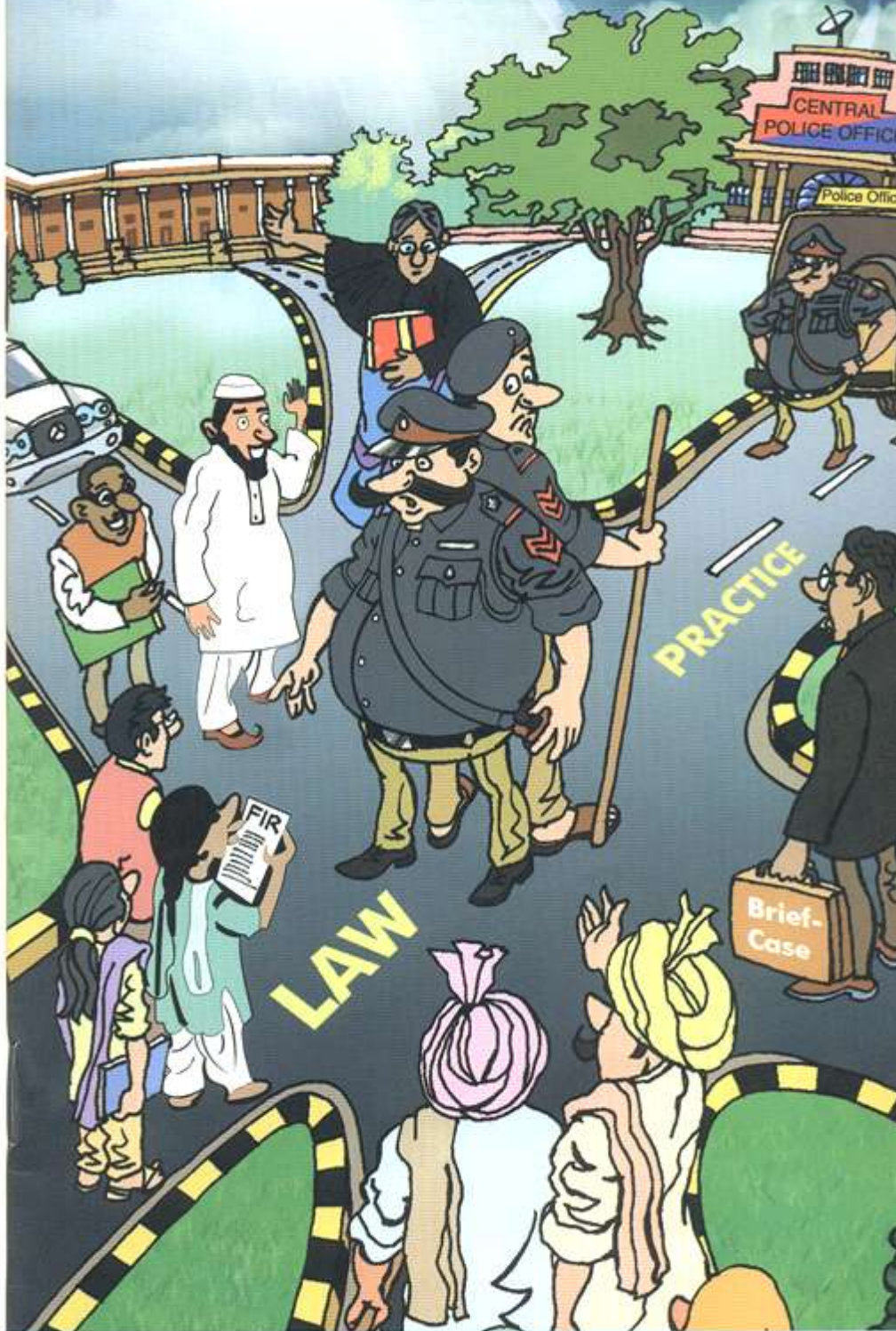


SHEHRI-CBE 2010

# 101 Things You Wanted To Know About The Police But Were Too Afraid To Ask



NATIONAL ENDOWMENT  
FOR DEMOCRACY (NED)



SHEHRI  
CITIZENS FOR  
A BETTER  
ENVIRONMENT



COMMONWEALTH HUMAN RIGHTS  
INITIATIVE (CHRI)



## **SHEHRI** Citizens for a Better Environment



Shehri-Citizens for a Better Environment (Shehri-CBE) was established in 1990, and registered under the Societies Act XXI 1860 as a non profit organization. Shehri-CBE works on a variety of issues related to the environment and urban issues such as land use and zoning, solid waste management, nature conservation, human rights, and policy debates on local governance. Shehri-CBE specializes in managing dialogues and interactions between local people and government agencies on issues and concerns that require joint action and participation.

### **Objectives**

1. Establishment of an aware and pro-active civil society, good governance, transparency and rule of law.
2. Promotion of research / documentation, dialogue and influence of public policies.
3. Setting up an effective and representative local government system, e.g. capacity building and training,
4. Preparation of a representative Master Plan / Zoning Plan for Karachi city and effective implementation of the same.
5. Observance of Basic human rights in society.

### **The National Endowment for Democracy (NED)**



The National Endowment for Democracy (NED), established in 1983, is a private, non-profit foundation dedicated to the growth and strengthening of democratic institutions around the world. Each year, with funding from the US Congress, NED supports more than 1,000 projects of non-governmental groups abroad who are working for democratic goals in more than 90 countries.

### **Commonwealth Human Rights Initiative (CHRI)**

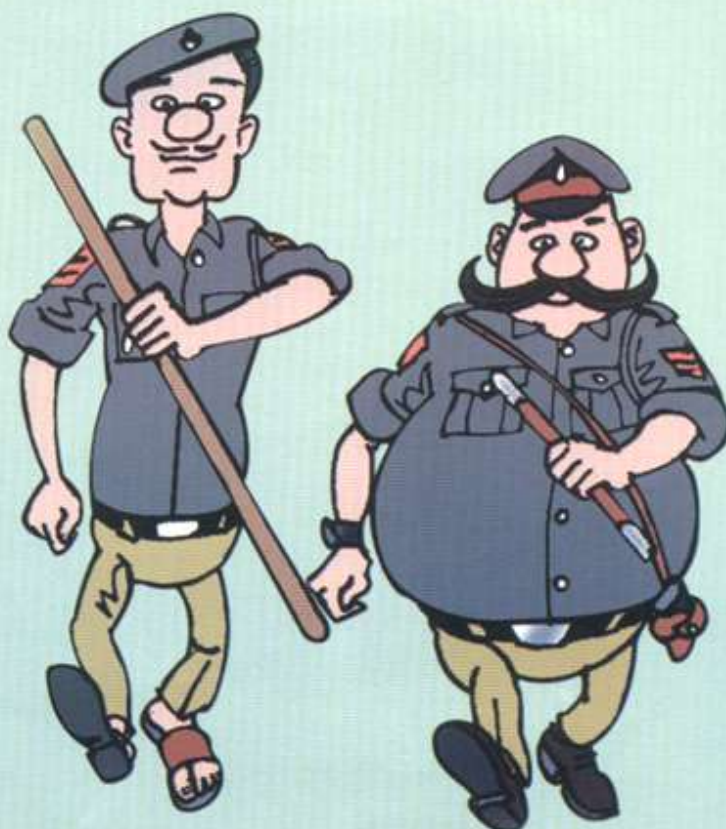


The concept of this publication was formulated by the Commonwealth Human Rights Initiative (CHRI).

CHRI is an independent, nonpartisan, international non-governmental organizations, mandated to ensure the practical realisation of human rights in the countries of the Commonwealth. In 1987, several Commonwealth professional associations founded CHRI. They believed that while the Commonwealth provided member countries a shared set of values and legal principles from which to work and provided a forum within which to promote human rights, there was little focus on the issues of human rights within the Commonwealth.

The objectives of CHRI are to promote awareness of and adherence to the Commonwealth Harare Principles, the Universal Declaration of Human Rights and other internationally recognised human rights instruments, as well as domestic instruments supporting human rights in commonwealth member states.

101 Things You Wanted To Know  
About The Police  
But Were Too Afraid To Ask



Edited by:  
Amber Alibhai  
Gulmina Bilal Ahmad



© All Rights Reserved

ISBN: 978-969-9491-00-9

Illustration : Naila Ahmad

Publisher : Shehri-CBE  
info@shehri.org

Printer : Pakistani Adab Publications  
225/1, Panorama Centre, Saddar, Karachi.  
pakistaniadabpublications@gmail.com

First Edition : May 2010

This handbook is made possible with the support of  
National Endowment for Democracy.

