

# Mechanism of Crime Reporting in Pakistan: A Critical Study

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## ABSTRACT

**Aim of the study:** The research aimed to examine the process of crime reporting in the Pakistan, to determine challenges faced by the citizens and existing flaws in the mechanism and its effects on the criminal justice system of the country. The study also aimed to suggest recommendation to address these flaws so as administration of criminal justice can be improved and delivery of justice to the aggrieved people can be made smooth and convenient.

**Methodology:** This study employed qualitative research approach and utilized data collection methods such as review of relevant documents, case laws, response through questionnaire etc. This study has been done to determine the causes and impacts of defects in the mechanism of crime reporting in administration of justice in the country. The researcher got response of the law experts to reach a conclusion and proposed solutions.

**Findings:** From this study it appears that in the country there is not a uniform system of crime reporting consequently it has adverse effects on the criminal justice system of the Pakistan. In Punjab and Pakhtunkhwa Province crimes can be registered online, however in Sindh and Balouchistan still information relating to offence is received and lodged manually. For which informant has to visit Police Station physically. Police often do not register crime or it is not reduced in writing as narrated by the informant, hence this document loses its value. Beside this, corruption, local and political influence also affects the mechanism of crime reporting. As this basic stage of duty is not performed by the Police and people do not trust on this important pillar of the criminal justice system of the country.

**Conclusion:** Flaws in the mechanism of crime reporting have been determined in this study causing adverse effects on the criminal justice system of the country. Through this study recommendations have been suggested for improvement of the mechanism. Researchers believe that by incorporation of these recommendations better results can be achieved which can be done by administrative decisions. Trust of the people will be restored.

**Keywords:** F.I.R in Pakistan, Crime Reporting, Online Registration, Effects of Flaws in Crime Registration.

## Article History

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## **Introduction**

In every country less or more such acts or omissions prohibited by the State are committed by the people. Such prohibited acts are specified in the law of the land for the knowledge of its citizens so that they should avoid commission of such acts or omissions. However to deter crime, address the grievance of aggrieved persons/complainant and convict accused if he is proven guilty there is a Criminal Justice System. In this regard registration of crime is initial stage. Every citizen has right to get reported his grievance at proper forum i-e Police. To register crime in every country agencies are established and are assigned their role. Different countries have websites of their agencies for online registration of their grievances including crime. In some of the countries have the mechanism requiring aggrieved person to visit Police Station for lodging of his/her complaint.

In Pakistan there is also a mechanism of registration of crime which includes online and manual registration of crime/complaint. In Pakistan Criminal Justice system has four main pillars which are mentioned below.

- (1) Police (law enforcement);
- (2) Prosecution
- (3) Courts; and
- (4) Prison or corrections (jails / prisons, probation and parole).

Police force in Pakistan is poorly managed, not fully equipped and lacks training. Corruption, local and political influence, structural problems, lack of investigation facilities are some factors hindering effectiveness of this agency. (Abbas, Police and Law Enforcement Regorms in Pakistan: Crucial for Counterinsurgency and Counterterrorism Success, 2009).

International non-governmental organizations have also attempted to study and examine the criminal justice system of Pakistan. One such example is the report styled as Reforming the Criminal Justice of Pakistan<sup>6</sup> by the International Crisis Group. The Report is elaborate and addresses the structural and administrative issues. Likewise, reform reports on the basis of components of the criminal justice system have also emerged. The police reform, for example, has witnessed twenty one reports as per the report on the Police Organizations in Pakistan by the Human Rights Commission of Pakistan (Khan, Theoretical Framework for Reforming the Criminal Justice System in Pakistan, 2020)

Criminal Law comes in motion when offence is reported at Police station. In this regard two modes have been provided in Criminal Procedure Code of Pakistan, one mode is lodging of report at Police Station under section 154 of Cr.P.C regarding commission of cognizable offence and the second option is filing of complaint with the Magistrate. Required conditions for lodging of report at Police Station are mentioned in the section 154 of Cr.P.C in cognizable cases.

### ***First Information Report***

FIR is the basic right of every complainant who is victim of any crime; and it is the duty of Police to register it promptly, as and when it is reported. Once the cognizable offence takes place and is reported to the police, the officer incharge of the Police Station is required by law to record the same in writing,(P.Cr.L.J, Page 383, 2012)irrespective of fact that the information which he had received is correct or otherwise.(P.Cr.L.J, 2011)

In Abdul Rehman Malik versus Synthia D Ritchie and others reported in SCMR 2020 petitioner was a former federal minister and current member of Senate accused of raping a foreign national in Pakistan. In the face of a negative police report the Justice of Peace declined to issue direction for registration of a criminal case against the petitioner. Alleged victim assailed such refusal before the High Court, which vide the impugned order remitted the complaint to the Session Judge for re assigning the matter before another Ex-officio Justice of Peace. Supreme Court dismissed this petition for leave to appeal and

declined leave. It was held by the Supreme Court that petitioner to vindicate his position before a Justice of Peace was required to respond to the accusation before the designated tribunals. Supreme Court held that like any other accused person petitioner has right of all statutory safeguards but on the basis of holding previously high offices or status of the house of Parliament he has no immunity. Citizens without regard of their status have been guaranteed equality before law and equal protection of law in the Constitution. (Abdul Rehman Malik versus Synthia D Ritchie, and otehers, page 2037, 2020).

