



**FEDERAL OMBUDSMAN OF PAKISTAN**

**REPORT ON  
ADDRESSING MAL-ADMINISTRATION  
IN POLICE STATIONS**

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**Nishan-i-Imtiaz**

**Federal Ombudsman of Pakistan**  
President Asian Ombudsman Association  
President Asian Region, International Ombudsman Institute

May 19, 2016

**Honourable Mr. Chief Justice,**

I consider it a great honour, Sir, to present this Report on Addressing Mal-Administration in Police Stations. The Report has been prepared by a Committee constituted pursuant to the order of the Honourable Supreme Court of Pakistan that the Federal and Provincial Ombudsmen should submit in Court good administration standards for police stations and should also submit a report which outlines the measures being taken to curb mal-administration in police stations.

2. In the light of the observations of the Apex Court a Committee headed by Mr. Abbas Khan, former Federal Secretary and Inspector General of Police, Punjab and KPK provinces, and including Mr. Afzal Ali Shigri, former Inspector General of Police, Mr. Shakil Durrani, former Chief Secretary Sindh, KPK, AJK and GB among others was constituted. Eminent professionals and serving and retired public officials and Ombudsmen of provinces and/or their representatives actively participated in formulating recommendations of the committee. Some of the Committee meetings were also attended by Mr. Abdul Rauf Chaudhry, Federal Tax ombudsman, Mr. Arif Ahmed Khan, Secretary Ministry of Interior, Mr. Shoaib Siddiqui, Special Secretary Ministry of Interior and former Commissioner Karachi, Mr. Akbar Khan Hoti, D.G FIA, Mr. Shams-ul-Mulk, President, Ghulam Ishaq Khan Institute of Science & Technology, former Caretaker Chief Minister KPK and Chairman WAPDA, Mr. Iftikhar Rasheed, former Federal Secretary and Chairman PEMRA and IGP, Mr. Saeed Mehdi, Chairman SNGPL and former Principal Secretary to the Prime Minister and Chief Secretary Sindh, Mr. Ejaz Ahmed Qureshi, former Chief Secretary, KPK and Sindh, Mr. Imtiaz Inayat Elahi, former Chief Commissioner, Islamabad Capital Territory and Federal Secretary, Mr. Raffat Pasha, former Federal Secretary and IGP, Mr. Hamid Ali Khan, former Federal Secretary and D.G., NACTA, Hafiz Tahir Khalil, Chief Reporter, Daily Jang, Hafiz Ahsaan Ahmed Khokhar, Advocate Supreme Court, Senior Advisor (Law) and Grievance Commissioner for Overseas Pakistanis, Mr. S. M. Tahir, former Special Secretary, Malik Mohammad Iqbal, former D.G., FIA, Maj Gen (Retd) Haroon

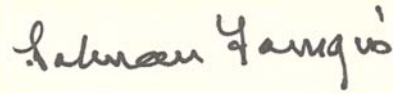
Sikandar Pasha, former D.G., NAB, Sindh and Mr. Shah Mahboob Alam, Member/Secretary of the Committee and former Joint Director, Intelligence Bureau, and Managing Director, OGDCL. We are grateful for their invaluable input. The Committee also consulted with Mr. Asad Jehangir Khan, former IGP Sindh and Ms. Zoha Waseem, a doctoral candidate in King's College, London. But for their valuable contribution, the formulation of this report would not have been possible.

4. The Committee has identified and analyzed in depth the systemic issues which require to be urgently addressed to improve the performance of our police stations in a meaningful way and to satisfy our citizens suffering for long under apathy, insensitivity and inaction at various levels of authority.

5. We hope that the Committee's recommendations formulated in deference to the observations and order of the Supreme Court will receive due consideration for prompt implementation.

6. I take this opportunity to express my gratitude to you, Sir, for the confidence and trust reposed in our office for this important assignment.

Yours sincerely,



Hon'ble Mr. Justice Anwar Zaheer Jamali,  
Chief Justice of Pakistan,  
Supreme Court of Pakistan,  
Islamabad.

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Text of the Order of Honorable Supreme  
Court of Pakistan directing Federal  
Ombudsman to submit Report on Addressing  
Maladministration in Police Stations

**Order of the Supreme Court of Pakistan in Writ Petition No. 1282 of 2014**  
**directing the Federal and Provincial Ombudsman to submit in Court**  
**“Good Administration Standards for Police Stations and should submit a**  
**Report which outlines the Measures being taken to Curb**  
**Maladministration in Police Stations”**

<b>THE SUPREME COURT OF PAKISTAN</b> (Appellate Jurisdiction)	
<b>Present:</b> Mr. Justice Jawwad S. Khawaja Mr. Justice Dost Muhammad Khan Mr. Justice Qazi Faez Isa	
<b>Civil Petition No.1282 of 2014</b> (Against the order dated 20.06.2014 of Lahore High Court. Rawalpindi Bench passed in Writ Petition No.1194 of 2014)	
Haider Ali & another	Petitioner(s)
<b><u>VERSUS</u></b>	
DPO Chakwal & others	Respondent(s)
For the Petitioner(s):	Syed Rafaqat Hussain Shah, AOR with Haider Ali petitioner No.1
On Court's notice:	
For the Federation:	Mr. Sohail Mehmood, Dy. Attorney General, Syed Nayab Hassan Gardezi, ASC/Standing Council
For Govt. of Balochistan:	Mr. Tariq Mehmood Butt, Prosecutor General Mr. Muhammad Ayaz Khan Swati, Addl. AG Syed Parvaiz Akhtar, Dy. Prosecutor General
For Govt. of KPK:	Mr. Mujahid Ali Khan, Addl. AG
For Govt. of Punjab:	Mr. Razzaq A. Mirza, Addl. AG Ch. Zubair Ahmed Farooq, Addl. PG
For Govt. of Sindh:	Mr. Shehryar Qazi, Addl. AG
Date of hearing:	04.09.2015
<b><u>ORDER</u></b>	
<p><b><u>Jawwad S. Khawaja, CJ.-</u></b> The facts of this case are all too typical for our criminal justice system. A party to a family dispute, which appeared to be of a civil nature, filed a complaint with the police to allegedly pressurize the other party. The police initially (presumably in good-faith) rejected the complaint. The party then attempted to have the case registered through the Justice of Peace. This application was also denied. Thereafter, a writ petition was filed, on the basis of which the High Court ordered investigation of the case. What culminated thereafter was a series of appeals and petitions taking the matter right up to the Supreme Court.</p> <p>2. When the case came up for hearing before us, the unsatisfactory state of affairs was apparent. We were perplexed to note that the police failed to register the FIR on the</p>	
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complaint being filed, even though the provisions of Section 154 Cr.P.C. do not provide them any discretion in deciding whether or not they can register a FIR. Numerous judgments of this Court have also reaffirmed this principle. If the complaint was indeed false and vexatious, as the petitioner alleged, then the police should have filed a case against the complainant under the relevant provisions of the Pakistan Penal Code. However, the relevant officials chose not to do this and instead pushed the parties into various rounds of litigation involving a simple issue of whether the FIR should be registered. Similar maladministration was noted in the police investigation. Neither the challan had been submitted within the stipulated period of fourteen days nor was there any valid or apparent reason as to why the investigation of the case had not been concluded. It was clear to us that such unjustified delays created room for wrongdoing. What made the matter worse is that there were no effective safeguards within the police to guard against such maladministration. And there was no accountability.

3. It would be an under statement to say that the state of our criminal justice system which led to this case, and many others like it, is deficient. The majority of human right cases which come before us concern in one way or another police abuse of powers or inefficiency. Even as we heard this case, we noted many instances of police excesses. These numerous complaints cannot be adequately dealt with by the apex Court nor is it the primary function of the apex Court to probe into the transparency or honesty of police investigation. This is a function which has to be performed by the Provinces and by the Federation. Ineffective investigation and weak prosecution is similarly another matter which has created deep ruptures in our justice system and which we identify on a daily basis. Therefore, seeing how this matter is recurrent, of great public importance and directly related to the fundamental rights of the citizens at large, we issued notices to the Federation and the four Provinces to submit a comprehensive and effective plan which

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would be necessary for ensuring that the grievances of citizens are redressed at their doorsteps in the shortest possible time and that instances of wrongdoing or maladministration are dealt with promptly.

4. At our request Khawaja Haris, learned Sr. ASC agreed to assist us. He reviewed the reports submitted by the Provinces and also solicited suggestions and proposals from the Advocates General, Prosecutors General, Secretaries Prosecution and Inspectors General of Police, as well as from some of the eminent retired civil servants who had served in the Police or the Prosecution Department.

5. In response thereto, a number of suggestions and proposals were received by Khawaja Haris, learned Sr. ASC and the same were placed on the record through C.M.A. No.1014/2015. Thereafter, on the basis of the suggestions and proposals so received, Khawaja Haris, learned Sr. ASC, formulated 72 questions considered to be relevant for purposes of ensuring effective redressal of complaints, fair, honest and effective investigation and for ensuring accountability of the police. These questions were then forwarded to all the aforementioned officials of the four Provinces and the retired civil servants. Their responses were placed on the record of this Court through C.M.A. No. 1457/2015. The learned Sr. ASC also provided his own proposals with respect to the subject matter through C.M.A. No. 3710/2015. Based on our directions, Mr. Sarwar Khan, Secretary Law & Justice Commission of Pakistan, also submitted his report on the issue with suggestions through C.M.A. No. 5569/2015.

6. A bare overview of the above mentioned reports and the numerous responses we received from the various state officials during the course of this case, would be enough to show that there are a number of fundamental issues with our criminal justice system. Everyone admits as such. Even the learned Prosecutor General Punjab admitted before this Court that the Government is "aware that steps have to be taken to ensure that the police and

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ecution departments which are meant to ensure the enforcement of the law fairly and honestly, do not in fact become instruments of oppression of the public at large". While admission of fault is the first step towards making amends, our concern is that despite appreciation of the problem no effective steps have been taken to enhance the efficiency and competence of the concerned government departments. What is more troubling is that certain key issues faced by our justice system could be addressed instantly, in some cases through administrative measures and in others through legislation.

7. It may be useful at this stage, to refer to some of the key issues which were highlighted before us. For ease of reference, we have categorized the issues based on whether they relate to: (i) pre-investigation stage (registration of FIR); (ii) investigation stage; (iii) prosecution and trial; and (iv) accountability and transparency.

A. Pre-investigation stage (registration of FIR)

Any person familiar with the workings of a police station in Pakistan knows that the provisions of Section 154 Cr. P.C. are flouted and misused. Section 154 Cr. P.C. provides, *inter alia*, that every information given to an officer in charge of a police station relating to the commission of a cognizable offence, whether given in writing to him or reduced in writing by an officer in charge of a police station, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the Provincial Government may prescribe in this behalf. While this provision is mandatory in nature, often the concerned police station refuses to register the FIR even if the information provided to it relates to the commission of a cognizable offence. Khawaja Haris, learned Sr. ASC, noted in his report that in the year 2011 alone, out of 419,365 FIRs lodged in the Province of the Punjab, 28,787 (approximately 7%) were registered pursuant to orders of the Justices of Peace under Section

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22-A (6) of the Cr. P.C. What is astonishing is that despite orders of the Justices of Peace, FIRs were not registered in 554 (approximately 2%) cases. It is thus clear that a number of persons suffer and are pushed into litigation because of failure of the police to register the FIR. Litigation too, it seems, does not guarantee relief. The Justice of Peace cannot issue coercive process for compliance of his orders. At best, learned Sr. ASC submits, the Justice of Peace can refer the matter to the higher officials of police for taking actions against the defaulting SHO under Article 155 of the Police Order, 2002; but such a direction to proceed against the official for misconduct is rarely implemented. Another issue at this stage is the registration of false or vexatious complaints to pressurize and harass people. While, the Pakistan Penal Code provides for measures through Sections 182 and 211 to discourage and punish false complaints, it is common knowledge that very few cases involving such offences are filed and prosecuted. This must be unacceptable, especially given that Section 154 of the Cr.P.C. requires mandatory registration of FIR. If the Police therefore has no discretion in registering an FIR, action must be taken against those who abuse this provision of law and use the police as an instrument for their designs.

**B. Investigation stage**

While the registration of a FIR is mandatory, initiating investigation is not. Reading section 156 Cr.P.C with section 157 Cr.P.C. it appears that the officer in charge of a police station shall proceed to initiate investigation of a case only where, *inter alia*, from information received, he has reason to suspect the commission of an offence. This interpretation is further fortified when we read clause (b) of the proviso to sub-section (1) of section 157 Cr.P.C, which provides

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that "if it appears to the officer in charge of a police station that there is not sufficient ground for entering on an investigation he shall not investigate the case." Yet, what we often find is that on registration of a FIR, the relevant police officer without application of mind directly proceeds to arrest the accused.

We have held time and again (see for instance Muhammad Bashir's case (PLD 2007 SC 539), that the police should not move for the arrest of the accused nominated in the FIR unless sufficient evidence is available for the arrest. Yet to our dismay we have to deal with such matters on a daily basis. Perhaps, as some of the reports referred to above point out, the issue lies in the fact that there are no real guidelines available to the police which would channel their discretion and judgment. This coupled with their lack of training, makes defective investigation almost a near possibility. In this regard, it is instructive to note the following observations of Khawaja Haris, learned Sr. ASC in his report:

*"It is indeed a fact that even today an officer investigating a case of murder has no concept of (1) securing the scene of the crime so that the place where the occurrence has taken place as well as the surrounding area is not trampled or invaded by the general public before the investigation officer has had an opportunity to collect evidence from the place of occurrence, (2) how to secure incriminating articles, like pieces of cloth, blood, fiber or hair etc from the place of occurrence and its surrounding area, (3) how to lift and secure fingerprints from various articles found inter alia at the scene of the crime and to get them examined and matched for purposes of investigation, (4) how to ensure that all incriminating articles are properly secured from the spot and delivered promptly and intact to a forensic laboratory and/or fingerprints expert in safe custody and without being tampered with, and to expeditiously*

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*obtain the results from the forensic laboratory so as to be credibly admitted in evidence during the trial."*

The lack of training and emphasis on the development of specialized investigation officers and facilities, is perhaps indicative of the wider issue in policing: the police it appears is still largely used to secure the interests of the dominant political regime and affluent members of society, rather than furthering the rule of law. As a result, where, even in this debilitating environment, an honest and competent investigation officer is found, his work is thwarted at one juncture or another.

