

# POLICE REFORMS



*“The first thing that I want to tell you is this, that you should not be influenced by any political pressure, by any political party or individual politician. If you want to raise the prestige and greatness of Pakistan, you must not fall a victim to any pressure, but do your duty as servants to the people and the State, fearlessly and honestly. Service is the backbone of the State. Governments are formed, Government is defeated, Prime Ministers come and go, Ministers come and go, but you stay on, and, therefore, there is a very great responsibility placed on your shoulders. You should have no hand in supporting this political party or that political leader—this is not your business..... I wish also to take the opportunity of impressing upon our leaders and politicians in the same way that if they ever try to interfere with you and bring political pressure to bear upon you, which leads to nothing but corruption, bribery and nepotism; which is a horrible disease, and for which not only your province, but others too, are suffering if they try and interfere with you in this way, I say, they are doing nothing but disservice to Pakistan.”*

Quaid-e-Azam M. Ali Jinnah, 1948,  
Addressing Civil Servants at Government house, Peshawar

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## Message from the Chairman

The role of Police in any country is especially significant as they are entrusted with the responsibility of maintaining order and enforcing criminal laws. Therefore, the duty of bringing those who break the laws and infringe rights of others, before the criminal justice system, lies on the police. The Police have the duty to uphold the rights and afford protection to all political parties, persons and organizations equally without fear or favor. Unfortunately, this integral state institution in Pakistan has failed to deliver its mandated services.

*“The police force is far from efficient, it is defective in training and organization, it is inadequately supervised, it is generally regarded as corrupt and oppressive, and it has utterly failed to secure the confidence and cordial cooperation of the people.”*

A.H.L.Fraser, Chairman of the Second Police Commission (1902)

The statement of A.H.L Fraser still seems relevant today. Little has changed since 1902. The Police Act of 1861 still guides and governs our police system. The colonial mindset of the police and the distrust people had for the police in British India has continued to date.

Since 1947, there have been 27 reports on police reforms. However, the recommendations were rarely implemented. In the face of serious internal security challenges, this lack of political ownership has greatly compromised public safety in Pakistan. The introduction of the Police Order 2002 was a progressive step to revamp and reform the Police Services of Pakistan. The Police Order 2002 took into consideration all the previous recommendations and suggestions proposed by various reports and committees. It meant to provide enabling legal provisions and institutional arrangements for addressing problems related to the criminal justice system and public service delivery at the police station. Unfortunately, the Police order 2002 failed to achieve the desired result, main reason being failure of its meaningful implementation.

Lack of political will, deficits in legislation, poor police monitoring and evaluation system, lack of training and corruption, are some of the serious obstacles to effective reforms. Through this report NCHR submits workable and practical recommendations for the reformation of the Police Services of Pakistan. We are of the view that provincial police force constitutes a huge force and its activities cannot be effectively watched by a single provincial head (IG). It is therefore recommended for consideration that we have divisional police under a divisional head to make the divisional police more responsible, localized and accountable.

Lastly, I would like to acknowledge the efforts of Ms. Mahwish Iqbal Rao and her team in preparing this report.

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Justice (R) Ali Nawaz Chowhan

Chairman National Commission for Human Rights

## Introduction

In a democratic society, it is the responsibility of the State to protect and promote human rights. All State institutions including the police service, the judiciary, civil administration and the armed forces have an onus to respect human rights, prevent human rights violations, and take active steps for the promotion of human rights. According to the United Nations document for law enforcement officials, every law enforcement agency shall be representative of and responsive and accountable to the community as a whole<sup>1</sup>.

In this regard, the role of the police in any country is especially significant. The police is charged with the responsibility of maintaining order and enforcing criminal laws. Therefore, the duty of bringing those who break the laws and infringe rights of others, before the criminal justice system lies on the police. Members of the police ought to exercise their functions, powers and duties as impartial servants of the general public. The police have the duty to uphold the rights of and afford protection to all political parties, persons and organizations equally without fear or favor. Unfortunately, many a times, the police in Pakistan fails to ensure even the basic human rights of the citizens. Common perception is that the police force is inhumane, violates human rights and does not take care of common people, nor justice is provided if a common man seeks police help at a police station.<sup>2</sup>

Police and human rights go hand in hand and cannot be separated. UN Code of Conduct for Law Enforcement Officials states basic Human Rights Standards for Good Conduct by Law Enforcement Officials. Pursuant to the Human Rights standards everyone is entitled to equal protection of the law, without discrimination on any grounds, and especially against violence or threat.

Unfortunately, the police is one of the most widely feared, complained against, and least trusted government institutions in Pakistan, lacking a clear system of accountability. District-level police are often under the control of powerful politicians, wealthy landowners, and other influential members of society<sup>3</sup>. There are numerous cases of extrajudicial killings of criminal suspects, torture of detainees by the police to obtain confessions, and harassment and extortion of individuals who seek to file criminal cases, especially against members of the security forces.

Terrorist attacks, political violence, robberies, and kidnaps continue across the country. Pakistan is facing enormous security challenges as repercussion of War on Terror where terrorists have often resorted to

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<sup>1</sup> OHCHR, Human Rights Standards and Practice for the Police, Professional Training Series.

<sup>2</sup> Interviews with general public including complaints against the police.

<sup>3</sup> Interviews with CSOs

brutal tactics of targeting civilians in urban areas. The traditional training of police in Pakistan does not enable them to take on such ruthless criminals. The police infrastructure is arguably one of the most poorly managed institutions in Pakistan. Across the country, police forces are chronically underfunded, understaffed, and undertrained.<sup>4</sup>

Among the ranks of the police, there are undoubtedly some very brave individuals who risk their personal safety to serve their country every day. There have been some high-profile cases of deaths of officers like Safwat Ghayur (Commandant Frontier Constabulary), Malik Saad (CCPO, Peshawar), Mobeen Zaidi (DIG Traffic, Lahore) who died at the hands of suicide bombers. In addition to this, a sizable number of police personnel of all ranks have sacrificed their lives in war against terrorism. However, notwithstanding the immense personal bravery of some in the force, it cannot be denied that the force is also beset by endemic corruption, misconduct, misbehavior, social and racial biases, which sometimes overshadow the brave acts of police, making it difficult to change conventional image of police in Pakistan.

History narrates that for several years after independence, police reforms were ignored in Pakistan due to internal crises and political instability. Political manipulations, vested interests and lack of commitment towards reforms, proved to be insurmountable obstacles even for the capable, accomplished and sincere police officers who wanted to improve policing. Several political parties in their political manifestos made tall claims about police reforms but after assuming power, it was all forgotten.

Among the serious historical constraints undermining good performance by the police services of Pakistan are:

- i. An outdated legal and institutional framework (created for nineteenth century India for colonial rule),
- ii. Political influence and its control over the police department,
- iii. Inadequate accountability,
- iv. Poor incentive systems,
- v. Acute shortage of resources, and
- vi. Widespread corruption

The Police Act 1861 which was adopted by Pakistan in 1947 was said to be for colonial policing, to keep the natives under strict control. After 1947, various commissions were formed to review the existing law and suggesting reforms, however not much was done until 2002. In 2002 under the Musharraf era, the

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<sup>4</sup> Interviews with former IGs

Police order 2002 was passed to replace the Police Act 1861 with the aim of revamping the police system of Pakistan. Unfortunately, the Police order 2002 formulated with a vision of transforming the Police services of Pakistan, did not achieve much mainly due to ineffective implementation and lack of political will. The stakeholders including the police officers of the society believe that if the Police Order 2002 was implemented in letter and spirit, it surely would have made significant difference.

In light of the trends of increasing insecurity and instability, the structure of police and other law enforcement bodies and their coordination mechanism to combat security threats deserve greater attention.<sup>5</sup> To reform the Police Services of Pakistan, political will is the foremost important thing. Furthermore, there is a dire need for the policy makers to comprehend the root causes of the problem. While Pakistan is on the road to make some progressive reforms and efforts are being made to identify and address the concerns, the initiative remains limited in scope.

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<sup>5</sup> Reforming Pakistan Police: An Overview, by Shoaib Shuddle

## Policing in the Sub-Continent

By the year 1803, whole of India and majority of its princely states came under the rule of the British East India Company except Punjab, Sindh and Balochistan. Later in the year 1843 the Talpur rule in Sindh was brought to an end. The province of Sindh was conquered by the British (Sir Charles Napier) and annexed with the Bombay presidency/province in 1843. By the year 1849, the whole of the Sikh rule was brought to an end and the province of Punjab (including the frontier) was created as a British colonial province.

The police system in the Subcontinent was introduced by the East India Company before 1857. It was a colonial system to rule the colony from the point of view of the administration of the criminal justice system by a district magistrate who use to be a representative of the colonial power in the districts of the Sub-continent and the princely states. The above stated system helped the British in ruling the sub-continent till 1857.

In 1857 there was a mutiny in the British army in which the Hindu and Muslim soldiers revolted against their English officers on the pretext that they were being supplied gun cartridges with animal fat containing cow and pig fats. Number of British officers were killed during this mutiny in various cities of India. The mutiny was crushed by British origin soldiers and officers in the year 1857-1858. This incident of mutiny was regarded as war of independence by the Muslims and Hindus of the sub-continent. Consequently, various laws were introduced by the British Parliament, including the Indian Penal Code, Indian Law of Evidence, the Criminal Procedural laws and the Indian Police Act, for the administration of the criminal justice system.

The Police Act 1861 was an attempt to keep the native people and the police under the control of the British. It was also required, under this act, to create a Provincial Police System. The Provincial System was created in all provinces of sub-continent. The princely states in the sub-continent were also asked to create a similar system of policing within the princely states. This system remained invoked for the whole of India except in Bombay, Madras and Calcutta.

The overriding consideration before those who designed policing in 1861 was to create an instrument in the hands of the colonial government for keeping the natives on a tight leash, rather than a politically neutral outfit for fair and just enforcement of law. Police was designed to be a public-frightening organization, not a public-friendly agency. Service to the people was not a part of this design as per the



social and political realities of the times. The paramount concerns were collection of land revenue and maintenance of law and order. Both these incompatible functions were vested in a European officer, titled as Collector, District Officer, Deputy Commissioner or District Magistrate. In his latter capacity, the District Officer was head of the magistracy who tried most criminal cases.<sup>6</sup> Concerns about the concentration of administrative judicial and administrative powers in the office of the “Collector” were expressed as early as 1855, when *“the torture commission documented that the system where the powers are concentrated, tends to manipulate the human rights.”*<sup>7</sup>

After the partition of the Sub-continent and independence of Pakistan in 1947, Pakistan remained under the same criminal Justice system. *“At independence, the police system, for Pakistan was ‘the least of the gifts’ the British administration in India could offer to a newly independent country*<sup>8</sup>”. There were the Provincial and District Police organisations, the Jail system and the Criminal Courts. A District magistrate remained the head of the district administration including police.

The 1861 Act was designed and geared for a colonial rule and not to serve a free nation. As the overriding objective of police organization designed in 1861 was to help maintain the stability of the Raj, the purpose was admirably achieved through emulating the Irish Constabulary model by placing police under direction and control of the executive authority through the office of the District Officer who acted as the agent of the colonial government. Whereas police in a free country, through dedicated professionals, should have aimed to prevent and detect crime through just and impartial enforcement of laws, with protection of civil liberties and rights as an important component.

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<sup>6</sup> ibid

<sup>7</sup> Interview, Dr. Mohammad Shoaib Suddle

<sup>8</sup> Proposed plan on police, NRB, 31<sup>st</sup> July, 2000

## The struggle to shift from the Colonial Policing System

Pakistan after independence adopted the Police Act 1861 which was based on the Irish Constabulary Policing model. Colonial policing as developed by the British deliberately separated the community policed from its police force. From earliest times, policing in the British system involved the use of strangers to police, separation of the police force from the population, and separation of the officers from the rank and file. The police acted as an instrument of control for the government. The separation of the police from the community created social distance, increased the political control of police force and fortified the image of police as a visible symbol of government.

*In the colonial system, the police not infrequently usurped the role of judge, jailer and executor. The 'order' imposed by the police did not automatically square with the 'law' with which it was habitually coupled. (Arnold 1986, 3).*

However, it is important to note that in the British Indian cities of Calcutta (now Kolkata), Madras (now Chennai) and Bombay (now Mumbai), alternative policing systems similar to the English system emerged.<sup>9</sup> The English system has the metropolitan model of policing. The main characteristics of the Metropolitan System are:<sup>10</sup>

1. In the metropolitan system, the direction and control of the police exclusively rests with the commissioner of the police of the metropolis, who is given the necessary regulatory and licensing powers under various Acts, as well as powers of restraint under the Code of Criminal Procedure. Under the Police Act of 1861, the District Magistrate has certain powers over the police, the CrPC gives some powers to regulate law and order to the executive magistrates. In the Metropolitan police, these powers are exercised by the police officers.
2. In cities, the law and order situations move with such rapidity that only an experienced officer who is in a position to know all aspects and who is in exclusive control of the force can take timely decisions.
3. The system combines the responsibility with authority.
4. The system provides effective accountability through credible internal departmental mechanism and independent judicial forums.

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<sup>9</sup> REFORMING PAKISTAN POLICE: AN OVERVIEW Muhammad Shoaib Suddle

<sup>10</sup> National Police Bureau, Think Tank, 2000

5. The system ensures better policing and improved relations between the police and the public.
6. It facilitates and promotes specialisation and professionalism.
7. The system ensures efficient delivery of policing services, as there are no delays caused by the dual control.

The two models (Irish and English) are also distinctive in terms of their functions. While the police forces under the English system accepted responsibility for a range of non-crime tasks, their responsibilities for general administration were nowhere as important as in the colonial model.

Since the birth of Pakistan, nearly 27 commissions and committees have been mandated on police reforms focusing on structural, functional and administrative aspects of the police services and its role in the overall criminal justice system.<sup>11</sup> Along other suggestions, most of these commissions recommended the shift from the Colonial policing model to the Metropolitan Policing in the provincial capital cities of Pakistan.

Starting from 1947, Governor General Muhammad Ali Jinnah gave a directive in August 1947 to shift from the Irish-type colonial police to a modern police force, similar to the policing system of Bombay, for the City of Karachi. The Sindh Assembly accordingly passed a Bill (XXV of 1948) in February 1948. Though the Assembly passed the Bill on 7 February 1948 and an authenticated copy signed by the Speaker, bearing the forwarding note of the Governor of Sindh was forwarded to the Governor General's office. The Legal Advisor to the Governor General made certain minor corrections which is said to be typographic errors on the authenticated copy of the Bill, and returned it to the office of Governor Sindh for resubmission. Unfortunately Quaid passed away on 11 September 1948, hence the Bill failed to come to finality.

In 1951, a similar view was taken by a committee headed by Sir Oliver Gilbert Grace, then Inspector General of Police of the North Western Frontier Province (now Khyber Pakhtunkhwa), that police set-up for the city of Karachi should be changed from the colonial model and the metropolitan system of policing should be adopted for the Capital. However, his view was not taken into account due to the strong opposition by the bureaucratic elite.

The Pakistan Police (Constantine) Commission of 1960-61 visited India to study metropolitan police system for Karachi. However, since the Capital was shifted from Karachi to Islamabad, the commission

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<sup>11</sup> Wafaqi Mohtasib Secretariat Committee Report on Police Administration, December 2015 (Mandated by the Honourable Supreme Court)

were of the opinion that no change is required. The Pay and Services Re-organization Committee (1961-62), headed by Justice Cornelius, recommended in clear terms the introduction of metropolitan system of policing for cities like Karachi and Lahore, but no attention or regard was given by the decision makers.

