



Quest for Democratic Policing

Politics of Police Reforms in Pakistan

Ehsan Sadiq

PAKISTAN FORUM FOR DEMOCRATIC POLICING

Pakistan Forum for Democratic Policing (PFDP)

Rozan does realize that training is only one contributing factor to initiate change in the police organization. In order to make policing citizen-centric and service oriented in Pakistan, structural reforms within the organization are required.

Therefore, in order to make police reforms a priority public policy agenda, Rozan along with other like-minded non-government organizations, media personnel and social activists took an initiative to establish the Pakistan Forum for Democratic Policing (PFDP). Names of the PFDP's founding members are; Rozan, Strengthening Participatory Organization, Center for Peace and Development Initiatives, Shehri-CBE, Aurat Foundation and Mr. Asad Jamal Advocate. Other members of the PFDP include; Human Rights Commission of Pakistan, Consumer Rights Commission of Pakistan, Khwendo Kor and Individualland.

The core objectives of the PFDP include:

- To initiate process of dialogue amongst the key stakeholders and build pressure on policy makers in order to make the police institution in Pakistan politically neutral and citizen-centric.
- To consult with the key stakeholders to decide future course of action for reform of police laws; if required revise/reconstruct them and then ensure the implementations process.
- To strengthen the established forum – PFDP, at the national level to advocate the agenda of people-friendly policing in Pakistan.

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Glossary

<i>Ameens</i>	Commissioners
<i>Barakandazes</i>	Cavalry, armored/ mobile part of police force
<i>Choukidar</i>	Watchman
<i>Daroga</i>	Station House Officer-SHO
<i>Dar-ul-Amans</i>	Place of peace and security
<i>Faujdar</i>	“Faujdar” was principal police officer, commandant of local army and the chief executive for ensuring peace and security in the province of his charge.
<i>Jamandar</i>	Police Head Constable
<i>Kotwal</i>	Kotwal was the head of the city police in urban areas.
<i>Muharrir</i>	Police Station clerk
<i>Nazim</i>	It is the title in Urdu of the chief elected official of a local government in Pakistan, such as a district, tehsil, union council, or village council.
<i>Panchayat</i>	A village council
<i>Qanun-e-Shahdat</i>	Law of evidence
<i>Tehsil</i>	A Sub-Division : An administration unit in a district
<i>Tehsildar</i>	An administrative officer in Pakistan who gathers taxes from a tehsil
<i>Thanas</i>	Police Stations
<i>Zamindars</i>	All rent receivers above the actual cultivators; however they were also required to perform certain police, judicial and military duties.
<i>Zila</i>	A district

Abbreviations

ASI	Assistant Sub Inspector
ASP	Assistant Superintendent of Police
CCPO	Capital City Police Officer
CPLC	Citizens Police Liaison Committee
CPO	City Police Officer
Cr. P. C	Criminal Procedure Code
DCJCC	District Criminal Justice Coordination Committee
DCO	District Coordination Officer
DIG	Deputy Inspector General of Police
DM	District Magistrate
DPO	District Police Officer
DPSC	District Public Safety Commissions
DSP	Deputy Superintendent of Police
FIR	First Information Report
IGP	Inspector General of Police
MP	Member of Parliament
NPMB	National Police Management Board
NPSC	National Public Safety Commission
NPB	National Police Bureau
NRB	National Reconstruction Bureau
PER	Performance Evaluation Report
PGRM	Public Greivance Redressal Mechanism
PPO	Provincial Police Officer
PPSCs	Provincial Public Safety Commissions
PRIC	Police Reforms Implementation Committee
PSCs	Public Safety Commissions
R & D	Research and Development
RPO	Regional Police Officer
SHO	Station House Officer
SP	Superintendent of Police
SSP	Senior Superintendent of Police
TPO	Town Police Officer
UN	United Nations

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Foreword

From Khyber Pakhtunkhwa to Karachi in Sindh, from Turbat in Balochistan to Gilgit in Northern Areas, from the hinterlands of the Punjab to the outskirts of Azad Jammu and Kashmir, the common demand is for an enabling environment where the common citizen feels protected and instances of violation of his rights is penalized. Much of this national need, just a slice of which is daily reported in newspapers and electronic media in the shape of escalating crime ratios, cannot be met without an efficient police that is robust in its operations and modern in its conduct and discharge of its duties. Add to this responsibility the fact of creeping threat of sophisticated terrorism in the urban areas that now shelter a range of transnational gangs whose aim is to subvert the state and disrupt society at a mass scale, and you have an additional reason to re-organize the police along the best professional guidelines. However, this is easier said than done.

The findings of Ehsan Sadiq's research provide historical and modern clues to the treacherous nature of the challenges that lie in the path of police reform. From the British Raj in the 19th Century to the present-day, administrators have struggled to produce the perfect combination of an independently-functioning police force that is free of political and bureaucratic stranglehold and yet is not law unto itself, turning its authority into a scheme of corruption and a threat to fundamental freedoms. The slim volume spans an incredible stretch of nearly two hundred years in which the subcontinent saw the police evolve as a force and then after partition began the struggle of adjusting this colonial institution of control and crime detection into a tool of good governance - an effort whose fruits are still awaited in Pakistan.

That there have been over two-dozen documents produced by various commissions and committees since Pakistan's independence bears testimony to the effort expended in identifying the problems of police reform and suggesting the way forward. Mr. Ehsan uses his vast experience from the police duties he performed as a senior officer and his deep knowledge of the issues at hand to nail down the essence of the problem: Political will and allocation of resources within a framework that recognizes that a model police system is one that is dynamic and self-regulatory.

These findings are all the more apt considering that his research is backed by a wide-ranging dialogue that Rozan initiated with the members of the civil society and professional groups on this pressing issue, part of which came out in the shape of this research.

Those readers who are looking for an ideal model of police suited to the peculiar circumstances obtaining in Pakistan today will be well-advised to lower the expectations because Mr. Ehsan does not offer any. He only delineates the fundamental principles that should underpin the quest for democratic policing in the country. Most of these principles are universally-applicable; some are part of the conventional wisdom even. However, these must be read with the summary that writer has produced of the challenge of retooling the police as a democratic institution that at once evokes awe, respect and fear and bends to the will and the rights of the people. Then these principles mark the path that any sensible government would want to take to achieve the goal of a re-energized and reformed Police Force, the first line of defense for the state and the society in Pakistan.

Syed Talat Hussain

Islamabad

Executive Summary

The present policing system in Pakistan is, mainly, a legacy of the British colonial rule in India. As the British began to consolidate their power in the 18th century, they found the Mughal policing model deficient and inadequate to cope with the emerging requirements. Through a long process of experimentation, they tried to evolve a police organization which could satisfy the requirement of a modern policing system and also ensure effective control of the “natives”. Towards this end they made frequent changes in the constitution as well as the command of the police and finally came up with a model informed by the lessons learned from the War of Independence of 1857. Embodied in the Police Act 1861, this system has been the basis for functioning of the police in India, Bangladesh and Pakistan.

The Police Act 1861, in an attempt to keep the indigenous population as well as the police under control, introduced the concept of 'dual control'. Under this arrangement, the superintendence of the police was vested directly in the provincial government, and 'general control' of the police, at district level, was assigned to the District Magistrate. However, it did not establish any institutional arrangements to insulate the police from extraneous interference and manipulations. The police were responsive to the government, through the District Magistrate, and not to the community. The policing, that evolved under the Police Act 1861, relied heavily on coercion and intimidation rather than consent of the community. The police was primarily meant to be, “a more efficient instrument for the prevention and detection of crime”, and not to serve the citizens. Moreover, in cases of police excesses, the government would conveniently put all the blame on the police.

This system served the original purpose of the colonizers, to keep the “natives” under strict control, but at the cost of alienating the public. It is, therefore, not surprising, that even after the promulgation of the Police Act 1861, the British continued to fine tune the police system. The most important effort to comprehensively revisit this arrangement was made in 1902 through the constitution of a Police Commission, known as 'Fraser Commission'. The Commission made a number of recommendations to improve the system but stopped short of proposing any radical alteration on the core issue of magisterial control over the local police.

In the post independence era over two dozen committees and commissions were formed to look into the various aspects of policing and suggest measures to improve the police working. Even these could not bring in any fundamental change in the policing philosophy. Resultantly, apart from some improvements in its structure and working conditions, 1861 policing system, remained largely unchanged. The only real breakthrough, in the long history of police reform effort, occurred on 14th August 2002, when the then military government of General Pervez Musharraf, replaced the Police Act 1861 with a new police law- the Police Order 2002.

The Police Order 2002 introduced some significant reform measures:

- Operational autonomy of the police in administrative and financial matters.
- Insulation from extraneous interference.
- Civil oversight through establishment of apolitical Public Safety Commissions.
- External accountability against all serious complaints through Police Complaints Authorities.
- Functional specialization in investigations and other areas of police working.
- Performance audits of the police by an independent body.

- Introduction of self contained police organizations in big urban centers.
- Assigning roles to local authorities in maintenance of public order.
- Promoting community based policing through establishment of Citizens Police Liaison Committees and,
- Strengthening the internal police accountability by criminalising a range of police malpractices.

However, even before it could be properly implemented, the new police law was massively amended in 2004. The amendments greatly changed its basic spirit and character by;

- Curtailing the role of the National Public Safety Commission in appointing Provincial Police Officers (PPOs).
- Diluting the administrative and financial powers given to the PPO as ex-officio Secretary to the provincial government.
- Withdrawal of security of tenure provided to PPO, Chief City Police Officer (CCPO), City Police Officer (CPO) and District Police Officer (DPO).
- Clipping powers of Public Safety Commissions in appointment of CCPOs, CPOs and DPOs and also in case of their premature transfer.
- Relaxing the strict separation of investigation and watch & ward functions.
- Empowering Nazim to write the manuscript report of the DPO in the specified part of the Performance Evaluation Report (PER).
- Merging Police Complaint Authorities (PCA) with District Public Safety Commissions (DPSC), and
- Altering the composition of Provincial and District Public Safety Commissions in a manner which compromised their independent and apolitical character.

The implementation of the Police Order 2002, thus, remained half hearted and without any real impact. Separation of investigation, carried out without much thought and planning, failed to achieve its objectives and added to public frustrations with the system. Similarly, new institutions like Public Safety Commissions, Criminal Justice Coordination Committees, Citizens Police Liaison Committees and National Police Management Board could neither become operational nor function as envisaged in the law. Giving Zila Nazim the power to comment on the PER of DPO further politicized the police.

In this backdrop, it can be concluded that the Police Order 2002 failed to achieve its original objectives primarily for four reasons: firstly, absence of political ownership of reforms; secondly, lack of institutional capacity for implementation; thirdly, lack of focus on police station—the primary point of service delivery in police; and fourthly, lack of any effort to win civil society and community support. Thus, the public expectations of seeing a professional, corruption free and service oriented police could not materialize. Subsequently after 2008 there has been further decline in political ownership of the law. It is evident from the fact that the provinces of Balochistan and Sindh have scrapped the Police Order 2002¹, while Punjab has also been seriously considering to replace it with a new law.

To comprehend the reasons for failure of reform efforts one has to, also, appreciate the larger socio-political ethos, ill effects of bad governance and failure of other institutions; which eventually put enormous strain on the police's ability to deliver. The governments, lacking legal

or political legitimacy, used the police to sustain themselves. Resultantly, trust deficit between the police and community has widened over the years. The apparently strong hierarchical command structure has been generally reduced to a farce; with different tiers owing loyalty and allegiance to many outside actors for seeking patronage and protection against any departmental action. Marginalization of the police by other institutions including politicians, bureaucracy, judiciary and paramilitary organizations has further exacerbated the deterioration in quality of policing. Resultantly, the police in Pakistan lacks legitimacy, professionalism and above all political space to move towards democratic policing.

As good policing and good governance are inextricably linked, any recommendations on police reforms should address the implications of a weak governance framework, an intruding political culture, organizational handicaps and an evolving societal demand for a more democratic, inclusive and responsive policing in the country. The scope for a meaningful reform in the police would always remain limited as long as it is subject to extraneous influences. The first and foremost pre-requisite for success of any effort to reform the police is, therefore, the willingness of the political leadership to let police function as an apolitical, neutral and professional organization. Without political commitment and will any reform effort will have limited success.

Besides a political consensus on police's operational autonomy, the police leadership itself would need to initiate a series of reform measures in key performance areas. These include counter terrorism, criminal investigations, responsiveness to public, community engagement, merit based recruitment/promotions and zero tolerance for corruption, torture and use of violence and extrajudicial means by its members. Such measures need to be complemented by enhanced gender representation, development of performance indicators, monitoring mechanisms, improved behavior with the public, a robust media strategy and close coordination with the prosecution and the judiciary. The trust deficit with the community should be reduced through a more liberal crime registration policy, adoption of Alternate Dispute Resolution (ADR) mechanisms, creation of gender and juvenile crime units and improved service delivery. These reforms measures can be sustained on long term basis through:

- Making the police station adequately resourced, well equipped and focus of reform effort.
- Adopting a different model for policing urban spaces, which commensurate with urban environment and make use of innovative technologies, to move away from the scare crow policing model of 19th century.
- Up-gradation of training facilities, methodology and content; updating police criminal records and creation of e-databases.
- Adoption of well thought-out community policing strategies for bringing a fundamental shift from coercive to consent based policing, and
- Increasing the number of women police officers for improving police image and better interaction with the community as well as in changing the police culture.
- Equally important would be the role of judiciary, media, and civil society and, above all, the citizens towards a democratic, service oriented, publicly accountable and operationally autonomous policing system in the country.

Introduction

Since the birth of the modern police, in early 19th century, the role of the police has become significantly more expanded, complex and demanding. It has become a basic necessity without which the existence of a modern society is unimaginable. It is a 'thin line between order and chaos'. This is evident from the fact that despite the severe criticism and ill will against the police, no one advocates its abolition.

If such is the inevitability of an organization, much attention needs to be paid to make it function on the basis of rule of law, professionalism and public service. The experience, from comparatively developed policing systems, indicates that the challenge of bringing police closer to public aspirations may certainly be difficult, but not entirely an impossible one². It also indicates that the enhanced level of police legitimacy facilitates the process of law enforcement. So even for pure professional reasons it is necessary that the police enjoys a certain level of trust and confidence of the people³.

The real challenge for the police, in a democratic society, is to maintain law and order without violating basic human rights. In such a situation it becomes hard for the police to meet public demands of greater efficiency. Police role, in a modern society, is thus a conflicted one⁴. The police appears to be caught between these two extremes; trying hard to balance liberty with security. The public also seems alternately torn between abuses of police power while simultaneously seeking increased police protection from wrongdoers.

The dilemma is that the police powers -to arrest, detain, stop & search- are so fundamental to performance of its professional functions that they cannot be withdrawn as such even if misused at a massive level. The functional and developed democracies have, therefore, continuously struggled to strike a balance between fundamental rights of the citizens and need for the order⁵. They have struggled to minimize the misuse of police powers and discretion by developing intricate system of checks and balances.

Pakistan is, unfortunately, one of the countries which face a much bigger challenge. The complaints of high handedness, aggressive and abusive behavior, torture and corruption are neither confined nor peculiar to Pakistan. Police organizations across the globe are alleged of such misconduct in varying degrees⁶. What is peculiar to Pakistan is the impact of its pre industrial socio-political culture on the police practices. Another aspect, that differentiates policing in Pakistan from other modern countries is absence of an effective police accountability mechanism⁷. Moreover, improving quality of policing is not a priority in overall governance agenda in Pakistan. Contrary to public expectations of seeing a more service oriented, citizens friendly and accountable police in post independence era, policing in Pakistan remained largely hinged to an authoritarian model inherited from the British colonial era. Resultantly, the very word 'police' evokes such a familiar response across any dividing line in Pakistan that a similar consensus is hard to find on any other issue.

The crisis of policing in Pakistan is much deeper and more profound; it is inextricably linked with the deterioration in quality of governance. Political instability, social exclusion, high population growth rate, sustained inflation, chronic unemployment, unplanned urbanization, increase in incidence of poverty and internal displacement; all affect the nature and quality of policing. Whether there are crowds burning trains to protest against power outrages or youth committing

Police organizations, across the globe, are alleged of misconduct in varying degrees. What is peculiar to Pakistan is the impact of its pre industrial socio-political culture on the police practices.



crimes due to poverty and unemployment; eventually they do turn out to be policing issues. Consequently, the governments lacking legal or political legitimacy, frequently use the police to sustain themselves through coercion and intimidation. Moreover, as the writ of state shrinks, the interest groups and mafias become stronger and tend to co-opt police to protect their political or business interests. The police, thus co-opted, functions more like personal militia rather than an agent of law and the state; further distancing itself from the public it is supposed to serve. This trust deficit has widened over the recent past, as a result of fractured governance framework and a weakened writ of state.

Since the introduction of modern police system in Indo-Pak sub-continent in 1861, various attempts, as discussed in Chapter 2 and 3, have been made to reform it; both in pre-independence and post independence eras. These included a range of measures, from re-naming Thanas as Dar-ul-Aman to replacing the old police law (the Police Act, 1861) with a new one (the Police Order

2002); aimed at altering the basic legal, administrative and organizational structure of the police. There have also been a few isolated and, somewhat, progressive attempts, such as the establishment of Rescue 15 in major cities, CPLC and Women and Children Help Desks in Karachi, to change the anachronistic philosophy and authoritarian policing culture in Pakistan.