## Foreword

Everyday we come in contact with the police. We see them busy with their many duties regulating traffic, guarding VIPs, controlling crowds, escorting people to court, giving evidence, filing complaints at the police station or taking on criminals and militants in the field. We also hear a lot about the police -through the papers and TV and by word of mouth. Everyone has an opinion about the police and often it is not at all flattering. But in reality, most people know very little about them.

In our democracy, the police are not agents of the government in power put in uniform to suppress the people and keep them under control. Rather, they are, much like the fire brigade or revenue services, an essential service which by law has the duty to protect and safeguard every one of us. Like the bureaucrats, the police are public servants paid for by citizens and in their service.

Just as the police have a duty towards us, the people have a duty towards the police. As responsible citizens it is not enough to fear and dislike them or to go to them only when in difficulties. People and police have to work together to uphold the law. It is important to understand their work and challenges, what they do and how they do it, what their organisation looks like and the limits of their powers and duties. It is also important for us to know our own rights and duties so that no one - neither police nor civilians - can break the law and get away with it. This is what the rule of law means.

This little book is an easy guide to knowing your police. It is only when we know that we can speak up with confidence, and it is only when we speak out against wrong, that things will change. This book is brought out in this hope - that people knowing all about their police and their own rights - will use this knowledge to demand the better police service that we all deserve.



1. Why do we have a police force?

We have a police force to provide citizens with a sense of safety and security. The police are there to maintain peace and order in society as well as detect and prevent crime.



They are there as the law enforcement to make sure that everyone, including the police force itself, follow the law at every step.

2. What are the police supposed to do?

The police force has several duties; it must prevent and control crime, detect and investigate it properly whenever it happens. It must also prepare an honest evidence based case for the prosecutor to present to the court. The police force has the responsibility for maintaining over-all law and order and, for this purpose, also gather information about what is happening in and around the community it serves.



Caught red handed

The police force has the responsibility for maintaining over-all law and order and, for this purpose, also gather information about what is happening in and around the community it serves.



3. What is meant by police powers?

The police have all sorts of different powers, all of which are given by law, which must be used according to procedures laid down in the law. They can make arrests, carry out search and seizures, investigate offences, question witnesses, interrogate suspects, disperse unruly crowds and maintain order in society. However, they have to do it strictly in the way the law lays down and not in any other way. They cannot act as they wish. Any abuse of power or negligence of duty will amount to breach of discipline, civil wrong or a crime and the police officer is liable to be punished.

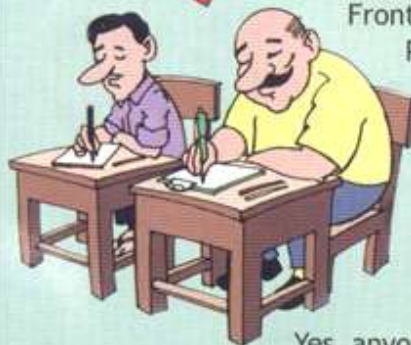
4. Is there just one police force in Pakistan?

No. Each province has its own police force under the control of the government of that province. So there are many police forces in the country. Some police work in parts of Pakistan that are directly under the control of the Federal Government like in the capital, Islamabad. The police forces of Azad Jammu and Kashmir (AJK) and Gilgit Baltistan also report to their individual governments.



5. What is the paramilitary force?

The Para military is a force raised to aid the police in the performance of its duties. This force also has some inherent duties and responsibilities. The Para Military forces in Pakistan are:



Frontier Constabulary, Khyber Pakhtoonkhwa.  
The Punjab and Sindh Rangers.  
Frontier Constabulary, Baluchistan.

6. Can anyone become a police officer?

Yes, anyone can become a police officer. However, you have to fulfill the physical and educational conditions and standards laid down for a particular rank. For example, to join as a constable you need to be at least a matriculate. To join as an Assistant Sub Inspector you need to be an intermediate pass i.e. Foundation in Arts (FA) or Foundation in Sciences (FSc).

7. How can I become a police officer?

There are three levels at which you can join the police service.

1. **Constable:** who are recruited within the districts.
2. **Assistant Sub Inspector:** who are recruited in the districts but operate within their range rather than being confined to a district.
3. **Assistant Superintendent of Police:** who are recruited by the Federal government. Their services are placed at the disposal of provincial governments.

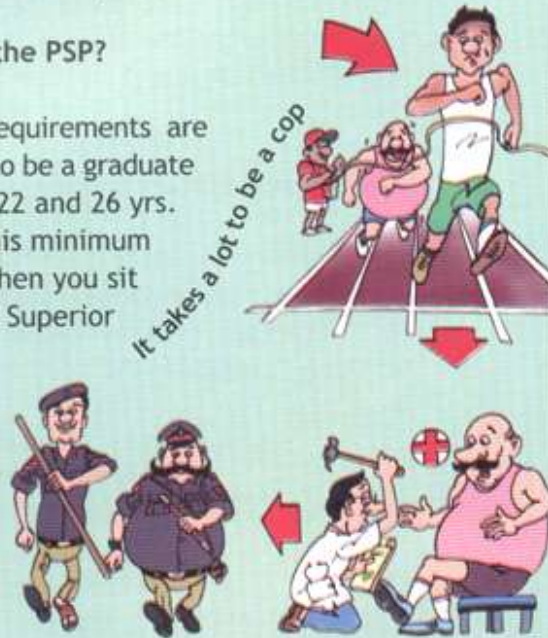


**8. What is the PSP?**

PSP is short for the Police Service of Pakistan. The PSP is one of the all Pakistan unified grade service which means that police members of this service can be posted throughout the country.

**9. How do I join the PSP?**

The minimum requirements are that you have to be a graduate aged between 22 and 26 yrs. If you fulfill this minimum requirement, then you sit for the Central Superior Services (CSS) exam. After qualifying the written exam, you undergo a psychological, medial and a Viva Voce exam.



**10. What training will I get as a PSP officer?**

If you qualify and are allocated to the PSP, you then undergo a combined training of all services at the Civil Services Academy, Lahore known as the Common Training Program (CTP). After qualifying the CTP, you undergo a specialized training program for a year at the National Police Academy, Islamabad. After this you undergo an In-Service as well as hands on period of working as an Under Training Officer (UT) in a district for eight months. After this you spend a year in the Frontier Constabulary and then are posted to a Sub-division as SDPO [Sub Divisional Police Officer].

**11. What kind of training do other ranks get?**

They get outdoor physical training, and receive training in the use of weapons, first aid, riot control and unarmed combat. They also get class room training on criminal laws and procedure, investigation techniques, crowd control and how to deal with the many situations they will come across in the line of duty.



**12. How many police stations are there in the country?**

There are a total of 1490 police stations in Pakistan.

**13. How many police stations in Provinces?**

637 police stations in Punjab, 466 in Sindh, 215 police stations in Khyber Pakhtoonkhwa, 156 in Baluchistan and 16 police stations in Federal Capital of Islamabad.

**14. Are there women in the Police service?**

Yes, but they account for less than five percent of the police force.

**15. Do we have enough police officers?**

No. According to United Nations standards, there should be about 230 police for every 100000 people. However, in Pakistan there are 128 police officers for every 100000 population. This is one of the lowest police to population ratios in the world. There are many vacancies which are not filled due to the continuous ban on recruitment in the police department since 1993. There is a fifty percent police personnel shortage in each district. Though the present regime has lifted the ban, no recruitment has yet been made.



16. A lot of times we hear that cases have been settled or compromised. Can the police settle cases on their own?

No the police have no powers to settle cases. They are not brokers. The police are frequently known to do this by pressurising either of the parties. This is clearly illegal and not within their powers. However there are certain offences which are not very serious and these can be settled or "compounded". This settlement can be reached only on the consent of the victim or the person who has complained of the offence. Then, there are some offences which can be settled by the victim but only with the permission of the Court. Which of the offences can be compounded is defined clearly in the law. The police have no role or powers in this matter.



(IGP)

17. Do woman police officers have different duties?

No. As far as rules and laws are concerned police women will do the same duties as police men. But only women are posted at all women police stations.



(DIG)

18. Are there any special reservations or quotas in the police force?

No.



(SSP)

19. How can I tell if a person is a Police officer and not some other official?

Police officers have distinct khaki/blue or black militia shirt uniform with a cap, belt and epaulettes that show his rank to which force he belongs. The police officer should also have a name tag displayed on the chest.



(SP)

20. What are the different ranks in the Police?

The Constable is at the lowest rung of the ladder. From here the ranks move up to the Head Constable (HC), Assistant Sub Inspector (ASI), Sub Inspector (SI), Inspector (IP), Assistant / Deputy Superintendent of the police (ASP/DSP), Additional Superintendent of the police (ADDL:SP),



Superintend of Police (SP), Senior Superintend of the Police (SSP), Deputy Inspector General of the police (DIG), Inspector General of the Police (IGP), Assistant Director General of the police (ADG) and finally the Director General of the Police(DGP).