The General Mitha Report of 1969 recommended the upgrade of the technical aids to investigation, improved logistics and greater freedom for supervisory officers in operational matters and overall command and control of the I.G over the Budget".<sup>12</sup>

In 1985, the Police Committee set up by Prime Minister Junejo to examine the suitable policing system, after an in-depth analysis of the issue i.e if 1861 police acts should be replaced, recommended that the existing outdated system needed to be fundamentally restructured, and replaced with Metropolitan Police System especially in the capital cities and major towns with a population of over 500,000. However, the Cabinet in its special meeting held on 6 January 1987 decided to send a delegation consisting of Member/Secretary of the Ministerial Committee and the Additional Secretary, Ministry of Interior, to India and Bangladesh to study the reforms proposed by the Police Committee. The delegation after having detailed and searching discussions/interviews' with prominent experts on the question of merits/demerits of the 1861 system, returned absolutely convinced that as a pilot project the policing system proposed by the Police Committee should be introduced in the major cities of Karachi, Lahore and Islamabad on a priority basis. However, in May 1988, the Government of Prime Minister Junejo was dismissed, with the long-debated police organizational reform suffering a serious setback again.

It must be noted that Bangladesh also changed the 1861 system of policing to Metropolitan Police System in Dhaka (1976), Chittagong (1978), Khulna (1987) and Rajshahee (1992).

After the government of Pakistan Peoples Party (PPP) came into power, Prime Minister Benazir Bhutto in her historic address to the Police Service of Pakistan Association on 12 April 1989 announced that the old police system would be replaced with the Metropolitan Police System on experimental basis in selected cities of Pakistan. The Prime Minister further decided to send another delegation headed by the Interior Secretary to India and Bangladesh. This delegation also returned in favour of changing the 1861 system.

The Police Reforms Implementation Committee, in its final report submitted on 01 March 1990, also reiterated that the Prime Minister's directive for introduction of Metropolitan Police System in the cities of Karachi, Lahore and Islamabad should be implemented without further dilly-dallying.

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<sup>12</sup> Mr. Mohib Asad. "Police corruption and accountability", Asia Society report, 2012, commission on the police reforms.

In April, 1996, Mr. Sekine, Director General of National Police Agency, Japan headed an official police delegation to study system in Pakistan. Mr. Sekine recommended police institutions to focus on public service delivery in order to improve its practices.

Prime Minister Bhutto in her second tenure didn't give much attention to introducing the Metropolitan Police System in the capital cities that she had announced in 1989.

In March 1998, the Good Governance Group of 2010 Programme of PML (N) Government, taking support from the Japanese report, recommended that police be de-politicised and their recruitment, postings, transfers, training and career development be ensured on merit. However, these recommendations were not practiced and the political influence remains till date.

In February 1999 report on Sustainable Peace in Karachi, the Colombian experts recommended a clean break with the existing situation;

*“If a professionally competent, politically neutral and democratically controlled Karachi Metropolitan Police Force is not formed, there will probably be no police reform or reconstruction of the public sector, both of which are essential elements for sustainable peace,”* they concluded.

Hence in light of the above, it is evident that the majority of the recommendations suggested that the policing system adopted by Pakistan is not suitable for a democratic society and needs to be reformed. However, the governments acknowledging the need for a more democratic style of policing system in Pakistan similar to that of the English model did not do much to actually bring the change.

## **1973 Administrative Reforms under Zulfikar Ali Bhutto - *Start of Political Influence over the Bureaucracy and the Police Services of Pakistan***

In 1972 the Government of Pakistan appointed an Administrative Reform Committee to study the role of civil bureaucracy in the context of socio economic political development of the country and formulate recommendations. The recommendations of the committee were taken into consideration seriously by the government and consequently, the Administrative Reforms of 1973 were formulated. These were announced by then Prime Minister Mr. Zulfikar Ali Bhutto, in a widely publicized address to the nation.

The scope of the said reforms was certainly ambitious and without much exaggeration can be described as revolutionary in the reform history of Pakistan. Bhutto terminated the services of 1300 civil and police officials on the grounds of corruption and incompetence. While some believe that many officers were penalized on flimsy grounds.

This reformist agenda was taken to the extreme. Bhutto, by withdrawing constitutionality guaranteed protections of the employment and against political interference in 1973, he dealt a serious blow to the professionalism of the police and other parts of the civil service.<sup>13</sup> Government employees had hitherto considered themselves servants of the state, but with the removal of constitutional guarantees, they were turned overnight into servants of the government and of Bhutto's Pakistan Peoples Party, said a former IG. The removal of the guarantees of employment and conditions of service certainly made the police vulnerable to political manipulation.

Bhutto's recruitment policies further politicized the police force. The elite Central CSP (Civil Services of Pakistan) cadre was abolished, and through a system called "Lateral Entry" 5,000 officials of various ranks and grades were directly recruited into the police and other services, in some cases on merit but more often for political reasons.<sup>14</sup> A large number of DSPs were directly recruited into the police, bypassing the Federal Public Service Commission's civil services examination. Lacking adequate training and given rapid out-of-turn promotions, these new recruits undermined efficiency and demoralized those less politically connected.<sup>15</sup>

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<sup>13</sup> Reforming Pakistan Police, International Crisis group report

<sup>14</sup> *ibid*

<sup>15</sup> *ibid*

According to a former IG, the Federal Security Force (FSF), a security agency created by Bhutto, included “*some of the worst elements of the other law-enforcement agencies and was accountable only to the prime minister. While the decision to setup the FSF was motivated by the desire to reduce the government’s dependence on the military during time of civil unrest, FSF personnel were frequently used to, at times in plain clothes, to disrupt the political gatherings of opposition political parties.*”<sup>16</sup>

The Administrative reforms did bring some positive changes however, the politicization of the bureaucracy as a result of Bhutto’s administrative reforms gave the elected representatives more influence over unelected institutions.<sup>17</sup> The frequent misuse of this influence, however, has also resulted in the politicization of the civil service to such an extent that it has all but destroyed the concept of a neutral and competent civil service.

Pakistan witnessed its third Martial-law in 1977 when a military coup was installed. The army bureaucracy nexus emerged as a predominant influence over public administration and public policy. The first thing that was done by General Zia to legitimize his assumption of power was to discredit the powers of his predecessor. Therefore, the administrative reforms introduced by Mr. Bhutto were later on characterized and maligned as politically motivated and an obvious attempt to control the bureaucracy for Mr. Bhutto’s vested interest.

Following steps were taken by the Zia government to undo the impact of Bhutto’s reforms:

A Pay and Service commission was established, which recommended termination of quota system by a modification for 20% merit instead of existing 10% merit reservation. The proposal was not accepted by government and President Zia in March 1984 announced a 10 year extension of the federal quota until 1994.

Zia regime abolished the lateral recruitment program and reappointed several CSP officers who had been dismissed by Bhutto. Every division and district had a Martial law administrator wherever and whenever they considered it appropriate. A great number of state owned enterprises and government were staffed with military personnel. The civil servants who had with sided with Bhutto regime were retired or dismissed. At the same time several officers were terminated primarily through early retirements who had been appointed by Bhutto’s regime. Such actions were regularized in an amendment in Civil Servants Act

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<sup>16</sup> Ayesha Jalal, Democracy and Authoritarianism in South Asia: A Comparative and Historical Perspective

of 1973. Section 12-A was introduced on July 3, 1980 which empowers the President to remove any civil servant appointed or promoted from January 1, 1972 to July 5, 1977.<sup>18</sup>

Later on General Zia-ul-Haq had to gradually civilianized and politicized his administration under pressure from national and international sources. The civilian bureaucracy began to assert itself and re-emerged as a powerful group. The former CSP cadre and its successor, the District Management Group regained a great deal of power and prestige.

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<sup>18</sup> <http://pr.hec.gov.pk/Chapters/787-6.pdf>



## National Legal Framework, Analysis of 1861 and 2002

### 1861 Police Act

The adversarial nature of police-public relationship stems mainly from the legacies of the 1861 Police Act. The Act provided for a policing model best suited to the post-1857 political and social setting when main emphasis was on enforcement of laws and not on service-delivery or rule of law. <sup>19</sup>With the independence of the country in 1947, the act lost its rationale but was not replaced with a more people friendly and service oriented legislation. Now, the government and police faces challenge of guarantying an environment of peace in which people feel secure in the exercise of their rights and the protection of their freedoms.

The Salient Features of the 1861 Police Act:

1. *The Police Act of 1861 vests the superintendence of the police force in the state government* (Section 3 of the Police Act, 1861). Under the 1861 policing setup, the head of a provincial police force is the Inspector General of Police; the province is divided into Ranges each under a DIG, which are further divided into districts, sub-divisions, and police stations respectively under the charge of District Superintendents of Police, Sub Divisional Police Officers, and Station House Officers (SHOs). The heads of all these units are linked through chain of command with the Provincial Chief of Police.
2. The Police Act of 1861, in addition to being under the senior police hierarchy, the District Superintendent was simultaneously subjected to the operational –lateral- control of the D.M under Para 2 of section 4 of the Act provides:

*“The administration of the police throughout the local jurisdiction of the Magistrate of the district shall, under the general control and direction of such Magistrate, be vested in a District Superintendent and such Assistant District Superintendents as the State Government shall consider necessary.”*

The Police administration of the district level is thus subjected to the dual control, all administrative, technical, financial, professional and organizational control of I.G through his deputies and the lateral general control and direction of the D.M. Also, postings and transfers of the Superintendents of the police and officers senior to them are concern of the provincial government, not the I.G.

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<sup>19</sup> CPDI, Publications, Police Order 2002 an overview

The words “general control and direction” not defined in the 1861 Act. The Police Acts in other countries studied during this report do not have any provision resembling to the system of dual control prescribed in the 1861 Act.

3. *Section 7, Appointment, dismissal.* Subject to such rules as the Provincial Government may from time to time make under this Act the Inspector-General, Deputy Inspectors-General, Assistant Inspectors-General and District Superintendents of Police may at any time dismiss, suspend or reduce any police-officer of the subordinate ranks] whom they shall think remiss or negligent in the discharge of his duty, or unfit for the same
4. Section 9 barred police officers from withdrawing from duties without the permission from the competent authority and to give a two month advance notice if they intent to resign.
5. *Section 12, Power of Inspector-General to make rules*<sup>20</sup>. The Inspector-General of Police may, from time to time, subject to the approval of the Provincial Government, frame such orders and rules as he shall deem expedient relative to the organization, classification and distribution of the police force, the places at which the members of the force shall reside, and the particular services to be performed by them; their inspection, the description of arms, accoutrements and other necessaries to be furnished to them ; the collecting and communicating by them of intelligence and information ; and all such other orders and rules relative to the police-force as the Inspector-General, shall, from time to time, deem expedient for preventing abuse or neglect of duty, and for rendering such force efficient in the discharge of its duties.
6. Pursuant to section 15(3) the cost of the additional police force would be born by the inhabitants of such disturbed areas. Section 15(A) enabled the provincial government, through a magistrate, to levy compensation from a disturbed area for serious outrages committed therein, and pay it to persons who had been injured or to the families of the victims.
7. Section 19 prescribed punishments if a person refused to serve as special police officer.
8. Pursuant to section 22 the police officers are bound to be on a 24 hour duty.
9. Section 23 dealt with duty of a police officer to prevent commissions of offences and to detect and bring offenders to justice as per the orders of warrants lawfully issued to him by any competent authority.
10. Section 25, 26 and 27 pertained to custody of unclaimed property and issue of proclamation, disposal, detention and confiscation of property.
11. Section 28 deals with persons refusing to deliver certificate, etc., on ceasing to be police-officers. Every person, having ceased to be an enrolled police-officer under this Act, who shall not forthwith deliver up his certificate, and the clothing, accoutrements, appointments and other necessaries which

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<sup>20</sup> Police Act 1861

shall have been supplied to him for the execution of his duty, shall be liable, on conviction before a Magistrate, to a penalty not exceeding two hundred rupees, or to imprisonment with or without hard labour, for a period not exceeding six months, or to both.

12. Section 29 imposes a penalty up to three months or imprisonment up to three months or both to police officers found guilty of violation of duty or neglect of any rule or regulation or any lawful order.
13. Section 34 states Punishment for certain offences on roads, etc Power of police of officer. Any persons who, on any road or in any street/place or thoroughfare within the limits of any town to which this section shall be specially extended by the Provincial Government, commits any of offences, to the obstruction, inconvenience, annoyance, risk, danger or damage of the shall, on conviction before a Magistrate, be liable to a fine not exceeding fifty rupees, or to imprisonment not exceeding eight days ; and it shall be lawful for any police-officer to take into custody, without a warrant, any person who within his view commits any of listed offences.
14. Section 47 empowers the provincial government to authorize the District Superintendent of Police to exercise authority over the village watchmen or other village police officers, subject to general control of the District magistrate.

The main arguments that why Police Act 1861 needs to be replaced can be summarized as follow:

- a) The Police Act, 1861 vests the superintendence of the police directly in the hands of the District Magistrate. Hence, in effect the entire police is working under the general control of the District Magistrate as far as the administration of the Criminal Justice System is concerned. According to the Indian Police Commission of 1902-03, the intervention of the District Magistrate in police matters was not “intended to be constant or detailed.” It was “not intended to extend to the administration of the police department except when interference in that is necessary for maintaining” control over criminal administration and responsibility for maintenance of peace. <sup>21</sup>“This intention of the law has been overlooked in most provinces: in some much more than in others.” Rules and provisions in Police Manuals were framed so that the “District Superintendent’s subordination to the District Officer was ambiguous.”
- b) There is too much unfettered discretion over appointments and transfers of the Police officers by the political leadership. No provision under this Act protects the tenure of the Police Officer.
- c) Police misconduct and the failure to effectively respond to situations is undermining public confidence in the system. Widespread indiscipline and cavalier attitudes towards law and procedures are eroding the

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<sup>21</sup> Pildat Position Paper, 2015, Dr. M. Shoaib Suddle

faith of people in the police. The Police Act, 1861 is silent on the issue of community consultation. Rather it focuses on the responsibility of communities to ensure that they do not step out of line and penalizes them for disturbance of order.<sup>22</sup>

d) The Police Act, 1861 was enacted with a limited purpose. Its preamble mentions that “...it is expedient to reorganize the police and to make it a more efficient instrument for the prevention and detection of crime”. This has led to frequent assertion by the police that they have no other societal role to play.

e) The Police Act, 1861 is weak in almost all the parameters that must govern democratic police legislation. The Police Act, 1861 does not put in place any mechanism to ensure external accountability unlike police legislation in the U.K, South Africa, Canada and Northern Ireland.<sup>23</sup>

f) The list of offences committed by a police officer under the Police Act, 1861 includes willful breach or neglect of any rule or regulation or lawful order; withdrawal from duties of the office or being absent without permission or reasonable cause; engaging without authority in any employment other than police duty; cowardice; and causing any unwarrantable violence to any person in her/his custody. The penalty for these offences is fine up to three months' pay or imprisonment up to three months or both.<sup>24</sup>

g) The Act has made it easier for government to abuse and misuse the police organization. It has been possible for people in positions of power to do so because of the following reasons:

i. The Act does not establish any institutional and other arrangements to insulate the police from undesirable and illegitimate outside control, pressures and influence.

ii. The Act does not recognize the responsibility of the government to establish an efficient and effective police force.

iii. The Act does not make it necessary to outline objectives and performance standards, nor does it set up independent mechanisms to monitor and inspect police performance.

iv. The Act is antiquated in its charter of duties, which is narrow and limited.

v. The Act is not in consonance with the requirements of democratic policing.<sup>25</sup>

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<sup>22</sup> [http://www.humanrightsinitiative.org/programs/aj/police/papers/advocacy\\_paper\\_police\\_act\\_1861.pdf](http://www.humanrightsinitiative.org/programs/aj/police/papers/advocacy_paper_police_act_1861.pdf)

<sup>23</sup> [http://humanrightsinitiative.org/old/publications/police/police\\_&\\_government.pdf](http://humanrightsinitiative.org/old/publications/police/police_&_government.pdf)

<sup>24</sup> Police Act 1861

<sup>25</sup> <http://www.cpd-pakistan.org/publication/view/police-order-2002-an-introduction>

To conclude, the Act has clogged the establishment of the rule of law and retarded the growth of a professional system of policing. The police force, as it was organized until 2002, was there mainly to serve those who could exert influence, but was least equipped to enforce laws without fear or favor, or to uphold the interests of Rule of Law. It was designed neither as an impartial instrument of law enforcement, nor a public service agency enjoying community support.