Whether or not these attempts were successful in bringing any improvement, either in police working or its public image, remain debatable⁸. However, the fact remains that despite public appreciation for such initiatives, the negative image of the police, as a whole, continues to persist⁹. It is high time to analyze the crisis of policing in Pakistan and its real causes; including state's failure to insulate the police from extraneous influences;

which adversely affect the police service delivery and accountability.


The present study aims to provide an overview of critical issues in the discourse on police reform in Pakistan. In the beginning it gives a brief overview of efforts to reform and create an appropriate police system during the British rule in the Indian Subcontinent; focusing particularly on the system of policing introduced through the Police Act 1861. After evaluating its important features, it gives a summary of major post 1861 reform efforts. As promulgation of the Police Order 2002 was a watershed in the history of policing in Pakistan, a detailed analysis of the new law along with a discussion on subsequent amendments and its state of implementation has, also, been included. Last section of the study summarizes the lessons learnt from reform experience in post Police Order 2002 period, and makes detailed recommendations on future police reforms agenda.

“ It is high time to analyze the crisis of policing in Pakistan and its real causes; including state's failure to insulate the police from extraneous influences; which adversely affect the police service delivery and accountability.

Chapter 1


Police Reforms During Early British Period





Throughout British rule, colonial officials maintained a tenuous hold on the reins of power (i.e. the police). The Indian police existed to ensure public safety - a function that required public cooperation. Yet, it also served to enforce the coercive political order and privileges of the colonial elite - a function that presupposed antagonistic relations between the state and the people. The simultaneous execution of these two incompatible functions constituted the central dilemma in the policing of colonial India. Reflected in the anger of the public and the frustrations of the officers themselves, it revealed many of the contradictions and much of the ambiguity of Britain's imperial mission in **India.**

Campion, David Andrew, "Watchmen of the Raj: The United Provinces police, 1870-1931 and the dilemmas of colonial policing in British India", Ph.D. thesis, University of Virginia, 2002



Police Reforms During Early British Period

The East India Company, formed by an association of London merchants in 1600 established its foothold in India during the reign of Mughal emperor Shah Jahan (1627-1658) when it established factories in Surat, Calicut and Masaliputam in Bengal. Subsequently Madras and Bombay also became factory towns of the Company with their supervisors designated as 'Presidents'. Accordingly, these towns came to be called as the 'Presidencies'. The East India Company took over the direct administration of the three Presidencies after it got the Diwani of Bengal, Bihar and Orissa in 1765.

The first hundred years of British presence in India saw a number of remarkable changes in the system of criminal justice administration through a process of trial and error, responding to contemporary requirements. From 1720 to 1751 Zamindars¹⁰ were appointed as Faujdars¹¹ and Kotwals¹², and had under their control a body of men doing duty as the police force. In 1770, the magisterial and police functions of Faujdars were transferred to the newly appointed (British) Collectors of Revenue. However, the Faujdars were reinstated in 1776 by the Governor General Warren Hastings (1773-84) in wake of renewed threat from Marhattas and rampant dacoities in Bengal. The Faujdars were again relieved of their duties in 1781 and their functions were transferred to the (British) Judges of the Diwani Adaluts; who in view of these additional (magisterial) responsibilities were re-designated as Judge-Magistrates. To assist a Judge-Magistrate, in discharge of his police duties such as to maintain law and order; he was provided with an establishment which consisted of a jail officer, a few clerks and between 25 and 150 Barakandazes and watchmen. This arrangement continued till 1787 when Lord Cornwallis (1786-93), the next Governor General, combined the police, judicial and revenue functions and transferred these powers to the Collector, who was also empowered to try minor criminal cases.

The first hundred years of British presence in India saw a number of remarkable changes in the system of criminal justice administration through a process of trial and error, responding to contemporary requirements.

Acknowledging, soon, the danger of an unprecedented concentration of power and position in the office of the Collector, Cornwallis under his Regulation XVII of 1793 titled, "Regulations for the Police of Collectorships of Bengal, Bihar and Orissa¹³", separated the three functions. Reverting to the model adopted in 1781-82 he introduced a set of measures, aimed at improving the police administration¹⁴.

These measures envisaged that:

- The police in the country should be considered under the exclusive charge of the Government and would be specially appointed to that trust. No Zamindar or landholder should maintain any police force or like establishment,
- If the complicity of Zamindars or landholders in committing crimes or conniving with criminals is proved, they should be compelled to make good the value of the property stolen or plundered,
- Centrally situated police posts (Thanas) under the charge of Darogha (Superintendent), with necessary officers to assist him, should be created in every district and the area of operation (of

a Thana) should not exceed 10 square 'cose' (about 30 square miles)¹⁵. The police posts should be named after the central place and these should not be changed without the sanction of the Governor General in Council,

- Daroghas should be nominated by Magistrates, who would be held responsible for selecting persons duly qualified for the trust. Daroghas were required to give personal security deposit and surety bond by two creditable persons of good conduct,
- Any complaint of murder, robbery, house-breaking, theft or other crime or offence, cognizable by the criminal courts, should be made to the Darogha at the jurisdictional police post. The Darogha would be responsible to apprehend the offender, release him on bail with adequate and solvent surety and forward him to the Magistrate having jurisdiction within twenty-four hours, and
- The Darogha would have powers to arrest any person found in the act of committing a breach of peace, any notorious offender such as a thief, robber, dacoit, murderer; all vagabonds or suspected persons who might be loitering about his jurisdiction without any ostensible means of subsistence or who could not give a satisfactory account of themselves or the alike¹⁶.

The efforts, to find a suitable model of police that could effectively and efficiently deliver, continued with the advent of 19th century:

- In 1801, an inquiry into the causes of failure to preserve peace and order in Bengal was ordered by Lord Wellesley, the then Governor General of India.
- In 1802-03, the Cornwallis Code (which remained unchanged for the next twenty years) was extended to areas of Madras Presidency.
- In 1804, the Governor General constituted a police committee in Madras with the same objective,
- In 1807, the government again invested Zamindars with the police powers and authorized respectable Zamindars, farmers and tehsildars to work as police 'Ameens' (Commissioners)¹⁷. These powers were, however, again withdrawn in 1810.
- In 1808, under Regulation X, new changes were introduced to improve supervision over the police with appointment of a European Officer as a Superintendent of Police¹⁸ (or an Inspector General of Police as he would now be called), at the capital of the province. The object was to have an officer who could co-ordinate the activities of district police authorities for the purpose of crime control and prevention of public disorder. This officer was accordingly made a justice of peace having concurrent, and, if necessary, overriding jurisdiction over magistrates. Initially a Superintendent was appointed for the three divisions of Bengal i.e. Dacca (now Dhaka), Calcutta and Murshidabad.
- In 1810, the jurisdiction of the Superintendent was extended to the Patna Division and one more Superintendent was appointed for the Division of Banaras and Bareilly¹⁹ (Lower Provinces).



THE FIRST KOTWAL OF LAHORE
(Malik Khuda Bakhsh Kakkezai)

- In 1812, the Court of Directors (of East India Company) appointed yet another Special Committee to inquire into the administration of justice and police in the company's territories in India. The report extensively dwelt upon the state of crime and police particularly in Bengal. (The general conditions throughout British India were not very much different.) It stated that, "The establishment of an efficient police, though an object of the first importance, appears to be a part of the new internal arrangements in which the endeavor of the supreme Government has been least successful"²⁰. The Committee wrapped up by stating that, in principle, the reintroduction of something close to pre-Cornwallis system was desirable.²¹ Major defects it noted were:

- Magisterial neglect of their police duties in favor of their revenue duties arising out of the union of the offices of Collector and Magistrate.
- Jurisdiction and frequent transfer of district officers.
- Sense of insecurity among Daroghas due to frequent dismissals and hence their tendency to acquire maximum spoils from their uncertain tenure.
- Criminal propensities of chaukidars or village watchmen.
- The total want of cooperation on the part of the people which acted as the greatest impediments to the success of the police operation, and Poor emoluments compelling the incumbents to compensate by other means.



AN ASSISTANT SUPERINTENDENT OF POLICE
(1907)
MR. H.W. Waite, C.I.F.

Some of reform measures suggested by the Committee included the following²²:

- Collector should cease to exercise magisterial function of control over the police and it should devolve on a separate officer to be called the joint magistrate,
- Districts should be subdivided into sub-divisions, in each of which a deputy magistrate should be posted with authority over the police,
- Pay structure should be improved, and
- Village chaukidari system should be reorganized, the chaukidars should be better paid and the responsibility of village officers should be clearly defined and enforced.
- In 1814, the Court of Directors, on the basis of the inquiry report of the Special Committee issued a detailed directive on police administration in areas being administered by the Company. The Court rejected the appointment of Darogas and their subordinates and directed that measures should be taken to restore the village police to its former efficiency. The Court also directed that the duties of the Magistrates and the control of police should be transferred from Zilla (district) Judge to the Collector,
- In 1816, these directives were given a legal shape under the Madras Regulation XI,
- In 1827, a similar system was adopted in Bombay under Regulation XII of 1827, and
- In 1829, through a 'reorganization' ordered by the Governor General Lord William Bentinck (1828-35), the same arrangement was affected in Bengal. The regulations practically restored

the pre 1793 arrangements “whereby revenue, police and judicial functions were combined in the office of the Collector”. Resultantly the offices of the two Superintendents (one for the divisions of Dacca, Calcutta, Murshidabad and Patna and the other for the Divisions of Banaras and Bareilly) were abolished and their functions were transferred once again to the newly appointed Commissioners of Revenue²³.

Despite a series of experiments, to design a suitable policing model, there remained a great amount of dissatisfaction with the working of the police in India. For instance the Select Committee of British House of Commons, known as 'The Bird Committee', which looked into the state of crime and policing particularly in Bengal, found that, “Subordinates were corrupt,

“The Bird Committee', which looked into the state of crime and policing particularly in Bengal, found that, “Subordinates were corrupt, inefficient and oppressive, while the superior officers owing to multiplicity of their duties were unable to exercise an adequate supervision”.

inefficient and oppressive, while the superior officers owing to multiplicity of their duties were unable to exercise an adequate supervision.” The witnesses who appeared before the Committee complained of “corruption and other worthlessness of the Thanedars” and “heavy duty and low paid Chowkidars were generally admitted to be thieves”. The Bird Committee observed that “in absence of defined duties, rules and regulations, powers and obligations, the village police system was in gross mess”. The Bird Committee concluded that the primary reason of police inefficiency was its inadequate supervision and recommended that control over police be an exclusive responsibility of an officer other than the Collector.

A fractional execution of the Bird Committee's proposals²⁴ resulted in separation of judicial and executive functions by the same officers²⁵, introduction of Sub-Divisional Police Offices in some parts of the province and appointment of a Superintendent of Police in each district. Accordingly, an exclusive Superintendent of Police for the Lower Provinces (Banaras and Breilly) was reappointed and the Commissioners were relieved of their duties pertaining to the “superintendence of police”.

- In 1843, yet another experiment, in quest for effective and efficient policing in India, was made in the province of Sindh (then Scinde) after its annexation by Sir Charles Napier. He preferred establishing a 'semi-military force' rather than a pure civilian force to cater to the needs of a newly captured area 'which had reputation of being one of the most notoriously crime-ridden parts of the empire'. For this purpose he was greatly inspired by the Irish Constabulary model.
- The police force organized by Napier was a separate and self-contained force exclusively meant for maintaining public order and prevention and detection of crime. The internal administration of the force was assigned to the police officers themselves (with a Superintendent appointed in each district). They were, however, placed under general direction and control of the 'District Officers' (District Magistrate/District Collector) who, apart from their revenue collection and judicial functions, were held responsible for executive oversight of the district police. Particularly, they had a dominant role in the police functions relating to maintaining law and order. Introduction of this duality of command was a “purposeful deviation from the Irish Constabulary model to suit the needs and character of the colonial administration at that time”²⁶.

- In 1849, immediately after its annexation by the British, the Napier Model was also introduced in the Punjab with a few modifications. It had two branches: the military preventive police (infantry) which was under the control of the Chief Commissioner and the civil police of recognized Burkundazes (cavalry), supervised by the District Magistrate. The same modified system was then extended to most provinces of the British India.
- In 1853 Sir George Clerk, the then Governor of Bombay was so inspired by the Napier model that he introduced reforms in Bombay Police on similar lines²⁷.
- While the process of restructuring the police forces was being carried out in different provinces, mainly on the pattern of the Napier Model, the Torture Commission of 1855 in its report highlighted some of the significant abuses in police working in Madras.²⁸ The Commission recommended separation of revenue from the police functions, and placing the police establishment under independent European officers; who would be asked "to give their undivided time and energies exclusively to the control of the force".

The Court of Directors of East India Company in England, in a letter (dated, 24th September 1856), to the Governor General's Council in India, summed up the entire state of police organization and administration in India in the following words:

"Our attention has been directed on various occasions, of late, to the character and proceedings of the police in different parts of India and the reports (which from time to time have been laid before us) have combined with many incidental notices of failure and abuse, to deepen the conviction that an immediate and thorough reform of the police in all the old provinces of British India is required. It is all but useless for the prevention and sadly inefficient for the detection of crime. Unable to check crime it is, with rare exceptions, unscrupulous as to its mode of wielding the authority with which it is armed for the functions which it fails to fulfill. It has a very obvious character for corruption. There is, moreover, a want of general organization; the force attached to each division is too much localized and isolated."

In view of this indictment of the police, the Court of Directors of East India Company decided, in principle, that the District Officer (District Collector/District Magistrate) would have no function to interfere in the working of the police. They also resolved that, "the management of the police of each district be taken out of the hands of the Magistrate and be committed to an European officer with no other duties and responsible to General Superintendent of Police for the whole presidency."²⁹

To implement the Directive, Mr. W. W. Robinson, who was appointed as Chief Commissioner of Police, submitted a blueprint of his reform plan in May 1858. Subsequently Mr. J. D. Mayne, Professor of Law in Madras University, drafted a Bill for carrying out Mr. Robinson's plan. Lord Harris, the Governor of Madras, approved the Bill under which the District Magistrate ceased to exercise any executive control over the police. The title of Commissioner of Police was replaced with Inspector General of Police, on the model of Irish Constabulary and the Bill was passed into law as the Madras District Police Act (Act XXIV) of 1859.




IN POLICE UNIFORM
Khan Bahdur Muhammad Rashid Assistant
Superintendent of Police (1873-85)

Chapter 2

Birth of Modern Police in South Asia





Until the Police Order was introduced, the Police Act of 1861, a colonial legal instrument designed primarily to keep imperial India's subjects under check, determined Pakistan's police structures, administration and functioning. In 2002, many police officials, well aware of the faults of their organisation, had believed that the Police Order would indeed transform the force into a modern and disciplined body, which would serve and protect citizens. Six years after its promulgation, however, the Police Order remains a presidential ordinance ... Absent parliamentary sanction, the scheme lacked credibility, hampering implementation.

International Crisis Group, "Reforming Pakistan's Police", 2008.



Birth of Modern Police in South Asia

The implementation of Directive of the Court of Directors in 1856, to separate the management of the police from magistracy, would have greatly helped the British authorities to fix a malfunctioning police but the events of 1857 changed the entire scenario. Once the mutiny (or war of independence) in 1857 was successfully quelled, the British government decided to revisit the question of police reorganization and reform afresh. For this purpose a Police Commission was constituted on 17th August 1860. Three main factors seem to have compelled the British authorities to undertake a review of system of policing in India³⁰:

- Firstly, the dual system of military and civil police proved very expensive. This is evident from the Terms of Reference assigned to the Police Commission which were:
 - To ascertain the numbers and the cost of all police and quasi-police of every description, then serving in each province throughout the British India, who were paid by the Government from the general revenues, and
 - To suggest to the government any measure either to reduce the expenditure or to increase the efficiency in the existing police forces³¹.
- Secondly, there was less harmony in their working; as the heads of each system were not the members of the same department, and
- Thirdly, the conflicting functions of a Magistrate and a Superintendent of Police, vested in one individual (Commissioner), demanded some solution.

For the general guidance of the Police Commission, the Central Government outlined following set of guidelines for the reorganization of the police, though it was not to be rigidly adhered to:

- Police should be entirely subjected to the civil executive government.
- Duties of the police were to be entirely civil and not military.
- Police functions were to be either to prevent crime and disorder or to find out criminals and disturbers of the peace.
- Control of the police to be vested in the hands of the executive administration.
- In organization and discipline the police had to resemble a military body.
- Only the European Officers to be vested with the powers of appointment and dismissal.
- Pay of the police had to vary according to time and place.
- Police were to have a uniform dress, and to be given arms according to their duty, and
- Police officers were to be responsible for the internal economy of the force.

The Commission, after a series of consultations with all stakeholders and prolonged deliberations, recommended a number of propositions to organize the police in India on uniform basis including the following:

- There should be a complete separation of the military armed force (under military command) from the civil constabulary.
- The civil constabulary for India should be formed on the model of the English and the Irish Constabulary.