**21. What is a Beat Constable?**

No, it is not a police officer who beats you; just so you know, no police man is allowed to use force against anyone unless they are resisting arrest or trying to escape. A beat constable is called that because he has a specific area or route which he regularly patrols.

**22. Do all Police officers do all duties?**

No, specific duties are assigned to every police officer from the level of a constable right up to the level of the Inspector General of Police(IGP). These duties are listed in the police manuals of every district and Province. A junior officer cannot perform the duties assigned to the superior. For example an SI (Sub Inspector cannot do the



duty assigned to a Superintendent of Police (SP). However anything that can be done by lower ranking officer can be done by a senior ranking officer as well.

**23. Can a traffic Police officer arrest me for an offence other than traffic crime?**

Yes, a traffic constable is simply a police officer who has been assigned traffic duties. If he sees you committing a crime, can arrest you just like any other police officer.

**24. What is the CID?**

CID stands for Criminal Investigation Department. This is sometimes called the Special Branch or the Investigation Branch. They are called to investigate serious crimes like acts of terrorism and compiling data on counter terrorism.



**25. Is the CID different from the Police?**

No. CID personnel are selected from within the police officers themselves.

**26. Who is in charge of the Police force?**

There is one chief of police in all the provinces. He is called the Inspector General of the Police (IGP) or Provincial Police Officer (PPO). He is the top man. However, even the IGP has to report to the government. His boss is the Home Minister in charge of the Home Department in the Province or at the Center.

**27. Why should the IG have to report to any Minister?**

Every government has the duty to ensure that each of us feels safe and secure and do not have to worry about his or her life and property. The government gives this duty to the police. So the police have to report to the government about how they are doing their job. In turn, the government also has the duty to the public to make sure that the police are honest, fair and efficient and do their work only according to the law and not according to what they feel they want to do.



**28. Who gives money for policing?**

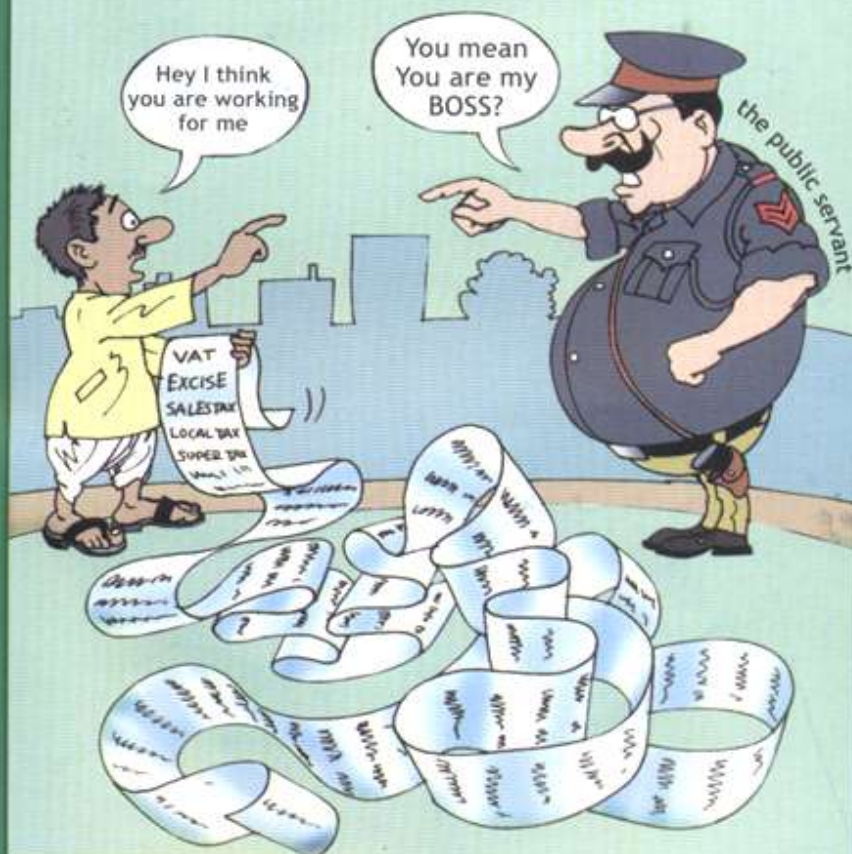
The police are paid by the taxpayer to provide a service. Salaries come out of the provincial governments budgets and of the Federal government. In a nutshell, the Pakistani citizens are the paymasters of the police.

**29. Where does the Police get its money from?**

Every province has a budget that is allocated exclusively for providing police services. The police get money from this budget.

**30. Who approves the budget and what does most of it get spent on?**

The budget is decided by the respective Provincial Assembly. After discussion in the Assembly, the police budget for the year is finally approved. In the police budget, the biggest portion of the budget is spent on salaries. Other items of expenditure are training, investigation, infrastructure and housing needs.



**31. How do we know that the money the police gets is properly spent?**

There is an annual audit of accounts and monies spent by the police conducted by the Accountant General/ Auditor General. These accounts are submitted to the Assemblies. Once examined, the reports are sometimes available on the website of the Home/ Police Department. Since policing is done using taxpayers' money, which means your money, you should take interest to see that this money is properly spent.

**32. What laws govern the police?**

Previously the Police Act of 1861 and presently the Police Order of 2002 governs the police in the provinces. The Federal Capital of Islamabad, Azad Jammu and Kashmir (AJK) and Gilgit Baltistan are governed by the Police Act of 1861. There are also other criminal laws like the Code of Criminal Procedure and the Pakistan Penal Code which govern the work and functioning of the police.

**33. What is the Cr.P.C and the PPC?**

The Cr.P.C. is short for Code of Criminal Procedure. When an offence is committed, there are always two procedures that the police have to follow to investigate the offence. One from the victim's and the other from accused's. These procedures are detailed in the Cr.P.C.

**Upholding the law**





PPC is short for Pakistan Penal Code. Certain types of human behavior are not allowed by the law and such type of behavior will get negative consequences for the person. Such type of behaviors are called "Crimes" or "Offences" and the consequences of which are called "punishment". The behavior and action (which are termed as offences) along with the punishment for each offence, are mainly contained in the PPC.

#### 34. What does the Police Act say?

The Police Acts talks about what the police can and cannot do: how the police service will be organized: what ranks there will be: who will supervise the service: who will make appointments and what punishments and disciplinary actions the police will face for wrongdoings. It also lays down some rules for the public to follow.

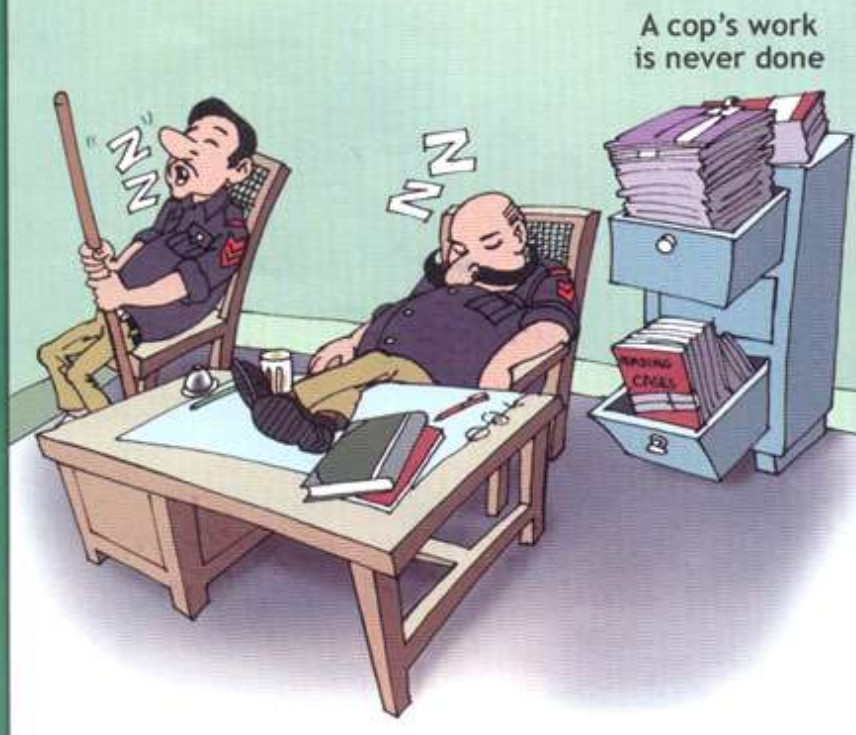


**35. Why does the Police Act have offences by the public in it?**

These few offences are put in to make sure that everyone keeps roads and public spaces clean, safe, and free from diseases. For instance the police can immediately arrest a person for letting animals roam around on the road, slaughtering them, or being cruel to them. People who obstruct the road, or dirty it, put goods out for sale on the road without a license, are indecent, drunk or riotous, or neglect to make sure that dangerous places like wells are kept safe by ending etc. can also be arrested immediately.