C. Prosecution and trial

In our order dated 15.01.2015, we noted how at least in the Punjab more than 65% of criminal cases do not result in conviction. The learned Prosecutor General Punjab also stated that in even those cases where a person has been convicted by the trial court, a substantial number are acquitted by the appellate forums. These figures are indicative of weak investigation and gathering of evidence which we noted above, but are also a result of serious deficiencies in our prosecution system. The following issues among others were highlighted by the various parties in this respect:

- i. Lack of cooperation between the police and prosecution at the investigation stage: there appears to be no standardized SOPs which guide the relationship between prosecutors and police officers and allow them to aid each other in the fair and timely investigation of the case.
- ii. Lack of training and competent prosecutors: prosecutors are not provided proper training and facilities. In addition, competent prosecutors because of lack of incentives resign from their service for better opportunities. There also appears to be no effective quality review system in place to check underperforming prosecutors. As a result, the best prosecutors are not being retained in service. *jk*

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- iii. Protection of witnesses: we have been informed that in many cases the prosecution's case is damaged as key witnesses resile from their stated position because of pressure from the accused.
- iv. Adjournment requests by lawyers and delay in fixation of cases by judiciary: the defendant's lawyer deliberately at times delays resolution of cases. Delays and injustice is also caused as a result of backlog in the judicial system and frequent transfers of presiding judicial officers.

D. Accountability and transparency

During the course of the proceedings, we directed the Inspector General of Police Punjab to submit figures relating to actions taken against delinquent police officials. As a result, various reports were submitted regarding actions taken against delinquent police officials on the recommendation of the prosecution department. An overview of these reports would make two things clear. First, we noted that the figures submitted in these reports kept changing. We assume that such changes were made in good-faith to present the correct position before this court. But this exercise at the very least lays bare the attention which senior police officials place towards delinquents within their ranks: they did not even have for ready reference an accurate collation of complaints against police officials! Second, even if we accept the most conservative figures of complaints submitted before us, we note that in only 20 cases was some form of major punishment (reduction in rank and pay) awarded to delinquent officers (in another report this figure was stated to be 10). We must therefore ask whether sufficient measures are being taken by senior police officials to deter delinquent behavior and misconduct by police officials. It was also noted by us that the systemic accountability forums which were created pursuant to the Police Order, 2002, in the form of National and

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Provincial Public Safety Commissions and Police Complaints Authority are either inactive or not operational.

Transparency in policing activities is another major issue. Public money is used to finance the police, which in turn is supposed to deliver services to the public. At present however information regarding funds allocated to the police, police plans and annuals performance reports are not publicly available. How then are the public and state functionaries supposed to properly examine (and if required make changes to) the delivery of this important public service, if the relevant facts and figures are not available to them?

8. The issues noted above can be addressed, provided there is political and administrative action to transform the police and prosecution into an effective public service. There are many examples where we have seen this. The Police Order, 2002, is one such example of political will aimed at transforming the police. During the course of these proceedings, our attention was also drawn to various initiatives taken by the Punjab and KPK Governments towards making the police an effective public service. Regrettably however such actions are few and far between. Even in the case of the Police Order, 2002, it is discouraging to note that after the passage of the 18<sup>th</sup> Amendment, the provinces of Sindh and Balochistan abandoned the Police Order and shifted to a policing regime which is reminiscent of colonial times where the police was used to keep the 'natives' on a tight leash.

9. In some of our earlier orders, we have noted the high degree of political and administrative apathy which has translated into the failing criminal justice system before us. It must be emphasized that the failure to address individual grievances of citizens causes frustration amongst them which, in turn, may lead to lawlessness. It also needs to be emphasized that a functioning criminal justice system is directly linked to the enforcement

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and realization of various fundamental rights of citizens such as Article 9, 10, 10A, and 14.

We can no longer stand idle as the nation suffers. It is therefore directed as under:

- i. A universal access number (UAN) and website should be provided to the general public for filing of complaints. The said website should be developed and be operational within three months from the date of this order. Till such time that the website has been launched, the provisions of Section 154 Cr. P.C. should be strictly adhered to and action should be taken against any police official who fails to abide by the said provision.
- ii. Serious notice should be taken of frivolous, false or vexatious complaints and where applicable cases should be registered under Sections 182 and 211 of the Pakistan Penal Code.
- iii. The principles laid out in Muhammad Bashir's case (PLD 2007 SC 539) should be strictly followed and no person should be arrested unless there is sufficient evidence available with the police to support such arrest. Where a person is unjustly deprived of his liberty, compensation will be required to be paid to him or her by the delinquent police officer. The affected person may approach the civil courts for appropriate remedy in this regard.
- iv. Adequate provision should be made for the training of police officers and the development of specialized investigation officers and facilities. In addition adequate funds should be made available to police stations and for investigation activities. The respective Provincial and Federal heads of police shall submit a report in court within three months from the date of this order which details the steps taken in this regard and the relevant police funds and personnel dedicated towards investigation activities, training of police personal, and development of forensic facilities.
- v. No police officer is to be transferred in breach of the principles laid out by this Court in the Anita Turab case (PLD 2013 SC 195). The respective Provincial and Federal heads of police shall submit a report in Court within one month from the date of this order which specifies the names and details of all police officers above BPS-17 who have been transferred or made OSD over the past three years and also provide reasons for the same.
- vi. Guidelines/SOPs should be developed to foster coordination between the prosecution and the police. The Attorney General and the respective Advocates General of each province shall submit the said guidelines/SOPs in court within three months from the date of this order.
- vii. Adequate funds should be dedicated towards the training and development of public prosecutors. The Attorney General and the respective Prosecutors General of each province shall submit in Court within three months from the date of this order details of (i) hiring requirements and compensation packages of public

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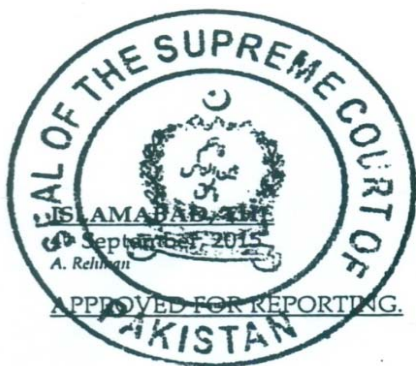
- prosecutors; and (ii) accountability mechanisms of prosecutors.
- viii. The Attorney General and the respective Advocates General shall submit a report in court within one month from the date of this order on the steps being taken to provide witness protection in their relevant jurisdiction and the funds dedicated for this purpose.
- ix. The respective bar councils may take appropriate action against lawyers who deliberately seek adjournments with a view to delay trial. Respective district judges are also directed to impose costs on such lawyers and hear criminal cases involving the liberty of persons on a day to day basis to the extent possible.
- x. Respective heads of police of the Federation and the Provinces shall submit a report within one month of the date of this order which details the relevant police complaints and accountability mechanisms in place and the actions taken under such mechanism against delinquent police officials. This information shall also be made publicly accessible in English as well as Urdu on their respective websites. The Attorney General and respective Advocates General shall submit a report detailing compliance in this respect within one month from the date of this order.
- xi. Police budgets (disaggregated by district and local police stations, functions, human resource allocation and a statement of their utilization), police plans and annual performance reports shall be made publicly accessible on the respective Federal and Provincial police websites and submitted in Court within one month of the date of this order. The Attorney General and respective Advocates General shall submit a report detailing compliance in this respect within one month from the date of this order.
- xii. The Attorney General and the respective Advocates General of the Provinces of Sindh and Baluchistan should submit in Court within one month from the date of this order reports which examine the constitutionality of the policing regime established by the Police Act, 1861, currently in force in Sindh and the Balochistan Police Act, 2011 currently in force in Balochistan. This report should *inter alia* state whether these policing statutes allow the constitution and organization of a politically independent police force which is consistent with the protection of the fundamental rights of citizens.
- xiii. The Federal and Provincial Ombudsmen should submit in Court within three months from the date of this order, good-administration standards for police stations and should also submit a report which outlines the measures being taken to curb maladministration in police stations.
- xiv. Provincial Information Commissioners should notify transparency standards relating to police services and functions and submit these standards in Court within three months from the date of this order.

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xv. The Law and Justice Commission of Pakistan shall prepare a consolidated report based on the various reports received by the Court till date and the proposals submitted by Khawaja Haris, learned Sr. ASC, detailing the relevant amendments which are required in legislation to improve the criminal justice system. The said report shall be submitted in court within three months from the date of this order. Copies of the said report shall also be sent to the National and Provincial Assemblies.

10. It is so ordered. Let the matter come up for hearing in the 3<sup>rd</sup> week of October, 2015.



Sl / Mr. Justice Jawad S. Khawaja,  
Mr. Justice Nost Muhammad Khan,  
Mr. Justice Qazi Faiz Ishaq.

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Superintendent  
Civil Branch  
Supreme Court of Pakistan

**COMPOSITION OF THE COMMITTEE  
CONSTITUTED BY THE FEDERAL OMBUDSMAN**

**Committee constituted by Honorable Wafaqi Mohtasib for submitting report on  
addressing mal-administration in Police Stations**

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1.	<b>Mr. Abbas Khan, former Federal Secretary and Inspector General Police</b>	<b>Chairman</b>
2.	<b>Mr. Afzal Ali Shigri, former Inspector General Police</b>	<b>Member</b>
3.	<b>Mr. Shakil Durrani, former Federal Secretary, Chairman WAPDA and Chief Secretary Sindh, KPK, AJK and GB</b>	<b>Member</b>
4.	<b>Mr. Riffat Pasha, former Federal Secretary and I.G Police</b>	<b>Member</b>
5.	<b>Hafiz Ahsan Ahmed Khokhar, Senior Advisor WMS, Grievance Commissioner and Advocate Supreme Court</b>	<b>Member</b>
6.	<b>Malik Muhammad Iqbal, Senior Advisor WMS and former Director General FIA</b>	<b>Member</b>
7.	<b>Mr. Hamid Ali Khan, former Federal Secretary and Coordinator NACTA Ministry of Interior</b>	<b>Member</b>
8.	<b>Mr. S.M. Tahir, Senior Advisor WMS and former Special Secretary WMS</b>	<b>Member</b>
9.	<b>Maj. Gen. (R) Haroon Sikandar Pasha, Advisor WMS and former Director General NAB</b>	<b>Member</b>
10.	<b>Syed Kaleem Imam, former Inspector General of Police</b>	<b>Member</b>
11.	<b>Hafiz Tahir Khalil, Chief Reporter Jang Group of Newspapers</b>	<b>Member</b>
12.	<b>Mr. Saroop Ijaz, Country Representative HRCP</b>	<b>Member</b>
13.	<b>Mr. Kashif Alam SSP Director Training, National Police Academy</b>	<b>Member</b>
14.	<b>Ms. Zariyab Musarrat, Director WMS</b>	<b>Member</b>
15.	<b>Mr. Shah Mahboob Alam, Advisor WMS, former Joint Director General Intelligence Bureau and Managing Director OGDCL</b>	<b>Secretary/ Member</b>

LISTS OF EXPERTS AND EMINENT PERSONS  
WHO WERE CONSULTED BY THE COMMITTEE



**OMBUDSMEN AND PUBLIC OFFICIALS WHO WERE CONSULTED BY THE  
COMMITTEE**

- |     |                             |   |
|-----|-----------------------------|---|
| 1.  | Mr. Abdur Rauf Chaudhry     | Federal Tax Ombudsman   |
| 2.  | Mr. Arif Ahmed Khan         | Secretary, Ministry of Interior                                       |
| 3.  | Mr. Shoaib Siddiqui         | Special Secretary, Ministry of Interior                               |
| 4.  | Pir Bakhsh Jamali           | Secretary, Wafaqi Mohtasib Secretariat and<br>former Secretary SAFRON |
| 5.  | Mr. Akbar Khan Hoti         | Director General FIA  |
| 6.  | Capt (R) Syed M. Abid Qadri | Addl. Director General FIA  |
| 7.  | Mr. Mumtaz Hussain Naqvi    | Ombudsman, AJK  |
| 8.  | Mr. Rao Muhammad Iqbal      | Advisor Ombudsman Punjab and former CPO<br>Rawalpindi                 |
| 9.  | Mr. Noor Ali Khan           | Secretary Provincial Ombudsman Secretariat<br>KPK                     |
| 10. | Mr. Ali Ahmed Sabir Kiyani  | Deputy Director General Intelligence Bureau                           |
| 11. | Mr. Shariq Jamal Khan       | D.I. G Pakistan Railways Police                                       |
| 12. | Mr. Arshad Farooq Faheem    | Additional Secretary WMS  |
| 13. | Dr. Tajik Sohail            | D.I.G Police Sindh  |
| 14. | Mr. Sikander Hayat          | S.S.P Rawalpindi  |
| 15. | Mr. Ashar Hameed            | S.S.P/A.I.G(P), I.C.T Police  |
| 16. | Mr. Kashif Alam             | S.S.P, I.C.T Police   |
| 17. | Mr. Bilal Zaffar            | Addl. S.P, I.C.T Police   |
| 18. | Mr. Asmatullah Junejo       | Superintendent, Railway Police, Rawalpindi                            |
| 19. | Mr. Jamil Hashmi            | S.P Security, Islamabad   |
| 20. | Mr. Zubair Ahmed Shaikh     | S.P, I.C.T Police   |

**EMINENT PERSONS FROM DIFFERENT WALKS OF LIFE WHO  
CONTRIBUTED TO THE PREPARATION OF THIS REPORT**

- |     |                           |   |
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| 2.  | Mr. Saeed Mehdi           | Chairman Sui Northern Gas Pipeline Ltd., former Principal Secretary to the Prime Minister, Advisor to Chief Minister Punjab and Chief Secretary Sindh |
| 3.  | Mr. Muhammad Abbas Khan   | Former Federal Secretary and Inspector General of Police, Punjab & KPK.   |
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## REPORT OF THE COMMITTEE

## **REPORT OF THE COMMITTEE**

### **I. Order of the Honorable Supreme Court**

The Honorable Supreme Court of Pakistan in its judgment passed in Civil Petition No. 1282/2014-SCJ ordered that “The Federal & Provincial Ombudsmen should submit in Court within three months from the date of this order, good administration standards for police stations and should also submit a report which outlines the measures being taken to curb maladministration in police stations.”

Other relevant excerpts of the observations/orders of the Apex court are as follows:

#### **Pre - Investigation Stage (registration of FIR)**

- “.....Provisions of Section 154 Cr.P.C. are flouted and misused.”
- “.....often the concerned police station refuses to register the FIR even if the information provided to it relates to the commission of a cognizable offence.”
- “.....despite orders of the Justice of Peace in 28,787 cases, FIRs were not registered in 554 cases (in Punjab).”
- “.....Another issue at this stage is the registration of false or vexatious complaints to pressurize and harass people.”
- “.....If the Police has no discretion in registering an FIR, action must be taken against those who abuse this provision of law and use the police as an instrument for their designs.”

