

WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT
ISLAMABAD.

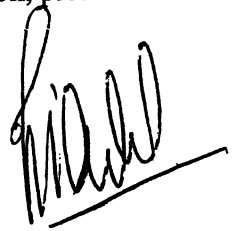
CIRCULAR

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Subject: MINUTES OF THE MEETING HELD ON 28TH JANUARY, 2016 TO FINALIZE THE REPORT OF THE COMMITTEE ON GOOD ADMINISTRATION STANDARDS FOR POLICE AND MEASURES TO CURB MAL-ADMINISTRATION IN COMPLIANCE OF THE ORDER OF THE SUPREME COURT, DATED 04-9-2015

The Minutes of the Meeting, duly approved by the Hon'ble Wafaqi Mohtasib, on the above subject are circulated herewith for information and further necessary action, please.



(Hafiz M. Ziauddin)
Additional Secretary (Admn)

All concerned Officers in WMS, Islamabad

Copy for information to:

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4. D.G (Admn)

MINUTES OF THE MEETING HELD ON 28th JANUARY, 2016 TO FINALIZE THE REPORT OF THE COMMITTEE ON GOOD ADMINISTRATION STANDARDS FOR POLICE AND MEASURES TO CURB MAL-ADMINISTRATION IN COMPLIANCE OF THE ORDER OF THE SUPREME COURT, DATED 04-9-2015.

A meeting was held on 28th January, 2016 at 1400 hours in the Conference Room of the Wafaqi Mohtasib Secretariat under the chairmanship of Mr. Abbas Khan, Chairman of the Committee constituted to discuss and finalize the Report on Good Administration Standards for Police and Measures to curb Mal-administration therein in compliance of the order of the Supreme Court, dated 04-9-2015. The Honourable Wafaqi Mohtasib also participated in the meeting as a special guest. List of participants is annexed.

2. The meeting started with recitation from holy Quran whereafter the Chairman welcomed the participants and explained the background of the court orders leading to the constitution of the subject Committee by the Federal Ombudsman. He stated that reservations were expressed by various quarters on the recommendations of the earlier report and it was desired that the report should focus on the specific issues raised by the Supreme Court in the relevant judgement. Recapitulating those points, the Chairman stated that there was no ambiguity in Section-154. Therefore, once a complaint of criminal nature is lodged, an FIR must be registered, investigations carried out and consequential arrest be made. He pointed out that if registration of FIR is freely allowed the figure pertaining to the crime rate goes up drastically without actual change in the incidence of crimes. Citing a report relating to the crimes in New Delhi, India, he stated there was 900% increase in the reported crime when FIRs were allowed to be registered freely. However, the conviction rate did not tally with the figure. He stated that currently Police has the discretion to arrest or not to arrest under the Police Rules. Elaborating the circumstances that should be guarded against illegal arrest, he opined that Section 24 (4) of the Cr.PC was in conflict with the law. He further stated that appointment of SHOs is highly politicised.

3. Highlighting the reasons for the shortcomings in police system, the Chairman stated that promotions in police should be based on actual performance, training facilities should be improved and prioritized, quality of investigation and that of the command and control system as well as conviction should be improved. Stating that according to a recent study, the average tenure of I.G. is less than one year and that of the DPO and SHO is less than 6 and 3 months, respectively, he emphasized the importance of adhering to the normal tenure of police officers.

He also apprised the meeting of the salient features of the Police Access Service introduced by the KPK Police and stressed the need for emulating the same in the rest of the country.

4. The Chairman also expressed the view that Section 190 & 200 of the CrPC provide alternative remedy in case of non-registration of FIR. Magistrate can take cognizance of an offence on complaints, and this option should be used liberally so that monopoly of the police in the existing system of registration of FIR ends. Terming the intervention of Justice of Peace as successful, he expressed concern over the growing number of false / fictitious FIRs. He opined that in such a situation, a magistrate can order the police not to arrest the accused, and simultaneously order investigation.

5. The honourable Wafaqi Mohtasib thanked the Chairman for inviting him and presenting a comprehensive gist of the draft report and for reiterating the decisions taken earlier in the meetings of the Committee. He stressed the need for concentrating on formulating recommendations for improvement in the working of Police Stations. He emphasized that there has to be an external oversight to guard against frivolous and fictitious FIRs as well as an instant internal oversight, accountability and effective command and control system. He shared the views that the tenure of the SHO should be guaranteed. He also emphasized the need for improvement in the public service at the Police Stations and restoring the confidence of the people in the Police System. SHO who fails or/and is removed must be provided reasons for his change which he may agitate in the higher judicial forums.

6. The meeting discussed the contents of the draft report in detail and offered the following views, comments and proposals:

- i. Only implementable recommendations for improvement in the Police System and, especially, in the Police Stations should be made;
- ii. The training of police personnel should also focus on public service including First Aid, mechanics of the vehicles, tackling with the problems of the commuters;
- iii. Communication network on the highways should be improved;
- iv. Police Service can play a central role in cultural transformation and should be used as such, as well;
- v. There should be a unity of command in the Police Force;
- vi. There should be separate study on restructuring in the Police System and maximum delegation of authority to the lower echelons should be ensured;