**36. What does Rule of Law mean?**

It means that all of us, rich or poor, man or women, and even the government and public servants like the police have to obey the law and must live according to the laws that are laid down in our country under our constitution. No one is above the law. It also means that every action by the police has to be according to the law. If not, the police will be accountable before the law. It also means that the law that is made must be reasonable, just and apply to all of us in a fair way.



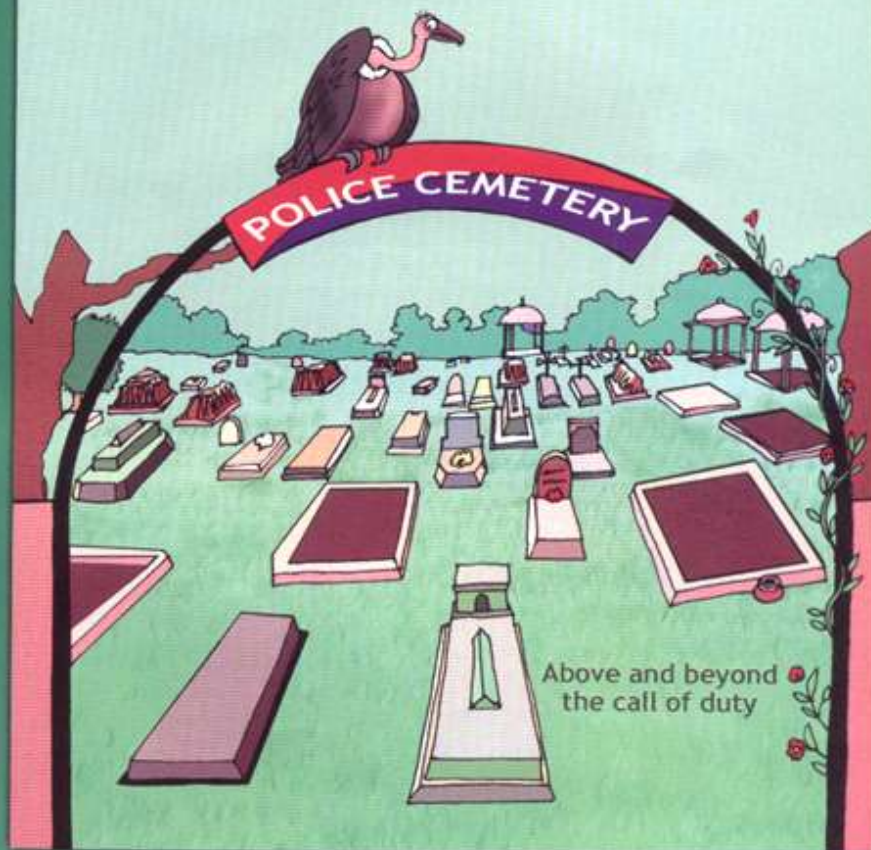


37. Can a Police officer be punished if has done something wrong?

Yes. A police officer just like anyone else can be punished if breaks the law. In fact, because he is the person entrusted with upholding the law he should be punished more severely for breaking it.

38. How does a Police officer get punished?

There are many means of punishing a police officer who has done wrong. If he has committed crime then he can be brought before the courts and tried just like anyone else. If he has been rude, behaved badly or not done his duty as he should, then the senior officers can punish him by giving a warning, cutting his pay or reducing their rank, amongst other things.

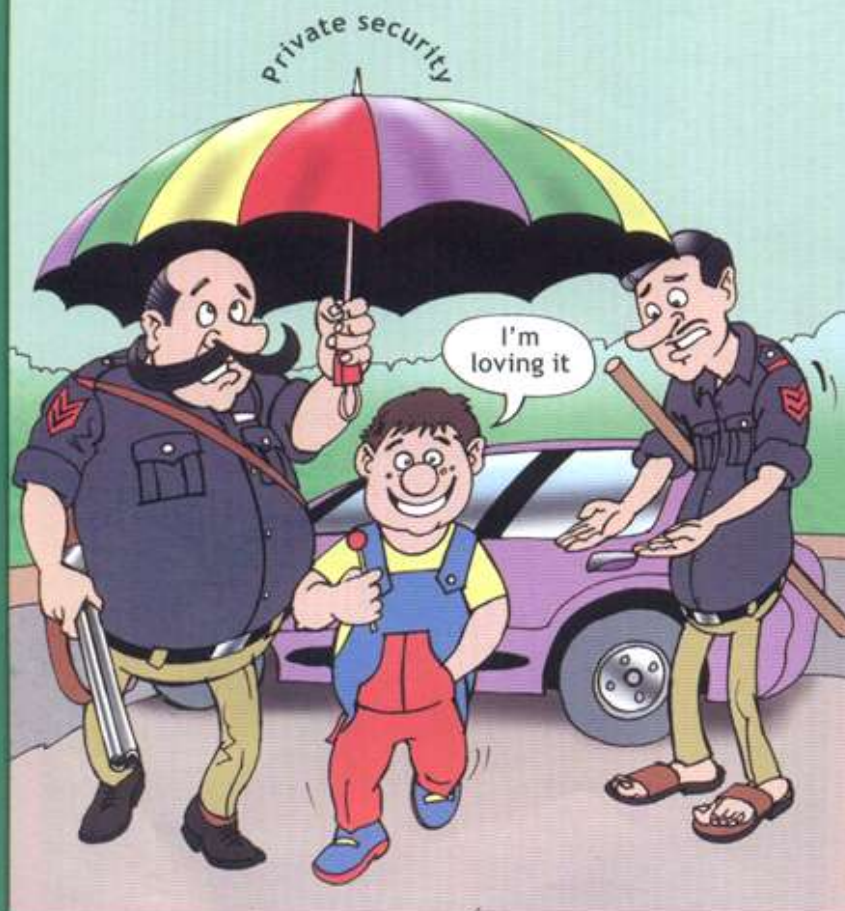


**39. Are police officers insured?**

Some are and some are not insured. It depends on the province. In Punjab and Khyber Pakhtoonkhwa they are insured but not the police of the Northern Areas for instance.

**40. Can I hire a police officer for my own security?**

Actually, you can if there is a grave threat to you. Sometimes the government will arrange security and at other times the security has to be paid for by you. According to the 1861 Police Act if you need extra police persons deployed to an area, and the authorities agree to it, you can pay for the additional police arrangements for a limited period of time. For example, for a large marriage etc, police may agree to provide a few extra hands. However, if an area is crime prone or there is a public event taking place, it would be the duty of the police to provide extra people and no payment would arise.





**41. Is a Police officer always on duty?**

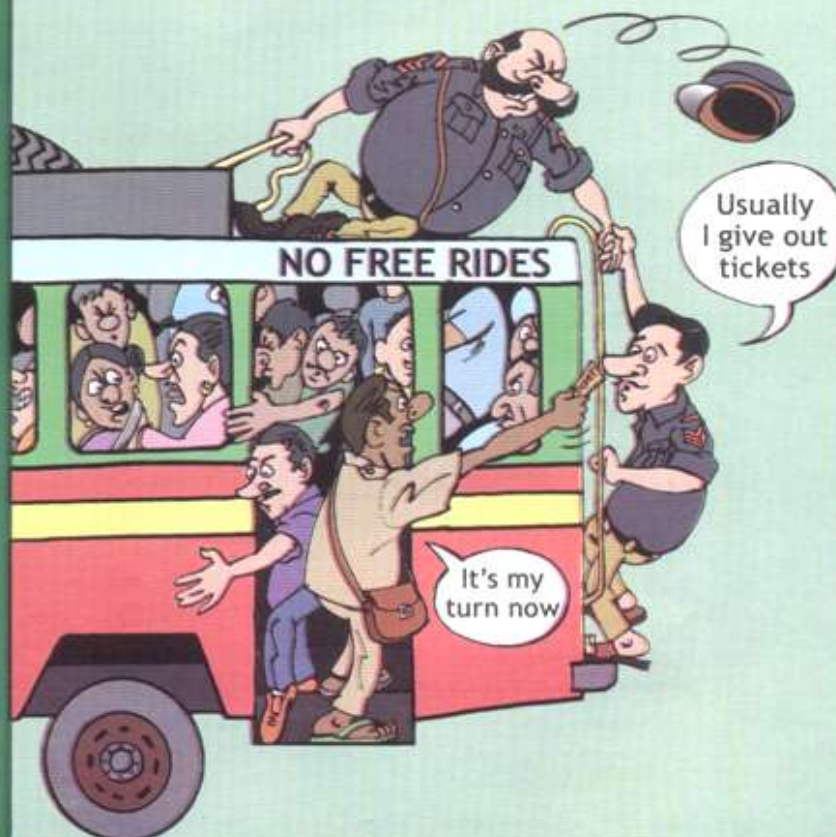
Yes. In the 1861 Police Act or Police Order 2002 it is clear that a police officer is “considered to be always on duty”.