#### **Investigation Stage**

- “.....mal-administration was noted in the police investigation. Neither the challan had been submitted within the stipulated period of 14 days nor was there any valid or apparent reason as to why the investigation of the case had not been concluded. It was clear to us that such un-justified delays created room for wrong doings. What made the matter worse is that there were no effective safeguards within the police to guard against such mal-administration and there was no accountability.”
- “.....police should not move for the arrest of the accused nominated in the FIR unless sufficient evidence is available for the arrest. Yet to our dismay we have to deal with such matters on a daily basis.”
- “.....The lack of training and emphasis on the development of specialized investigation officers and facilities, is perhaps indicative of the wider issue in



policing: the police, it appears is still largely used to secure the interests of the dominant political regime and affluent members of society, rather than furthering the rule of law.”

#### **Prosecution and Trial**

- Lack of cooperation between the police and prosecution at the investigation stage.
- Lack of training and competent prosecutors.
- Protection of witnesses (key witnesses resile from their stated position because of pressure from the accused).

#### **Accountability and Transparency**

- Senior Police Officials did not even have for ready reference an accurate collation of complaints against police officials.
- The systemic accountability forums which were created pursuant to the Police Order 2002, in the form of National and Provincial Public Safety Commissions and Police Complaints Authority are either inactive or not operational.
- “the majority of human right cases which come before us concern, in one way or the other, police abuse of power or inefficiency”.

### **II. Constitution of the Committee**

Honorable Wafaqi Mohtasib constituted a Committee comprising experts and experienced public administrators to hold in-depth discussions and consult eminent persons in all walks of life, and submit its report in compliance of the order of the Honorable Supreme Court.

### **III. Consultation with experts, experienced administrators and eminent stakeholders in relevant fields**

The Committee approached and met with or/and sought views of experienced administrators in the field of law and order and benefitted from their cumulative serving experience of over 1000 years at operational, strategic and policy levels. The Committee is of the view that it is not possible to reform Police Stations without making changes in the police culture in a holistic manner. However, after deliberations, the Committee concluded that since Supreme Court order is specific, it will, therefore, confine its study and recommendations to the police stations. The Committee hopes that in the foreseeable future, a

holistic study will be carried out to achieve a complete break from the approach adopted for the past more than 50 years. The Committee also decided to develop proposals, as far as possible, within the present legal and political framework.

#### IV. **Registration of FIR**

The law as it stands, and the Honorable Supreme Court of Pakistan in its order highlighted the fact that Section 154 of the Code of Criminal Procedure requires that each information relating to cognizable offense “shall” be entered in the FIR Register. The Committee recommends that this provision must be adhered to by SHOs without exercising any discretion. In the event of failure to register FIR, the Committee recommends that provinces should introduce Police Access Service (PAS) as established by the KPK Police facilitating the citizens in KPK to easily approach the office of the Police Access Service and lodge complaint. Complaints received by the said Service are forwarded to the relevant District Police Officer who must register the complaint.

It was pointed out that SHOs fear that by registering each and every complaint, they create documentary evidence against themselves for larger crime rate. Increase in crime figures can be used against them to prove their incompetence. According to the Indian Police Commission Report, the mandatory registration of FIRs in some categories of offenses led to the increase of registered crimes by 900%.

It was also pointed out that after registration of FIR, the relevant police officer without ascertaining that sufficient evidence is available for the arrest directly proceeds for arrest of the nominated accused which tantamount to abuse of authority and misconduct. It was suggested that in order to prevent arrest of innocent persons against whom there is no solid proof or evidence, the powers to arrest may be subjected to pre-approval by higher authorities.

The Committee is of the view that power to arrest should continue to vest in SHO (whose level is proposed to be upgraded) but he must exercise discretion, particularly in respect of women and children and be held accountable for any abuse of power in ordering arrest. Before ordering arrest, due deliberation should be held by concerned police personnel to establish the authenticity of the complaint.

To create effective safeguards against cases being registered on false accusations, the following remedies are proposed by the Committee:-

- a) The institution of executive magistracy / *Ilaqa Magistrate* be restored (it continues to exist in Islamabad and FATA) with authority to take immediate action in cases of abuse of authority by the police stations. This issue was reportedly discussed in an apex meeting in Karachi chaired by the Prime Minister and attended by the COAS and leaders of political parties and the proposal for restoration of executive magistracy was endorsed.
- b) The courts should take speedy and effective action under Sections 182 and 211 of Pakistan Penal Code (PPC). A time limit may be prescribed.
- c) **District Complaint Authority:-** With a view to prevent abuse of authority at police stations and to protect police personnel from false and frivolous allegations and in order to ensure monthly review of policing in the district, the Committee proposes creation of District Complaint Authority (DCA) in every District which will be required to meet every month on a pre-fixed date. The following composition for the proposed Authority is suggested:
  - i. District and Session Judge -- Chairman
  - ii. Nazim-e-Aala of the District -- Member
  - iii. DCO/Deputy Commissioner -- Member
  - iv. District Police Officer -- Member
  - v. District head of Provincial Mohtasib – Member
  - vi. A full time BS-18 officer provided by Home Department of the province (Chief Commissioner ICT in case of Islamabad) will act as Secretary of the Authority.
- d) As deterrence against false FIRs, there should be a punishment of 5 years imprisonment of the person lodging such an FIR. To create effective safeguards against cases being registered on false information or false accusation it is important that courts take speedy and effective action under sections 182 and 211 of the PPC, as the case may be.

## **V. Investigation**

The present Police investigation is deeply rooted in the processes and procedures set up under the Police Act of 1861 and Police Rules 1934. The first dedicated investigation department in Punjab was set up in 1905. In 1911 an investigation department was established in Sindh. Expertise on Finger Prints developed and standardized in Bengal, a canine unit and foot tracking expert was also added.

The first forensic laboratory was established in Lahore in 1930. By 1947 the laboratory provided for examination of fire arms, counterfeit coins, forged currency, secret inks, hand written and typed material. Forensic science laboratories were also established in Peshawar and in Karachi.

More recently Punjab Government took the lead in setting up of the Punjab Forensic Science Agency ensuring “quality and integrity” of results through international standardized processes and procedures for collection, preservation and handling of evidence. A forensic laboratory by the federal government is also under construction in Islamabad and a DNA serology unit is already functional under NPB.

The Punjab Forensic Science Agency (PFSA), mentioned earlier is currently setting good standards in the country, as far as criminal investigations are concerned.

Various sections are:

- DNA and serology
- Forensic Toxicology
- Fire arms and tool marks department
- Narcotics department
- Latent finger print department
- Forensic pathology and histology
- Polygraph department
- Computer forensic department
- Trace evidence department
- Audio visual department

Punjab Police now has access to important and reliable forensic resources and expertise. Stringent procedures need to be adopted to ensure secrecy, quality and chain of custody so that there is little chance of investigation staff to tamper with evidence or laboratory results. The Committee recommends that similar facilities should be set up in other provinces at the earliest.

One of the reasons for poor investigations has been over-reliance on ocular evidence which no doubt is important, but of little significance, if not supported by circumstantial evidence. Ensuring access to and integrity of forensic results and chain of custody is important in this regard.

Digital trail also plays very important role in establishing the trail and source of funding as well as communications by the criminals as important evidence. Specialized training is required for the investigators.

The Committee proposes that specialized investigation centers be set up in every District for distinct improvement in investigation. Serious crime is faceless and has to be investigated through painstaking scientific and forensic methods. In terrorism cases and targeted killings, it is important to know the signature of each group which is determined after examination of the scene of crime e.g. type of explosive or weapons used. Material collected from scene of crime requires minute study, identification and analysis. The Committee recommends that cases involving serious offences may be transferred by DPO to specialized district units.

If forensic based investigations are to be the foundation for investigation of serious crimes, then scene of crime must be protected. Strict adherence may be required through executive order, and if necessary, by promulgation of effective law and rules.

## **VI. Training**

Training has a low priority in the budgets of almost all civilian departments. Police training centers like Sihala in Punjab and Hangu in KPK were abandoned buildings handed over to the Police. The first was built as a polytechnic, the department refused to take it on charge because of the very poor quality of construction; the second was a building abandoned by the army. These two instances are mentioned as an example of how much priority the government attaches to training of police.

A third example deserves to be mentioned. The National Police Academy was housed in the Rest House of a nationalized chemical factory for about thirty years and has only recently moved into its own campus.



That training in the Police needs to be improved is beyond dispute. Improvement is required in specialized fields such as investigations, collection of evidence, preservation of scene of crime, crowd control, forensics and various other fields.

Khyber Pakhtunkhwa Police has taken the initiative in providing specialized training. Currently this has been on an ad-hoc basis, hopefully the Khyber Pakhtunkhwa Government will sanction these training centers and provide for them in both the revenue and developmental budgets. These schools include:

- 1) School of Investigation.
- 2) School of explosive handling.
- 3) School of intelligence.
- 4) School for Riot management etc.
- 5) School for I.T.

The Committee recommends that training be accorded high priority by provinces and funds provided. Training Centers may be established on the pattern of KPK and custom built buildings provided. Training and refresher courses should be a pre-condition for initial appointment and promotions.

## **VII. Transparency**

In order to improve transparency and efficiency of police stations, the Committee recommends technological solutions like monitoring of Reporting Rooms, Investigation Rooms, Lockups etc. through CCTV cameras for regulating police behaviour and abuse of authority. The Committee also proposes use of some other technological tools including computerization for registration of FIRs, Criminal Diary and 26 Registers. These tools, once in place, are expected to provide central source of data for easy access, improve capability to retrieve relevant information in a timely manner, facilitate information sharing and identify high crime areas.

The Committee proposes that CCTV cameras should also be installed in police mobiles. Use of surveillance mechanism would also protect police officers from false accusations.

The Committee is of the view that police station staff must bear name tags during their duty hours. Display of identification is likely to promote courtesy towards citizens approaching the police stations.

Police Stations should also have separate telephone numbers manned 24 hours which should be available on each District Police's website for basic inquiries and emergencies.

There appears to be no standard model or set criteria for police station location and buildings. Some are built upon encroached lands, while others are mere structures that are not sustainable for a long time. The Committee emphasizes the need for urgent review of locations and building plans of police stations with a view to rationalizing them in accordance with current needs.

### **VIII. Lopsided staffing of Police Stations**

The ratio of staff at the police stations is generally as follows:

- i. Constabulary: 88%
- ii. NGOs: 11.5%
- iii. Gazetted Officers: 0.87%

It will appear that currently 90% of force is largely under-educated and without power or authority. There is need to improve the ratio of officers and gradual reduction in the number of posts of Constables so that the budget savings could be utilized for creation of higher rank posts. It is also important to require higher level of education at every level.

The position of SHO is crucial at any police station. The Code of Criminal Procedure (Cr.PC) has only empowered the officer-in-charge-of-the-police-station to register FIR and order investigation of an offense. Therefore, the minimum level of SHO in the urban areas should be a BS-17 or above. He or she should preferably be an experienced DSP, or an ASP with a minimum of two years experience at a police station. This recommendation is being made in view of demographic changes in Pakistan. 50% of Pakistan's population is now living in urban areas. Laws like Gambling, Prostitution, Drugs, Alcohol and Firearms which dealt with individual misdemeanors have transcended into Mafia run businesses. Along with this, Extortion, Kidnapping for Ransom, Murder and Robberies have assumed alarming proportion not only because of the use of sophisticated firearms but also because terrorist or extremist groups perpetuate these offenses to collect funds. All these offenses need to be dealt by well trained and competent officers. In the rural areas, the Committee recommends

that the minimum level of SHO should be of an Inspector of Police. These proposed levels must be adhered to and no dispensations should be allowed. These proposals may require expansion of PSP cadre and promotions to the levels of Inspectors and DSPs.

As stated, the tenure of IG Police on an average is less than a year, District Police Officer nearly six months and SHOs have average tenure of less than three months. Consequently, police cannot reasonably be expected to attain the objectives that are legitimately expected of it. The Committee is of the view that the minimum tenure of SHO or any member of the staff at a police station should be of two years. Any premature transfer must be based on a written justification. After a transfer is made on disciplinary grounds, it must be followed immediately by an inquiry under Efficiency & Discipline Rules. However, the prematurely transferred SHO should be at liberty to lodge protest to the higher level in the command structure. In the absence of reasonable response, he should be allowed to seek relief from the Provincial Ombudsman if maladministration is established. Subordinates at the police stations need to be treated similarly and if they do not get any reasonable response, they should be at liberty to lodge protest at the higher level in the command structure. The Committee is of the view that frequent transfers have an impact on police stations' working and understandably lead to unfinished cases.

The Committee recommends that every Police Station must also have women police officers. Their presence will help in dealing with and attending to special needs of women and children visiting and/or detained at police stations. The Committee also recommends that every police station should have a Law Graduate to explain legal provisions and provide legal guidance to the complainants.

**Working hours** for police station staff are generally very long. 12-hour shift for Constables needs to be rationalized.

The Committee recommends that out of turn promotions should be stopped to avoid misuse of discretion. Contrived and illegal entries to show fictitious performance must be checked and eliminated. Postings at a particular place must be restricted to a fixed tenure. Compensation should be in the form of medals, citations and cash awards.

Housing, transportation needs and reimbursement of the medical costs in case of injury and incapacitation must be catered for.

Police accommodation or Police Lines adjacent to police stations are generally in poor conditions and seldom visited by senior police officers. It should be mandatory for senior police officers to visit and improve police facilities within their area of command.

#### **IX. Funds for Police Stations**

Ms. Zoha Waseem who has extensively studied the working of police stations across Karachi has described the situation as follows: “It has been noted that, regardless of the area in which they are situated, police stations are severely under-staffed and under-resourced. There are lack of funds provided for basic utilities including petrol, stationery, and food for staff or detainees. Frequently, station staff and officials have complained about their funds ‘being eaten’ by their leadership within the police. Due to lack of funds to keep the police stations functioning, station staff tends to engage in the collection of funds ‘through other means’ (i.e. corruption), which is practiced in an organized manner within neighborhoods, proliferating crime and vice, particularly the functioning of wine shops, drug dens, and prostitution.”

There would be no benefit of raising the level of SHO without providing the essential logistics, finances, resources, transport and equipment to the police stations. The Committee is of the view that every police station should have its own budget based on its specific needs and the said budget should not be allowed to be re-appropriated out of Police Station by any higher authority. It has been pointed out that as an experiment, 25% of police stations were given a budget through direct allocation in Sindh. It is claimed that this experiment is successful. The Committee proposes direct budgeting for efficiency, operations and service delivery.

The Committee recommends that every police station must be provided full year’s requirement in their budget including complete investigation cost. The staff needs should be met in full, the vehicles, cost of investigations and forensic necessities must be adequately catered for. It has been estimated that on an average a police station needs an additional amount of Rs. 7.00 lakhs beyond what the budget provides it to cater for the fuel, utilities, maintenance and investigation cost. The said amount, as stated above, is currently fully or partially generated ‘off the ground’ by the Police Station illegally which not only affects the credibility of the Police but also leads to the increase in social evils and rampant crime.

