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## Federal Investigation Agency against the Crime of Book Piracy in Pakistan

Ghalib Khan Dr.

*Department of Library & Information Science, Khushal Khan Khattak University, Karak,*  
ghalibkhan1@yahoo.com

Sobia Bashir

*Law College, University of Peshawar, sobiabashir@yahoo.com*

Faisal Shahzad

*Islamia College University, Peshawar, faisal.shahzad@icp.edu.pk*

Saeed Ullah Jan Dr

*Department of Library and Information Science, Khushal Khan Khattak University, Karak,*  
saadullahjan2011@gmail.com

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## **Federal Investigation Agency against the Crime of Book Piracy in Pakistan**

Dr. Ghalib Khan, Assistant Professor, Department of Library & Information Science, Khushal Khan Khattak University, Karak, Khyber Pakhtunkhwa, Pakistan

Sobia Bashir, Assistant Professor, Law College, University of Peshawar, Khyber Pakhtunkhwa, Pakistan

Faisal Shahzad, Assistant Professor, Department of Sharia and Law, Islamia College University, Peshawar Khyber Pakhtunkhwa, Pakistan

Dr. Saeed Ullah Jan, Assistant Professor, Department of Library & Information Science, Khushal Khan Khattak University, Karak, Khyber Pakhtunkhwa, Pakistan

### **Abstract**

The Federal Investigation Agency (FIA) is a counter-intelligence, criminal investigation and security agency of the Islamic Republic of Pakistan which was established in 1975. The Economic Crime Wing (ECW) of the FIA has the mandate to protect the Intellectual Property Rights (IPR) of the people of Pakistan. The main objective of this study is to investigate the role of FIA against the crime of book piracy in Pakistan. To achieve this objective, data was collected from the annual administration reports of FIA. The study found that FIA has been playing a vital role against the crime of book piracy in Pakistan. Through their prescribed procedures, FIA has been initiating inquires and registering cases against the culprits and confiscating the pirated books. The study suggests that easy legal redressal and mass public awareness can reduce the criminal act of book piracy in Pakistan. The study further suggested to the government of Pakistan to provide all out support to the FIA to make its role more effective against piracy and to safeguard intellectuals at national and international level.

**Keywords:** Copyright laws, Book Piracy, Infringement, FIA, Pakistan

### **Introduction and Background**

The Federal Investigation Agency (FIA) was established in 1975 for the investigation of certain offences committed in connection with matters concerning the Federal Government of Pakistan, and for matters connected therewith (Federal Investigation Act, 1974). The FIA is a counter-intelligence and security agency which functions under the Interior Ministry of Pakistan. The agency has the jurisdiction on undertaking operations against terrorism, espionage, federal crimes, fascism, smuggling as well as infringement. The FIA has the mandate of carrying out international operations in coordination with Interpol. Its Headquarter is in the federal capital Islamabad and is headed by a Director General (DG). The agency has well established branches and field offices in all major cities of the country. The most well established departments of FIA which has mandate to lead criminal charges and investigation in various capacities as per their portfolios are Counter-terrorism Wing (CTW), Anti-Corruption Wing (ACW), Economic Crime Wing (ECW), Immigration Wing (IW), Technical Wing (TW), Legal Branch (LB), National Central Bureau (NCB), and the Anti-Trafficking Unit (ATU). Economic Crime Wing (ECW) is responsible for carrying out operations against the cases of infringement ([www.fia.gov.pk](http://www.fia.gov.pk)). The ECW is headed by Deputy Director who is usually posted from within FIA. Upon filling or

receiving complaints and based on authentic information the FIA carry out operations against those individual and firms involve in the crime of book piracy (Bashir and Khan, 2017).

