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*Position Paper*  
**Police System  
of Pakistan**  
October 2015

**PILdAT**  
Pakistan Institute of  
Legislative Development  
And Transparency

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**POLICE**

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## **PREFACE**

PIL DAT has initiated a national and provincial level legislative and policy advocacy effort for reform in the areas of Police, Prosecution and Free Legal Aid in Pakistan. As part of this initiative, PIL DAT has commissioned experts in these three areas to develop position papers to serve as tools to hold consultative sessions with relevant stakeholders for formulating policy reform proposal and ways and means to translate these into reality.

This position paper presents an overview of the existing system of Police in Pakistan. The paper closely examines weaknesses of the Police System in Pakistan and proposes policy alternatives for the consideration of the Legislature and the Executive.

### **Acknowledgements**

The Position Paper on the **Police System of Pakistan** has been authored by **Dr. Muhammad Shoaib Suddle**, HSt HI QPM PPM, formerly Inspector General of Police, Sindh and Balochistan, and published by PIL DAT under the 'Reforms in Police, Prosecution service and Legal Aid' project for which it has received support from the Development Alternatives Inc. (DAI) under the Enhanced Democratic Accountability and Civic Engagement (EDACE) project.

### **Disclaimer**

All opinions expressed in this position paper are those of the author and do not necessarily represent the views of PIL DAT and Development Alternatives Inc. (DAI).

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## ABOUT THE AUTHOR



**D**r. Suddle currently heads Safer Communities Foundation (SCF), a Not-For-Profit civil society organisation registered with the Securities and Exchange Commission of Pakistan. The SCF's purpose is to promote rule of law and democratic policing in Pakistan through higher education and research in criminological and juridical sciences. Dr. Suddle is also a Senior Fellow of Global Think Tank Network, NUST; Member Steering Committee for the Assessment of Quality of Governance in Pakistan, PILDAT; President, International Police Association Pakistan; International Director, Asia Crime Prevention Foundation, Tokyo; and Executive Director, Asia Crime Prevention Foundation Pakistan.

Dr. Suddle is a veteran public servant, who has served Pakistan with distinction for over forty years. He began his career in 1973 as Assistant Superintendent of Police and has held various key positions both at operational and strategic levels. He is highly regarded for effectively taming the dinosaur of terrorism as Police Chief of Karachi (1995-1996). As consultant in the National Reconstruction Bureau, he co-authored the Police Order 2002, which replaced the 141-year-old police law in Pakistan. Three days after 9/11, he was appointed Inspector General Police, Balochistan. He ably met the challenge, and, during his three-year stint, the Balochistan Police underwent historic transformation, not least its exceptional extension in jurisdiction from just 5 percent to entire Balochistan. In 2004, he was appointed Director General, National Police Bureau, Ministry of Interior. In this key strategic position, he contributed extensively to reshaping policing and counter terrorism policy in Pakistan. In 2008, following his stint as Inspector General Police, Sindh, he was appointed Director General, Intelligence Bureau (Pakistan's premiere civilian intelligence agency). The last public service appointment he held was the constitutional post of Federal Tax Ombudsman of Pakistan (2009-13). In a 2011 independent report card study published by Transparency International Pakistan, the Office of Tax Ombudsman received an exceptionally high approval rating of over 90%, declaring it the cleanest and the most efficient public sector organisation in Pakistan.

Dr. Suddle is regarded as a leading police reform and counterterrorism expert in South Asia. He is a visiting criminal justice expert at the United Nations Asia and Far East Institute on Crime Prevention and Treatment of Offenders (UNAFEL), Tokyo, and a resource person with many national and international organisations, including United Nations Office on Drugs and Crime.

Dr. Suddle has an MSc (Econ.) in criminology and a PhD in white-collar crime from Cardiff University (Wales), an MSc in Physics from Government College University, Lahore, and an LLB from University of Punjab. He is author of several publications and articles, published both in Pakistan and abroad.

Dr. Suddle is most highly decorated public servant in Pakistan. His civil awards include Hilal-e-Shuja't (HSt), top national award for gallantry and service beyond the call of duty, 1996; Hilal-e-Imtiaz (HI), top national award for performance excellence, 2008; Quaid-e-Azam Police Medal (QPM), 1993; and President's Police Medal (PPM), 1981.





## Executive Summary

In Pakistan, the crisis of law and order has worsened over the years. Unfortunately, the primary law-enforcing agency of Pakistan has been deemed as progressively incapable of managing its increased obligations, especially in overcoming serious crimes and combating terrorism. The Police in Pakistan suffer from much criticism for their inefficiency, public dealing, and are often accused of corruption and politicisation.

Since independence, there has been no real or significant progress to reform and restructure the police system inherited from colonial times. Very few attempts at reform have been made thus far, which have also been criticised as outmoded and ineffective on the ground. A case in point is the Police Order of 2002, promulgated on 14 August 2002, which replaced the more than century-old Police Act of 1861 in all four provinces of Pakistan. However, this promulgation does not extend to the Islamabad Capital Territory (ICT), Gilgit-Baltistan (GB) or Azad Jammu and Kashmir (AJK).

This Position Paper highlights specific crippling elements of the implementation machinery of the police system that include: politicisation in the process of induction and promotions, budget constraints, and weak infrastructure amongst others.

The few civil society initiatives taken by NGOs in police reform and in addressing the stigma of this institution in Pakistan has contributed towards raising awareness of policing practices and performance, exposing misconduct and calling for transparency and effective accountability of police, as well as championing reform.

However, despite all efforts on the ground, the desired reforms can only be initiated at the policy level through a dedicated strategy for reform which accounts for key variables such as structure and balance of power between federal and provincial governments, and between provincial and local governments; role of institutions such as judiciary, military, and political parties in administrative affairs of the country; the role of public prosecutors and defence lawyers; the leadership of police at a particular point in time; and, attempts towards strengthening the legitimacy of police from an adversarial institution to one enjoying community and public confidence.

The Position Paper provides a set of recommendations to bring about reforms in the police system of Pakistan. The policy of 'putting the customer first' would certainly improve confidence of the public and portray an evident commitment to augment standards of public safety and police accountability. This would require the police leadership to *lead* and *manage* to achieve, at the very least, the following key objectives:

1. Security of tenure to police key appointment holders
2. De-politicisation of police
3. Adequate provision for strategic capacity building of police
4. Substantial change in the work ecology of police, especially for lower ranks
5. Adequate police budget
6. Transformation of police from a *public-frightening force* to a *public-friendly service organisation*

It is pertinent to re-organise this institution so that it may become politically neutral, non-authoritarian, accountable and approachable by the community, proficiently well-organised, and, last but not least, an effective instrument of the Rule of Law. Political will and strong-minded police leadership is crucial to complete this journey of reforms.



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## Introduction

Police reform has long emerged as a top priority for strengthening the Rule of Law in Pakistan. Despite many past reform efforts, Pakistan has yet to view police reform as a critical developmental priority. The interest in reform stems from clear and overwhelming evidence that a fair, responsible, ethical and efficient criminal justice system is imperative for the promotion of economic and social development of a country, as also for human security. It also stems from the fact that the law and order crisis in Pakistan has continued to deepen over time, and in recent years the police has been increasingly unable to cope with its increased responsibilities, particularly with regard to combating terrorism and serious crime.

## The Problem

Among the serious constraints undermining the police system of Pakistan are:

1. Out-dated legal and institutional framework (devised for nineteenth century India consisting of near static villages with hardly any urbanisation or industrialisation, and meant principally for colonial rule).
2. Arbitrary and whimsical (mis) management of police by the executive authority of the state at every level, in cahoots with inept and pliant police leadership.
3. Inadequate accountability.
4. Poor incentive systems.
5. Widespread corruption.
6. Severe under-resourcing.
7. Out-dated colonial organisation where the police have been historically used as a repressive arm of

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***Pakistan inherited, in 1947, a more-than-eighty-year-old police system from the British. The overriding consideration before those who designed the police organisation in 1861 was to create an instrument in the hands of the – colonial – government for keeping the natives on a tight leash, not a politically neutral outfit for fair and just enforcement of law***

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- the Executive.
8. Police neither democratically controlled nor politically neutral.
9. Police neither community-based, nor socially responsive.
10. Maintenance of law and order a dual responsibility.
11. Politically motivated recruitments, postings and promotions.
12. Lack of requisite training especially in dealing with vulnerable sections of society.
13. Insensitive policing.
14. Low integrity levels.
15. Lack of professionalism.
16. Community-oriented role valued less by rank and file.
17. community involvement in policing minimal.

## The Historical Context

Pakistan inherited, in 1947, a more-than-eighty-year-old police system from the British. The overriding consideration before those who designed the police organisation in 1861 was to create an instrument in the hands of the – colonial – government for keeping the natives on a tight leash, not a politically neutral outfit for fair and just enforcement of law. Police was designed to be a public-frightening organisation, not a public-friendly agency. Service to the people was not an objective of this design. It was designed in response to the social and political realities of the times as seen through the lens of the British Raj. The paramount concerns were collection of land revenue and maintenance of law and order (a euphemism for what Justice Cornelius called the rule of danda-stick). Both these incompatible-functions were vested in a European officer, variously called Collector, District Officer, Deputy Commissioner or District Magistrate. In his latter capacity, the District Officer was also the head of the magistracy who would exercise judicial powers and would act as a judge in most criminal cases.

It is crucial to understand the basic difference between colonial police and police meant for a free country. Whereas the former was geared at raising semi-militarised, semi-literate, underpaid, bodies of men for maintaining order by overawing an often turbulent and hostile – native – population, the latter aims at creating quality professionals tasked to prevent and detect crime in plural, multi-ethnic and socially conscious communities, through just and impartial enforcement of laws earning public support. The former knew how to rule, the latter to serve.

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Another important reason why tight and effective control over criminal justice administration was felt critical was to protect the interests of European middle class responsible for trade and administration in India. To that end, those who investigated and prosecuted criminal cases were effectively subordinated to the District Officer.

Not only was this union of distinct functions in one government functionary wrong in theory and bad in principle, it was also contrary to the pre-British and ancient Indian practices under which there existed a virtual separation between the judiciary and the executive. This – untenable – position of District Officer was severely criticised even by many Britons, but it was felt to be “absolutely essential” to the maintenance of British rule in India.

As the overriding objective of police organisation designed in 1861 was to maintain the stability of the Raj, was admirably achieved through emulating the Irish Constabulary model – by placing police under 'direction and control' of the executive authority through the office of the District Officer who acted as the agent of the colonial government.

### **The Irish Constabulary Model**

As Britain expanded its empire, a policing model deemed ideal for colonial rule came to be identified. The model was based principally on the experience the English had while they tried to enforce order in Ireland (which rejected rule from Westminster) through Irish Constabulary established under the Constabulary Acts of 1822 and 1836.

The Irish Constabulary sought legitimacy at Westminster rather than amongst the indigenous population.<sup>1</sup> It was an alternative to an army of occupation with no community mandate whatsoever. On a structural level it was highly centralised with a recognised chain of command from the individual Constable, through Chief Constable to Inspector General, who in turn was responsible to Chief Secretary and Lord Lieutenant.

Another significant characteristic of the model was that it firmly established the principle that the constable was answerable to the chief constable rather than the law, the chief constable himself being responsible to central government.

The Irish blueprint was considered as the ideal mechanism for solving a specific set of law-and-order problems:<sup>2</sup>

*'It is clear enough that from the point of view of the colonies there was much attraction in an arrangement which provided what we should now call a 'para-military' organisation or gendarmerie, armed and trained to operate as an agent of the central government in a country where the population was predominantly rural, communications were poor, social conditions were largely primitive, and the recourse to violence by members of the public who were 'agin the government' was not infrequent. It was natural that such a force, rather than one organised on the lines of the purely civilian and localised forces of Great Britain should have been taken as a suitable model for adaptation to colonial conditions.'*

### **The London Model**

The Metropolitan Police Act 1829 established the principles that shaped modern English policing. First, policing was to be preventive and the primary means of policing was conspicuous patrolling by uniformed police officers. Second, command and control were to be maintained through a centralised, quasi-military organisational structure. Third, police were to be patient, impersonal and professional. Fourth, the authority of the English constable derived from three official sources - the Crown (not the political party in power), the law, and the consent and co-operation of the citizenry. Finally, the oversight of the Home Secretary was to operate in such matters as establishment, administration, and disciplinary regulations, leaving the direction of policing as such in the hands of the two Joint Commissioners and now the Commissioner of the Metropolitan Police. In other words, the Secretary of State was not explicitly or implicitly given the authority to direct police operations.