But that does not mean that he is never allowed to rest. It just means that in or out of uniform, he must act to uphold the law.

A police officer cannot say that “I am not on duty” if he witnesses a crime taking place or hears a call for help.

**42. Does a Police officer have to obey any and all orders given by seniors or by any other person who is competent to give that order like a District Coordination Officer (DCO) or Ministry?**

No. A police officer must obey orders only when they are legal and lawful. He will be held responsible for any wrong doing he does even if he has been ordered to do it. The police officer can never excuse his behavior by saying that someone in authority gave an unlawful order. This will not protect him.



43. Are the police automatically allowed to take free rides on public transport or take things from the market without paying?

In some places police officers are given passes to take rides on public transport when they are on duty. But otherwise no police officer is allowed to take free rides. Likewise for the market places, no police officer is allowed to take goods from a market stall just because he is a police officer. Like all citizens, the police officers also have to pay for their purchases.

44. Do I have to listen to every order from a Police officer?

Yes, if it is lawful order that is related to police duties. In fact, everyone has a duty to assist police officers if they are trying to prevent a crime or trying to stop someone from escaping from custody etc. If you have information about a crime it is your duty to pass that information on to the police. It is also a duty not to shelter or harbor any proclaimed offender. You also have a duty to give evidence in a court of law if you know or have seen something in a case.



45. Do I have to go with a Police officer if he asks me to come with him somewhere?

No. However, if the police officer is asking you to come along to be a witness to something he is doing as part of his duty i.e. arresting a person, seizing property, or examining a crime scene, then you must go along and help. That is called being an eyewitness i.e. a person who can tell the court independently what he saw.

46. Suppose a Police officer asks me to come to the Police Station, do I have to go?

No. It is good to cooperate with the police, but it is not necessary to go to the station unless the police officer is formally arresting you. Otherwise if he just wants to question you or is making inquiries about a crime he has to summon you in writing. Until that is done you cannot be forced to go to station. Where any woman is concerned, or a child below 15 is involved, the police can question them in their homes.

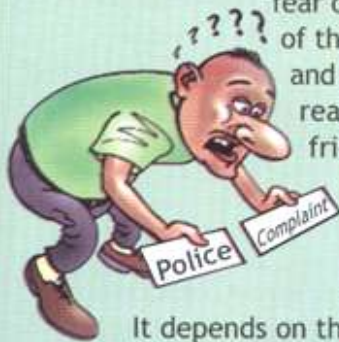


47. Do I have to answer all the questions that Police officers asks?

Yes. It is always better to answer all the questions honestly in a straight forward manner and inform the police of any facts you may know. If you do not know something then he cannot force you to make any statement or put words in your mouth. It is always better to make sure that someone else is there with you when you are being questioned.

48. Does a Police officer have a duty to help me when I am in distress?

This requires the police to give any assistance to all without regard to wealth and social standing. Accordingly their general duty is to provide security to all without fear or favor includes keeping the welfare of the people in mind, being sympathetic and considerate towards them, and being ready to offer individual service and friendship.



49. Can I ask the police to help me out with family problem?

It depends on the problem. If what is happening is a crime like (violence, or trespassing), of course the police must help you and cannot turn you away and say it is private affair. But if adult children are disobedient for instance then it is no business of the police to chase after them or force them to return. That is purely a family matter.

50. If a Police officer will not help, or there is no Police officer around, can the public catch a thief or wrongdoer and punish him there and then?

Yes and No. You can make what is called a "citizen's arrest" and catch the wrong doer and take him to the police station. That is all. But you cannot beat up the wrong doer or join a crowd that is doing that. Members of the public only have a right to protect themselves, which is called the right of self defense. But that too has to be reasonably used. A police officer who allows such abuse, or joins in such an assault, is likely to face disciplinary or criminal charges.

**51. What can I do if the Police officer does not help me?**

Willful breach or neglect of duty by a police officer is punishable with imprisonment. If the police officer is not helpful, and you have been harmed, then you can complain about it to his superior. In such a case he may be found guilty for dereliction of duty.

**52. Can the Police do anything they want?**

No. They can only do what is lawful. In fact they are very strictly governed by many rules. These include their own regulations, the procedures laid down by the criminal codes, the orders given by the Supreme Court and the guidelines of the international human rights instruments that Pakistan has ratified.

**53. But supposing Police officers do not obey them?**

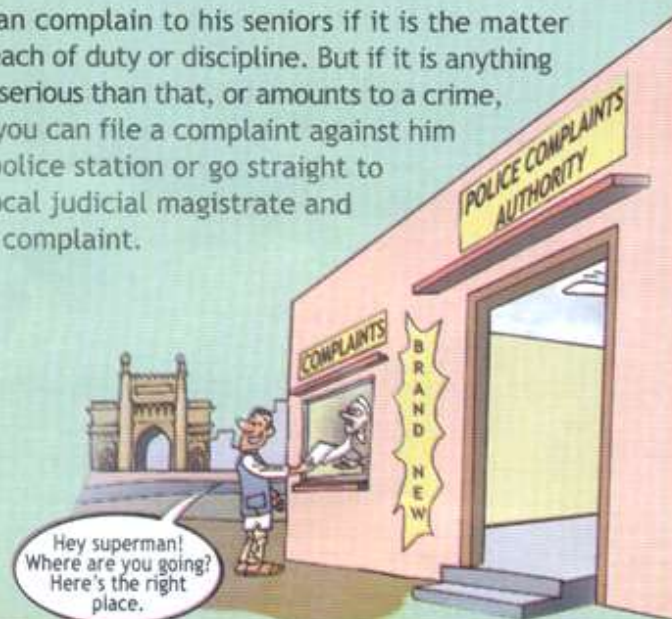
You can complain to his senior or the magistrate depending on how serious the matter is. It is always better to complain in writing and get a receipt.

**54. What can I complain of?**

You can complain of any wrong doing by a police officer because as a public officer he is a public servant bound to do his duty at all times. He cannot neglect his duty or delay doing it.

**55. But suppose the Police officer is rude and insulting towards me?**

You can complain to his seniors if it is the matter of breach of duty or discipline. But if it is anything more serious than that, or amounts to a crime, then you can file a complaint against him at a police station or go straight to the local judicial magistrate and file a complaint.







**56. If I file a complaint with the local Police station they may refuse to take against their own officer.**

Yes, that does happen too often. But it need not to be the end of the matter. You can make a complaint about rude behavior, neglect of duty or abuse of police power to the Chief of Police. If it amounts to a crime you can take it to the nearest magistrate.

**57. But it is so difficult to take matters to court and it also takes very long.**

To make it easier, there are special commissions/bodies that only look at complaints about the police from the public. These commissions will make inquiries and according to their powers can direct an FIR to be registered against the policeman or order compensation to be given to the victim.

**58. Suppose I want to tell the police about the crime, what do I do?**

If it is a serious crime like theft, housebreaking, eve-teasing, assault, molesting a child, rape, kidnapping, trafficking, and rioting, you can immediately file an FIR directly with the head of the local police station. They are bound to take it down in writing and give you a copy. You can even go to the magistrate with your complaint and he will register it.

**59. What is an FIR?**

That is just the short form of First Information Report. A victim, witness or any other person knowing about a 'cognizable' offence can file an FIR. What you say in an FIR will start the process whereby the police make inquiries about the matter and gather facts to see if there is a case that can be made out.

**60. Do I have to go only to the local Police station or can I file my FIR with any police station?**

You can file an FIR in any police station. But it is better to go the local police station in whose jurisdiction the crime occurred because they can swing into action quicker. If you file in any other police station the police are bound to make an entry of the complaint and send it to the concerned police station. However, they cannot refuse to file your FIR saying that the crime did not happen in their jurisdiction.