- The civil constabulary should be under the executive government for all police purposes; protective, preventive or detective.
- There should be unity of action and organization for necessary efficiency and economy.
- All separate police and quasi-police bodies should be fused in the new constabulary.
- The new constabulary to be linked to the village police.
- Mounted policemen should be employed only where absolutely necessary.
- There was to be no separate detective body, no spies and informers.
- There should be a complete severance of executive police from judicial authorities, i.e. no police officer was to have any judicial function or vice versa.
- The Police Department should be a separate branch of administration headed by an Inspector General under each Government.
- The Inspector-General should have under him District Superintendents and other subordinates.³²
- The subordinate force should consist of Inspectors, Head Constables, Sergeants and Constables, and
- The Head Constable should be in charge of a Police Station and the Inspector that of a group of Stations.

The central government forwarded the Commission's report along with a draft bill to the provincial governments including that of the Punjab³³. On the receipt of comments from the local (provincial) governments, Sir Bartle Frere, the then Home Member, introduced the Bill in the Imperial Legislative Council on 29th September 1860. The Bill, as drafted by the Commission, on the pattern of the Irish Constabulary Act and adapted to Indian conditions, after going through the several stages of legislation, was passed into a law as Act V of 1861, on the 22nd of March, 1861 by the Legislative Council. Lieutenant Colonel H. Bruce was appointed as Inspector General of Police in India to assist the local (provincial) governments in remodeling their police according to this Act³⁴.

The Police Act 1861: An Overview

As the Police Act 1861 has remained a fundamental law, in the context of policing in Pakistan, it is important that it is examined in greater detail. The Act consisted of 47 Sections and began with a “Preamble” which declared that the main objective of the new law was to reorganize the police 'to make it a more efficient instrument for the prevention and detection of crime'.

Section 1 was the interpretation clause which dealt with certain definitions which had direct bearing on the Act.

Section 2³⁵ declared that the entire police force would be formally enrolled and work as one force under the provincial government.

Section 3 vested the superintendence of the police throughout a general police-district in the concerned provincial government.

Section 4 provided that the administration of the police throughout a 'General Police District' would be vested in an IGP.

Section 5 provided that a magistrate of the district would exercise general control and direction over the police throughout his local jurisdiction. Section 5 read with Section 3 also empowered the IGP to enquire into and determine, as a magistrate, any charge against a police officer above the rank of a constable.

Section 6 empowered officers in the rank of ASP, SP, DIG and IGP with magisterial powers³⁶.

Section 8 laid down that every police officer would receive a certificate on appointment in the police force.

Section 9 barred police officers from withdrawing from duties without the permission from the competent authority and to give a two months advance notice if they intended to resign.

Section 10 barred police officers from engaging in any other employment without the permission of IGP.

Section 11 was repealed by the Act of 1874.

Under Section 12, the IGP was authorized to make rules relating to police force subject to approval of the provincial government.

Section 15 contained provisions relating to controlling internal disturbance in a province. Under Sub Section (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.

Section 17 provided for appointment of special police officers in case of disturbance of public peace or tranquility by way of unlawful assembly or riot or other threat.

Sections 18 declared that special police officers appointed under Section 17 would be treated at par with ordinary officers in respect of all such powers, penalties, subordination etc.

Section 19 prescribed punishments if a person refused to serve as special police officer.

Section 20 laid down that a police officer would exercise only such authority as provided under the Police Act or Criminal Procedure Code.

The Act consisted of 47 sections and began with a “Preamble” which declared that the main objective of the new law was to reorganize the police 'to make it a more efficient instrument for the prevention and detection of crime'.



Section 21 exempted the village police officers and police 'chaukidars' not enrolled under the Act.

Section 22 bound the police officers to be considered on duty for 24 hours.

Section 23 dealt with duty of a police officer to prevent commission of offences³⁷ and to detect and bring offenders to justice as per the orders of warrants lawfully issued to him by any competent authority. Section 23 also empowered a police officer to enter and inspect any drinking shop, gambling house and other place or resort of loose and disorderly characters without warrant. Thus the police was assigned wider functions under Section 23 to prevent both cognizable and non-cognizable offences³⁸.

Section 24 obliged the police to lay information before a magistrate against any person who committed an offence³⁹.

Sections 25, 26 and 27 pertained to custody of unclaimed property and issue of proclamation, disposal, detention and confiscation of property⁴⁰.

Section 28 held a police officer, who had ceased to be a police officer and refused to surrender his certificate, clothing etc., liable for conviction and punishment.

Section 29 imposed a penalty up to three months pay 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 lawful order made by the competent authority and guilty of cowardice or inflicting any unwarrantable personal violence to any person in his custody⁴¹.



Sections 30, 30A and 31 dealt with the powers relating to the regulation of public assemblies and processions and to keep order on public roads etc.

Section 32 prescribed, subject to conviction by a magistrate, penalties for violating the orders or conditions of any license, issued under the aforesaid Sections 30, 30A and 31.

Section 33 reemphasized the fact that anything in Sections 30, 30A, 31 and 32 would not in any way impinge upon the authority and powers of the District Magistrate.

Section 34 laid down penalties to be imposed by a magistrate for causing obstruction, inconvenience, annoyance, risk, danger or damages of the residents or passengers, on any road or open place or street or thorough fare within the limits of the town. Under this Section the police officer was empowered to take into custody without a warrant, any person who committed the offences of slaughtering cattle, riding furiously, committing cruelty to animals, obstructing passengers, exposing goods for sale, throwing dirt into street, found being drunk or riotous, or indecently exposing one self or neglecting to protect dangerous places like tank, well, etc.

Section 36 was a saving clause for other regulations, enactments providing higher penalties and barred double jeopardy as well.

Section 37, dealt with the recovery of penalties and fines imposed under the Police Act.

Sections 38, 39, 40, 41 were repealed by the Act of 1895.

Sections 42 and 43 afforded protection to the police employees in respect of anything done or intended to be done under the Act and laid down certain limitations for prosecutions.

Section 44 (complementary to Sections 154 and 155 of Cr.P.C.) dealt with the duty of the patrol officer to keep diary.

Section 45 dealt with the form of returns prescribed by the local (provincial) government.

Section 46 empowered the provincial government to adopt the Act by official notifications in the Gazetteer and frame rules consistent with it from time to time.

Section 47 (the last section) empowered the provincial government to authorize the District Superintendent of Police to exercise authority over the village watchmen or other village police officers, subject to the general control of the District Magistrate.

The Police Act 1861: An Appraisal

The police system, envisaged under the Police Act, 1861, was not in any sense a perfect system. This is evident from the fact that efforts to reform it started soon after its enactment. Subsequently, several police commissions/committees were formed to look into the flaws of the system and suggest remedies. However, most of them skirted away from taking head on the following (systemic and structural) defects in the system which, to many observers, were the cause of many ills in the police.

Firstly, under the Act the IGP (appointed by the central/federal government) headed the police department in the province. The Act vested the superintendence of the police directly in the hands of the executive at the provincial level, and the District Magistrate at district level. Thus, it was not an autonomous in its working and always remained susceptible to political interference and manipulation. The executive used the police for controlling political and social dissent. The scheme of things was designed in a way where the police would become a bad guy and when it comes to public protests, the government could blame all the ills on the police, and come itself clean in front of the public. Later on, once the public protest had subsided the police officers suspended, transferred or penalized, would be quietly restored to their positions or might be rewarded in better terms. This arrangement suited the police also, who could then continue with their illegal activities with impunity in absence of a genuine accountability. While this arrangement suited politicians, bureaucracy and even police itself, it did so at the cost of violations of citizens' rights and image of the police.

Secondly, it introduced a system of dual control of police at the district level⁴², where a Superintendent of Police had to perform his functions⁴³, especially relating to maintenance of order, subject to the lateral general control and direction of the District Magistrate⁴⁴ (Section 4 of the police Act 1861). In practice police operations were also controlled and directed at the sub-divisional level by the Assistant Commissioner (subordinate of the District Magistrate), and at the divisional level, by the Commissioner. The police were impressed upon to act as the 'hands' of the civilian authorities; thereby reducing the former to an agency of the latter. It, practically, excluded the Inspector General and his deputies from supervision of police not only in the sphere of law and order but also, to a very large extent, from its internal administration⁴⁵. This "constant interference with the authority of senior officers of police," among other things, resulted in a "spoiling of the discipline of the force"⁴⁶.

Thirdly, the police created through the Act was meant to be, "a more efficient instrument for the prevention and detection of crime", and not aimed to serve, protect or respect citizens as do police organizations in modern societies. So, if the police had just to be a more efficient instrument for

prevention and detection of crime, it would try to fulfill this purpose by any means without any regard for rule of law, due process or rights of citizens⁴⁷.

Fourthly, the Act gave authority to the government to exercise superintendence over the police, without defining the word “superintendence”, or prescribing guidelines to ensure that the use of powers of superintendence would be legitimate.

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



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was meant to be, “a more efficient instrument for the prevention and detection of crime”, and not aimed to serve, protect or respect citizens as do police organizations in democratic societies.

Sixthly, the Act did not specify objectives and performance standards, nor did it set up independent mechanisms to monitor and inspect the police performance.

Seventhly, the Act was not in consonance with the requirements of democratic policing as the police was meant to exercise their authority in a coercive manner.

Police Organization Under the Police Act 1861

A Police Department was established as a separate branch of government under an Inspector General of Police⁴⁸. The Inspector General was placed under the local (provincial) government and had to correspond directly with the Civil Secretary of the government, the Commissioners of the Divisions, and the Deputy Inspectors General (DIsG). The Inspector General was also

responsible for the formulation and execution of police policies, as well as for advising the provincial government on matters concerning police administration in the province. He was empowered to frame such orders and rules, subject to the approval of the local (provincial) government, as he deemed expedient for the organization, classification and distribution of the police force, to make it efficient in the discharge of its duties.

The Inspector General was assisted by several Deputy Inspectors General (DIsG) “posted on a territorial basis, usually each to a group of three to five districts called a range”⁴⁹. The DIsG were responsible for the supervision of the District Superintendents in their ranges.

At the district level a Superintendent of Police was appointed as the head of police force. In larger districts an Assistant District Superintendent of Police was provided to assist the district SP in discharge of his functions. The district SP had no power to make general rules but he could issue special standing orders for local discipline and efficiency⁵⁰. In addition to being accountable to the DIG, the district SP was also responsible to the District Magistrate.

In each tehsil a Deputy Inspector of Police was appointed as head of the local police. His relationship with the Tehsildar was the same as that of the district SP with the District Magistrate.

The subordinate grades were designated as Inspectors, Deputy Inspectors, Sergeants, and Constables. The Thana police, and the city watchmen were fused into one, and organized like the regular Constabulary.

Reform Efforts 1902-2002: A Long Walk to Democratic Policing

The Police Commission of 1902-03

The recommendations of first Police Commission of 1860 were enacted in form of Police Act 1861. However, the changing socio-political scenario especially an unsatisfactory law and order situation necessitated a comprehensive review of policing system at the start of the 20th century. For this purpose, Lord Curzon, the then Governor General, appointed a (second) Police Commission under Sir Andrew Fraser, Chief Commissioner of the Central Provinces.

The Fraser Commission (1902-1903) thoroughly examined the organizational structure of police at the district level and functioning of the railway and river police. It also reviewed the recruitment, training and pay structure of different subordinate ranks of the police. The Commission concluded that, "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".

The Commission also highlighted the unnecessary interferences by the civil authorities and insisted that the District Magistrate should not interfere in matters of discipline of the police force. According to the Commission, the Act of 1861 did not allow the civil authorities to direct day to day police work rather the civil authority was supposed to give directions to the police organization only in specific situations and that routine police work was to be carried out by senior police officers. Despite these observations, the Commission, however, favored maintaining the responsibility of the District Magistrate for the preservation of law and order within his district and did not support the Maharaja of Darbhanga's minority plea for the separation of the executive and judiciary.

The Fraser Commission (1902-1903) thoroughly examined the organizational structure of police at the district level and functioning of the railway and river police.



In its far reaching recommendations the Fraser Commission suggested that the police force should consist of a European service to be recruited entirely in England, through a competitive examination; a provincial service to be locally recruited, an upper subordinate service of Inspectors and Sub-Inspectors and a lower subordinate service of head constables and constables.

On issues pertaining to reorganization and restructuring of force the Commission recommended that larger provinces be divided into Ranges with DIsG in full administrative charge. It was suggested that specified number of posts of superintendents should be reserved for the provincial service, a grade of deputy superintendent should be created, the districts should be divided into circles of five to eight police stations each with an inspector in charge, the area of a police station should roughly be 150 square miles, sub-inspector and head constable should be posted at each police station. The creation of a Criminal Investigation Department under a DIG was also suggested by the Commission.

About pay, the Commission proposed that it should give a reasonable living wage for a man. Free quarters were suggested for officers up to the rank of sub-inspectors. However, apparently the Commission was not prepared to make the terms and conditions of police rank and file attractive enough.

The Commission desired that the responsibility of the village headmen for the performance of police duties should be revised and to leave watch and ward in the countryside to the village police as it was expedient to relegate the control of petty offences to them or to panchayats.

In overall analysis, it seems that despite the apparent short comings of the police organization, the Commission could not effectively deal with the issues pertaining to organizational restructuring or altering the arrangements between the district police and the District Magistrate. The Commission was, apparently, not ready to suggest fundamental alterations in the system established under the Police Act 1861.

After the Fraser Commission, some more committees and commissions were also formed in



The Commission concluded that,

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different provinces in quest for an ideal police system. For instance, in the Punjab Lumsden Committee was constituted in 1925, which in its report presented in 1926 emphasized increasing the number of officers/personnel per police stations. In Bengal a committee known as Blandy Gordon Committee was constituted which presented its report in 1937. In Bengal another committee namely the Chawkidari Inquiry Committee presented its report in 1940.

Even after creation of Pakistan in 1947, the police continued to operate under the Police Act 1861. Resultantly, the police behavior and attitude towards citizens remained unchanged. At political level, claims were made to reform the police to enable it to respond to contemporary socio-cultural dynamics. For this purpose different governments constituted more than two dozen police commissions and committees⁵¹. Most of them dealt only with operational issues such as, training, promotions, pay and salaries, working of police stations, increased control of inspecting officers and facilitating registration of First Information Reports (FIRs) etc.

Only a few took up more strategic and core issues relating to political neutrality, operational autonomy, abolishing the control of magistracy over police, introduction of civil oversight, and changing the 'thana culture. A summary of major post-independent reform efforts is given here.

Sindh Assembly Bill on Metropolitan System of Policing in Karachi - 1948

Mr. A.H. Pryde, the then Inspector General of Police, announced, soon after independence, that the metropolitan system of police would be introduced in Karachi, on the lines of the Bombay city police. Accordingly, the first ever attempt to change the police organization was made within six months of independence when the City Police Act in form of Bill XXV of 1948 was introduced in the Sind Assembly. This Bill was passed by the Sindh Assembly on 27th January 1948 and was published in Sindh Government gazette on 30th January 1948⁵². The Bill suggested the appointment of a Police Commissioner for Karachi, with powers to enforce curfews, ensure order in processions and public gatherings, issue permits, and regulate arms and licenses⁵³.

Surprisingly, at this stage the then Deputy Secretary to Governor General pointed out certain "typographical errors" requiring rectification. Thereafter, this Bill remained dormant and could not become an operative law.

Sir. O.G. Grace Committee - 1951

A Committee formed in 1951, under Sir Oliver Gilbert Grace, the then Inspector General of Police of the North West Frontier Province, suggested that police for Karachi should be restructured on the model of the Police Act 1861. This recommendation met strong bureaucratic resistance, and it was only in 1955 when the Police Act 1861 was extended to Karachi, after the formation of the One Unit.

Justice Constantine Police Commission - 1961

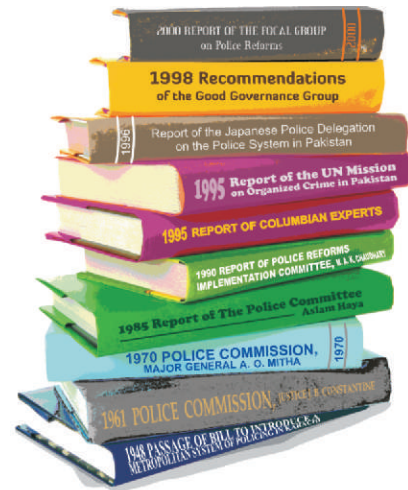
A Police Commission headed by Mr. Justice J.B. Constantine was formed in 1961 which submitted its report in 1962. The Commission made a number of recommendations on police magistracy relationship, police recruitment, strength of police, training, pay, leave, transport, criminal records, finger prints and police public relations.

Justice Cornelius Committee - 1962

The Pay and Service Re-organization Committee of 1961-62, headed by Justice Cornelius, proposed a metropolitan policing system in major cities of Pakistan like Karachi, Lahore and Dhaka. The suggestions of this committee were, however, not approved.

Mitha Police Commission - 1970

Another Police Commission headed by Major General A.O. Mitha recommended various measures including the creation of a dedicated wing to exclusively deal with various aspects of police working. It also recommended separation of investigation from prosecution, minimizing regimentation in police training institutes, merit based recruitment and revision of rank structure etc.



Aslam Hayat Police Committee - 1985

The Police Committee headed by Mr. Aslam Hayat was constituted in 1985. The Committee concluded that the Police Act of 1861 was not sufficient to deal with the increasing law and order issues, especially in Pakistan's key urban centers and recommended restructuring of the whole system and introduction of metropolitan police system. The report of the Committee was generally approved by a Cabinet Review Committee and a delegation was sent to India and Bangladesh to study the practicalities of introducing a metropolitan police system in Pakistan. The delegation after undertaking the visit to India and Bangladesh strongly recommended the Metropolitan System for Karachi, Lahore and Islamabad on priority basis. This time, also, the status quo prevailed. Before the government of Prime Minister Muhammad Khan Junejo could take any final decision it was sacked in May 1988 by the then President General Zia-ul-Haq.