Policing in Britain has continued to rest on these broad principles, and the Police Act guarantees the independence of the office of chief constable. In maintaining responsibility of direction and control of his force, the Act places high value on the principles that the Chief Constable should be free from the conventional processes of democratic control and influence in relation to decisions in individual cases.

### **The Irish and British Models Compared**

Using the three criteria of legitimacy, structure and function, Mawby (1990)<sup>3</sup> demonstrates that the English

1. Mawby, R. I. (1990), *Comparative Policing Issues* (London: Unwin Hyman)  
2. Jeffries, S. C. (1952), *The Colonial Police* (London: Max Parrish)  
3. Mawby, R. I. (1990), *Comparative Policing Issues* (London: Unwin Hyman)

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and colonial models of policing are quite distinct. In terms of legitimacy, while the English system is founded on the law and on local government accountability, an alien authority using its law to suit its purpose legitimises the colonial model:

*'In the colonial system, the police not infrequently usurped the role of judge, jailer and executor. The 'order' imposed by the police did not automatically square with the 'law' with which it was habitually coupled.'*<sup>4</sup>

To a certain extent, the same can be said of the structure. While the police forces of England were decentralised, civilian, and not organised in a military fashion, although senior officers tended to be recruited from the military, the colonial system featured a military structure, with personnel often drawn from the armed forces, usually (and certainly in the case of senior officers) aliens, armed, and living in separate quarters.

The two models are also distinctive in terms of their functions. While police forces under the English system accepted responsibility for a range of non-crime tasks, their responsibilities for general administration were nowhere as important as in the colonial model. Moreover, the role of the former in maintaining order and protecting the state from political protest, while scarcely ignored, never attained the priority it had in the colonies. Within the colonial system:<sup>5</sup>

*'The distinction between political and crime control function is largely a false one. To the colonial regime crime and politics were almost inseparable: serious crime was an implicit defiance of state authority and a possible prelude to rebellion; political resistance was either a 'crime' or the likely occasion for it. The resources and skills developed in combating one were freely employed in defeating the other.'*

No wonder, in India, where a small occupying force imposed alien rule combining administrative, judicial and police functions, the police organisation that emerged tended to follow Irish pattern. However, in countries like United States and Australia that remained under colonial rule but where the indigenous population was in a minority and/or policing settlers was a priority, as in the British Indian cities of Calcutta (now Kolkata), Madras (now Chennai) and Bombay (now Mumbai), alternative policing systems similar to the English system emerged.

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

#### **The Napier's Police Organisation**

In India, Sir Charles Napier created an Irish-type police in the province of Sind (now Sindh the south-eastern province of Pakistan) in the 1840s, and a similar system was later adopted in other provinces. The force was armed and organised on a military basis. Its location, in barracks, like the Irish Constabulary, illustrated its source of legitimacy, structure and function as an organ of social control.

*'It was not only the single men who lived in barracks; married constables and sub-constables were usually accommodated in the barracks with their wives and children; partly for their protection, partly to make it more difficult for them to form the 'local connection' which their senior officers greatly feared.'*<sup>6</sup>

Napier<sup>7</sup> was a great sceptic of the civil service. He thought that it was 'a system under which the best must misgovern, as founded on false principles.' He, therefore, decided to run his new administration not through civil servants, but military officers or 'soldier civilians,' as he called them, with 'far less expense and more activity.' Following the para-military Irish Constabulary model, he placed the police of the entire province under the command of a Captain of police.

The Napier model was based on two main principles: firstly, that the police must be kept entirely distinct from the military in their support of the government. And secondly, the police must be an entirely independent body to assist the civilian authorities in discharging their responsibilities for law and order, but under their own officers.

4. Arnold, D. (1986), "Police Powers in Colonial Rule: Madras 1859-1947", (Oxford: Oxford University Press)

5. Ibid

6. Tobias, J. J. (1977), 'The British Colonial Police: An Alternative Police Style', in P. J.

7. Napier, Sir W. (1851), History of General Sir Charles Napier's Administration of Scinde (London: Chapman and Hall)

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Although the new police was to be employed solely on police work and was to be supervised by officers whose sole duty it was to control and direct them, the system lacked logical finish. Paradoxically, the district heads of police were organisationally under the command of their Provincial Chief, the Captain of Police, while operationally each one of them was subject to orders of his respective civilian authority. In essence, the senior officers of the force were merely to be good managers of men under their command while the District Officers, apart from their revenue and judicial functions, were tasked with the responsibility of maintaining law and order in their respective districts.

#### **The Rationale for Napier's Model**

Napier's irrational organisation was a deliberate departure from the Irish Constabulary model, which the author of the new scheme had purportedly tried to follow. It was a typically bizarre arrangement that shocked theorists but which made 'sense' in view of the aims and character of the – colonial – administration.<sup>8</sup>

#### **East India Company's Historic Decision on Police Reform**

It may look quite inconceivable that the British administrators, with liberal backgrounds, did not believe in the principle of separation of powers. Actually most of them did; but as pragmatists it was their 'considered view' that only by supplementing and not by judicially reviewing or correcting the police actions (often taken at the behest of executive authorities) could the writ of the rulers be established with maximum vigour and ease.

Some 'liberalisation' in views, however, started with the Bird Committee's report of 1838. The Committee was tasked to look into the 'desirability' of introducing in India police reforms similar to those Sir Robert Peel had introduced in London in 1829. After stressing that the chief cause of police inefficiency was its inadequate supervision, the Committee recommended that control over police be entrusted exclusively to an officer other than the Collector.

An intense debate followed the Bird report. There also came a scathing indictment of the system by the Torture Commission of 1855, which concluded that revenue authorities in Madras were grossly misusing their police powers to extort revenue from the poor peasants. These historic developments led the Directors of East India Company to examine afresh the vexed subject of police reform in India.

In 1856, after examining the available evidence, the Directors issued orders clearly emphasising that further organisational development of police throughout the sub-continent would proceed on the basic premise that the District Magistrate would seize to have any role in the affairs of police. In line with the basic principles of a modern organisation, they decided to commit the police exclusively to a – European – Superintendent of Police responsible only to his departmental hierarchy. In what may be termed as the most important policy directive – of 24 September 1856 – for the reorganisation of police throughout British India, the Directors observed that the police in India had lamentably failed in accomplishing the tasks for which it was established. Identifying ineffectual and irrational control by the District Magistrate as one of the major causes of police failure, they directed:

*'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 a General Superintendent of Police for the whole presidency.'*<sup>9</sup>

#### **The Police Act of 1861**

The implementation of the 1856 directive could have rid the police of many of its chronic organisational ills, but the 'Mutiny' of 1857 completely transformed the whole liberal perspective. The clock was turned back and tightening of control over police was felt a more compelling necessity both to rein in the natives and prevent policemen from ever falling into the footsteps of mutineers. The historic decision regarding separating the police from the executive authorities was withdrawn, and it was strongly advocated that with the judicial and police powers concentrated in the same hands, the District Officer would be more effective in keeping the junior police ranks loyal to the rulers.

Under the Police Act 1861, the Inspector General of Police as the chief of provincial police assumed specific responsibilities in the areas of police policy formulation and the line operations involved in the execution thereof. His appointment was firmly controlled by central government although, once appointed, he was to act as an advisor to the provincial government on all matters connected with the police administration of the province.

In carrying out his responsibilities, the Inspector General was to be assisted by several Deputy Inspectors General posted on a territorial basis, usually

8. Griffiths, Sir P. (1971), *To Guard My People: The History of the Indian Police* (London: Benn)

9. Gupta, A. (1974), *Crime and Police in India (up to 1861)* (Agra: Sahitya Bhawan)

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each to a group of three to five districts called a range. The Deputy Inspector General was to exercise a general supervision over the District Superintendents in his range, and they were to look towards him for advice, guidance, leadership and co-ordination of police work within the range.

As head of the district police, a District Superintendent was made 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.

#### **The System of Dual Control**

Under the Police Act of 1861, in addition to being under the senior police hierarchy, the District Superintendent was simultaneously subjected to the operational – lateral – control of the District Magistrate. Under paragraph 2 of section 4 of the Act:

*'The administration of the police throughout the local jurisdiction of the magistrate of the district shall, under the 'general control and direction' of such magistrate, be vested in a district superintendent and such assistant district superintendents as the Provincial Government shall consider necessary.'*

The police administration at the district level was thus subjected to a dual control – all administrative, technical, financial, professional and organisational control of Inspector General through his deputies; and lateral general control and direction of the District Magistrate. Also, postings and transfers of Superintendents of Police and officers senior to them

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***The police administration at the district level was thus subjected to a dual control – all administrative, technical, financial, professional and organisational control of Inspector General through his deputies; and lateral general control and direction of the District Magistrate***

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were the concern of the provincial government, not of the Inspector General.

Because of its failure to rectify the long-discovered structural defects of the Irish model, an intense criticism of the draft Police Act of 1861 started right from the day it was introduced in the Legislative Assembly. It was variously described as 'old wine in new bottle' and 'a new friend with an old face.' Nonetheless the Act was passed with the hope that '*at no distant period*' the police in India would be reformed on lines similar to Peel's.

Sir James Stephan, a law member of the Governor General's Council in 1870-71 and a political philosopher of the Indian Civil Service, however, was quick to put the whole debate about police reform in the 'correct' perspective. After accepting that the administration of justice was not in a satisfactory state in any part of the Empire, he enunciated in succinct terms:

*The first principle to be born in mind is that the maintenance of the position of the district officers is absolutely essential to the maintenance of British rule in India and that any diminution in their influence and authority over the Natives would be dearly purchased even by an improvement in the administration of justice.'*<sup>10</sup>

In practice, at least in some provinces, the ground position was far worse as police operations were controlled and directed not merely by the District Magistrate, but at the sub-divisional level by his subordinate, the Assistant Commissioner, and at the divisional level, by his superior, the Commissioner. In fact the police were impressed upon to act as the 'hands' of the civilian authorities, thereby reducing the former to an agency of the latter and practically excluding 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, even from its internal administration.

These retrograde steps, in particular, the constant interference with the authority of senior officers of police over the men under their command, had a crippling effect on the ill-conceived police organisation, in addition to exacerbating the bitter complaints of police oppression and extortion,<sup>11</sup> apart from spoiling the discipline of the force.

10. Gupta, A. (1979), *The Police in British India, 1861-1947* (New Delhi: Concept Publishing Company)

11. Griffiths, Sir P. (1971), *To Guard My People: The History of the Indian Police* (London: Benn)



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### **The Police Commission 1902-03**

By the beginning of 20th century, the situation became so 'bad' that Lord Curzon, the Governor General, had to declare police reform as one of the most urgent needs of Indian administration. Accordingly, in July 1902, he appointed a commission to be presided over by Sir Andrew Fraser, Chief Commissioner of the Central Provinces, to report on the state of the police organisation.

The Commissioners, in their report submitted in 1903, recorded their 'emphatic' view that the 1861 system had completely failed. One of the major causes of its failure, according to them, was undue interference with the police by the civilian authorities.

*The purpose of Police Act 1861 was not to create a system of dual control but merely to provide for a reserve of authority outside the police organisation, to be exercised by the District Magistrate only sparingly and in very specific situations, while the day to day police work was to be directed and controlled solely by the senior officers of police,"* they said.

But, oddly enough, the recommendations of the Fraser Commission fell short in addressing adequately the fundamental – and chronic – organisational ills of police, or bringing about any substantial reform.

Why the British did not feel able to reform police, despite overwhelming evidence in support of reform, was largely because they wanted to ensure in-built subservience of police to the executive administration; never mind that corruption, lack of professional excellence, police high-handedness and resultant police-public estrangement were some of the obvious by-products of this policy. It was also due to the fact that they were not prepared to make terms and conditions of police rank and file attractive enough. In other words, the police organisation was designed not to attract better talent.

In his note of dissent, the Moharaja of Darbhanga, the only Indian member of the Fraser Commission, maintained that the junction of the thief-catcher with judge was surely more anomalous in theory and more mischievous in practice. *"The connection between the district superintendent and the magistrate needed to be severed entirely and completely, because as bed-fellows, they were capable of causing incalculable harm,"* he emphasised. He further said that his own experience in Bengal had made him believe that it was essential to sever this connection between the police and the magistracy in the high interest of justice and fair play.