## 2002 Police Order

The 1861 police Act system remained invoked till the year 2002 when the military ruler General Pervez Musharraf introduced the Police Reforms and created a think tank known as ‘the National Reconstruction Bureau’ (NRB) which introduced systemic change by reforming police under the Police order 2002. The police order 2002 introduced key changes based on division of police force along functional lines, introduction of manifold public accountability measures and with emphasis on public service delivery.<sup>26</sup>

Police Order 2002 took in consideration all the previous recommendations and suggestions proposed by various reports and committees. The 2002 order aimed to provide enabling legal provisions and institutional arrangements for addressing problems related to the criminal justice system and public service delivery at the police station.<sup>27</sup> The Order Structurally, replaced political control of the police with democratic institutional oversight through the mechanism of public Safety Commissions at district, provincial and national level”.<sup>28</sup>

The order in its Original Form envisaged undiluted police Command and Control coupled with “Public Accountability” institutionalized through a (Equity based) non-political and neutral selection panel and decision making process.<sup>29</sup> The Police Order redefines the police duties, police powers, as also the control over police.

The Police Order 2002 replaced a more than 141-year-old Police Act of 1861, initially in Pakistan's four Provinces: Punjab, Sindh, KPK, and Balochistan, not in Islamabad the Capital Territory, Gilgit Baltistan, and Azad Jammu & Kashmir.<sup>30</sup> However since 2003 to 2009 it was never implemented in letter and spirit. After the 18<sup>th</sup> Amendment, police became a provincial subject, hence Sindh and Balochistan adopted the 1861 Police Act and the other two provinces adopted the 2002 Police order with amendments. Yet, it is difficult to say if 2002 Police order brought positive changes in the system because till date it has never been fully implemented in any part of Pakistan.<sup>31</sup>

The preamble of Police Order 2002 reads as follows: “*Whereas the police has an obligation and duty to function according to the Constitution, law and democratic aspirations of the people.*”

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<sup>26</sup> Wafaqi Mohtasib Report, 2015

<sup>27</sup> ibid

<sup>28</sup> Politics of Police Reforms in Pakistan, Ehsan Sadiq

<sup>29</sup> Pildat Position Paper on Police Reforms, 2015

<sup>30</sup> ibid

<sup>31</sup> Wafaqi Mohtasib Report, 2015

## Salient features of Police Order 2002

1. *Reduction of Political Influence and safety of tenure.* One of the main purposes of replacing police Act 1861 with Police Order 2002 was to increase the efficiency of the police by minimizing the political influence in Police department and securing the tenure of the police officials until they act unlawfully. The PO 2002 vests the superintendence of the police force in the Government <sup>32</sup>but clearly prescribes that the power of superintendence “shall be limited for the purpose of ensuring that police performance is in strict accordance with law.<sup>33</sup> The head of the provincial police force is to be appointed by the provincial government, “with agreement of the Provincial Public Safety Commission,” out of a panel prepared by the National Public Safety Commission.<sup>34</sup>

2. *Public Accountability of Police.* Institutions of Public Oversight and Accountability Police Order 2002 made provisions for the establishment of different public bodies for accountability of police and redressal of public complaints against it at the federal, provincial and district level. <sup>35</sup>The following public bodies and institutions have been created at various levels as oversight and accountability bodies:

- District Public Safety and Police Complaints Commission
- Provincial Public Safety and Police Complaints Commission
- National Public Safety Commission
- Federal Police Complaints Authority.

The basic idea behind the establishment of Public Safety Commissions and Police Complaints Authority was to insulate the police, on one hand, from extraneous interference and on the other hand to hold the police accountable to the public bodies. <sup>36</sup>The democratic concept of Public Safety Commission to oversee the police functioning was first introduced in Japan in 1947. The concept of Public Safety Commission has been borrowed from Japanese system and has been adapted with some modifications. This system of Public Safety Commissions is an amalgamation of the concept of Police Authorities in Britain and the Public Safety Commissions in Japan. The Public Safety and Police Complaints Commissions shall be constituted at district and provincial levels. While at national level, the National Public Safety Commission and the Federal Police Complaints Authority would be established separately.

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<sup>32</sup> Police Order 2002, Section 6 (1)

<sup>33</sup> Police Order 2002, Section 6 (2)

<sup>34</sup> Police Order 2002, Section 9

<sup>35</sup> Police Order 2002: A Critique Umbreen Javaid and Muhammad Ramzan

<sup>36</sup> *ibid*

3. *Separation of Police and Magistracy.* The new legislation envisages separation of police and magistracy. It is a clear departure from the previous system which was colonial in mindset, slow and based on the inefficient law of dual control. The police is no longer under direct control of the executive magistracy hence more independent and free in decision making and taking action against the perpetrators and criminals. Under this system the trial of the case is conducted by the judicial magistrates and not executive magistrate.

4. *Separation of Investigation and Watch and Ward.* The separation of Investigation and Watch and Ward at thana level was also a step in forward direction (Chapter III). The efficient working of investigation staff also requires proper training of the investigation team and scientific forensic support. Hence, the person to register the case will be separate and the department to carry out the investigations will be different, making investigation department more specialized and being used for this purpose only. Separating the departments is supposed to give officers specific functions to perform according to their expertise and abilities, giving out better results. Under PO 2002, governments are supposed to provide the cost of investigation but complainants are unaware of such facilitation. Disbursement of the cost of investigation requires more elaborate and transparent procedures. In countries like UK and USA, they have the same practice, and even the pay scales of different departments differ.

5. *Reforming the Criminal Justice System.* The PO 2002 provides to constitute the Criminal Justice Coordination Committee (Chapter IX) comprising of the District and Session Judge (Chairman), District Police Officer, Superintendent of Police, District Prosecutor, District Probation Officer and District Investigation Officer. The Committee will keep under the view all the aspects of the criminal Justice system and work towards improvement of the System as a whole.

6. *Offences by and Punishments for Police Officers.* Police Order 2002 provides strict internal accountability tools to the police managers making deviant police officers criminally liable for certain types of misconduct. Under Article 155 of the Police Order, any wilful breach or neglect of any provision of law or of any rule or regulation by a policeman is a criminal offence punishable with imprisonment for a term, which may extend to three years and with fine. Under Article 156, whoever, being a police officer, resorts to vexatious entry, search, arrest or seizure of property or inflicts torture to any person in custody shall commit a serious criminal offence punishable with imprisonment up to five years and with fine.

All the merits of Police Order 2002 notwithstanding, the reforms introduced by the Police Order 2002 were never implemented wholeheartedly and seriously. The old legal framework under the Police Act 1861 and the new reformed law, the Police Order 2002 are being run simultaneously. In the provinces, the police organization is being run partially under the Police act 1861 and partially under the police Order



2002 with some amendments suited to the respective government. The ICTP is still working under the 1861 order without any mixing of the 2002 order. A district magistrate is in fact in charge the administration of the Criminal Justice whereas in the provinces the system is the policing system is under the control of the police and the criminal courts.

The tenure of postings of all ranks from the Inspector General to the lowest rank is at the discretion of the Chief Minister. Police Order 2002 was enacted with a view to diminish political influence on the police and making the institution answerable to public bodies. Unfortunately, the major salutary provisions were diluted by amendments in 2004, and even the watered-down version has not been followed.<sup>37</sup>

Constitutional issues, poor police monitoring and evaluation system, lack of training and corruption, are some of the serious obstacles to administrative reforms. Police order 2002 targeted these issues by public oversight and fixed tenures for office. However, the police order 2002 has never been implemented in effect in any part of Pakistan yet.

It is worth mentioning that in the Indian Supreme Court in *The Supreme Court of India in Prakash Singh and Others v. Union of India ( 2006) 8 SCC 1* issued seven directives to the Police Act Drafting Committee (PADC) to draft a model police bill for India which was to be circulated amongst all the state governments.<sup>38</sup> These directives are facsimile of the salient features of the Police Order 2002.

## Comparison between Police Act 1861 and Police Order 2002

1. The Preamble of Police 2002 states '*the police has an obligation and duty to function according to the Constitution, law and democratic aspirations of the people.*' However in 1861 the preamble states "*...it is expedient to reorganize the police and to make it a more efficient instrument for the*

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<sup>37</sup> Pildat Position Paper, Police Reforms, 2015

<sup>38</sup> *Prakash Singh and Ors v. Union of India ( 2006) 8 SCC 1*

*prevention and detection of crime*". The 1861 Act lacks the modern day policing style practices around the globe. Democratic style of policing is essential in modern world which is covered in the Police Order 2002.

2. The duties of the police as enumerated in the Police Act of 1861 were fairly straightforward and basic:
  - a) obey and execute all orders and warrants lawfully issued by any competent authority;
  - b) collect and communicate intelligence affecting the public peace;
  - c) prevent commission of offences and public nuisances;
  - d) detect and bring offenders to justice; and
  - e) apprehend all persons whom the police are legally authorised to apprehend and for whose apprehension sufficient ground exists.

The Police Order, 2002 is far more detailed about the duties and responsibilities police officers are expected to fulfil:<sup>39</sup>

- a) protect life, property and liberty of citizens;
- b) preserve and promote public peace;
- c) ensure that the rights and privileges, under the law, of a person taken in custody, are protected;
- d) prevent the commission of offences and public nuisance;
- e) collect and communicate intelligence affecting public peace and crime in general;
- f) keep order and prevent obstruction on public roads and in the public streets and thoroughfares at fairs and all other places of public resort and in the neighbourhood of and at places of public worship;
- g) regulate and control traffic on public roads and streets; h) take charge of all unclaimed property and prepare its inventory;
- i) detect and bring offenders to justice;
- j) apprehend all persons whom the police are legally authorised to apprehend and for whose apprehension, sufficient grounds exist;
- k) ensure that the information about the arrest of a person is promptly communicated to a person of his choice;

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<sup>39</sup> Police Order 2002, section 3 and 5

- l) enter and inspect without a warrant on reliable information any public place, shop or gaming-house where alcoholic drinks or narcotics are sold or weapons are illegally stored, and other public places of resort of loose and disorderly characters;
- m) obey and promptly execute all lawful orders;
- n) perform other duties and exercise powers as are conferred by this Order, the Code or any other law for the time being in force;
- o) aid and cooperate with other agencies for the prevention of destruction of public property by violence, fire, or natural calamities;
- p) assist in preventing members of the public from exploitation by any person or organised groups;
- q) take charge of lunatics at large to prevent them from causing harm to themselves or other members of the public and their property;
- r) prevent harassment of women and children in public places; and
- s) lay information before a competent court and apply for a summons, warrant, search warrant or such other legal process as may, by law, be issued against any person suspected of committing an offence

3. In section 4, 155 and 156 of the Police Order 2002, the duties of the police officials are listed and failure to perform them may held the police official liable up to 3 years of imprisonment. In the 1861 police Act, the list of duties is limited and imprisonment is up to 3 months only. There is no provision in the Police Act of 1861, which can be utilized by the government to grant or the police officer to enjoy impunity. It allows prosecution to be launched against the police officer provided it is done within a period of three months of the alleged deed and after giving one month's notice in writing - 21 - about the proposed action<sup>40</sup>. However, if the act done is under the authority of a warrant, that plea can be made in defense by the concerned police officer. According to the Police Act, 1861: "when any act of prosecution shall be brought or any proceedings held against any police officer for any act done by him in such capacity, it shall be lawful for him to plead that such act was done by him under the authority of a warrant issued by a Magistrate."<sup>41</sup>The Act however does not have any provision regarding the tort liability of the government or the police department for wrongful and illegal acts of police officers committed during performance of duties.

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<sup>40</sup> Section 42 Police Act 1861

<sup>41</sup> Section 43 police Act 1861

4. Under the 1861 policing setup, the head of a provincial police force is the Inspector General of Police; the province is divided into Ranges each under a DIG, which are further divided into districts, sub-divisions, and police stations respectively under the charge of District Superintendents of Police, Sub Divisional Police Officers, and Station House Officers (SHOs). The heads of all these units are linked through chain of command with the Provincial Chief of Police. Under the 2002 Police order, the law and order continues to be a provincial responsibility, and the province will provide the police force to the districts. The DPO (equivalent of District Superintendent of Police) is the executive head of the district police force. He is responsible to the District Public Safety Commission for the maintenance of general law and order while the administration of the force and investigation of crime lies with the police hierarchy. Except the DPO, no other official in the district police is responsible to the District Public Safety Commission. In all professional matters, the DPO is responsible to the Provincial Police Chief, who has the administrative and financial powers of the head of a department.
5. The PO 2002 provides safety of tenure for the police officials, no such provision is present in the 1861 Act, and hence the government has discretion to appoint or remove the officers as per their will. This increases inefficiency and political control. The PO 2002 has tried to address this issue by securing the tenure of police officials unless they violate the law.
6. PO 2002 envisages the organization of police on functional basis to improve its efficiency and to include professionalism in the police force. The 1861 Act does not contain this feature. Under the old system the officer given the duty to investigate may be from the administration section, having no expertise or specialization in the specific area. However, under 2002 Order a separate department is formed which will be more appropriate to carry out investigation which is essential part and foremost for any case and to provide justice.
7. Public Safety and Police Complaint Commission was constituted under the PO 2002. These forums would be available at district, provincial and national levels. These commissions will also make policing plan for each year (eg, the District Public Safety Commission will determine objectives for policing plan of the district each year). No such accountability mechanism is present in the 1861 Act. In the system established by the British through the Police Act of 1861, the police remained unaccountable to anyone except their own hierarchy and the political and administrative executive. The need to make the police accountable to the community or other institutions did not fit into the model of control established by the 1861 Act.