Only precondition required for such exercise was that the information should disclose a cognizable offence on the face of the allegation. Failure of the concerned Police Officer to register a complaint, so made would amount to failure to discharge statutory obligation.(P.Cr.L.J, Page 282, 2012) S.H.O has no discretion in registration of case on such report or to keep it pending for an indefinite period. Hearing of an accused is not necessary in proceedings under section 154 of Cr.P.C.(P.Cr.L.J, P. 1214, 2004) Though there is an option to file direct complaint before Magistrate under section 200 but no justification is given for aggrieved person to file complaint instead of seeking aid of State institutions (P.Cr.L.J, Page 1797, 2012) Police has no authority to cause delay in registration of the offence, law binds it to discharge its functions accordingly so that machinery of law come in motion without any delay. Registration of first information report without delay becomes helpful for investigating agency to complete the investigation process expeditiously. After lodging the first Information Report under section 154 the Police is required to furnish copy of F.I.R to concerned quarters. Deviation from the requirement of the mandatory provisions of the law shakes the credibility of leveled accusation incorporated in the F.I.R.(SCMR, Page 424, 2001).F.I.R promptly lodged without any consultation of Police or tutoring by anyone(P.Cr.L.J, P. 1712, 1985) may be treated as genuine document(P.Cr.L.J, P. 1865, 1997) excluding possibility of fabrication(NLR, Cr. 554, 1997) however, it is not gospel truth(PLJ, Lah. 1139, 1996) and is not a guarantee of truthfulness of its contents(YLR, 1523, 2002). It is not an encyclopedia so as to include each and every detail of the incident reported therein (P.Cr.L.J, P. 2091, 1997). Nonetheless, it did contain certain details that served as its mainstay. Most important part of these details regarding the guilt of an offender are witnesses as their testimonies provide evidentiary certainty and if previously named witnesses are replaced would inevitably tremor the whole edifice creating hypothesis of their absence at the scene. (Abdul Latif versus Noor Zaman, page 1428, 2022). Without plausible explanation delay in lodging FIR is serious lapse and to gauge the veracity of the prosecution witnesses such delay can be a valid ground. (Abdul Ghafoor versus the State, page 1527, 2022)

### ***Object of the F.I.R***

Purpose of section 154 is to give information of a cognizable offence to S.H.O of the Police station and to activate the system of law (MLD, P. 1609, 2013). Material covering accusation prescribed in the F.I.R itself cannot be sole cause of the decision regarding fate of the accused nominated in the F.I.R.(P.Cr.L.J, Page 199, 2012). If from the contents it appears that cognizable case is not made out; the same is informed or notified to the informant so that he may seek his remedy from the competent Court. If the F.I.R is found false, the matter is to be presented before the competent Magistrate to order the cancellation of the same. If the contents of the F.I.R found true a report u/s 173 of Criminal Procedure Code is submitted to the competent Court within a fortnight (MLD, Page 472, 2001). All the details of the incident although are not to be given in the F.I.R but at least major and important points are required to be mentioned therein (P.Cr.L.J, Page 639, 2006). Question whether the information/complaint was correct or incorrect depended on the investigation subsequent to the registration of the F.I.R (P.Cr.L.J, Page 622, 2006). As required by the section 154 Cr.P.C whenever any information is received which relates with the commission of offence which is cognizable, if that information is orally given the officer incharge of the Police Station, that Police Officer is required to reduce it in writing or it can be reduced in writing under his direction. After reducing it in writing the contents of this will be read over to the informant and every such information which either may have been in writing or reduced to writing is required to be signed by the person giving information; and substance thereof would be entered in a book kept by such Police Officer in the form prescribed by the Provincial Government (YLR, Page 1706, 2013).

Main object of the F.I.R is to activate the criminal law and to receive information of the incident spontaneously so as chances of consultation, deliberation and fabrication of story can be reduced or informant has time to devise anything to his advantage and to the disadvantage of others and to safeguard the accused of such happenings in first information report.

Spontaneity of F.I.R reduces the chances of fakeness in the contents and is the guarantee of truth to a greater extent (SCMR, Page 45, 2011). Also purpose of the F.I.R includes providing basis for carrying out investigation in the right direction (MLD, Page 1931, 2011). First Information Report is considered as back bone of prosecution case. Basic object of lodging the report at Police Station is to bring in action the machinery of law for undertaking inquiry and investigation in the alleged offence; hence informant should have been aggrieved person is not a condition, such information can be communicated by any other person or any eye witness of the incident(P.Cr.L.J, Page 2007, 1991).

### ***Registration of second F.I.R***

In a landmark judgment in the case of Sughra Bibi v/s the State criminal appeal no. 547 of 2017 reported in PLD 2018 SC 595 it has been held by the Supreme Court that second F.I.R cannot be registered on the basis of same incident regarding different version(PLD, SC 595, 2018), (PLD, SC 31, 2007) In the Sughra Bibi case it has been held by the Supreme Court that counter versions are the statements which can be recorded under section 161 of the Cr.P.C, However prior to this it has been held by the Supreme Court that “supplementary statement is not equated with F.I.R.(PLD, Lah 110, 2002) Legally no reliance can be made on supplementary statement (YLR, P. 1419, 2003). Registration of second F.I.R regarding same occurrence was not barred under law if a distinct and separate cognizable offence is disclosed or if complainant or an aggrieved persons differs from the contents of F.I.R on the ground that police did not record the story narrated by him. Second F.I.R was not barred particularly in case of counter version (P.Cr.L.J, Page 180, 2012). Though there is no provision in the Criminal Procedure Code, in different cases Sindh High Court and other High Courts have been pleased to pass the orders for registration of second F.I.R. In famous Murtaza Bhutto case first FIR was registered by the Police. However on the application of Ms Ghinwa Bhutto wd/o Late Murtaza Bhutto Sindh High Court directed to lodge report of Ms Ghinwa Bhutto, consequently second F.I.R was lodged where in Police officials were nominated as accused.

### ***Cancellation of F.I.R***

Under section 173 Cr.P.C investigation officer has to submit final report before Magistrate without delay. All these sections contemplate a simultaneous action and are to be read together (P.Cr.L.J, P.223, 1993) Final report of Police investigation in criminal cases is known as “challan”. Term challan has not been defined anywhere in Criminal Procedure Code however in ordinary sense it is used for a report u/s 173, the term interim report as an incomplete challan.

