

Citizens' Periodic Reports on the Performance of State Institutions



Police, Politics, and the People of Pakistan

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PILDAT is an independent, non-partisan and not-for-profit indigenous research and training institution with the mission to strengthen democracy and democratic institutions in Pakistan.

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Abbreviations and Acronyms

ANP	Awami National Party
ASI	Assistant Sub Inspector
ATC	Anti-Terrorism Court
BC	Before Christ
BDU	Bomb Disposal Unit
BHC	Balochistan High Court
BLA	Balochistan Liberation Army
BLF	Baloch Liberation Front
BNP	Balochistan National Party
BRA	Baloch Republican Army
CID	Crime Investigation Department
CT	Counter Terrorism
CTD	Counter Terrorism Department
DG	Director General of Police
DIG	Deputy Inspector General
DRC	Dispute Resolution Council
DSP	Deputy Superintendent
FATA	Federally Administered Tribal Areas
FIR	First Information Report
FSF	Federal Security Force
FSL	Forensic Science Laboratory
IB	Intelligence Bureau
ICAL	Internal Command Access Line
IED	Improvised Explosive Device
IG	Inspector General
INTERPOL	International Criminal Police Organization
ISI	Inter-Services Intelligence
KP	Khyber Pakhtunkhwa
MNA	Member of National Assembly
NA	National Assembly
NAB	National Accountability Bureau
NACTA	National Counter Terrorism Authority
NISP	National Internal Security Policy
NP	National Party
NPSC	National Police Service Commission
NWFP	North-West Frontier Province
PAL	Police Assistance Line
PAS	Police Access Service
PAT	Pakistan Awami Tehreek
PCA	Police complaints Authority
PMAP	Pakhtunkhwa Awami Milli Party
PML-N	Pakistan Muslim League – Nawaz
PO 2002	Police Order 2002
PPP	Pakistan Peoples Party
PTI	Pakistan Tehreek-e-Insaf
RRF	Rapid Response Force
SAARC	South Asian Association for Regional Cooperation
SDPO	Sub-Divisional Police Officers
SHO	Station House Officer
SI	Sub-inspector
SP	Superintendent of Police
TTP	Tehrik-i-Taliban Pakistan
UNODC	United Nations Office on Drugs and Crime

PREFACE

Under the 'Democracy and Governance Programme' PILDAT has initiated to publish a series of, Citizens' Periodic Reports on the Performance of State Institutions. Within this project, PILDAT has undertaken an assessment of the Police in Pakistan, which is the premier law enforcement agency tasked with maintaining peace, stability, and order in the country.

The performance of the institution of Police has become questionable over the years as a result of the prolonged inefficiency and lack of any meaningful and substantial reforms. PILDAT has conducted a detailed performance evaluation of the institution in order to study the challenges faced by the Police at the Federal and the Provincial levels, and ways by which it can improve.

'Police, Politics, and the People of Pakistan' has been authored by **Mr. Tariq Khosa**, a very well respected and experienced former Police Officer. Mr. Khosa discussed the evolution of the Police in Pakistan, the fundamental problems that prevent the institution from performing, and most importantly, the status and future of the Police Order 2002.

This report aims to promote an objective assessment of the performance of Police in Pakistan, the best practices, and a way forward for the Federal and Provincial Governments. It is hoped that policymakers, Government officials, and politicians may benefit from the perspectives, ideas and suggested reforms of this report, which would further improve the performance of the Police.

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This report has been prepared using the information and data from public sources. PILDAT team has made every effort to ensure accuracy of data and content in this report and any omission or error is, therefore, not deliberate. The views expressed in the report do not necessarily represent the views of DANIDA, the Government of Denmark, and the Royal Danish Embassy, Islamabad.

Islamabad
January 2015

ABOUT THE AUTHOR



Mr. Tariq Khosa started public service in 1973 in the Punjab Civil Service as Extra Assistant Commissioner and then joined the Police Service of Pakistan in 1976. He retired in January 2011 as Federal Secretary of Narcotics Control Division. He served as Director General Federal Investigation Agency in 2009. As head of National Central Bureau, INTERPOL he won elections as Delegate for Asia in the Executive Committee of INTERPOL for three years (2010 to 2012) and contributed to international Police cooperation.

His previous appointments include, Director General of the National Police Bureau in the Ministry of Interior in 2008, as part of which he hosted the first Police chief's conference of SAARC member states at Islamabad. He was also the Secretary of National Public Safety Commission, an oversight body of all the Federal Police departments.

Mr. Tariq Khosa served as the Police Chief of Balochistan Province in 2007 and brought the entire province in Police jurisdiction replacing a tribal policing system administered by the levies since long.

As Deputy Inspector General of Police he was appointed Additional Director General of immigration wing of the Federal Investigation Agency in 2005-06. He also commanded the Police region of Faisalabad in the province of the Punjab apart from serving as Chief of Staff to the Provincial Police Officer.

He graduated from the National Defence College completing his Masters in Defence and Strategic Studies in 2004-05.

As Senior Superintendent of Police, he has commanded two Districts of Sibbi and Quetta in Balochistan Province and two Districts of Gujranwala and Lahore in the Punjab Province. At the start of his Police service, he served as Assistant Superintendent and Superintendent of Police in the Punjab Province as well as in the Federal Investigation Agency and the National Police Academy.

He was a Hubert Humphrey Fellow under the Fulbright Exchange Programme at the Graduate School of Public Affairs in University of Washington Seattle in the United States of America in 1987-88.

After retirement and till recently, he served as rule of law and criminal justice adviser to the United Nations Office on Drugs and Crime (UNODC). He lives in Lahore and writes on internal security and policing issues.

EXECUTIVE SUMMARY

The Police forces in Pakistan suffer from criticism for their inefficiency, and allegations of corruption and politicization. There is a major disconnect between the Police and citizens of the country. As a result, the service delivery, governance and the performance of the Police forces have been dissatisfactory.

This report argues that since the inception of the Islamic Republic of Pakistan in 1947, no real significant progress was made to reform and restructure the Police. However, in year 2002, the Government headed by President General Pervez Musharraf passed the Police Order 2002 to establish a politically neutral, highly accountable, operationally autonomous, and extremely professional Police force. The new law focused on addressing the arbitrary use of power, misuse of authority, political interference in Police operations and administration, corruption, lack of specialization, and the ineffective command and control of the Police forces. Furthermore, it intended to make the Public Safety Commissions control the Police, and diminish the connections between the Police and politics.

Unfortunately, the very Government of President Musharraf took steps that made the Police Order 2002 ineffective by making it partisan. By 2008, the National Police Safety Commission stopped holding its meetings and became a ceremonial entity.

The devolution of powers to the Provincial Governments as per the 18th Amendment to the Constitution created further confusion in the implementation of the Police Order. As the Provinces assumed the new responsibilities under the 18th Amendment, it, however, also led to the understanding that they could substitute the Police Order 2002 by enacting their own legislation. Whereas this is not the case, the Federal Government has the authority to provide uniform law and policy in the country in order to ensure similar laws and policies within the territorial jurisdictions of each province. The following are recommended for the Federal Government:

- i. It is imperative for all the respective Governments to take serious action in streamlining their policies and working towards upholding and implementing the Police Order 2002. The Police Order 2002 is a constitutional reality and meets the democratic aspirations of the people.
- ii. The Ministry of Interior (National Police Bureau) should establish the National Public Safety Commission by notifying six MNAs nominated by the NA Speaker and also select six non-political members. The NPSC oversight pertains to the Federal law enforcement agencies whose jurisdiction extends to all the provinces.
- iii. The Federal Government should establish an independent Federal Police Complaints Authority as per Articles 97-102 of the PO 2002. A well-reputed retired judge of the Supreme Court may head the PCA.
- iv. The Police Act of 1861 should be repealed in Islamabad Capital Territory and replaced by the Police Order 2002. Similarly, Islamabad District Public Safety Commission should be established under Chapter VII of PO 2002.
- v. The National Police Bureau should ensure that the National Police Management Board, comprising all the heads of the Federal and Provincial law enforcement agencies meets at least twice a year for making recommendations on professional Police matters.
- vi. Islamabad Capital Territory Police should adopt a metropolitan policing model by raising the level of basic Police unit from a station to a division headed by an SP for public convenience and efficient management of professional Police functions under the same roof.