8. PO 2002 aims to separate the police and magistracy which is present in the system under the 1861 Act which is colonial in mindset, slow and based on the inefficient law of dual control.
9. Under the PO 2002 whoever, being a police officer, resorts to vexatious entry, search, arrest or seizure of property or inflicts torture to any person in custody shall commit a serious criminal offence punishable with imprisonment up to five years and with fine. No such protection is given to the citizens under the 1861 Act.
10. Great emphasis is given to democratic and community policing in the PO 2002 as no emphasis was given to democratic type of policing the system under 1861 Act. The Police Act of 1861 talks of the community or the inhabitants of an area only in terms of their responsibility to maintain order and penalties that should be imposed on them in case of failure to do so. There is not a single provision in this Act, which suggests the need on the part of the police to consult the community or involve them in any way in their work. The 1861 Police Act is for 'regime police'. It is not at all surprising that the Police Act of 1861 talks of the community or the inhabitants of an area only in terms of their responsibility to maintain order and penalties that should be imposed on them in case of failure to do so.
11. In the PO 2002 the investigation wing is made a separate branch and Pakistan is in dire need for separation and upgradation of the investigation wing. The police force is reorganized on the basis of specialized functions to bring professionalism and efficiency. In 1861 Act pursuant to section 12A, The IG subject to orders of the Provincial government but no separate wing is established which is necessary in today's time.
12. PO 2002 consists of the Criminal Justice Co-ordination Committee comprising of the District and Sessions Judge (Chairman), District Police Officers, Superintendent of Prisons, District Prosecutors, District Probation Officers and District Investigation Officer (Member/Secretary). The Committee will keep under view all the aspects of the criminal justice system and work towards improvements of the system as a whole. No such provision is present in the 1861 Act

## Police Order (Amendment) Ordinance 2004

In 2004, the Federal Government, under pressure from Punjab Government, made some amendments in the two-year old law that was yet to be implemented in vital aspects. In particular, the amendments were designed to enhance government's role in appointment of key police officers and the composition of public oversight bodies thereby undermining their autonomy and independence.<sup>42</sup>

The retrograde features of the Police Order (Amendment) Ordinance 2004 included:

1. Merger of independent Public Safety Commissions and Police Complaints Authorities at district and provincial levels
2. Change in the composition of Public Safety Commissions
3. Change in the method of selection of independent members of Public Safety Commissions
4. Recourse provided against illegal orders to police taken away
5. Change in the procedure of selection of Provincial Police Officers
6. Writing of Performance Evaluation Reports of District Police Officers by Zila Nazim
7. Addition of definitions of terms such as direct, fact finding inquiry, and superintendence

The Police Order (Amendment) Ordinance 2004 was repeated every four months until November 2009. It was never pursued in the Parliament, apprehending that the government might fail to get Parliament's approval. The last Police Order (Amendment) Ordinance lapsed in March 2010. Resultantly, when the Constitution (Eighteenth Amendment) Act 2010, dated 20 April 2010 became effective, the Police Order 2002 already stood restored to its original position i.e. as promulgated on 14th August 2002.

The passing of the 18th Amendment to the constitution in 2010 allowed for the abolition of the previous Concurrent Legislative List. This has “led to an erroneous misinterpretation that each province was free to enact its own Police Act”.<sup>43</sup> Consequently in the current position, each province has legislated its own police laws. The ICT is still under the 1861 Police Act.

Khyber-Pakhtunkhwa	KP Police Act 2017 ( PO 2002 with Amendments)
Punjab	Punjab Order (Amendment) Ordinance 2017 (PO 2002 with Amendments)

<sup>42</sup> PILDAT, Position Paper, Police System of Pakistan, 2015

<sup>43</sup> Mr. Tariq Parvez, Mr. Afzal Shigri, Original Document

	Punjab Police Order (Amendment) Act 2013
Balochistan	Balochistan Police Act 2011 (Revival of 1861 Police Act)
Sindh	Sindh (Repeal of the Police Order, 2002 and Revival of the Police Act, 1861) Act, 2011

## Problems and Challenges

### Contemporary Challenges

Ensuing to decades of bad governance enumerated in the historical context, we have a situation where none of the stakeholders; the government, the public or indeed the police command itself are satisfied with the present snapshot. Some of the challenges which needs to be addressed are listed hereunder:

1. Unfair recruitment of officials, especially in the lower ranks of the police, the recruitment is often not on merit.<sup>44</sup>
2. Improper training of police officials e.g. the officer given responsibility of investigation (investigation officer) without any expertise or experience of of investigation e.g., the Kasur scandal and case of Zainab Amin highlights the lack of investigation expertise and equipment in the police department. The Faizabad Sit-in Dharna in November 2017 in Islamabad portrayed the picture that the police officials are not even trained enough to handle such protests.
3. Efficiency by the way of crime control is weak, investigative techniques are outmoded, conviction rates are abysmal, and ‘watch and ward’ presence is not on ground.
4. The public is not enjoying the ‘sense of security’ and stability necessary in an economically progressing society. The media is by and large critical, the courts are hostile, and the government is non-reactive to genuine requirements of the Police Services in Pakistan. The current status is also effecting the international investments and negatively contributing towards Pakistan’s economy.
5. There is widespread brutality, arrogance, non-accountability, non-transparency, downright cruelty on the common man, and fringe criminality on a vast scale seen on a daily basis. Unfortunately, the negative image of the police is so engraved in the society that the positive efforts and the sacrifices of the police officials to fight the war on terror goes largely unnoticed.
6. Supervisory controls at the Police Station are weak and whimsical.
7. Police commanders do not have any security of tenure and are highly under political control. Senior postings are very often short-lived and they are not independent to perform their duties.<sup>45</sup>

Political manipulation and power politics remains a fundamental problem hindering headway and improvement. “Premature transfer of police officials and systematic weakening of the Command and Control all over the country is having an adverse impact on police effectiveness and police station

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<sup>44</sup> Interviews with police officials

<sup>45</sup> Interviews with IG and DIGs



working”<sup>46</sup>. It is pertinent to mention that administrative effectiveness in the police stations is weak and tumultuous due to the brevity of the tenure of the Station House Officer (SHO) and frequent posting and transfer on the basis of vested interests (political and commercial). Since 2001, the Islamabad Capital Territory Police has shuffled 16 police chiefs, indicating that the security of tenure requires legal sanction.

An analysis of tenures at various levels of police command shows that average period of postings of a Provincial Police Chief was seven and a half months (2011-2013). While average tenures for police chiefs of Capital cities was seven months. A study shows that in 35 districts of the Punjab, average tenure for District Police Office was less than six months. The average period of postings for SHO is estimated to be around three months or less.<sup>47</sup>

As indicated by our research and interviews, following are the main issues people face by the police:

1. Failure to file FIR and Investigate crimes:

An F.I.R constitutes the conveyance of information, regarding an occurrence to the police authorities. It is a document, on the basis of which, the police machinery is activated and set in motion for investigation. The purpose of an F.I.R. is to set criminal law in motion and to obtain first hand spontaneous information of an occurrence, in order to exclude the possibility of fabrication, consultation or deliberation on the part of the complainant. Spontaneity of an F.I.R. is the guarantee of truth to a great extent,<sup>48</sup> and it provides a sound basis for carrying out investigation in the right direction.<sup>49</sup>

Under Section 154, the police are obligated to register an F.I.R of a cognizable offence. <sup>50</sup>Section 154, Cr.P.C stipulates the procedure for the registration of information in cognizable cases and also provides mandatory direction for registration of the case as per the procedure. Section 154 Cr.P.C states:

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

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<sup>46</sup> Mr. Tariq Parvez, “Brevity of Tenures: An obstacle to police reform”, Institute of Policy reforms, 2015.

<sup>47</sup> Ibid, Mr. Tariq Parvez, Brevity of Tenures

<sup>48</sup> Mushtaq Hussain v. State, 2011 SCMR 45.

<sup>49</sup> Umar Hayat Sajjad v. SHO Police Station Mochi Gate, Lahore, 2005 YLR 1313

<sup>50</sup> Saeed Muhammad Shah v. State, 1993 SCMR 550.

Thus, police do not have discretion to cause delay in the registration of a case under the law, 2015 SCMR 1724 (case *Haider Ali Vs DPO Chakwal*) and are bound to act accordingly, enabling the machinery of law to come into action as soon as it is possible. When an F.I.R is registered without delay, it can also help the investigating agency in completing the process of investigation expeditiously. Furthermore, it is difficult for those without political or financial influence to file an FIR, particularly if they seek to implicate someone more powerful in a crime. In case the police fails to register FIR, under Section 22A Cr.P.C, Justice of Peace shall direct the police officials to register FIR.

However, the ground realities of policing in Pakistan indicate that the FIR is often used as a “tool of oppression... by the ruling elite against the weak and powerless.”<sup>51</sup> Pakistani police also use their extensive powers under section 154 Cr.P,C of registration of cases, arrest, and detention at the behest of powerful societal elites (the wealthy, politicians, landowners, and civil and military bureaucracy) to bring false charges against perceived opponents as a form of intimidation or punishment. Many are arbitrarily arrested. Under Pakistan’s Criminal Procedure Code Section 54 Cr.P.C, police are empowered to arrest without a warrant any person against whom there is “reasonable suspicion” of being involved or “concerned in” certain types of criminal offenses or against whom there exists a “reasonable complaint” or “credible information” of such involvement. They can also arrest without a warrant a person whom they “suspect of designing” to commit certain types of offenses. The registration and subsequent investigation of cases is particularly exhausting for female victims of sexual assault. In many cases, women who are sexually assaulted are afraid to go to the police to report the crime.<sup>52</sup>

## 2. Torture and Ill Treatment in Custody

Torture and other ill-treatment of suspects in police custody is a widespread problem in Pakistan.<sup>53</sup> “*Such practices include custodial beatings, by hand or with batons and “littars” (strips of leather), the stretching and crushing of detainees’ legs with “roola” (metal rods), sexual violence, prolonged sleep deprivation, and mental torture, including forcing detainees to witness the torture of others*”<sup>54</sup>. Custodial deaths resulting from torture are common. Police frequently torture suspects to obtain confessions or other information, to coerce bribes, or because of pressure from local politicians or landowners. The National Commission for Human Rights (NCHR) has initiated a formal inquiry into nearly 1,500 cases of torture uncovered by Justice Project Pakistan in just one District of Punjab, i.e. Faisalabad.

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<sup>51</sup> [http://rsilpak.org/wp-content/uploads/2018/02/2018\\_ABA-Report.pdf](http://rsilpak.org/wp-content/uploads/2018/02/2018_ABA-Report.pdf)

<sup>52</sup> Human Rights Commission of Pakistan (HRCP) reported that in 2015

<sup>53</sup> *ibid*

<sup>54</sup> *ibid*

In addition to the above, properly numbered daily diaries are to be maintained in all police stations on registers provided by the senior superintendent of police<sup>55</sup>. However, there is an inadequate number of registers available and officials make their own arrangements by using bundles of paper or books without any serial numbers or proper documentation<sup>56</sup>. Such practices can lead to two problems. First, there have been instances where seemingly genuine cases have been dismissed on the grounds that the Investigating Officer has arrested the accused during police patrol but no arrival and departure entries have been produced for the satisfaction of the Court<sup>57</sup>. Secondly, the daily diaries can easily be manipulated in this manner to hide the actual facts of the arrest including the date and time whereby arrested individuals can be detained in police custody for periods exceeding twenty-four hours before they are produced in Court<sup>58</sup>. The latter being a gross violation of the fundamental right guaranteed in the Constitution<sup>59</sup>.

### 3. Fake Police Encounters and Use of Force

An encounter killing occurs when the police justifies the killing of a criminal suspect either as an act of self-defense or as a means of preventing suspects from fleeing arrest or escaping from custody.

The recent case of Naqeeb Ullah Mehsood by SSP Rao Anwar in Karachi, is a brutal example of fake police encounter however it is not the first time such an incident took place. According to a recent fact finding report published by the National Commission of Human Right, Rao Anwar has been involved in 192 encounters in which 444 people were killed.

The nongovernmental Human Rights Commission of Pakistan (HRCP) reported that in 2015, over 2,000 people were killed in armed encounters with the police, most in the province of Punjab. It is feared that most of these encounter killings were fake and did not occur in situations of self-defense or in public interest.

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<sup>55</sup> [http://rsilpak.org/wp-content/uploads/2018/02/2018\\_ABA-Report.pdf](http://rsilpak.org/wp-content/uploads/2018/02/2018_ABA-Report.pdf)

<sup>56</sup> "Proper diary keeping in police stations demanded," Dawn (26 September 2005)  
<https://www.dawn.com/news/15833>

<sup>57</sup> Muhammad Tahir v. The State, 2016 PCrLJ 130.

<sup>58</sup> "Proper diary keeping in police stations demanded," Dawn (26 September 2005)  
<https://www.dawn.com/news/15833>

<sup>59</sup> Constitution of Pakistan, Article 10(2)

## Counter terrorism

The police have the primary responsibility for maintaining order in society, with assistance from intelligence agencies, civil armed forces, and the military. In Pakistan, the armed forces, military-led intelligence bodies, and the military-led Rangers and Frontier Corps have played the role of the police department in matters of internal security. The reason for the involvement of other forces is mainly because the police is not doing their job right. Even the civilian intelligence agency, the Intelligence Bureau, is led by serving or retired army officers. Consequently, in all major cases of terrorism, the political leadership today looks to the chief of army staff (the army chief) to provide leadership in operations against terrorists and militants in the country. Following the Faizabad Sit-in, it was evident how the army ultimately took over to settle down the recent *Faizabad Sit-in by Islamist political party Tehreek-e-Labaik of Pakistan started a protest on 5 November 2017*, which in fact was the duty and responsibility of the Police. However it cannot be objected that it was due to the mishandling of the situation by the police due to lack of training, resources or political reasons or a stronger position of the army in the country.

The National Counter Terrorism Authority (NACTA), established in 2009, seemed to be a promising step in the direction of coordinating and integrating the national counterterrorism effort between the military and the police, however, this institution, tasked with producing national counterterrorism and counter extremism strategies, had its wings clipped soon after its creation.<sup>60</sup>

NACTA derives its mandate from Article 4 of NACTA Act 2013.

Article 4 of NACTA Act spells out the following functions:

- a. to receive and collect data or information, or intelligence and disseminate and coordinate between all relevant stakeholders to formulate threat assessments with periodical reviews to be presented to the Federal Government for making adequate and timely efforts to counter terrorism and extremism;
- b. to coordinate and prepare comprehensive national counter terrorism and counter extremism strategies and review them on periodical basis;

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<sup>60</sup> Stablising Police through reforms, 2012 Asia Society Report

- c. to develop action plans against terrorism and extremism and report the Federal Government about implementation of these plans on periodical basis;
- d. to carry out research on topics relevant to terrorism and extremism and to prepare and circulate documents;
- e. to carry out liaison with international entities for facilitating cooperation in areas relating to terrorism and extremism;
- f. to review relevant laws and suggest amendments to the Federal Government; and
- g. to appoint committees of experts from Government and non-Government organizations for deliberations in areas related to the mandate and functions of the Authority (NACTA).

With a strong and effective mandate, NACTA failed effective delivery of services. Instead of being logically placed under the command of the prime minister, as are the Intelligence Bureau and Inter-Services Intelligence, it was placed under the Ministry of Interior. This placement caused a turf war, and what would have been an effective and important organization was instead left powerless. Thus, Pakistan at present does not have a documented counterterrorism and counter extremism strategy.<sup>61</sup>

In Punjab and Sindh, the CID bureaus were formed in 1947; in the successive years, the CID bureaus were established in Balochistan and Khyber-Pakhtunkhwa<sup>62</sup> It operated under the CID Manual, 1937. The Criminal Investigation Department (CID) were revamped as Counter Terrorism Department (CTD) on 21-07-2010.

To meet the growing challenges of terrorism, CTD has been restructured. In Punjab, since early 2015, new roles have been assigned to it in addition to its primary intelligence function. CTD now registers and investigates all terrorism related cases at the newly established CTD Police Stations.

Creation of Counter Terrorism Force (CTF) within CTD is another initiative. The department claims that Highly educated corporals (1200 in number) have been inducted and given most modern training with the collaboration of the armed forces and friendly countries. These corporals have been deployed all over the Province to perform their mandated tasks. State of the art gadgetry and equipment have been provided to CTD and its infrastructure is being improved.

The CTD in Punjab delivers following functions:

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<sup>61</sup> Asia Society Report, 2012

<sup>62</sup> ibid

- Collection, collation & dissemination of information regarding:
- Sectarian activists, Militants, Terrorists & Deeni Madaris
- Afghan Trained Boys (ATBs), Returned Afghan Prisoners (RAPs)/Activists on 4th Schedule of Anti-Terrorism Act (ATA)
- Sectarian & Terrorism suspects
- Future trends on Terrorism

The constitution of these departments may have contributed to battle the crime in the country, however a lot is yet to be done. These Departments need to be strengthened and given independence to truly serve the purpose to counter terrorism.