Ironically, similar liberal and rational views of vision and professional wisdom were frequently expressed, but were almost always superseded by the overriding considerations of precipitating the Raj.

Functioning under the guiding principles of this colonial philosophy, the police performed remarkably well in its role of an occupying force. Although this role kept it miles apart from the public and often turned it into a target of emotional abuse by those who were pitted against the British.

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## Politics of Police Reform

It is interesting that the efforts to reform the outmoded – inherited – colonial police surfaced in independent Pakistan right from the start. One of the first directives Governor General Muhammad Ali Jinnah gave in August 1947 to bring about a perceptible change in the Irish-type colonial police was for establishing a modern police force for the city of Karachi. The Sind Assembly accordingly passed a Bill (XXV of 1948) in February 1948. In his statement of objects and reasons, Mr. M. A. Khuro, Chief Minister, who successfully piloted the Bill, had thus to observe:

*'Sir, the Bill is a long one, but most of it is already in operation in Bombay and other cities. Karachi has very much developed and many more people have come in. The population has considerably increased and the police force in the present conditions will not be able to cope up with the situation. Therefore, like Bombay, we are going to appoint Commissioner of Police for the city of Karachi and give him powers which are identical to those which are given to Police Commissioner of Bombay. This is the main idea behind it. The powers that he will enjoy are in respect of curfews, processions, public meetings, permission of these, regulating arms and licences. I think it is high time that Karachi city should have a Bill like this. There should be a regular Police Commissioner for this city.'*

The Assembly passed the Bill on 7 February 1948 and an authenticated copy signed by the Speaker and bearing the forwarding note of the Governor of Sind was duly forwarded to the Governor General's office. Surprisingly, the Legal Advisor to the Governor General made certain 'minor corrections' on the authenticated copy of the Bill, and returned it to the office of Governor Sind for resubmission. Why he did so is not clear from the record, but it appears that the politics of police reform did not let the Bill return to the Governor General, who because of his fast deteriorating health was increasingly unable to attend to official matters and unfortunately he passed away on 11 September 1948.

In 1951, a committee headed by Sir Oliver Gilbert Grace, then Inspector General of Police of the North Western Frontier Province (now Khyber Pakhtunkhwa), recommended that police set-up for the city of Karachi should be fundamentally changed. However, no headway could be made because of strong opposition by the bureaucratic elite.

***One of the first directives Governor General Muhammad Ali Jinnah gave in August 1947 to bring about a perceptible change in the Irish-type colonial (now Sindh) police was for establishing a modern police force for the city of Karachi. The Sind Assembly accordingly passed a Bill (XXV of 1948) in February 1948***

The Pakistan Police (Constantine) Commission of 1960-61 specifically went to India to study metropolitan police system for Karachi, but the commissioners chose not to make any recommendation in this regard. They 'felt' that since the capital had already shifted from Karachi to Islamabad, the issue was no longer relevant.

The Pay and Services Re-organisation Committee (1961-62), headed by Justice Cornelius, recommended in clear terms the introduction of metropolitan system of policing for cities like Karachi and Lahore, but the recommendation was not 'accepted' for implementation by the 'decision-makers.'

In 1985, the Police Committee<sup>12</sup> was set up by Prime Minister Junejo to examine, *inter alia*, whether the existing police system based on Police Act of 1861 was capable of meeting the growing law and order challenges, especially in Pakistan's major urban centres, and to consider the introduction of Metropolitan Police System as it existed elsewhere in the world. After an in-depth analysis of the issue, the Committee recommended that the existing – outdated – system needed to be fundamentally restructured, and replaced with Metropolitan Police System especially in the capital cities and major towns with a population of over 500,000. A Ministerial Committee also approved the recommendation. However, the Cabinet in its special meeting held on 6<sup>th</sup> January 1987 'decided' to send a delegation consisting of Member/Secretary of the Ministerial Committee and the Additional Secretary, Ministry of Interior, to India and Bangladesh to study the reforms proposed by the Police Committee. It is worth recalling that Bangladesh – which was East

12. The author was Member / Secretary of this Committee.

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Pakistan until 1971 - changed the 1861 system of policing to Metropolitan Police System in Dhaka (1976), Chittagong (1978), Khulna (1987) and Rajshahae (1992).

The two-member delegation after having 'detailed and searching discussions/interviews' with prominent experts on the question of merits/demerits of the 1861 system, returned 'absolutely' convinced that as a pilot project the policing system proposed by the Police Committee should be introduced in the major cities of Karachi, Lahore and Islamabad on a priority basis. However, before any headway could be made in this regard, the time and tide once again proved to be on the side of the forces of status quo. In May 1988, the Government of Prime Minister Junejo was dismissed, with the long-debated police organisational reform suffering a serious setback yet another time.

After the elected government was installed, the Prime Minister Benazir Bhutto in her historic address to the Police Service of Pakistan Association<sup>13</sup> on 12 April 1989 announced that the old police system would be replaced with the Metropolitan Police System on experimental basis in selected cities of Pakistan. This was when she exceptionally upgraded virtually the entire police hierarchy (Constable: BS-2 to BS-5, Head Constable: BS-3 to BS-7, Assistant Sub Inspector: BS-5 to BS-9, Sub Inspector: BS-11 to BS-14, Inspector: BS-14 to BS-16, Senior Superintendent Police: BS-18 to BS-19, Deputy Inspector General Police: BS-19 to BS-20 and Inspector General Police: BS-20 / 21 to BS-22) The Prime Minister also announced promotion eight senior Additional / Inspectors General Police to BS-22 (A directive No FDS (IMP)/PMDIR/114/89 dated 04.05.1989 followed the announcement). However, in the meanwhile, it was 'decided' to send another delegation<sup>14</sup> headed by the Interior Secretary to India and Bangladesh. Interestingly, this delegation also returned with 'strong' recommendation in favour of changing the 1861 system.

A four-member British delegation headed by Sir Richard Barrat, Her Majesty's Chief Inspector of Constabulary visited Pakistan from 21 to 26 January 1990. The delegation emphasised that Pakistan's existing police establishment was a continuation of the police appointed during the British days, which was essentially a ruler-appointed police, and that the whole policing philosophy needed to be changed on the lines

suggested by the Police Committee of 1985.

*"The central problem surrounding police ... in Pakistan is that the present system was created many years ago under colonial rule and has not been refined or evaluated to keep pace with the changing face of the country in the last decade of the twentieth century ... Police ... throughout Pakistan has clung to the role envisaged by the Police Act of 1861, in which the main functions were the maintenance of law and order and preservation of the status quo by methods of suppression and control,"* the delegation observed.

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

A UN Mission led by Vincent M. Del Buono, UN's Interregional Advisor for Crime Prevention and Criminal Justice, visited Pakistan from 26 March to 10 April 1995. The Mission made a number of categorical recommendations and urged that as an essential first step in the process of renewal, the political leadership of the country at all levels should state as a matter of fundamental policy that an effective, viable, independent but publicly accountable police was crucial to the development of stable democratic government institutions.

*"The present crisis comes as no surprise. Since 1960, there have been eleven separate committees or commissions established by governments in Pakistan and four international missions requested by the Government of Pakistan which have recommended major reforms of policing in Pakistan. These have for the most part been ignored and the remedies suggested have been unimplemented. Had the proposed reforms been undertaken, much of the present crisis could have been avoided... The present police system, which has been allowed to deteriorate so badly by successive governments and been so abused for political patronage, has not yet completely broken down due to the dedication, integrity, initiative and professionalism of a large number of individual officers and constables. In spite of their best efforts, policing will collapse not only in Karachi but also in other parts of the country unless law enforcement institutions are strengthened immediately,"* the Mission observed.

13. As Secretary General of Police Service of Pakistan (PSP) Association, the author played a key role in shaping the historic reform package announced by Prime Minister Bhutto. Not only did he write the speech the President of PSP Association delivered at the occasion, he had the rare honour of writing the Prime Minister's speech as well.

14. The author was part of this delegation.

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Next, a Japanese police experts team led by Mr. Sekine, Director General National Police Agency, visited Pakistan in April 1996 on the invitation of the Government of Pakistan. After analysing police reforms of 1947-54 in Japan, the team observed that it was crucial that police reforms in Pakistan should be focused on building a relationship of trust between the people and the police, and that the police in Pakistan should adopt a public service concept. In order to establish mutual trust between the police and the general public, the team suggested the following steps:

1. *Creation of institutional structures that ensure operational neutrality of and democratic control over police.*
2. *Proper sharing of responsibilities between the federal government and the provincial governments.*
3. *Adoption of unified chain of command of the police.*
4. *Establishment of recruitment and selection system of personnel based on merit.*

Ironically, Prime Minister Bhutto in her second tenure (1993-1996) didn't give much attention to introducing the Metropolitan Police System in the capital cities that she had announced in 1989.

In March 1998, the Good Governance Group of 2010 Programme of PML (N) Government, taking support from the Japanese report, recommended that police be depoliticised and their recruitment, postings, transfers, training and career development be ensured on merit.

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

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

(A list of major police reform efforts is at Annex A)

### **Toward Comprehensive Police Reform**

Faced with a deepening crisis both internally within its own organisation and externally in its relations with the public, the 1861 police system started running aground under the strain of social change brought about in 1947 by the freedom from colonial rule. It was like expecting a pushchair designed for a toddler to take an adult from

one city to another on a steep road. It was not possible, without a fundamental restructuring of the organisation that was so broken.

The last decade of the 20<sup>th</sup> century particularly witnessed an almost complete collapse of the existing law and order apparatus, thanks mainly to growing and reckless interference in vital aspects of police administration by the 'persons of influence.' No wonder the machine designed for colonial purposes failed to meet the aspirations of a free people who wanted to enjoy the fruits of liberty, freedom, and Rule of Law.

Common complaints against the police ranged from routine discourtesy and incidents of neglect, incompetence, inefficiency, arbitrariness, inadequate or no response to citizens' requests for help to institutionalised abuse of power and widespread resort to high-handedness and corruption. Policing by consent was virtually non-existent. Citizens would lend little or no co-operation, at least little voluntary co-operation, to their police. They perceived police not as an instrument of rule of law, but as a corrupt, insensitive and a highly politicised force, operating mainly to look after the interests of the powerful.

This unacceptably high level of police-public estrangement did not come about lightly or suddenly. For most citizens confronting routine police misbehaviour was a bitter fact of every-day life, borne out of experience of successive generations at the hands of a force widely believed to be working beyond the bounds of civilised code of behaviour. It was the behaviour that defied change and was impervious even to the most scathing criticism by leaders of civil society.

Could the ordinary citizen do anything when things went wrong, grievances arose, or complaints about police fell on deaf ears? Not much, because, badly enough, whatever arrangements existed were woefully inadequate, lacked public confidence and were far from user-friendly.

In any case, not many citizens felt able to formally complain against any actual or perceived abuse of authority by the police. It was their widely held belief that police could get away with any thing and every thing. There existed no credible mechanism of *policing the police*, notwithstanding the fact that an increasingly expanding range of coercive powers at their command required stricter accountability controls. Public confidence in the police had never been lower. We knew why. We even knew how to fix it. But we were faced with the perpetual failure of both police leadership and the governing elite to reinvent the

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design for a people-friendly police.

What people urgently required was a “fundamental change” in the way they were policed, as the police organisation designed for colonial purposes had since broken down. It had broken down under the strain imposed by a variety of complex factors, including the growth of terrorism, sectarianism, proliferation of weapons, population explosion, and modern conditions of life. Urban terrorism during the 1990s claimed tens of hundreds of innocent victims and brought Karachi the infamous title of 'the City of Death.' The largest ever number of officers and Jawans of Karachi Police (over 260) got martyred at the hands of terrorists in 1995 alone. The economy also lost hundreds of billions of rupees. Thankfully, leading from the front, the professional leadership of Karachi Police effectively tamed the dinosaur of urban terrorism in a little over six months.<sup>15</sup> However, the inability of the government to consolidate and sustain the exceptional gains in Karachi law and order soon resulted in reversal of the situation, costing the nation dearly in terms of dissipating the quality of life, the pace of economic growth, and Pakistan's image internationally.