Book piracy has been a persistent phenomenon in Pakistan (Mahmoos and Ilyas, 2005) which is a clear violation of copyright laws (Khan and Bashir, 2019). Aiyza Javed in her article “Piracy of Books in Pakistan” published in Daily Times 13 May, 2020 observed that irrespective of several piracy laws the business of pirated books in Pakistan is flourishing at an accelerating pace. She further noted that book shops and other dealers in Pakistan sell international and local pirated books, and this is primarily because several books are unavailable in the local market or they are available at costly rates. Similarly, Bashir and Khan (2016) noted that lack of public awareness, lack of vigilance and enforcement mechanisms of copyright laws, high prices of foreign books, high profit, technological factors and difficulties in the import of foreign edition of books are among the most common contributing factors of piracy in Pakistan. Younas (2011) and Bashir and Khan, (2015) observed that book piracy in Pakistan has become more persistent because of our disregard for copyrights. Legislation in Pakistan related to IPR is clear and strict but the enforcement mechanism is weak and legal redress is expensive and time consuming. Bashir and Khan, (2017) suggested that training courses for law enforcement agencies, prosecutors and judicial officers can help to speed up legal procedures against the copyright related violations.

The review of literature indicates that there are misconceptions about book piracy in Pakistan. General public often considers piracy a mean of having access to cheaper books but they totally ignore that it is a criminal activity and how they are contributing to the spread of unlawful practices (Khan and Bashir, 2017). Ali (2020) suggested that rising book piracy needs IPR protection in Pakistan. He further mentioned that students significantly are the prime purchasers of pirated books particularly the individuals who can't accept exorbitant books. Bashir and Khan (2016) suggest that book piracy is very common in Pakistan and authorities must enforce copyright laws for the protection of books.

In another study Ali (2018) observed that Pakistan has become a haven for pirated books, international and local. One reason for this is that too many books are difficult to find and, when available, are too expensive. Another cause behind the piracy is that Pakistan does not host many branches of foreign publishing houses. The country only houses one international publishing house, Oxford University Press. Due to the absence of international publishing houses, the prices of imported books are high which encourages book piracy in Pakistan (Khan and Bashir, 2019). Younas (2011) suggests that this issue can be resolved if the Government of Pakistan provided facilitation on the import of foreign books and encourage international publishing houses to establish their offices in Pakistan. This can help to bring down the cost of foreign books in the country.

Pakistan is a signatory to Berne Convention, Universal Copy Right Convention, 1952 and Trade Related aspects of Intellectual Property (TRIPS) agreement. Under the protocols of these conventions Pakistan is bound to comply with rules and regulations as envisaged in the manifesto of these conventions. There has been a tremendous presser from the United States and European Union on Pakistan to protect the interests of foreign authors. The International Intellectual Property Alliance represents about 1300 U. S companies producing and distributing materials protected by copyright laws throughout the world. In their annual review report it was mentioned that due to book piracy in Pakistan in 1995 the loss suffered by U.S companies was 30bn\$ which later on rose to 52bn\$ in 2004 (Mahmood and Ilyas, 2005).

In Pakistan, video, textbook and consumer goods piracy deprives the government of PKR 9 billion (approximately \$114 million USD) in revenue annually. Of that amount, PKR 3 billion (approximately \$38 million USD) is from video piracy and another PKR 3 billion is from consumer product piracy. PKR 1.5 billion (approximately \$19 million USD) is from textbook piracy (www.pakistaneconomist.com). In 2007, the Business Software Alliance, and international research firm IDC, rated Pakistan as one of the worst offenders in software piracy. The report puts piracy rates in Pakistan at 84% (global.bsa.org). Furthermore, it is reported that cable and satellite piracy caused over \$110 million in losses to legitimate channels due to illegal distribution to an estimated 4.6 million unauthorized subscribers in the year 2007. Pakistan is considered to be a hub of book piracy with certain markets in Karachi and Lahore being the source of most of the pirated books in the country. It is estimated that in 2007, book piracy resulted in a trade loss of \$55 million (www.iipa.com)

This situation mounted much pressure on Pakistan nationally and internationally to establish a designated organization to protect the rights of the national and international authors and control book piracy so that the economic loss could be minimized at both national as well as at international level.