In every province of Pakistan the special branch is also established. The organization is headed by an officer of the rank of Additional Inspector General of Police. He is assisted by four Deputy Inspectors-General of Police and a number of senior superintendents, superintendents, deputy and assistant superintendents and other staff. <sup>63</sup>This branch collects, collates and disseminates intelligence. Its main role is to monitor the activities of persons, parties and organisations viewed as subversive. Its duties often include: <sup>64</sup>

1. collection, collation and dissemination of information on the political situation of a province, as well as on matters pertaining to law and order;
2. maintaining records of political, student, labour and other activists;
3. monitoring Exit Control Lists of government servants;
4. VIP security;
5. inspecting key points; and
6. Verification of the antecedents of government employees, private security agencies, sponsors of visas for Indian nationals and applications for Pakistani citizenship.

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<sup>63</sup> Punjab Police, Government of Punjab

<sup>64</sup> Police organisation in Pakistan, HRCR Report, 2010.

## Corruption

Although there is widespread corruption in almost all departments, yet corruption in Pakistan Police has no parallels. According to the Transparency International's Corruption survey of 2013, the police and the Land Revenue departments were perceived as the most corrupt departments in the country.<sup>65</sup> The political governments claims to tolerate corruption, but actually encourages it for short term political gains.<sup>66</sup>

Political control over the posting and transfers of police officers has become an important source of corruption, with political leaders accepting bribes to have police officers of their choice posted to plum posts and getting rid of them, if they do not do their bidding.

There are elements within the police departments also, from the highest to the lowest, who involve in corruption. While the police leadership have in their midst, officers who have unimpeachable integrity, but understandably, a corrupt political leadership would only select the most corrupt amongst the police leadership to lead the provincial police forces. This sets in motion a chain of corruption right down to the lowest levels of police hierarchy. Another breed of police leadership that is getting popular these days with the political leadership is the 'honest but spineless' type. The advantage of this choice is that the political leadership can always point to the impeccable integrity of the provincial chief to support their commitment to integrity, and at the same time, also resort to corruption through the subordinate police officers. The provincial police chief, though honest personally, does not object, because he is too weak to protest.<sup>67</sup>

In the United States initially the Police Department was a mess. They went through similar issues with which we are dealing<sup>68</sup>. The corruption and abuse of police organizations during the political era prompted several reform movements from the 1920s to the 1970s in the United States. Many reformers believed that policing had to be "professionalized" by raising eligibility standards, implementing merit-based hiring, providing advanced training, paying higher wages, and, most importantly, seeking autonomy from political influences. <sup>69</sup>Thus, political leaders could no longer hire and fire police officers,

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<sup>65</sup> Transparency International, National Corruption Survey 2013.

<sup>66</sup> Shigri, Afzal Ali . Police Corruption and Accountability. Stabilizing Pakistan through police reform. Asia Society, July 2012

<sup>67</sup> <http://ipr.org.pk/wp-content/uploads/2015/03/Obstacle-to-Police-Reform.pdf>

<sup>68</sup> Stabilising Pakistan Through Police Reforms, 2012

<sup>69</sup> [https://asiasociety.org/files/pdf/as\\_pakistan\\_police\\_reform.pdf](https://asiasociety.org/files/pdf/as_pakistan_police_reform.pdf)

and officers were restricted from engaging in political activities. In addition, law enforcement agencies developed military-style organizations that promoted discipline, uniformity, and autonomy from political leaders. Organizations began utilizing technological advances in the form of patrol cars, radio communications, and improved forensic capabilities.<sup>70</sup>

The evolution of policing in the United States provides important insights for those seeking to improve Pakistan's police and law enforcement service. The traditional police reforms (e.g., higher pay, more stringent eligibility requirements, better training, and proper equipment) have proven effective in reducing corruption. <sup>71</sup>The United States has learned over time that police officers are much more susceptible to bribes and other forms of financial corruption when they do not receive adequate pay and are not given the resources they need to perform their policing functions. Now it for Pakistan to learn and improve.

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<sup>70</sup> *ibid*

<sup>71</sup> *ibid*



## Obstacles to reform

The present police system in Pakistan was designed in 1861 by the British for a different set of social, administrative, and political realities than what the country faces today. Numerous national and international experts have determined that the colonial model is no longer relevant. Pakistan needs to pursue comprehensive police reform as an integral part of the national agenda, regardless of which any political influence.

Pakistan needs to pursue comprehensive police reform as an integral part of the national agenda. Without a healthy partnership and cooperation among the principal actors involved, there can be no hope of significant police reform. An enlightened and determined political leadership, high levels of public support, and a motivated and well-led civil society that demands better standards of police performance are critical for change.

Following are the main reasons which hinder the upgradation of police through reforms:

### 1. Lack of Political Will

Over the last 60 years, frequent interruptions of democratic dispensation in Pakistan have meant minimal investment in police, as both civilian and military rulers have not placed importance on building police capacity. While financial constraints are often cited as an obstacle to reform, the problem actually lies with the governing elite, which has failed to demonstrate the necessary political will to reform the police. Many reform measures that do not require a large budget have failed to materialize simply because of this lack of political support.

Mr Aitzaz Ahsan, Advocate Supreme Court in relation to the police reforms of Pakistan stated

*“Overall the picture that emerges is dismal. The single thread running through .... Is that Pakistani governments lack the political will to reform the country’s police force. The societal reality is that the measure of all power in Pakistan is the Ability to abuse it”.*

An inadequate understanding of the issues involved and the prescriptions that are necessary to resolve them has contributed to the circular path of the police reform process. Continuing infighting among powerful groups within the bureaucracy exacerbates this lack of understanding and perpetuates the status quo, even in the wake of daunting law and order challenges. The absence of the rule of law and the politicization of the police are also major obstacles to reform. As long as police operations, recruitments, postings, transfers, promotions, and disciplinary proceedings are controlled by people of influence, police

reform will remain only a political rhetoric. Political leadership with vision and statesmanship is necessary to extricate Pakistan from this unsustainable situation.

## 2. Inadequate Police Strength and Insufficient Police Budget

Pakistan Police System suffers from serious qualitative and quantitative inadequacies. While UN standards recommend a police to population ratio of 1:222, the ratio in Pakistan, at around 1:500 to 1:750, presents an abysmal comparison.<sup>72</sup> If around 30% of police strength that in Pakistan is deployed exclusively on VIP protection, the already dismal ratio almost reduces more. It is important that while discussing police to population ratio, we also keep in view factors like quality of police force, and the nature and extent of law and order challenges at hand.<sup>73</sup>

As regards the police budget, the per capita expenditure on police in 1985, as reported in Report of the Police Committee (1985), was Rs22 or \$1.375 (1\$=Rs16). In 2015, notwithstanding the exceptional law and order challenges, our per capita expenditure on police is worked out to Rs105 or \$1.00 (1\$=Rs105)<sup>74</sup>. In other words, our per capita expenditure on police, in dollar terms, has actually declined over time by \$0.375. This means that in 2015 there is a big shortfall of Rs73 billion in the police budget of the four Provinces, when compared with 1985. It may be noted that globally the median per capita annual expenditure on police is \$50, with countries such as the US and UK spending almost as high as \$250.<sup>75</sup> The poor budgetary allocation means that not enough money is available for improving the rank and file salaries, housing, transport facilities and health care. This is a root cause for greater systemic corruption and widespread highhandedness on the part of police.

The budget allocation of the Islamabad Capital Territory Police (ICT) in the year 2017-2018 and 2018 to 2019<sup>76</sup> is as follows:

YEAR	2017-2018	2018 – 2019
Pay	6442.772 million	7033.519 million
Other	507.587 million	627.487 million
Total	6,998.359 million	7661.006 million
Investigation cost	3.2 million	8.50 million
Training	3.00 million	5.80 million

<sup>72</sup> PoliceSystemofPakistan\_PositionPaper.pdf , PILDAT

<sup>73</sup> ibid

<sup>74</sup> ibid

<sup>75</sup> ibid

<sup>76</sup> Islamabad Police

Additional Funds of Rs. 19.299 million were demanded during 2017 – 2018 to cater for expenditure relating to protest by religious party but no additional allocation has been made. An amount of Rs. 40.344 million is also required for payment relating to death cases (PM assistance package).<sup>77</sup>

Furthermore some important issues are also raised which relate to insufficient budget allocated to the police department. In our interviews various officers claimed that police is often compared to the Pakistan Army however the comparison based on non-conformity. The biggest share of the country's annual defence budget and foreign military aid is granted to army whereas the percentage of budget allocated for police department is much less. A police station operate on 10 litres of daily fuel that it is allotted to them, especially when it has multiple villages under its watch. <sup>78</sup>It is unfair to expect the police to produce criminals in court and collect evidence against them within limited means.<sup>79</sup>

The police officer with a moderate salary cannot pursue any investigation diligently when he/she has to pay money from his/her own pocket for FIR copies, criminal's medical certificates and other proceedings because they are inadequately funded by the government. <sup>80</sup>As a consequence of this lack of resources the police stations are in pathetic condition and further give these individuals reasons to commit corruption and justify their harsh behaviors. Furthermore with low salaries and not accommodating the families of the police officials is also contributing in demotivating these public servants. They are expected to diligently do their jobs 24/7 without offering them basic securities and facilities for their families e.g hospital, schools, housing. Hence a good allocation of budget is an essential requirement to overall uplift the status of the police officials and making them more job satisfied. Our 'jawans' at the border (army) and 'jawans' with in country (police), both are equally important.

### 3. Training

Training in Pakistan is outdated in both content and methodology. The emphasis is on power. *The arrogance that often typifies the behaviour of the police is a more acute issue than the corruption in the force and this can only be cured with persistent attitudinal counselling.* <sup>81</sup>To bring a positive change in policing culture, the police management should start behaving more like executives than commanders and consider their subordinates as partners. Currently, the training of junior officials is based on an outdated

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<sup>77</sup> Islamabad Police

<sup>78</sup> Interview with former SSP

<sup>79</sup> Interview with former DIG

<sup>80</sup> interviews

<sup>81</sup> Shifting the focus of police training, Mohammad Ali BabaKhel, DIG.

colonial model that primarily injects a militaristic mindset, compromising conflict management skills, as well as skills involving interviewing interrogation, evidence collection, the use of technology, intelligence gathering and crowd management<sup>82</sup>. When terrorists receive their training, they are given clarity regarding their mission and targets. <sup>83</sup>This is something lacking in the training provided to police personnel. To bring clarity regarding the police's mission, roles and responsibilities, police training institutes need to review their curriculum, as well as their recruitment and promotion policies along with the kind of training provided to the trainers themselves.

Human resource development challenges that require urgent attention include the following: enhancing the critical capabilities of investigators, introducing and assimilating modern technology, changing the culture of the organization to promote sensitive and responsive policing, increasing the focus on human rights, and enhancing counterterrorism and cybercrime capabilities. Furthermore, there is less or no institutional mechanism for recognizing, rewarding, promoting, or sustaining professional excellence; the system is loaded in favor of mediocre individuals who inherently oppose any meaningful reform effort.

#### 4. A Poor Police Performance Appraisal System

Dearth of an efficient and credible performance appraisal system that is linked to an adequate and transparent reward and punishment system is also a hindrance towards reforms. The career progression of police officers of different ranks is linked, in theory, with how well they perform during in-service training courses and how they are assessed annually by their supervisors, however in practice both of these apparently objective parameters are extremely flawed as a result of a corruption-ridden subculture of benefaction. Securing the top three positions in a prescribed in-service training course, for instance, makes a police officer eligible for accelerated promotion to the next rank. The system of annual performance appraisal reports (ACRs) is in muddles, with most officers agreeing that the system is a sham. <sup>84</sup>It is not helpful in objectively identifying the meritorious from those who are known poor performers or have attitudes that make them unfit for a police job. Good relationship with the existing political party is the only merit required. In addition to the above stated, the practice of shoulder promotions and posting junior ranked officer on senior post is also increasing in every province of Pakistan. For instance, in the ICT from 2013 to 2018, the Inspector Generals of Police, Islamabad, were all of Grade-20 against a post of Grade -21.

#### 5. Lack of trust by the Citizens

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<sup>82</sup> Article:Shifting the focus of police training, 2015, Mohammad Ali Babakhel, DIG.

<sup>83</sup> Shifting the focus of police training

<sup>84</sup> Interviews with former DIGs

A police service with a positive image results in public cooperation and helps create a conducive environment for community policing. Unfortunately, the police in Pakistan have suffered from a poor reputation among a public that holds a highly negative view of its role and mission. As a result, there is little voluntary flow of vital information relating to human security from the public to the police. Mistrust of the police is so deeply embedded across all levels of society that citizens fear to reach out to them, even in times of crises. A public survey conducted by Gallup Pakistan in May 2014 across the country on a sample of 2,679 men in both rural and urban areas revealed that 24% of Pakistanis themselves or the people in their neighborhood have no trust in police, 49% have very little trust in police and 27% have a lot of trust in police.<sup>85</sup>

### **Community Policing**

Community policing is a modern approach towards building confidence between public and police. Community policing, or community-oriented policing, is a strategy of policing that focuses on building ties and working closely with members of the communities. A formal definition states:

*"Community policing is a philosophy of full service personalized policing, where the same officer patrols and works in the same area on a permanent basis, from a decentralized place, working in a proactive partnership with citizens to identify and solve problems."* —Bertus Ferreira

A few of the advantages of community policing are provided hereunder:

- Enhanced public confidence in police department;
- Reduction in societal violence;
- Police-public partnership;
- Peaceful co-existence in neighborhoods;
- Savings in police time from unnecessary arrests and trials;
- Speedy dispute resolution;
- Diminishing the need for use of physical force by the police.

Endeavors to inculcate community policing in the police ethos have been initiated by various senior police officers. However, community policing has never been sustainably institutionalized in Pakistan, except for Citizen Police Liaison Committee in Sindh.<sup>86</sup> Some initiatives have been taken by the ICTP which is contributing to bridge the gap between the citizens and the police. ICT Police has initiated a

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<sup>85</sup> <http://www.gallup.com.pk/pollshow.php?id=2014-07-11>

<sup>86</sup> Community-Policing-in-Pakistan-An-Assessment.pdf, CPDI

program of Conversion of Traditional Police stations into e-powered Model Police Station. This program aims to initiate reforms in following areas:

- Change Culture – Police: Public interface
- Police Management Systems with E-Governance
- Trainings of Police Officials
- Human Resource Management
- Police Image Building

In addition to the above, ICT Police is adopting latest technologies/automation of processes and development of modern infrastructure at Police Stations. A dignified front desk has been established in every Model Police Station. The desk works as reception/ welcome desk for citizen coming in for their matters to MPS. The desk is IT enabled and connected with back office functions through online MIS.

Few functions of the desk are given below:

- Registration of complaint & issuance of computerized receipt
- Auto generated SMS to visiting citizens
- Registration in citizen feedback system for future reference and tracking
- Call Centre Services
- Time bound disposal of all complaints
- Automated queries to be generated by supervisors if complaints are not disposed off (24 hours for SHO, 48 hours for SDPO, 7 days for SP or SSP, DIG and IGP)
- Central Database – Dash Board for Monitoring

This is the steps taken by the ICT Police, similar efforts like e-FIR and helplines have been established by Sindh, Punjab and KPK Police, however much more efforts are required by police services of all provinces to make citizens count on them and upgrade the service delivery to the citizens.

