

Immigration and Refugee Board of Canada

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Immigration and Refugee Board of Canada / Commission de l'immigration et du statut des réfugiés du Canada

Responses to Information Requests



Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website.

4 November 2010

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Pakistan: First Information Reports (FIRs)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

First Information Reports (FIRs) are written reports prepared by police (HRCP and CHRI May 2010, 11; CPDI-Pakistan n.d.a, 1) in response to the report of an event or criminal incident brought to their attention (HRCP 8 Oct. 2010). FIRs are a record of the initial information that is provided by a complainant to the police (CPDI-Pakistan n.d.a, 1).

According to the Centre for Peace Development Initiatives (CPDI)-Pakistan, an Islamabad-based non-governmental organization (NGO) that seeks to "promote active citizenship in all its forms" (CPDI-Pakistan n.d.b), "[a]nyone can report the commission of a cognizable offence either orally or in writing to the police. Even a telephonic message can be treated as an FIR" (ibid. n.d.a, 1). Police officers may also file FIRs on their own initiative (Lawyer 6 Oct. 2010a; CPDI-Pakistan n.d.a, 1).

FIRs are prepared "when police receive information about the commission of a cognizable offence" (HRCP and CHRI May 2010; CPDI-Pakistan n.d.a, 1), an offence for which police are not required to obtain an arrest warrant to make an arrest (HRCP and CHRI May 2010, 65; CPDI-Pakistan n.d.a, 1). As the CPDI-Pakistan explains, police 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" (ibid).

FIRs are prescribed in Section 154 of the Pakistan *Code of Criminal Procedure* (Lawyer 6 Oct. 2010a; CPDI-Pakistan n.d.a, 2), which states:

154. Information in cognizable cases. ... information relating to the commission of a cognizable offence if given orally to an officer in charge of a police-station, shall be reduced to writing by him or under his direction, and be read over to the informant, and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the Provincial Government may prescribe in this behalf. (Pakistan 1898)

Format

FIRs are usually handwritten in the Urdu language (Lawyer 8 Oct. 2010; HRCP 8 Oct. 2010). In 6 October 2010 correspondence with the Research Directorate, a Lahore-based lawyer, who is also an advocate with the Lahore High Court and a frequent commentator on legal and human rights issues, explained that an FIR includes the following information:

- a. Report [number];
- b. Date and time of report;
- c. Complainant/informant's name and residence;
- d. provision of Penal Code applicable to the offence;
- e. site of occurrence of offence;
- f. name of the accused, if known/or suspect;
- g. reason for delay in investigation of crime, if any. (6 Oct. 2010a)

A representative of the Human Rights Commission of Pakistan (HRCP) confirmed in an 8 October 2010 telephone interview with the Research Directorate that information contained in FIRs includes the date and time of the report as well as the name and address of the complainant. The Representative added that the registering police station is also identified (HRCP 8 Oct. 2010). In a separate 8 October 2010 telephone interview with the Research Directorate, the Lawyer reiterated that the name and address of the complainant is noted in the

FIR except when the FIRs are registered at the initiative of police officers. The Lawyer stated that, to the best of his knowledge, except for possible "superficial differences," the same format for FIRs is used throughout Pakistan (8 Oct. 2010).

Registration and Procedures

An FIR is lodged at a police station in the area where the crime or incident took place (HRCP 6 Oct. 2010). The HRCP Representative reported in 6 October 2010 correspondence with the Research Directorate that the police maintain a "printed and numbered 'register'," in which the report is written. CPDI-Pakistan states that "[i]t is a duty of police to register [the] FIR without any delay or excuses. Non-registration of [an] FIR is an offence and can be a ground for disciplinary action against the concerned police officer" (n.d.a, 1). However, according to the HRCP Representative, in practice, police may conduct an initial investigation before registering an FIR (8 Oct. 2010).