Every investigation under chapter XIV of Cr.P.C without unnecessary delay should be completed as soon as possible which also has been required under section 173 of Criminal Procedure Code. After completion of investigation the officer incharge of the Police Station or investigation officer has to submit to the Magistrate having jurisdiction and empowered to take cognizance a final report on the prescribed form. If within 14 days from the date of F.I.R investigation has not been completed, the officer incharge of the Police Station has to submit an interim report on the prescribed form within three days of the expiration of such period. The result of investigation until that time period shall be mentioned in such report.

On the basis of Police report and collected material accused will have to face trial or any order to be passed by concerned Magistrate (SCMR, P.1430, 2011). When the case is true but accused cannot be traced Police dispose of it in clause “A” but when the matter is false case is disposed of in clause “B” non-cognizable cases or where evidence is not sufficient, case is disposed of under clause “C”. However such report of Police is not binding upon the court (YLR, P.1297, 2013). Where the accused is placed in column 2 it is only meant that in the investigation Police has found accused as innocent person and has

been discharged under section 63 but this does not mean that they cannot be summoned to stand trial (SCMR, P.1428, 1988)

If F.I.R is found false or based on mistake of fact Investigating Officer has authority to dispose of F.I.R as cancelled subject to confirmation by the Magistrate. (P.Cr.L.J, P 520, 2000). The concept of initiation of prosecution laid with the aggrieved person under section 154 Cr.P.C and thereafter the same was entrusted to the State whereas under section 494 Cr.P.C if the proceedings were supposed to be withdrawn, the same was responsibility of the Public Prosecutor. The scope of aggrieved person had been extended after the promulgations of criminal law Ordinance 1990, however it was only limited to the cases relating to bodily harms (Major Rehan Zia versus the State, page 1115, 2022).

### ***Quashment of FIR***

High Court has inherent powers under section 561-A Cr.P.C. Under this power court may pass such order as could be necessary. For this it is not necessary to wait for the orders of trial court under 249-A or 265-K of Cr.P.C. (P.Cr.L.J, P. 897, 2014). Registration of the subsequent F.I.R on the same facts and circumstances being not permissible, registration of impugned first information reports was held of no legal effect (PLD 1994, 1994).

It has been held by the Supreme Court that fard malkiat was found to be forged and fabricated during the course of an inquiry conducted by EDO® on the application of the appellant. Apart from that as the matter was of criminal nature, the same could not be closed down by the High Court with a stroke of pen on the ground that civil litigation was pending adjudication between the parties coupled with the finding in a police investigation. Crime report was lodged on the application of the appellant when the document in question was found forged and the same was based upon legal foundation. Supreme Court set aside the judgment passed by the single bench of the High Court quashing the FIR in question (Dr Sikander Ali Mohi Ud Din versus SHO and others, page 1486, 2022).

### ***Connection of investigation with F.I.R***

Investigation is conducted for formation of opinion that collected material implicates the accused and he should face trial (P.Cr.L. Page 1357, 1999). In every investigation there are following phases (SCMR, Page 304, 1997).

- a. Administrative phase
- b. Judicial phase
- c. Execution phase

In conducting investigation, investigating officer has to visit place of incidence, collect the relevant material, record statements of the persons acquainted with the facts of the case, do search of the places where anything in the relevancy of case can be find.

A Police Officer conducting investigation under section 161 of Cr.P.C is fully authorized to ask the questions and record statements of persons who in his opinion are acquainted with the facts of the case. Section 161 of Cr.P.C requires that Police Officer has to make a separate record of such statements and include them in Police diaries prepared under section 172 of the Cr.P.C. In recording statement of witnesses though investigating officer has discretion as vested by the provisions of section 161 of Cr.P.C, however such discretion is to be exercised soundly and not arbitrarily, so as accused should not become handicap in the defence nor court become deprived of valuable material determining the truth (MLD, P. 2332, 1998).

Statement recorded under section 161 of Cr.P.C can be used for contradicting the statement of a witness to determine the degree of his truthfulness. Manner for this determination of truthfulness has been provided in Article 140 of Qanun-e-Shahadat 1984. As statement is not a substantive piece of evidence, provisions of section 161 of criminal procedure code are not mandatory in its nature. Such statement

cannot be used to corroborate or explain any part of evidence and this is the reason that section 161 Cr.P.C leaves it to the discretion of the Investigating Officer to examine earlier a witness which he thinks is acquainted with the case (PLD Lah page 8, 2013).

Credibility of witness would become highly suspicious if his statement under section 161 is recorded with delay without offering any plausible explanation (P.Cr.L.J, page 1296, 2010). However in the case of Fakharun Nisa Khokhar reported in PLD 1969 Lah. Page 114 and again discussed in Dilshad vs State 1995 P.Cr.L.J page 248 it was held that Court may prefer to rely upon testimony of witness in Court on oath and such witness should not be considered unreliable on point on which he is contradicted for the reasons that Police not correctly record statement under section 161 Cr.P.C(P.Cr.L.J, 248, 1995).

A Police Officer is not allowed to make any inducement, threat or promise and such has been strictly prohibited under section 163 of Cr.P.C. Article 37 of the Qanun-e-Shahadat deals with irrelevancy of confession caused by inducement, threat or promise. What section 163 emphasizes is that while recording statement under section 161, for obtaining the said statement use of threat, promise or inducement is not permissible to the Police officer. It has been held by the Supreme Court that in the case accused not named in the FIR but implicated through supplementary statement of witness, prosecution is required to explain and satisfy regarding its initial failure to nominate an accused in FIR and the circumstances improving upon its knowledge so as to justify inclusion of the accused (Rafaqat Ali versus the State and others, page 1107, 2022)

Police has also the powers to withdraw the challan and submit fresh challan(P.Cr.L.J, Page 660 Pesh, 2001). Collection of the evidence is duty and prerogative of the Police, this matter is not within the domain of the Courts (P.Cr.L.J, Page 1054, 2001). “Behind the process of reinvestigation there is always instance of influential people and by it favourable reports are obtained” with such declaration the Supreme Court of Pakistan in Bahadur Khan v. Muhammad Azam has disapproved the system of re-investigation and successive investigation(SCMR Page 373, 2006).