For the Provincial Governments, the following recommendations merit consideration:

- i. The **Punjab Government** has done well to bring about meaningful few amendments in the Police Order 2002 in September 2013 based on public interest for streamlining investigative process and recruiting sub-inspectors instead of Assistant Sub-Inspectors (ASI)s through the public service commission.
- ii. The **Khyber Pakhtunkhwa Government** has not abandoned the Police Order 2002 and is in the process of debate in making some useful amendments that are relevant in the local context. It is the only Provincial Government that has a Provincial Public Safety Commission notified and now they are considering making it more effective as a Police oversight institution.
- iii. The **Sindh Province** must revert back to the Police Order 2002 that it repealed in July 2011. Similarly, the **Balochistan Province** should also repeal the Police Act of 2011, which is a carbon copy of the 1861 Act and also seriously consider adopting the Police Order 2002.

- iv. The **Punjab** should establish the Provincial Public Safety Commission as Police oversight body. Similarly, the Punjab and the KP Governments should also create independent Police complaints authorities as an effective external accountability mechanism to root out corruption, high-handedness and misuse of authority so endemic in our Police services.
- v. Public complaints redress system should now get the highest priority and it needs to be streamlined as done effectively by the KP Police. Measures like Online FIRs registration, Police helplines, and use of post offices for routing complaints, establishment of Police assistance centres manned by civilian support staff and establishment of help desks for females are worth pursuing for public convenience.
- vi. Metropolitan model of policing needs to be established in large urban cities. To start with, Karachi, Lahore, Peshawar and Quetta should do away with archaic small-scale Police stations and replace them with divisions, headed by SPs with complete administrative and financial support.
- vii. The provincial Police commanders should create a pool of Station House Officers (SHOs) and Sub-Divisional Police Officers (SDPOs) based on the criteria of merit and professional competence.
- viii. There is a need to also create pool of investigators as this a specialized area and one that requires the highest levels of competence and integrity. We should now come out of the old practice of individual investigating officer dealing with complex cases like blind murders, acts of terrorism and other organized crimes. Concept of investigation teams must be introduced and specialized squads need to be established. Time for hackneyed policing practices is over. It is now an age of specialization.
- ix. Crime-scene units should be established in each district/sub-division. A Manual for the investigators should be prepared that contains checklist of the ingredients of every offence and evidence required for each ingredient.
- x. District-level committees should be formed to analyse bails granted and acquittals recorded for educating the investigators about the faults found by the courts.
- xi. As a policy, the Governments should never condone the staged Police encounters. Every Police encounter causing death should be independently probed. Adequate number of bullet-proof helmets and vests must be procured to ensure Police official's safety.
- xii. The corrupt and incorrigible lot of Police officials should be weeded out through new legislation or amending and improving the present laws/rules. However, Discipline and Conduct Rules drafted under the Police Order 2002 and improved by the Punjab Police need to be adopted by all the provinces. In removing or dismissing a Police official, the IG should be the final executive authority. One final appeal against him can go to the services tribunal and not to any bureaucrat.
- xiii. There is a need for massive retraining and attitudinal change. After suitable needs assessment, training syllabi should be revised. Every rank of Police should go through refresher courses, especially designed as pre-promotion mandatory training.
- xiv. Adequate Police accommodation should be provided for the Police officials to live with their families in the cities, districts, sub-divisions and stations where they are posted. Policing is not like military on borders. They work for the community and therefore must live within the community they serve. Their working conditions must improve: 8-hour shift; weekly day off; overtime allowance; food on duty; transportation facilities and other welfare measures.

Introduction

According to the famous Roman political philosopher Marcus Tullius Cicero (106-43 BC), “the safety of the people shall be the highest law.”

The nations that prospered, progressed and developed have given the highest priority to public order and safety. However, the nations that have combined good order with the rule of law have excelled in promoting democracy, justice and human rights.

In any discussion on the potential for a stable and democratic future for Pakistan, it is impossible to avoid addressing the issue of policing. In the sixty-seven years since independence, the Police structure and institutions have been subject to criticism, ad hoc reform, allegations of corruption and political interference. This has undermined trust and goodwill between people and the Police. Successive civilian and military Governments have undermined the law and misused the state machinery. This has resulted in ineffective service delivery and poor governance.

Historical Background

Modern policing owes its origin to the London Metropolitan Act of 1829, which established the separation of powers between the executive and independent judiciary. However, the aims of the Colonial Rule forced the British Empire to adopt a different style of administration in the Indian Subcontinent. Governance was centred on the collection of revenue and the maintenance of order, both of which came at the expense of justice. This expediency resulted in the concentration of revenue, police, and judicial functions in one agent of the Crown, known at various stages of colonial rule as the District Officer, Deputy Commissioner, or District

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Magistrate. The responsibilities of these civil servants included collecting revenue from Indian subjects, doling out favours to loyal subjects, and using the coercive powers of the Police to suppress the natives.

Revenue collectors and local Police were so oppressive and corrupt that in 1855 that the British were forced to form a commission (commonly known as the Torture Commission) to reform the administration of justice in India. Through the Commission's recommendations and the subsequent debate in the British Parliament, the rulers decided that the arbitrary nature of the local administration of justice needed to be curbed through a system of rule of law and separation of powers. In 1856, Calcutta, Madras and Bombay were declared metropolitan towns where operationally autonomous Police commissioners reported to an independent judiciary.

However, the push for reform suffered a serious setback with the War of Independence of 1857, which was ruthlessly quashed. Following this, the Indian Subcontinent came under direct British rule for the next 90 years that resulted in introduction of the Irish Constabulary model of policing focused on suppressing dissent. After 1861, the Police functioned as a militaristic arm of the ruling elite. As such, it was perceived as a force ruling over the population rather than a service provided to the community. The colonial power had intended to adopt this military model of policing as an expedient but temporary step. But it soon developed into the preferred system of governance by people in the Government both before and after Independence in 1947.

Policing after the Birth of Pakistan

Pakistan's founder, Mohammad Ali Jinnah, was a firm believer in the rule of law, democracy, impartial and apolitical administration, civilian control over military matters, and the separation of powers in the administration of justice. In fact, one of the first decisions that he took as leader of the new state in 1948 was to approve a metropolitan system of policing in Karachi modelled on the one implemented by the British in Calcutta, Madras, and Bombay in 1856 and in Hyderabad Deccan in 1939.

Unfortunately, Jinnah's death in September 1948 gave the influential bureaucracy in the initial an opportunity to shelve this plan to police Karachi in a professional and apolitical manner. Subsequent political leadership remained unsuccessful to establish accountable and efficient policing system according to the founding

father's vision to make Pakistan a liberal, enlightened, and democratic nation.

In 1958, martial law under General Ayub Khan set the stage for a situation in which bureaucratic control over the Police was institutionalized through executive magistracy, as laid out in the Police Act 1861.