### **Recent case studies and failure of the Police**

This report discusses failures of the Police departments/forces of Pakistan in three different contexts with the help of recent events which raised eyebrows and spread outrage in the country regarding the role of the Police department and their inefficiency. The specific issues being discussed hereunder are:

1. Misuse of Power by the Police and Fake Encounter killings;
2. Poor investigation skills and inefficiency of the Police Department; and
3. Lack of expertise to deal with riots and mob

**Fake Encounter Killing of Naqeebullah Mehsud- (Misuse of power by the police force)**

On January 12, a police encounter took place in Shah Latif Town of Karachi under the supervision of Senior Superintendent of Police (SSP) Malir Rao Anwar. During this shoot-out, four alleged members of banned outfit Tahreek-e-Taliban Pakistan (TTP) were killed. Amongst these four alleged terrorists was 27-years-old Naseemullah, alias Naqeeb Mehsud.

The relatives of the deceased claimed that he was abducted by plain-clothed officials from Gul Sher Agha Hotel in Sohrab Goth on January 3 and then murdered in an extrajudicial encounter. According to Naqib's cousin, the family went to Sohrab Goth police station to register a complaint against his kidnapping, but the police refused to register an FIR.<sup>87</sup> Senior Superintendent of Police (SSP) Rao Anwaar, who supervised the encounter, has rejected the family's claim that Naseem was abducted before he was shot dead in an encounter.

Rao Anwar claimed that Naqeeb had served as a gunman for a top TTP leader Baitullah Mehsud from 2004 to 2009 and was motivated by his brother-in-law Sher Dawood Mehsud to join the terrorist group. According to the officer's account, the dead was trained by the TTP's Ustad Ali. However, till date Rao Anwar has failed to prove the allegation that Naqeebullah was a terrorist and yet again it seems that an innocent man was killed due to misuse of force the police official.

A case against Rao Anwar and his associates was registered on Jan 23 under sections 302 (premeditated murder), 365 (kidnapping with intent secretly and wrongfully to confine person), 344 (wrongful confinement for ten or more day), 109 (abetment) and 34 (common intention) of the PPC read with Section 7 of the ATA on the complaint of the deceased's father Mohammad Khan at the Sachal police station.

The inability of Sindh police to make Rao Anwaar and his police team appear before the departmental inquiry committee speaks volumes about the internal check and balance mechanisms. The internal

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<sup>87</sup> The Daily Times, January 18, 2018

accountability system in police force needs to be reviewed and strengthened to avoid such gruesome incidents in future. This was not the first case of Extra Judicial Killing by Rao Anwar, as also stated above, a recent report published by the National Commission of Human Right states that Rao Anwar has been involved in 192 encounters in which 444 people were killed. After inquiry of Naqeebullah's extra-judicial killing and after examining the figures for other such police encounters, it becomes obvious that there are criminal elements within the rank and files of police force. The impunity given to such officers requires effective accountability mechanisms. The murder of Naqeebullah gave rise to the Pashtun Tahafuz Movement (PTM) whose main demand is to hold Rao Anwar liable.

It was also observed by NCHR team that account given in the 161-CrPc statements given by police and Zimnis point toward the fact that investigation at the initial level are not handled in a professional manner<sup>88</sup>. It was noted in the case of Naqeebullah that the lack of communication because of non-cooperation of the raiding police party with the investigation officer, gives an impression that the procedural requirements were not given due regard. It was a mere registration of an account dictated by the SHO heading the police party. No effort on the part of I.O seems to be there to make the investigation meaningful and credible.

Another common practice in the police department is that the any other officer is given the position of SP investigation or the task of investigation officer without analysing their credentials, which often results in substandard investigation. Hence, there is a need to strengthen investigation wings with specialised training and equipment to ensure professional improvements.

The relatives of Naqeebullah informed about the manipulation of statements done by the police. Hence, it is essential to form committees to identify criminal elements in police force and curb the abuse of power by police. Furthermore, registering FIRs against the recalcitrant officers and staff of police department should not be on the discretion of the thana police as Section 154 Cr.P.C makes it mandatory for the police official to register FIR.

The unlawful use of force against the citizens by the Police Services of Pakistan is highly unfortunate. The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials provide that "intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life"<sup>89</sup>, however, some of the Law Enforcement Officials in Pakistan have departed from this principle. It further concluded that police are able to commit such human rights violations with impunity because substantive

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<sup>88</sup> NCHR Investigative Report, Naqeebullah Mehsud case

<sup>89</sup> United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 112 (1990), Principle 9.



and meaningful departmental inquiries into such incidents are “extremely rare,” and there is a lack of an “independent probe mechanism” for purposes of accountability and grievance redress.<sup>90</sup>

**Child Abuse Case Kasur – Zainab Rape and Murder Case – (Inefficiency and investigative failure by the Police Force)**

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<sup>90</sup> Human Rights Commission of Pakistan, State of Human Rights in 2013, <http://www.hrcpweb.org/hrcpweb/report14/AR2013.pdf>; See also PILDAT, Police, Politics, and the People of Pakistan, January 2015, [http://www.pildat.org/Publications/publication/Democracy&LegStr/PerformanceofPolice\\_PoliticsandPeopleofPakistan\\_CitizensReport.pdf](http://www.pildat.org/Publications/publication/Democracy&LegStr/PerformanceofPolice_PoliticsandPeopleofPakistan_CitizensReport.pdf).

In Pakistan the main source of criminal investigation is police. The investigation process starts when police stations are contacted by victim, or some police official, councilor or a community headman or watchman. Private Citizens can also lodge the report of the occurrence of a crime in a locality or phone call or complaint about any illegality. <sup>91</sup>The criminal investigation is defined as “*The collection of information and evidence for identifying, apprehending, and convicting suspected offenders*”.<sup>92</sup> Unfortunately the answers to questions; ‘who, what, where, when and how’ which is the conclusion of an efficient investigation of a crime, are usually left unanswered in most of the cases in Pakistan. The reoccurrence of heinous crimes against children in Kasur district may help us understand the failures of the Police when carrying out criminal investigations.

The case of abduction, rape and murder of 7 year old Zainab Amin in Kasur district sparked widespread outrage in the country. This was the third event of heinous crime against the innocent children in district Kasur. First incident of Hussain Khan Wala (Child pornography scandal), second the series of inhumane murders of eight minor girls who were brutally murdered after being subjected to rape and third the brutal rape and murder of Zainab Amin. In addition to the aforementioned, allegedly killing Mudassar, a Kasur local killed by police in an ‘encounter’ asserting that he had raped and murdered Eman Fatima only to learn later that Imran’s DNA matched with the sample collected off late minor’s body, is another area of concern.

These incidents signify the state of Police authorities in Kasur and how their negligence and delay in taking the appropriate measures caused the brutal killing(s) of innocent minors. The role of law enforcement agencies was found to be careless and criminally negligent in pursuing the past cases of similar nature. Police authorities are accused of connivance in all the cases, taking these serious crimes non-seriously and pursuing them ineptly. The reoccurring of similar incidents implies the weak investigative skills of the police department which needs greater attention.

The whole district police department starting from investigation officer to the DPO were involved in the inefficient pursuance of the cases; causing delays, taking things casually and non-seriously. The repetition of the same crime in the same area is a big failure on part of police and the entire administration. The onus of all the crimes directly or indirectly rests on both the criminal and the local crime prevention mechanism.

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<sup>91</sup> Dr. Abdul Majeed A. Aulakh, Rana Abdul Razzaq Khan: Crime and Criminology, (Rawalpindi: Federal Law House 2005) p. 320.

<sup>92</sup> Elinor Ostrum, Roger B. Park and Gordon P. Whitaker: Patterns of Metropolitan Policing (Cambridge: MA: Ballinger, 1978) p.131.12

The district police office Kasur was once again seen criminally negligent in protection of the children, and once more was seen inept in making the identity of the perpetrator known to the public. The NCHR team also observed that, the striking similarity between the earlier cases of rape and murder did not pay any homage to the prevention in recurrence of same crime.

The victim family accused the local police department of making delays in taking the necessary steps after FIR was registered on the same day the victim was abducted. They rejected the claims made by police department of deploying the decoys in the streets as the local people did not notice the presence of any stranger in the streets. The victim family also accused the police of not collecting the CCTV footage from the private cameras.

Despite the complete involvement of the district police, Counter-Terrorism Department (CTD), Intelligence Bureau (IB), Special Branch and Punjab Forensic Science Agency in the investigation, no major breakthrough was made for almost three weeks from when Zainab's body was found.

It was also being observed that, the local police force was unable to cordon off the area where crime was committed as after four days the dead body of the Zainab was found ½ a kilometre away from the place of her abduction. The NCHR was also being told by the victim's uncle that on the 9th of January when Zainab's dead body was recovered out of garbage, her body was fresh. It is more likely that the innocent soul was alive till the 8th of January. Only if the police was more efficient, the child could have been saved. The Victim Family also accused the Ex. DPO Zulfiqar of asking for 10,000 rupees reward when the victim's dead body was found which is shameful for the entire police department.

In light of the above, to avoid such unfortunate events in future, it is stated that the Police departments/forces of Pakistan need to improve its investigation skills by strengthening whole the police department, on the scientific basis according to the requirements of the society, especially its investigation system under a research oriented planning and its implementation. Provision of facilities as per ground facts. Arrangement of the proper training is essential. It is necessary to make the criminal investigation strong and an important and effective source to provide the people easy justice and implementation of the rule of law and feelings of sense of security among the citizens.<sup>93</sup>

**Faizabad Sit-in by Islamist political party Tehreek-e-Labaik – (Failure of the Police to control the mob)**

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<sup>93</sup> The Criminal Investigation in Pakistan: Trends and Reality Imdad Hussain Sahito

The state and government being held hostage by a religious group during a three week long Faizabad sit-in was a worrying occurrence for the whole country. Thousands of green-turbaned religious foot soldiers of the Tehreek-e-Labaik Pakistan (TLP) managed to paralyse Islamabad and Rawalpindi by blocking the main link between the twin cities interprovincial traffic. The sit-in was led by Khadim Hussain Rizvi, a religious leader whose entry in the federal capital was banned by the government in September, 2017.

The sit-in by the religious party at Faizabad had continued for several days. The police failed miserably as it was untrained to deal with such riots and the ill planned operation led to chaos in the twin cities. Later, on the order of the IHC, the interior ministry launched a search operation to vacate Faizabad, which led to countrywide protests. The federal government was severely criticized. The government failed spectacularly in removing the protesters from Faizabad, and despite using thousands of officials from law enforcement agencies, the protest site was occupied by more protesters than before hours after the operation.

The most serious mistake was not arresting Rizvi in the morning, when there were just a few hundred participants at the sit-in. It is strange that the law enforcement agencies focused on the workers rather than arresting the leadership. Retired military officer and defense analyst, retired Brig Asad Munir, attributed the government's failure to ill-planning he stated that the Police should have blocked all the routes to the sit-in to avoid chances of more protesters reaching the site at the time of the operation. In the morning, there were just a few hundred of them – as most people tend to go away at night and return in the morning. If supporters had been arrested as they tried to reach the sit-in on Friday morning, the situation would have been completely different. The delay by the Law enforcement agency allowed the protesters to make plans for a counter-protest across the country. This is why country-wide protests were witnessed after the operation began. Due to such strong and widespread demonstrations, it became very difficult to address the situation without involving the armed forces.

The Islamabad police chief and chief commissioner, as well as an interior ministry official, were summoned in person by Justice Shaukat Siddique in the Islamabad High Court. This incident highlights the unprofessionalism, inefficiency of the Police department and failure of the government as a whole.

On the order of the ministry of interior, an inquiry was initiated to investigate the failure of the police operation against the sit-in by a religious party at Faizabad. The Police admitted its failure to evict protesters from Faizabad Interchange in an ill-planned operation, in its report submitted to the Supreme Court.<sup>94</sup> The officials were not led properly by their seniors as to how the situation may be dealt with. In

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<sup>94</sup> Top court questions authorities' role over quashing Faizabad sit-in, ARY news, 30<sup>th</sup> November, 2017

fact, it was observed that the maulvis proved better at planning a protest and putting up resistance than the law enforcement agencies and administration had anticipated. The report shed light on police incompetence to disperse the activists from Faizabad traffic intersection. “The protesters provoked religious sentiments of police personnel making them hesitant to take action against the protesters,” the report revealed.

This incident highlighted the unprofessionalism of the Police department to deal with such protests when such incident could have been dealt in a far better way and the uprising could have been avoided. For such operations, law enforcement personnel in reserve should be three times as many as the men deployed; but in the Faizabad sit in there was no such arrangement. Hence, once the force was exhausted, it became impossible to control the situation. A former inspector general of police (IGP) who served in Islamabad, Tahir Alam Khan stated that the operation revealed the lack of coordination between police officers and personnel. High-ranking officers should have led the operation. Following the failure of the Police to control such situations it is highly important for Pakistan to have a well-trained anti riots police force.

## International Conventions and Best Practices

International accepted best practices and policing Standards are a key requirement to upgrade the Policing standards. Quality Human resource and expertise in investigation, forensic and IT is an essential requirement. Financial diligence and adoption of modern technology are core areas that demand initiatives from the police leadership.

### Policing Principles and Police Standards

*'The Police are not servants of a Government at any level. We do not act at the behest of a Minister or any political party, not even the party in Government. We act on behalf of the people as a whole'. Sir*

Robert Peel

Sir Robert Peel, the founder of London Metropolitan Police and later the British Prime Minister, while proposing a police system for the city of London in 1829 devised nine basic principles for an ideal police system.

The Peelian principles summaries the ideas that Sir Robert Peel developed to define an ethical police force. The approach expressed in these principles is commonly known as policing by consent in the United Kingdom and other countries such as Canada, Australia and New Zealand.

The nine principles were as follows:

1. To prevent crime and disorder, as an alternative to their repression by military force and severity of legal punishment.
2. To recognise always that the power of the police to fulfil their functions and duties is dependent on public approval of their existence, actions and behaviour, and on their ability to secure and maintain public respect.
3. To recognise always that to secure and maintain the respect and approval of the public means also the securing of the willing co-operation of the public in the task of securing observance of laws.
4. To recognise always that the extent to which the co-operation of the public can be secured diminishes proportionately the necessity of the use of physical force and compulsion for achieving police objectives.

5. To seek and preserve public favour, not by pandering to public opinion, but by constantly demonstrating absolutely impartial service to law, in complete independence of policy, and without regard to the justice or injustice of the substance of individual laws, by ready offering of individual service and friendship to all members of the public without regard to their wealth or social standing, by ready exercise of courtesy and friendly good humour, and by ready offering of individual sacrifice in protecting and preserving life.
6. To use physical force only when the exercise of persuasion, advice and warning is found to be insufficient to obtain public co-operation to an extent necessary to secure observance of law or to restore order, and to use only the minimum degree of physical force which is necessary on any particular occasion for achieving a police objective.
7. To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police, the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.
8. To recognise always the need for strict adherence to police-executive functions, and to refrain from even seeming to usurp the powers of the judiciary, of avenging individuals or the State, and of authoritatively judging guilt and punishing the guilty.
9. To recognise always that the test of police efficiency is the absence of crime and disorder, and not the visible evidence of police action in dealing with them.