M. A. K. Chaudhary Committee - 1990

In 1990 the government formed yet another committee called the Police Reforms Implementation Committee (PRIC) headed by M.A.K. Chaudhry with Sharifullah Khan and Mr. Zia-ud-Din as its members. The Committee made a very comprehensive set of recommendations on almost all important aspects of policing including legal framework, police command structure, urban & rural policing, status of police department, quality of superintendence, patrolling, investigation, law & order, traffic management, R&D, service structure, recruitment, training, career planning, extraneous interference, image of the police, welfare and morale of the police. The Committee recommended the need to implement the reforms suggested by the Police Committee 1985

especially to introduce a metropolitan police system in Karachi, Islamabad and Lahore. Subsequently, at the request of the Prime Minister Ms. Benazir Bhutto for technical assistance from the United Kingdom, a British delegation visited Pakistan⁵⁴. The delegation after conducting field studies concluded that the police system in Pakistan requires a complete overhauling to get rid of the effects of the British colonization.

Columbian Experts Group - 1995

A group of Colombian Experts visited Pakistan at the request of the government of Pakistan in 1995, in the backdrop of serious law and order challenges in Karachi. The group observed that, “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 order, both of which are essential elements for sustaining peace”.

“ 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 order, both of which are essential elements for sustaining peace”

Colombian Experts Group-1995

UN Mission on Organized Crime in Pakistan - 1995

A Mission of United Nations Office at Vienna visited Pakistan at the request of government of Pakistan in 1995 to advise on how to deal with the issue of organized crime and whether the law enforcement agencies and judicial institutions were adequate enough to tackle such crimes. The UN Mission to Pakistan made a number of significant recommendations. More importantly it urged that as the most critical step of restructuring, the (police) political leadership should state it as a primary policy that an effective, viable, independent and publicly accountable police was critical to the development of stable democratic institutions.

Japanese Police Experts Committee - 1996

A Japanese team of experts visited Pakistan in 1996 and concluded that the police reforms in the country should be based on mutual trust of police-public and that the country needs to adopt the concept of police service. The team recommended the following urgent steps for this purpose:

- Creation of institutional structures that ensure political neutrality and democratic control of the police,
- Proper sharing of responsibilities between the federal and the provincial governments,
- Adoption of a unified chain of command in the police, and
- Establishment of a merit based system of recruitment and selection of personnel.

Good Governance Group - 1998

The Good Governance Group set up under Vision 2010 Program came up with some fundamental recommendations in March 1998 which emphasized, inter alia, de-politicization of police to ensure merit based recruitment, training, postings and career development.

Focal Group on Police Reforms - 2000

One of the most important steps towards the police reforms in Pakistan was taken soon after the military coup by General Pervez Musharraf in November 1999, when a Focal Group on Police Reforms was set up by the Ministry of Interior in December 1999. The Group included a cross

section of retired bureaucrats, police officers, civil society representatives and media persons. The Group consulted the key stakeholders of the reform process including lawyers, senior bureaucrats, journalists, academicians and police officers and recommended a set of fundamental reforms in the police organization in February 2000. The group's focus was to establish an institutional framework to ensure an operationally neutral, organizationally autonomous, functionally specialized, institutionally accountable and service oriented policing in Pakistan.

Think Tank of NRB on Law Enforcement and Criminal Justice - 2001

In the meantime the government of General Pervez Musharraf constituted a National Reconstruction Bureau (NRB) to introduce fundamental reforms in political and administrative (including the police) structure of the country. Subsequently, the Ministry of Interior handed over the recommendations of the Focal Group to NRB; which, as part of its devolution program, decided to give high priority to the police for turning it into a professional public service, which is accountable to the people. The Think Tank debated on key reform issues such as:

- How should the Pakistan Police be organized in order to best meet the law and order challenges of the 21st century?
- What model would be most suited in bringing about a radical change in the high level of police-public estrangement?
- How to "police the police"— that is, subject the organization to effective democratic control, and yet ensure its operational neutrality, among other things?

After prolonged deliberation NRB identified the following critical steps towards police reforms:

- To make the police hierarchy responsible not only for the organization and the administration of the police force (as under the Police Act 1861), but also for other matters connected with maintenance of law and order. The fractured chain of command be fully restored so that policing operations could no longer be subjected to extra-departmental partisan influences,
- To establish apolitical Public Safety Commissions at the national, provincial and district level to insulate the police from political interference,
- To bring police under a system of external accountability that enjoys public confidence by establishing an independent Police Complaints Authority,
- To redefine the role, duties and responsibilities of the police so that public service takes precedence over all other considerations, and the prevention and detection of crime is carried out in view of its social purpose,
- To enhance police professionalism through the introduction of functional specialization, in separating the police's investigative and "watch and ward" functions,
- To establish an independent Inspectorate of Inspections tasked with conducting performance audits of the police, and
- To improve the police image through initiating community policing programs and efficiently responding to public complaints.

Based on the above recommendation the NRB drafted a new law to replace the Police Act 1861, which was subsequently promulgated as the Police Order on 14th August 2002⁵⁵.


...as the most critical step of restructuring (the police), the political leadership should state it as a primary policy that an effective, viable, independent and publicly accountable police was critical to the development of stable democratic institutions. ”

In the meantime in 2001 the Musharraf's government, on the recommendation of NRB, created a system of local governments under a Zila Nazim and abolished the office of Deputy Commissioner, which had existed for nearly 150 years with all its might. The office of the Deputy Commissioner was re-designated as District Coordination Officer. The system of dual control through which the Deputy Commissioner exercised general control over police thus came to an end⁵⁶.

Chapter 3

Shedding a Colonial Legacy:
The Old 'Act' Replaced by the New 'Order'





The Police Act, 1861, which held the field for 54 years after independence and was repealed by the existing Police Order, 2002, was criticised, among other things, for being a law born out of colonial needs. It was also criticised for incorporating the principle of duality of control over the police (paragraph 2 of section 4 of the Act). Under this principle, the police officers were subject to the general control of the District Magistrate in certain areas of their functions especially those relating to their interaction with the public. However, there was no guarantee that control or superintendence was exercised to make the police function in accordance with law.

Human Rights Commission of Pakistan, "Revisiting Police Laws", 2011.



Shedding a Colonial Legacy: The Old 'Act' Replaced by the New 'Order'

The Police Order 2002

The Police Order 2002 is the most fundamental and far reaching reform attempt, ever undertaken, to change the basic legal framework of police. The broad objectives of the Police Order 2002, as spelled out in its preamble, were:

- To enable the police to function according to the constitution, law and democratic aspirations of the people,
- To make the police professional, service-oriented, and accountable to the people,
- To redefine the police role, its duties and responsibilities, and
- To reconstruct the police for efficient prevention and detection of crime, and maintenance of public order.

To achieve these objectives, the Police Order 2002 redefined the responsibilities & duties of the police, and envisaged a number of new measures for:

- Promoting political neutrality, democratic control and public oversight of police, and better public grievance redressal through establishment of Public Safety Commissions at national, provincial and district level⁵⁷,
- Giving an effective role and voice to the opposition in the oversight of police through representation of MPs belonging to the opposition in Public Safety Commissions,
- Creating external accountability against all serious complaints through an independent statutory body called the Police Complaints Authority,
- Introducing functional specialization by separating investigative and “watch and ward” functions⁵⁸,
- Restructuring the police through introduction of self contained police organizations in big urban centers,
- Assigning roles and responsibilities relating to maintenance of order to local authorities (particularly the Zila Nazim),
- Encouraging community engagement through introduction of Annual Policing Plans⁵⁹ and establishment of Citizens Police Liaison Committees,
- Introducing performance audits by an independent Inspectorate of Inspections to enable the government and other stakeholders to receive an independent assessment of police performance,
- Re-constituting and reorganizing the police and phasing out the obsolete police management practices,
- Confining the power of superintendence in the “appropriate government”,
- Replacing the term 'Subordinates', which symbolized the highly authoritarian culture of police, with the term “Junior Ranks' by merging the previously in vogue, somewhat, derogatory division of 'Upper Subordinates' (Inspector, Sub Inspector and Assistant Sub

Inspectors) and 'Lower Subordinated's (Head Constables, Constables), the ranks higher than Inspector were classified as Senior Ranks⁶⁰,

- Limiting the recruitment in the police to be in the rank of Constable, Assistant Sub-Inspector (ASI), and Assistant Superintendent of Police (ASP),⁶¹ except the ministerial and specialist cadres,
- Reserving a quota of 25 percent for departmental promotions to the rank of ASI from graduate Constables or Head Constables through selection by the concerned Public Service Commission,
- Fixing tenure⁶² for key police appointments. Authorities were obliged to record grounds of premature transfer for independent scrutiny by the concerned Public Safety Commission, and
- Criminalizing a range of mal-practices commonly complained against by the public⁶³ in addition to existing range of administrative punitive measures against police misconduct.



Key Reforms Under the Police Order 2002

Redefining the duties and the responsibilities of the police

The policing model based on the Police Act 1861, as discussed in detail in previous chapter, was an authoritarian one, with very little emphasis on service oriented policing. It had a narrow focus and enforcement; centered mainly on detection and prevention of crimes, protection of the public property, taking charge of unclaimed property and lunatics, regulation and control of the traffic on public roads and streets. The emphasis on performance of these functions, even at the cost of violations of the rights of citizens, encouraged police misbehavior, misuse of authority and unlawful arrests and detentions.

To change this authoritarian mind set and to turn it into a 'service' instead of a 'force', the Police Order 2002 obliged the police:

- To behave with the public with due decorum, courtesy, and goodwill,
- To guide and assist those who are in danger of physical harm, especially women and children,
- To assist the public, especially, the poor, disabled, physically weak, and children who are lost, or need help at any public place,
- To protect the weaker sections of society from exploitation and save the women and children from harassment in the public places,
- To provide relief to the people in distress, especially women and children,
- To provide assistance to the victims of road accidents and facilitate their next of kin in compensation claims,
- To work as the custodian of peace and protect the life, liberty and property of the citizens,
- To ensure that the rights and privileges of arrested and detained persons are protected,

- To communicate information of arrest of a person to a person of his choice,
- To communicate the information of arrest of a person to the competent court for taking legal permission of summons, search warrants or any other legal order issued against a person suspected of committing an offence,
- To regulate the statutory powers of police regarding search, detention, interrogation and investigation, to minimize complaints of misuse of powers by police officers through issuance a Code of Conduct for Police, and
- To perform essential services in times of emergencies.

Creation of New Institutions

The Police Order 2002 created a number of new bodies, including the following, for police oversight, accountability, promoting community policing, criminal justice coordination and standardization of police practices.

Public Safety Commissions

In a bid to insulate police from extraneous interference by the politicians in power, and emulating the Japanese Public Safety Commission system, with elements of the British 'Police Complaints Authority' model, the new law provided for the establishment of Public Safety Commissions at national⁶⁴, provincial and district level. These statutory bodies allowed, for the first time, representation from opposition parties and members of civil society, including one-third reserved seats for women. Indeed, this arrangement was a major step towards building credible police-community partnership, gender-sensitive policing and operational neutrality of police. The Public Safety Commissions were supposed to determine the direction of police through approving Policing Plans, monitoring police performance on the basis of the these plans, setting standards, and submitting annual performance reports to the government as also to the parliament. They were to act as a conduit for communicating citizen's concerns to the police and getting these concerns translated into policing operational priorities. The commissions had also to provide a measure of protection to the police officers against illegal orders by the executive authorities through a right of recourse.

The Police Order 2002 failed to achieve its original objectives primarily for four reasons: firstly, absence of political ownership of reforms; secondly, lack of institutional capacity for implementation; thirdly, lack of focus on police station—the primary point of service delivery in police; and fourthly, lack of any effort to win civil society and community support. ”

Police Complaint Authorities

To effectively control police misbehavior, the Police Order 2002 provided for independent Police Complaint Authorities at the national, provincial and district level.

Citizens Police Liaison Committees

Recognizing the importance of community policing, the Police Order 2002 made it obligatory to establish Citizen Police Liaison Committees (CPLCs). The Committees were meant to establish and maintain police-public partnership, promote communication and cooperation between citizens and police, enhance transparency in police functioning and strengthen police responsiveness to the community.

District Criminal Justice Coordination Committee

As the name itself suggests District Criminal Justice Coordination Committees (DCJCC) was to

operate at district level for reviewing the performance of criminal justice system and making recommendations for its improvement. District and Sessions Judge was the Chairperson of the Committee, whereas the DPO, District Public Prosecutor, District Superintendent Jail, District Probation Officer, District Parole Officer and Head of Investigation were to be its members.

National Police Management Board

The National Police Management Board (NPMB) was to have representation of the heads of law enforcement agencies. The mandate of NPMB was to provide internationally accepted technical and professional inputs for the improvement of the law and order system in the country, and to see how effectively the present system works. NPMB was to act as an advisory body to the Federal and Provincial Governments on matters relating to law and order. The Board could assign any task to the National Police Bureau (NPB), a unit in Ministry of Interior, already undertaking research and development work on the police.

Restructuring of Provincial Police Organizations

Provincial police administration was to be reorganized to bring it into conformity with the new local government setup and meet the needs of emerging urban centers. While the basic units of police station, sub division and district remained the same, the Police Order 2002 introduced following changes in the structure and command of police:



In a bid to insulate police from extraneous interference by the politicians in power, and emulating the Japanese Public Safety Commission system, with elements of the British 'police authority' model, the new law provided for the establishment of Public Safety Commissions at national.

Reorganization on functional specialization

The Police Order 2002 introduced functional specialization in the police to improve the police efficiency and performance. Accordingly, Article 18 of Police Order provided for organization of the police on functional basis into branches, divisions, bureaus and sections which may include investigation, intelligence, watch and ward, reserve police, police accountability, personnel management, education and training, finance and internal audit, crime prevention, crime against women, traffic planning and management, criminal identification, information technology, transport, research & development, legal affairs, welfare, estate management etc. The Police Order 2002 made it mandatory that posting to any specialist branch division bureau or section would be subject to necessary training and experience in accordance with rules.

More importantly, the Police Order 2002 provided for separate hierarchies of investigation officers which included specifically designated officers at the police station, district and provincial levels. It placed restrictions on the Station House Officer (SHO) and the District Police Officer (DPO), from interfering in their working⁶⁵.

Strengthening provincial police command

Under the Police Order 2002 the IGP, who was made head of the police⁶⁶ in a province under Police Act 1861, was re-designated as Provincial Police Officer (PPO). He was given the requisite administrative and financial powers as ex-officio Secretary to the provincial government.

Introducing regional commands

Under Police Act 1861 a cluster of 3–4 districts (though initially there were 9–10 districts in each range) was constituted. It was named as a 'Police Range' and placed under the general control of a Deputy Inspector General. However, under Police Order 2002 nomenclature of the Range was changed and renamed as a Region. Moreover, instead of a DIG who used to head a Range, the Region was now to be headed by an Additional IGP designated as a Regional Police Officer (RPO)⁶⁷. The RPO had more (devolved) powers than the DIG in order to relieve the PPO from more mundane functions and enable him to deal with policy and strategic matters. However, the devolution of powers from PPO to RPOs didn't take place, entirely, as envisaged⁶⁸.

Establishing separate command for major urban centers

In capital city districts Karachi, Lahore, Peshawar and Quetta, the city police were to be self contained units⁶⁹ headed by a Capital City Police Officers (CCPO) in the rank of Additional IG (BPS-21). This was done to cater to the growing requirements of cities like Karachi & Lahore which consumed much time and energy of an IGP. This exclusion of big urban centers from direct command of PPO/IGP was not taken well by the PPOs.

Functionally, the Capital City Police District was divided into Investigations and Operations Wings, each to be headed by a DIG. For operational purposes, the Capital City Police Districts were further divided into Towns. Each Town, consisting of certain number of police stations, was placed under the command of an officer in the rank of SP, designated as Town Police Officer or (TPO), reporting to the DIG Operations.

To improve the quality of urban policing, the Police Order 2002 also declared certain districts as 'city districts'. Such districts, like Rawalpindi, Gujranwala, Faisalabad, Multan and Hyderabad had, apart from adjoining rural areas, big urban cities as their headquarters. The city districts were placed under an officer in the rank of a DIG (BPS-20) and designated as City Police Officer (CPO).

In city districts the urban centers were also divided into Towns with each town consisting of certain number of police stations under the command of an officer of the rank of SP and designated as TPO, as in the case of Capital City Districts. The rural part of the city districts continued to be administered through Sub Divisions; with each headed by a DSP designated as SDPO supervising on average three police stations. Functionally, the City District Police was divided into Investigation and Operational Wings, each headed by a SSP.

No major changes were introduced in the jurisdiction or structure of districts other than Capital City Districts and City Districts⁷⁰. However, the head of district police was now re-designated as District Police Officer, to be an officer in the rank of SSP (BS-19) instead of a SP (BS-18). A separate Investigation Wing, headed by an SP was also established⁷¹.