The fall of General Ayub in 1969 and then General Yahya Khan in 1971 was followed by the dismemberment of East Pakistan and the beginning of democratic civilian rule under Zulfikar Ali Bhutto. He created the Federal Security Force (FSF), led by officers of Police service, and used this primarily as an instrument of political persecution and vendetta. This force, as well as the politically motivated murder of the father of a party dissident, ushered in the third period of martial law under General Zia ul Haq in 1977.

In the wake of the 1979 Soviet invasion of Afghanistan and the Iranian Revolution that same year, the country witnessed a surge in State patronage to the militants, a rise in sectarian violence, and unprecedented bloodshed. The 1980s can be described as a period of decadence in Pakistan's history in which the Police played second fiddle to the military.

However, during the military rule of the 1980s, there was a brief interlude of controlled democracy from 1985 to 1988, when Muhammad Khan Junejo was appointed Prime Minister. He tasked a committee of Police officers in 1985 to come up with structural reforms. Inspired by the Indian Police Commission of 1979-82, the committee headed by then Director General of Intelligence Bureau recommended adoption of metropolitan model of policing for all the provincial capitals and Islamabad. It was akin to the Police commissioner system adopted in about 26 large cities in India at that time and even by Bangladesh in their three main cities.

After Zia's demise in a plane crash in 1988, democratic rule recommenced with the election of Benazir Bhutto as the Prime Minister. At an annual dinner of the Police Service of Pakistan Association in 1989, she approved that Karachi, Lahore, Peshawar, Quetta and Islamabad will adopt metropolitan Police system. Like Jinnah's decision in 1948, her decision too was resisted by the vested interests till her Government was prematurely dismissed in 1990.

The 1990s were characterized by a game of political Ping-Pong between Benazir Bhutto and Nawaz Sharif; both elected Prime Minister twice for incomplete terms. This period institutionalized political

interference in policing to a far greater extent than at any other time in Pakistan's history. Survival in office became the name of the game, resulting in sycophancy and a culture of pandering to the illegal demands of politicians at the helm. Police reforms remained at the backburner during this era of democratic façade.

Reforms and Reversals

The beginning of the 21st Century found Pakistan at a crossroads in the global War on Terror following the 9/11 attacks on the United States. Like military dictators before him, General Pervez Musharraf began his term with a reformist agenda, but he soon fell victim to the game of political expediency and survival.

One of his initial reform measures culminated in the promulgation of Police Order 2002. The goal was to institute a politically neutral, highly accountable, operationally autonomous, and extremely professional Police organization. Substantially, the new Police law focused on a number of issues: arbitrary use of power, misuse of authority, political interference in Police operations and administration, corruption, lack of specialization, and the ineffective command and control of the Police forces. Structurally, it replaced political control of the Police with democratic institutional control through the mechanism of public safety commissions at the district, provincial and national levels.

This concept was borrowed from the United Kingdom, where Police authorities comprising elected and non-political citizens maintained oversight of policing. Against the advice of many senior Police officers, Musharraf chose to follow the UK model over the Japanese model (in which the public safety commissions were made up of only non-political members).

To address Police accountability, independent Police Complaints Authorities (PCAs) were to be created at the national level and throughout the Provinces. In order to make the Police operationally autonomous, the tenures of all of the heads of Federal and Provincial Police departments were fixed at three years (on the model of military commanders in the armed forces).

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nominating heads of Police
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ceremonial entity

Eventually, politics took primacy over public interests, and in 2004, Musharraf, along with his supporting parties, drastically altered the letter and spirit of the Police Order, effectively stripping it of all of its progressive reforms. The composition of Public Safety Commissions was changed in favour of the ruling party. Independent Police complaints authorities were abolished in the provinces and merged with the politicized safety commissions. Above all, the three-year fixed tenure for Police chiefs was revoked.

In short, the amendments buried the very basis of the reform: to create a politically neutral, highly accountable, and fully autonomous Police. During another phase of 'controlled' democracy from 2002 to 2007 when a military ruler was the head of state, the political chief executives, both at the centre and in the provinces paid lip service to policing.

However, some isolated efforts were made by a group of professionally committed Police commanders to introduce institutional and structural reforms.

The Federal Government under Prime Minister Zafarullah Jamali notified the first National Public Safety Commission with six non-political eminent persons and six Members of National Assembly. The National Police Bureau in the Ministry of Interior served as the secretariat of National Police Service Commission (NPSC). With the powers of nominating heads of Police departments taken away through 2004 amendments, the defanged NPSC became a ceremonial entity.

A very useful visit to UK to study their system of policing and visits to various Provinces yielded some useful recommendations. Meetings of the National Police Management Board comprising heads of all the Federal and Provincial Police Departments were also held at the National Police Bureau. However, lack of commitment within the then Police leadership generally proved to be a factor that did not allow meaningful reforms take shape. The overall Police command failure along with lack of political will resulted in lukewarm efforts in changing the status quo.

Meanwhile, major changes were brought about in the system of policing in Balochistan Province after the promulgation of the Police Order on August 14, 2002. A Provincial Public Safety Commission was notified that met regularly. The process of conversion of Levies-controlled B Areas to Police-served A Areas was commenced that eventually found all the 30 districts converted to Police jurisdiction on August 14, 2007.

However, the process of reforms in other provinces remained slow or suspended, with Punjab offering the major resistance. While spearheading the move to dilute the spirit of reforms, the Provincial Public Safety Commission was never constituted and the Home Department took little interest in establishing District Public Safety Commissions. Therefore, ideas and policies generated and implemented in the Punjab had a disproportionate influence in the smaller federating units. The vehicle of Police reforms was put on the reverse gear and the slide continued after the elections in 2008.

Change in Governance Paradigm

While independence of the judiciary and restoration of judges sacked by Musharraf became an election agenda, depoliticization and autonomy of Police was unfortunately not on the priority of the political parties that contested elections in the wake of violence that occurred after assassination of Benazir Bhutto in December 2007. The PPP-led coalition formed governments in the Centre and in Sindh and Balochistan provinces while the PML-N bagged Punjab and the ANP-led coalition called the shots in the NWFP (later named Khyber Pakhtunkhwa) province. Political and security challenges kept the Federal and Provincial Governments in a state of uncertainty and mistrust. Rule of law and good governance were the unfortunate casualties at the dawn of this new democratic era. With the military dictator was shown the door, his reform agenda was gradually disowned and dismantled.

While non-political members of the National Public Safety Commission continued their meetings in 2008, the Interior Ministry did not approve the nomination of six Members of the National Assembly by the Speaker who was from the ruling party.² On completion of mandatory term of five years in early 2010, the Federal Government did not make any move to go through the selection process of new apolitical members of the NPSC that resulted in the informal demise of a Police oversight entity. The National Police Management Board held its last meetings in 2008 and failed to meet thereafter. The Police Order was literally abandoned by the Federal Government.

The passing of the 18th Amendment to the Constitution in April 2010 was an important milestone in the process of devolution of power, which gave unprecedented autonomy to the provinces with the abolition of the previous Concurrent Legislative List. This led to an erroneous misinterpretation that each province was

The National Police Management Board held its last meetings in 2008 and failed to meet thereafter. The Police Order was literally abandoned by the Federal Government

free to enact its own Police Act.