## **X. Citizen Friendly Police Stations**

The Committee, after carefully considering the ground realities and the Orders of the Honourable Supreme Court, came to the conclusion that we urgently need measures and policies to make our police stations citizen friendly. Historically, and more so in recent years, working of police stations has caused undue hardship and anguish to the common man. The changes in the police order, notwithstanding, the culture of police stations has remained oppressive and callous. The challenge and the opportunity for us is to make our police stations citizen friendly.

To change the police culture, we need a “Police for the people” rather than a “Police for the Government” which is democratically controlled, politically neutral and professional.

The Committee believes that the proposed revival of the Executive Magistracy, establishment of District Complaint Authority, minimum tenure and upgradation of SHO and Police Station staff, Public Access Service on the pattern of KPK and digital records keeping and camera surveillance of police stations and police mobiles will greatly help in making the police stations citizen friendly.



RECOMMENDATIONS  
FOR  
ADDRESSING MALADMINISTRATION IN  
POLICE STATIONS

### **Recommendations**

1. Every FIR relating to cognizable offences must be registered.
2. Failure to register FIR may be reported to Police Access Service (on the pattern of KPK Police) which will order and ensure registration of FIR.
3. Before ordering arrest, due deliberation should be held by concerned Police Station personnel to establish the authenticity of the complaint. Power to arrest should continue to vest in the SHO. He will be accountable for abuse of authority.
4. The institution of Executive Magistracy/Ilaqa Magistrate (as in Islamabad) needs to be restored for prompt action in cases of abuse of authority. The Courts should also take speedy and effective action under Sections 182 and 211 of PPC.
5. District Complaint Authority may be set up in every district headed by District Sessions Judge and comprising Nazim, DCO, DPO and District Head of Provincial Mohtasib for monthly review of policing in the district and to prevent abuse of authority at police stations.
6. 5-year imprisonment should be prescribed for persons lodging false FIR. Courts should also take speedy action under Sections 182 and 211 of PPC.
7. Provinces should establish Forensic Service Agencies on the pattern of Punjab and integrity of forensic results must be ensured. Specialized training should be ensured for investigations. Cases involving serious offenses should be transferred to specialized Investigating Centers which should be set up in every district for distinct improvement in investigation. Scene of crime must be protected.
8. Training should be accorded top priority. Provinces should establish schools for training in different fields as set up by KPK police.

9. To ensure transparency, CCTV cameras are recommended for Reporting Rooms, Investigation Rooms, Lockups and mobile vans. Computerization of FIRs, crime diaries, 26 registers etc. is also recommended. Police Stations staff may also be required to bear name tags during working hours.
10. Lopsided staffing of police stations needs to be reviewed, with a view to reduce posts of Constables and enhance the ratio of officers, with better education and training. The level of SHOs in urban areas should be raised to BS-17, and minimum level in rural areas should be of Police Inspector. Minimum tenure of a police station staff should be 2 years, and any premature transfer must be based on written justification, which could be reviewed by higher authorities. Every police station should have sufficient number of women officials, and a law graduate to help complainants. Working hours for Constables should be reduced from 12 to maximum of 8 hours.
11. Out of turn promotions should not be allowed. Financial rewards for good work are recommended.
12. Police stations should have non-transferable specific budget allocations, sufficient for their operations and “off the ground” collection of funds must be punished.
13. Location and building plans of police stations should be reviewed to bring them in conformity with the current needs.
14. Housing, transportation and medical facilities including reimbursement of the medical cost in case of injuries and incapacitation should be ensured for the police personnel in police stations.

Measures proposed above are likely to promote citizen friendly culture at police stations.

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Report of Mr. Shakil Durrani,  
former Chariman WAPDA and Chief Secretary  
Sindh, KPK, AJK and Gilgit-Baltistan who met with  
high level officials of the Governments of the  
Provinces of Punjab, Sindh, KPK and Balochistan  
on behalf of the Committee and presented and  
discussed with them the Committee Report and  
Recommendations

**Report of Mr. Shakil Durrani, former Chairman WAPDA, Secretary Railways and Chief Secretary Sindh, KPK, AJ&K and Gilgit-Baltistan who met with high officials of the Government of the Provinces of Punjab, Sindh, KPK and Balochistan on behalf of the Committee and presented and discussed with them the Committee Report and its Recommendations**

## **Police Station Reform**

### **Improvements in Police Stations: Report of the Federal Ombudsman and discussions with the provincial governments in pursuance of Supreme Court orders.**

The Honourable Supreme Court of Pakistan in its decision dated 04.09.2015 in Civil petition No. 1282/2015-SCJ mandated the Federal and Provincial Ombudsman to submit a report on the operative paragraph of the judgment stating that ‘the Federal and Provincial Ombudsmen should submit in the Court within three months from the date of this order, good-administration standards for police stations and should also submit a report which outlines the measures being taken to curb maladministration in police stations.’

Accordingly the Federal Ombudsman Secretariat constituted a Committee headed by Mr Abbas Khan former Federal Secretary and IGP Khyber Pakhtunkhwa and Punjab provinces to deliberate upon the matter and submit a report.

It was noted that there are the following three serious issues affecting the citizen in his interaction with the Police Station:

#### **I. Lodging of First Information Report and making arrests**

Under the Criminal Procedure Code (S 154) registration of a First Information Report (FIR) is mandatory under the relevant category. Any refusal or inordinate delay cannot be countenanced and should lead to a direction by an agency independent of the Police or the Police Station for immediate registration of the case, its investigation and processing and an explanation sought for not registering it in time. There is a reluctance of the Police to register FIRs in many criminal cases especially those relating to kidnapping, extortion, robbery and burglary because the SHO is then held responsible for increase in crime statistics in his jurisdiction. The SHOs cannot and should not be held responsible for the increase in crime because there are many factors responsible for the soaring crime with low conviction of accused in courts for insufficiency of evidence being one of these.

The role and responsibility of the Illaqa Magistrate empowered under the Criminal Procedure Code was transferred under the Police Order 2002 to the District Public Safety Commission. For a variety of reasons these Commissions at different levels could not function effectively. These Commissions were administrative devices and were not empowered under the Criminal Procedure Code and as such their recommendations were not binding on the Police. Moreover getting the Commissions to even meet was a time consuming and expensive proposition. A consensus emerged after extensive deliberations of the committee that there was a need for an ‘external’ accountability forum in addition to the ‘internal’ police supervisory hierarchy to check police excesses. The institution of an executive ‘Ilaqa’ Magistrate, empowered under the Criminal Procedure Code, required to be restored in addition to the prevalent Justice of Peace (who may be from the



Judiciary or the public) to facilitate the aggrieved party not only in registering FIRs but in assisting investigations and ensuring that issues like unlawful confinement and police violence could be addressed. A Magistrate for instance can initiate judicial proceedings even if the SHO refuses to register an FIR and could visit the Police Station or any place where he has reason to believe that a person has been wrongly confined. The Public Safety Commissions, where ever constituted under the Police Order 2002, were not empowered under the Criminal Procedure Code and remained stillborn. These never remained as an external check on the Police. At best they could only request the Police to take lawful action but the Police in practice was not bound to accede to their request. This also took inordinate time which negated the very purpose of the bodies.

## II. Delays in crime investigation and challaning the case to courts

There are many reasons for the delays in case investigation and sending cases to courts for trial such as the sheer rise in numbers due to the growth in population and the complexity of serious crimes such as terrorism, extortion, kidnapping and narcotics trafficking which operate across district and provincial boundaries. It is becoming increasingly difficult to investigate these within the limits of Police Stations. Of late such category of cases are to some extent being dealt with at the district level or above but there is a great need for providing additional investigating officers, forensic facilities and adequate resources required by the Police. Successful conviction in courts should allow for a suitable bonus to the investigation and prosecution teams. Alternate Dispute Resolution of cases be encouraged and 'diyat' or financial compensation to the aggrieved be encouraged. The District Safety Commission under an impartial head needs to provide required resources to the Police and also review the pace of investigation and conviction rate of the accused. The conviction rate of the cases sent to courts needs to be recorded in the annual reports of the SHO, Investigating Officers and the Prosecution lawyers. The time limits on placing 'challans' in courts need to be extended liberally so that the required evidence is provided by the prosecution which could result in conviction of the accused.

## III. Unlawful confinement and subjecting individuals to violence within or outside the Police Station premises

In order to ensure maximum protection of the citizen under the law the Police Station and any declared or undeclared 'investigation centers' should be open for inspection at all times. Senior Police officers and Illaqa Magistrate/Justice of Peace/ Notified notables should then be able to check some of the abuses often cited. Remands and Confessions of accused have become difficult leading to a lowered conviction rate after the removal of the institution of the Illaqa Magistrates from the scene.

In order to ensure that the above three requirements are properly implemented the following steps would need to be taken by the Government and needs to be enshrined in law:

- a) Police Stations must be provided their full year's requirement in budget including investigation costs. No reappropriations away from this budget should be permissible without the permission of the IGP and even then for justifiable recorded reasons. The staff needs should be met in full and the vehicles, forensic necessities be adequately taken care of. Greater emphasis needs to be placed on professional training,

development of forensic laboratories and acquisition of advance skills in countering terrorism, extortion and kidnapping cases.

- b) Sanctity of 3-5 years tenure of all Police officers especially the SHO needs to be ensured. Any premature transfer must trigger a reference automatically to the provincial Ombudsman where the executive would need to explain the reasons for the premature transfer.
- c) Out of turn promotions be prohibited to avoid misuse of discretion and compensations should be in the form of medals, citations and cash rewards.
- d) Housing accommodation, transportation needs (to avoid seeking lifts from private motorists) injury and incapacitation allowances/salaries and allowances must be catered for in the annual budgets.

It was thereafter decided to discuss the salient features mentioned in the Ombudsman's Report with the provincial governments. Accordingly Mr Shakil Durrani former Chief Secretary Khyber Pukhtunkhwa, Sind, AJK and Gilgit-Baltistan was asked to meet with the provincial governments to get their views on the proposals for improving Police Stations. He has since discussed the main points and issues of the Report personally with the Chief Ministers of Sindh and Baluchistan and with the Chief Secretary Punjab. (A meeting with the Chief Minister KP is planned soon). In some of these meetings the provincial Home Ministers or Home Secretaries were also present

The provincial governments fully recognize the inherent problems and issues that have been raised and remain committed to addressing these. Some of the institutional, financial and logistical matters are being tackled by them and additional measures are contemplated. The provincial governments also informed that they were sending status reports on the issues directly to the Supreme Court.

# ANNEXURES

MINUTES OF THE MEETINGS OF THE COMMITTEE  
AND THE COMMITTEE MEETINGS WITH EXPERTS  
AND EMINENT PERSONS IN RELEVANT FIELDS

**MINUTES OF THE MEETING HELD ON 13.11.2015 IN COMPLIANCE  
WITH JUDGEMENT PASSED BY HON. SUPREME COURT OF  
PAKISTAN FOR SUBMISSION OF REPORT "ON GOOD  
ADMINISTRATION STANDARDS FOR POLICE STATIONS  
AND MEASURES BEING TAKEN TO CURB  
MAL-ADMINISTRATION IN POLICE STATIONS**

A meeting was held on 13.11.2015 at 1400 hours in the Conference Room of the Wafaqi Mohtasib Secretariat under the chairmanship of Mr. M. Abbas Khan, Secretary (R), Government of Pakistan on Good Administration Standards for Police Stations and Measures being taken to curb mal-administration in Police Stations. List of Participants is at Annexure-A.

2. Detailed deliberations were carried out to analyse the requirement given by Honourable Supreme Court. It was concluded that the Committee is formed to focus on Good Administration and measures to curb maladministration in the police stations. The Committee should focus on registration, investigation, prosecution, accountability and transparency, in police stations. All the other questions that have been raised, they relate directly or indirectly with these 4 issues.

3. The Committee decided to proceed as under:-

- a. Keeping in view the time constraint, the study to be carried out in 2 phases. In Phase-1, the focus will be on the Good Administration of the Police Stations. In Phase-II, detailed study on the subject with wider spectrum of identifying and curbing Maladministration in Police Stations. Report regarding Phase-1 to be completed and submitted to Supreme Court by 04 December, 2015. Request will be made to the Honourable Court for additional time for submission of report for Phase-II.



b. Two Committees as under were formed to conduct the study:-

i. **Core Committee.** Responsible for overall coordination and finalization of the report:-

- Mr. M. Abbas Khan.
- Mr. Afzal Ali Shigri.
- Mr. Shakeel Durrani.


ii. **Working Committee.** To issue ToR on the website by 17 Nov. 2015 for information of all members, the Working Committee will also put up a fair draft for discussion by the Committee Members by 26 Nov. 2015. This Working Committee shall comprise of:-

- Mr. Afzal Ali Shigri.
- Hafiz Ehsan Ahmed Khokhar.
- Mr. Riffat Pasha.
- Shah Mahboob Alam.
- Mr. Hamid Ali Khan.
- Mr. Kashif Alam
- Mr. Bilal Zafar.

c. All members were requested to post their views on ToRs and any other proposals on the following e-mail address by 19 Nov. 2015 for the benefit of the members of the Working Committee:-

[WMS-Thana-Reforms@yahoogroups.com](mailto:WMS-Thana-Reforms@yahoogroups.com)

4. The meeting ended with a vote of thanks to all.

  
(SHAH MAHBOOB ALAM)  
ADVISOR/SECRETARY (COMMITTEE)  
16.11.2015

**LIST OF PARTICIPANTS OF THE MEETING DATED: 13.11.2015**

1. **Mr. Muhammad Abbas Khan** Former Federal Secretary and Inspector General Police, Punjab & KPK
2. **Mr. Shakil Durani** Former Chairman, WAPDA and Secretary Railways, Chief Secretary Sindh, KPK, AJK and GB
3. **Mr. Afzal Ali Shigri** Former Inspector General of Police
4. **Mr. Hamid Ali Khan** Former Federal Secretary and Director General NACTA
5. **Mr Muhammad Raffat Pasha** Former Federal Secretary and Inspector General of Police
6. **Hafiz Ahsan Ahmed Khokhar** Senior Advisor (Law), WMS, Grievance Commissioner and Advocate Supreme Court of Pakistan
7. **Malik Muhammad Iqbal** Senior Advisor, WMS and former Director General FIA
8. **Mr. S.M. Tahir** Senior Advisor WMS and Special Secretary WMS
9. **Mr. Noor Ali Khan** Secretary, Provincial Mohtasib, KPK
10. **Mr. Shakeel Ahmed Durrani** DIG Police Balochistan
11. **Mr. Shah Mahboob Alam** Advisor/Secretary Committee
12. **Maj. Gen. (R) Haroon S. Pasha** Advisor WMS
13. **Mr. Tahir Khalil** Bureau Chief Daily Jang
14. **Mr. Shariq Jamal khan** DIG Pakistan Railways Police
15. **Mr. Azhar Rashid Khan** DIG Police Karachi
16. **Mr. Kashif Alam** SSP (Course Commander, National Police Academy, Islamabad.
17. **Mr. Sikander Hayat** SSP/RAWALPINDI
18. **Mr. Bilal Zaffar** Addl. SP Islamabad Capital Territory Police
19. **Mr. Syed Qamar Mustafa** Associate Advisor, WMS
20. **Ms. Zariyab Mussrat** Director WMS
21. **Mr. Sohail Ahmed Phatak** MIS Expert WMS

**MINUTES OF THE MEETING HELD ON 28<sup>th</sup> 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 28<sup>th</sup> 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 where after 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 therefore 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.