### ***Non Cognizable Offence (Section 155 of Cr.P.C)***

Section 155 of the Criminal Procedure Code provides that when information reaches to the In-charge Police Officer as to commission of non-cognizable offence, he should make entries in the book maintained for the purpose (roznamcha) and without any investigation refer the matter to the Magistrate for order. After having obtained appropriate order from the Magistrate, he would proceed in accordance with sub-para(3) of section 155. However he is not competent to arrest accused person without having warrant of arrest from the concerned Magistrate.

### ***Cognizable offence suspected (Section 157)***

Section 157 provides that if commission of cognizable offence is suspected from the given information and there is a doubt that whether a cognizable offence has been committed or not he is required to immediately send report to the Magistrate having jurisdiction and to visit place of incident in person or to depute his subordinate officer to proceed at the place of incident who then shall conduct investigation and if situation require him to take necessary measure for collection of evidence and arrest of the culprit. Object of sending report to Magistrate is to keep him informed and to enable him taking necessary actions under section 159 of Cr.P.C. If Magistrate is of the opinion that there are not sufficient grounds for investigation or for proceeding under section 159 he may dismiss the case. The basic concept of section 157 of Cr.P.C is to keep check and balance for ensuring conduct of just, fair and impartial investigation.

### ***Principles for recording F.I.R***

For recording first information report under section 154 some principles have been set which are mentioned below.

- i. To make compliance of the terms of section 154 and 155 of Cr.P.C and rule 24.1 of the Police Rules in receiving an information regarding commission of any offence.

- ii. If information received does not show cognizable offence, however it shows non cognizable offence the Police Officer is required to get it noted and put it before the Magistrate for further order. Investigation cannot be commenced without order of the Magistrate.
- iii. If received information shows commission of the cognizable offence, the Police Officer has to apply his mind and not to delay the commencement of investigation without good cause.
- iv. Police officer not conducting investigation in the matter is required to communicate his decision to the informant and also inform the concerned Magistrate.
- v. A person suspected of committing a cognizable offence should not be arrested without reasonable grounds for existence of such suspicion. The suspicion should be based on some tangible material, without which mere information that someone has committed an offence is not sufficient to cause suspicion.

Even after conducting investigation if sufficient evidence is not found against an alleged offender Police has power to not submit challan. In such a case Police under section 169 can release an already arrested person.

### ***Problem Statement***

Due to various reasons criminal justice system of Pakistan is not delivering ranging from reporting of offence to submission of challan and then trial in the Court. There are many gaps at each step adversely affecting the system. (Hamza, 2015). To get reported complaint or grievance is right of every aggrieved citizen of Pakistan however due to various reasons people of Pakistan are deprived of this right. Ordinarily if an aggrieved person or victim of the crime approach the Police Station for registration of crime he/she do not get positive response from the agency which is a main pillar of the criminal justice system of the country. Corruption, political and local influence and lack of resources may be some of the reasons, hence it requires a research based study so that problem in the system could be determined and recommendations could be suggested for improvement.

### ***Research Objectives and Significance of the Study***

As reporting of the crime is very basic stage of the operation of criminal law, hence it is most important that it should be smooth so that every citizen of the country should face no hurdle in getting reported his complaint or grievance. But due to certain flaws in the system a common citizen cannot get his complaint or grievance reported consequently criminal law does not comes in motion, consequently culprit remain free and aggrieved person in pain; hence there is severe need to study the flaws and effects and to suggest recommendations for the improvement of the mechanism of crime reporting. Objectives of this study are given below.

- i. To determine the flaws and effects in the mechanism of crime reporting
- ii. To suggest recommendations for the improvement of the mechanism of crime reporting

### ***Research Questions***

Following questions were put to the respondents to get the answers in the relevance of this study.

- i. What is your opinion/experience about registration of F.I.R by Police
- ii. Whether people prefer to register/report any offence?
- iii. Why people do not prefer to register/report crime?
- iv. What substitute you would like to suggest for registration of F.I.R?
- v. Do you think Police register F.I.R as narrated by the informant?
- vi. What is the effect of current mode of registration of F.I.R?

