed as per law” (*The News International* 14 June 2018). The same article specifies that the following number of FIRs were lodged online in various locations within KP:

Location	Number of FIRs lodged online
Peshawar	1,326
Mardan	172
Charsadda	123
Nowshera	152
Swabi	90
Swat	49
Shangla	3
Buner	9
Dir Lower	11
Dir Upper	9
Chitral	6
Abbottabad	253
Haripur	119
Mansehra	112
Battagram	14
Kohat	587
Karak	46
Hangu	22
Bannu	30
Lakki Marwat	7
Dera Ismail Khan	30
Tank	2

(*The News International* 14 June 2018)

Further information on FIRs lodged online in Karachi and Punjab could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3.3 FIR Registration Procedure

Sources indicate that the following information should be provided at the time of lodging an FIR:

- name and address of the complainant (CPDI Pakistan n.d., 2);
- date, time and location of the reported incident (CPDI Pakistan n.d., 2);
- facts of the incident (CPDI Pakistan n.d., 2);
- names of the accused and their "salient features" (Abbas Zaidi Apr. 2016, 13), or "[n]ames and description of the persons involved in the incident" (CPDI Pakistan n.d., 2);
- roles of the accused in the reported crime (Abbas Zaidi Apr. 2016, 13); and
- names and address of witnesses (CPDI Pakistan n.d., 2).

The officer who receives an oral report is to record it in writing (Punjab n.d.; Balochistan n.d.; CPDI Pakistan n.d., 2) and add it to the FIR register (Punjab n.d.; Balochistan n.d.). The complainant has the right to ask that the information recorded by the police be read over to them, and should then sign the record, or provide a left thumbprint on it (CPDI Pakistan n.d., 2). The complainant is entitled to receive a copy (Punjab n.d.; Balochistan n.d.; CPDI Pakistan n.d., 2), free of charge (CPDI Pakistan n.d., 2).

The compendium on on police laws and criminal procedures notes that the accused "cannot claim an opportunity of hearing" before the registration of an FIR (RSIL Pakistan and NPB of Pakistan July 2016, 61).

4. Digitization of FIRs

Pakistani media sources report that the KP police have digitized FIRs (*The News International* 12 Jan. 2019; *Dawn* 7 Oct. 2018). *Dawn*, a Pakistani newspaper, reports that the police maintains a central database that stores digitized records of all FIRs across KP province (*Dawn* 7 Oct. 2018). The same source adds that the police department was "linking that system to the criminal record verification system," which contains "digitised fingerprints, pictures and other documents" of more than 9,000 individuals, and that "work was under way" to connect this police system with the National Database & Registration Authority (NADRA) database (*Dawn* 7 Oct. 2018). *Dawn* further reports that over 1.43 million FIRs had been digitized between 2010 and 2018 (*Dawn* 7 Oct. 2018). The same sources indicate that along with other technologies, the digitization of FIRs has enabled the police to conduct verifications and arrest wanted individuals (*The News International* 12 Jan. 2019; *Dawn* 7 Oct. 2018). *Dawn* specifies that "designated officers of police stations, posts and checkpoints" can check the database for a suspect identified in an FIR through their cell phones, provided that they have the suspect's name,

national identity card number, father's name and address (*Dawn* 7 Oct. 2018). The same source reports a police official as saying that "if there was an FIR registered against the suspect in any part of the province, the officials would receive a text message within 30 seconds containing the crime and related details" (*Dawn* 7 Oct. 2018). The *News International* reports that this system had enabled to arrest 502 suspects in 2018 (*The News International* 12 Jan. 2019), while in October 2018, *Dawn* indicated that so far, 1,819 wanted individuals had been arrested across the province (*Dawn* 7 Oct. 2018). Information on the digitization of FIRs in other provinces of Pakistan could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

5. Requirements and Procedures for Obtaining a Copy of an FIR

The websites of the Punjab Police and of the Balochistan Police indicate that "[a] certified copy of the FIR, signed by an officer bearing the stamp of the police station is to be provided to the person who reports the crime" (Punjab n.d.; Balochistan n.d.).

According to the website of the Islamabad Police, to obtain a copy of an FIR, the applicant must be present and provide the following: the original and a copy of the computerized national identity card (CNIC); the FIR number and the police station; the reason for requesting a copy of the FIR; and a copy of any other related document (Islamabad n.d.).

The Advocate High Court in Lahore indicated that while the complainant has the right to obtain a copy of the FIR at any time, in some cases it can be difficult to obtain it without giving police a bribe (Advocate High Court 28 Nov. 2019).