## **LIST OF PARTICIPANTS OF THE MEETING DATED: 28.01.2016**

- |     |                               |   |
|-----|-------------------------------|---|
| 1.  | Mr. Muhammad Abbas Khan       | Former Federal Secretary and Inspector General Police, Punjab & KPK                   |
| 2.  | Mr. Shakil Durani             | Former Chairman, WAPDA and Secretary Railways, Chief Secretary Sindh, KPK, AJK and GB |
| 3.  | Mr. Afzal Ali Shigri          | Former Inspector General of Police  |
| 4.  | Mr. Hamid Ali Khan            | Former Federal Secretary and Director General NACTA                                   |
| 5.  | Mr. Muhammad Raffat Pasha     | Former Federal Secretary and Inspector General of Police                              |
| 6.  | Hafiz Ahsan Ahmed Khokhar     | Senior Advisor WMS, Grievance Commissioner and Advocate Supreme Court of Pakistan     |
| 7.  | Malik Muhammad Iqbal          | Senior Advisor, WMS and former Director General FIA                                   |
| 8.  | Mr. S.M. Tahir                | Senior Advisor WMS and former Special Secretary WMS                                   |
| 9.  | Mr. Noor Ali Khan             | Secretary, Provincial Mohtasib, KPK   |
| 10. | Mr. Shakeel Ahmed Durrani     | DIG Police Balochistan  |
| 11. | Mr. Shah Mahboob Alam         | Advisor/Secretary Committee   |
| 12. | Maj. Gen. (R) Haroon S. Pasha | Advisor WMS   |
| 13. | Mr. Tahir Khalil              | Bureau Chief Daily Jang   |
| 14. | Mr. Shariq Jamal khan         | DIG Pakistan Railways Police  |
| 15. | Mr. Azhar Rashid Khan         | DIG Police Karachi  |
| 16. | Mr. Kashif Alam               | SSP (Course Commander, National Police Academy, Islamabad.                            |
| 17. | Mr. Sikander Hayat            | SSP/Rawalpindi  |
| 18. | Mr. Bilal Zaffar              | Addl. SP Islamabad Capital Territory Police   |
| 19. | Mr. Syed Qamar Mustafa        | Associate Advisor, WMS  |
| 20. | Ms. Zariyab Mussrat           | Director WMS  |
| 21. | Mr. Sohail Ahmed Phatak       | MIS Expert WMS  |

**MINUTES OF THE MEETING HELD ON 18<sup>th</sup> FEBRUARY, 2016 TO DISCUSS AND FINALIZE THE REPORT OF THE COMMITTEE ON GOOD ADMINISTRATION STANDARDS FOR POLICE AND MEASURES TO CURB MAL-ADMINISTRATION.**

A meeting was held on 18<sup>th</sup> February, 2016 at 1400 under the chairmanship of Mr. Abbas Khan, Chairman of the Committee on Good Administration Standards for Police and Measures to curb Mal-administration to discuss and finalize its report being prepared 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 Chairman welcomed the participants and enunciated the background of the court orders in the context of mal-functioning of the criminal justice system with particular reference to non-registration of FIRs by the police. Dilating on the areas that also required special attention, such as postings and transfers, non-implementation of judgements, too much political interference and abbreviated tenures of police officers, he stated that the previous 27 Police Reforms reports were lying in the archives without implementation. He further stated that the most dynamic reforms were suggested in the year 2002. Highlighting the fact that Section-154 of the CrPC clearly provides that every reported case should be registered by the police, he informed that it was in conflict with the Police Rules 1934 which give power to SHO not to register FIR in certain circumstances. However, the law did not envisage that the police/ SHO would have a monopoly to register FIR; and the powers also vest in courts. Reiterating his comments made in the earlier meetings of the Committee about the disproportionate increase in the crime rate without actual change in the incidence of crimes in case of free registration of FIR, he stated that the superior judiciary can play a greater role in improving the working of the police system. Reminding the participants about the strictures passed by the court in the context of poor quality of investigation, lack of use of Forensic science and the need for disciplinary action against those police officers who badly investigate, he stated that these issues should be addressed in the Committee's report.

5. The Honourable Wafaqi Mohtasib reiterated his earlier comments regarding the need for an internal and external oversight to preclude the possibility of false FIRs as well as accountability and effective command and control system; and stated that the committee may figure out the nature and level of the oversight. He highlighted the need for improvement in the public service at the Police Stations so as to revive the confidence of the public in the Police System. Recalling the comments of the Honourable Chief Justice of Pakistan as reported in the



press that police stations are sold for millions, he emphasized the need for protection of tenure of assignment of police officers and recording the reasons in case of an early transfer. He also stated that reported involvement of police officials in criminal activities was also a great cause of concern that needs to be effectively addressed and for which measures need to be suggested.

6. The following views, comments and proposals were offered during extensive discussions on the contents of the draft report:

- i. Recommendations for improvement in the Police System should be within the framework of the court orders;
- ii. Public Safety Commission should be established at thana, tehsil and district level with membership by designation. No political figure should be allowed to be a member of the Commission. Such provincial commissions should be headed by the ex-I.G. Police or former Federal Secretary/Chief Secretary. The Police Law 2002 was too idealistic. Nevertheless, the vested interests of the civil bureaucracy, politicians and the police bureaucracy itself in stalling the reforms need to be checked and neutralized;
- iii. The Executive Magistracy should be revived as discussed in a recent apex meeting in Karachi chaired by the Prime Minister and attended by Leaders of political parties, Chief of the Army Staff and Federal and provincial leadership and the proposal was generally endorsed.
- iv. Well empowered Police Complaint Authority both at federal and provincial levels be established. At provincial level, the DCO, SP and 1-2 senior civil service officers should be considered as members of the PCA; Such authorities have recently been introduced in the UK.
- v. The proposal for an independent Prosecution Service may be given a serious thought;
- vi. The Research and Development Wings of the Police departments must be strengthened and manned by the relevant and competent staff;
- vii. The I.G. Police should be given one line financial allocation and be fully empowered to allow re-appropriation in the budget for police stations;
- viii. Tenure of the DPO / SP should essentially be protected as he would himself ensure protection of tenure of assignment of the SHOs;
- ix. Community policing should initially be started in the federal capital

- x. There must be no illegal detention and harassment by the police. Prosecution should be completed in 18 days;
- xi. The Provincial Ombudsman may look into the cases of abbreviated tenure of SHOs etc. In this context, the Provincial Mohtasibs should be able to take cognizance of the violations of Police Order 2002.
- xii. There should be a uniform authority for the purpose of awarding punishments in the police;



**LIST OF PARTICIPANTS OF THE MEETING DATED: 18.02.2016**

1. Mr. Abdul Rauf Chaudhry, Federal Tax Ombudsman.
2. Mr. Shams-ul-Mulk, former Caretaker Chief Minister KPK, Chairman, WAPDA.
3. Mr. Muhammad Abbas Khan, former Federal Secretary and Inspector General Police, Punjab & KPK.
4. Mr. Saeed Mahdi, Chairman, SNGPL, former Principal Secretary to the Prime Minister, Advisor to Chief Minister Punjab and Chief Secretary Sindh.
5. Mr. Arif Ahmed Khan, Secretary Interior.
6. Mr. Pir Bakhsh Jamali, Federal Secretary, WMS.
7. Mr. Shakil Durrani, former Chairman, WAPDA and Secretary Railways, Chief Secretary Sindh, KPK, AJK and GB
8. Mr. Iftikhar Rasheed, former Federal Secretary, Communications, Chairman PEMRA and Inspector General of Police
9. Mr. Afzal Ali Shigri, former Inspector General Police
10. Mr. Ejaz A. Qureshi, Senior Advisor WMS, former Federal Secretary, Chief Secretary, KPK and Sindh.
11. Mr. Imtiaz Inayat Illahi, Senior Advisor WMS, former Federal Secretary, Chairman, CDA, Chief Commissioner Islamabad
12. Mr. Taimur Azmat Osman, Senior Advisor WMS, former Federal Secretary.
13. Mr. Shoaib Siddiqui, Special Secretary Interior.
14. Hafiz Ahsan Ahmed Khokhar, Senior Advisor WMS, Grievance Commissioner and Advocate, Supreme Court of Pakistan
15. Dr. Z. U. Khan, former Head of Criminal Justice Wing of NRB.
16. Maj Gen (R) Haroon Sikandar Pasha, former D.G, Chief Executive Secretariat, DG NAB, Sindh.
17. Mr. Shah Mahboob Alam, former Joint Director General, IB, Managing Director, OGDCL.
18. Syed Qamar Mustafa Shah, former Joint Secretary, Cabinet Division.

VIEWS OF SOME COMMITTEE MEMBERS  
AND EMINENT PERSONS AND EXPERTS

**Views of Mr. Abbas Khan,  
Chairman of the Committee**

**Good Administration Standards for Police**

**Foreword**

The Supreme Court of Pakistan through its decision dated 04.09.2015 in Civil petition No.1282/2014- SCJ mandated the Federal and Provincial Ombudsman to submit a report on the operative part of the judgment at paragraph 9 (xiii), which is reproduced below:-

"The Federal and Provincial Ombudsmen should submit in the Court within three months from the date of this order, good-administration standards for police stations and should also submit a report which outlines the measures being taken to curb maladministration in police stations".

This order can be divided in two broad parts as under:-

- i. Good Administration standards for police stations to improve service delivery; and
- ii. Measures being taken to curb mal-administration.

Accordingly Wafaqi Mohtasib Secretariat constituted a 'Committee' to deliberate upon the matter and submit a report on part one.

The real purpose of the report can only be served if the existing system is examined in detail to understand the mechanism of accountability and redressal of grievances.

While it may be possible to gather the information about the measures being taken to curb mal-administration and include it in the report, one has to evaluate these measures within a broader police structure of departmental supervision system, monitoring and evaluation, external oversight and a credible accountability arrangement. This may not be possible in the given timeframe; therefore additional time is sought from the Supreme Court to submit detailed report with feasible recommendations for part two of the Orders of the Supreme Court.

Finally, specific issues relating to police station administration have been highlighted and corrective measures have been proposed. Additionally to make the report 'meaningful', the overall legal and institutional framework has also been examined with recommendations to improve upon the support mechanism for police stations.

## Introduction

The Supreme Court in its judgment points to the admission by the learned Prosecutor General Punjab that the Government is “aware that steps have to be taken to ensure that the Police and Prosecution departments ..... do not in fact become instruments of oppression.”

The Police culture in Pakistan continues to be based on the Police Act of 1861, which was introduced subsequent to the 1857 War of Independence. This was modeled on the Royal Irish Constabulary and introduced in most of Great Britain’s colonies. The philosophy behind the colonial Governments intention in legislating the Police Act 1861 is clearly brought out by an extract from the Indian Police Commission Report 1979.

“The evolution of the Police system in India (Pakistan) was closely linked with the objectives of the government in power and the need for maintaining a tight control over the people of this country so that stability and growth of British rule was not threatened. The liberal reforms introduced in England by Sir Robert Peel separating the Police and the ‘Magistracy were the ideals which the British administrators in India (Pakistan) yearned for but could not adopt for reason of security of their own continuation in this country’<sup>1</sup>.

The Police culture developed under “this Act continues to be the dominant culture because it remained the police law between 1861 and 2002 i.e. 140 years when a new law namely the Police Order 2002 was introduced. The police order was subjected to massive amendments long before it could be fully implemented.

This Act of 1861 should have been replaced by a new Act, immediately after independence with the purpose of achieving the policing objectives of a free and independent nation which was born on 14<sup>th</sup> August, 1947. This did not happen. The 1861 Act was so structured that it required an independent authoritarian executive to make it function - there were no checks and balances built into the law, to keep out political influences which are deployed to promote ‘constituency’ interests of politicians and other interest groups. During the colonial government it was unimaginable for an influential person to ask the D.C or the S.P. for the posting or transfer of a Patwari or an SHO. After independence the ‘authoritarian executive’ lost its independence as soon as sovereignty was transferred from the King (British) in parliament to the people acting through their representative in Pakistan. The pressure emanated

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<sup>1</sup> Mr. Muhammad Abbas Khan (IGP Punjab) “Problems of Law and order- Police Reforms” Indian Police Commission Report 1979.

from the newly empowered politicians thus compromised their impartiality. Consequently executive decisions were made under pressure, merit and fitness ceased to be an essential criterion. This caused the process of collapse to commence, which resulted in the command and control structures to unravel. Today the Command and Control of the police department stands shattered, police officers of various ranks serve at the pleasure of influential persons and these influential persons feel free to interfere in every aspect of police working which includes recruitment, disciplinary action, registration of FIRs, investigations, posting, transfers, promotions etc<sup>2</sup>.

This interference has very negatively impacted tenure of office of various ranks in the department the tenure of I.G has averaged less than a year, District Police Officers nearly six months and SHO's have an average tenure of less than three months.<sup>3</sup> *“When decision making is so externalized in an organization it cannot attain the objectives that are legitimately expected of it”<sup>4</sup>.*

### **History of Police Reforms in Pakistan**

Most governments after taking office have appointed Police Commissions to recommend reforms of the police. To date as many as 27 Commissions have submitted their recommendations, these included more than half a dozen foreign Police Commissions-requested by the Government of Pakistan. By the time the recommendations were submitted, various governments had lost their zest for police reform, perhaps because reforms would upset the power structures and the status quo of our quasi feudal system.

To change the police culture nurtured under the police Act 1861, it is necessary to carry out far reaching structural reforms so that instead of having a “Police for the Government” we should have a “Police for the people”. A Police which is democratically controlled, politically neutral and professional as recommended by the Japanese Expert team which visited Pakistan on GOP's request and submitted their recommendations in 1996. The need for urgently carrying out reforms of the Police is clearly brought out by the following excerpts:-

“Two reforms in the Criminal Justice System were imperative at independence; reforms in the judiciary and reforms in Police. The first reform (Separation of Judiciary) has been legislated recently. Regarding the second reform there is no progress. More than a dozen Police Reform Commissions have been appointed, both local and foreign in the last 35 years. Their recommendations have generally been consigned to the archives”.

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<sup>2</sup> Mr. Abbas Khan, Notes on Command and Control.

<sup>3</sup> Mr. Tariq Parvez, “Brevity of Tenures: An obstacle to police reforms” 2015.