Poor law enforcement over time also became a serious threat to the emerging democratic order of Pakistan, its economy, and the safety, well-being and integrity of its citizens. Although the country spent tens of billions every year on police, civil armed forces and security agencies, yet the citizen suffered from a creeping sense of insecurity. It was almost as if the law enforcement system was *designed* not to work.

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***The solution lay in radically changing the way the police operated, in developing a sub-culture of professional policing, trained and equipped to uphold the Rule of Law, in shifting from more-than-century-old oppressive policing practices to community policing***

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The solution lay in radically changing the way the police operated, in developing a sub-culture of professional policing, trained and equipped to uphold the Rule of Law, in shifting from more-than-century-old oppressive policing practices to community policing, and in reinventing the police which had miserably failed to win much-needed partnership with citizens and communities. It was time for police to enter into a customer service contract with the people of Pakistan, a new guarantee of more effective, efficient, responsive, accountable policing. It was time to implement ideas that worked and get rid of those that didn't.

The opportune moment to reinvent police came when the Government of Pakistan in November 1999 decided to set up the Focal Group on Police Reforms<sup>16</sup> and tasked it to suggest fundamental restructuring of police. The Focal Group submitted its recommendations in February 2000. These were enthusiastically received and intensely debated by members of civil society as well as the media. In the meanwhile, and more significantly, the National Reconstruction Bureau (NRB) of the Government of Pakistan, as part of their good governance and devolution of powers programme, decided to accord high priority to long overdue police reforms.

The NRB's Think Tank on Police Reforms<sup>17</sup> comprised a Justice of the Peace from Britain and three senior police officers who knew the police best – who knew what worked, what didn't; and how things ought to be changed. The Think Tank spoke with as many police officials as it possibly could. It heard from the stakeholders – the people of Pakistan – all across the country, seeking their ideas, their input and their inspiration. It sought views of the judiciary, and experts of other criminal justice sub-systems. It held useful discussions with top business leaders who had successfully used innovative management practices to turn their organisations around. It consulted public administration experts who knew how best to apply the principles of reinventing public sector organisations to improving police services. In short, it endeavoured to have meaningful dialogue with the best minds from private sector, government, and the civil society.

As the ground conditions that made the 1861 arrangement expedient had long ceased to exist, the Think Tank soon concluded that police needed to be transformed from its colonial mould and organised on

15. The author headed the brave Karachi Police that did this miracle.

16. The author was part of the Focal Group.

17. The author as NRB's Consultant played a key role in steering the work of the Think Tank.

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the basis of principles governing standard, modern, contemporary police forces meant for policing free societies, not *natives*. In this regard, the key issues debated in the NRB included:

- 1) What kind of organisation will Pakistan Police need to meet the 21<sup>st</sup> century law and order challenges?
- 2) Which model would be most suited in bringing about a radical change in the existing intolerably high level of police-public estrangement?
- 3) How could such an organisation be subjected to effective democratic control, yet ensuring its political neutrality?

The NRB, after extensively deliberating upon various aspects of the Focal Group's blueprint<sup>18</sup> of police reforms, concluded that every organisation, whether public or private, could only perform well if founded on valid organisational principles. In the case of Pakistan Police, these principles were ruthlessly violated over the years. This resulted in the creation of a corrupt, inefficient and highly politicised police force. Consequently, the task of maintaining law and order suffered serious setback. Increasingly the police was rendered to act as agents of the political executive rather than as instruments of a democratic state. The selective application of law against opponents, whether due to political interference or at the behest of persons of influence, became the norm rather than an exception. Political and personal vendettas were waged and won through manipulation of the instruments of state. Whatever safeguards existed against the floodgates of pressure, inducement or threat from criminals or ethnic, sectarian or other powerful elements virtually became non-existent. The net result of this all was that people perceived the police as agents of the powerful, not as members of an organisation publicly maintained to enforce Rule of Law.

As a first critical step towards reform, the NRB concluded that responsibility of maintenance of law and order would need to rest unambiguously with the police. The police hierarchy will have to be made responsible not merely for the organisation and the internal administration of the force, but also for other matters connected with maintenance of law and order. In short, policing will no longer have to be subject to dual control. In a separate though related development, the Chief Executive took the decision to abolish the office of the District Magistrate effective 14 August 2001. Secondly, it was agreed that necessary steps for rendering the police professionally competent,

operationally neutral, functionally cohesive and organisationally responsible for all its actions would need to be institutionalised in the new police law that would replace the Police Act 1861.

18. The blue print was the draft of proposed police law that the author had long worked on, from 1997 to 1999.

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## Police Order 2002

The police force, as it was organised until 2002, was there mainly to serve those who could exert influence, but was least equipped to enforce laws, without fear or favour, or to uphold the interests of Rule of Law. It was designed neither as an impartial instrument of law enforcement, nor a public service agency enjoying community support. Democracy is characterised as freedom under the law. It is taken to mean that all citizens are equal – with no statuses – and entitled to do what they want, subject to law. Democracy also entails that individuals (or groups) acting in violation of societal norms – which have been established beforehand by their elected representatives and which are there to prevent destructive conflicts of interest – are to be dealt with in accordance with law. Equal treatment under just and fair law and procedure is the only guarantee that man can live in an orderly society. Equally – if not more – critically, in a democracy, the integrity of those enforcing the law has to be such that there is nobody, howsoever rich or influential, who is – in theory or in practice – beyond the reach of the proverbial long arm of the law.

This paper is about change – long-cherished change – in the way the police in Pakistan have worked in the past. It is about creating a police force that works *better* for establishing the Rule of Law. This *new* police, to a large extent, was conceived in the Police Order 2002, promulgated on 14 August 2002. The Police Order replaced the more than 141-year-old Police Act of 1861 in Pakistan's four Provinces: Punjab, Sindh, NWFP, and Balochistan, not – paradoxically – in Islamabad Capital Territory, Gilgit Baltistan, and Azad Jammu & Kashmir.

The Police Order 2002 seeks to provide the police with operational autonomy and freedom from illegitimate political interference. More importantly, the Order also envisages greater accountability of the police to external institutions. The preamble of Police Order 2002 reads as follows:

*“Whereas the police has an obligation and duty to function according to the Constitution, law and democratic aspirations of the people.”*

The Police Order aims to enable the police to function freely, fairly, justly, autonomously, and professionally. Since the principal purpose of police is to enforce the laws of the land, without fear or favour to anybody, the Police Order redefines the police duties, police powers, as also the control over police.

## *The Police Order replaced the more than 141-year-old Police Act of 1861 in Pakistan's four Provinces: Punjab, Sindh, NWFP, and Balochistan, not – paradoxically – in Islamabad Capital Territory, Gilgit Baltistan, and Azad Jammu & Kashmir*

Article 9 of the Police Order stipulates that the power of superintendence by government over the police is to be so exercised as to ensure that police performs its duties *efficiently and strictly in accordance with law*.

The Police Order's new instruments of Public Safety Commissions and Police Complaint Authority are meant to make the process of policy formulation and accountability in police effective and credible.

Commenting on the improvement in police accountability and behaviour that resulted after the introduction in 1947 of the Public Safety Commission system in Japan, Bayley (1991) has observed:

*‘The fact is that a transformation did occur in police behaviour in Japan in a relatively short period of time immediately after World War II. It is associated with democratisation and in one of the most prized developments of the post war period. Japan's contemporary record of excellence with respect to police behaviour is striking not only in relation to the United States but also in relation to its own past.’*

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

If implemented in its true spirit, the Police Order provides the organisational basis to meet 21<sup>st</sup> century law and order challenges. It aims at bringing about a radical change in the 'old police culture' and turning the organisation into a vehicle for establishing and promoting the Rule of Law. Indeed, the new police law provides a mechanism for efficient police operations, better quality decision-making, improved discipline of the force, and revamping of internal oversight and external accountability of police. However, the hurriedly made amendments in the Police Order 2002 diluted the operational autonomy of the police, rendered the external oversight bodies less effective, and, in fact, defeated the very purpose of the whole reform effort.

### **Police Order (Amendment) Ordinance 2004**

The Police Order 2002 envisages a professional, service-oriented, and accountable police service. It redefines the role, duties and responsibilities of police in a manner in which service function gets precedence and the prevention and detection of crime is seen to have a social purpose. Not only does the Police Order 2002 seek to solicit voluntary support and co-operation of the people, it aims to enable the police to act proactively for ushering in a culture of Rule of Law in Pakistan. It also envisages a police service, which is efficient in prevention and detection of crime, and effective in maintenance of public order.

In order to achieve these objectives, a number of independent institutions for ensuring operational neutrality of police and establishing necessary checks and balances were envisaged. These included National, Provincial and District Public Safety Commissions; Independent Police Complaints Authorities; District Criminal Justice Coordination Committees; National Police Management Board; National Police Bureau; and Citizen Police Liaison Committees.

Rather than ensuring a spirited implementation of Police Order 2002, the Federal Government in November 2004, under pressure from Punjab Government, made several amendments in the two-year old law that was yet to be implemented in vital aspects. In particular, the amendments were designed to enhance government's role in appointment of key police officers and the composition of public oversight bodies thereby undermining their autonomy and independence. The Provincial Police Complaints Authorities were dispensed with altogether. Whereas basic *raison d'être* of Police Order 2002 was

depoliticisation of police, the hurriedly done amendments actually ended up in providing a statutory basis to police politicisation.

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

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

The table below presents a comparative analysis of the amendments made through Police Order (Amendment) Ordinance 2004.



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**Police Order 2002: before and after amendments**

Sr. No.	Subject	Pre-amendment	Post-amendment
1	Recommendation for posting of PPO [Art. 11(1)]	NPSC	Federal Government
2	Pre-mature transfer/repatriation of PPO [Art. 12(2)]	Provincial Government with agreement of PPSC may repatriate PPO	Provincial Government can prematurely repatriate the PPO after the approval of Federal Government. No agreement with PPS & PCC required
3	Recall of PPO or CCPO [Art. 12(6)]	The Federal Government may prematurely recall a PPO/ CCPO only with the agreement of NPSC	The Federal Government may prematurely recall PPO on its own. No agreement with NPSC required
4	Posting of DPO [Art. 15(1)]	PPO to post DPO in <i>consultation</i> with Government	PPO can post DPO with the <i>approval</i> of Government
5	Premature transfer of CPO/DPO [Art. 15(3)]	CPO or DPO may be transferred prematurely with the concurrence of <i>Zila Nazim</i> and DPSC only after he has been heard in person by DPSC	CPO/DPO may be transferred with the approval of Government. No concurrence of <i>Zila Nazim</i> or DPS&PCC required
6	Separation of Investigation Branch [Art. 18]	Separate chain of command for investigation functions created, with specifically designated officers at police station and district levels	Investigation Wing in the Police Station placed under the general control of SHO, while it would be responsible to its own hierarchy for investigation functions
7	Term of office for an Officer under whom a police division, sub-division, or police station is placed [Art. 21]	Term of office not defined	The term is clearly defined and it would be three years
8	Preparation of Policing Plan [Art. 32(1)]	Head of District Police will prepare policing plan in consultation with <i>Zila Nazim</i>	Head of District Police will prepare policing plan in coordination with <i>Zila Nazim</i>
9	Role of <i>Zila Nazim</i> in writing of PER of head of District Police [Art. 33(3)]	No role	<i>Zila Nazim</i> shall write the manuscript report which will be considered at the time of promotion of the officer
10	Police support to government functionaries [Art. 34(1)]	No role	If police is unable to provide support it will inform the head of District Police who will inform <i>Zila Nazim</i> accordingly. If head of District Police is of the opinion that such request for support is unnecessary, unlawful or <i>mala fide</i> , he may seek recourse to appropriate Public Safety Commission and the decision of the Commission would prevail