6. Obligation to Register

The compendium on police laws and criminal procedures in Pakistan states that "Section 154 [of the Pakistan Code of Criminal Procedure] requires an S.H.O. [police station house officer] to lodge an FIR based on the information conveyed to him, disclosing the commission of a cognizable offence, irrespective of the information being correct or incorrect" (RSIL Pakistan and NPB of Pakistan July 2016, 61). The same source adds that "[t]he law requires that an FIR be mandatorily recorded in a cognizable case. For non-cognizable cases, the information must be entered into the register and[,] in either case[,] entry into the register may not be refused (RSIL Pakistan and NPB of Pakistan July 2016, 61). The websites of the Punjab Police and the Balochistan Police similarly indicate that "[n]o police officer has the authority to refuse registration of a case" (Punjab n.d.; Balochistan n.d.). The CDPI specifies that non-registration of FIRs by the police "is an offence and can be a ground for disciplinary action against the concerned police officer" (CPDI n.d., 1). A December 2018 article by the *Nation* reports on the case of two police officers who had refused to register an FIR further to house robberies, and where the first officer was suspended while the second was subjected to "departmental action" (*The Nation* 31 Dec. 2018). Further information on the disciplinary actions that can be imposed on police officers who refuse to register an FIR could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the websites of the Punjab Police and the Balochistan Police, "[i]n case a crime is reported and a case is not registered, the person who reports the crime must inform the Sub-Divisional Police Officer or the Superintendent of Police or the District Police Officer responsible for law and order in that particular area" (Punjab n.d.; Balochistan n.d.). The CPDI guide on FIRs for citizens similarly indicates that if the police refuse to register an FIR, the complainant can submit a complaint to the District Police Officer (DPO), the Capital City Police Officer (CCPO) or "other higher officers," including the Deputy Inspector General (DIG) of police, or the Provincial Police Officer (PPO), who may order the registration of an FIR if they are "satisfied" with the complaint (CPDI n.d., 3). The CPDI guide adds that it is also possible to file a complaint with the District Public Safety and Police Complaints Authority, or a private complaint before a court (CPDI n.d., 3). Further information on the availability and effectiveness of recourses in case of non-registration of an FIR could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

7. Non-Registration of FIRs by Police

Sources report that the police sometimes refuse to register FIRs (HRCP Mar. 2019, 6; Pakistan 19 May 2016, 49; Human Rights Watch Sept. 2016, 22; US June 2019). For example, the Human Rights Commission of Pakistan (HRCP), an "independent, democratic, nonpartisan organisation" (HRCP n.d.), reports the following incidents that occurred in 2018:

- In January [2018], an eighteen-year-old transgender person was kidnapped and gang raped by nine people through the night only to be released the next morning in Peshawar. When the survivor filed a complaint with the police, they refused to register a First Information Report (FIR). (HRCP Mar. 2019, 75)
- In June [2018], at least eight people including four Pashtuns in Lahore were injured in a "clash" between the local residents and Pashtun traders over a petty dispute which turned into an incident of alleged racial profiling. According to witnesses, an announcement was made from a nearby mosque calling on all the residents to "teach the Pashtuns a lesson". The Pashtun traders shut down their shops and fled the attackers, who then allegedly damaged and ransacked the shops. The traders said the police had been reluctant to register an FIR on their behalf but had allowed an FIR against them. (HRCP Mar. 2019, 44)
- A Christian woman was hospitalised with 90 percent burns in an acid attack in Lahore for reportedly turning down a Muslim man's marriage proposal. ... The family of the victim said that instead of registering an FIR against the attacker, the Sialkot Civil Line police changed the nature of the crime in the FIR taking advantage of them being illiterate. (HRCP Mar. 2019, 116)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. A 2016 report by Human Rights Watch indicates that according to human rights organizations, the registration of cases is "particularly difficult" for female victims of sexual assault and consequently, the majority of these cases are not reported (Human Rights Watch Sept. 2016, 22).

According to a 31 December 2018 report in the Pakistani newspaper *The Nation*, an investigation into two cases of alleged police refusal to register FIRs in the Punjab province revealed that "local police were discouraging the victims of robberies deliberately to keep the crime graph low in their respective districts" (*The Nation* 31 Dec. 2018).