- vii. Political or any other interference in the policing must be curbed. Superior Judiciary can play a proactive role in this direction;
- viii. The Provincial Governments should be expected to implement recommendations;
- ix. The tenure of the SHO should be 3 years at a place of posting;
- x. If posted out before the expiry of normal tenure, reasons therefor must be provided in writing; and the SHO should be allowed to approach the Ombudsman;
- xi. The budgetary needs of every police station should be carefully assessed and the required funding must be made available;
- xii. I.Gs should have a one liner budget. A lump sum amount should be placed at the disposal of I.G. who should have full authority to spend the budget in the best interest of policing;
- xiii. The SHO needs to be in BS-17 or above;
- xiv. Political will is the driving force for carrying out any reforms in the Police System;
- xv. A Pilot Project on the basis of the recommendations of the Committee should be conceived and implemented, as a first step, in the Federal Capital and selected districts in the provinces;
- xvi. Executive magistracy for the purpose of remand and oversight of police stations should be restored and statement before the police should not be admissible;
- xvii. Chairman, Mr. Abbas, Mr. Shakil Durrani and Mr. Shigri may seek appointments to brief Chief Ministers & Chief Secretariats regarding the recommendations and seek their input.
- xviii. All appointments in the police must be made by the police authorities themselves and all postings, transfers, suspensions and removals should be made by them without any political interference;
- xix. The uniform of the police may be changed and a lighter colour should be considered to make it more presentable and to improve the image of police. Similarly, the colour of police stations should also be changed for a better look;
- xx. On the pattern of the system adopted by the KPK police, all police stations in the country should provide the visitors with automatic access, through phone facility, to the next senior officer in case the junior officer is not available for help;

- xxi. CCTV Cameras should be installed in the Police Stations for monitoring purposes and the Reporting Room should be up-graded;
- xxii. Instead of big rifles, small shotguns should be provided to the police;
- xxiii. For the purpose of merit based recruitment in the police, the standards should be well defined. Incentives such as fast track promotions on the basis of outstanding performance should be provided; A Board should interview the candidates for promotion to the post of the SHO;
- xxiv. The strength of ASPs should be increased, trainings be made compulsory and new training schools should be opened;
- xxv. Police Assistance Line should be introduced;
- xxvi. Not one person but a team including members of the civil society should have an oversight on the working of the police;
- xxvii. The I.Gs should have a conference call facility;
- xxviii. The Police Order 2002 is comprehensive enough and should be implemented;
- xxix. All queries received through SMS should also be replied through the SMS by the police within 24 hours;
- xxx. Before registering any FIR in a criminal case, due deliberations should be held by the concerned police personnel to establish the authenticity of the complaint;
- xxxi. As a deterrence against false FIRs, there should be a punishment for 5 years imprisonment of the person lodging such an FIR;
- xxxii. Community Policing should be encouraged alongwith Public, Judicial, Political and Internal Accountability. The District Policing Plan should be standardized;
- xxxiii. The 1934 Police Rules are very comprehensive and contain all standards to be followed. It needs to be implemented in letter and spirit;
- xxxiv. The Police stations in the rural areas of the country need special attention. The existing systems should be made more public service delivery oriented;
- xxxv. In case of shoddy investigations, the Investigating Officer concerned should be awarded due punishment/imprisonment;
- xxxvi. The law and order is essentially a provincial subject and the Police Order, 2002 has been amended by them as per their requirements; therefore, in order to bring the recommendations of the report into fruition, their endorsement is a prerequisite which seems to be lacking so far;
- xxxvii. District and Provincial Public Safety Commissions were set up in all the four provinces. However, because of an atmosphere of fear ingrained in the society

due to possible reprisals, these Commissions never took off the ground. In most of the districts, these were observed acting to cover up the irregularities and acts of highhandedness to gain police favours for advancement of their own personal agendas. Furthermore, having no legal mandate for implementation of their orders, they were at whims of the DPO. Any future re-enactment of these commissions is, therefore, likely to meet the same fate given the past experience;

- xxxviii. Regional offices of Provincial Police Complaints Authority (PPCA) be established at the district level, or at least at the divisional headquarters level in the initial phase, to listen to the complainants, especially from the far flung areas, against police and take action;
- xxxix. The mind-set and functions of the judicial magistrates do not provide any well-known past example of a meaningful police accountability. Recommendations made by them against the police officials are seldom implemented by their comrades-in-arms mandated to take action;
- xl. Recommendations in the draft report go far beyond the original mandate given by the Supreme Court; and encompass major changes at all levels of the police departments. The report should focus on the police stations' improvements;
- xli. Any proposal to make evidence by the police officers/officials admissible in the courts is again fraught with danger and may entail the negative consequences for the existing state of human rights in the country;
- xlii. Adequate focus is somewhat lacking about the territorial jurisdictions and functions of police stations. The concept of a police station as the basic functional unit of policing with clearly demarcated territorial jurisdiction is facing a formidable challenge in the modern urban areas because locating the initial occurrence of a crime becomes a Herculean task in the incidents relating to terrorism, multiple dacoities by the same gang, cybercrimes, etc.
- xliii. Police stations in the urban areas may be merged to form a single police station in the small cities, or two, three or more stations in the major urban centres depending on their size on experimental basis. FIRs can then be registered at a central place and gazetted police officers, either an Assistant Superintendent or Deputy Superintendent of Police can be made officers-in-charge of these units.
- xliv. As per Section 551 of the Code of Criminal Procedure, 1908, all police officers superior in rank to an officer-in-charge of a police station may exercise the same

powers throughout local area, to which they are appointed, as may be exercised by such officer within the limits of his station. This enabling provision may also be used to ensure free registration of FIRs at their offices by all tiers of supervisory police officers. It will require no amendment in the existing laws and can be introduced through notifications by the Federal Government. This system can initially be introduced in Islamabad as a pilot project for a prescribed period and, based on results, it can subsequently be replicated in other parts of the country after seeking consent of the respective provincial governments.

7. It was agreed that the committee will finalise its report while taking into consideration the above observations and comments.

The meeting ended with a vote of thanks to and from the chair.