In addition to a serial number (Lawyer 8 Oct. 2010), each FIR is assigned a sequential number to indicate the number of FIRs registered by the police station as well as the year in which they are registered (ibid. 6 Oct. 2010a; HRCP 8 Oct. 2010). In an 8 October 2010 telephone interview with the Research Directorate, the Lawyer noted that the serial number printed on each FIR prevents other FIRs from using the same "book/register number" (8 Oct. 2010). No further information on the logging, serializing and storage of FIRs could be found among the sources consulted by the Research Directorate.

The Lawyer stated that in practice police may not always register FIRs (8 Oct. 2010). According to the HRCP Representative, police officers may try to avoid registering FIRs because the number of registered FIRs provides an indication of the crime rate; police officers are pressured politically and by their superiors to keep the number of registered FIRs low and make the crime rate seem lower than it is (8 Oct. 2010). The HRCP Representative stated that a complainant may have to resort to bribery to ensure the FIR is registered while the accused may also attempt to use bribery to try to stop an FIR from being registered (HRCP 8 Oct. 2010). The Representative also indicated that, in order to replace lost or stolen documentation, such as a passport or identity card, an FIR must be registered to demonstrate that police are aware of the loss or theft; bribery may be needed to ensure the FIR is registered (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate.

CPDI-Pakistan provides the following information on steps an individual can take if police do not register an FIR:

1. You can meet the District Police Officer (DPO) or Capital City Police Officer (CCPO) or other higher officers like Deputy Inspector General (DIG) of police and Provincial Police Officer (PPO) and bring your complaint to their notice.
2. You can send your complaint in writing and by post to the DPO, CCPO, DIG or PPO concerned. If the DPO, CCPO, DIG or PPO is satisfied with your complaint, he shall order the registration of FIR.
3. You can file a complaint to the District Public Safety and Police Complaints Authority in your district.
4. You can file a private complaint before the court having jurisdiction. (n.d.a, 3)

The HRCP Representative also stated that, if the police are not cooperating, it is possible to obtain a court order to register an FIR but that it is time-consuming and costly to do so (HRCP 8 Oct. 2010).

Access to copies

The HRCP Representative explained that carbon copies are made of each FIR (ibid.) and that "a copy of [the] FIR is retained at the police station. One copy is sent to [the] Inspector General's office and one is sent to the prosecutor's office" (ibid. 6 Oct. 2010). Sources consulted agree that the individual asking for the FIR to be registered has the right to receive a copy of the FIR (HRCP 8 Oct. 2010; Lawyer 8 Oct. 2010; CPDI-Pakistan n.d.a, 2). The HRCP Representative and the Lawyer both stated that the accused is also entitled to a copy (HRCP 8 Oct. 2010; Lawyer 8 Oct. 2010), as are third parties who are involved in a case (ibid.). The Lawyer added that FIRs are legally required to be publicly accessible (ibid.).

However, the Lawyer and HRCP Representative both indicated that, because of corruption, it can be difficult to obtain copies of FIRs without resorting to bribery (Lawyer 8 Oct. 2010; HRCP 8 Oct. 2010). The Lawyer added that police inefficiency is also an obstacle to obtaining copies (8 Oct. 2010). The HRCP Representative said that obtaining official copies is more difficult than trying to obtain unofficial copies (HRCP 8 Oct. 2010). The Lawyer also reported that, even with bribery, it is easier to obtain unofficial copies than certified copies (8 Oct. 2010). Information on the formal procedure to obtain copies of FIRs from abroad could not be found among the sources consulted by the Research Directorate.

Investigation

Sources consulted explain that the registration of an FIR is meant to initiate the investigation process and may lead to court-ordered arrests and formal charges (Lawyer 6 Oct. 2010a; CPDI-Pakistan n.d.a, 1; HRCP 8 Oct. 2010).

CPDI-Pakistan states that even if an FIR is filed, police may not investigate a complaint if one or more of the following is found:

1. The case is not serious in nature;
2. The police feel that there is not enough ground to investigate;
3. The police resources are already over-committed in investigating more serious offences. (n.d.a, 1-2)

If the police decide against investigating the complaint, they must document the reasons for their decision and inform the person who registered the FIR (CPDI-Pakistan n.d.a, 2).