**61. Can the Police refuse to file my complaint?**

Yes and No. Crimes in Pakistan are divided into those that are 'cognizable' and 'non cognizable'. Examples of a 'cognizable' crime include murder, rape, rioting, and dacoit. These are offences where the police can take notice of them directly, register an FIR and begin to make inquiries. Examples of 'non cognizable' crimes include cheating, fraud, forgery and creating a public nuisance. These are offences where the investigation will start only when a magistrate has taken the complaint on record and directs the police to investigate. The way of understanding this rough division is that crimes that need a more urgent response can be complained of directly to the police and others go to the magistrate. So even if the police cannot take your complaint on board they should at the very least listen to you, enter your matter in the daily roznamcha and give you a signed copy of the entry free of cost.

**62. Suppose my complaint is about a cognizable' offence but the station house officer refuses to register it. What can I do?**

You can still get it registered by taking the complaint to a senior officer/ head of the District Police or to the nearest Judicial Magistrate and they will order it to be registered. To make sure that your complaint is on record and will be followed up, hand deliver the complaint or if you send it by post, register it. In any case, always get a receipt that proves that it has been received by the concerned office.

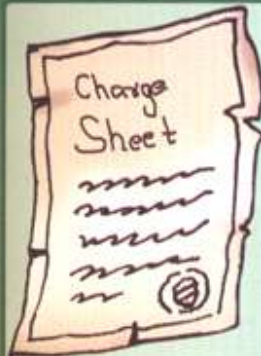
**63. What must be put down in an FIR?**

The FIR is your version of the facts as you know them or they have been told to you. It is always better if you know these facts first hand but it is not necessary that you yourself have seen the offence. Whichever it is, you must only give correct information. Never exaggerate the facts to make assumptions or implications.

Give the place, date and time of the occurrence. Carefully, describe the role of every person involved; where they were, what they were doing, the sequence of what was done by each person, any kind of injury or damage to property that has been done. Do not forget to mention the kinds of weapons involved. It is best to get all these







facts and circumstances on record as soon as possible. If there is some delay in recording a complaint, make sure the reason for delay is also written down.

64. How can I be sure that the police have correctly written what I told them?

Remember the FIR is your version of what you know. It is not the police's version of anything. The police are just there to take it down accurately without adding or taking out anything. To make sure of this, law actually requires the police officers to read the FIR out to you and it is only once you agree with what is written that you need to sign it.

65. What happens once my FIR is filed?

The FIR sets the police investigation in motion. During investigation, the police may speak to victims and witness, record statements including dying declaration, check out the crime scene, send articles for forensic examination, send bodies for post mortem, question several people and with each lead make further investigations. Once investigations are complete the officer in charge must make a full record of it. This is called a challan or charge sheet.

66. What is a Challan or charge sheet?

After the completion of investigation, the officer in charge will look at all the facts and decide whether there is enough evidence to show that a crime has been committed and put that down in the charge sheet for the prosecution and the court. If all the elements of a crime have not been made out it will be a waste of time to bring the accused to court. Once the charge sheet goes to the prosecution and court they should examine it independently to see if the facts and circumstances mentioned really make out a possible crime.

67. Will the Police automatically arrest every one named in the FIR?

No and they should not. Just because someone is named in an FIR is no reason to arrest a person. It is only when there is sufficient ground for believing that a person may have committed a crime that the police can make an arrest.

**68. Can the Police close my complaint and not take any further action?**

Yes. If after their own inquiry the police decides that there are no facts that support the idea that a crime was committed or there is not enough evidence to support allegations, or acknowledge that a crime has been committed but the people who did it are not known then, they can close the case. However, they must inform you of their decision. At that point you have a chance of opposing the closure before the court.

**69. Will I be kept informed of the progress of my case?**

There is nothing specific in the law which requires the police officers to keep you informed about the progress of a case. But it is good practice to tell a complainant how the case is going, provided it does not compromise the investigation.



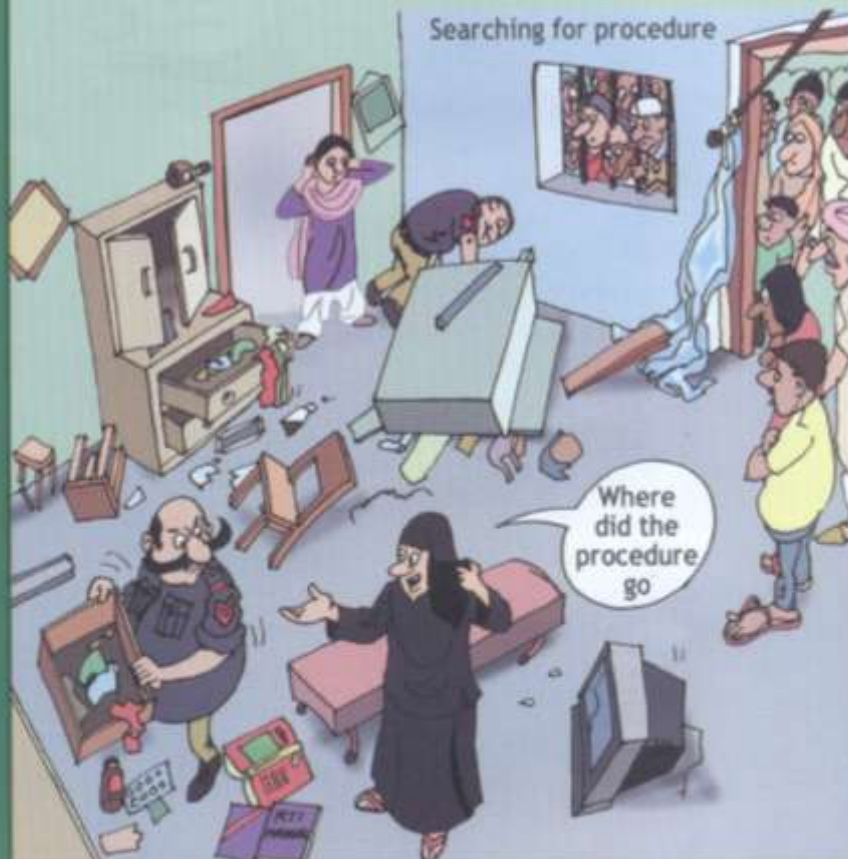


70. What can I do if the police are not investigating the matter /doing it very slowly or refusing to examine the most obvious lines of inquiry?

There is an important principle in the law that no one can interfere with a police investigation. That said, if the police refuses to move forward or does it excessively slowly or willfully disregard obvious line of inquiry, you can certainly complain to senior officers or to the nearest magistrate who can order the police officer to investigate and ask for the record of investigation. It is imperative that there should be written correspondence and a record receipt with you.

71. Can I call a Police officer whenever I want?

Yes and No. The police are overworked and their numbers are few so the public cannot constantly call them up with frivolous complaints and un substantiated information. However, of course you can call the police if you are in trouble, if a crime has occurred or is occurring, if there is likelihood of some riot, if some people are fighting and there is likelihood of disorder, or if you have serious information to give them. But you cannot call the police for things that are not connected to their job.



**72. Can a Police officer come into my home, unasked, and search my home and take things away?**

Only in certain very limited circumstances. If the police come to your house for questioning they may enter only at your invitation. However, even if the police have reasonable grounds for believing that you are hiding a suspect or criminal, or you have stolen property or possess an illegal weapon in your home, they can only enter your house with a search warrant from a magistrate. But if the suspect, criminal or object needs to be obtained without any delay and there is fear it will be lost without seizure then they can enter your house without a warrant.

**73. You mean the police can just enter my house and take away anything?**

No. It is only when there is real urgency- for example there is a real possibility that a suspect will run away or if evidence is likely to be destroyed that the police can enter your house without a warrant.



With or without a warrant there is a whole procedure to be followed. The police must have at least two independent local witnesses with them. The search must be made in the presence of the owner. The owner cannot be told to leave. The police must list what they are taking. The witnesses, police and owner must sign that they verify what is being taken. A copy must be left with the owner. If there are purdah women in the house a women officer must be part of the search party.