Pakistan in 2005 established Intellectual Property Organization of Pakistan (IPO-Pakistan) with an aim to safeguard the rights of the authors and other intellectual property related issues and control book piracy. The roles and powers of IPO were further updated in 2012 through an Act of parliament (IPO-Pakistan, 2012). In 2016 the administrative control of IPO was transferred from cabinet division to commerce division. IPO is the sole body to deal with all kind of intellectual property rights in Pakistan. It aims to consolidate issuance and enforcement of trademarks, patents, copyrights in one governmental body. The IPO and Copyright Ordinance 1962 were placed on the schedule of FIA in April 2005 (FIA Annual Report, 2018).

The basic legal instrument governing the copyright law of Pakistan is the copyright ordinance, 1962 which is modeled after the UK copyright act, 1911. Different provisions have been made available in this ordinance which determines when a work is in violation of copyright. The Copyright Rules 1967 was framed for proper working of the ordinance. Major changes were made in it through the Copyright (Amendment) Act 1992 and the Copyright (Amendment) Ordinance 2000. The amendments made in 2000 Copyright Ordinance provides a much more stronger platform and tools to control piracy i.e. the registrars authority was broadened, the amount of fine was raised to 1680\$ although one amendment was criticized by the international publishing industry and that is the permission given by the government to any institution in Pakistan including National Book Foundation to reprint without permission of the author and without paying royalty (Mahmood and Ilyas, 2005).

### **Delimitation of the Study**

The scope of this study is delimited to the data available in the annual administrative reports of FIA published in 2015, 2016, 2017 and 2018 respectively. Moreover, this study covers inquiries, cases, and number of recoveries (pirated books) made by FIA from 2015 to 2018.

## Objectives of the Study

To examine the role of federal investigation agency against the crime of book piracy in Pakistan with reference to;

1. How many inquiries were initiated by FIA from 2015 to 2018
2. How many cases were registered by FIA from 2015 to 2018
3. How many pirated books were recovered by FIA from 2015 to 2018

## Research Methodology

This study aims to examine the role of FIA in curbing book piracy in Pakistan. To achieve objectives of the study data was collected from the annual administrative reports of the FIA for the years 2015, 2016, 2017 and 2018. The whole country was divided into five zones (Table I). The data was analyzed, categorized and reported in the following section.

**Table I: Zones**

S.No	Province	Zones
1.	Punjab	Zone 1
2.	Sindh	Zone 2
3.	Federal Capital Islamabad	Zone 3
4.	Khyber Pakhtunkhwa (KPK)	Zone 4
5.	Baluchistan	Zone 5

## Analysis and Interpretation of Data

### Inquiries Conducted by FIA

Inquiries conducted by the FIA from 2015 to 2018 all over Pakistan are reported in Table 1 to 5. FIA conducted these inquiries in the province of Punjab, Sindh, Khyber Pakhtunkhwa (KPK), Baluchistan and Federal Capital Islamabad. These tables indicate that the total number of inquiries conducted by the FIA in Pakistan was 84 out of which 32 inquiries were leveled against the pirates in the province of Punjab, 35 in Sindh, 13 in the federal capital Islamabad and 04 in KPK. It is pertinent to mention that no inquiry took place in the province of Baluchistan from 2015 to 2018.

Data in Table 1 indicates that in Punjab, out of 32 inquiries, 16 inquiries were either closed or transferred whereas the same number of inquiries was pending. Moreover, out of these 32 inquiries 08 inquiries were brought forward and 24 were registered. The number of inquiries which were converted into cases was zero.

Data in Table 2 indicates the inquiries conducted by FIA in the province of Sindh. Table 2 shows that total 35 inquiries were conducted by FIA out of which 25 were converted into cases. Of the remaining 10 inquiries, 07 were closed or transferred. The rest of the inquiries were pending. Seven inquiries were brought forward and 25 were registered in Sindh.