The Police Order 2002 established an institutional link between the District Police and District Government. DPO was responsible to Zila Nazim for his performance on matters concerning maintenance of law & order, though internal administration of police remained with the DPO. The Zila Nazim was given powers to take 'cognizance' of complaints against police officers for their negligence, failure to register First Information Report (FIR) or any other excesses. He could direct DPO to take remedial measures including registration of FIR in a cognizable offence.

The quality of police investigations had been a constant cause of concern for reformers, who recommended functional specialization in police investigations through its separation from watch and ward.



The Amendments in 2004: A Step Backwards

If properly and sincerely implemented, the Police Order 2002 could have provided the basis for a modern and progressive system of policing; capable of meeting the contemporary challenges. However, the Police Order 2002 in its original form could exist only for two years. It was massively amended in November 2004 to accommodate the 'viewpoint' of provincial governments. These amendments introduced fundamental modifications in the composition of the Public Safety Commissions at the district and provincial levels; the nature and extent of the provincial governments' control over police; the role of the Zila Nazim vis-a-vis District Police Officer and District Public Safety Commission. An analysis of important amendments and their impact is given below.

Powers of NPSC reduced

A Provincial Police Officer (PPO) was to be appointed out of a panel of 3 police officers recommended by NPSC from a list provided by the federal government. However, this function of NPSC was taken away under amendments introduced in 2004. Similarly, earlier the federal government could prematurely recall a PPO only with the agreement of the NPSC but under new amendments no agreement with NPSC was now required.



Composition, character and role of PPSC and DPSC altered

Provincial Public Safety Commissions (PPSCs), were to be established consisting of 12 members and the ex-officio chairperson i.e the provincial home minister. Half of its members were to be nominated by the speaker of the Provincial Assembly from amongst its members: 3 each from the treasury and opposition in consultation with leader of the house and leader of the opposition. The other half, called independent members, were to be appointed by the government from a list of names recommended by a Provincial Selection Panel. The amendments in 2004 affected the composition and functions of PPSCs in following ways:

- Composition of the members of the PPSCs, was changed; with number of MPAs from treasury enhanced from 3 to 4 and number of opposition members reduced from 3 to 2. The number of treasury members was thus doubled as compared to opposition members. This changed the bipartisan and politically balanced character of the Commission,
- Composition of the Provincial Selection Panel for the remaining 6 independent members was also changed with the Provincial Ombudsman appointed as chairperson of the Panel instead of the Chief Justice of High Court and nominee of the provincial governor being replaced by chairperson of Provincial Public Service Commission-both of them appointees of the provincial government-although they could operate with relative independence in view of their fixed tenures and protection from removal. This effectively neutralized the independent character of the Selection Panel and made it easy for the executive to get its own favorites nominated as independent members⁷², and
- The functions of Police Complaint Authorities were merged with PPSC, which were re-

designated as the Provincial Public Safety and Police Complaints Commissions and mandated to take cognizance of, and, conduct inquiry into complaints of police neglect, excess, abuse of authority and conduct prejudicial to public interest. The merger had serious ramifications for the public grievance redress system.

The 2004 amendments also changed the composition, character and role of DPSCs in the following manner:

- Instead of half of its members to be elected by Zila Council from its members, composition of the DPSCs was also changed to give one third representation to provincial and national legislators,
- The number of independent members was also reduced from half to one third. The amendment seriously affected the independent and neutral character of the Commission,
- The composition of the Selection Panel constituted for selection of these independent members - which originally consisted of District & Sessions Judge (chairperson) one nominee of provincial government and one of the district government - was also changed with one nominee of Provincial Public Safety and Police Complaints Commission replacing the nominee of the district government,
- The Selection Panel was required to select independent members of the DPSCs by consensus. After the amendments it could select independent members by a majority vote. As the Selection Panel was itself reconstituted in a manner which favored the government; introduction of the majority vote, instead of a consensus, was practically aimed to manipulate the selection of independent members in the government's favor and tame the Commission,
- The chairperson of DPSCs to be elected by members from amongst themselves, instead of being alternated annually between independent and elected members, was now to be elected for 3 years. This practically meant that independent members would have little chance to get elected as chairperson, and
- At the district level, the DPSC was also given powers of enquiring into complaints against the police and was renamed as District Public Safety and Police Complaints Commission.

These amendments created serious distortions in the original scheme of public oversight as the following:

- PSCs were divested from their primary role of insulating the police from extraneous influences, thus reverting back to the pre-2002 position where police officers were posted and transferred mainly on political considerations. In absence of any role in postings/transfers, it was obvious that PSCs could not effectively play their oversight role as they could not simply make the police officers, appointed on politically motivated considerations, accountable for their 'professional' performance and conduct. Changes in the composition of Provincial and District Public Safety Commissions, and also in composition of Selection Panels for independent members, greatly compromised their neutral, bipartisan and independent character. Such politically motivated composition of PSCs, in fact, led to further institutionalizing the political interference in police functioning, instead of curbing it, and
- Merger of public oversight with grievance redressing functions, at provincial and district levels practically compromised both the functions, especially when the majority of the members would be from the government side. Moreover PSCs were not designed to work as complaint authorities and their ability to redress public complaints in neutral and apolitical

manner would remain limited.

Security of tenure of senior officers withdrawn

The condition that a PPO could be transferred before the expiry of three years by the provincial government only with the agreement of the PPSC was withdrawn. The change virtually restored the status that prevailed prior to the Police Order 2002.

The PPSC could now, in order to initiate a case for premature transfer of the PPO on grounds of unsatisfactory performance of duties, only recommend to the provincial government for premature repatriation of the PPO or CCPO.

The CPO or DPO could be transferred before completion of normal tenure of 3 years on specific grounds such as inefficiency and ineffectiveness. This was, however, subject to concurrence of the Zila Nazim and DPSC after personal hearing of the officer by the latter.

Role, status and power of PPO curtailed

PPO was given the administrative and financial powers as ex-officio Secretary to the provincial government under the original Police Order 2002. However, after amendments in 2004, these powers were diluted by defining 'superintendence' as "supervision of police by the appropriate government through policy oversight and guidance; and in case of a province it shall be exercised through the Chief Secretary and the provincial Home Department. Thus the role of Chief Secretary and Home Secretary, in matters relating to police, was brought back.

PPO could appoint the City Police Officers (CPOs) and a District Police Officers (DPOs) in consultation with the provincial government. After the amendments, instead of consultation, the approval of the government was now mandatory.

Separation of investigation from watch and ward made less rigid

Separate chain of command for investigation functions with designated officers at provincial, district and police station level was provided for under the original Police Order. However, after the amendments, the officers in charge of investigations were subjected to general control of DPO and SHO in addition to being responsible to their own distinct hierarchy.

Role of Zila Nazims enhanced

Zila Nazim had nothing to do with the annual Performance Evaluation Report (PER) of the head of the district police. However, Zila Nazim was now empowered to write the manuscript report of DPO in the specified part of the PER, which would be considered at the time of his promotion. To avoid any adverse comments in his PER, DPO would have to keep the Zila Nazim in good humor even if it meant accepting his dictates in matters relating to criminal investigation and internal administration of the police.

Implementation of the Police Order 2002: An Evaluation

Although there has been no comprehensive study to evaluate the performance and impact of the new system of public oversight, there is a general feeling that new institutions created under the Police Order 2002 could not deliver. This inability to deliver was not only caused by lack of political ownership, capacity and resources, but also due to the fact that the new law was never implemented in its original form. An evaluation of working of some main initiatives under the Police Order 2002 would be appropriate here.

Public oversight

Before the new oversight institutions could be properly established, the Police Order (Amendment Ordinance) 2004 was promulgated with a number of amendments affecting the composition, powers, and functions of the Public Safety Commissions as provided in the un-amended Police Order 2002 and as discussed earlier.

Moreover, certain aspects of the new police oversight model did not entirely correspond to local context. For instance, the district police in Pakistan are not a 'local police' in the sense a British county or Japanese prefecture police is. In terms of financial and other resource allocation, as well as, in matters of policy, discipline, development and training etc., the district police is essentially a part of the provincial police. In this context the desirability of having an oversight body at district level remains debatable.

Community engagement

A policing plan envisaged under the Police Order 2002⁷³ was one way of involving the local community in policing decisions. It tried to make the citizens cognizant of police constraints with regard to law and finances. It was, indeed, an important innovation aimed at enhanced role of community in providing inputs for setting policing priorities and objectives for the following year. However, not many plans were formulated after a meaningful consultation process following the spirit of law. The drafting of the plans was mainly left to the legal branch with little inputs from other officers. Resultantly, in most cases the districts prepared the plans in a perfunctory manner, without attaching much meaning and importance to them, only to fulfill a mandatory requirement of their submission by a certain deadline⁷⁴.

The Central Police Office was not able to evaluate the quality or content of these plans, assess their relevance to overall organizational objectives; particularly those relating to community policing, and ultimately providing an actionable feedback. Similarly, due to issues pertaining to skills and capacity, the Provincial and District Public Safety (and Police Complaints) Commissions were largely unable to effectively monitor police performance.

In political terms, local government and district police do not correspond to each other the way they do in UK; from where the idea of local policing plans has been originally borrowed. The district police are administratively under provincial government through a rigid provincial police hierarchy. As the local authorities in Pakistan do not have administrative and financial control over the district police, their ability to effectively influence policing plans becomes diminished. Whether or not powers of budgetary allocation to the police be delegated to district governments/councils remains a moot point.

Functional specialization

Several police reforms commissions, in their reports, had strongly recommended the separation of watch and ward functions from investigation⁷⁵. The police reforms, under the Police Order 2002, also focused on functional specialization and civil oversight in the provision of police services. Whilst investigation was made a specialized function, there remained considerable infrastructure, capacity and training challenges. Investigation wings required adequate separate space for investigation staff, greater control over the investigation budget and monitoring

In absence of any role in postings/transfers, it was obvious that PSCs could not effectively play their oversight role. They simply could not make the police officers, appointed on politically motivated considerations, accountable for their 'professional' performance and conduct. ”

framework for regulating the quality of investigations, rights compliance and fairness. The investigation work also required support through formulation of standards and guidelines for processing of cases and analysis of evidence.

Unlike other major reform initiatives, separating investigation functions from watch and ward duties was entirely an internal issue for the police department involving no external stakeholders. In this backdrop, this should have been the most successful reform effort. However, oddly, this has not been the case and an effective implementation of relevant provisions of the Police Order 2002 still remains a far cry.

More importantly, there were fundamental flaws in the way scheme of separation was envisaged, designed and implemented:

“ High quality investigations can not take place by merely renaming a group of officers already doing the same job. It requires intensive and specialized training in all areas of investigation.

Firstly, there was a strong resistance from within to the concept of separate hierarchies for investigation and watch and ward; it was favored at the level of police station but not above.

Secondly, a police station is inherently so modeled, in terms of its functions, records, staff and building, that it is next to impossible to entirely separate the investigation functions.

Thirdly, the prevention and detection functions at police station level are so interwoven and intertwined that a watertight separation of functions is neither possible nor desirable because the two functions are complementary and tend to merge with each other.

Fourthly, separating investigation and watch and ward functions in smaller rural districts, where police predominantly performs its primary functions of prevention and detection of crimes, was not necessary as such. However, it was definitely required in major urban centers, where security and law and order related tasks take precedence over all other areas of police working particularly the investigations.


Fifthly, the half hearted implementation further diminished the chances of success of this new experimentation.

Sixthly, the police and public had misplaced expectations from separation and its objectives. For instance it is a general complaint that there has been no improvement in quality of investigations; neither had it decreased the level of corruption. Separation alone was not meant to make all this happen. High quality investigations cannot take place by merely renaming a group of officers already doing the same job. It requires intensive and specialized training in all areas of investigation, provision of appropriate equipment, (for instance to collect and preserve physical evidence from the crime scene⁷⁶) and existence of well defined procedures.

Chapter 4

Reshaping the Police: An Agenda for Stable and Secure Pakistan





Democratic nations need democratic policing. In a democracy the first thing to recognise is that the police are not mere enforcers alone. They are upholders of the law.

If the police are to be transformed from a force into a service their functions must be restated to take account of many things that are today taken for granted as basic constitutional assumptions but which had no place in the colonial policing. At the moment, the public has little faith in the police, which it views as abusive, corrupt and broken. The people of Pakistan deserve first-rate policing and nothing less.

Human Rights Commission of Pakistan, "Revisiting Police Laws", 2011.



Reshaping the Police: An Agenda for Stable and Secure Pakistan

Any debate on next generation police reforms has to make a reference to the Police Order 2002. Despite its enactment by a dictator and⁷⁷ other shortcomings –including use of borrowed concepts of oversight and accountability without harmonizing them with indigenous socio-political conditions– the law was a step in the right direction. However, there was considerable resistance from vested groups who were not ready to part with their hold on the police. Interestingly, the police itself was visibly divided on the merits of the new law. Whatsoever favourable opinion might have existed for the new law evaporated when it was massively amended in 2004. The amendments greatly disfigured the main reforms aimed at de-politicisation, operational autonomy and accountability. Induction of elected governments in 2008 at federal and provincial level, unfortunately, further led to reversal of the reform process. The governments of Sindh and Balochistan retrogressively reverted to the Police Act 1861⁷⁸, whereas in the Punjab and Khyber Pakhtunkhwa many important provisions of Police Order 2002, particularly those pertaining to public oversight, security of tenure and political neutrality of police, remain dysfunctional. In terms of finding a way forward from this impasse, there can be three possible options:

- To scrap the Police Order 2002 altogether and re-enact the Police Act 1861 (as done by the governments of Sindh and Balochistan),
- To replace the Police Order 2002 with a new law, and
- To amend the Police Order 2002 to reflect the lessons learned from its implementation (or non implementation). For instance, the Punjab has recently adopted this approach by enacting the Punjab Police Order (Amendments) Act 2013 for streamlining the process of change of investigation, establishment of a District Investigation Branch and allowing for direct recruitment of Sub-Inspectors.

Whichever option, the governments may prefer, they will have to, sooner or later, start building a police that is responsive and accountable to citizens; based on the principles of political neutrality, public oversight and internal autonomy.

Learning from the Police Order 2002 Experience

Any future reform effort will have to reflect the lessons learnt from the experience of the Police Order 2002 especially relating to enhancing political ownership, neutralizing resistance from vested groups, increasing acceptability of reforms within the police, strengthening the police role as premier law enforcement agency, creating demand for reforms.

Enhancing political ownership

Police cannot be fundamentally reformed if the political system continues to intrude upon policing. Experts on law and justice sector reforms are of the considered view that, “legal and judicial reforms that are implemented in a piecemeal fashion are bound to fail if the broader political context of governance remains unaddressed”⁷⁹. In this backdrop, the police can never be truly transformed until a consensus is evolved among all political stakeholders to de-politicize the police to allow it to serve the public and not the party or parties in power. Unless the police is insulated from external influence or manipulation, even the internal organizational reforms, aimed at improving human resource and investigation practices, cannot fully deliver. The

experience of the Police Order 2002 clearly establishes the fact that unabated political interference can stymie any reform effort even if initiated through force of law. It is also evident that, if the police, being the gateway to criminal justice system, remains politicized, corrupt and incompetent; even an independent and efficient judiciary cannot ensure effective dispensation of justice. It thus seems logical for those who struggled, especially the media and civil society, for independent judiciary to demand a politically neutral police too; a highly formidable challenge as the political elite may not allow this to happen so easily.

Neutralizing resistance from vested groups

A positive provision in the Police Order 2002 was to do away with dual control of police-allowing it necessary operational autonomy. The oversight functions were assigned to apolitical Public Safety Commissions. However these positive developments were subsequently subverted by powerful groups. A strong civil society voice against such manipulations and subversions can ensure that law is implemented in letter and spirit. Government also needs to encourage senior police leadership, who knows the police best, to inform as to what works and what does not, and how things ought to be changed. The governments must take on board other stakeholders especially judiciary, media and civil society and seek their inputs.

Increasing acceptability of reforms within the police

National and international experience informs that “strong leadership within the police that is supportive of reform is essential to implementing any reform program.” Acceptability of reform measures can also be enhanced within the police, if these are seen as complementing or strengthening the core mission of the police to maintain order and reduce crime. The police will resist adopting reform if they believe that it will undermine their perceived effectiveness. Adopting the “Santa Clause” and “engaging the police” models can be helpful in this regard. Moreover, lack of ownership on part of the police leadership can foredoom any reforms effort. For instance, separation of investigation from law and order under the Police Order 2002 could not be an unqualified success, due to lack of police ownership. Similarly, delegation of powers was denied by PPOs to newly created regional commands.

Strengthening the police role as premier law enforcement agency

The space for mainstream and traditional policing has shrunk over time⁸⁰. Police should not be further marginalised as the premier law enforcement agency; both in its significance as well in its mandate. The overlapping role given to paramilitary organizations particularly in Karachi and Quetta as well in other parts of country has made little contributions in improving the law and order situation as is evident from the unabated incidence of violence. Rather, the duplication of responsibilities, resources and roles have further aggravated the instability and insecurity. Similarly, retrogression towards tribal style policing through so called 'levies' would not help the uplifting of the areas to modern concepts and standards of criminal justice system⁸¹. There is clear need for establishing uniform criminal justice practices throughout the country and primacy of civilian police as premier law enforcement agency.