<sup>4</sup> Mr. Abbas Khan, Notes on Police reforms

If the conceptual problems of the existing Police Organization are identified and reforms introduced, there will be far reaching effects on the character of Police and consequently on the maintenance of law and order. We cannot create a first rate Police by merely wishing for it. Far reaching structural changes need to be introduced before our wish can be granted.

Change creates resistance from groups which benefit from the status quo. The first change i.e. separating the Executive from the Judiciary took almost 50 years after partition. Let us pray that the reforms being proposed for the Police do not take as long as the first one took. The danger of further neglect and postponement has been clearly brought out by a U.N. Mission headed by Mr. Norman Inkster, former President, INTERPOL<sup>5</sup>. The following extract is pertinent:-

1. In addition to all of this, there has been a near complete failure on the part of successive governments both military and democratic to either equip the Police adequately or to ensure that they receive adequate training. Accordingly, they are quite simply completely unprepared to deal with the present situation.
2. The present crisis comes as no surprise. Since 1960, there have been 11 separate committees or commissions established by government in Pakistan and 4 international commissions 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 gone unimplemented. Had the proposed reforms been undertaken, much of the present crises could have been avoided.
3. 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.<sup>6</sup>

The last two lines seem prophetic. They have come to pass in Karachi and are in process in rest of the country. Despite all this gloom a silver lining can be perceived. The Police Order

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<sup>5</sup>Assisted by, Hon David Malcolm, Chief Justice of Western Australia: Mr. Kenneth Kelly, UNDCP and Dimitris Vlassis, CPCIB, Vienna.

<sup>6</sup> UN Mission Report Para 3.

2002 introduced modern concepts of Policing along with institutions which would sustain these initiatives.

### **Police Order 2002 and the Reversal of Reforms**

In February 2000, report of the Focal Group on Police Reforms was submitted to the National Reconstruction Bureau. The report outlines the guiding principles for a replacement of the 1861 Police Act. On 14<sup>th</sup> August, 2002 the new Police order of 2002 replaced the 1861 Police Act and introduced major changes based on division of Police along functional lines, introduction of manifold public accountability measures and with emphasis on public service delivery.

Main reforms introduced in the Police Order 2002 are, a Police that is

- Politically neutral
- Democratically controlled
- Professional with functional specialization
- Subject to a strong unity of command with operational autonomy
- Overseen through non political public safety commissions
- Accountability through creation of an independent Public Complaint Commission

Police Order 2002 took on board many of the previous recommendations and aimed at providing the enabling legal provisions and institutional arrangement for addressing problems related to criminal justice system and public service delivery at the police station. The order “structurally, replaced political control of the Police with democratic control and enacted institutional arrangement of the Public Safety Commissions at district, provincial and national level”. The Police Order 2002 in its original form envisaged undiluted police Command and control coupled with accountability, institutionalized through a non-political and neutral selection panel and decision making process.

Later in 2004 prior to its being wholly implemented the Government drastically altered the Police Order, “effectively stripping it off all of its progressive reforms”. Independent Police complaint authorities were merged into the Police Safety Commissions, which were also politicized, the Public Safety Commissions were stripped their authority to public and functions especially those functions which they performed in relation to the selection, appointment and removal of heads of law enforcement agencies, fixed tenures of officers were also abolished. Now officers remain dependent upon the whims and arbitrary use of authority by the political party in power. In short the reforms seeking a politically neutral police were annulled and control of police was returned to the political party in power.



## **Legal status of Police Order 2002**

1. "The correct position regarding the status of the Police Order 2002 is that only Parliament can now amend the law without prior sanction of the President, and a Provincial Assembly can make amendments to meet any local and special requirements with the approval of the Prime Minister.
2. No Provincial Government can change the structure and substantive provisions of the Police Order as stipulated in Article 143 of the Constitution".
3. The Police Order was challenged in the High Court to ascertain its legality and the decision of the Lahore High Court in February 28, 2013 squarely placed the law in schedule IV of the Constitution. *Effective January 01, 2010 the Police Order did not require further sanction the President and stood restored to its original form as promulgated on August 14, 2002*<sup>7</sup>.

Finally, without a legal framework that truly addresses public concerns and which introduces accountability and de-politicization of the police, it is highly unlikely to bring about meaningful change in the police stations working.

## **Police Station Administration**

The Supreme Court in its judgment highlighted a number of issues some of which are discussed below:-

1. Registration of FIR
2. Accountability
3. Training
4. Effective Police Investigations
5. Command and Control

### **I. Registration of FIR and constraints on Free Registration**

- a. The law as it stands, and the Supreme Court in its judgment highlighted the fact that Section 154 of the Cr.P.C. required that every information relating to a cognizable offense "Shall" be entered in the First information report register.

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<sup>7</sup> Annexure I

It is noteworthy that mere registration of FIR does not entail the arrest of the person accused therein. Contrary to the general impression and read with Section 157 Cr.P.C. does not even necessitate investigation by the Police.

The sanctity accorded to the FIR which was perhaps never the intention of those who framed the law has become a part of our culture. On the other hand it is an unfortunate fact that many complaints brought before the Police and the Courts are false and malicious. As desirable as free registration is, the subsequent course where an FIR is registered and the I.O. is of the opinion that investigation is not warranted or where he is of the opinion that sufficient evidence does not exist to arrest the accused person, is fraught with problems. He has to face an orchestrated volley of complaints and allegations of corruption submitted to Senior Police officers and also to the courts against him.

It was perhaps to circumvent this complication that the Police Rules issued 36 years after the promulgation of the Cr.P.C. created a way out under provisions of Rule 24.4 which reads:

(1) “if the information or other intelligence relating to the alleged offences, is such that an Officer In-charge of a Police Station has reason to suspect that the alleged offence has not been committed, he shall enter the substance of the information or intelligence in the station diary and shall record his reasons for suspecting that the alleged offence has not been committed and shall notify the informant, if any, of the fact that he will not investigate the case or cause it to be investigated.”

This rule was followed by the Police from 1934 to 1977 when it was struck down by the courts. The culture of discretion to register or not to register permitted under this rule has not fully faded away.

- b. Another matter hindering free registration is the unlawful intervention by persons of influence. These persons may be political or representing special interests such as Qabza groups, water mafia, “retibajri” mafia etc. It has been mentioned earlier in this report that the SHO like other Police officers both senior and junior to him, often work at the pleasure of such

persons. This is a consequence of the politicization of the policing functions of the State. Such interventions have contributed to compromising the command & Control structures of the department.

- c. Another constraint on free registration is crime figures. Although crime may remain the same, registered crime figures will shoot up. An experiment was conducted in Delhi to ensure free registration of FIRs. In some categories of offences, registered crime went up by 900%; this is quoted by the Indian Police Commission Report. Where in any jurisdiction registered crime goes up by a much smaller percentage the government, the press, the public and even Senior Police officers would want heads to roll. The differentiation between registered crime and actual crime which may have remained at previous levels is lost. This is the real problem. The SHO indulging in free registration knows that by doing the right thing he is creating documentary evidence against himself. Increase in crime figures can be used against him, to prove his incompetence.

The framers of Police Rules seem to have been acutely aware that such situations can come to pass. In Rule 20.5 dealing with Police station inspections, it has been observed.

“In commenting on the working of Police officers in such inspection reports care shall be exercised to avoid basing an opinion merely upon statistical results, percentages of conviction and similar data which are apt to be misleading.”

## **II. Accountability**

The varying figures received from the Central Police Office Punjab have caused an adverse opinion to be created in the minds of their lordships and justifiably so. Correct figures should have been readily available. The problem in Punjab seems to have been that the districts have not been maintaining the prescribed register pertaining to punishments awarded and hence the confusion.

Punjab Police Rules 16.22 prescribes as under:-

**“Records in departmental cases** (i) in all departmental cases in which the alleged offence is such as to merit a major punishment if proved, a record shall be kept, which shall contain.

- (a) The charge.
- (b) Evidence supporting the charge.
- (c) The defence of the accused officer.
- (d) Statements of the defence witnesses, if any.
- (e) The finding of the officer conducting the case.
- (f) The final order.”

Despite the negative image created by the changing figures Police personnel amongst government servants are perhaps the most penalized. An organization like the Police needs both internal and external accountability. Police Rules Chapter 16 dealt with internal accountability quite effectively, this chapter was struck down by the courts, subsequent to which Police personnel were dealt with under the efficiency and discipline rules. These rules were found wanting in their efficacy, therefore, the 1973 Police Act was legislated which deals with disciplinary matters in the Police department since then.

The mandatory maintenance of registers as given in police rules 16.22 was probably missed out in police Act 1973. Therefore, both record keeping and monitoring of disciplinary action have deteriorated.

An external accountability forum was created in the Police Order 2002 known as the Police Complaints Authority. This forum was subjected to amendments which compromised its independence by merging it with the Police Safety Commission which had been highly politicized through a spate of amendments. There is a need to recreate an Independent Police Complaint authority as provided for in the pre-amended Police Order 2002.

### **III. Training**

Training has a low priority in the budgets of almost all civilian departments. Institutions like the Pakistan Administrative Staff College and the National Institute of Public Administration were set up for the in-service training of Civil Servants during President Ayub Khan’s military regime. Police training centers like Sahilain Punjab and

Hangu in KPK were abandoned buildings handed over to the Police. The first was built as a poly technique, the department refused to take it on charge because of the very poor quality of construction; the second was a building abandoned by the army. These two instances are mentioned as an example of how much priority the government attaches to training on the civil side.

A third example deserves to be mentioned. The National Police Academy was housed in the Rest House of a nationalized chemical factory for about thirty years and has only recently moved into its own campus. That training in the Police needs to be improved is beyond dispute. Improvement is required in specialized fields such as investigations, collection of evidence, preservation of scene of crime, crowd control, forensics and various other fields.

Khyber Pakhtunkhwa, Police has taken the initiative in providing specialized training. Currently this has been on an ad-hoc basis, hopefully the Khyber Pakhtunkhwa Government will sanction these training centers and provide for them in both the revenue and developmental budgets. These schools include:

- 6) School of Investigation.
- 7) School of explosive handling.
- 8) School of intelligence.
- 9) School for Riot management etc.
- 10) School for I.T.

Besides KPK other provinces may also have taken steps to provide training to their personnel in specialized fields. However a huge gap remains which needs to be filled at the earliest.

#### **IV. Effective Police Investigation**

##### ***A. Application of Forensic Science in Investigations***

1. The present Police investigation is again deeply rooted in the processes and procedures setup under the Police Act of 1861 and Police Rules 1934. The first dedicated investigation department in Punjab was set up in 1905 with Sir Edward Lee French as its first Deputy Inspector General to investigate important cases for the Crown. Again the reason stemmed from not public concern, but murder of a European Lady. Similarly in 1911 an investigation department was

established in Sindh. Expertise on Finger Prints developed and standardized in Bengal, a canine unit and foot tracking expert was also added.

2. The first forensic laboratory was established in Lahore in a photographic section of the criminal investigation department in 1930. By 1947 the laboratory provided for examination of fire arms, counterfeit, coins, forged currency, secret inks, hand written and typed material. Forensic science laboratories were also established in Peshawar and in Karachi.
3. Unfortunately, after 1947 the Police investigation especially forensic science hardly progressed with time; more recently Punjab Government took the lead in setting up of the Punjab Forensic Science Agency ensuring “quality and integrity” of results through international standardized process and procedures for collection, preservation and handling of evidence. A forensic laboratory by the federal government is also under construction in Islamabad and a DNA serology unit is already functional in a rented building under NPB.
4. Realizing the importance of investigation to professional policing and its role in criminal justice delivery the Police Order 2002 allowed for separation of investigation from watch and ward.
5. Detection of crime and professional investigation required experienced, qualified and ‘well trained’ staff with access to forensic experts and establishments.
6. Finally, professional investigation can have enormous impact bridging the gap between discretion and “sufficiency of evidence”.

#### **B. *Crime Scene***

1. Very little attention is given to the preservation of crime scene even in important cases. Police stations staff has neither sufficient knowledge nor training in responding to crime scenes. Most crime scenes are contaminated by Police officers handling evidence with bare hands and have insufficient forensic tools for collection or preservation of evidence.
2. The standing orders on securing crime scenes are not adhered to even for substantive cases. The manner in which the investigation branch has been separated gives more importance to the operations branch as major resources are at the disposal of that branch.

3. Dedicated mobile forensic teams have been setup. With improved supervision and development of expertise improvements will occur.

**C. *Evidence and Forensics***

1. The Punjab Forensic Science Agency (PFSA), mentioned earlier is currently setting good standards in the country, as far as criminal investigations are concerned.

Various sections are:

- DNA and serology
- Forensic Toxicology
- Fire arms and tool marks department
- Narcotics department
- Latent finger print department
- Forensic pathology and histology
- Polygraph department
- Computer forensic department
- Trace evidence department
- Audio visual department

Punjab Police now has access to important and reliable forensic resources and expertise. Stringent procedures need to be adopted to ensure secrecy, quality and chain of Custody so that there is little chance of investigation staff to tamper with evidence or laboratory results.

**D. *Dependence on Ocular Evidence***

1. One of the reasons for poor investigations has been over-reliance on ocular evidence which no doubt is important, but of little significance, if not supported by circumstantial evidence. Ensuring access to and integrity of forensic results and chain of custody is important in this regard.
2. Digital trail also plays very important role in establishing the trail and source of funding as well as communications by the criminals as important evidence. Specialized training is required for the investigators.

**E. *Command and Control/Tenure***

1. An analysis of tenures at various levels of Police command shows that average period of posting of a Provincial Police Chief was less than a year (2011-2013). The study further reveals that in the 35 districts of Punjab average tenure for District Police Officer was less than six months. Finally, the average period of posting for SHO is estimated to be around three months or less.



2. Lucrative Police stations such as Airport Police stations, Police Stations inclusive of commercial interests, Police Stations on entry/exit to important trade routes, stations famous for high levels of Vice, Stations and Circles involving real estate interests and Police stations having outreach to political Elites of all the provinces are constantly up for postings, not based on professional merit but subject to approval from politically influential persons.

3. The systematic dilution of Command and Control and brevity of tenure mainly because of political and commercial vested interests understandably breed ad-hoc arrangements. "Station House Officers hardly get enough time to have an impact on Police station's working. Investigation staffs frequent transfers, understandably leads to unfinished files, pendency and unprofessional results. In short SHOs are reluctant to take decisions based on public interest for fear of transfers on flimsy grounds under political and commercial pressures.

4. Unless Police Chiefs are selected on merit through a transparent process and given a security of tenure with full authority over their subordinates, Police will not be able to deliver. Any administrative initiative to improve Police station working requires reasonable time.

## **Recommendations**

The previous part of this report discussed issues highlighted in the Supreme Court judgment. This part deals with possible solution.