**74. What is a search warrant?**

People's home and offices are private places and cannot be open to search and entry from any authority without some really good reasons. So the law requires anyone wanting to enter to explain why they find it necessary to disturb that right. The police therefore have to go before a magistrate and explain the reasons for their thinking that there are goods, papers or people that are hidden in the premises which will help them solve a crime. If the magistrate is convinced then the authority

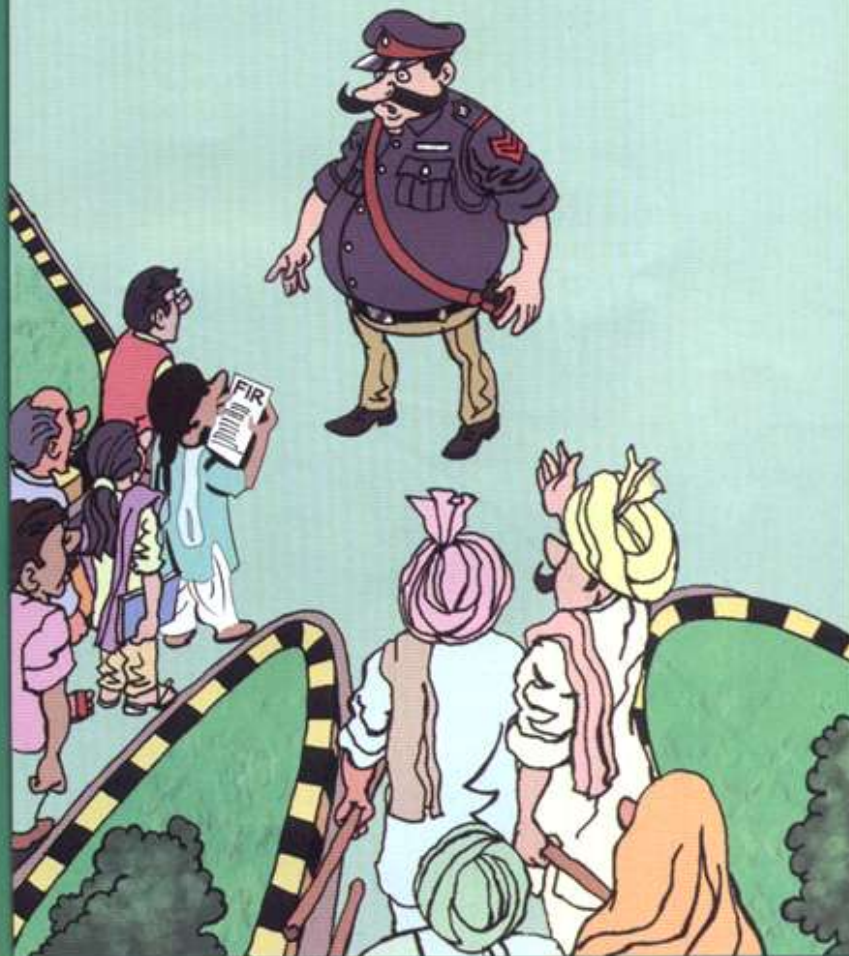


can be given to a police officer. This authority, signed and having the court seal is very limited and gives the name and rank of the particular officer allowed to enter a particular place.

**75. If I am walking down the street, can a police officer stop me and ask me anything he likes?**

No. In general the police are not supposed to interfere with people going about their lawful business. But if they think that someone is loitering in a place especially after dark, he is entitled to stop and ask your name and what you are doing. If there is something suspicious or fishy about the whole thing then you can be arrested.

Police use this power often as a means of rounding up suspected persons and habitual offenders. The over-use of this power has often been discussed by reform committees and condemned.



**76. Can the Police use force in breaking up a street meeting or procession?**

Yes. However whatever the police does has to be reasonable. They are not there to punish people. They are there to ensure public safety and that law and order are not breached. So the rule is that the police must only use force as a last resort in controlling a crowd. If it must be used at all, it must be minimal, proportionate to the situation and discontinued at the earliest possible moment.

**77. Can Police fire at will?**

No. Deadly force is meant to be used in only the very rarest of instances when all other means of control have been tried and exhausted. However, a magistrate has to approve such an action.

**78. So what can the police do if the crowd is unruly/ throwing stones or damaging property?**

The police has a duty to protect life and property but there is a sequence to how they must go about their actions. First, plenty of warnings to the crowd to disperse





must be given with time for the crowd to obey. Then teargas may be used, or a 'lathi' charge restored to, after another warnings. Lathis cannot rain down below the head and shoulders but must be aimed below the waist. If the police are going to have to resort to firing there has to be a clear and distinct warning that firing will be effective. Here too the rule is to use minimal force. If the police must fire, it should be low and at the most threatening part of the crowd with a view not to cause fatalities but merely to disperse the crowd. As soon as the crowd shows signs of breaking up the firing must stop. The injured must be assisted and taken to the hospital immediately. Of course every individual officer has to, for the record, make a report of his role in the incident.

**79. Can the police hold me in a secret place or not tell anyone that they have me?**

No. As soon as the police have taken you into their custody, your physical well being and the protection of your rights becomes their responsibility. If you come to any harm, or your rights are not respected in any way, the police are responsible. This is an important legal point to keep in mind.

Next, the fact that the police are duty bound to make a record of all those who came to the station in their station's general diary will indicate what time you were brought in for questioning and when the arrest was made. This will also be in the case diary of the investigation officer. The police control room must also display an updated list of all those arrested in the last twelve hours.

**80. Can the police officer hold me at the Police Station or can I leave when I want to?**

Unless you have been formally arrested, you cannot be held in custody against your will. If the police have summoned you for questioning you have a duty to cooperate with them and help them with their inquiries. But the questioning has to be prompt and efficient and cannot go on and on. The police cannot make you wait endlessly at the police station. In such circumstances you can leave when you want.



**81. Suppose the Police officer does not let me go, what I can do?**

If you are not under formal arrest, keeping you in custody against your will even for a moment is a serious offence. It is called illegal detention and either you or your family/friends can complain about the officer to his senior or even the magistrate. Most importantly you can immediately go to the high court, or even the Supreme Court and through your lawyer, family or friend file a habeas corpus petition seeking your immediate release.

**82. What does habeas corpus means?**

This is a very old remedy meant to protect people. It literally means 'produce the body'. It is a most practical remedy against wrongful detention. The courts, either the High Court or the Supreme Court deal with it on an urgent basis. Once the courts get an application indicating a disappearance that shows that the victim was last seen in the custody of the police, the court will ask the police to produce the person before it immediately and release him if the detention cannot be justified. If the detention has been illegal, then the court can even grant compensation to the victim.



**83. Is there any other way of finding out about a person who has been arrested illegally and I do not know where is kept?**

You go to court and get a bailiff to go along with you and search all the police stations or other suspected places.

**84. Can a Police officer arrest me without giving me a reason?**

No. Police can make arrests only if there are reasonable grounds for the arrest. Say if a person is caught red handed in the middle of some wrong doing, or if many circumstances in the investigation point a finger toward him, or a person is found to be aiding/abetting a crime before, during or after its occurrence, then he can be arrested. There has to be "good reason" for making an arrest. But just because someone has been named in an



FIR, cannot be reason for arrest. There has to be something more in the form of evidence in order for you to be arrested. Experts have repeatedly pointed out that as many as 60% of all arrests are unnecessary or unreasonably made.

**85. If the Police suspect me of committing a crime, can they also arrest my family members?**

No. There is no guilt by association. Each person's guilt or innocence has to be judged by their own individual actions. The police cannot threaten family members or friends or take them into custody as bargaining tools. This kind of hostage taking would amount to the serious crime of illegal detention.

No matter how difficult the case is that the police are trying to solve, they cannot resort to illegal practice in order to put pressure on the suspect to give himself up or make a confession. The only people who can be arrested are those against whom there is a reasonable ground for thinking they have committed a crime.



**86. Are there special rules for arrest and treatment of women in custody?**

Yes. No women can be arrested between sunset and sunrise unless there are very special reasons for doing so. Even then, special permission must be taken from a magistrate. A woman has to be kept in a separate lock up in the police station and any examination or body search has to be done by a woman officer. It is in the best interest of the police officers themselves to make sure that all procedures relating to women are carefully followed and records are meticulously kept.

For instance, the law says that if a woman in the custody complains of the rape it will be accepted unless the police can show that it did not happen.

**87. What about children? Are there some special procedures for them?**

Under the general law, children under the age of 17 years cannot be accused of a crime. Thus they cannot be taken into police custody. The procedure for questioning, apprehension, custody, release and bail of children up to the age of 18 are all governed by the Juvenile Justice System Ordinance 2000.



**88. If the Police arrest me, can they keep me for as long as they like?**

No. The longest time anyone can be kept in custody in a police station is for 24 hours. The police must produce anyone in their custody before the magistrate with all the necessary papers that justify the arrest before the 24 hours is up and not later than that.

**89. How then, are people arrested on Saturday evening and kept in custody until Monday?**

The excuse for continuing with this illegal practice is for the police to say that there is no magistrate available over the weekend. But in reality there is always a magistrate on duty who is available every day and at all times. A person in custody whose 24 hour time limit is ending after regular court hours, can always be produced before the magistrate at his home. The magistrate cannot refuse to see the suspect.