Creating demand for reforms

The public had huge expectations from the Police Order 2002, but to many it became a real life enactment of Saadat Hasan Manto's short story “Naya Qanoon” (New Law). They had expected to see a very professional, competent, honest, courteous and neutral police soon after the promulgation of the Police Order 2002. Admittedly, most of the expectations were misplaced. However, no effort was made, either by the government or the police, to inform the public on the

new law. Groups opposed to the Order, even initiated a very strong disinformation campaign creating misperceptions among citizens that it would give more powers to the police. Even many police officers were not well conversant with various aspects of the Police Order 2002. So there was hardly any public support for the Police Order 2002 and, when it was massively amended in 2004 and subsequently scrapped in Sindh and Balochistan, there was no major protest against these measures. It is important for acceptability and sustain-ability of reform effort to extensively engage with the citizens; through a robust communication strategy, on the need and nature of police reforms. Communication strategy must be complemented with strong actions on the ground. Otherwise it is bound to backfire. Thus, any measures to win the trust of community are not likely to yield desired results unless wider issues of politicization, corruption and highhandedness of the police are addressed. How can the community trust a police which is widely perceived as brutal, corrupt and partisan?

The Way Forward: Adopting an Inward Approach to Police Reforms

While de-politicization of the police should remain an overarching goal, the reform effort, to begin with, can focus on internal management of organization to minimize the adverse affects of extraneous influences. This can be done for instance, by conducting recruitments and promotional exams through an independent body to bring a semblance of merit and professionalism in the department. Similarly, there should be clear and well defined criteria for appointments and transfers. The post-Police Order 2002 experience indicates that the police needs to invest heavily in reorientation and capacity building of its personnel. Moreover, the emphasis on infrastructure needs to be realigned with the training and professional requirements of the police personnel.

Police organizations also need to overcome serious capacity constraints to conceptualize, plan, develop and implement new projects and introduce innovations and technology. Police need to expand use of IT and modernize management practices to improve its operational capability. Departmental strategies for dealing with critical issues such as gender crimes, human rights violations, police practices on arrest, search, custody and seizure of property need to comply with the international human rights standards. Establishing credible internal methods of public grievance redressal also need primary focus. More than any other measure a public commitment to minimize corruption and remove undesirable and incompetent elements from the organization would to some extent restore the public confidence. It is high time that the police organizations move beyond the perennial demands for more men and motors and start adopting policing strategies which are in tune with modern times and requirements of a more urbanised environment.

Police reforms strategies, therefore, need to move from abstraction to substance and from generality to specificity. Meeting this need requires that the police develop a more systemic process for examining and addressing the problems that the public expects them to handle. It requires identifying and examining these problems in more precise terms, defining each problem, assessing the nature of the current police response, evaluating the adequacy of existing authority and resources, engaging in a broad exploration of alternatives to present responses, weighing the merits of these alternatives and choosing the most appropriate one. Future reform initiatives, to be meaningful and relevant to citizens, should focus on specific issues and tangible outcomes. Accordingly a set of reform measures which the police organisations can initiate on their own is being proposed here.

Bringing reform focus on the police station

The police station, being a primary administrative and service delivery unit, needs to be the focus of reform initiatives. Not only it should be adequately resourced in terms of human, financial and infrastructure needs, but its processes and procedures also require to be revised. To change the image of the police station and avoid illegal detention and maltreatment of arrested suspects, detention cells at police stations need to be replaced by charging units which are organizationally separate from the police stations.

Establishing credible grievance redressal mechanism

A credible, efficient, and responsive public Grievance Redressal Mechanism (GRM) is fundamental to win the trust and confidence of citizens. It entails establishment of effective internal and external institutional accountability mechanisms against any misuse of authority or violations of fundamental human rights by the police officers. Such amenability of the police to be accountable, through internal (investigations and inspections) as well external (parliamentary, judicial and citizens bodies) oversight mechanism(s), is an essential element of democratic policing. A lack of transparency in internal accountability procedures of the police affects trust level among the public as well as in its own ranks. Public should, therefore, be promptly informed of the outcome of their complaints. Any new arrangements for public oversight of the police, involving public representatives, will have to ensure that this do not lead to further interference in the police administration. As the district police is essentially a part of the provincial police, the Public Safety Commissions should be constituted only at provincial level and to deal with serious complaints against police District Police Ombudsman can be designated.



Making internal accountability mechanism credible and effective

The internal disciplinary framework of the police must also be effective. With different tiers owing loyalty and allegiance to many outside actors, for gaining protection against any departmental action, the apparently strong hierarchical command structure has become ineffective. A high percentage of punishments awarded to erring officers get either reversed or reduced through appeals to departmental or judicial forums on procedural grounds or due to 'sifarish'. This ultimately weakens the disciplinary regime as delinquent officers continue to get posted at desired places, promoted to higher ranks, and reinstated in service (if dismissed). They feel emboldened to defy rules and command; extending respect to the authority only as a matter of courtesy and not as an obligation. Such weak disciplinary mechanisms also compel citizens to be distrustful of internal accountability mechanisms of the police. While, culture of `sifarish` is hard to go, detailed guidelines should be prepared to avoid technical, legal or procedural lacunas while passing orders on disciplinary grounds.

Reducing police corruption

Reducing corruption (and extortion) in the police should be a priority area. Notwithstanding the argument that the police might be a comparatively less corrupt department in actual terms,

given the magnitude of white collar crime in other departments, the police leadership need to address this issue with utmost seriousness. Police corruption directly and visibly impacts citizens. A well thought out anti corruption strategy, containing an in-depth study of causes, forms, nature of police corruption, and measures to minimize it should be formulated and implemented⁸². No effort to win the hearts and minds of people, such as community policing, can succeed if this perception persists⁸³. Granted that scope for a meaningful reform in the police will remain limited as long as it is subject to extraneous influences, still there is need to initiate reform measures in the available space.

Promoting functional specialisation

A more challenging social and political context of present day policing has already compelled the police to set up dedicated specialized units focussing on specific areas⁸⁴. This clearly establishes the need and potential for further functional specialization. The Police Order 2002 also envisaged functional specialisation in key performance areas. However, except investigations, no other area was focussed. This failing, notwithstanding, it should remain a priority area and should be supplemented through detailed job descriptions that relate to the actual responsibilities and performance evaluation systems.

Strengthening command and supervision

Archaic police organizational structures need to be replaced with an efficient chain of command and effective supervision. Existing disproportionate officer-to-men ratio need to be rationalized along with qualitative and quantitative improvements in quality of supervision. All supervisory and managerial staff should be provided professional training to effectively carry out these jobs⁸⁵.

Improving quality of investigations

Arguably, the quality of investigation constitutes an important measure of police professionalism, integrity and fairness. Low quality investigations lead to lower number of offenders brought to justice and ultimately to a low conviction rate. Improving quality of investigation, therefore, was an important objective of reforms under the Police Order 2002. However, as discussed in previous chapter, due to its faulty design and half hearted implementation, it could not achieve the desired results. The future reform agenda need to build on this concept by undertaking a series of additional measures such as creation of separate cadre of certified investigation staff to offer better career opportunities, provision of appropriate training and adequate resources to investigation units, setting up a specialised Investigation Training Centre and District Investigation Centres (headed by a SP) formulation of detailed guidelines and procedures to minimize discretion of Investigating Officers and establishment of modern forensic facilities. All these measures accumulatively, and not merely creation of a separate body of officers, would lead to desired high quality investigations. To rationalise the workload of investigators, in absence of adequate resources and time, proper evaluation of their workload, competency and time needs be conducted.

Revamping police training

Despite some progressive changes introduced recently in the police training, both in content and methodology, its primary emphasis remains on physical training and not on



changing attitudes or building skills. Police training curricula do not correspond to the contemporary requirements in investigations, public order, security and human resource management. Police training need to focus on enhancing critical capabilities of police officers in key performance areas, changing the organisational culture, promoting community responsiveness, and human rights compliant policing. This would enable managers to become familiar with the skills of various police officers and put them to appropriate use. Introduction of an accreditation system will promote professionalism and functional specialization in the force. The police training infrastructure need to be expanded both in its capacity and the range of courses it offers.

Building capacity of police officers in junior ranks

The junior officers (Constables, Head Constables and ASIs), who constitute the bulk of the force, are found lacking in skills sets, competence and ability to adequately respond to challenging dynamics of policing in the 21st century. Resultantly, the senior officers whose primary function is management and supervision, are compelled to complement or entirely take up their roles. This weakens the supervision and limits optimum utilization of junior officers. Junior officers should be empowered through continuous training and capacity development⁸⁶. Police leadership must focus on the capacity building of junior officers⁸⁷.

Promoting gender balance in the police

The female police officers are less than 1% of the total police with only few of them in command and operational roles. Enhancing the present day nominal representation of female police officers is critical, not only, for changing the face of police but also for transforming the 'Macho' and patriarchal police culture. To begin with, the number of female police officers should be, at least, doubled. Apart from increasing number of female police officers, an enabling and empowering environment, through affirmative actions, be also created. This will facilitate representation and appointment of more female officers at supervisory and managerial positions. Effective measures against sexual harassment, exploitation and abuse need to be introduced. Bringing more female police officers in public interface positions, especially in complaints rooms of 'Thanas', will go a long way to change the public perceptions of the police.



Reforming the criminal justice system

Police is only one component of the criminal justice system. Police reforms have, therefore, to be supplemented by a range of measures in other areas such as legislation, penal policy, judiciary, prosecution, prisons, probation, rehabilitation and ADR. While "one can begin reform work with the police or the prosecution or the judiciary but, ultimately, each element of the system must mesh to make it all work. There has to be consistency in approach, purpose, and means across the system"⁸⁷. To meet this end there has to be a criminal justice policy, in the first place, which is non-existent at the moment.

Adopting separate policing models in urban & rural areas

Separate policing models should be introduced in rural and urban areas due to varied nature of policing in the two settings. In rural areas the police station should perform only its fundamental function of prevention and detection of crime. Delegation of functions at the police station level should be in terms of task assignment and according to level of expertise in particular areas. In urban areas, small police stations be merged into one big operational complex, having functionally specialized units within it, under the direct supervision of a Superintendent of Police.

Improving performance standards, internal management and discipline

Due to ineffective internal management and accountability practices, police standards remain far from satisfactory. Based on internationally established best practices, standards of police performance should be redefined coupled with effective performance monitoring and evaluation mechanisms. There is a need, also, to review the existing performance evaluation mechanisms in the police organizations. The mechanism for Annual Policing Plans provided in the Police Order 2002 needs to be revisited to tailor it to local needs and requirements. The police performance should be eventually evaluated on the basis of the targets set forth in these plans.

Reclassifying crime

Reclassification of crime into minor and serious crimes may be considered, to reduce burden on investigation, prosecution, courts and prison services. On the lines of a ticketing system practiced by the Motorway and Traffic police, issuance of warnings and imposition of fines, subject to a provision for a judicial remedy, can be considered. This will reduce the number of under trial prisoners and save first time (minor) offenders from vagaries of the criminal justice system.

Formulating an arrest policy

Arbitrary and avoidable arrests are a major reason for citizens' resentment. Police needs a clearly defined arrest policy to minimize harassment of citizens. Offences can be categorized into arrestable and non-arrestable instead of presently in vogue classification of cognizable and non-cognizable.

Changing police attitude towards citizens

Due to the negative perception about police behaviour, citizens generally do not want to seek assistance from the police, even in times of crisis. Police attitude towards citizens' must be reshaped to show respect for human rights as enunciated in the UN Code of Conduct for Law Enforcement Officials. This Code of Conduct has already been adopted, and its violation is a serious criminal offence under Article 155 of Police Order 2002. There is, apparently, little qualitative change in the police behaviour, which thus remains, one of the biggest challenges.

Improving police image

It is important to understand that the image crisis of police is not merely due to bad publicity which can be fixed through a robust media or public relations campaign. Such efforts often backfire unless supplemented by structural changes to address the issues which, in the first instance, cause a negative perception of the police. For this purpose, the police has to initiate a range of reform measures aimed at minimising corruption, use of disproportionate force and misbehaviour.

Making police practices human rights compliant

Human rights violations, ranging from unlawful arrest, and detention to torture and forced confessions, take away whatever legitimacy, the police may have. Principles of respect for human rights and due process, therefore, must guide all aspects of the police working including stop and searches, arrests, detention, interrogation and investigation, interacting with victims, complainants and witnesses. To be accepted by the public as a legitimate law enforcement agency, the police must uphold rules and carry out their functions with fairness; especially when faced with challenging situations. The present emphasis on crime fighting must not be allowed to justify adoption of methods which violate human rights standards and rule of law, such as extra judicial killings, use of torture, illegal detention, forced confessions and blackmailing. Any complaint of human rights violation must be properly investigated and documented.

Promoting "Community Policing" as an organizational philosophy

Community must have meaningful say in setting police priorities. Some positive steps, though not implemented in their true spirit, for engaging community in police planning were introduced by the Police Order 2002, as discussed in the previous chapter. The police, however, has yet to adopt the notion of community policing as an organizational philosophy to bring change in attitudes and methods employed by policemen. Interestingly, while it has been quite fashionable among police offices to undertake various initiatives under the banner of community policing, its true spirit that the police exists for the people has been rarely understood, and translated into effective action.



Civil society to articulate citizens' demand for better policing

The citizens should demand it, as a matter of right, to be served by honest, competent and professional police officers to protect their lives and property—the most fundamental rights of citizens. Community, civil society and media should, therefore, raise this as a human rights issue. Present policy of pick and choose, mostly on political considerations, deprive the citizens of this right. Politically motivated appointment of corrupt, incompetent, nonprofessional and partisan officials cannot ensure the protection of these fundamental rights of citizens and needs to be agitated against accordingly. Citizens should also demand better security as they do so for provision of better health, education and infrastructure.

Making police responsive to needs of vulnerable groups

There is urgent need to develop and implement specific strategies aimed to improve religious and ethnic, minorities' equal access to policing services and their representation in the police. Similarly, special code of practice should be developed for treatment, interviewing, detention and rehabilitation of minors and children.

Annexes, End Notes & References

Annex-I

Comparison of the Police Act 1861 and the Police Order 2002⁸⁸

S.No.	Issue	Police Act (V of 1861)	Police Order 2002	Remarks
1	Organization of Police	The Act provided for a single police under an Inspector General of Police for the whole of the province.	The Police Order introduced concept of self contained police setups for capital cities. Separate police arrangements were also made for policing of big cities. Moreover, the police was to be organized on functional basis into branches, divisions, bureaus and sections.	Emergence of mega cities like Karachi & Lahore as well as other big cities like Hyderabad, Gujranwala, Faisalabad, necessitated a new model of policing for urban areas. Specialization of functions was also reflective of contemporary policing challenges which were definitely more complex than those in mid 19 th century.
2	Administrative authority	Under the old law a lot of the political and executive authorities were given administrative and financial control of the police.	The new law, originally, provided for expanded administrative and financial space for Provincial Police Officer (PPO) who was given the status of ex-officio secretary to the government.	Lack of administrative and financial autonomy had made police not only vulnerable to extraneous influences but had also seriously dented the command and control of the PPO as he could not on his own make postings, transfers of DIsG, SSsP and other police officers.
3	Superintendence of police	Superintendence of Police, under the Act, was with the provincial government i.e. the Chief Minister who exercised it through provincial Chief Secretary and Home Secretary.	Police Order 2002, originally, attempted to shift superintendence of police from political authorities to apolitical bodies in form of public safety commissions. However, subsequent amendments in 2004 thwarted this move.	Political authorities had in the past used police for their political purposes which deprived it of public confidence as an apolitical and neutral body. It was, therefore attempted in 2002, to guard against such misuse of police through insulating it from political influences. However, the politicians did not let it happen.

S.No.	Issue	Police Act (V of 1861)	Police Order 2002	Remarks
4	Accountability	Police Act of 1861 did not outline any mechanism regarding external accountability of the police however it gave powers to IG, DIG, AIG, OSPs to award punishments to their subordinates if they were found negligent in discharge of their duties. Penalties were also given for those officers who withdrew from their duty, were guilty of cowardice etc.	Police Order 2002 criminalized police malpractices as non registration of FIR, vexatious entry, use of torture etc. External accountability through Public Safety Commissions, was envisaged.	Making police officers accountable to public oversight bodies was a modern concept, based on the Japanese model. However, there was resistance to its successful implementation by the police and the provincial governments.
5	Community policing	Community engagement was not a priority in the scheme of policing under this Act.	The new law provided for engaging citizen in setting local police priorities through introduction of Policing Plans and establishment of Citizen Police Liaison Committees (CPLCs).	The new law made an attempt to move away from an authoritarian model of policing in which policing agenda was exclusively set by the police itself to a more democratic and inclusive framework which provided for community participation in local policing.
6	Separation of watch and ward and investigation	The Police Act laid little emphasis on quality of investigation as such and preventive and investigative functions were combined.	Separation of Investigation from watch and ward functions was provided at the police station level and a separate hierarchy was also provided at the senior level.	Separation of investigation from watch and ward was envisaged under the new law to address widespread public complaints against low quality of investigations which was due to preoccupation of investigating officers with other police functions. The separation was also meant to promote functional specialization. However, the separation was not implemented in the spirit of the law and did not yield desired results.