In Sindh, the most retrogressive step was taken when on July 15, 2011; the Provincial Assembly passed a unilateral notification whereby the 2002 Police Order was repealed, to be replaced by the 1861 Police Act. The Provincial Government did not provide an opportunity for a wider process of debate on Police reform. A writer noted in the press at that time: "Repealing a law without trying to implement it in letter and spirit is grossly unjust. And replacing it with a draconian 19th Century law that was enforced in the Indian sub-continent after the War of Independence of 1857 amounts to a revival of the colonial mindset."³

Balochistan soon pulled a fast one in initiating legislative change. The Police Order 2002 was anathema to many of the province's tribal leaders and was grudgingly implemented in the province. The PPP-led Government promulgated the Police Act in August 2011, which is a carbon copy of the 1861 law, giving considerable power to the provincial civil service in the oversight and control of the Police. The Balochistan Police were not consulted on the draft.⁴ However, the provisions regarding the executive magistracy were struck down by the High Court. The Provincial Government appealed before the Supreme Court and the matter is pending in the apex court for over the last three years.

In Khyber Pakhtunkhwa the Provincial Government did not revert back to the 1861 law but never effectively implemented the Police Order 2002. Political and administrative machinery was in a state of war with the Taliban and therefore could not attend to structural and institutional Police reforms.⁵

The Punjab Government undertook a different approach of drafting a new Police law that contained some elements of both 1861 and 2002 but it clearly

Unfortunately, an erroneous interpretation after the 18th Constitutional Amendment led to an impression in certain quarters that the Police Order is not valid and each Province is free to enact its own Police Act

came down on the side of the civil service in terms of control and accountability of the Police. The draft law made provision for Police Commissions at both district and provincial levels. The District Police Commission was proposed to consist of two members of the Provincial Assembly, the head of the district administration (a civil servant), the head of the municipal body of the district's largest municipality, the President of the Bar Association, and, as secretary, the Head of the District Police. The implication was that the control and oversight of the Police at the district level would fall into the hands of provincial politicians and the head of the district administration.

Similarly, there were attempts to tinker with the concept of superintendence, direction and oversight by the Government through bureaucracy. Successive Police commanders during this period resisted changes in the basic structure of the Police Order 2002. Advice of the legal experts and various key stakeholders was heeded by the Provincial Government and it goes to their credit that they did not hasten the process of deforming the law. The Police leadership was able to convince the Government that some basic operational matters such as investigation process and recruitment at the level of SI instead of ASI may be addressed through amendments. This sane approach proved to be a trendsetter and as a way forward. Meanwhile, the elections of May 2013 brought four different Governments in the four provinces where governance and rule of law became challenges in the local contexts of rising incidents of terrorism and organized crime.

Status of the Police Order 2002

There is a certain amount of confusion and deliberate attempt by some quarters to misinterpret that the provinces can substitute the Police Order 2002 by enacting their own legislation. This is not the case and

the controversy needs to be settled once and for all by the Federal Government. Immediately after the promulgation on the August 14, 2002, the law was challenged in the Lahore High Court through a writ petition. The LHC gave the verdict on February 28, 2003 as follows:

“Criminal Law is included in Concurrent List in Part-II of the 4th Schedule to the Constitution of Islamic Republic of Pakistan. The Police Order 2002 primarily is relatable to the enforcement of the criminal law and policing, therefore, it would squarely fall within the said List. That being so, the Police Order 2002, is not ultra vires of the Constitution of Pakistan.”⁶

The law was placed in Schedule VI of the Constitution and could not be altered, repealed or amended without the previous sanction of the President (accorded after consultation with the Prime Minister). As per the 17th Constitutional Amendment on December 31, 2003, the aforementioned restriction in the Schedule VI was to stand omitted after six years. However, the President through an Ordinance amended the original Police Order in 2004, and as the Parliament could not amend it without prior sanction of the President, the Ordinance had to be re-promulgated every four months. The last such amendment was made in November 2009. However, effective January 01, 2010, the Police Order could be amended by the Parliament and without prior sanction of the President. With the Ordinances no more valid, the Police Order stood restored to its original form as promulgated on August 14, 2002.

Unfortunately, an erroneous interpretation after the 18th Constitutional Amendment led to an impression in certain quarters that the Police Order is not valid and each Province is free to enact its own Police Act.

The correct position is that the only change is that the Parliament can now amend the law without prior sanction of the President, and a Provincial Assembly can make amendments to meet any local and special requirements with the approval of the Prime Minister. No Provincial Government can change the structure and substantive provisions of the Police Order as stipulated in Article 143 of the Constitution. As per Article 270 AA, all laws, presidential orders, acts, and ordinances from October 12, 1999 to December 31, 2003 shall remain enforced, until repealed or amended by the competent authority. In case of inconsistency, the Federal Law shall prevail as per Article 142 (b) of the Constitution.

In view of the above, promulgation of the Police Act of

2011 by the Balochistan Provincial Assembly and repeal of the Police Order through a notification by the Sindh Provincial Assembly in July 2011 violate the letter and spirit of the Constitution and this matter may come before the superior judiciary for adjudication.

The Punjab Government followed the correct procedure when the Provincial Assembly passed the Punjab Police Order (Amendment) Act 2013 by amending Article 7 of original law regarding recruitment in lower ranks and substituted Article 18 regarding investigation functions in public interest and for better dispensation of justice.⁷

Similarly, the present Government in KP is also currently in the process of bringing about some suitable amendments in the Police Order 2002 on some procedural and tactical issues relevant to their local conditions.

Meanwhile, the Federal Government too is in the process of establishing the National Public Safety Commission as per Chapter IX of Police Order. While the Speaker of the National Assembly has nominated six MNAs (3 each from the Government and the opposition), the Minister for Interior as the chairman of the NPSC will hopefully soon initiate the process of nominating six non-political distinguished members so that this important oversight body starts functioning again after lying dormant since 2010. The National Police Bureau will serve as its secretariat.

Policing and the Present Governments

The mandate given by the people of Pakistan in the election of May 2013 clearly reflected their priorities for good governance and the rule of law. The people rejected those political parties that failed to govern well during 2008-2013 phase of democracy. The performance of the Federal and the Provincial Governments since a year and a half has been under media and public scrutiny. A dispassionate and professional review is attempted here to examine the governance matrix of the current political dispensations.

The Federal Government

The Federal Government has a mixed scorecard of some positive measures related with policing while also showing weaknesses in addressing public concerns. The following examples are pertinent:

- i. The Ministry of Interior came up with a comprehensive first-ever National Internal Security Policy (2014-18) that reflects resolve in investment for Police reforms and capacity building of law enforcement agencies. However, implementation of the NISP along with required financial commitment has been far from satisfactory.
- ii. For more than a year, the Federal Government could not appoint a professional Counter Terrorism expert as head of the National Counter Terrorism Authority. Like the ISI and the IB, the NACTA, as per law, is supposed to work under the Prime Minister. However, the Ministry of Interior wants NACTA as one of its organs and this turf battle alone has failed to bring all the military and civilian agencies on the same page in facing internal security challenges. Consequently, there is no CT strategy and counter extremism plans devised so far. Finally, a civil servant with military background has been appointed as the head of NACTA who will indeed face the daunting task of spearheading essentially a professional policing role.
- iii. The Prime Minister did well to appoint a professionally competent and totally non-controversial Police officer as Director General of the Intelligence Bureau. He has made a difference in intelligence-based operations against the terrorists and crime mafia in Karachi and elsewhere.
- iv. The Federal Government supported and spearheaded the operation in Karachi in September

Bureaucratic meddling and political handling of pure professional matters resulted in policing paralysis in the capital; only massive back-up support of the Punjab Police and the Rangers saved the situation from complete breakdown

2013 against target killings and organized crime. A tripartite partnership between the Rangers, the IB and the Karachi Police started off well and yielded positive results initially. The Provincial Government and its coalition partners reportedly started feeling the heat. However, the courageous commander of Karachi Police was removed under a technical legal matter that was left uncontested. To top it, the Prime Minister could not manage to save an IG or post one according to the choice of the Federal Government. Consequently, Karachi operation got low on the priority list of the Federal Government with the resultant loss of momentum required to take the operation against the criminals to its logical conclusion.