## **Standards of Democratic Policing**

To establish an effective police system, it is essential to have an efficient and sound legal framework. A standard best practice conceptual foundation is necessary to guide police related activities and police reform program. During the conflict of Bosnia Herzegovina, the warring parties, European Union and UN representatives and other stakeholders came together in Youngstown, Ohio (USA) to discuss the possibilities of developing a new police force for the country. As a part of the resultant agreement called “Youngstown Accord” seven principles <sup>95</sup>were adopted to guide police both in established and emerging democracies. These principles are called principles of democratic policing:

- I. The police must operate in accordance with democratic principles.
- II. The police as recipients of public trust should be considered as professionals whose conduct must be governed by professional code.
- III. The police must have as their highest priority the protection of life.
- IV. The police must serve the community and consider themselves accountable to the community.
- V. The public must recognize that protection of life and property is the primary function of police operations.
- VI. The police must conduct their activities with respect for human dignity and basic human rights.
- VII. The police are expected to discharge their duties in a non-discriminatory manner. (Travis, 2000)

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<sup>95</sup> <http://criminology-articles.blogspot.com/2017/01/police-officers-law-enforcement.html>



## **UN Code of Conduct for Law Enforcement Officials<sup>96</sup>**

Article 1: Law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.

Article 2: In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.

Article 3: Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.

Article 4: Matters of a confidential nature in the possession of law enforcement officials shall be kept confidential, unless the performance of duty or the needs of justice strictly require otherwise.

Article 5: No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a threat of war, a threat to national security, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

Article 6: Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required.

Article 7: Law enforcement officials shall not commit any act of corruption. They shall also rigorously oppose and combat all such acts. Article 8 Law enforcement officials shall respect the law and the present Code. They shall also, to the best of their capability, prevent and rigorously oppose any violations of them.

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<sup>96</sup> Code of Conduct for Law Enforcement Officials, Adopted by General Assembly resolution 34/169 of 17 December 1979

Law enforcement officials who have reason to believe that a violation of the present Code has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial power.

## Policing in different countries

### India

India's police continues to be governed by colonial police law passed in 1861. The Indian Constitution makes policing a state subject and therefore the state governments have the responsibility to provide their communities with a police service. However, after independence, most have adopted the 1861 Act without change, while others have passed laws heavily based on the 1861 Act.

In 1996, Prakash Singh<sup>97</sup> (a former Directors General of Police of the states of Assam and Uttar Pradesh and subsequently Director General of the Border Security Force) initiated a Public Interest Litigation (PIL) in the Supreme Court of India, asking the court to investigate measures to reform the police forces across India to ensure the proper rule of law and improve security across India. Finally, in 2006, a bench of Justice Y.K. Sabharwal, Justice C.K. Thakker and Justice P.K. Balasubramanian ordered the state governments to implement several reforms in police force.

Several measures were identified as necessary to professionalise the police in India:

- A mid or high ranking police officer must not be transferred more frequently than every two years.
- The state government cannot ask the police force to hire someone, nor can they choose the Director General of the State Police.
- There must be separate departments and staff for investigation and patrolling<sup>98</sup>, which will include the creation of:
  - A *State Security Commission*, for policies and direction
  - A *Police Establishment Board*, which will decide the selection, promotions and transfers of police officers and other staff
  - A *Police Complaints Authority*, to inquire into allegations of police misconduct

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<sup>97</sup> "Prakash Singh Case". Retrieved 12 April 2013.

<sup>98</sup> Strip, Mobius; Ramesh Ramanathan (7 May 2007). "Sohrabbudin's encounter". Live Mint. HT Media Ltd. Retrieved September 7, 2017.

In 2006, due to a lack of action by all the state governments,<sup>99</sup> the Supreme Court ordered the state governments to report to it why the reform measures outlined were not implemented<sup>100</sup>. After being questioned in front of the judges of the Supreme Court, the state governments are finally starting to reform the police forces and give them the operational independence they need for fearless and proper law enforcement. Tamil Nadu Police has been in the forefront of application of the new referendum.

Again, in October 2012, a Supreme Court bench of Chief Justice Altamas Kabir and Justices Surinder Singh Nijjar and Jasti Chelameswar asked all state governments and Union territories to inform about compliance of its September 2006 judgement. The order was passed when Prakash Singh through his lawyer Prashant Bhushan said that many of the reforms (ordered by the Supreme Court) have yet not been implemented by many state governments.

It is pertinent to mention here that the measures ordered by the SC of India for reforming the police are similar to the salient features of the Police Order 2002.

In addition to the above stated, some cities in India follow the Police Commissionerate System like Barrackpore Police Commissionerate in Kolkata. The Chief of Police in Commissionerate system is the Police Commissioner. Reporting to the Police Commissioner are the Joint Police Commissioner, Deputy Commissioner of Police and Assistant Commissioner of Police. Under this system, the Commissioner of police works under the provincial government, but is independent of the Provincial IG. His budget is separate, his operational controls are his own design, and in addition he has powers of magistrate in the enforcement of what are called 'local and special laws'. More than anything else, the police commissioner has a very high status in provincial hierarchy, and thus much influence in government. This system is applied in cities where population is more than 500,000.

Commissioners of Police and his deputies are empowered as executive magistrates, and hence are empowered to promulgate Section 144 and grant arms license.

The majority of police commissioners are subordinate to the state police. The exception being Kolkata Police, which directly reports to the Home Department of West Bengal government.

There are reasons to why many state Governments in India has the commissionerate system:

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<sup>99</sup> "COMPLIANCE WITH SUPREME COURT DIRECTIVES" (PDF). Archived from the original (PDF) on 6 March 2013. Retrieved 12 April 2013.

<sup>100</sup> The Supreme Court of India takes the lead on police reform: Prakash Singh vs. Union of India". Archived from the original on 25 September 2009. Retrieved 12 September 2007.

1. Modern policing calls for swift and unified action that does not brook either delayed action or a divided command. This is the rationale for the creation of Commissionerates.
2. This arrangement would help quick police operations to tackle really dynamic public safety situations.
3. A Commissioner of Police is directly and totally accountable to the Executive for his performance. He cannot shift the blame to a District Magistrate, as some District police chiefs do under trying circumstances.
4. The main merit of starting more Commissionerates in India is that it tries to remove the obstacles and irritants in the way of providing a responsive and meaningful policing.

But there are many many disadvantages to putting more and more Commissionerates even in smaller cities.

1. Abuse of Power.
2. Creating of Police- Politician Nexus.
4. Though the magisterial powers are vested with the commissioner, these are actually be exercised by the lower-rung police officers who may not properly apply their minds or be influenced by other considerations.
5. Preventive Sections in the CrPC can be rampantly abused. As of now, such arrests had to be approved by a magistrate, but under the new dispensation, the commissioner will have this power. A commissioner in all likelihood will give the green signal for such arrests by his juniors.
6. No Separation of Powers.
7. Human rights violations by the police could be questioned in the courts but this would take several years and in most instances, the guilty would go scot-free.

This may be a good system to be implemented in Pakistan also. Mr. Syed Mohib Asad, former IG, Sindh writes in his book with relevance to the Commissionerate system that “I have no doubt in my mind that it will improve matters quickly. Also there is little financial implication as the only requirement would be the rightly balanced legislation for which models are already available. The Metropolitan Police in London has Commissioner. The system has merit.”

## Policing in England

Police Acts in other countries in fact do not talk of control <sup>101</sup>but of responsibilities of the minister or government and lay down in clear terms how that responsibility has to be discharged. For instance, the main function of the Secretary of State in the United Kingdom is to exercise his powers “in such manner and to such extent as appears to him to be best calculated to promote the efficiency and effectiveness of the police.”<sup>102</sup> The English model of police system provides for a tripartite structure consisting of the Secretary of State representing the political executive, the local Chief Constable representing the police department and the Police Authority representing the community. The Act requires the Secretary of the State to determine objectives for policing of different areas and this has to be done by him in consultation with the other two i.e. the police department as well as the Police Authority. A statutory instrument containing the objectives determined under this provision of law has to be laid before Parliament. Once the objectives have been set, he can ask the Police Authorities to set performance targets for the police forces.<sup>103</sup> This exercise lays down publicly the broad goals, which have been defined and prescribe a public standard of performance, which is then monitored. Political control is not compromised but at the same time scope for political interference is minimized; performance standards are set in a fashion that the political authorities can monitor police performance, and continue to be responsible to ensure that the force fulfills them.

The process ensures that both remain responsible to parliament and the people for the proper fulfillment of the community’s expectations from the police. The Police performance in the UK is constantly under review by the government, the civil society organizations and the public at large. Numerous important initiatives are being taken in that country to introduce further reforms in the police force. The Police Act of 1996 was revised through a new Police Reforms Bill introduced in the House of Lords on January 24, 2002. Part 1 of the Bill makes new provisions regarding the supervision of the police forces. Now it’s the duty of the Secretary of the State to prepare a National Policing Plan for a financial year and to lay it before the Parliament. It includes the Home Secretary’s objectives for police authorities and identify proposals for making regulations and for issuing codes of practice and guidance.<sup>104</sup>

In the UK, the Inspectors of Constabulary are appointed to inspect and report to the Secretary of State on the efficiency and effectiveness of every police force. <sup>105</sup> The Chief Inspector of Constabulary submits an

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<sup>101</sup> The UK Police Act of 1996, Section 36.

<sup>102</sup> Ibid, section 37

<sup>103</sup> Ibid, section 38

<sup>104</sup> Police Reforms Bill (HL), Clause 1, introducing Section 36A in the Police Act of 1996

<sup>105</sup> The Police Act, 1996 of UK, Section 54 (2)

annual inspection report on each police force to the Secretary of State, who is required to lay a copy of the report before Parliament.<sup>106</sup>

To deal with citizens' complaints against police personnel, there is a statutorily constituted Independent Police Complaint Commission in the UK. This authority is now replaced by the Independent Office for Police Conduct, launched on 8 January, 2018. This is the latest step in the Home Office's reforms to strengthen the organization. The new single executive head will ensure clear lines of accountability and a streamlined decision-making process.

The powers will allow the IOPC to:

- initiate its own investigations without relying on a force to record and refer a particular case for investigation
- reopen cases it has closed where there are compelling reasons, such as new evidence
- increase the IOPC's independence from the police by abolishing 'managed' and 'supervised' investigations
- investigate all disciplinary investigations against chief officers
- present cases against officers in the police disciplinary process when the force disagrees with the IOPC's findings

The non-executive directors will form the majority of the new board, and provide independent support and challenge to the director general as well as oversight of the overall running of the organisation.

The UK Police Act requires that "arrangements shall be made for each police area for obtaining (a) the views of the people in that area about matters concerning the policing of the area, and (b) their co-operation with the police in preventing crime in that area." These arrangements are to be made by the police authority for each area and by Commissioner of Police of the Metropolis under the guidance of the Secretary of State. The Police Reforms Act, 2002 of the United Kingdom allows exercise of police powers by civilians. The Bill enables the chief officers of police to appoint suitable support staff from amongst citizens to function as community support officers. The Act gives them powers to deal with minor issues. The Act also makes provision for community safety accreditation schemes and, in certain circumstances, the granting of limited powers to accredited members of those schemes.

The London city in the United Kingdom is under the Metropolitan policing system. The Metropolitan policing system was also introduced by the British in Calcutta, Madras and Bombay before partition. M.

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<sup>106</sup> The Police Act, 1996 of UK, Section 54 (4)

Ali Jinnah and many other commissions recommended the same system to be introduced in the capital cities of Pakistan, however this never happened.

In Bangladesh the metropolitan system was also introduced, first in Dhaka in 1976 and later extended to Chittagong, Khulna and Rajshahi.

The introduction of Metropolitan system in Pakistan may be a solution to a lot of problems faced by the Country when it comes to enforcement of law.

## United States of America

Decades ago, the United States faced a similar situation as Pakistan. Police and law enforcement agencies were viewed as corrupt, ineffective, and untrustworthy. Police departments throughout the country were under political influence. They served the interests of powerful elites and political bosses, ignoring the demands of citizens to live in a safe and secure society. <sup>107</sup>Through rigorous reform efforts, however, law enforcement in the United States has advanced over the course of the last century to become one of the most respected and effective models in the world.

The corruption and abuse of police organizations during the political era prompted several reform movements from the 1920s to the 1970s. Many reformers believed that policing had to be “professionalized” by raising eligibility standards, implementing merit-based hiring, providing advanced training, paying higher wages, and, most importantly, seeking autonomy from political influences. <sup>108</sup>Thus, political leaders could no longer hire and fire police officers, and officers were restricted from engaging in political activities. In addition, law enforcement agencies developed military-style organizations that promoted discipline, uniformity, and autonomy from political leaders. <sup>109</sup>Organizations began utilizing technological advances in the form of patrol cars, radio communications, and improved forensic capabilities. The professionalization of policing during the reform era meaningfully reduced corruption and created local and state police forces with better skills and expertise to fight crime.

In the USA, a number of Civilian Complaint Review Boards have been set up to deal with the citizens’ complaints against police personnel. There are wide differences in the structure, composition, charter and powers of the Review Boards. Brief details regarding one such Board i.e. the Civilian Complaint Review Board, New York are being presented here.

The Board in its present form was created in 1993 not through provisions of the Police Act but by amending Section 440 of the New York City Charter. It has 13 members of the public appointed by the Mayor of the city. The members must be residents of New York City and reflect the diversity of city’s population. Appointment is done on the following basis:

1. One from each of the five boroughs designated by the City Council.
2. Three with law enforcement experience designated by the Police Commissioner.
3. Five selected by the Mayor, one of whom is the Chairman.

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<sup>107</sup> Stabilising Pakistan Through reforms, 2012, Asia Society Report

<sup>108</sup> *ibid*

<sup>109</sup> *ibid*



No member of the Board can hold any public office or employment. Nor can he have experience as law enforcement official or be a former employee of the New York City Police Department (except the three nominated by the Mayor)

The Board hires the Executive Director, who in turn hires and supervises the agency's staff, who are all civilians. The Board has the power to receive, investigate and hear on public complaints against New York City police officers of all ranks and recommend disciplinary action. The complaints should be about:

1. Force- An act of unnecessary or excessive force.
2. Abuse of Authority- Improper use of police powers to threaten, intimidate or otherwise mistreat a civilian
3. Discourtesy- Rude or profane gestures and/or language
4. Offensive Language- A slur that refers to a person's sexual orientation, race, ethnicity, religion, age, disability etc

The Board has the authority to compel the attendance of witnesses and require the production of such records and materials as are necessary for the investigation of complaints. The Police Department has to cooperate fully with investigations by the Board by providing records and other materials required for investigation and ensure that employees from police department appear before the Board when required.

Anyone having knowledge of police misconduct can file a complaint. The complaint may be reported directly either by telephone, by letter or in person. Complaints are processed by the Board or its panels. They review three types of cases:

1. Full Investigations-Cases in which investigation runs its full course.
2. Truncated Investigations- cases in which investigations are started but do not reach completion. This may happen due to various reasons, like non availability of complainant, refusal to cooperate, withdrawal of complaint etc.
3. Alternative Dispute Resolution Procedures.

The Board's findings and recommendations with regard to substantiated allegations are sent to the Police Commissioner for his final decision. However, the Board can recommend one of the following three disciplinary measures:

1. Instruction - The commanding officer is required to instruct him or her on proper police procedures regarding the incident.

2. Command Discipline - The potential penalties range from a forfeiture of up to ten days of vacation or an accrued time to an oral warning and admonishment.
3. Charges and Specifications- It involves the lodging of formal charges and may result in an administrative trial. The findings and recommendations are forwarded to the Police commissioner.

The Public in the USA are not very happy with the functioning of the Civilian Review Boards. There is an increasing demand from the public that the Boards should be given some powers to discipline delinquent police officers. After many complaints of police brutality, particularly against blacks and use of undue violence and excessive force, the Federal Government in the USA has taken initiatives to force reluctant city and municipal police forces to introduce reforms in their methods of work.