### **1. Registration of Cases**

Steps which can ensure improvement in free registration of cases:-

#### **a. *Police Access Service***

The Khyber Pakhtunkhwa Police have established the Police Access Service (PAS) at the Central Police Office. Citizens can now access the office of the Provincial Police Officer directly through the following arrangements to register their complaints.

SMS	885 & 0315-9007777
Toll Free Telephone	0800-00400
Fax	091-9223575

Email	<a href="mailto:pas.kppolice@gmail.com">pas.kppolice@gmail.com</a>
By visiting Police Website	<a href="http://www.kppolice.gov.com">www.kppolice.gov.com</a>
By personal visit to	PAS located in the IGP Office.

All complaints received are forwarded to the relevant District Police Officer who must report compliance to PAS. The complainant is kept in the loop, where ever it is necessary, an interview is arranged for him with the appropriate person. Final action is reported to the IGP.

This system is reportedly working very well. It is a concept that needs to be studied by other provinces for introduction in their respective jurisdictions to deal with the problems of non registration of cases.

b. ***Action Under Section 182 or 211 PPC***

To create effective safeguards against cases being registered on false information or false accusation it is important that courts take speedy and effective action under section 182 or 211 PPC. Legally action under these sections can only be taken after the magistrate approves cancellation of such cases. While passing the cancellation order, instructions should simultaneously be issued to the Police to proceed against the complainant under Section 182 or 211 PPC as the case may be. This will also fulfill the requirements of Section 155(2) Cr.P.C. These cases may initially need to be placed on the fast track and appropriate punishment awarded. Such action by the Courts will reestablish the sanctity of deterrent penal action against false and malicious complaints.

c. ***Alternate Remedy***

Where FIR is not registered the law provides an alternate remedy. Cr.P.C. Section 190 read with Section 200 empowers the Courts to take cognizance of an offence and to proceed. Relevant portions of the law are reproduced below.

**Cognizance of Offences by Magistrate (Section 190)**

“All magistrate of the first class, or any magistrate specially empowered by the Provincial Government on the recommendation of the High Court may take cognizance of any offence.

(a) Upon receiving a complaint of facts which constitute such offence.”

### **Examination of Complainant (Section 200)**

“A magistrate taking cognizance of an offence on complainant shall at once examine the complainant upon oath and the substance of the examination shall be reduced to writing and shall be signed by the complainant, and also by the magistrate.”

Liberal use of these sections by the Courts will effectively end the monopoly of the Police station over taking cognizance of criminal offences. This alternate remedy, it is recommended should be exercised liberally and complainants encouraged to avail this facility provided by the law.”

#### **d. *Justice of Peace***

This institution has proved useful and needs to be further encouraged. Care is warranted that cases of a civil nature are not recommended for registration of FIR. Complainants frequently prefer the criminal process over civil litigation.

## **2. Accountability**

#### **a. *Internal***

To get a clear and accurate picture of disciplinary action initiated and punishments awarded by the Police departments, the provisions of the PPR 1934 (16.22) are required to be strictly adhered to and records maintained in every district on the pattern laid down in the said rule.

It is recommended that the Inspector General of Police be instructed to give the responsibility of periodic inspections of these district records to one of the Addl: IGP serving under them. This measure will not only ensure that these records are faithfully maintained but it will ensure that disciplinary action will be systematically carried out and progress monitored.

#### **b. *External***

In addition to internal accountability the original Police Order 2002 created an independent non-political external apparatus, the Police complaint authority. The PCA was merged by one of the many amendments into the politicized Public Safety Commission which has an entirely different role.

It is recommended that an independent Police Complaint Authority (PCA) as envisaged in the original Police Order 2002 be established.

### 3. **Poor Quality of Investigations**

a. During the 20<sup>th</sup> century enormous strides were taken in developed countries to introduce science and technology into the investigative role of the policing function. We in this country, were pathetically and woefully lagged behind in this field. The last decade of the 20<sup>th</sup> century witnessed significant decreases in crime in developed countries, the factor which was given credit for this reduction was the introduction of scientific technologies in investigations.

Recently Punjab has taken the lead in establishing a forensic science laboratory this will greatly enhance the quality of investigations as these processes become available to the investigating officers and more and more officers are trained in preserving the scene of crime.

It is recommended that the example of Punjab in setting up a forensic laboratory be replicated in other provinces.

b. Where the Courts notice that the quality of investigation is poor the lower Courts may be advised to issue strictures against the investigation officer and convey these to their supervisory officers as was the practice in the past.

c. Specialized school of investigation will need to be setup for training of existing staff and it needs to be ensured that Certified Investigating staff is posted to the Police Station with dedicated role and setup.

d. Currently the division of operational and investigation staff requires rethinking. Criminal cases per investigation staff workload have to be worked out for Substantive Cases, depending upon availability of human resources.

e. Case workloads are worked out by addressing “clearances Rates.” Presently, Pendency (genuine workload reasons/exploitation by Investigation) remains one of the significant factors adversely affecting current clearance rates. On average recommended cases per investigator are 5-6 per month for crime against persons (with Murders it is less). While for crimes against property the recommended workload is 8-10 cases on average.

f. Investigation workload should take into account factors related to acquiring official documentation, forensic reports and the issue of “Pendency.”

g. It is important to ensure that sufficient cost of investigation is available to investigation staff. In many instances the Police station staff is not provided the expenditure in time. Similarly the disbursement/sanctioning of the expenditure need to be decentralized with inbuilt checks against any misuse of resources. A specific head in

the budget should provide for investigation expenditure. The DSP in-charge or the SHO should be declared as a drawing and dispersing officer.

#### **4. Command and Control**

##### ***Tenure***

To expect the SHO to function as an independent commander of the police station when the continuance of his stay in the Police station depends on the whims of extra departmental persons and at times on the whims of his own seniors, is to ask for the impossible. Total lack of security of tenure renders him vulnerable to all kinds of pressures.

The Supreme Court judgment in the context of tenures makes a reference to its previous judgment in the Anita Turab case. To ensure compliance with the principles laid down in that case. It is recommended that suo-moto cognizance both by the Supreme Court & High court be taken in a number of cases so that the intent of the ruling can be firmly established. The person affected by the violation of the principles laid down will seldom be in a position to move the court, because he will be made to suffer in other ways by the department or by the political bosses. Islamabad Police may be a good place to start implementing the principles laid down in the Anita Turab judgment.

#### **5. Training**

As highlighted by the Supreme Court in its judgment, training in police is deficient. It needs significant Improvements. First it needs to be given higher priority in the budget allocation for initial training and in-service training. Secondly incentives need to be created for the training staff so that they don't feel that they are being shifted to a "Khuda Line" within the department. In the Armed Force where too much higher priority is given to training, officers selected for training faculty positions are from amongst their brightest; they feel honored to be so selected. This is so because incentives are provided to them, when being considered for promotion a tenure in a training institution is considered as a major plus point.

Lastly the criminal justice system can be more productive, efficient and effective if its various components function as a team; currently the impression conveyed by its working seems more adversarial than that of a team. The judiciary, as the senior-most component of the CJS can play a pivotal role in remodeling the relationship into that of a team.

**Views of Mr. Afzal Ali Shigri  
former Inspector General of Police and  
Member of the Committee**

**Legal Status of Police Order 2002**

1. The Police Order, 2002 was enacted as law in pursuance of the proclamation of emergency of 14<sup>th</sup> Oct 1999 and PCO No.1 of 1999.
2. The Police Order, 2002 was amended starting with Police Order (Amendment) Order, 2002 (dated 14-8-2002), and major changes were made by in Police Order 2002 in 2004 through Police Order (First Amendment) Ordinance, 2004. Amendments made by the government through this ordinance were kept alive by repeated issuance of ordinance at the expiry of four months (Article 89). Despite its consideration by the National Assembly it was never passed by the National Assembly till the imposition of 9<sup>th</sup>. November, 2007 emergency. In pursuance of the judgment of the Supreme Court police order Amendment ordinance along with other 28 ordinances including NRO was to be placed before the National assembly for enactment. This has not happened therefore the police order amendment ordinance stand repealed and Police Order 2002 stands restored in its original form.
3. The constitutional arrangements for the protection of Police Order, 2002 was ensured by placing this in the sixth schedule (at entry number 35) of the constitution under article 268 of the constitution placed restriction on amendments in the Police Order, 2002. The relevant portion is reproduced below:-

“(2) 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”
4. The above position changed when constitution was amended by Constitution (Seventeenth Amendment) Act 2003 enacted on 31-12-2003 by which under mentioned proviso was inserted/added to the article 268(2).

“Provided that the laws mentioned at entries 27 to 30 and entry 35 in the sixth schedule shall stand omitted after six year”.

5. The correct interpretation of the above legislation is that the Police Order, 2002 being at entry No 35 of the 6<sup>th</sup> schedule shall stand omitted from the list mentioned in the said schedule w.e.f 1-1-2010, which means that no sanction of the President shall be required to amend the Police Order, 2002 by the Assembly. The other laws in the 6<sup>th</sup> schedule will continue to require sanction of the President.
6. The operation of the seventeenth amendment only changes the procedure to amend the Police Order, 2002. The law i.e. Police Order, 2002 shall continue to be a valid and operative law until expressly repealed by the National Assembly or by the Provincial Assembly as long as this amendment is not repugnant to this law. (Provisions of article 143 of the constitution will be attracted when the Provincial Assembly introduces any amendments in this law).
7. Police law is to be considered as a subject matter of Concurrent list based on the following constitutional provisions:-
  - a. Distribution of legislative powers between the federation and province is specifically ‘subject to the constitution’ in article 142. Inclusion or exclusion of any law in the federal, concurrent and residual laws must be examined against the provisions of the constitution.
  - b. Article 148 (3) makes it obligatory for the federation ‘to protect every province against external aggression and **internal disturbances**\_\_\_\_.’ This is done by police.
  - c. Article 149 (4) provides that the executive authority is to be exercised by the federation for purpose of **“preventing any grave menace to the peace and tranquility** or economic life of Pakistan or part thereof.’

Concurrent list includes (Serial No 2) ‘Criminal Procedure, including all matters included in the code of criminal procedure, on the commencing day.’ This law provides and regulates all powers of police. This further elaborated at (Serial 47) where all matters incidental or ancillary to



‘  
this provision is also included in this list. **Matters incidental or ancillary to the exercise of police powers is the setting up of the police structure for this purpose.**

**Views of Mr. Shakil Durrani,  
former Chairman WAPDA, Secretary Railways and  
Chief Secretary Sindh, KPK, AJK and Gilgit-Baltistan and  
Member of the Committee**

**Essential Requirements of the Police Station**

**1. Obligations under the Criminal Procedure Code (s 154)**

This section makes registration of an FIR mandatory. Any refusal or inordinate delay should lead to a direction by an independent agency to the Police Station for immediate registration of the case, its investigation and processing and an explanation for not registering it earlier. This agency could be an Ilaqa Magistrate, Justice of Peace, Honorary Magistrate (Retired official/notable) but they should be empowered under the Criminal Procedure Code. A Magistrate for instance initiates proceedings even if the SHO refuses to register an FIR. In undivided India police officers on retirement were often appointed as Honorary Magistrates. The Public Safety Commissions, wherever constituted, were not empowered and remained stillborn because in reality they could only request the Police to take lawful action and the Police in practice was not bound to accede to their request. This also took inordinate time which negated the very purpose of the bodies.

One or more of such officials should also be empowered to ensure that no one is illegally confined or restricted by the Police Station and that the investigation and challenging of the cases before the courts remained time bound. An outside extra departmental agency alone would be impartial in dealing with complaints against the Police Station.

**2. Administrative and Logistic Requirements of Police Stations**

The Police Station being the keystone of the police arch, it is of utmost importance that its financial and administrative needs are provided the top priority. Its requirements of manpower, meaningful training, investigating personnel, vehicles and arms must be properly addressed. The expenditures of every Police Station be budgeted before the financial year starts and reappropriation from a Police Station to the District or above prohibited or discouraged to the extent that written permission be sought for any alteration. A

one-line Police budget should not be provided to the IGP because there would be a tendency to shift funds from essential policing to emergency measures such as dealing with extra ordinary demonstrations and crowd control, VIP security or for buildings construction and purchase and use.

**3. Status of SHO**

At Grade 17 and below there may not be any Government official more important than a Station House Officer of a Police Station. Thought be given to raising his status to Grade 17 perhaps in two or three phases. The Police hierarchy may be allowed its own pay scale and Grades. The SHO's pay and allowances must be commensurate with his powers and position. Should not every freshly recruited ASP/DSP serve a couple of years as an SHO to learn the 'internal workings' of the Police Station just as it is important that every Assistant Commissioner ought to serve as a Tehsildar? Food for thought!

**Views of Mr. Ejaz Ahmad Qureshi,  
Senior Advisor WMS,  
former Chief Secretary Sindh and KPK and  
Member of the Committee**

**Improvement in the Police Stations**

1. Both the content and the title of the draft are at variance with the mandate, because the Supreme Court Orders have made it specific to police stations and NOT broad reforms in police.
2. The report has made Police Order 2002 as its pivot, which is controversial. It was imposed by a military dictator against the reservations of all provinces. So the elected governments of the provinces have changed / amended keeping in view the ground realities. Police is a provincial subject, funded and work under the provincial govts. and without consulting the CM of the provinces, such recommendations would have little acceptance and support.
3. The draft report, unfortunately, represents only the view point of police officers and Police Order 2002 was their child, excluding the vast majority of people represented by their elected provincial govts. The Honourable Wafaqi Mohtasib cannot afford to buy only one point of view to the exclusion of other stake holders.
4. I believe it would be practicable and more feasible if we develop proposals which can bring about improvements under the present, legal and political frame work in a cost effective manner. Otherwise it would be an academic exercise.
5. It is important to have a credible oversight mechanism for police stations. We can start from Islamabad as a model to be suitably replicated in the provinces in due course. Teams comprising our Advisors with eminent persons of the civil society (people from our National Committee on reforms and on children) can visit police stations along with a senior rep. of the police and hear complaints on the spot for relief.
6. The tenure issue is important and suitable conditions be laid down as proposed by the HWM to make it difficult to have political appointments and transfers.

7. A very important point was raised by Secy WM regarding the role of magistracy as a buffer between the police and public – a role which neither an elected persons nor a commission can perform adequately. But this is a larger issue and the courts are very touchy as well as police officers.
8. I cannot believe that under the existing system and resources, improvements can't be made if there is a will and we can agree on viable suggestions.

**Views of Mr. Iftikhar Rasheed  
former Federal Secretary,  
Chairman PEMRA, Inspector General Motorway Police and  
Member of the Committee**

**Restructuring of Police**

A comprehensive report with valuable inputs by a cross section of Government servants and Police officers of high caliber. With a total serving experience of over 800 years at operational and policy levels there could not be a more competent gathering to address the attendant issues.