- v. The writ of the Federal Government was severely tested with the onslaught of the PTI and the PAT prolonged political protests in the form of sit-ins, processions, rallies and public meetings in Islamabad since August 2014. Panic-stricken response to agitations and disorder resulted in frequent change of Police commanders and promoted ad-hocism and uncertainty amongst the ranks of Islamabad Police. Bureaucratic meddling and political handling of pure professional matters resulted in policing paralysis in the capital; only massive back-up support of the Punjab Police and the Rangers saved the situation from complete breakdown. Unity of command and public order management remain big challenges for the capital Police.

Law and Order in the Punjab

One party, one family and one man have ruled the most populous and prosperous province of the Punjab for over two decades. That one man, Muhammad Shahbaz Sharif, has acquired a certain reputation of governing

with an iron-fist and a sharp tongue for the recalcitrant officialdom.

During his incomplete first tenure as Chief Minister (1997-99), he fought criminals and terrorists through a merit-based Police command and fierce enforcement of the writ of the state. He had the added advantage of the elder brother being the Prime Minister.

The PML-N leadership came back from exile and contested the 2008 election on the sole agenda of restoration of sacked judges by the military dictator and seeking independence of judiciary. People of Punjab reposed confidence in Sharif brothers and they were able to rule the province for a 5-year term through political turbulence and compromises. There were frequent changes of Police chiefs and political influence at the district, sub-division and station level was tacitly allowed, leading to frequent transfers of SPs, DSPs and SHOs.

The May 2013 election resulted in a massive electoral victory in the Punjab for the PML-N and the iron man was back in business. However, law and order for the past year and a half has posed different set of challenges. Some are listed below:

- i. In the context of acts of terrorism, sectarian killings and bomb blasts, the year 2013 was the most violent in the past decade, particularly in KP, FATA, Balochistan and Karachi. The Punjab Province was comparatively peaceful. However, religious extremism and intolerance resulted in many cases of blasphemy and violence against the minorities, especially the Christians. Target

June 17 killings in Model Town were unfortunately a blot on the face of the Punjab Police and tainted the repute of the 'strongman' heading the province. Brutal use of Police for political vendetta left an indelible mark of ignominy for the Punjab Government

killings of Shia doctors and professionals were also reported during the latter part of 2013 and early 2014. A gang of sectarian target killers was busted which resulted in comparative reduction in sectarian violence. However, a perception that the Punjab Government was soft against some banned militant groups was generally considered by some security analysts as a ploy to appease the non-state actors.

- ii. Heinous crime has generally gone down in 2014 compared to year 2013: murders: 4989 as against 5350; dacoities: 4025 as against 4292; robberies: 5326 as against 5588; and kidnapping for ransom: 163 as against 206. Moreover, Police encounters increased in 2014 to 235 criminals killed as against 217 in 2013. 52 Police officials were martyred in these encounters. However, 14 murders, 11 dacoities and 15 robberies on average per day still reflect that violence and guns pose a serious threat in the largest province.
- iii. June 17 killings in Model Town were unfortunately a blot on the face of the Punjab Police and tainted the repute of the 'strongman' heading the province. Brutal use of Police for political vendetta left an indelible mark of ignominy for the Punjab Government. Realizing that the Police mishandled the situation so badly and under pressure to make amends, the Chief Minister of Punjab has embarked upon a new project of reforming the Police in public interest.⁸ The IG brought back from Balochistan is professionally committed to making a difference provided he is given a free hand in administrative and operational matters of policing.

Policing Sindh: More of the Same

Sindh, unfortunately, has a history of poor governance, institutionalized corruption, massive political interference due to feudal culture, vested interests vying for their share in the corporate and commercial hub of the country, nexus between the men of influence and the crime underworld, and huge market for crime as illegal trade flourishes due to weak writ of the state and perceived collusion of the public functionaries, including elements within the Police, civil armed forces and the intelligence agencies.

Sindh in general and Karachi in particular witnessed unprecedented violence, target killings, kidnapping for ransom, extortion, sectarian attacks and growth of militant wings aligned with some political forces during the democratic era of 2008 to 2013 when the PPP-led coalition Government tried to muddle through

one crisis after another.

While the PPP suffered a rout in the Centre and Punjab in the May 2013 election, it managed to retain the Sindh Province as its stronghold. The mandate in the province gave the party enough leverage to resist political compromises that had beset its previous governance framework since 2008. In the context of policing and law and order, the following significant developments over the last year and a half deserve a mention:

- i. It goes to the credit of the Provincial Government that it agreed to partner with the Federal Government in the operation in Karachi started in September 2013. While the Rangers and Federal intelligence agencies got directly involved, Karachi Police was given under the command of a thorough professional to not only set his own house in order but launch an across the board operation irrespective of the political divide and perceived victimhood-syndrome. Although the Police command should not have changed under political compulsions, the results of more than a yearlong continuing operation have not resulted in substantial decrease in gruesome murders and target killings despite an unprecedented number of criminals and suspects being killed in encounters.
- ii. Since inception of the operation in September 2013 and up to November 2014, the following statistics reveal a sordid saga:
 - a. In 2189 encounters, 641 criminals were killed during the operation compared to 148 killed in 1458 encounters in the corresponding period of the previous year.
 - b. Despite such large-scale killing of criminals, murder rate over all did not come down: 1317 murders as against 1094, showing an increase of 223 cases of homicide with an average of 3 murders daily in Karachi.
 - c. Dacoities and robberies did not come down; rather increased: 2095 during the operation till November 2014 compared to 1264 in the corresponding period, indicating a daily average of 5 robberies.
 - d. Mercifully, Kidnapping for Ransom cases reduced, though marginally: 95 as against 109, a decrease of 14 cases.
 - e. Extortion and *bhata* still flourishes: 445 cases as against 224, indicating an increase of 221 cases.
 - f. In terms of Police martyrs, Karachi Police have paid a heavy price. 140 Police officials,

including an SP laid down their lives in 2014 alone up to November while an unusually large number of casualties (171) in 2013 speak of huge sacrifices by the Police in combating crime. Unfortunately, it is also a sad reflection upon the Police command for not providing adequate equipment and sufficient training for the safety of the Police personnel.

- iii. Karachi with a population of over 20 million remains a big challenge for the state agencies. Its meagre Police force of 26,504 (Police-Population Ratio: 1-850) is no match to New Delhi with 57,000 Police for 16 million population (Ratio: 1-290) and Lahore of 11 million citizens with a force of 32,600 (Ratio: 1-335). As a mega city, Karachi requires huge investment in terms of resources and manpower.
- iv. Overall crime situation in the Sindh province reflects more of the same in 2014 compared to 2013. With sanctioned Police personnel of more than one hundred thousand, the Police-population ratio is 1-470, which is not bad. While murders and kidnappings for ransom have registered decline (a welcome development), dacoities and robberies are unfortunately on the rise, indicating increasing violence in both rural and urban Sindh. Here is a crime picture in a nutshell:
 - a. Murders: 3010 in 2014 against 3473 in 2013, indicating a decrease of 463 cases. However, about 10 daily murders on average is a cause of concern.
 - b. Kidnapping for ransom: 134 as against 171, a decrease of 37 cases.
 - c. Dacoity/robbery with murder: 165 as against 140, a disturbing increase of 25 acts of gruesome violence.
 - d. Other dacoities and robberies reflect lawlessness: 4,325 as against 4,829, indicating 13 strikes by dacoits every day in the province.
 - e. Auto snatching and theft is another area of concern: 501 cars and 2112 m/cycles snatched this year as against 441 cars and 2613 m/cycles last year. Car theft declined: 695 cases against 853, a decrease of 158 cases.
 - f. Police encounters aplenty and this reflects brutality and violence by state and within society: 3392 encounters in 2014 as against 2616 in 2013, indicating a whopping increase of 776 incidents of exchange of fire.