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11	Police support to Government Functionaries [Art. 34]	On the direction of <i>Zila Nazim</i> , DCO will coordinate the provision of police service in case of exigencies threatening law and order, natural calamities, and emergencies. In case of unlawful or malafide order, head of District Police can recourse to appropriate Public Safety Commission whose decision will prevail	Art 34(3) omitted. Now the head of District Police does not have the right to recourse to DPS&PCC in case of unlawful or <i>mala fide</i> orders from <i>Zila Nazim</i>
12	Establishment of DPS[&PC]C [Art. 37]	The Provincial Government shall establish a District Public Safety Commission	The Provincial Government shall establish a District Public Safety and Police Complaints Commission
13	Composition of District Public Safety [and Police Complaints] Commission [Art. 37(1)]	The District Public Safety Commission shall consists of 8, 10 or 12 members depending upon the area and population of the District	The District Public Safety and Police Complaints Commission shall consists of 9 members
14	Composition of District Public Safety [and Police Complaints] Commission [Art. 38]	Half of the members would be elected by <i>Zila Council</i> . The other half would be independent members	Elected by <i>Zila Council</i> =3 Independent=3 MNAs/MPAs from concerned district=3
15	Election of Chairperson of District Public Safety [and Police Complaints] Commission [Art. 39]	The Chairperson shall be elected by the members from amongst themselves annually alternating between independent and elected members	The Chairperson of the District Public Safety and Police Complaints Commission shall be elected by the members from amongst themselves for three years
16	Selection of independent members of District Public Safety [and Police Complaints] Commission [Art. 41(2)]	Selection will be by consensus	Selection will be by majority vote.
17	Term of the member of DPS[&PC]C [Art. 45(2)]	No member shall be eligible for a second term	An independent member shall not be eligible for appointment as such member for a third term
18	Meeting and conduct of business of DPS [ & PC ] C [Art. 47(8)]	The Commission may frame rules of procedures for the conduct of business	The rules of procedure for conduct of business of the Commission shall be made by the Government
19	Secretariat of DPS [ & PC ] C [Art. 48]	Secretariat of the District Public Safety Commission shall be headed by an officer of BPS-17 who will be appointed by the Provincial Government in consultation with the Commission	Secretariat of DPS&PCC shall be headed by an officer of BPS-18 or above, who will be appointed by the Provincial Government in consultation with the Chairperson of the Commission
20	Share of treasury and opposition (in Provincial Assembly) in composition of PPS [ & PC ] C [Art. 74]	3 from treasury and 3 from opposition	4 from treasury and 2 from opposition

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21	Selection of the independent members of PPS [&PC] C [Art. 77]	Selection Panel to consist of Chief Justice of the High Court as Chairperson, and one nominee each of the Governor and the Chief Minister	Provincial Ombudsman (as Chairperson), Chairman of the Provincial Public Service Commission and a nominee of the Chief Minister as Members
22	Secretariat of the PP [S&PC] C [Art. 84(2)]	Secretariat shall be headed by a Director of the rank of Senior Superintendent of Police who shall be appointed by the Provincial Government in consultation with the Commission	Secretariat shall be headed by an officer not below the Basic Pay Scale 20 who shall be appointed by the Chief Minister in consultation with the Chairperson of the Commission

The Police Order (Amendment) Ordinance 2004 was repeated every four months until November 2009. It was never pursued in the Parliament, apprehending that the government might fail to get Parliament's approval.

Sadly, despite unequivocal commitment of the Punjab Government, in particular, the implementation of the amended Police Order remained weak. Neither the Provincial Governments nor the police leadership showed the required will or seriousness to implement at least the reforms that could have benefitted the public interest.

The last Police Order (Amendment) Ordinance lapsed in March 2010. Resultantly, when the Constitution (Eighteenth Amendment) Act 2010, dated 20 April 2010 became effective, the Police Order 2002 already stood restored to its original position i.e. as promulgated on 14th August 2002.

### Legal Status of Police Order 2002

A debate has raged among the police officers and the civil society about the post-2010 status of Police Order 2002. Those harping on the "provincial autonomy" have particularly joined the civil bureaucracy in this controversy. There is however a pressing need to pause and dispassionately examine the legal status of this law, as also why it is necessary to adopt a uniform police law to deal with the dinosaur of terrorism in the country. A variety of laws that are at variance with each other only exacerbate the existing fragmentation and lack of cohesion in dealing with law and order, in particular the menace of terrorism that is shaking the very foundation of our society.

As stated, the Police Order 2002 was promulgated on 14 August 2002. In order to give the new law a reasonable stability and a fair chance to be tested on ground without any hasty changes, the Police Order

was placed in Schedule Sixth of the Constitution, under the 17<sup>th</sup> Constitutional Amendment. Accordingly, under the amended Article 268 (2) of the Constitution:

*'The laws specified in the Sixth Schedule shall not be altered, repealed or amended, expressly or impliedly, without the previous sanction of the President accorded after consultation with the Prime Minister.'*

A provision was added to the above clause under the Seventeenth Constitutional Amendment on 31 December 2003 to the effect that "the laws mentioned at entries 27 to 30 and at entry 35 in the Sixth Schedule shall stand omitted after six years."

While the entries at 27 to 30 pertained to the Local Government Ordinances of the four provinces promulgated by their respective Governors, as local government was a provincial subject, the entry at Sr. No. 35 in the Sixth Schedule pertained to Police Order 2002 (Chief Executive's Order No. 22 of 2002). The omission of entries at 27-30 from Sixth Schedule, effective 01 January 2010, after six-year bar, meant that the Provincial Assemblies henceforth could amend the Local Government Ordinances *without* previous sanction of the President. As regards deletion of entry at Sr. No. 35, it meant that Parliament henceforth could amend the Police Order 2002 *without* previous sanction of the President.

The Police Order 2002 was amended by the President through an Ordinance in 2004. As the Parliament was not empowered to amend the Police Order *without* previous sanction of the President, the Police Order (Amendment) Ordinance had to be re-promulgated every four months until November 2009. However, effective 01 January 2010, the Police Order 2002 became *amendable* by the Parliament, *without* previous sanction of the President.

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Like Police Order 2002, the power to amend Police Act 1861 also lay with the Parliament. Section 46 of Police Act 1861 empowered the Provinces only to make rules to carry out the purposes of the Act. The Police Order 2002, however, additionally empowered the Provinces, under Article 184, to amend the Police Order, with the approval of the Prime Minister, to the extent of meeting their specific requirements and circumstances. Thus while the power to amend Police Order rests with the Parliament, a Province, with the approval of the Prime Minister, could amend Police Order in a restricted context to meet its *specific requirements and circumstances*.

There is a deliberately created erroneous impression that after the Eighteenth Amendment, the Police Order 2002 is no more in the field. The confusion seems to stem from lack of clarity regarding the impact of deletion of Sixth Schedule under the 18<sup>th</sup> Constitutional Amendment, dated 20 April 2010. The correct position is that deletion of Sixth Schedule didn't in any way affect the Police Order 2002 as the Sixth Schedule's Entry No. 35 pertaining to Police Order 2002 already stood deleted with effect from 1<sup>st</sup> January 2010 due to the sunset clause of Seventeenth Constitutional Amendment. The *only* implication of deleting the Sixth Schedule, under Eighteenth Constitutional Amendment, was that the Parliament became empowered to amend *all* 30 laws included in the Sixth Schedule, without *prior* sanction of the President. It did *not* imply that these 30 laws stood *deleted* from the statute book. Before its deletion, the Sixth Schedule's list of 30 laws included laws such as the State Bank of Pakistan Act 1956, and the National Accountability Bureau Ordinance 1999. If the deletion of laws like the State Bank of Pakistan Act 1956, and the National Accountability Bureau Ordinance 1999, from the Sixth Schedule does not imply that these laws were no longer in the field, how can a contrary interpretation be accepted in case of Police Order 2002?

As the 18<sup>th</sup> Constitutional Amendment has also deleted the Concurrent Legislative List (Fourth Schedule of the Constitution), the detractors of Police Order 2002 argue that as matters relating to the subject of criminal law, including *all* matters included in the Pakistan Penal Code (entry at Sr. No. 1), as also *all* matters included in the Criminal Procedure Code (entry at Sr. No. 2), are no longer on the Fourth Schedule, the police law is now a subject falling exclusively within the jurisdiction of the provinces. What they, however, tend to ignore is the fact that being mindful of serious implications of a fragmented criminal justice system, the framers of the 18<sup>th</sup> Constitutional Amendment, by appropriately amending Article 142(b) of the

***There is a deliberately created erroneous impression that after the Eighteenth Amendment, the Police Order 2002 is no more in the field. The confusion seems to stem from lack of clarity regarding the impact of deletion of Sixth Schedule under the 18<sup>th</sup> Constitutional Amendment, dated 20 April 2010***

Constitution, ensured that the concurrent status of criminal law, criminal procedure and evidence was duly preserved. It was further ensured, through amended Article 143, that in case of inconsistency between a Federal law and a Provincial law, the law passed by the Parliament would prevail and the law passed by the Provincial Assembly would, to the extent of repugnancy, be void.

It may also be noted that under Article 268 of the Constitution, all existing laws on the commencing day i.e. 12 April 1973, including Police Act 1861, were allowed to remain in force as valid laws, making it abundantly clear that even if the 1973 Constitution left a particular subject being a provincial subject, the constitutionality of a Central Act was not to be attacked on the ground that it was no longer a valid Act. And that is why this constitutional position was never challenged by any province. Though there was no ambiguity on the subject, the Federal Laws (Revision and Declaration) Ordinance 1981, by amending Police Act 1861, made the constitutional position of Police Act 1861 absolutely clear. The Parliament through the Constitution (Eighth Amendment) Act 1985 (Article 270A (3)) duly protected, inter alia, the Federal Laws (Revision and Declaration) Ordinance 1981. It was only when the Federal Government replaced Police Act 1861 altogether by Police Order 2002 that the vested interests started raising this otherwise long settled issue. However, the Parliament through the Constitution (Seventeenth Amendment) Act 2003 (Article 270AA (3)), and again through the Constitution (Eighteenth Amendment) Act 2010 (Article 270AA (2)), validated the Police Order 2002.

No wonder that when the constitutionality of Police Order 2002 was challenged in the Lahore High Court in

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Writ Petition No. 16244/2002, Mr. Justice Tassaduq Hussain Jilani, later Chief Justice, Supreme Court of Pakistan, held:

*'This country is being run by a written Constitution. Criminal law is included in concurrent list of the Fourth Schedule to the Constitution of Islamic Republic of Pakistan. The Police Order 2002 is primarily relatable to the enforcement of the criminal law and policing; therefore, it would squarely fall within the said list. That being so, the Police Order 2002, is not ultra vires of the Constitution of Pakistan. The petition having no merit is accordingly dismissed.'*

The ruling was never challenged.

Furthermore, it is important to understand the fine difference between *policing* and *police law*. Nobody says that policing is not a provincial subject. *Policing* was a provincial subject when *police law* i.e. Police Act 1861, a Central Act, was in force. *Policing* will continue to be a provincial subject even under the new *police law* i.e. Police Order 2002. And just as the provinces are entitled to make minor amendments in the Criminal Procedure Code, Pakistan Penal Code, or the Qanun-e-Shahadat, they can do so vis-a-vis the Police Order 2002. The only restriction placed on the provinces under Article 143 of the Constitution is that in case any amendment passed by a Provincial Assembly is inconsistent with the laws passed by the Parliament, the latter would prevail.

Leaving aside the legal misconceptions that may exist in certain minds, it is absolutely critical in the prevailing security environment that a standard policing system is not only maintained but further strengthened to enable the police to meet the exceptionally difficult 21<sup>st</sup> century challenges of terrorism and organized crime, in particular. It is internationally recognized that the way forward to fight the present-day law and order challenges is to have standard police statutes and procedures, rather than having varied and fragmented systems. The Parliament and the Supreme Court have a responsibility to examine the issue in its correct perspective, and take steps so that Police Order 2002, being a valid federal law, is implemented across Pakistan, with minor local amendments, where necessary.

### **Present Situation of Police Order 2002**

A most startling and disturbing feature of the present policing system of Pakistan is that the police forces across the country are no longer governed under a

standard uniform law. While Punjab and Khyber Pakhtunkhwa are continuing with the Police Order 2002, with some amendments, the Police Act 1861 is still very much there in practice in other provinces. Sindh and Balochistan have their separate Police Acts that they introduced in 2011.

Notwithstanding the validation of Police Order 2002 by the Parliament in 2003 and 2010 under 17<sup>th</sup> and 18<sup>th</sup> Constitutional Amendments respectively, the Provincial Assembly of Sindh, acting thoughtlessly and in contravention of the Constitution, passed the Sindh (Repeal of the Police Order 2002 and Revival of the Police Act 1861) Act, 2011, on 13 July, 2011. The Bill was assented to by the Governor of Sindh the next day.