**90. How will anyone know where I am?**

The law has lots of safeguards against you getting lost in the system. As soon as the police have arrested you they must prepare a 'memo of arrest' and send that to the local magistrate.





91. What use is a 'memo of arrest' to me?

It is a safeguard against illegal detention. The memo of arrest must have your name, time, date and place of arrest, along with reasons for

the arrest and what the suspected offence is. It has to be signed by the police, two witnesses and you in order to ensure that the record gives a truthful account of the facts. It is given to the magistrate and when the magistrate meets you for the first time he will double check if what has been said is correct. The police also have to make an 'inspection memo'.

92. What is an inspection memo?

It is a short description of your physical condition when you were taken into custody. It is expected to record your general physical condition and note major and minor injuries. It has to be signed by you and the arresting officer and a copy is to be given to you. The difference between this memo and the memo of arrest is that you have to request it. If you do not request it, then it need not be done. This procedure is meant to ensure that there is no beating or torture in custody.

If the arresting officer himself is examining you there is little protection that a piece of paper can give. However, since an approved doctor's certificate also has to be given to the magistrate with all the other papers at the first appearance, a doctor must examine you and make a statement about your physical condition before you are first produced before a magistrate.

93. How am I supposed to know all this?

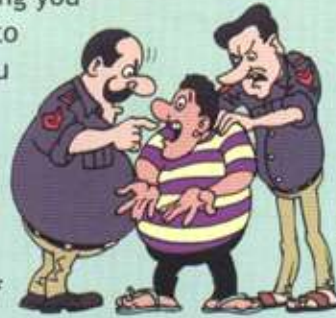
By law, at the time of arrest the police are supposed to inform you of all your rights. As a responsible citizens, you are also supposed to know your rights and duties.

**94. Can the police officer beat me in custody?**

No. The police cannot beat, slap, threaten or intimidate you in custody. It is against the law and the police officer can be punished for it.

**95. Can the Police officer force me to make a confession?**

No. The police officer has a right to question but he cannot force you to say anything you have no information about or to confess to some crime that you have not committed. In any case, a confession made to a police officer will not be admissible in court.



**96. Can the police do their job of arresting the guilty with so many restrictions?**

First of all, it is not the job of the police to decide who is guilty or who is not. The police are only to apprehend suspects and accused people. They cannot behave as if the person is already guilty and they have the right to punish them. That is a job for the courts. Meanwhile, people in custody must be given every protection from false accusations and mistreatment. That is why the 'restrictions' are there. Actually there are not restrictions at all but proper and just procedures designed to make sure that everyone has a fair chance before the courts.

**97. But aren't there too many rights for the accused person? What about the victims?**

A lot of people think that no one is looking after the victim. But actually the whole might of the state is behind the victim. It is on behalf of victims that the state goes about looking for the criminal. It is on behalf of the victims that the state appoints a prosecutor to argue before the court. It is on behalf of the victim that the state punishes the guilty. The accused stands alone, he may not be guilty at all. So to balance out the power of the state against one individual who has to defend himself, the law has created safeguards and given facilities like free legal aid to those who cannot afford it.



**98. Can I get bail from the police?**

It depends. If you have been arrested for a bail-able offence then you can get bail from the police. But if you are arrested for a non-bail able offence then the police cannot release you on bail except when the station house officer deems you fit to be released on bond.

**99. Is it important to know what a 'bail able' offence is and what a 'non-bail able' offence is?**

Yes. Bail-able offences are less serious offences in which bail is a right. In such cases you must get bail immediately from the police. Non-bail able offences are serious offences where bail is a privilege and only the courts can grant it.

**100. Is it impossible to get bail if I am accused of a non-bail offence?**

No, not necessarily. You can get bail even for non-bail able offences. You have to make an application for bail before the court. The court will look at the seriousness of the offence, whether you will run away if released on bail or whether you will threaten witnesses or tamper with the evidence. If the court feels that you will not do any of the above, then it will grant you bail.

**101. Does that mean I am now free?**

No. You will still have to face a trial, during which time the court will decide whether you are guilty or innocent.



## Police Ensignia



Inspector  
General of  
Police (IGP)



Additional  
Inspector  
General of  
Police (AIGP)



Deputy  
Inspector  
General of  
Police (DIG)



Senior  
Superintendent  
of Police (SSP)



Superintendent  
of Police (SP)



Superintendent  
of Police (SP)

Source: Khan Badge Makers, Saddar, Karachi.



## Police Ensignia



Source: Khan Badge Makers, Saddar, Karachi.

## Police as a service for citizens

**SHEHRI**-Citizens for a Better Environment, a non partisan civil society organization, on behalf of the citizens' demands that police reforms be undertaken for the citizens benefit. The police service needs to:

- Recognize that citizens are their paymasters.
- There should be a realization that the police be professional, service oriented and accountable to the people.
- As employees they should serve the citizens.
- Be respected as a service.
- Have equity within the ranks.
- Have an efficient public complaint handling system.
- To address public complaints, a police ombudsman should be appointed.
- Police reforms should be done without any political interference.
- Salaries and benefits to the police personnel should be increased to improve efficiency and should be the same all over the country.
- Police should be in the government pool for accommodation.
- Seats or Quota in public universities for the children of the police personnel should be allocated as in the case of military personnel children.
- Expenses incurred by the police personnel during investigation should be reimbursed to the investigation officers.
- Police needs to be reconstructed along the lines given in the Police Order.
- All officers at Region/Range and District level should be organized according to the ground needs.
- In Punjab, the question of Annual Confidential Report (ACR) is problematic as officers leave their postings before filling out ACRs of their sub-ordinates. This needs to be better handled.
- Traffic police needs to be restructured along the lines of the Motorway Police.
- Continuous police training programs should be organized aiming at developing the professional capacities of the police.
- There should not be a ban on police recruitments as it effects the training schedules and careers of the police.
- The police budget should be reviewed.
- The number of female police stations and cell for women detainees in regular police stations should be increased.
- Training standards for all police personnel need to be improved with a particular focus on human rights training which should be an integral part of the training.
- The Provincial Safety (And Police Complaint) Commission be established at the federal level.
- Women police officers should be authorized to register and investigate cases.

We need to be mindful that community policing is better policing. Citizens particularly females should be involved not just in community policing but their opinion should be sought for police reforms.

The parliamentarians through engaging with citizens need to develop consensus as to how to make the police efficient, modern, non-partisan, service-oriented and transparent and take appropriate steps in this direction.

*In the entire situation, the citizens/owners should have a say!*

*A demand on behalf of the citizens by:*

**SHEHRI-Citizens for a Better Environment**

206-G, Block-2, P.E.C.H.S., Karachi

Tel. (021) 34530646, 34382298

Email. [info@shehri.org](mailto:info@shehri.org) Website: [www.shehri.org](http://www.shehri.org)





## A Window on SHEHRI



SHEHRI was formed in 1988 by a group of concerned citizens to provide citizens with a platform to effectively voice their concerns in determining their future and taking action in arresting the deterioration in their living environment and proper reform with a view to improve the same.



SHEHRI is based in the city of Karachi and operates as a pressure group and a concious raising organization interfacing with citizens, civic and metropolitan bodies and higher tiers of government. It acts as a catalyst for generating debates and searching for solutions to the urban problems.



SHEHRI - Citizens for a Batter Environment is registered as a non-political organization under the Societies Registration Act. Its membership is open to all who subscribe to its memorandum. It functions in an open, transparent and democratic manner. Elections to the Managing Committee are held every two years. Its accounts are audited by chartered accountants.



We are aware of the steadily worsening environmental conditions in our cities, towns and villages and degradation of our living spaces. We are convinced that it is only through raising public consciousness and effectively articulating public pressure that the process of wanton neglect and corruption can be arrested and an improvement in our environment can be brought about.

## SHEHRI AIMS



Working for the establishment of an informed and pro-active civil society.



To promote dialogue, assist in the pre-pration of policies



To ensure implementation of landuse/zoning management laws and regulations



Research/documentation and promotion of effective policies and initiatives on the issue of urban pollution control.



Research and action to promote initiatives in the areas of Recreational Development, Heritage Conservation.



Strive for ensuring that Human Rights violations do not take place in our society.



# SHEHRI-CBE PUBLICATIONS

Please send email request to receive your copy  
info@shehri.org



**A children's book  
for adults  
to learn from**



**SHEHRI-Citizens for a Better Environment**

206-G, Block-2, P.E.C.H.S, Karachi

Tel: (0092-21) 34530646, 34382298 Fax: 34530646

Email: [info@shehri.org](mailto:info@shehri.org) (Website) [www.shehri.org](http://www.shehri.org)