- v. The crime situation overall reflects ineffective policing, a culture of violence and an absence of socio-economic justice in the province. A Herculean effort will be required to come out of this morass of morbidity.

The KP Police: Making a Difference

The last decade has been deadly for the people of Khyber Pakhtunkhwa, as they have faced the major brunt of the post 9/11 “War against Terror” at the Pak-Afghan border. Al Qaeda and the TTP unleashed a reign of terror against the Pakistani State agencies with suicide attacks and bomb blasts causing extensive collateral damage resulting in the loss of thousands of innocent civilian lives. Many brave officials of the KP Police, the Frontier Corps, intelligence agencies and the armed forces have valiantly fought this battle for the soul of Pakistan by laying down their lives in the line of duty. Names of Police DIGs Sibghat Ghayur and Malik Saad martyred by suicide attacks are forever etched in the memory as the bravest specimens of the KP Police.

The ANP-led coalition Government during 2008-2013 faced the wrath of the TTP and many prominent politicians including Bashir Billour sacrificed their lives. There was a massive pre-poll violence in KP during the first half of 2013 and the results of the May national election produced yet another verdict by the people of KP who have in every election in the past chosen a different party and the incumbents have always been defeated. A new political player emerged in the KP with the PTI sweeping the polls in the northern region of the country having contested the elections against the backdrop of lawlessness, poor governance and perceived corruption by the ANP-led Provincial Government who were punished and brought in new faces and a fresh PTI-led Provincial Government that had promised good governance and the rule of law. This aim could not be achieved without

By establishing a Directorate of Police Complaints and internal accountability, strict disciplinary action taken resulted in removal of 339 corrupt Police officials from service during one year

effective policing and maintenance of law and order.

By a stroke of luck, clever personal diplomacy or through a spirit of political accommodation, the PTI leadership was able to get an outstanding Police Officer from the Punjab to serve as Inspector General Police in the province. This was a PML-N loss in Punjab but certainly a PTI gain in the KP. He has made all the difference in more than a year of his posting in the terror-war ravaged province. The most significant strategic decision of the KP Government was to give him a free hand in the administration and operations of the Police Department. There is unity of command and bare minimum political interference in postings, transfers, promotions, recruitment and investigations.⁹

Given this operational autonomy, the KP Police has been able to make substantial reforms and also carry out strict internal accountability as well as improve law and order in general. Some significant measures undertaken are given below:

- i. By establishing a Directorate of Police Complaints and internal accountability, strict disciplinary action taken resulted in removal of 339 corrupt Police officials from service during one year.
- ii. Human resource development and capacity building was given a priority through establishment of the following new Police training institutions: School of Investigation at Peshawar; School of Intelligence at Abbottabad; School of Tactics at Peshawar; School of Explosives Handling at Nowshera; School of Public Disorder Management at Mardan; and two additional regional training schools at Swat and Swabi.
- iii. Some other initiatives include: increase in Police pay; providing constabulary direct access to Police command through Internal Command Access Line (iCAL); and fast track promotion for bright officials through the public service commission.
- iv. Transparency in financial management and procurement has been introduced through the third party audit system and by revamping the procurement process by associating representatives from the NAB, Finance and Planning departments.
- v. In view of terrorism challenges, some useful regulatory legislative framework has been provided, i.e., Restriction of Rented Building Security Act 2014; Restriction of Hotel Businesses Security Act 2014; and Security of Sensitive and Vulnerable Places and Establishments Ordinance, 2014.

The ghastly and brutal incident of targeting of innocent school children in an army public school in Peshawar on December 16, 2014 indicates that the battle against the militants and non-state actors is far from over

- vi. A new Counter Terrorism Department (CTD) has been established for intelligence collection, operations, investigations and surveillance with its wings in all the 7 Police regions of the KP province.
- vii. A Rapid Response Force (RRF), manned by highly trained elite force and equipped with superior firepower, has been raised for organized armed assaults, hostage situations and encounter with the terrorists and fugitives. Similarly, the Bomb Disposal Unit (BDU) has been revamped.
- viii. A Forensic Science Lab is near completion in Swat and FSL mobile units are in place for terrorism and homicide crime scene investigative support.
- ix. Some public service projects include Dispute Resolution Councils (DRCs); Police Assistance Line (PAL); Online FIR registration; Police Access Service (PAS); and establishment of Female Help Desks in the Police stations.

The above-cited Police reforms are slowly but surely improving the public perception about the KP Police, which is becoming a trendsetter as a modern, responsive and highly accountable public service department. This has also resulted in substantial improvement in law and order and security situation during 2014. The following results are significant:

- a. There has been a 45% decrease in suicide bombings; 50% decrease in vehicle borne IED attacks; 25% decline in IED attacks; 30% decrease in rocket attacks; and 50% decline in terrorism-related casualties in 2014 compared to 2013.
- b. 174 terrorists were arrested; 27 convicted by ATCs; and 26 killed in encounters with the Police.
- c. 193 kidnappers were arrested and 80 kidnaped were recovered safely by the Police.

Despite these significant successes against organized crime, the KP Police still faces huge challenges in tackling the backlash by the TTP as a result of military operations in North Waziristan and other FATA areas.

The ghastly and brutal incident of targeting of innocent school children in an army public school in Peshawar on December 16, 2014 indicates that the battle against the militants and non-state actors is far from over. However, the tragic incident has galvanized the entire nation in their resolve to support the law enforcement agencies to tackle this menace firmly and professionally. The KP is likely to remain in the eye of the storm as a frontline region and therefore requires maximum attention and support of the Government and civil society.

Balochistan: A Policing Void

Balochistan has a chequered history of direct or indirect rule by the military and the Federal Government. The latest phase of Baloch sub-nationalist's insurgency is the result of unwise policy of the last military dictator to control political and security situation through the barrel of a gun since 2005. First the issue of missing persons and then un-necessary death of Nawab Akbar Bugti in a cave near Kohlu on August 26, 2006 caused such alienation and mistrust amongst the major Baloch tribes, which remain a festering wound in the body politic of a strategically vital region of Pakistan.

Balochistan is no periphery or a hinterland but in fact is the heartland of our future national prosperity. Peace there is vital for our progress.

After the era of controlled democratic façade from 2002 to 2007, the past democratic phase from 2008 to mid-2013 saw PPP-led coalition Government break all previous records of poor governance. Corruption and sleaze were manifestly writ large in the political corridors of power. The inept civilian Government abdicated its authority and the Frontier Corps and the intelligence agencies filled the void as the jurisdiction of Police was curtailed drastically to appease the tribal chiefs' lust for fiefs. The state in the shape of Police was weakened at the altar of *sardar's* ego. The resultant mayhem in the province prompted the Supreme Court to declare that the Government in Quetta had lost the authority to run the affairs of the Province.

The May 2013 election rejected the PPP and their partners and returned the PML-N, the NP and the PMAP as the ruling coalition. Participation of the BNP-

Mengal was a positive development as the Baloch nationalist parties chose ballot rather than bullets and bombs as urged by some dissidents belonging to Harbyar Marri-led BLA, Brahamdagh Bugti-led BRA and Dr. Allah Nazar-led BLF.