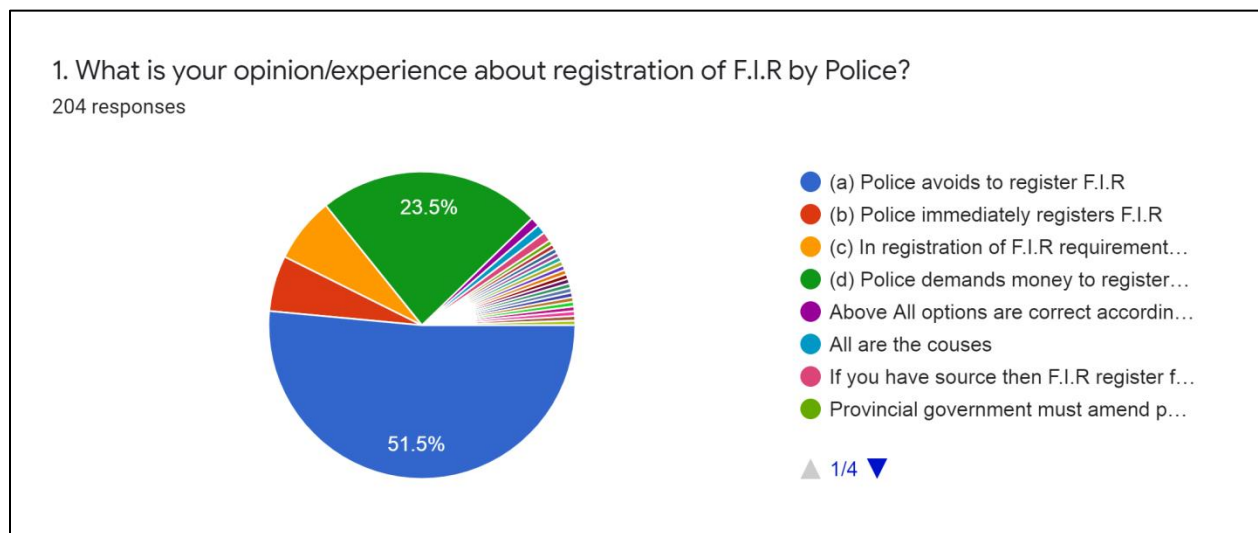
vii. What will be the effect of changing the current mechanism of registration of crime?

## Research Method

In this study methodology chosen by this researcher is quantitative research methodology and for the purpose of collecting the data in quantitative method, the researcher selected the sample of law professionals. Furthermore, researcher selected aimed sample which was very purposive and convenient in order to achieve the answers of the research problems. In this research, in hand registration of FIR is independent variable while conduct of investigation, arrest and submission of final Police report in the court for the purpose of taking cognizance is dependent variables which relies on the registration of FIR. Results are given in descriptive method. All the suggestions given by the respondents have been described in the recommendations.

## Result and Discussion

In this research survey was conducted by filling questionnaire from advocates, prosecutors, Judicial Officers, Police Officers, Law teachers and others

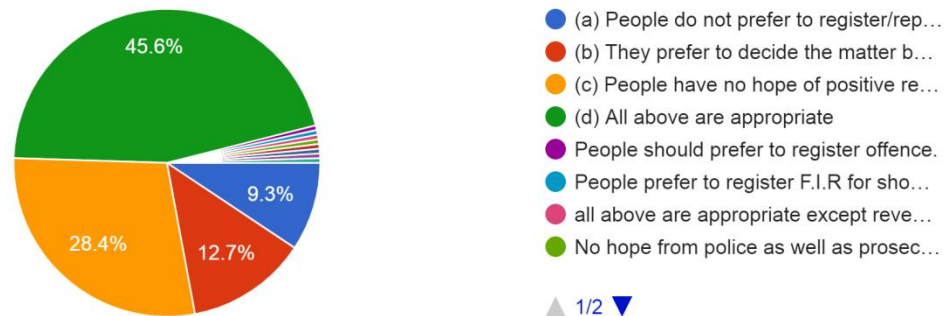


In response to question that “what is your opinion/experience about registration of F.I.R by Police?” 51.5% responders were of the view that “Police avoids to register F.I.R”, however 23.5% people are of the opinion that “Police demands money to register F.I.R”. Approximately 10% responders are of the view that “in registration of F.I.R requirements of the section 154 are not followed”. However some of the responders are of the view that Police immediately registers F.I.R. This response shows that in reporting crime 85% responders are not satisfied with Police performance. In the criminal justice system where a basic requirement is not fulfilled to bring the criminal law in motion, how it can be expected that further system will be working fairly. Though there is a remedy to file an application before Ex Officio Justice of Peace for seeking direction to Police for registration of F.I.R but it seems lack of interest by the Police. If Police avoid registering F.I.R, even if register crime on the direction of Ex Officio Justice of Peace Police may not take interest in conduct of the investigation or that would not be conducted fairly and impartially. Besides this complainant has another opportunity to file direct complaint before the Magistrate having jurisdiction but that process is also painful and it is very difficult for a common person who is victim of a crime to prove its case/complaint before the Magistrate beyond the doubt. In the case based on direct complainant it is complainant who has to prove his case where as in the case based on Police report burden is upon the Police/Prosecution instead of the complainant. Due to non registration of case by Police, people resort to address their complaints by way of fighting with each other which sometimes results in the loss of life.



## 2. People prefer to register/report any offence?

204 responses

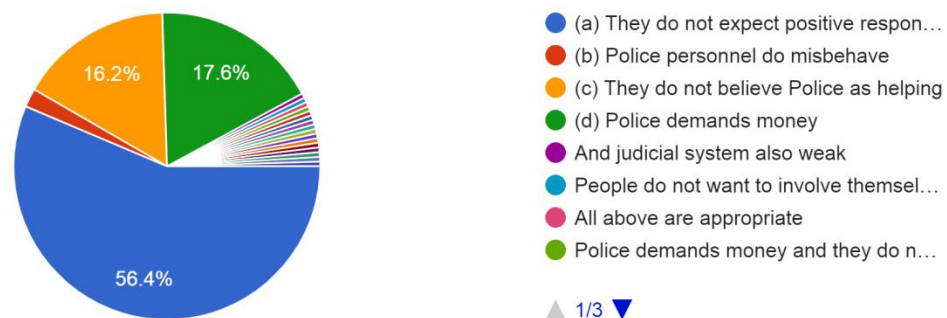


In response to question that “whether people prefer to register/report any offence?” four options were suggested that (a) people do not prefer to register/report any offence, (b) they prefer to decide the matter by themselves either by revenge or compromise, (c) people have no hope of positive response from the police officer (d) all these options are appropriate. 46% responses were that all these options are appropriate. However 28% responders were of the view that “people have no hope of positive response from the police officer”. 13% responders were of the opinion that “they prefer to decide the matter by themselves either by revenge or compromise”. Only 9% responses are agreed with this that “people prefer to register F.I.R”.