Following suit, Balochistan also introduced the Balochistan Police Act, 2011 on 24 August 2011. Repealing the Police Order 2002, in violation of Articles 143 of the Constitution, the Balochistan Police Act 2011 additionally revived the institution of executive magistracy, in violation of Article 175(3) of the Constitution. The Balochistan Police Act 2011, with some modifications, is a replica of old Police Act 1861. However, the new law does not place the district police officer under the *general control and direction* of the District Magistrate.

As already noted, Islamabad Capital Territory, Gilgit Baltistan, and Azad Jammu and Kashmir did not at all shift to Police Order 2002, and are still stuck with old Police Act 1861.

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## **Punjab Police Order (Amendment) Act 2013**

Punjab in 2013 finally came to the conclusion that Police Order 2002 was a valid law promulgated by the Federal Government. However, Punjab Police Order (Amendment) Act 2013 brought in four 'amendments' in the Police Order 2002. The amendment in Article 7 mainly dealt with direct recruitment at SI level, instead of ASI level as originally envisaged. The amendment in Article 18 basically meant to clarify the much-debated concept of establishment of a District Investigation Branch, while addition of Article 18A was meant to simplify the cumbersome procedure of change of investigation. Through amendment in Article 21 of Police Order 2002, an enablement was created to post SIs as SHOs. Lastly, Punjab Police Order (Amendment) Act 2013 deleted the Article 184 of Police Order 2002. The Article 184 reads as follows:

*'Without prejudice to the power of the Federal Government to amend this Order, any Provincial Government may, with the approval of the Chief Executive of the Islamic Republic of Pakistan, amend, vary or modify any provision of this Order relating to the Province on the basis of its specific requirements and circumstances.'*

While amendments in Articles 7, 18 and 21 seem to fall within the Provincial Government's jurisdiction, the deletion of Article 184 altogether being in contravention of Article 143 of the Constitution appears to be void ab initio.

As regards the actual implementation status of Police Order 2002, after coming into force of Punjab Police Order (Amendment) Act 2013, there is still no Provincial or District Public Safety Commission. Nor is Punjab Police Complaints Authority established. Nor is the tenure of three-year appointment allowed under Articles 11 and 15 of Police Order 2002 to key appointment holders (IGP, CCPO, CPO, DPO) being followed. In other words, the Police Order 2002 is yet to be implemented in its vital aspects.

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## **Sindh Police Act (2014) Draft**

The Provincial Government of Sindh, acting in contravention of the Constitution, hurriedly passed the Sindh (Repeal of the Police Order 2002 and Revival of the Police Act 1861) Act, 2011, on 13 July 2011. The haste with which the Sindh Government acted is evident from the fact that though the intent was to revert back to the old Police Act, 1861, what was revived was Police Act 1861, as it stood on 13<sup>th</sup> August, 2002, i.e. just one day before the promulgation of Police Order 2002. This meant that some key changes the Federal Government introduced in Police Act 1861, through Police (Amendment) Order (VII of 2001), dated 12.08.2001, remained part of the 1861 Act. In particular, the Sindh (Repeal of the Police Order, 2002 and Revival of the Police Act 1861) Act 2011 did not revive the role of executive magistracy in the working of District Police.

Though the Sindh Police is practically stuck with the Police Act 1861, the Pakistan Forum on Democratic Policing (PFDP), under the supervision of Justice (r) Nasir Aslam Zahid and in collaboration with Legal Aid Office, has drafted Sindh Police Act (draft) 2014 with a view to meeting the present needs and challenges of policing in Sindh. The draft law seems to be cognisant of many ills the Sindh Police has historically suffered from, particularly ills like political interference, insecurity of tenure, Thana culture, corruption and lack of effective accountability. It is also understood that Sindh Government has asked the Sindh Police to help its Law Department in writing a new Bill for the purpose.

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While civil society concerns about the policing crisis in Pakistan and its efforts to reform the police are a welcome sign, the important aspect of debate at this stage is whether or not Police Order 2002 is a valid law. If yes, what we need to focus on is any essential amendment(s) that the Police Order may require either generally or in the context of a particular Province, rather than writing a new police law for every Province.

## **Infrastructural and Capacity Building Issues**

There are serious infrastructural and capacity building issues inflicting the police forces across Pakistan. Though of late there has been some awareness and interest to address these issues, particularly in relation to the use of science and technology by law enforcement agencies in the country, it is felt that there has to be a sharper focus. The Police Order 2002 gave the National Police Bureau, Ministry of Interior, a statutory role as national focal point for addressing infrastructural and capacity building issues on a sustainable and standardised basis.

The National Police Bureau initiated several flagship police modernisation projects during 2004-2008:<sup>19</sup>

### **Automated Fingerprint Identification System (AFIS)**

The project aimed at recording fingerprints of suspects in electronic form, developing and maintaining a computerized fingerprint record of criminals at national level and providing e-enablement for online comparison of live and latent fingerprints by connecting all district police headquarters in Pakistan. Launched in March 2006 with an estimated cost of Rs1107 million, the project envisaged creation of a centralized fingerprint database at FIA Headquarters, Islamabad, establishment of Multifunctional Workstations (MFWS) at all provincial police headquarters including Islamabad, Lahore, Karachi, Peshawar and Quetta, and setting up of Remote Terminals in 155 stations across Pakistan.

### **Police Record and Office Management Information System (PROMIS)**

This project aimed to provide basic information technology infrastructure to police to enhance its efficiency and effectiveness. The project envisaged computerizing police station records and providing online connectivity to police all over the country. It also sought to enhance the operational capability of police,

19. The author had an incredible stint as Director General, National Police Bureau, from 2004-2008.

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particularly in the fight against terrorism, organized crime and high profile cases. Launched in 2006 at an estimated cost of Rs1405 million, the project was completed by the end of 2009.

#### **Nationwide Integrated Trunk Radio System (NITRS)**

As old communication system of police had long become outdated and obsolete, it was decided to equip police with a modern, reliable and secure wireless communication system. The Phase-I of NITRS project at an estimated cost of Rs.1952 million was started in 2008, and completed in 2009. Providing secure, efficient, reliable and technologically advanced communication facilities to police, the project covered Islamabad / Rawalpindi, Lahore, Karachi, Peshawar and Quetta, with main switching offices of TETRA at Islamabad and Karachi. The Phase-II was planned to cover Divisional and District HQs, and Phase-III all police stations / police posts across Pakistan.

#### **National Forensic Science Agency (NFSA)**

To provide the police with modern state of the art forensic tools, to improve the quality of police investigation, to have evidence-based prosecutions leading to better fairer and improved convictions, and to improve the human rights situation in the country, the National Police Bureau was tasked with the additional responsibility of setting up National Forensic Science Agency at an initial cost of Rs3488 million. The project aims to build the main forensic science laboratory at Islamabad, with four laboratories in the provincial headquarters, providing facilities of scientific investigation, chemical examination, forensic microbiology, DNA tests, computer forensics, and automated ballistic and explosive examinations. The DNA lab, first of its kind with Pakistan Police, was established at Islamabad on 31 March 2006 with the help of the Chinese Government. The establishment of a state-of-the-art Forensic Training Institute was also included in the project.

#### **Conversion of “B” Area into “A” Area in Balochistan**

The province of Balochistan, until 2003, was 'policed' under two different systems. The whole province was divided into broadly urban “A” Area (5%), and rural “B” Area (95%). The police administered “A” Area while the Levies were charged with the responsibility of 'policing' “B” Area. Though the conversion project<sup>20</sup> approved in 2003 was executed by the Balochistan Government, its funding came from the Federal Government, under coordination by the National

Police Bureau. The project with an estimated cost of Rs5515 million was completed in 2007, and included construction of police buildings, raising and training of additional police, purchase of police vehicles / equipment, and taking over of Levies posts by the police across entire “B” Area. Sadly, the Provincial Government of Balochistan undid this once-in-a-century reform in 2010, in the backdrop of totally misplaced euphoria of the Constitution (Eighteenth Amendment) Act, 2010. A writ petition challenging this ultra vires act of the Balochistan Government is pending with the Balochistan High Court.

#### **Raising of Balochistan Constabulary**

**Alongside** conversion of “A” Area into “B” Area, an adequate, well trained, and well-equipped constabulary was thought critical to complement Balochistan police as its reserve. There existed Balochistan Reserve Police (BRP), with meagre strength of 4000. The Federal Government agreed, in 2003, to fund raising of a new force under the name of Balochistan Constabulary by adding additional strength of 6000 to the existing BRP, at an estimated cost of Rs4140 million. Under the project, fresh recruitments were made, new police buildings constructed, transport and communication facilities provided, and the force equipped with modern arms and ammunition.

#### **Capacity Building efforts in the Provinces**

In addition to the mega infrastructural and capacity building projects executed nationally by or in coordination with the National Police Bureau, the provinces in recent years have also started to focus on modernisation of their police forces. They have of late been investing generously particularly in their Counter-Terrorism Departments (CTDs).

In their efforts to modernise, provinces have also benefited from foreign assistance, including US\$350 million ADB Access to Justice Program. The European Union, UK's Department for International Development (DFID), US Bureau of International Narcotics and Law Enforcement Affairs (INL), and Australian Federal Police (AFP) have been particularly generous in helping the provinces in building the capacity of their police forces. In 2009 alone, US civilian law enforcement assistance to Pakistan reportedly stood at Rs. 4.21 billion. In 2010, US allocated \$150 million for the professionalization of Pakistan police forces and for their equipment and training.

**Punjab** has particularly taken lead by establishing a

20. The author proposed and successfully steered the conversion project, while he was Inspector General Police Balochistan (2001-2004).



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state-of-the-art forensic lab in Lahore. A modern command and control centre is also about to become operational in Lahore, with the technical assistance of Turkish National Police. In 2014, Norway pledged to provide a grant amounting to US\$700,000 for capacity building of Punjab Police.

**Sindh** has established a much-needed forensic training school that imparts training in crime scene management, physical evidence analysis, basic detection, and fingerprint proficiency. The Crime Investigation Department of Sindh Police has also established a "Digital Computer Forensic Lab" that assists in anti-terror investigations by recovering lost and deleted electronic files, deleted browsing history, deleted email, or data from damaged devices. There are other initiatives currently under way to modernise Sindh Police.

**Khyber Pakhtunkhwa** has done well by establishing several new schools for specialised training, including Police School for Investigation, Hayatabad; Police School of Tactics, Hayatabad; Police School of Intelligence, Abbottabad; Police School of Public Disorder and Riot Management, Mardan; Police School of Explosives Handling, Nowshera; and School of IT, Peshawar. Well-equipped Mobile Forensic Laboratories have also been established at Peshawar, Abbottabad, and D. I. Khan, to collect evidence from the crime scene. IT-based policing tools such as Geo Tagging, Identity Verification System, Digitalisation of FIRs, Vehicle Verification System, Tenants Information System, Police Assistance Lines, and Police Access Service are other welcome additions. In addition, armoured personnel carriers, surveillance equipment, global positioning systems and night-vision binoculars to better combat terrorists have been added with the support of international donors.

As noted, **Balochistan** received two mega infrastructural projects as a grant of more than Rs. 10 billion from the Federal Government. The Provincial Government of Balochistan took a retrograde step in rolling back conversion of "A" Area into "B" Area, and Raising of Balochistan Constabulary projects. However, capacity building efforts with the technical assistance of international donors are under way. In 2014, the Netherlands Government contributed US\$2.5 million in a four-year programme with the Government of Balochistan, with UNODC as the implementing partner. To enhance forensic assistance to Balochistan Police, Australian Federal Police recently provided two forensic items (worth US\$73,300): (1) ESDA, for questioned documents, and (2) Comparison Microscope, for firearms and tool

***There are neither any scientifically based benchmarks for assessing productivity nor valid parameters for proper job task analysis. The promotion policy based on seniority cum fitness principle is not geared to select the best of the best. Last but not least, the accountability mechanisms for poor performance are virtually non-existent***

marks identification, in addition to supporting several capacity building seminars annually. Notwithstanding the enhanced efforts at introducing policing technologies for improving police working, both nationally and provincially, we are still a long way from achieving the required capabilities. Even in Punjab, despite its highly equipped modern forensic lab facility, there hasn't been a significant change in the old police practices. Neither the quality of investigation, nor the rate of conviction nor even the human rights situation has shown visible signs of improvement. The main reason is that without fundamentally changing the long-existing police culture, the induction of latest technology alone is not likely to make a difference.