Then the most surprising but a very positive development took place. The PML-N, as a majority party, decided, to some dismay of its local leaders, that the chief executive should be from a coalition partner. For the first time in Balochistan, a non-sardar and a thorough gentleman took oath as the Chief Minister. This is a sea change in terms of Baloch politics and augurs well for the middle class and youth of the province. He promised good governance and hoped to win back the angry Baloch up in the mountains or engage with the dissident sardars ensconced in London and Geneva. This so far has remained an elusive task.

However, in the limited domain of policing the urban pockets of the province, some breakthroughs and results reflect positive trends as under:

- i. In 2014, 169 cases of terrorism/sabotage were recorded as compared to 276 cases in 2013, a decrease by 39%.
- ii. 69 cases of target killings (against law enforcement officials, Hazaras, Punjabi settlers, etc.) in 2014 is a marked decrease of 28% when compared to 95 such cases in 2013. Police tried to recover from a deadly suicide attack in Police Lines Quetta in August 2013 when the DIG Police Fiaz Sumbal was martyred along with other Police officials.
- iii. Kidnapping for ransom has also been a challenge for the Police but the results of action in this regard are also encouraging: 44 cases in 2014 as against 67 in 2013, showing a decrease of 34%.
- iv. 39 cases of car snatching and 125 of m/cycle snatching in 2014 compares well to 62 cases of car snatching and 335 of m/cycle snatching in 2013, indicating a significant decline of 37% and 63% respectively.

Apart from sustained improvements in law and order, though still below public expectations, the Police command, with the support of the Government is pursuing a reform agenda. Some significant measures mentioned below are pertinent:

- i. Police have revamped the CID, Police Training College, Balochistan Constabulary and established Anti-Terrorism Force Training School.
- ii. Training and capacity building through the armed forces, including provision of arms and

ammunition have increased combat worthiness of the Police pitted against the hardened criminals.

- iii. Bulletproof vehicles and jammers were also purchased, especially when the IG was targeted personally and IG house blown in a bomb blast.
- iv. Despite resource constraints, the Provincial Government allocated a block sum of Rs. 1 billion for effective revamping of the force.
- v. Another landmark allocation of Rs. 4 billion has been made for raising the Highway Police Force for the vast network of roads in the province.
- vi. A command and Control Centre with cameras has been established in Quetta.
- vii. Recent recruitment of 1600 constables has been based on merit.

There is very little political interference in the operations of the Police and this is because the two IGs during the tenure of the present Chief Minister so far were given free hand, much to the chagrin of the other key political stakeholders.¹⁰ He is facing the political heat for trying to promote good governance.

Principles of Policing

The principles established by Sir Robert Peel in 1829 when he created the London Metropolitan Police remain relevant today for the 21st century policing. Every public service-oriented Police should adhere to these principles:

1. The basic mission for which the Police exist is to prevent crime and disorder.
2. The ability of the Police to perform their duties is dependent upon the public approval of Police actions.
3. Police must secure the willing cooperation of the public in voluntary observation of the law to be able to secure and maintain the respect of the public.
4. The degree of cooperation of the public that can be secured diminishes proportionately to the necessity of the use of physical force.
5. Police seek and preserve public favour not by catering to public opinion, but by constantly demonstrating absolute impartial service to the law.
6. Police use physical force to the extent necessary to secure observance of the law or to restore order only when the exercise of persuasion, advice, and warning is found to be insufficient.
7. Police should always direct their action strictly towards their functions, and never appear to usurp the powers of the judiciary.
8. The test of Police efficiency is the absence of crime and disorder, not the visible evidence of Police action in dealing with it.¹¹

Public Concerns

Against the above time-honoured principles of policing, it is an unfortunate reality that Police in Pakistan has mostly been used as an oppressive instrument of the State. Often a nexus develops between compliant and corrupt Police commanders and political leadership who does not care for public concerns, rule of law and real democratic aspirations of people. Ruler's hold over Police through transfers, postings, promotions, investigations and other administrative and operational matters destroys the Police discipline. Command of the Police is unfortunately fractured. In this equation between the Police and politics, the real sufferers are the hapless people of this country for whom good governance, merit, fairness, impartiality, integrity, efficiency and

The Police Order 2002 is a constitutional reality and meets the democratic aspirations of the people. There is not a single provision in this law that is anti-democratic or that gives unbridled authority to the Police

courage of convictions by their Police services remains an elusive dream. But for how long? The people of Pakistan desire and deserve good governance and the rule of law.

Police Reforms: The Way Forward

Police, according to the preamble of the Police Order 2002, exists “for efficient prevention and detection of crime, and maintenance of public order.” It “has an obligation and duty to function according to the Constitution, law, and democratic aspirations of the people,” and “such functioning of the Police requires it to be professional, service-oriented, and accountable to the people.” So policing is all about the people or community it serves. They are the real masters. Police is a public service. Therefore, to fulfill the obligations of the rule of law, it is incumbent upon the Governments and public functionaries to ensure that Police is politically neutral, operationally autonomous, highly accountable, and a totally professional community service. For reforms in Police to move forward, the following recommendations are made in public interest:

The **Federal Government** must take the lead and promote and promulgate the following measures:

- i. The Police Order 2002 is a constitutional reality and meets the democratic aspirations of the people. There is not a single provision in this law that is anti-democratic or that gives unbridled authority to the Police, except that political and bureaucratic controls are substituted by democratic and institutional control mechanisms. Therefore, the Government may consider this law as sacrosanct, being part of the constitutional framework.
- ii. The Ministry of Interior (National Police Bureau)

should establish the National Public Safety Commission by notifying six MNAs nominated by the NA Speaker and also select six non-political members. The NPSC oversight pertains to the federal law enforcement agencies whose jurisdiction extends to all the provinces, even those where the Police Order 2002 has been erroneously, unwittingly or deliberately repealed or replaced, i.e., Sindh and Balochistan.

- iii. The Federal Government should establish an independent Federal Police Complaints Authority as per Articles 97-102 of the PO 2002. A well-reputed retired judge of the Supreme Court may head the PCA.
- iv. The Police Act of 1861 should be repealed in Islamabad Capital Territory and replaced by the Police Order 2002. Similarly, Islamabad District Public Safety Commission should be established under Chapter VII of PO 2002.
- v. The National Police Bureau should ensure that the National Police Management Board, comprising all the heads of the Federal and Provincial law enforcement agencies meets at least twice a year for making recommendations on professional Police matters.
- vi. Islamabad Capital Territory Police should adopt a metropolitan policing model by raising the level of basic Police unit from a station to a division headed by an SP for public convenience and efficient management of professional Police functions under the same roof.

The **Provincial Governments** may seriously abandon turf battles and ensure that the Police is depoliticized and made highly accountable as well as professionally sound department. The following recommendations merit consideration:

- i. The **Punjab Government** has done well to bring about meaningful few amendments in the Police Order 2002 in September 2013 based on public interest for streamlining investigative process and recruiting sub-inspectors instead of Assistant Sub-Inspectors (ASIs) through the public service commission. A batch of about 1200 SIs recruited purely on merit and currently under training at Police College Sihala makes one take pride in the concept of merit in policing. It is hoped that the other provinces will follow this process which is worth emulation.
- ii. The **Khyber Pakhtunkhwa Government** has not abandoned the Police Order 2002 and is in the process of debate in making some useful amendments that are relevant in the local context.