In open mind response they were of the view that it depends upon the background of each person. People for their dignity prefer to set State machinery into motion by way of registration of F.I.R. They do not prefer to register every offence but some offences. One of the responder was of the opinion that people prefer compromise over revenge. Because of the fact that process of crime registration is not smooth, fair and without pain so people don’t prefer to register crime. If there would have been smooth, fair and easy process for the registration of crime, people would prefer to register crime.

## 3. Why people do not prefer to register/report crime?

204 responses



When they were asked “why people do not prefer to register/report crime”? 56% responses were of the view that “they do not expect positive response from Police”. 18% responses were of the opinion that

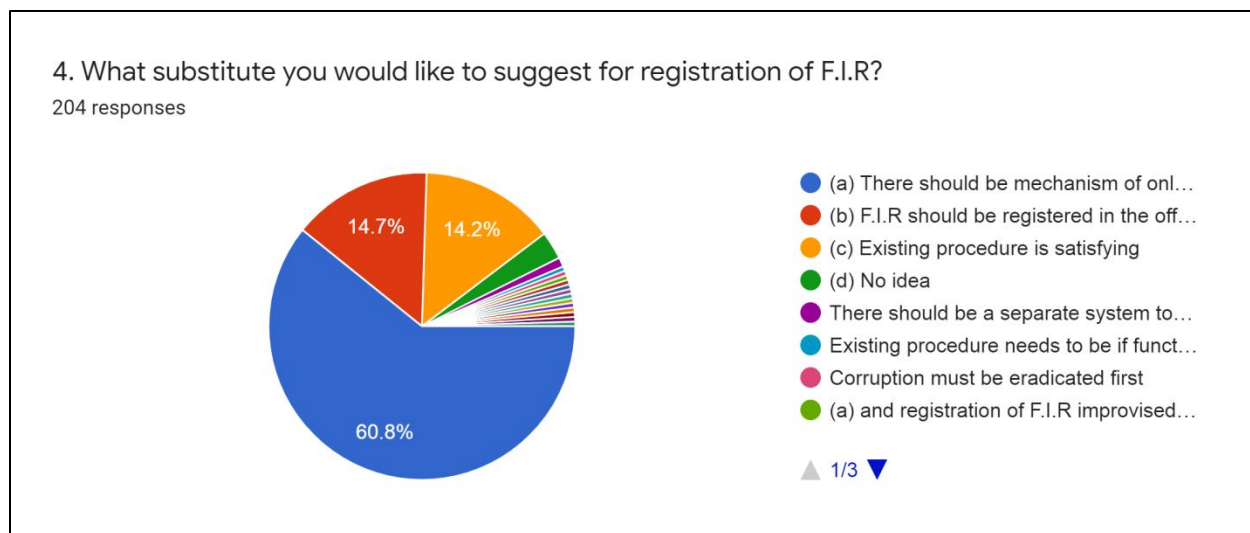
“Police demands money” therefore people do not prefer to register crime. 16% responses were of the view that “people do not believe Police as helping”.

In open mind response, some of the responders were of the opinion that now a day’s people get positive response from Police. They were of the view that weak judicial system, demand of money by Police, prolongs trial and desire of people to resolve their disputes by themselves are also causes of not approaching Police for reporting crime. Some time people do not want to get involve themselves in the court proceeding. They also want to save time and money.

Combine response of question no 2 and 3 shows that people do not prefer to report crime for the following reasons.

- I. People do not expect positive response from Police
- II. Police demands money
- III. People do not believe Police as helping

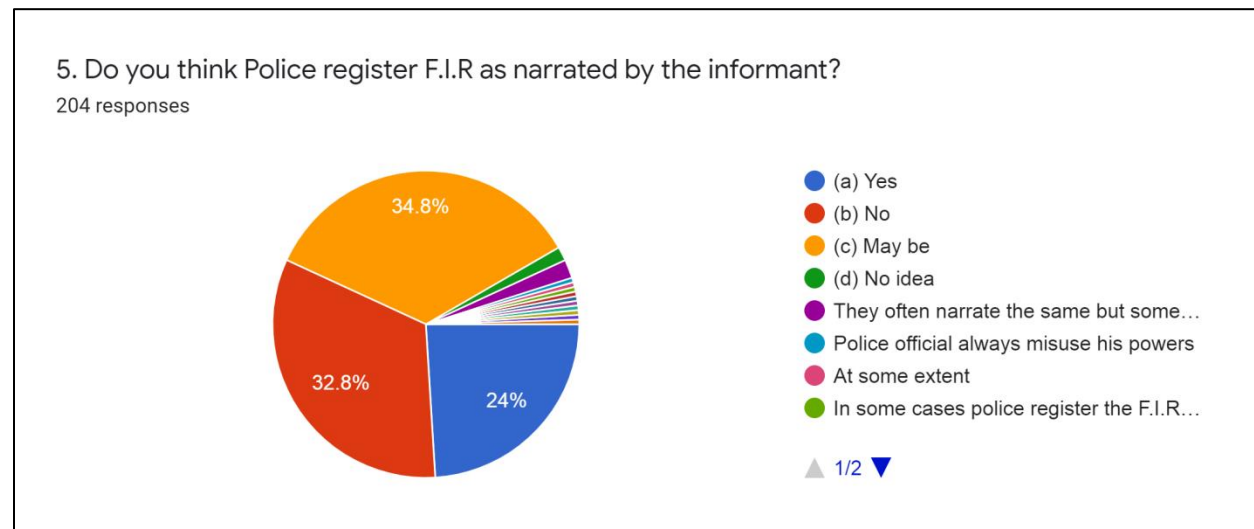
However if trust of the people on criminal justice system is restored they would like to report crime. In this regard it is the obligation of State to take measure to restore the trust of people and make the process of crime registration easy.