The development of policing in the United States provides acumens for those in quest of improving Pakistan's police and law enforcement service. First, traditional police reforms (e.g., higher pay, more stringent eligibility requirements, better training, and proper equipment) have proven effective in reducing corruption.<sup>110</sup>The United States has learned over time that police officers are much more susceptible to bribes and other forms of financial corruption when they do not receive adequate pay and are not given the resources they need to perform their policing functions. Also, poor training and the ease with which dishonest individuals can enter the police force because of minimal hiring standards create an environment that is contributing to corruption and abuse<sup>111</sup>.

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<sup>110</sup> ibid

<sup>111</sup> ibid

## Recommendations

The police in Pakistan, due to bad reputation, failure to address basic issues of the citizens, and being unable to deliver its mandated duties as per the law, lacks public trust and confidence. In a general sense, the sub-culture of policing in the country is far removed from civic expectations. There is a sad history behind this disorderly situation. Despite seventy years of freedom from colonial rule, the police continues to be the strong arm of successive governments, and has failed to transform into a friendly service---a basic requirement of civilized, democratic societies the world over.

This adversely engraved and now deep rooted impression in society against the police will take time and significant efforts to wither away, and will only happen if all stakeholders pull their weight in the right direction.

Within the various echelons of the police service, there is a discernible desire to improve matters. In comparative terms, the better performance by the National Motorway Police (Highways Police), the recent efforts of the ICTP and a few effective counterterrorism operations in the late 1990s show that improvement and reform are indeed possible<sup>112</sup>.

But efforts by the police officials alone may not be adequate or sufficient to fix the flawed system. Pakistan must first overcome internal lacunae: political appointments must end; postings, recruitment, and

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<sup>112</sup> Reforming Pakistan's Police and Law Enforcement Infrastructure, Hassan Abbas

promotions must be made on merit alone; and corrupt officers must be punished publicly. No resources are required to curb these issues, but of course strong will is required.

The state has to start investing large funds in enhancing overall law enforcement capacity. Vast resources need to be pumped into the judicial, policing, and prison systems for a discernable improvement. International donors must also be made to understand that supporting an upgraded Law Enforcement apparatus is the only effective way to enhance Pakistan's capacity to fight terrorism, which oft-times spills into their countries. International co-operation both through the UN system and bi-laterally is essential.

Such support, besides strengthening the rule of law and democracy in the country, will improve interagency coordination for intelligence sharing and joint investigations with donor countries, which have acquired increased importance in recent times. The INL Program of the United States, Department of Justice, the UNODC and others, are useful models to emulate.

Keeping in view the current system and the issues linked with the Police Services, the National Commission for Human Rights after an in-depth research, recommends the following to elevate the status of the policing services in Pakistan:

## Legislative

1. Police Order 2002 must be implemented in effect as it lays down a democratic and impartial legal framework. Furthermore, until the debate i.e. if one Act should govern the entire country or each province may legislate separately pursuant to the 18<sup>th</sup> Amendment, is resolved, NCHR suggests that every province may accommodate the following provisions in their legislation:
  - a. Safeguards should be placed to eliminate political control of police. Ensure tenure security for all federal and provincial police chiefs. Further the structure of police as suggested in Police Order 2002 is more suitable for good and effective policing.<sup>113</sup>The IG shall have control over the appointments of his subordinates, free of political influence, for better performance, transparency and motivated staff.
  - b. Separate and specialized wings may be established, as suggested in the 2002 Order. The Police order 2002 introduced separations of wings to improve the police

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<sup>113</sup> Interview with the former IGs

efficiency and performance. Further it also ensures posting in these branches will require relevant training and experience and expertise.

- c. Mechanisms to ensure accountability of the police officials. Strict scrutiny of the acts and omissions of the officials is essential to improve the performance of the Police. A separate wing may be instituted only to keep check and balance within the police departments. Standards and Ethics must be guarded. The selection of members working in such accountability mechanisms must be given highest importance and such institutions shall be free of political influence. Eg. Civilian Complaint Review Boards (USA) and Independent Office for Police Conduct (UK).
  - d. The Police Act of 2002 emulated the Japanese National Safety Commission system in institutionalizing oversight of the police by public representatives at various levels, and independence of the prosecution service was encouraged to keep police high-handedness in check. Additionally, mechanisms for registering complaints against police were streamlined. However, these adjustments were deemed contrary to the political interests of the legislators and thus were diluted through amendments.
  - e. Adequate provisions to encourage community policing. E.g. Citizen Police Liaison Committee as provided in section 168 of Police Order 2002 and CPLC, Sindh.
2. The “Commissioner of Police” system of policing can be considered for all the metropolitan cities. Under this system, the Commissioner of police works under the provincial government, but is independent of the Provincial IG. His budget is separate, his operational controls are his own design, and in addition he has powers of magistrate in the enforcement of what are called ‘local and special laws’. The Police commissioner has a very high status in provincial hierarchy, and thus much influence in government. This arrangement would help quick police operations to tackle really dynamic public safety situations. A Commissioner of Police is directly and totally accountable to the Executive for his performance. He cannot shift the blame to a District Magistrate, as some District police chiefs do under trying circumstances. This system is likely to bolster professionalism and according to some IG’s and DIG’s, this system has a merit.
  3. Tenacious security threats require a dedicated counterterrorism force, it needs dedicated intelligence, operations and investigation wings. Major structural reforms, including a standard police law, for the entire country, that criminalizes extraneous interference in police affairs, coupled with statutory provision of required resources, are necessary to create merit-based, well-performing, credible, accountable, and professional police forces. In some provinces such

departments already exist, for example CTDs, but they need further strengthening for satisfactory performance.

4. Throughout all the stages of registration of FIR, Arrest and submission of Charge sheet, judicial supervision and oversight is necessary and warranted. It must be ensured that the complaint handling process is efficient and performed with responsibility. Punitive and harsh measures are required for monitoring police station working. In case the police fails to register FIR pursuant to Section 154 Cr.P.C, Session Judges need to be vigilant about their monitoring roles as the Justice of Peace under Section 22A Cr.P.C, directing the police officials to register FIR.

## Institutional Reforms

5. Investigative field work is primarily done by junior ranks, whereas most of the international training facilities are currently offered to senior supervisory officers. This needs to be reversed so that junior officers have significant training opportunities.<sup>114</sup> The separate investigation wings established should only consist of specialized and trained officers to investigate complaints. The expansion, modernization and effectiveness of provincial police forces' investigation branches should be a top counter-terrorism priority, including through training and technology in crime-scene investigation. Job Task analysis of various ranks in the police and the requisite training modules need to be developed.
6. Policing challenges of the 21<sup>st</sup> century requires training in cutting-edge technologies and specializations. The current training paradigm needs to undergo a fundamental restructuring. Those showing potential to grow as homicide investigators, for instance, should be periodically trained in the latest developments in homicide investigations, not made to undergo routine general police trainings. Article 8(g) of the Police Order (PO) provides inspiration for the establishment of a dedicated "education and training" branch. However, majority of police departments still employ a colonial training apparatus. Article 27 of the PO empowered inspector generals and district police officers to regulate the affairs of training institutes but this aspect has remained a neglected area. Article 160 mandated the establishment of an 18-member police management board to advise the federal and provincial governments on matters related to training, but this too failed to achieve its objective.<sup>115</sup> Hence, such provisions need to be implemented in letter and spirit. Even if PO 2002 is not implemented in all Provinces and Federal Capital, their respective Laws may include such provisions and implantation may be given first priority.
7. More training institutes are required. In Pakistan, there are only 17 training institutions for 453,901 police officials which is very less compared to the US where 650 training institutes are operating for 1,133,915 police employees. In India, there are 215 police training institutes.<sup>116</sup>
8. Institute and expand professional development programs for police officers of upper and lower cadre. Unless training is valued as integral to police professionalization, its quality and relevance will not change dramatically. The National Police Academy should be authorized to issue

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<sup>114</sup> Reforming Pakistan's Police and Law Enforcement Infrastructure, Hassan Abbas

<sup>115</sup> Article: Shifting the focus of police training, 2015, Mohammad Ali Babakhel, DIG.

<sup>116</sup> *ibid*

certifications to different categories of police professionals. Departmental sanctions may be considered for officers who take training courses lightly.

9. Training and curriculum throughout police academies needs to be revised. Training course books should be written in the standard and user friendly style. While training the Police officials, Human rights must be given great emphasis and the officials must be sensitized on how to deal with the citizens and handle situations. The officials should be well versed with the laws, many of our police officials lack the knowledge of police laws, Cr.P.C and other relevant laws e.g. the officer registering FIR should know that it is not his discretion to register or not register the FIR, (Sec.154 of the Cr.P.C.) Also the police officials often forget to mention details in register or maintain daily diaries which consequently make the case weak.<sup>117</sup>
10. A special cadre of terrorism investigators to be created in all units' level down to the Police Station. The Counter Terrorism Departments (CTDs) and NACTA, constituted to curb the growing terrorism should be strengthened in terms of trained officials, equipment and resources.
11. Police officials may be provided with up-to-date equipment. The entire system should be made electronic. It may be suggested that the FIR system may also be computerized. The Indian states of Punjab and Gujarat introduced e-police stations where FIRs can be lodged directly in the computer. Recently, the French police introduced drive-through police stations for people to report crime for convenience. KPK, Punjab and Sindh police have established online complaint mechanism and E-FIR system. The ICTP along e-FIR also launched a mobile app in which citizens can record their complaints which are responded within 24 hours, this may be formalised and adopted by all the other provinces.
12. Recruitments and promotions must be on merit and free of political influence and regardless of caste, race or any other discriminatory factor.
13. The appraisal system needs to be reformed. There may be individual and group based evaluation. External reviews of various stakeholders e.g. Civil Society Organization's (like HRCP) or human rights activists may be asked for comments and suggestions. The conformity of the Police officials with the Human rights (national and International standards) must be assured and scrutinized.
14. There is a dire need for increasing the number of women in the police at all levels. Number has improved from 0.94 per cent in 2015 to 1.46 per cent in 2017, however is still very less. This appalling number was revealed in a report compiled by the National Police Bureau (NPB). According to the report, there are 391,364 police personnel across the country, of which only 5,731 are women, which means women represent 1.46 per cent of the total police force in

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<sup>117</sup> Interview with CSOs



Pakistan. Also, their special cultural needs must always be kept in view, but there should not be any compromise on their efficiency or integrity. Senior police officers and legal experts believe that women police officers can portray soft image of police and improve access of women victims of violence to police services. The ICT police have initiated a help line for women i.e. 8090 which is specially designed to cater problem of women by women police. Such desks may be initiated all over the country to help women fight violence or deal with any issues they may face.

15. The police must be gender sensitised e.g. Women and transgender members of society deserve differential processing at Police stations. More female staff may be hired and trained to serve the purpose.
16. To evade corruption, the federal and provincial government should establish an independent police complaint authority as given under the 2002 Police order, headed by retired Supreme Court/High Court judge in order to guarantee accountability at all levels of the force. To prevent police corruption there is a need to have an ever-present commission/authority looking over the shoulders of local departments.
17. Pursuant to a report of PILDAT, out of the total police officials 30% are deployed for protocols and VIP security purpose. <sup>118</sup> Recently, the Chief Justice of Pakistan, directed the police chiefs to withdraw the police men deployed on VIP security from politicians and other influential personalities.<sup>119</sup> However, the recent attacks on politicians invited criticism that these terrorist attacks were triggered because of lack of security. Hence to resolve this issue, it may be suitable to do the need assessment for VIP protocol police in terms of human resource/equipment required and the mainstream police may not be used for this purpose. In addition to the aforementioned, the influential people/VIPs who insist on claiming security without entitlement may be charged in return of the VIP police provided to them.
18. Police must be provided with the technology needed to combat criminals and terrorists. Greater support in the spheres of technical assistance, training, and modern equipment would assist Pakistan in building a police force that is capable of meeting the challenges of the twenty first century. Eg. While NCHR team conducted inquiry of the Naqeebullah Mehsood's case, it was observed that for communication purpose, the official communication system was not installed in the vehicle of the raiding police party. Also in the Faizabad sit in, not all police officials has anti-riot gear, which is essential to deal with riots and protests. Furthermore, in Pakistan the only Forensic Science Labs are in Lahore, Karachi and Islamabad (newly established FSL will start

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<sup>118</sup> Stabilising Police through Reforms, Asia Society, 2012

<sup>119</sup> CJP directs IGPs to withdraw security for influential men, Tribune, April,2018

operation soon). However, it is very unlikely to provide justice when no labs are available in districts and only 3 labs are dealing with the entire burden of cases which requires investigation.

19. CCTV cameras should be placed in every Thana, and prison cell to scrutinize the daily working and activities of the Thana administration. Recently, IG Sindh claimed that how can 225 cameras keep an eye on 20 million people. Hence, usage of technology is essential and can expedite police matters, help to spot the crime and criminals, making the police service more efficient and accountable.
20. It is extremely important to improve the salary and working conditions and bring changes in the organizational culture. This will help to improve performance and ensure stability. The motorway police is a good example of how adequate salaries, and improved training has complimented this department and has created a good relationship with the citizens. In the United States the detectives and criminal investigators are paid the highest salaries as compared to the other police officials including the patrolling police or the railway police.
21. 24/7 duty of police officials is unfair and directly effects their performance and mannerism when dealing with the citizens, hence this system should change and duties may be divided into three shifts i.e. 6 am to 2 pm , 2 pm to 10 pm and 10 pm to 6 am. This will also increase the efficiency of the police official's service delivery.
22. The Special branch of police requires more human resource and equipment to deliver their services better.
23. The image building of the Police can play a vital role in improving the relationship between police and the citizens. The Provincial Police Departments needs a written media policy and a dedicated public relations department which will help to reduce the conventional role of the police in eyes of the citizens. According to PILDAT's publication, Policing and Media in Pakistan, media can support police reforms through its several important roles such as:
  - A) Watchdog — exposing corrupt and unfair practices,
  - B) Agenda setter — raising awareness in public about their rights, policing issues and generating pressure on authorities to reform the police, and
  - C) Gatekeeper — acting as a public forum for diverse community groups and perspectives, and promote inclusive debate.ICTP has taken several measures to bridge the gap between police and citizens which is giving positive results. The model police stations and the service centers in ICT has raised the standards

of policing and to some extent satisfying the citizens.<sup>120</sup> Such initiatives should be taken by the Police heads of other provinces. Media campaigns like the “Police Awaam Saath Saath” are playing an important role in making the viewers’ reflect on their relationship with the police. We need more such efforts.

24. Allocating more funds for improving facilities and securing the welfare of police ranks and their families is imperative as well as ensuring that increased budget allocations are spent on better housing and transport facilities for the ranks along with spending on well-being of retired personnel and providing meaningful pensions to the families of police officers killed in the line of duty and publicly recognizing acts of bravery. A good example is the Punjab Police Welfare Department, in 2017 total disbursement under the various heads of welfare comes was Rs. 509.808 Million to 19,880 beneficiaries.<sup>121</sup>
25. Police is only one component of the criminal justice system. Hence, Police reforms have to be supplemented by a range of measures in other areas including legislation, penal policy, prosecution, judiciary, prisons, probation, ADR etc. For this purpose the police, prosecution and the judiciary, each element of the system must mesh to make it work. <sup>122</sup> There has to be consistency in approach, purpose, and means across the system.
26. The private sector should be encouraged to assist law enforcement for community policing e.g. The Citizen-Police Liaison Centre (CPLC) in Karachi.

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<sup>120</sup> Field visit and interviews

<sup>121</sup> [https://punjabpolice.gov.pk/police\\_welfare](https://punjabpolice.gov.pk/police_welfare)

<sup>122</sup> Politics of Police Reforms in Pakistan, Ehsan Sadiq.