#### **Performance and Capability Crisis**

Efficient and effective service delivery, particularly in a situation of performance and capability crisis, is a focus of many police forces around the world. The crisis is more profound in a country like Pakistan where police recruitments are rarely on merit. There is inadequate provision of quality pre- and in-service training. There is as yet no requirement of continuous professional development for promotion. Nor the career progression is based on performance and capability. There are neither any scientifically based benchmarks for assessing productivity nor valid parameters for proper job task analysis. The promotion policy based on seniority cum fitness principle is not geared to select the best of the best. Last but not least, the accountability mechanisms for poor performance are virtually non-existent.

#### **Training**

Training is an essential input for attuning the police force to the changing requirements of its law

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enforcement functions, particularly in the context of emerging law and order challenges. The police play a critical role in the maintenance of stability and order in the society. Their central role in the prevention and detection of crime is a task, which has become all the more demanding with the increasing availability of weapons and the ease of communications. The changing modus operandi used by terrorists and white-collar and organised criminals pose a huge challenge for police training academies. The training programs, therefore, will have to be relevant not only to the traditional police roles but also be meaningful in terms of new challenges and compulsions. Ways and means must be devised for imparting quality systematic and effective training to turn policemen and officers into competent professionals. Policing challenges of 21<sup>st</sup> century require training in cutting-edge technologies and specialisations. Policing is no longer a vocation. The current training paradigm needs to undergo a fundamental restructuring. Those showing potential to grow as homicide investigators, for instance, should be periodically trained in the latest developments in homicide investigations, not made to undergo routine general police trainings. The training for police managers must cater to leadership development needs, as also to stimulation of critical and innovative thinking.

Though of late there have been perceptible improvements in the quality of police training in Pakistan, the training modules being offered still lack the required transformation. The training philosophy is by and large still prisoner of outmoded ideas. National Police Bureau, National Police Academy, and Provincial Police Training Colleges, in collaboration with other countries, have been arranging training for police officers of different ranks in the fields of Anti-Terrorism, Human Rights, and UN Peace Missions, the relevance of such training to future performance by these officers or their career progression is still unclear. Training courses are also being arranged regularly for Pakistani police officers in Turkey, Norway, Italy, and Canada. What is required is continuous Training Needs Assessment for various levels of police officers alongside development of new curriculum for training. Unless training is valued as integral to police professionalization, its quality and relevance will not change dramatically. We need a College of Policing for issuing certifications to different categories of police professionals. Let the certified police professional be required to undergo 30-40 hours of Continuous Professional Development annually. The College of Policing may suspend certifications of those who fail to fulfil these mandatory requirements. Neither should the defaulters be considered for promotion to next rank.

As regards intra-departmental training, it is widely regarded as a waste of time, effort and resources. There is little evidence that those doing mandatory general-purpose Senior Management Course or National Management Course become better performers in their respective professions. What is required is a fundamental restructuring involving perhaps a four-week spell of common instruction at the National School of Public Policy (NSPP), followed by a 3-4 months of exclusive professional training separately for each Service Group either at NSPP or at their respective training academies.

#### **Politicised Recruitments, Postings and Promotions**

Politicised police recruitments, postings and promotions are the bane of our police organisations. If a police officer is not recruited on merit, he will neither take training seriously nor readily accept his postings if not as per his choice. Using the extraneous influence, he will be able to even manage his promotions. His managers will find it hard to hold him accountable for his manifest wrongdoings. Indeed, his untamed propensity to subvert the normal departmental processes all through his career acts as a great debilitating influence on the organisation. The result is that police are a source of instability and fear rather than critical component of a democratic society.

Though police recruitments at the constable level are now increasingly handled through outside agencies like National Testing Service, the process still lacks transparency and credibility. It also reflects police leadership's inability to do things in a manner that enjoys public confidence. As regards recruitment at ASI / SI level, it is done through respective public service commissions, at least in Punjab and KP where Police Order 2002 is in force. The recruitment of ASPs in any case is handled by the Federal Public Service Commission. However, in an environment of perceived manipulation of pliant state institutions, even recruitment by the commissions is not taken as completely free of malpractice.

Major structural reforms, including a standard police law, for the entire country, that criminalises extraneous interference in police affairs, coupled with statutory provision of required resources, are necessary to create merit-based, well-performing, credible, accountable, and professional police forces.

#### **Systemic Issues**

There are several systemic issues confronting the anachronistic police organisations in Pakistan. These include the inherited police system, politicisation of police, structural maladies, police performance

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measures not based on internationally-held standards, lack of police professionalization, police organisations not in tune with the current challenges, police highhandedness and corruption, low police accountability, directly recruited versus promoted officers, inadequate police budgets, poor working conditions, insufficient forensic and technological support, and adversarial police-public relationship. Lack of effective coordination between intelligence agencies is also a major systemic constraint.

While a number of systemic aspects have already been alluded to, in some detail, some other important aspects are briefly discussed below:

#### **Inadequate Police Strength and Insufficient Police Budget**

Pakistan Police System suffers from serious qualitative and quantitative inadequacies. While UN standards recommend a police to population ratio of 1:222, the ratio in Pakistan, at around 1:500, presents an abysmal comparison.

If we exclude around 30% of police strength that in Pakistan is deployed exclusively on VIP protection, the already dismal ratio almost becomes 1:720. It is important that while discussing police to population ratio, we also keep in view factors like quality of police force, and the nature and extent of law and order challenges at hand.

As regards the police budget, our per capita expenditure on police in 1985, as reported in Report of the Police Committee (1985), was Rs22 or \$1.375 (1\$=Rs16). In 2015, notwithstanding the exceptional law and order challenges, our per capita expenditure on police is worked out to Rs105 or \$1.00 (1\$=Rs105). In other words, our per capita expenditure on police, in dollar terms, has actually declined over time by \$0.375. This means that in 2015 there is a big shortfall of Rs73 billion in the police budget of the four Provinces, when compared with 1985. It may be noted that globally the median per capita annual expenditure on police is \$50,

with countries such as the US and UK spending almost as high as \$250.

The abysmally poor budgetary allocation inevitably means that not enough money is available for improving the rank and file salaries, housing, transport facilities and health care. No wonder that living off the land in turn leads to greater systemic corruption and widespread highhandedness on the part of police.

#### **Hierarchical Issues**

The police forces in Pakistan are highly hierarchical. Whereas in better-policed countries the prevalent span of control of senior and junior officers varies between 1:3 and 1:4, in Pakistan it is sometimes as wide as 1:7. Indeed, around 85% of the police force consists of lower rank constables and head constables. The inadequate promotion avenues adversely affect the morale of the force. The police leadership's challenge is to make sure that direct entry at different levels is regulated in such a manner that no particular category or rank is disadvantaged or discriminated against.

Recruitment at three different levels i.e. constable, ASI /SI, and ASP also impacts on the internal cohesion of the force. As police forces are becoming too large to manage,<sup>21</sup> it is time the police leadership comes up with viable solutions, based on international best practices, for administering larger forces efficiently and effectively. Perhaps, it is time to consider placing the 30% force deployed on security duties under a separate IGP (Security) in each Province. The IGP (Security) may be of the rank of Addl IGP or DIGP. The educational qualifications, training, and salary package of this distinct force will be relatively lower than the highly professional, better trained, and better paid policemen required for Police Stations.

#### **Ineffective Intelligence Coordination**

The real time criminal intelligence is potentially available at the Police Station level. Sadly, due to adversarial police-public relationship, the lines of

	<b>A</b> <b>Population</b> <sup>[1]</sup>	<b>B</b> <b>Police Strength</b>	<b>C</b> <b>Police Population Ratio (A/B)</b>	<b>D</b> <b>Budget 2015-16 (Rs in Billion)</b>	<b>E</b> <b>Per Capita Expenditure on Police (D/A)</b>
<b>Punjab</b>	91,379,615	180,000 <sup>[2]</sup>	507	87.90 <sup>[6]</sup>	Rs 96
<b>Sindh</b>	55,245,497	105,234 <sup>[3]</sup>	524	61.82 <sup>[7]</sup>	Rs 112
<b>KP</b>	26,896,829	65,000 <sup>[4]</sup>	414	32.74 <sup>[8]</sup>	Rs 121
<b>Balochistan</b>	13,162,222	38,000 <sup>[5]</sup>	346	13.70 <sup>[9]</sup>	Rs 104

21. The Punjab Police strength has already exceeded 180,000.

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intelligence flow from the community to the local police are virtually choked. That is why it is so critical to reinvent the Police Station.

Besides Police, the Intelligence Bureau, ISI, MI and Provincial Special Branches are all mandated to gather intelligence on regular basis. However, there being no institutional mechanism for efficient intelligence sharing, the intelligence available with different agencies is not put to effective use. In the face of terrorism challenge, in particular, what we require is build strong partnerships between various stakeholders and provide the multi-agency perspective necessary to achieve the shared objective of defeating those involved in serious crime.

A statutory information-sharing platform made available under the Police Order 2002 was the National Police Bureau, Ministry of Interior. In 2008, the Office of National Security Advisor was established in the Prime Minister's Secretariat. More recently, on 18 March 2014, the Prime Minister directed that a National Intelligence Directorate (NIS) be immediately formed under NACTA to pool together national and provincial intelligence resources for improving security in Pakistan. However, as NACTA is yet to become operational, the fate of NIS is also unclear.

#### **Terrorism Issues**

Terrorism is a form of crime that has bedevilled Pakistan for quite some time. Political terrorism of Al-Zulfiqar lasted for almost a decade, starting 1977. Ethno-political urban terrorism and sectarian terrorism

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***The role of police is critical because they are placed in a better position to know about emergence of local terrorist threats, their possible targets and also because they are in a position to offer first response to terrorist attacks. They conclude that an extension of community policing can be helpful in collection of intelligence and prevention of situational and ordinary crime***

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started in 1990s have continued since. However, the terrorism that Al-Qaida and their affiliates started and sponsored in the aftermath of 9/11 has proved to be the deadliest.

Hassan Abbas, a former officer of Police Service of Pakistan and a Professor of International Security Affairs at National Defence University, Washington DC, has put in excellent work on policing in Pakistan. In his paper, *Role of Pakistan Police in Counterinsurgency*, he built up the case that in counterinsurgency campaigns the institution of police has the primary and paramount role but observed that despite law and order problems and internal strife from the very inception of the country Pakistani state miserably failed to give due attention to the institution of police. Analyzing various factors that hinder effective policing and police limitations to pursue counterterrorism campaign effectively, he has concluded that leadership factors, political support, extra resources and financial incentives played a role in successful operations conducted by police. He suggests complete implementation of Police Order 2002, capacity building of National Police Bureau and specialised counterterrorism and counterinsurgency training to selected police officers.

Police academics, practitioners, researchers and policy formulators offering comments and analysing policy issues, practices, comparative international practices, legal and political developments and academic research. Its first issue, which appeared in 2007, was dedicated to the topics related to terrorism. Ronald V. Clarke, a professor at University of New Jersey, USA and Graeme R. Newman, professor at the University of New York jointly contributed a paper captioned, 'Police and the Prevention of Terrorism' in this issue. According to them partnership among national security organizations, intelligence agencies and local police is necessary to prevent future terrorist attacks and that police play an important and central role in this partnership. The role of police is critical because they are placed in a better position to know about emergence of local terrorist threats, their possible targets and also because they are in a position to offer first response to terrorist attacks. They conclude that an extension of community policing can be helpful in collection of intelligence and prevention of situational and ordinary crime. And for this purpose, the police forces should emphasize on prevention of ordinary crime, on service delivery, on making use of information and analysis and on creating partnership with other public and private agencies related to security.<sup>22</sup>

22. Clarke, Ronald V. and Newman, Graeme R. (2007), 'Police and the Prevention of Terrorism' in *Policing: A Journal of Policy and Practice* (Oxford University Press)

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Counter terrorism campaigns are usually multipronged and multifaceted and are conducted in more than one ways. Scholars have identified three different approaches for the responses to terrorism. These include (i) use of dialogue and negotiations, (ii) use of law enforcement under criminal justice system, and (iii) military operation. These approaches are not independent and exclusive of each other and are often used simultaneously and collectively according to the situation. Suitable elements from all three approaches are blended to devise a policy guideline, which can be applied to a variety of terrorist campaigns in different political contexts.<sup>23</sup>

Though military and paramilitary forces in Pakistan are playing a lead role in the fight against terrorism, the control of terrorism is primarily a police function. If well trained, well equipped, and well-resourced, the police are generally better suited for counterterrorism functions of targeting hardening, investigation and prosecution, and pre-emptive disruption. Their intelligence network going down to the level of Police Station can be an effective tool in the fight against terrorism. Pakistan Police have made tremendous sacrifices while fighting terrorism, and have won many a battle. They can do better. The reasons why they are not measuring up to their mandate include police politicisation, lack of professionalism, inadequate resources, and, not infrequently, an inept leadership.