The number of inquiries in the federal capital Islamabad was 13, out of which 02 were brought forward and 11 were registered. No inquiry was converted into cases. Five inquiries were closed or transferred and 09 inquiries were pending (Table 3). The number of inquiries conducted by FIA in the KPK was 04 of which 02 were closed or transferred whereas the same number of inquiries was pending (Table 4).

Data in Tale 6 indicates that Sindh is the leading province where 35 (42%) inquiries were level against the pirates followed by Punjab 32 (38%) and federal capital Islamabad (13) 15%. Collectively the proportionate of inquiries in the provinces of Sindh and Punjab from 2015 to 2018 is 80 %. The ratio of inquiries in KPK is 5% which is the least in Pakistan during the years 2015 to 2018.

The zone wise comparison of inquiries indicates that the role of FIA has been active. Data in Table 6 show that the number of inquiries increased every year which shows FIA's serious efforts towards curbing the illegal activities of piracy in Pakistan.

**Table No. 1: Comparison of Inquiries by FIA in Punjab**

Year	Brought Forward	Registered	Total	Enquiries Converted into Cases	Closed/ Transferred	Pending
2015	0	0	0	0	0	0
2016	0	04	04	0	02	02
2017	02	03	05	0	0	05
2018	06	17	23	0	14	09
<b>Total</b>	<b>08</b>	<b>24</b>	<b>32</b>	<b>0</b>	<b>16</b>	<b>16</b>

**Table No. 2: Comparison of Inquiries by FIA in Sindh**

Year	Brought Forward	Registered	Total	Enquiries Converted into Cases	Closed/ Transferred	Pending
2015	0	07	07	04	02	01
2016	06	17	23	17	05	01
2017	01	02	03	02	0	01

2018	0	02	02	02	0	0
<b>Total</b>	<b>07</b>	<b>28</b>	<b>35</b>	<b>25</b>	<b>07</b>	<b>03</b>

**Table No. 3: Comparison of Inquiries by FIA in Federal Capital Islamabad**

Year	Brought Forward	Registered	Total	Enquiries Converted into Cases	Closed/ Transferred	Pending
2015	01	02	03	0	02	02
2016	01	0	01	0	01	0
2017	0	02	02	0	0	02
2018	0	07	07	0	02	05
<b>Total</b>	<b>02</b>	<b>11</b>	<b>13</b>	<b>0</b>	<b>05</b>	<b>09</b>

**Table No. 4: Comparison of Inquiries by FIA in KPK**

Year	Brought Forward	Registered	Total	Enquiries Converted into Cases	Closed/ Transferred	Pending
2015	0	0	0	0	0	0
2016	0	0	0	0	0	0
2017	0	01	01	0	0	01
2018	02	01	03	0	02	01
<b>Total</b>	<b>02</b>	<b>02</b>	<b>04</b>	<b>0</b>	<b>02</b>	<b>02</b>

**Table No. 5: Comparison of Inquiries by FIA in Baluchistan**

Year	Brought Forward	Registered	Total	Enquiries Converted into Cases	Closed/ Transferred	Pending
2015	0	0	0	0	0	0
2016	0	0	0	0	0	0

2017	0	0	0	0	0	0
2018	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Table No. 6: Zone Wise Comparison of all Inquiries by FIA from 2015 to 2018**

Zone	Brought Forward	Registered	Total	Enquiries Converted into Cases	Closed/ Transferred	Pending
Punjab	08	24	<b>32</b>	0	16	16
Sindh	07	28	<b>35</b>	25	07	03
Federal Capital Islamabad	02	11	<b>13</b>	0	05	09
KPK	02	02	<b>04</b>	0	02	02
Baluchistan	0	0	<b>0</b>	0	0	0
<b>Total</b>	<b>19</b>	<b>65</b>	<b>84</b>	<b>25</b>	<b>30</b>	<b>30</b>