Responses on the question that “what substitute you would like to suggest for registration of F.I.R?” was wondering, 61% responders were of the view that “there should be mechanism of online registration of F.I.R”. 15% responses agreed with the suggested option that “F.I.R should be registered in the office of District Police Officer/S.S.P”. However, only 14% respondents were satisfied with the existing mechanism of lodging FIR.

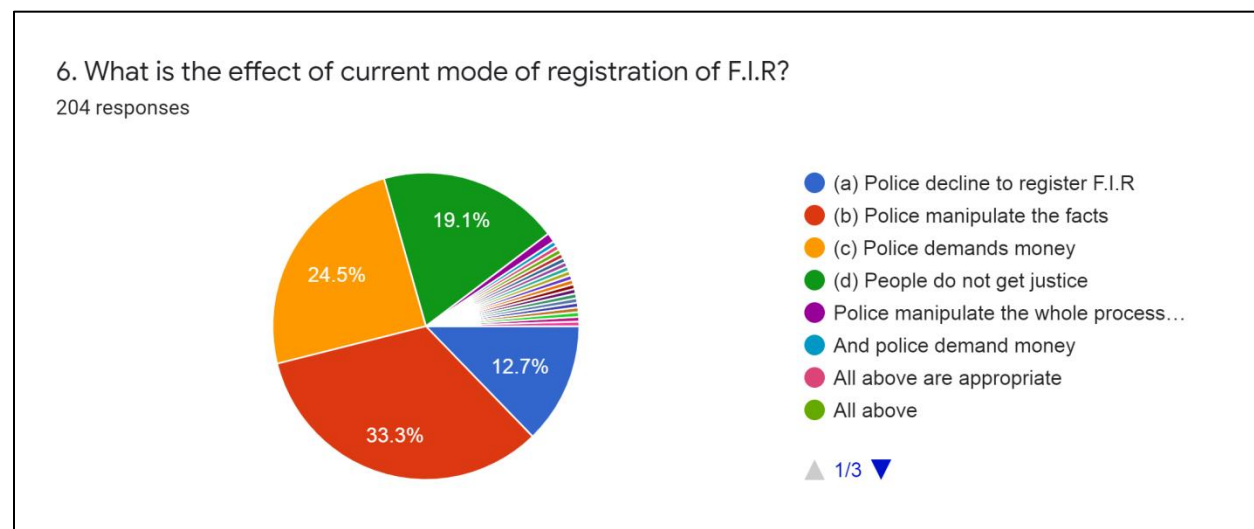
In an open mind opinion some of the responders were of the view that there should be separate system of lodging F.I.R. It can be registered through mail. Local forum may be introduced and on their recommendations F.I.R should be registered. There must be monitoring of Police officials in lodgment of F.I.R and there must be punishments for negligence. In this regard laws should be amended. One of the responder suggested seeking help of the law enforcement agencies. One of the responder was of the opinion that existing procedure is satisfying but problem is in implementation. One responder suggested that an inquiry must be carried on by the Police impartially prior to register the F.I.R so that innocent people should not face abuse of the law. One responder suggested that there must have punitive action against the Police officer who refused to lodge the FIR, further in modern era of information technology there must have online registration of F.I.R and such F.I.R should not required any signature . Such

system must be connected with head of department as well as concern magistrate. It shows that 75% responders are dissatisfied with the existing procedure of lodging F.I.R and are of the opinion that it should be changed which may be either online or it may be registered at the office of DPO/SSP.



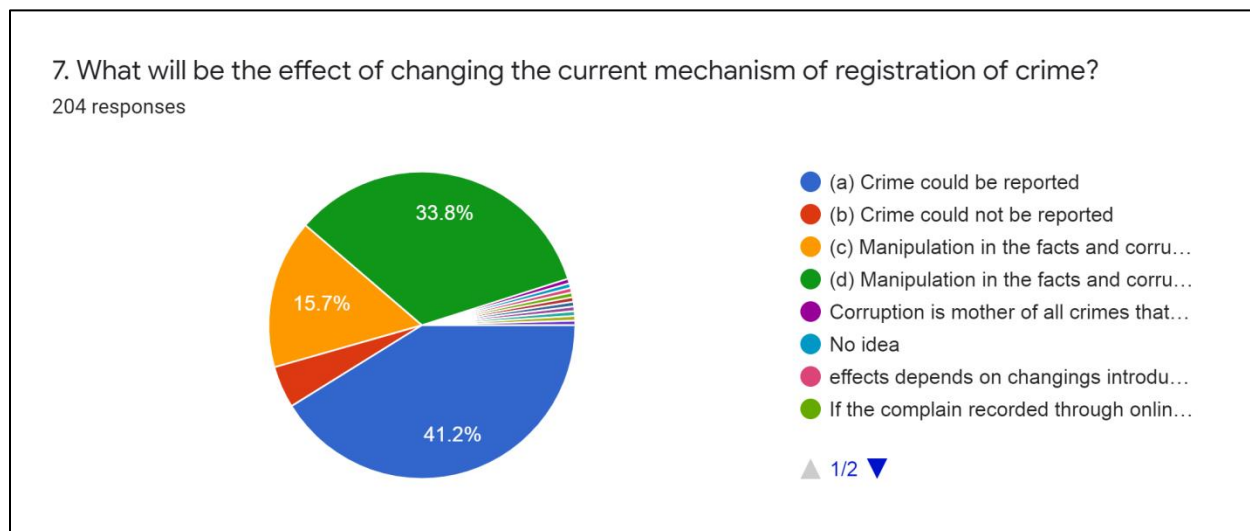
Answering to the question that “Do you think Police register F.I.R as narrated by the informant?” responders were divided in mind making, 35% responders opted the option “may be”, however 33% responders were of clear opinion “No”, 24% responders were of the view “yes”.