S.No.	Issue	Police Act (V of 1861)	Police Order 2002	Remarks
7	Police and magistracy	The police administration at the district level was subjected to dual control i.e. organizationally to the SP and laterally to general control and direction of the District Magistrate	Police Order 2002 did not refer to dual control as the institute of the District Magistrate had already been abolished through Devolution of Powers Ordinance 2000.	The system of dual control introduced through Police Act 1861 had outlived its utility and was hampering the transformation of police into an efficient organization responsive to public aspirations.
8	Political Influence	The administrative and superintendence authorities clearly lay with the provincial government or the political executive. It was easy for the government to misuse and abuse the police organization.	Vested administrative authorities within the police administration. Provincial police officers were given powers of transfer and posting thus aiming at making police more efficient.	2002 attempted to make police efficient through minimizing the political influence yet that minimization of influence was later on balanced by making politicians a part of district public safety and police complaints commission and merging police complaints authority with the commission.

Annex-II

Analysis of the Police Order 2002 and Amendments in 2004⁸⁹

S.No.	Police Order 2002	Amendments November 2004	Comments/ Suggestions
1	This order stipulated that the Provincial Police Officer should be appointed by the Provincial Government from a panel of 3 police officers to be recommended by the National Public Safety Commission (NPSC) from a list provided by the Federal Government. (Clause I, Article II)	Recommending role of the NPSC was no longer there.	Considering the political influence it could have in the appointment of the PPO after the deletion of the role of the NPSC, it was a highly negative step.
2	Provincial Government had the power to transfer a PPO or CCPO before the expiry of his three years tenure only with the agreement of Public Safety Commission and Capital City Public Safety Commission respectively.	Now PPO could be transferred by the Provincial Government before the expiry of his tenure with the approval of Federal Government. The role of Provincial Public Safety Commission and Capital City Public Safety Commission was removed.	This amendment enhanced the chances of political interference that already existed in the police functioning. It again made police vulnerable to influence of political representatives.
3	The Federal Government had the authority to recall a PPO or CCPO before the expiry of term, after approval of the National Public Safety Commission. [Article 12 (6)]	Now agreement of Federal Government with the NPSC was not required.	This amendment greatly sabotaged the goal of "Depoliticization" of police.
4	PPSC had the power to initiate case of premature transfer of PPO or CCPO for unsatisfactory performance of duties. [Article 12 (3)]	Now the Provincial Public Safety (and Police Complaints Commission could only recommend to the Provincial Government for premature repatriation of the PPO or CCPO.	Recommendatory role of Provincial Public Safety (and Police Complaints) Commission made it toothless and solely dependent on decisions of the Provincial Government.
5	PPO could appoint a City Police Officer (CPO) or a District Police Officer (DPO) in consultation with the Government. (Clause I, Article 15)	Now PPO could appoint a City Police Officer (CPO) or a District Police Officer (DPO) only after the approval of the Government (Chief Minister).	The basic objective of depoliticizing the police by making appointments on professional considerations and not on political basis was negated and PPO's authority was undermined.

S.No.	Police Order 2002	Amendments November 2004	Comments/ Suggestions
6	CPO or DPO could be transferred before completion of their three year tenure with agreement of Zila Nazim and District Public Safety Commission. This could be done on specific grounds and after giving a chance to the police officer of being heard by the District Public Safety Commission. (Article 15)	Now this transfer could take place only with the approval of the government without the involvement of the Zila Nazim or DSPC. Grounds for transfer could include "exigency of service" or "misconduct and Inefficiency". The concerned police officer was not to be given a chance of being heard.	This gave too much power to political representatives. Not giving a chance to the police officer to explain himself was not a fair provision and could be easily abused.
7	Specific officers were designated at the police station and district level for investigations, AIG to be in charge of investigation at Provincial level. (Article 15)	Investigation Wing after the amendments to be under general control of SI-IO. However, it would be responsible to its own hierarchy for investigative functions.	Though some degree of check on the part of SHO was necessary to coordinate watch and ward and Investigation at Police Station Level, it led to interference of SHO in the investigative functions.
8	Terms of office were not made clear in case of officers heading; division, sub-division Police station. (Article 21)	Now they were made clear. Now it was a term of 3 years. (Clause 4, Article 21)	It could improve the police administration, by providing set rules and standards.
9	Provincial Government was to establish District Public Safety Commission in each District comprising of 8, 10 or 12 members depending on area and population. (Article 37)	Now the number was fixed for all the districts including the Capital City District. It would consist of 9 members each including the chairman.	Combining Public Safety Commission and Complaint Authority into one body could compromise their neutral character and credibility.
10	Composition of District Public Safety Commission was: half members elected by the Zila Council from councilors, other half comprising independent members appointed by the Governor from a list of names recommended by the District Selection Panel. Members were to select the Chairperson from amongst themselves on annual basis alternating between independent and elected Members. (Article 35 & 39)	District Public Safety and Police Complaints Commission now consisted of one-third members to be appointed by Government from MsNA and MsPA of the district concerned as ex-officio members, one-third members were to be appointed as independent members by the Government from a list of names recommended by the Selection Panel, (c) one-third members to be elected by the Zila Council from amongst its members.	Addition of political representatives was not an appropriate step as it was bound to politicize the whole process.

S.No.	Police Order 2002	Amendments November 2004	Comments/ Suggestions
11	Selection panel for independent members in the district consisted of the District and Sessions Judge (Chairperson) one nominee each of the Provincial Government and the District Government. (Article 41)	Selection panel for independent members in the district now consisted of the District and Sessions Judge (Chairperson) and one nominee each of the Provincial Government and the Provincial Public Safety and the Police Complaints Commission.	The reconstitution of the Selection Panel favored the government side, to manipulate the selection of the independent members in the government's favor and tame the Commission.
12	Selection panel was required to select independent members for District Public Safety Commission by consensus. (Article 41)	Selection panel could now select independent members for the District Public Safety and the Police Complaints Commission by majority vote, one of whom would be the Chairperson of the Selection Panel.	Consensus mode was a more appropriate option as it would have ensured better selection of Members.
13	Secretariat of the DSPC to be handled by an officer of BPS 17, appointed by the Provincial Government in consultation with the Commission. (Article 48)	Secretariat of the DPSC would now be headed by an officer of BPS 18 to be appointed by the Provincial Government in consultation with only the Chairperson of the Commission. (Article 48)	Consultation with the Commission and not just the Chairperson would have increased the level of participation and transparency in the system.
14	Selection panel for the independent member of the Islamabad District Public Safety mission included the Chief Justice of the High Court as its Chairperson. (Article 6.5)	Selection panel for the independent members of the Islamabad District Public Safety Commission now included the District and Sessions Judge as its Chairperson.	
15	Selection panel for the independent members of the Provincial Public Safety Commission consisted of the Chief Justice of the High Court (as Chairperson), one nominee each of the Government and the Chief Minister. (Article 77)	Selection panel for the independent members of the Provincial Public Safety Commission now consisted of the Provincial Ombudsman (as Chairperson), Chairman of the Provincial Public Service Commission and a nominee of the Chief Minister.	Removal of the role of the Chief Justice increased the chances of politicization in the selection Process.

S.No.	Police Order 2002	Amendments November 2004	Comments/ Suggestions
16	A Provincial Public Safety Commission was to be established, comprising twelve members and ex officio chairperson (Provincial Home Minister). Commission Constituted of half members (i.e. Six nominated by the Speaker of the Provincial Assembly from amongst its members (3 each from the treasury and the opposition) in consultation with the leader of the House and leader of the Opposition; and other half independent Members to be appointed by the Governor from a list of names recommended by the Provincial Selection Panel. (Article 73 & 74)	It was now merged with Police Complaints Authority renamed as Provincial Public Safety and Police Complaints Commission, consisting of twelve members and ex officio Chairperson (Provincial Home Minister). The difference was that the half nominated by Speaker of the Provincial Assembly, would now consist of four members from the treasury and only two from the opposition in consultation with the leader of the House and the leader of the Opposition.	Bringing two diverse kinds of functions in the ambit of one body was not a wise step. Imbalance in number of members from opposition and from Government tipped the balance in favor of Government. This was to Favor the Government in perpetuating its own interest.
17	Secretariat of the Provincial Public Safety Commission was to be headed by a Director appointed in consultation with the Commission by the Provincial Government. (Article 84)	Secretariat of PPSPCC would be headed by an officer of BPS 20 or more, appointed in consultation with the Chairperson of the Commission by the Chief Minister.	Omission of the role of all the members of the commission in the consultation process was against the principle of participation.

End Notes

1. The legality of decision of scrapping Police Order 2002 by the governments of Sind and Balochistan was challenged in superior courts. While in case of Baluchistan, the Baluchistan High Court has declared this act of provincial government ultra vires, the petitions against Sindh governments' decision are still sub judice.
2. Good Job, Police. (2000, 24th Jan): The Straits Times.
3. Meares, 2000.
4. Morton, 1994.
5. Altbeker, 2005.
6. Halman, 1995.
7. Bayley, 1985.
8. For example citizens had expectations that the Police Order 2002 will bring a fundamental change in police behavior and working. Similarly, there were lot of expectations that a very substantial pay rise (almost a 100 % rise in basic pay of police officers in 2009 in the Punjab) would bring the change in Thana culture. But there has been hardly any discernible improvement in police performance.
9. Schmitt, 2010.
10. The term Zamindar (from the Persian zamin or land, and dar or keeper- holder or keeper of land) in use in India and Pakistan since medieval times denotes all rent receivers above the actual cultivators. The foremost duty of zamindars was the collection and punctual remittance of the land revenue, however they were also required to perform certain police, judicial and military duties. With both fiscal and political power at their disposal, Zamindars exercised enormous local influence
11. Faujdar was principal police officer, commandant of local army and the chief executive for ensuring peace and security in the province of his charge with the help of contingent of army troops through which if necessary he could enforce the will of the emperor or his Subedar (governor). Many Zamindars were given powers of Faujdars during the Mughal period.
12. Kotwal was the head of the city police in urban areas and head of criminal court of the province. During Akbar's period all important cities and towns were placed under the direct charge of the Kotwal. Provincial kotwal was also incharge of the capital city of the province. Kotwal of district headquarters town was also incharge of its administration and magistrate of criminal court. He acted as censor of morals of citizens.
13. Regulation XXII of 1793 was slightly modified on May 1793. It divided city areas into wards. All such Daroghas being under the City-Kotwal, were required to furnish a security of Rs. 5000. The Kotwals and the Darogha, were also empowered to hold inquests in case of murder or unnatural death and record confessions of persons apprehended.
14. In introducing these reform measures Cornwallis was influenced by continuous tirade of the collectors and the Magistrates against Zamindars and other native institutions for their failure to curb crime and lawlessness. He acceded to their viewpoint by doing away with these native agencies altogether and by propping up the Company's European officers with enhanced powers and pay.
15. A thana was headed by a Darogha (Station House Officer-SHO), who was assisted by a Muharrir (police station clerk), a Jamandar (police head constable) and about ten Barakandazes and a number of watchmen. The Daroghas were also responsible to manage and control the village police.
16. There were various other powers given to the Darogha as available to SHO of today. Though the Darogha was made a very powerful instrument of administration to maintain peace and order, he had to face penal action if found guilty of corruption, extortion or oppression.
17. This predictably aroused an attitude of non-cooperation in the well entrenched landed gentry. A sizeable

number of Zamindari police and low level policemen discharged from service joined the ranks of criminals. There was, therefore, a marked deterioration in the crime and public order situation and the company had to swallow its pride and once again by investing many of the Zamindars with police powers in 1807.

18. He was empowered to grant pardons and he worked largely with aid of informers and spies (goyendas).
19. Curry, 1932.
20. Cited in Griffith, 1971.
21. In spite of fact that most of the measures introduced by Cornwallis had to be revoked or drastically modified during the next twenty years, the basic elements of his scheme remained relevant to discussions that continued in British India for the next over 60 years for a workable policing system. This is evident from the fact that police administration introduced through Police Act 1860 finally divested the Zamindars of all their police powers, revived the Thanedari system with stipendiary police officers vested with full responsibility of crime control and prevention and superintendence over the police strengthened while also ending the control of Zamindars over village watchmen.
22. Some of the recommendations of the Committee were accepted and acted upon. The separation of police functions from revenue and judicial area was implemented and a Superintendent of Police was appointed. The organizational restructuring of the police and better salary conditions languished for another twenty years and the regular police force continued to be small and ineffective.
23. After realizing the results of inappropriate supervision, a superintendent of Police for Lower Provinces (Banaras and Bareilly) was reappointed in 1837 to bring improvement in law and order and the Commissioners of Revenue were relieved of their superintendence over the police.
24. Although all its recommendations were not accepted immediately but the main principles of the system it proposed were implemented in the next 25 years.
25. The Bird Committee had recommended functional division of criminal and general administration in three offices; a judge exercising both civil and sessions' jurisdiction, a district magistrate having control over the police and a collector responsible for revenue matters.
26. Griffith, 1971.
27. For instance, in every district a Superintendent was appointed who, while generally being subordinate to the District Magistrate, had exclusive control over his force. The police officers at tehsil level had the same equation with Mamlatdar (tehsildar) as existed between the Superintendent and the District Magistrate. The supreme control over the police from the Court or Faujdari Adaulat was transferred to the government. This reform measure did not, however, work well and had to be abandoned in 1855, when the administration of the police was transferred to a Commissioner of Police, who was also Inspector of Prisons. (Fraser Commission Report 1902-3)
28. One witness stated to the Commission that the police was a terror to peaceful and well disposed people of the presidency and not to thieves and rogues. Another witness said that police had become a pest and bane of the society, the terror of the community and origin of half of the misery and discontent that existed among the subjects of the Government and thus it should be closed down to save the expenses of the Government
29. The commission was headed by Mr. M.H. Court of Bengal Civil Service. The other members of the commission were S. Wancope of Bengal Civil Service, W. Robinson of Madras Civil Service and Lt. Col. Pharye of Pegu.
30. Razvi, 1961.
31. As a result of police reorganization in Punjab alone, 17 lacs of rupees were saved on account of police expenditure in 1861.
32. The recommendations did not make any mention of the rank of Deputy Inspector General of Police, while it recommended that Divisional Commissioner should cease to be Superintendents of Police. However, general control of Commissioners over the criminal administration was not curtailed. It gave the District Magistrates, powers of general control and supervision over the district police.

33. The Lieutenant-Governor of the Punjab appointed a Committee of seven Members for this purpose. The Committee carefully examined all the propositions and the provisions of a "Draft Bill" as prepared by the Calcutta Police Commission. It was found that to a considerable extent the principles of the new Bill were already introduced in some of the Divisions of the Punjab. It recommended that the rank of Deputy Inspector General should be introduced to facilitate the Inspector General of Police in discharge of his functions. About the Village Police it was suggested that it had better be left to the Local Government.
34. The Act was permissive in nature as its adoption rested with the local (provincial) government.
35. Sections 2 to 10 dealt with the constitution, structure of the police organization, powers, functions and duties of the police personnel.
36. This Section read with Section 35 provided that any charge against a police officer above the rank of Constable under this Act would be enquired into and determined only by an officer exercising powers of a Magistrate under Section 5.
37. The word offence was nowhere defined in the Police Act but Section 40 was amended so as to cover all the offences committed under the Police Act 1861 which gave wider powers to the Police for preventing offences and breaches of law.
38. There are however a number of offences which are non-cognizable, but which are yet to be specifically mentioned in Section 23.
39. The police are bound to investigate into the information relating to the commission of a cognizable offence. In case they investigate a non-cognizable offence, they are, under chapter 14 of Cr.P.C., required to submit to the Magistrate any information to be directed to investigate in non-cognizable offences. However, under Cr.P.C 1973 Section 2 (d) a report made by a police officer in a case which discloses, after investigation, the commission of a non-cognizable offence shall be deemed to be a complaint; and the police-officer by whom such report is made shall be deemed to be the 'complainant'.
40. The powers used under these sections by police officers were to be governed by Cr.P.C.
41. This was a significant provision having far reaching consequences for the discipline of the force but it also promoted unquestioned compliance to orders of the seniors without determining their ethical or legal status.
42. There was considerable opposition to the system of dual control at the district level even when it was introduced. In fact, the British government realized that the district system would not work efficiently in metropolitan areas, which faced different police problems. Therefore, the commissionerate system of policing (based on the London Metropolitan Police model) was introduced in certain metropolitan areas like Calcutta, Bombay, Madras and Hyderabad. Under this system the responsibility for policing the city/metropolis was vested in the Commissioner of Police.
43. The SP acted as head of the district police and was responsible for all matters relating to the internal economy of the force, its management and the maintenance of its discipline and the efficient performance of all its duties connected with the prevention, investigation and detection of crime.
44. The District Magistrate/Deputy Commissioner, a civil servant of the rank of Deputy Commissioner (belonging to Indian Civil Service in United India, Civil Service of Pakistan (1947-1973) and presently to the District Management Group of federal civil services or from Executive Cadre of Provincial Civil Service). He reported to the provincial Chief Executive directly as well as indirectly through a Commissioner (of concerned Division) provincial Home Secretary and Chief Secretary. The District Magistrate was not a police professional but a general administrator whose powers included not only the executive functions (e.g. revenue collection) but some judicial functions as well.
45. This was done deliberately because the functioning of the District Magistrate as the chief officer of the district was considered essential for the maintenance of British rule in India. The British had realized that to perpetuate their rule in the country they must have a system under which the head of the police force in the district was answerable, in addition to his own hierarchy, to the District Magistrate/Deputy Commissioner also.
46. Suddle, 2002.