### Cases Filed by FIA

Data in table 7 to 11 show the number of cases filed by FIA in the province of Punjab, Sindh, KPK, Baluchistan and Federal Capital Islamabad from 2015 to 2018. These tables indicate that the total number of cases filed by the FIA in Pakistan was 743, out of which 455 cases were leveled against the pirates in Punjab, 73 in Sindh, 31 in the federal capital Islamabad, 33 in KPK and 17 in the province of Baluchistan. Figures in Table 6 indicate that Punjab is the leading province where maximum number of cases were registered followed by Sindh, KPK, and Federal capital Islamabad. Comparatively low numbers of cases were filed in Baluchistan.

Data in Table 12 show that out of 743 cases, 359 pirates were fined, 18 cases were closed or transferred. The numbers of pending cases till 2018 were 372. Data in Table 12 further indicate that maximum cases were registered in the province of Punjab (455) followed by KPK (167), Sindh (73), and federal capital Islamabad (31). Seventeen cases were filed in the province of Baluchistan. Similarly, the number of fined cases was also high in Punjab (161) and KPK (117). Sindh is the province where maximum (10) cases were closed/ transferred. With regard to pendency, Punjab and KPK were the leading provinces where collectively 340 cases were pending i.e. 295 in Punjab and 45 in KPK.



Analysis of the data show that the ratio of total and pending cases and relation of total and fined cases is nearly 1:2 which means that 50% cases have been disposed off and cases is the same amount are still pending.

**Table No. 7: Comparison of Inquiries by FIA in Punjab**

Year	Brought Forward	Registered	Total	Challaned/Fined	Closed/ Transferred	Pending
2015	0	72	72	05	0	67
2016	47	94	141	77	0	67
2017	64	28	92	27	0	65
2018	56	94	150	52	02	96
<b>Total</b>	<b>167</b>	<b>288</b>	<b>455</b>	<b>161</b>	<b>02</b>	<b>295</b>

**Table No. 8: Comparison of Inquiries by FIA in Sindh**

Year	Brought Forward	Registered	Total	Challaned/Fined	Closed/ Transferred	Pending
2015	0	26	26	15	0	11
2016	11	22	33	24	04	05
2017	05	02	07	04	01	02
2018	04	03	07	01	05	01
<b>Total</b>	<b>20</b>	<b>53</b>	<b>73</b>	<b>44</b>	<b>10</b>	<b>19</b>

**Table No. 9: Comparison of Inquiries by FIA in Federal Capital Islamabad**

Year	Brought Forward	Registered	Total	Challaned/Fined	Closed/ Transferred	Pending
2015	04	09	13	12	0	01
2016	01	09	10	08	0	02
2017	02	03	05	03	0	02

2018	01	02	03	02	0	01
<b>Total</b>	<b>08</b>	<b>23</b>	<b>31</b>	<b>25</b>	<b>0</b>	<b>06</b>

**Table No. 10: Comparison of Inquiries by FIA in KPK**

Year	Brought Forward	Registered	Total	Challaned/Fined	Closed/ Transferred	Pending
2015	0	58	58	18	0	40
2016	01	57	58	54	01	03
2017	03	15	18	16	01	02
2018	08	25	33	29	04	0
<b>Total</b>	<b>12</b>	<b>155</b>	<b>167</b>	<b>117</b>	<b>06</b>	<b>45</b>

**Table No. 11: Comparison of Inquiries by FIA in Baluchistan**

Year	Brought Forward	Registered	Total	Challaned/Fined	Closed/ Transferred	Pending
2015	0	05	05	0	0	05
2016	05	07	12	12	0	02
2017	0	0	0	0	0	0
2018	0	0	0	0	0	0
<b>Total</b>	<b>05</b>	<b>12</b>	<b>17</b>	<b>12</b>	<b>0</b>	<b>07</b>