As already discussed, the technical assistance from friendly countries is playing a significant role in building counterterrorism capabilities of our police forces. We need to build stronger partnerships with the international community for improving the capabilities of police, particularly in modernising police training and instituting and expanding professional development programs abroad.

#### **Role of NGOs and Civil Society in Police Reform**

Policing around the world is the preserve of the state. As already discussed, the police system of Pakistan is based on an archaic, colonial model that needs urgent transformation. This transformation is unlikely to happen, without strong support of NGOs including local and foreign non-governmental organisations, the civil society, the print and electronic media, community-based organisations, faith-based groups, charitable organisations, right to information activists, professional associations, the lawyers, the human rights groups, and the people who support change for minorities and the vulnerable. Neither all NGOs and civil society organisations advocate systemic reforms

nor do they always act as policy advocates or as justice sector reformers.

NGOs and civil society have a critical role in police reform and in addressing the stigma on police system in Pakistan by raising public awareness of policing issues, promoting debate on policing practices, monitoring the performance of police, exposing police misconduct, calling for transparency and effective accountability of police, and championing reform. The media, in particular, plays a critical role in exposing police malpractices, even in highlighting police difficulties, and in making or breaking the police image.

There are important ways in which NGOs and civil society can work together to promote democratic policing in Pakistan. A democratic police service can only be borne of a community focussed reform process. Local NGOs like Pakistan Institute of Legal Development (PILDAT), Centre for Peace and Development Initiative (CPDI), Pakistan Forum on Democratic Policing (PFDP), Transparency International Pakistan, and Consumer Rights Commission of Pakistan (CRCP), and large international organisations, such as International Crisis Group, Asia Society, and Commonwealth Human Rights Initiative have played a significant role in championing and pushing the cause of police reform in Pakistan. The way forward is to develop strong sustainable partnerships with the civil society.

#### **Implications of Poor Policing**

Under the Constitution, the primary responsibility of policing rests with the provincial governments. Decades of misuse and neglect of police by the provincial governments has meant that police are a source of instability and fear rather than a key component of a democratic society. Political and bureaucratic interference being major impediments to police efficiency have rendered the police ineffective and rudderless. Politicised recruitments, postings and promotions, low compensation packages and weak internal and external accountability mechanisms are basic causes of rampant and systemic corruption and highhandedness, which in turn exacerbate alienation between the public and police. As there is not enough money in the budget to meet even routine police functioning, some corruption is aimed at filling the budgetary gap. For the same reason, the police and criminals at times develop a symbiotic relationship. Bribes are exchanged to subvert investigations, let criminals off the hook or abet or ignore serious crimes.

23. Wilk, Paul (1986), *Terrorism and the Liberal State (Second Edition)*, (New York: New York University Press)

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***As practically since 1947 there has been no positive change in the law governing the police or in the Thana culture, the police have become a dangerous anachronism unsuited to an emerging democracy. Poor handling of law and order in the past has often been cited as a major reason for military takeovers***

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which direction we point it; we won't get there. Today, the core issue is not so much what police does, but why

Poor working conditions are also a significant cause of frustration and low morale, impacting adversely on the organisational efficacy. This is how policing in itself becomes a cause of social disorder. Paradoxically, the nation has paid dearly in meeting heavy political, social and economic costs of unsatisfactory policing.

As practically since 1947 there has been no positive change in the law governing the police or in the Thana culture, the police have become a dangerous anachronism unsuited to an emerging democracy. Poor handling of law and order in the past has often been cited as a major reason for military takeovers. The prolonged involvement of Rangers in Karachi is a clear proof that the law and order void created by less than satisfactory policing cannot be left unfilled.

Public concern for improved levels of law enforcement has never been higher. There is a growing recognition that the task requires a concerted effort by all concerned – the state, the private sector and civil society. Without enduring partnership and coalition building among the principal actors involved, there can be no hope of significant improvement in the quality of life. An enlightened and determined political leadership, high levels of public awareness and support, and a motivated and well-led private sector are absolutely critical to change, as is a civil society that demands and supports higher and better standards of rule of law.

Without focussing our debate on the nexus between the poor quality of law enforcement and police organisational inadequacies, it seems pointless to spend time on the rhetoric of democratic policing. If the organisation designed to carry forward the supremacy of law is broke, the rhetoric alone won't take us anywhere. If the vehicle won't move, it hardly matters

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## Regional and International Best Practices

Every organization is set up on some principles, which are broader objectives of that organization. The institution of police too has its principles, which are observed during the performance of policing duties. Different organizations and people have devised principles according to needs and requirements of times. The principles briefly describe the international good practices in relation to role, functions, duties and responsibilities of police.

### Peelian Principles

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

- I. The prevention of crime and disorder is the basic mission for which the institution of police is established as an alternative to severity of military force.
- II. The power and ability of police to perform their duties is dependent on public approval of their actions and their ability to secure and maintain public respect.
- III. To secure and maintain public respect and gain public approval of police actions always means the securing of willingness and cooperation of the public in voluntary observance of law by them.
- IV. The extent to which the public cooperation can be secured diminishes proportionately the necessity of the use of physical force for achieving police objectives.
- V. The police seek and preserve public favour not by pandering to public opinion, but by constantly demonstrating absolute and impartial service to law and by readily offering service and friendship to all members of society irrespective of their status, by ready exercise of courtesy and good humor and by readily offering sacrifices in protecting and preserving life.
- VI. The police use physical force only when the advice, persuasion and warning failed to secure public cooperation to restore order. If necessary the minimum degree of force is to be used on a particular occasion to achieve police objectives.
- VII. To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police, the police being only member of the public who are paid to give full time attention to duties which are incumbent to every citizen, in

the interest, welfare and for the existence of the community.

- VIII. There is a need for strict adherence to executive functions of police and to refrain from usurping powers of judiciary and from authoritatively judging guilt and punishing the guilty.
- IX. The test of police efficiency is always the absence of crime and disorder and not the visible evidence of police action in dealing with them. (Chaudhry, 1997).

### The Principle pronounced by Sir Robert Mark

Sir Robert Mark (1970), Police Commissioner of London Metropolitan Police, whilst claiming the support of “a long tradition of Constitutional freedom from political interference” said:

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

### UN Code of Conduct for Law Enforcement Officials

#### Article 1

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

#### Article 2

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

#### Article 3

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

#### Article 4

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

#### Article 5

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

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justification of torture or other cruel, inhuman or degrading treatment or punishment.

*Article 6*

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

*Article 7*

Law enforcement officials shall not commit any act of corruption. They shall also rigorously oppose and combat all such acts.

*Article 8*

Law enforcement officials shall respect the law and the present Code. They shall also, to the best of their capability, prevent and rigorously oppose any violations of them.

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



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## Principles of Democratic Policing

During the conflict of Bosnia Herzegovina, the warring parties, European Union and UN representatives and other stakeholders came together in Youngstown, Ohio (USA) to discuss the possibilities of developing a new police force for the country. As a part of the resultant agreement called “Youngstown Accord” seven principles were adopted to guide police both in established and emerging democracies. These principles are called principles of democratic policing:

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

## The Way Forward

To meet the challenges of modernizing an outmoded institutional framework and improving the professional and ethical content of policing, Pakistan needs to organise a police system, which is politically neutral, non-authoritarian, accountable and responsive to the community, professionally efficient, and last but not least, which is an instrument of rule of law.

In a profound revamping of the structure and systems of police, the government decided to dismantle the – anachronistic – Police Act of 1861, which was more suited for rule by a colonial power than safeguarding and promoting rule of law. The Police Order 2002 aimed, *inter alia*, at depoliticising police, improving police professionalism through a merit-oriented system of recruitment and career progression, and making police more accountable to citizens. If properly implemented, these reforms can bring about a fundamental transformation in the quality of policing, and make police a people-friendly public service, particularly for the poor and disadvantaged.

The implementation of the Police Order has remained

***To meet the challenges of modernizing an outmoded institutional framework and improving the professional and ethical content of policing, Pakistan needs to organise a police system, which is politically neutral, non-authoritarian, accountable and responsive to the community, and professionally efficient***

challenging because (1) the provincial civil bureaucracies never accepted the new dispensation, and (2) the police leadership's support of the Police Order was at best lacklustre. Getting police reform on track will mean that the battle between self-seeking politicians, businessmen, bureaucrats and other forces of status quo has started to turn in it happen sooner? Only time will tell.

But can policing be reformed without reference to the criminal justice system in total, or the wider legal tradition? Of course, any police reform strategy will have to take into account a number of other key variables such as the structure of government, balance between federal and provincial governments, or between provincial and local governments, the role of the judiciary, military, and political parties in administrative affairs of the country, the role of public prosecutors and defence lawyers, how professionally led the police force at a particular point in history is, what the mandate of the police force is and how serious the attempt for shifting the basis of legitimacy of the police from an adversarial to a consensus or a community model is. Equally important, if not more important, is to consider less tangible features of a society, like its social structure and cultural expectations.

Finally, the process of reinvention requires that the political and police leaderships in Pakistan realise that the police have to respond to the expectations of their customers if they are to be effective. Historically, there has been reluctance on the part of senior police hierarchy to recognise the necessity of seeing police forces as organisations that are fundamentally no different from any other enterprise or business. Arising from this basic error there has been a tendency to hide

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behind the complexity of policing as a means of excusing poor management and leadership. The police organisation of tomorrow will therefore have to evolve a shared vision and understanding of a common mission, which will increasingly be focussed on meeting the community expectations. 'Putting the customer first' would certainly improve the confidence of the public and an overt commitment to enhance the standards of public safety and police accountability will require the police leadership to *lead* and *manage* to achieve, at the very least, the following key objectives:

1. Security of tenure to police key appointment holders.
2. De-politicisation of police.
3. Adequate provision for strategic capacity building of police.
4. Substantial change in the work ecology of police, especially for lower ranks.
5. Adequate police budget.
6. Transformation of police from a *public-frightening force* to a *public-friendly service organisation*

In conclusion, law enforcement modernisation is one of the greatest challenges confronting Pakistan, a challenge that can and must be met. There are no short cuts, and no easy answers. Like an old Chinese saying, a journey of a thousand miles begins with the first step. Fortunately, the Police Order 2002 is the first of several steps that has already been taken. We need political will and determined police leadership to complete the journey. There is not a moment to lose.

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## Appendix A

### Major Police Reform Efforts in Independent Pakistan

1. 1948: Passage of Bill to introduce Metropolitan System of Policing in Karachi
2. 1951: Recommendations of Sir Oliver Gilbert Grace, IG Police, NWFP
3. 1961: Police Commission headed by Mr Justice J.B. Constantine
4. 1962: Pay & Services Reorganisation Committee (Justice Cornelius)
5. 1970: Police Commission headed by Major General A.O. Mitha
6. 1976: Police Station Enquiry Committee headed by M.A.K. Chaudhry, IG Police
7. 1976: Law and Order sub-committee headed by Ch. Fazal Haque
8. 1976: Police Reforms Committee headed by Mr. Rafi Raza
9. 1981: Orakzai Committee on Police Welfare, Promotion and Seniority Rules
10. 1982: Cabinet Committee on the Emoluments of SHO
11. 1983: Cabinet Committee on Determining the Status of SHO
12. 1983: Sahibzada Rauf Ali Committee
13. 1985: The Police Committee headed by Mr. Aslam Hayat
14. 1987: Report of the two-member delegation's visit to Bangladesh and India
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21. 1998: Report of the Good Governance Group on Police Reforms
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24. 2002: Police Order 2002
25. 2004: Police Order (Amendment) Ordinance 2004



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