47. This has led to frequent assertion by the Police that they have no other societal role to play.
48. The Judicial Commissioner who had hitherto acted as Head of the Civil Police was replaced by an Inspector General Major George Hutchinson the Military Secretary was appointed as the first Inspector General of Police of Punjab.
49. The province of Punjab was divided into four Police Circles. Each circle was placed under a Deputy Inspector General. Captain J. W. Younghusband was placed in charge of the Ambala Circle, which consisted of Ambala, Thanesar, Ludhiana, Simla, Ferozepur, Delhi, Gurgaon, Kamal, Hissar and Rohtak. Its area was 17,358 square miles. The second Circle was under Captain George McAndrew, and comprised of Lahore, Amritsar, Gurdaspur, Hoshiarpur, Jullundur and Kangra. It covered an area of 14,058 square miles. Rawalpindi was the third Circle, Captain J.N. Miller, being placed in charge of it. He had under him the districts of Rawalpindi, Shahpur, Jhelum, Gujrat, Sialkot and Gujranwala, which covered an area of 21,067 square miles. Multan was the fourth and the last of such Circles. It was under Captain R. N. T. Thronson. It was made up of Multan, Muzaffargarh, Jhang, Gugaira and Sirsa, and covered an area of 22,569 square miles.
50. Such special standing orders would, however, have no legal sanction to be made into general laws.
51. In most cases formation of such commissions was merely an eye wash to calm a highly dissatisfied public and many of their strategic recommendations were never translated into policy actions. Commenting on this politics of police reforms, Mr. Vincent M. Del Buono, UN's Interregional Advisor for Crime Prevention and Criminal Justice who led a UN Mission to Pakistan from 26 March to 10 April 1995 noted that, "Had the proposed reforms been undertaken, much of the present crisis could have been avoided".
52. The Bill placed before the Legislature followed the lines of the City of Bombay Police Act and provided the necessary powers to the City Police to deal with law and order problems, which would arise in the near future.
53. Mr. M.A. Khoro, the then Minister in charge, appended the following statement of objects and reasons with the Bill: "The importance of Karachi City has very much increased recently. It is not only the capital of Pakistan, but it is also an international airport and the only seaport of Western Pakistan. There is a very big program of industrial development round about the city. The requirements of the Sind University and other educational institutions, and that of numerous co-operative housing societies, will lead to a very big expansion of the city. The existing police organization cannot cope with the law and order problems, which will arise in the near future. It is, therefore, proposed to re-organize the City Police arrangements and to have a Commissioner of Police and Deputy Commissioners".
54. It is pertinent to mention that in 1989, the Prime Minister Ms. Benazir Bhutto issued a directive to replace the Police Act of 1861 with a modern police law in selected cities of Pakistan on experimental basis and more field studies were commissioned.
55. Though other committees/experts groups had also earlier recommended systemic changes in police superintendence and its operational framework, more importantly Aslam Hayat Committee (1985) and M.A.K Chaudhry Committee (1990), they were never implemented due to resistance from powerful interest groups.
56. This was possible due to the presence of a strong military government which could overcome the resistance of powerful vested interests that tried to impede the process through invoking traditional excuses of police being a provincial subject and police becoming uncontrollable in absence of a bureaucratic control.
57. The commissions were also to exercise civil oversight over critical aspects of police functioning, approve the annual plan of the police and monitor delivery of performance targets.
58. To ensure quality investigations by a cadre of specialist investigators with help of modern technologies and adherence to standard criminal investigation practices.
59. Under Article 32 of Police Order 2002, head of district police i.e. DPO is bound to prepare an Annual Policing Plan. The Policing Plan was yet another way of involving the local community in policing decisions. It tried to make the citizens cognizant of police constraints with regard to law and finances. It was, indeed, an important

innovation aiming at enhanced role of community in providing inputs for setting policing priorities and objectives for the following year.

60. These included the Deputy/Assistant Superintendent of Police, Superintendent of Police, Senior Superintendent of Police, Deputy Inspector General of Police, Additional Inspector General of Police and Inspector General of Police.
61. Direct recruitment in the rank of ASI, to be made through the concerned Public Service Commission, was limited to 25 % of total vacancies in this rank. The recruitment in the rank of ASP would be through the Federal Public Service Commission on all Pakistan basis, as already in practice. The recruitment of Constables and ASIs would be on the basis of district domiciles.
62. The threat of transfer is often used by the political executive as a tool to pressure officers to cater to their interests even at the risk of subverting the law. This adversely affects the morale and discipline of police officers.
63. Under Article 156 non registration of FIR, vexatious entry, search, arrest, seizure of property, and use of torture and third degree by police were made punishable carrying up to five-year imprisonment and fine. Under Article 157, even delay in bringing to court any arrested person or in notifying the court of the grounds of arrest has been made punishable up to one-year imprisonment and with fine.
64. The National Public Safety Commission has twelve members of which half are independent members and other half are the members of the National Assembly equally represented from the treasury and the opposition. The Minister of Interior who has a casting vote heads the Commission. The Commission recommends panel of names for appointment of the heads of federal law enforcement agencies, approves their annual operational plans and oversees their performance on the basis of targets set in the plans. The Provincial Public Safety Commission was to be established consisting of 12 members and the provincial home minister as ex-officio chairperson. It included half of its members nominated by the speaker of the Provincial Assembly from amongst its members- 3 each from the treasury and opposition in consultation with leader of the house and leader of the opposition; (b) other half as independent members to be appointed by the government from a list of names recommended by the Provincial Selection Panel. District Public Safety Commissions were to have 8, 10 or 12 members. Half of members to be elected by Zila Council, from councilors on proportional basis. Other half to be nominated by consensus between Session Judge, a nominee each of the provincial and district Governments.
65. After amendments made in 2004 in Police Order Investigation Wing, the Police Station is now under the general control of SHO, while it is simultaneously responsible to its own hierarchy for investigation functions.
66. His main job was to ensure efficient working of the organization through optimal utilization of available resources. He could frame such orders and rules, with the approval of the provincial government, which could facilitate achieving these goals.
67. The RPO has primarily inherited the role and power of a DIG of a Range who under the Police Rules 1934 was assigned to instruct, advise and guide all the district superintendents of police and ensure that they work harmoniously. DPO of a district reports to the Regional Police Officer (RPO), who in turn reports to the PPO/IGP. He had to maintain pleasant relations with the Criminal Investigation Department, with the General Police in his own jurisdiction and ensure reciprocal assistance in suppressing crime. He was to be kept perfectly informed of the state of crime in each of his districts. His status as head of group of contiguous and adjoining districts enabled him particularly to study pattern of serious crime from one district to another. He was also to hear appeals against the orders of his District Superintendents and redresses grievances.
68. It may be added that besides these additional IGs (working as Regional Police Officers) there are now Additional Inspector Deputy Inspector General in charge of Special Branch, Counter Terrorism Department (previously CID or Criminal Intelligence Department), Investigation, Finance & Training.
69. Under Police Act 1861 only one General Police Area existed in the whole of a province but under Police Order 2002 more General Police Areas were created in shape of Capital City Police Forces.
70. Rest of the district police administration remained the same as under Police Act 1861 with Divisions headed by

an officer, not below the rank of SP, Sub-divisions headed by officer, not below the rank of ASP, or DSP, Police Stations headed by an officer, not below the rank of Inspector, and Police Posts headed by SI/ASI. However, the Police Order separated the investigation functions from watch and ward at police station level also.

71. However, through subsequent amendments in 2004, SP investigation in the district was placed under general control of DPO and the head of investigation wing under the general control of SHO.
72. With number of treasury members enhanced and independent members, for all practical purposes, to be nominees of the government it would be naive to expect Public Safety Commissions to effectively play their role of insulators against political interference in policing.
73. Under Article 32 of Police Order 2002, head of district police i.e. DPO is bound to prepare an Annual Policing Plan.
74. It is interesting to note that local involvement in policing plans even in the UK has not been found to be very meaningful. Jones and Newburn have indicated that at best police authority involvement in the planning process is that of a junior partner. They also found that the single largest subject matter in policing plans was concerned with managerial and other organizational issues. (Jones and Newburn (1997) quoted in Walker, N, Policing in a changing constitutional order, (Sweet and Maxwell, p 140-141) This also appeared to be the case in Pakistan. (See Provincial Policing Plan, 2006-07)
75. For instance the Fraser Commission (1902-3) suggested, as a step towards functional specialisation and improving the quality of criminal investigations, the creation of a Criminal Investigation Department in each province, Pakistan Police Commission (also known as Mitha Commission) Report(1969-70), recommended the separation of investigation from watch and ward (Para 34), G.Ahmed Report (1972) also recommended that "crime police" should be permanently separated from "order police", A.J.Giles Report (1976) proposed that specialist staff should be selected and trained for Criminal Investigation Department_ such officers would wear civilian clothes and be known as detectives, Police Station Enquiry Committee (1976) headed by Mr M.A.K Chaudhry recommended the bifurcation of force into watch and ward and detective Branches. The Romanian Police Experts Report (1976) recommended functional specialisation within the Urban Police i.e. investigation and watch and ward. The Report submitted by Sir Richard Barrett, Chief Inspector of Constabulary for England and Wales concluded that, "there was great scope for specialist investigation teams to be introduced and training would be required for detective officers". The Federal Law & Order Commission (1995) headed by Major General (Retd.) Naseer ullah Babar the then Minister for Interior was of the view that, "The city police forces need separate investigation officers not only at police station level but special squads should be raised to combat different categories of heinous and sensational crimes".
76. This is borne out by the fact that police organizations earmark extremely marginal resources for discharging investigation functions. The lack of organizational will to accord the required priority to investigation side is also apparent from highly inadequate training opportunities for investigators and absence of forensic facilities. The governments also take punitive against the concerned police officers when there is a disruption of public order or a lapse in security. One rarely comes across instances where a senior police officer is removed on account of failing to ensure efficient, professional and fair investigations. While it is vital that public peace and security is maintained it should not be done at the cost of degrading the investigation side. As in most of the cases those adversely affected by the faulty, inefficient and malafide investigation practices are poor, it contributes to erosion of public trust in the whole of the criminal justice system. This also undermines the concepts of rule of law and due process. We have seen in the recent past emergence of very efficient, modern and well resourced police organizations such as motor way police, highway patrolling police and traffic police. This only happened because there was a very strong political will behind their creation. On the other hand a proactive Supreme Court compelled many police forces in the country to bring to justice many powerful culprits in dozens of cases. The bottom line is that investigation will not become a priority area for police department unless there exists a strong political will to make it happen.
77. Although given the bureaucratic resistance to any effort through democratic means to ensure operational autonomy of police any reforms would have been scuttled in the name of provincial autonomy.
78. According to Mr. Afzal Ali Shigri, a former Inspector General of Police and one of the experts closely associated with drafting of the new law, the impression that each Province is free to enact its own Police law is erroneous.

In his view “the correct position is that the only change is that the Parliament can now amend the Police Order 2002 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 Assembly can change the substantive provisions of the Police Order 2002, as enshrined in Article 143 of the constitution. And just as the provinces are allowed to make amendments in the Criminal Procedure Code, Pakistan Penal Code or the Qanun-e-Shahadat, they have been so empowered vis-à-vis the Police Order”. Even after the Eighteenth Amendment in the constitution, the status of criminal laws remains the same and both federal and the provincial assemblies have the jurisdiction to legislate on the subject with primacy of the federal legislation over provincial legislation.

79. Mitchell, M. A. (2005). 'The Lessons Learned in ADB's Decade Long Involvement with Law And Justice Reform' <http://www2.adb.org/documents/reports/law-policy-reform/foreword.pdf>.
80. Organizations such as Rangers, Airport Security Force, Anti Narcotics Force and NADRA, Anti Corruption Establishment were initially with the police. While the tribal areas of FATA were already out of policing domain, due to ongoing militancy in Balochistan and reversion to levies system has further marginalised the role of police in that province. Similarly, a lot of space is surrendered to politicians, bureaucracy, judiciary and other stakeholders often without much resistance.
81. Apart from various other drawbacks of these retrogressive policing methods, their lack of accountability to any external body including the courts, is most critical.
82. Despite the promise of the Police Order 2002 to provide for a police that is 'professional, service-orientated and accountable to the people', repeated surveys by Transparency International show that police in Pakistan is still perceived as one of the most corrupt department. This is in spite of adequate increase in salaries lack of accountability and discretionary powers were identified as the major causes of corruption, demonstrating the need for further reforms to restore public confidence.
83. How integrity and equal application of law can earn the trust, respect and cooperation of the public is classically illustrated by the performance shown by the Motorways Police, Islamabad Traffic Police and Traffic Wardens in Punjab.
84. Islamabad Police, for instance, established a Diplomatic Protection Department in 2002 and a full fledge Security Division in 2005. Similarly, a designated security unit for foreigners was established by Sindh police in Karachi. Elite Police Units trained in Counter Terrorism tactics, originally established in 90s were further strengthened in recent years. Widespread complaints of police apathy, dismissive and negative attitude towards victims of gender based violence led to the establishment of Women Police Station in early 90s and Women's Complaints in mainstream Police Stations more recently (2009) in Islamabad. Child Protection Units have also been established in selected Police Stations of Punjab, Sindh, Balochistan and Islamabad.
85. For instance National Police Academy has conducted comprehensive Job Task and Training Needs Analysis for SDPOs and DPOs.
86. Police Rule 19.1 underlines the importance of training in following words, “Successful police work depends very largely on each individual officer acting correctly on his own initiative. The police force of a district or province can be compared to an intricate machine, the inefficiency of one cog of which may mean in some important instance the inefficiency of the whole. It follows, therefore, that the training of each individual officer to do the work allotted to him is of the highest importance”.
87. There is very little scope for continuous training of junior police officers in existing police training institutes across the country. Throughout the year, the maximum training capacity ranges between 15,000-20, 000 for a total force of over 0.36 million. Thus only 5-6 % of the total force can get a chance to attend training once a year. At present, that bulk of this training is meant for recruits and promotional courses.
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Rozan

Rozan is an Islamabad-based non-profit civil society organization registered in 1998 under Societies Registration Act 1860. Rozan came into being 16 years ago and has evolved over the years from a small local NGO to a national NGO that is running six diverse programs and units, and working with a number of state and civil society actors. Key themes for interventions that have been selected by Rozan are emotional health, gender, violence against women, children, and sexual and reproductive health of youth.

Rozan's mission is: to have worked with all people, especially women, youth and children to collectively strive for a society that is self-aware, violence free and accepting of itself and others.

Rozan currently has four core programs, namely:

- **Aangan** (Children and Youth Program): works as a resource centre on the emotional health of children, focusing on dealing with the issue of child sexual abuse.
- **Zeest** (Women's Program): works with women on emotional health focusing on issues related to gender and violence against women.
- **Rabta** (Police Program): works with the police to build capacity and sensitivity of police personnel in Pakistan to effectively respond to women and children survivors of violence. The program also advocates for police reform in Pakistan.
- **Humqadam** (Men's Program): aims at creating spaces for men and boys to engage on the issues of gender-based violence and to explore alternative, healthier models of masculinities.

Two support units work alongside the programs:

- **Rozan Helpline:** Offers counseling through telephone, in person, e-mail and counseling camps to children, youth and women.
- **Munsalik** (Media and Advocacy Unit): Coordinates all advocacy activities of Rozan programs and provides media support, and sensitizes media on the issues Rozan works on.

Rabta-Police Program, Rozan:

Rabta has been working with the police since 1999 and providing training to police personnel to enhance their capacities to deal with cases of violence against women and children sensitivity and effectively.

One of the key achievements of Rozan is the development of the Attitudinal Change Module (ACM) in collaboration with the National Police Academy (NPA) Islamabad. The core content areas of the module are self-awareness, communication skills, anger & stress management, prejudice, gender and human rights. The ACM has been approved by the National Police Training Management Board as regular police training curricula across Pakistan in the police training schools and colleges. Recently, another training module titled 'Interviewing Women and Children: Victims of Violence' has also been developed by Rozan in collaboration with the NPA. The Board of Governors of NPA approved this module, in January 2012, to be taken to provincial police training institutes.

Since 2010, Rabta is also focusing on advocacy for police reforms in Pakistan. Rabta-Rozan is the founding member/secretariat of a policy advocacy alliance named as Pakistan Forum for Democratic Policing (PFDP), the alliance is comprised of civil society organizations and human rights activists. Rabta is also undertaking action-oriented researches on the needs and challenges of policing in Pakistan.



Mr. Ehsan Sadiq, a Deputy Inspector General of Police, has held various command and staff positions during a policing career, spanned over 23 years. He has served in Khyber Pakhtunkhwa, Sindh, Punjab as well as in the federal government. In the course of his various operational assignments, he has promoted police practices based on rule of law, human rights, gender responsiveness and community engagement.

With a dream to see his organization enjoying the trust and respect of the people that they are mandated to serve, the issue of police reforms has always been an area of immense interest to the author. He has made valuable contributions, especially in his role as Police Reforms Specialist with the National Police Bureau, the Government of Pakistan's Asian Development Bank supported Access to Justice Programme and various other reform initiatives, towards transforming the police into a public friendly and socially responsive service. The present work is yet another reflection of his unwavering commitment to this cause.

He has also authored a book aimed at enhancing gender responsiveness among the police officers. His other key interest areas are police governance, criminal justice reforms, human rights and gender. The author was awarded a Masters in Public Sector Management from the University of Birmingham (UK) and has recently completed his doctoral research, conducting an ethnographic study of police (thana) culture in Pakistan.



Roazan

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