**Table No. 12: Zone Wise Comparison of all Cases by FIA from 2015 to 2018**

Zone	Brought Forward	Registered	Total	Challaned/Fined	Closed/ Transferred	Pending
Punjab	167	288	<b>455</b>	161	02	295
Sindh	20	53	<b>73</b>	44	10	19

Federal Capital Islamabad	08	23	<b>31</b>	25	0	06
KPK	12	155	<b>167</b>	117	06	45
Baluchistan	05	12	<b>17</b>	12	0	07
<b>Total</b>	<b>212</b>	<b>531</b>	<b>743</b>	<b>359</b>	<b>18</b>	<b>372</b>

### Zone Wise Comparison of Recoveries by FIA

Data in Table 13 to 15 indicate the approximate number of recoveries of books (pirated) by FIA from 2015 to 2017. Figures in Table 13 show that 17649 books were recovered in 2015 from all five zones of Pakistan. Sindh was the leading province where 12552 books were recovered followed by KPK and Punjab. Similarly, 5414 books were recovered in 2016. Data in Table 15 show that 2039 books were recovered in the year 2017.

During informal discussion with officers of FIA at Peshawar Branch one question related to the recoveries of books were asked. The respondents informed that the figures provided in the tables are approximate only. They further elaborated that during raids they have little time to manage the whole situation and count the exact number of copies of pirated books. However, depending on the time, the FIA staff puts in maximum efforts to ensure the number of pirated copies and prepare their entries in the stock registers.

**Table 13: Zone Wise Comparison of Recoveries by FIA in 2015**

Zone	No of Pirated Books recovered
Punjab	838
Sindh	12552
Federal Capital Islamabad	765
KPK	3462
Baluchistan	32
<b>Total</b>	<b>17649</b>

Source: Annual Administrative Report, 2015

**Table 14: Zone Wise Comparison of Recoveries by FIA in 2016**

Zone	No of Pirated Books
From all five Zones	5414

Source: Annual Administrative Report, 2016

**Table 15: Zone Wise Comparison of Recoveries by FIA in 2017**

Zone	No of Pirated Books
Punjab	39
Sindh	0
Federal Capital Islamabad	0
KPK	2000
Baluchistan	0
<b>Total</b>	<b>2039</b>

Source: 1<sup>st</sup> Quarterly Bulletin, 2017

**Table 16: Accumulative Recovery of Books by FIA from 2015 to 2017**

Year	Total No of Books Recovered
2015	17649
2016	5414
2017	2039
2018	-

## Conclusion

Rampant spread of book piracy has continued to harm the economy of Pakistan. It can be an instrument of defamation at international level which can lower investment and reduce employment prospects and opportunities, endanger consumer health and safety, decrease innovation, inventions and creativity. It can even diminish brand image and perceptions of international community towards Pakistan. In order to comply with international standards, Pakistan should strengthen intellectual property legislations. Despite different issues in the implementation of copyright laws in Pakistan, the role of FIA has been very much effective and admirable in curbing book piracy. The study found that FIA has been playing a vital role against the crime of book piracy in Pakistan. Through their prescribed procedures, FIA has been initiating inquires and registering cases against the pirates and confiscating the pirated materials. Through this way the FIA has been providing justice to the affectees and trying to curb book piracy in Pakistan.

## Suggestions

- The study suggests that easy legal redressal and mass public awareness can reduce the criminal act of book piracy in Pakistan.
- The government of Pakistan should support FIA by providing necessary manpower, finances and all out support in any capacity to the agency to curb book piracy in Pakistan and change brand image and perceptions of international community towards Pakistan.
- The pendency of case and inquires might be due to lack of staff or some other procedures. The FIA may devise a mechanism to resolve the pending inquires and cases.
- Specialized training based on information and communication technologies should be arranged for FIA personnel to enhance their technological skills. This would help them to understand current trends of the digital environment.

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