Validity of FIRs throughout the country

According to the HRCP Representative, FIRs are valid throughout all of Pakistan (6 Oct. 2010). However, the Representative stated that, while police in one area of Pakistan can become aware of an FIR against someone in another area of the country, they generally do not unless the police in the original jurisdiction call attention to a particular FIR as, for example, in a case that is particularly serious, politicized, or subject to public attention or that requires police to more actively search for a suspect (HRCP 8 Oct. 2010).

In additional correspondence of 6 October 2010, the Lawyer provided the following details on how FIRs are used throughout the country:

[T]here is no national system to track FIRs, and there is no systematic coordination between various police organisations at inter-provincial level or inter-organisation level. Police officers in one district will not be able to know about the FIRs registered elsewhere unless a circular is issued intimating them of offence and suspects. So, unless police is really after the accused, and get orders to search and seize in other districts or provinces the accused may remain at large. (6 Oct. 2010b)

The Lawyer added the following information regarding cases connected to terrorism:

[I]n many terrorism cases (suicide bomb attacks etc.) news of the incident spreads like fire in the jungle. Concerned police often releases sketches of the suspects. Further, in many terrorism cases if FIR is registered against certain recognisable/named person(s) that information should travel beyond the originating district but the police are not efficient, or well resourced. So there can be many lapses even in serious cases.

...

[T]errorism cases are treated more seriously, so to say. And I believe information on terrorism suspects is circulated in other districts of the same province or other provinces more often and quickly. But this does not necessarily mean this is done diligently and efficiently in every case. (Lawyer 6 Oct. 2010b)

According to the Lawyer, it is generally the police that file FIRs in cases involving terrorism (Lawyer 8 Oct. 2010).

Effect of an FIR on acquisition of a passport

The HRCP Representative explained that, since the registration of FIRs by police is a provincial responsibility and passports are issued by the national government, even a person that was the accused in multiple FIRs would not be barred from obtaining a passport unless the central government had specifically ordered that a passport not be issued to him or her (6 Oct. 2010). The Lawyer likewise stated that, if the accused remains "at large," an FIR should not be an obstacle to acquiring a passport since "[s]omeone accused of a bailable offence can get a protective bail before arrest" and, if the case against them is not strong, can seek bail from High Court (Lawyer 6 Oct. 2010a). However, the HRCP Representative pointed out that there is an "Exit Controlled List" that prevents someone from leaving the country "even if one has valid documents" (6 Oct. 2010).

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.

References

Centre for Peace Development Initiatives Pakistan (CPDI-Pakistan). N.d.a. "First Information Report (FIR): (A Guide for Citizens)." <http://www.cpd-pakistan.org/images/stories/publications/What_is_an_FIR.pdf> [Accessed 7 Oct. 2010]

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Additional Sources Consulted

Publications: *A Legal Research Guide to Pakistan; Police & Law Enforcement Reform in Pakistan: Crucial for Counterinsurgency and Counterterrorism Success; Political Dimensions of Police Reform in Pakistan*

Oral Sources: Representatives of the Canadian High Commission in Islamabad and the Pakistan Consulate in Toronto did not provide information within the times constraints of this Response. Attempts to contact a former official of the government of Pakistan, three Pakistan-based lawyers, a representative of the Asian Human Rights Commission (AHRC) and a representative of the Embassy of Pakistan in Ottawa were unsuccessful.

Internet sites, including: Amnesty International (AI), *Asia Society*, Asian Forum for Human Rights and Development, Australia - Refugee Review Tribunal (RRT), *Daily Times* [Lahore], *Dawn.com*, Diplomatic Mission of Pakistan in Canada, Embassy of the Islamic Republic of Pakistan in Washington, DC, European Country of Origin Information Network (ecoi.net), Guide to Law Online: Pakistan, Human Rights Watch, Institute for Social Policy and Understanding (ISPU), Law and Justice Commission of Pakistan, Pakistan College of Law, *Pakistan Daily*, Pakistan Lawyers, South Asia Human Rights Documentation Centre (SAHRDC), Transparency International (TI), World Law Guide.

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