It is the only Provincial Government that has a Provincial Public Safety Commission notified and now they are considering making it more effective as a Police oversight institution.

- iii. The **Sindh Province** must revert back to the Police Order 2002 that it repealed in July 2011. Similarly, the **Balochistan Province** should also repeal the Police Act of 2011, which is a carbon copy of the 1861 Act and also seriously consider adopting the Police Order 2002 instead of sulking about the Balochistan High Court decision to strike down the provisions about the executive magistracy which was a patently unconstitutional measure to reintroduce the institution of the district magistrate.
- iv. The **Punjab** should establish the Provincial Public Safety Commission as Police oversight body. Similarly, the Punjab and the KP Governments should also create independent Police complaints authorities as an effective external accountability mechanism to root out corruption, high-handedness and misuse of authority so endemic in our Police services.
- v. Public complaints redress system should now get the highest priority and it needs to be streamlined as done effectively by the KP Police. Measures like Online FIRs registration, Police helplines, and use of post offices for routing complaints, establishment of Police assistance centres manned by civilian support staff and establishment of help desks for females are worth pursuing for public convenience.
- vi. Metropolitan model of policing needs to be established in large urban cities. To start with, Karachi, Lahore, Peshawar and Quetta should do away with archaic small-scale Police stations and replace them with divisions, headed by SPs with complete administrative and financial support. This is not downgrading the SPs as traditional SHOs but upgrading a basic Police unit that is self-contained with preventive, detective, law and order, traffic and record management systems under the same roof and well managed by a senior officer.
- vii. The provincial Police commanders should create a pool of Station House Officers (SHOs) and Sub-Divisional Police Officers (SDPOs) based on the criteria of merit and professional competence. This will not only enhance professionalism but also reduce extraneous influences in posting and transfers, which is a big cultural malady.
- viii. There is a need to also create pool of investigators as this a specialized area and one that requires the highest levels of competence and integrity. We

should now come out of the old practice of individual investigating officer dealing with complex cases like blind murders, acts of terrorism and other organized crimes. Concept of investigation teams must be introduced and specialized squads need to be established. Time for hackneyed policing practices is over. It is now an age of specialization.

- ix. Crime-scene units should be established in each district/sub-division. A Manual for the investigators should be prepared that contains check-list of the ingredients of every offence and evidence required for each ingredient.
- x. District-level committees should be formed to analyse bails granted and acquittals recorded for educating the investigators about the faults found by the courts.
- xi. As a policy, the Governments should never condone the staged Police encounters. Every Police encounter causing death should be independently probed. Adequate number of bullet-proof helmets and vests must be procured to ensure Police official's safety.
- xii. The corrupt and incorrigible lot of Police officials should be weeded out through new legislation or amending and improving the present laws/rules. However, Discipline and Conduct Rules drafted under the Police Order 2002 and improved by the Punjab Police need to be adopted by all the provinces. In removing or dismissing a Police official, the IG should be the final executive authority. One final appeal against him can go to the services tribunal and not to any bureaucrat.
- xiii. There is a need for massive retraining and attitudinal change. After suitable needs assessment, training syllabi should be revised. Every rank of Police should go through refresher courses, especially designed as pre-promotion mandatory training.
- xiv. Adequate Police accommodation should be provided for the Police officials to live with their families in the cities, districts, sub-divisions and stations where they are posted. Policing is not like military on borders. They work for the community and therefore must live within the community they serve. Their working conditions must improve: 8-hour shift; weekly day off; overtime allowance; food on duty; transportation facilities and other welfare measures.

Strategic Issues

If democracy is to be nurtured and strengthened and civilian control eventually to be established over the national security establishment, the rule of law has to be supreme. Parliament is the law-making authority and must reflect the will of the people. Therefore, our legislators and politicians have to make a choice: do they want to strengthen the institutions that play a key role in the administration of justice or do they want to continue to promote a spoil's system of governance wherein weak law enforcement mechanism will keep capitulating before those who wield heavy guns.

Frequent martial laws and military-led controlled democracy have already made us a frail State with a weak democratic edifice. Strong and effective Police will eventually mean a strong State and democratic society where rule of law rather than the law of the ruler shall prevail. Therefore, the following strategic issues must be addressed by the Parliament and the people of Pakistan:

1. In order to depoliticize the Police, the Chief of the Police Department or agency must have a secure tenure. Ideally, the Federal Government should send a list of all eligible Police officers to the Provincial Governments where the Public Safety Commission may shortlist three names for appointment as IG and the Provincial Government, i.e., the Chief Ministers and their cabinets might select one of them. Thereafter, the IGs must have a secure tenure of 2/3 years.
2. The IGs should pick their teams of deputies. All regional, city, and district Police chiefs should be of their choice. This is where the KP Police is showing the way but it needs to be institutionalized through a legal framework. The Police Order 2002 has tried to address the issue which may be given a chance to be tried and tested.
3. The IGs, as heads of the departments, must have administrative, operational and financial autonomy. This should be subject to stringent accountability and audits.
4. No one, not even the Supreme Court, can interfere with the investigation of a criminal case by the Police. However, every arrest, every *challan* and all acts of omission and commission in the investigative domain are subject to judicial scrutiny. The case record is scrutinized by the trial courts and the appellate courts. Therefore, no politician or agency should ever interfere in the process of investigation that is the foundation on which the pillar of justice has to stand eventually. However, for that to happen, we need a Police that is honest to the core. Without integrity, the justice systems is hollow and if Police is dishonest then why blame the judges to let off the criminals against whom a proper case has not been prepared by the Police? Therefore, internal and external accountability mechanisms should be strong and independent Police Complaints Authorities must be put in place by the Parliament.

Conclusion

There is no harm in thinking big. Our capacity to dream should not be limited. It is time to prove the sceptics wrong and strive to make Pakistan a peaceful and a democratic nation where rule of law is supreme and where good governance and merit are the policy traits of those in authority.

For the herein proposed Police reforms to succeed, we need a committed and dedicated professional Police leadership who are willing to make a difference. Such individuals must be found, for they seem to be lost in a system that has badly let them down. The dream of our founding father should not go sour.

Strong and effective Police will eventually mean a strong State and democratic society where rule of law rather than the law of the ruler shall prevail

End Notes

1. IGP Dr. Shoaib Suddle was the moving spirit behind getting the NPSC notified and steer its working during the formative stage of implementing institutional reforms under the Police Order 2002.
2. Speaker's nominated members from the National Assembly were not allowed to be notified by the National Police Bureau by the then Interior Minister in 2008 and 2009.
3. Khosa, T. (2011). Repeal of the Police Act: Sindh steps back to the 19th Century: A Thoughtless and Reckless Stroke of the Pen. *The News*.
4. Hashim, R. (2015). *Interview with Former IGP Balochistan*
5. Toru, F. (2014). *Interview with Former IGP KP and ACS Home Department (2010-11)*.
6. Lahore High Court verdict announced by Justice Tassaduq Jilani on 28.02.2003 in W.P. No. 16244/2002 filed by Barrister Zafarullah Khan.
7. Provincial Assembly of the Punjab Notification No. PAP-Legis-2(07)/2013/940 dated September 11, 2013.
8. The Chief Minister Punjab was presented a Policy Paper on the Punjab Police reforms on November 14, 2014.
9. Durrani, N. (2014). *Interview with IGP KP*.
10. Amlish, M. (2014) *Interview with IGP Balochistan*
11. While these principles are generally attributed to Sir Robert Peel, it is likely they were composed by Charles Rowan and Richard Maine, as the first and joint Commissioners of London Metropolitan Police.



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Legislative Development
And Transparency

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