According to a 2016 report by the Federal Ombudsman of Pakistan, "[t]here is a reluctance of the Police to register FIRs in many criminal cases especially those relating to kidnapping, extortion, robbery and burglary because the SHO is then held responsible for increase in crime statistics in his jurisdiction" (Pakistan 19 May 2016, 49).

7.1 Bribery

According to the 2016 report by Human Rights Watch,

[n]on-registration of FIRs is also linked to corruption. Complainants, particularly those of lesser means, said that police refused to register their FIRs unless bribes were paid.

Hussain Naqi of the Human Rights Commission of Pakistan said [during a June 2014 interview] that bribing the police through a middleman or agent (commonly known as a "tout") was the "most effective" way for getting an FIR registered. Also frequently needed was a *sifarish* (recommendation) from local notables such as politicians, representatives of professional, business or religious associations, *gundas* (thugs) and heads of criminal gangs, or senior government officials. "Corruption is a big obstacle to registering FIRs," said Naqi. "Police officials do not register complaints automatically as they want to extract money from both the complainant [to register] and the accused [to not register]." (Human Rights Watch Sept. 2016, 22, italics and square brackets in original)

US *Country Reports 2018* similarly indicates that "[a]uthorities reportedly ... did not file [FIRs] when adequate evidence was provided unless the complainant paid a bribe" (US 13 Mar. 2019, 11).

In an article published in the Pakistani press in 2018, Advocate Muhammad Ahmad Pansota wrote that "[p]olice officers tend to misuse their position before and after an FIR has been registered. As a result, people are compelled to illegally gratify the police" (*The News International* 7 June 2018). Various sources indicate that police have been known to refuse to register FIRs unless bribes are paid (JPP and OMCT Sept. 2016; Human Rights Watch Sept. 2016, 22; US 20 June 2019). In addition, the US Department of State, in its *Trafficking in Persons Report 2019* for Pakistan, reported that

NGOs noted provincial police were reluctant to file First Information Reports—required to launch criminal investigations—into many crimes, including trafficking, and some police requested bribes to register legitimate complaints and accepted bribes to not register complaints. (US 20 June 2019)

8. False Cases

Advocate Muhammad Ahmad Pansota wrote in the *News International* that "[i]mplicating innocent people through the registration of fake FIRs for personal enmity is a common practice in Pakistan" (*The News International* 7 June 2018). According to *US Country Reports 2018*, "[a]uthorities reportedly filed FIRs without supporting evidence in order to harass or intimidate detainees ... " (US 13 Mar. 2019, 11). In a case that is described as an "indiscriminate misuse of terrorism laws," the HRCP reports that in 2017, "leaders of the Railway Drivers Association were booked under terrorism laws for holding a strike, and it was reported in the media that the FIR registered against them mentioned that their protest attempted to undermine Pakistan and China's friendship" (HRCP Mar. 2019, 147).

The website of the Punjab police indicates the following:

Section 182 of the Pakistan Penal Code provides for a maximum penalty of six months in prison or fine or both in case a person deliberately has a false case registered. The section is however non-cognizable, i.e. the police cannot automatically register a case under section 182. A court has to order police to proceed against a person under section 182 ... (Punjab n.d.)

Information on the implementation of the above provisions could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] A cognizable offence is "one in which the police may arrest a person without warrant. They are authorized to start [an] investigation into a cognizable case on their own and do not require any orders from the court to do so" (CPDI n.d., 2). A non-cognizable offence is "an offence in which a police officer has no authority to arrest without warrant. The police cannot investigate such an offence without the court's permission" (CPDI n.d., 2).

[2] The compendium on police laws and criminal procedures was published by the Research Society of International Law (RSIL) in Pakistan and the Pakistani Ministry of the Interior's National Police Bureau (NPB) (RSIL Pakistan and NPB of Pakistan July 2016, iii). The RSIL is described as a "think tank aiming to develop national and international awareness regarding international law obligations and standards" in Pakistan, particularly through research and publications (RSIL Pakistan and NPB of Pakistan July 2016, 11).

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Internet sites, including: Australia – Department of Foreign Affairs and Trade; ecoi.net; EU – European Asylum Support Office; France – Office français de protection des réfugiés et apatrides; Khyber Pakhtunkhwa – Official Web Portal; Sindh – Sindh Police; UK – Home Office; UN – Refworld; US Overseas Security Advisory Council.

ecoi.net summary:

Query response on First Information Reports (FIR) (access to a copy for the complainant) (2017 - January 2020)



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Source:

IRB – Immigration and Refugee Board of Canada (</en/source/11213.html>)

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