In an open mind opinion responders were of the view that Police official always misuse his powers, it depends upon status of party. In some cases Police register the F.I.R as per verbatim of informant but often Police do not lodge the same as per informant' narration. Some of the responders were of the opinion that story of complainant is mentioned in F.I.R but in a way to cover legal provisions and sometimes Police tries to exaggerate and try to twist the story to serve their interest, some time Police leave errors deliberately.



Answering to question that “what is the effect of current mode of registration of F.I.R”? 34% responders were of the opinion that “Police manipulates the facts”. 25% responders were of the opinion that “Police demands money”, 19% responders were of the opinion that “people do not get justice”, 12% responders were of the view that “Police decline to register F.I.R”.

In an open mind answer some responders were of the opinion that often Police avoid to register F.I.R and some time they demand money, also political influence is applied, if F.I.R is registered facts are manipulated, Police do not serve ordinary citizens. One of the responder was of the opinion that Police manipulate the whole process of justice system. However some of the responders were of the view that now Police is changed and people get good results, F.I.R is registered according to incident, requirements of section 154 of Cr.P.C are followed.



Responding to the question that “What will be the effect of changing the current mechanism of registration of crime”? 41% responders were of the view that “crime could be reported”. 34% responders were of the view that “manipulation in the facts and corruption will be stopped/reduced”. 16% responders are of the opinion that “manipulation in the facts and corruption will increase”. A very few percentage of the responders was of the opinion that “crime cannot be reported”.

In an open mind opinion responders were of the view that by changing the current mechanism of registration, crime can be reported and it may be fruitful for the complainant, however it depends upon the changes. If the complaint is recorded through online system and verbatim of complainant recorded through modern devices ultimately it brings the first version of complainant, false F.I.Rs will be depreciated and real incidents can be tried, strict compliance of law will certainly result positive. However some of the responders were of the opinion that false implication of innocent people will be increased. Response on this question shows that 75% responders are of the view that by changing the current mechanism of registration, crime can be reported and manipulation in the facts and corruption will be reduced.

From survey it appears that there are flaws in the registration of crime which is a basic stage to set the criminal law in motion, if that stage is not correct better result cannot be expected. On the basis of survey following flaws have been detected.

- i. Police avoids registering F.I.R, or
- ii. It registers with delay, or
- iii. It demands money for registration of F.I.R
- iv. Requirements of the section 154 of Cr.P.C are not followed
- v. Police accepts Political and local influence in the process of crime reporting

Response in survey shows that in reporting crime 75% responders are not satisfied with Police performance. Mostly F.I.R is registered on the orders of Court.

### ***Effect of Current Mechanism of Registration of F.I.R***

From the study it appeared that current mechanism of registering F.I.R has following effects.

- i. Crime is not reported as narrated by informant
- ii. People do not prefer to register/report any offence or they prefer to decide the matter by themselves either by revenge or compromise.
- iii. People do not believe Police as helping
- iv. People have no hope of positive response from Police.
- v. Police do not serve ordinary citizens

Besides above mentioned effects due to old system of the registration of first information report it is very much difficult for the agencies officials, informant/complaints and others to track progress after registration of crime/complaint and involve a very tedious manual work. Police officials are required to maintain 25 registers in relevancy of the crime registration and involved further procedure consequently it affects the efficiency of the agency and makes the Police department untrustworthy.

### ***What Should be Done?***

When this question was asked that “what substitute you would like to suggest for registration of crime?” except 14% response which was supporting existing mechanism of lodging report more than 75% responders were agree that crime reporting mechanism should be changed. 61% responders were of the view that “there should be mechanism of online registration of F.I.R”. 15% responses agreed with the suggested option that “F.I.R should be registered in the office of District Police Officer/S.S.P”. In an open mind opinion one of the responders was of the view that it can be registered through mail. Local forum may be introduced and on their recommendations F.I.R should be registered.

### ***Effect of Changing the Current Mechanism of Registration of Crime***

From the study it appeared that changing the current mechanism of registration of crime will have following effects.

- i. Crime will be reported
- ii. Manipulation in the facts will be reduced/stopped
- iii. Corruption will be stopped/reduced
- iv. Political and local influence would be reduced
- v. Trust of the people on Police will be increased

In Punjab Province complaint/F.I.R registration has been made online and a convenience has been created for the people to lodge their grievance/complaints from their homes just by click. Making system automated not only includes registration and tracking process, nomination of offenders, recoveries made by the Police and arrest, submission of Police report in the Court and case progress which before this was very tedious and difficult process, people can get updated information. Before this people were not able to get updates regarding their complaints/grievances. By this system a new modern policing has been established and traditional methods have been transformed into an improved modern system. Manual work has been replaced, Police efficiency has been improved. Electronic copies of F.I.R can also be generated from the websites; Police officials from SHO to IG can get update of any case just by click. In many countries including neighbor country India there is mechanism of online crime registration.

## Conclusion

In view of above discussion it appears that in Pakistan there are two modes of crime reporting one is manual and second is online. In Sindh and Balouchistan Province for registration of crime victim or informant has to come Police station physically and state his/her case, on the basis of stated facts if cognizable offence is made Police Officer has to write down his case on the prescribed form, however in Punjab and Khyber Pakhtunkhwa Provinces in addition to manually registration of crime there is also an option of registering crime online.

## Recommendations

- i. In Sindh and Baluchistan Provinces also online mode for registration of crime should be introduced.
- ii. In big cities centralized system for manual/online registration of crime be established.
- iii. At SSP offices an office should be established for registration of crime.
- iv. There should have check/supervision on the registration of F.I.R so that no one should be deprived of his right to lodge report of crime committed against him or his/her property.
- v. Status of First Information Report and progress on it should be updated on the website so that complainant informant may get updated information about his case conveniently

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