Before coming to specific issues it is crucial to assess and examine the report from the stand point of its practicability and likely fate. My honest opinion is that this report will be implemented only in token and sooner or later find its way to the bureaucratic coffers as have the previous 27 excellent reports. So what is the answer. Simple; Prune the report, improve the focus and split it into 2/3 phases i.e. things which can be done immediately and which need to be implemented in phase II and III.

Following recommendations are pertinent for consideration/rectification :-

- (i) Chapter-1, Clause(e) is historically incorrect. Watch and Ward and Investigations always stood segregated at the police station level under Police Rules 1934. It is nothing novel or new nor a fresh innovation of Police Order 2002. May be accordingly corrected.
- (ii) Clause-g (iv) specifically and at some other places the report recommends Inspections. When I joined service every Thana and every District was inspected regularly and professionally. However the end result was little action and tons of paper work. With the world moving towards E-governance Inspections will be waste of time, effort and money.
- (iii) Clause-I talks about dilution of command which is a hard fact today in every policing set up. Besides political interference the command of the Inspector General and down to the level of a Police station has been compromised if not sabotaged. Without re-establishing it we should not hope for any improvement. If we can establish unity of command half the job is done.

- (iv) The above observation is contradicted and negated in Chapter-2, Clause (xii) where Checks and Balances and Over-sight not by police itself but by independent entity is recommended. Is it not a master stroke to dilute the command at all levels. When will the day dawn when we start trusting the heads of organization/units.
- (v) Chapter-2, Clause 16 recommends raising the level of SHO. What would be the benefit of this without re-structuring the Police Station and providing the essential logistics, finances, resources, transport and equipment, is difficult to understand. The end result would be that instead of cursing the inspector or sub-inspector people will start cursing ASP and DSPs. Please don't put the cart before the horse.
- (vi) Chapter-2 Clause 21 recommends that for the purpose of transparency, recruitment, promotion and procurement may be assigned to external bodies. There could not be a more preposterous suggestion than this to retire the command of I.G. Are all policemen demons and all others angels. Are we not from the same stock and why can't we trust the officers who command the force.
- (vii) Chapter-2, Clause Xvii discusses Public Safety Commission. While we have faltered on many accounts but our main pitfall has been that we borrow ideas from abroad and try to impose them without examining the ground realities. One is sick and tired of hearing about Public Safety Commission. This idea has been borrowed from Japan which is a totality different society from ours. Look at their educational level, cultural background, economic prosperity, value system and customs and one would realize Public Safety Commission in this country is like fixing a square peg into a round hole. Please dispense with this airy fairy idea which will only spell disaster.



- (viii) The Factual position regarding the statement in Chapter-2, Para L(iv) needs to be checked up as my understanding is that the Prosecution service is already independent at least in Punjab, Sindh and Frontier.
- (xi) Chapter-2, Para(g) says that the salary and working conditions should be brought at par with the Motorway Police. Someone should make a phone call to find out that Punjab traffic police and many other police setups across the country get better pay than the Motorway Police. My experience and conviction is that pay and perks do not make a person honest or efficient. Were it so the Finance Minister could reform all services with one stroke of pen. This fallacy should be avoided at all costs. Police problems are basically operational and logistic.

To merit consideration the Report should be made doable by:-

- (a) Pruning it report by a professional police officer with vast field experience of crime control.
- (b) Re-hatching the report by first cataloguing the problems and deficiencies and then going on to indicate the measures and resources needed.
- (c) Phasing out the implementation strategy in 2 or 3 phases.
- (d) No cosmetic measures should be taken i.e. raising the level of SHO unless the Thana is re-structured strengthened and provided with the necessary wherewithal.

## Historical Overview

During the last six decades over 25 Police Commissions/ Committees were set up for Police Reforms. All these bodies were headed by outstanding police officers with sterling reputation. Concurrently there have been hundreds of Workshops/Seminars with valuable inputs from local and foreign experts, besides substantial financial assistance. And yet there has been no improvement in police performance, conduct and administration.

2. Were these endeavours largely oblivious of the ground realities and blind to the host of operational constraints police has to work against, is a big question mark. Though one cannot deny that all the reports were excellent expositions and plans but unfortunately repetitive and often contained inapposite ideas borrowed from the west and east which tantamounted to fixing a square peg in a round hole. While it is obligatory to laud the application and exceptional work done by the experts, one gets the impression that fundamental operational problems of the service were rarely taken into account. The basic focus of all the Commissions and Experts has primarily been on the following :-

- Pay and emoluments
- Recruitment
- Training
- Resources
- Accountability

True that these factors cannot be ignored in any reform package but these are so self evident and patent that it is ingenuous to keep harping on them in isolation of the real issues. The real problems are operational and societal.

### **Reforming Police**

3. To reform the police station and ensure its good administration in isolation of the department is inconceivable, impracticable and will take us nowhere. No improvement in the working of a police station or the conduct of its officers can be brought about unless the fundamental issues are holistically addressed. To achieve this, a complete break from the approach adopted for the past 60 years is crucial. Our focus has to change from recruitment, training, pay etc to the operational problems of police factoring in the obtaining ground realities.

### **Success Story**

4. In 1977 the Govt decided to raise a modern, efficient and honest force for the Motorway. As fresh recruitment was not possible due to a serious time constraint, the 4 Provinces and AJK provided service policemen on deputation. Incidentally these were semi literate and unwanted policemen, with an average service of 20 years and routinely trained, who pioneered a unique culture of honesty, public service and efficiency on the Motorway which has weathered the vicissitudes and turmoil of the last 18 years. This practical demonstration of complete metamorphosis completely shatters to pieces all theories of reforming police through better pay, good recruitment, adequate resources and training. When nearly 3 times pay package was notified for the Motorway Police, the Govt and I also expected a long queue of volunteers and to everyones disbelief there was not even one volunteer from all over Pakistan. Secondly could ten weeks of training which was imparted to officers joining this force make any difference? Thirdly no fresh recruitment was made for the Motorway Police as all had been recruited around the country from time to time over the past 30 years.

5. Instead of comprehending and replicating this unique paragon, with no parallel anywhere around the globe, the experts refuse to come out of their groove. Key problems addressed on the Motorway for the first time were :-

- i) Dual control and command.
- ii) Authority and responsibility not coterminous.
- iii) Lopsided/management Pyramid facilitating mal governance.
- i) Almost 90% of police without any power or authority.
- ii) No focus on public service and rule of law.
- iii) Mistrust of subordinates.
- iv) No delegation.
- v) Poor accountability.

6. (a) **Dual Control and Authority (i and ii)**

A critical factor in the performance and conduct of Motorway Police was unity of command as there was no magistrate and police was fully authorized and empowered. In my judgment the main reason for police high handedness, corruption and failure is dual control at all levels. Police is responsible for almost everything on earth but has limited authority. Can anything go right whether it be a force, an industrial unit or even a family when there is no unity of command and control. Few people realize how much we have suffered due to this legacy of duality bequeathed to us by the British which is an anathema for an independent state. Simply speaking, two cooks spoil the broth. It is also absolutely essential that authority and responsibility should lie at the same place.

(b) **Lopsided Pyramid and Powerless Force (iii) and iv)**

Re-structuring of the police is a crying need of the hour for two critical reasons. Firstly the span of command of senior officers is so wide that management is impossible. Secondly nearly 90% of the force is without power or authority. The exact ratios presently are:

- (a) Constabulary is 88%
- (b) NGOs comprises 11.5%
- (c) Gazetted officers are 0.67%

ii. It can be seen that bulk of the force is unemployed, or under employed and uneducated. Officers ratio has to be improved for :-

- Better administration
- Easier management
- Effective supervision
- Greater avenues for promotion
- Incentive for hard work

At Annex "A" is a tabulation showing the number of posts of constable required to be surrendered to create posts in higher ranks upto DIG.

(c) **Public service**

On my journey to Los Angeles I was barraged with incident after incident of California Highway Police (Chips) by my co-passengers, none of which pertained to Police professionalism, integrity or competence. All related to help, soccur and public service this force provided to the commuters. I was stupefied but did not take long to decide what I had to do on my return. All formal raining was

dispensed with and the only subject taught to the trainees was Public Service and Public Service. Besides lectures/discussions practical training was given in First Aid, Minor Repair of vehicles, Rescue Procedures and handling all conceivable situations where a computer was in distress or needed help. Commuters could not believe their eyes and many thought they were dreaming when they saw Motorway police providing them with all kinds of service and help including changing punctured tires and providing shelter in their camps.

(d) **Rule of Law (v)**

It is generally perceived and not too mistakenly, that in our part of the world it is neither possible to establish Rule of Law nor have a police force free of nepotism, corruption and apathy. Probably for the first time in the history of this country these accepted norms were flouted and law was applied to all motorists equally. When the public saw Generals, Inspectors General, Ministers and all the high and mighty being prosecuted without exception, they were wonder struck and started voluntarily abiding by the law and rules.

(e) **No delegation and mistrust of subordinates (vi and vii)**

The British left us a system wherein mistrust for policemen was in built and even a confession of a criminal before a police officer was not admissible as evidence in court. This culture prospered after independence and through administrative orders the powers of lower echelons of police were withdrawn from time to time. At present ASI and below have hardly any authority or power whatsoever. The end



result of all this is that only 12% of force is working while the 88% neither works nor has much trust in their superiors. A crucial factor for the success of Motorway Police was complete delegation, blind trust and full independence of action. Within a few months the force started performing and responding to the beck and call of their officers.

(f). **Poor Accountability**

While there was no penalty for official duties discharge in good faith and the force was given full protection, there was speedy and stringent accountability for any misdemeanour established. This was possible because every officer know his subordinates by name and there was tremendous peer pressure for good and efficient work. Due to these factors black sheep were easily identified. Over and above all this was the fact that I.G. Motorway was the final authority.

**Political Will**

Lastly it needs to be recognized that one fundamental factor which made this dream a reality was Political Will. If the govt and bureaucracy are on the same page anything is possible, provided honest and professional leadership is given the task. It was the will of the then Prime Minister and his unflinching faith in me which checkmated the negativity of the bureaucracy and positivity permeated to all levels of decision making my task easier.

### Way Forwards

So much has been said and written on the Motorway Police that it would be fair for one to assume there is little more to add. Yet the critical question, how serving policemen became honest, efficient and polite is mind boggling. The debate can go on and on and yet the answer would allude because it was not so simple. If minds and souls of human beings could be transformed by excellent paper plans/proposals, good training and better pay, the Establishment Division could transform the entire bureaucracy overnight. The question deserves a soberer and deeper appraisal because for over 60 years every successive govt has failed to reform the bureaucracy and police despite very earnest efforts undertaken by extremely competent people. The key issues have been flagged almost all of which are operational and will not cost a penny. It is only a question how, when and where these will be addressed. Of course while doing so the patent issues like pay, training etc have been also to be taken up. The only thing one needs to guard against is tinkering with the Police Station in isolation of the department. Preferably Islamabad Capital Territory may be taken up for creating this model.

<u>Surrendered</u>			<u>Posts Created</u>
1.08	Constable	=	Head Constable
1.18	"	=	ASI
1.59	"	=	SI
1.96	"	=	Inspector
2.56	"	=	DSP
3.79	"	=	SP
6.4	"	=	DIG

**Views of Mr. Asad Jehangir Khan  
former Inspector General of Police Sindh**

**Curbing Maladministration in Police Stations and  
Making Them Citizen Friendly**

1. The report is exhaustive and gives very good recommendations and I am in complete agreement with them. However, I would like to comment on the problems relating to registration of cases and investigation that arise out of the existing archaic law.
2. The problem of poor investigations originate from the Criminal Procedure Code. This law was enacted on the principle that the administration of justice is the responsibility of the DM and the magistrates subordinate to him. For this reason the magistrate was given an overarching responsibility in the investigation of offenses.
3. That the magistrate has a major part in the investigation of crime is evident from Chapter XIV of Criminal Procedure Code. The police investigates the case to find out the truth, arrests the accused, conducts search, recovers property connected with the case and finds witnesses. The magistrate conducts identification parades and records statements and confessions vide Section 164 Cr.P.C. Section 159 Cr.P.C. also empowers the magistrate to conduct a preliminary inquiry when a report of cognizable case is received by him. The magistrate is also a justice of the peace and can give directions to police. It is abundantly clear from above that investigation is not solely the responsibility of police. Therefore, it would be incorrect to hold only the police responsible for failure of cases in court. It may be mentioned that although the separation of executive and judiciary has taken place owing to a judgment of the Supreme Court, it has still not been clarified whether recording of statements and identification of suspects is a function of executive or the judiciary. Throughout the world it is a police function. Here it is the judiciary which performs this function.
4. The Supreme Court order stems from a case in which police did not register a case under section 154 Cr.P.C. as it was regarded as a family dispute and therefore of a non-cognizable nature. The crux of the matter stems from the law which lays down two procedures for dealing with a complaint. One is that only cognizable offenses can be registered. The second is that a large number of non-cognizable offenses are not to be registered. A third problem that stems from this law is that the complaint has to be made to an 'the officer in charge of the police station' (SHO). It is he who decides whether a

case is to be registered or not. The above legal requirements are the real cause of non-registration of offenses and leads to a general perception that offenses are not registered. The discretion (because of non-cognizable and cognizable offenses) and the authority given to the SHO is what is responsible for burking. To put burking in a proper perspective let us look at how many cases are registered for the offense of Rash and Negligent Driving. In 2010, five major hospitals in Karachi recorded 30,340 road traffic injuries dealt by them. In addition 1099 deaths on account of road accidents were recorded (RTIRC Data). The Karachi police registered only 1,227 cases relating to injuries and 491 relating to deaths due to road traffic accidents that year. During the same year 924,081 road traffic injuries were treated in minor hospitals throughout the country (DMIS Data). However, the police registered and investigated only 10,072 offenses relating to Rash and Negligent Driving. Percentage wise this shows that Karachi police registered only 5.5 percent of the cases recorded by hospitals. Countrywide the police handled only one percent of cases dealt by hospitals. In the case of Rash and Negligent Driving it is clear that the victims of road traffic accidents are not comfortable with the manner in which they are dealt by the criminal justice system hence they do not pursue them. The victims could be best handled under the provisions of Rash and Negligent Driving (Sec. 99) contained in the Motor Vehicles Ordinance. Under this law the offense is punishable with imprisonment and fine and is dealt through Summary Procedure in courts. In addition victims are entitled to third party insurance claim from the erring driver. A mere administrative order is necessary to deal with the offense of rash and negligent driving under the provisions of the Motor Vehicle Ordinance.

5. Crime pattern has changed considerably in Pakistan owing to demographic changes. Fifty percent of the population now lives in urban areas. This has brought into play a different dimension to crime. Towns and cities are not properly governed. Civic regulations are very basic and prosecution for civic offenses is almost nonexistent. Illegal land use has criminalized the property business as most urban communities have not been declared towns. It may be mentioned that a 1998 population survey identified 5,865 towns out of which only 293 have been notified. Local and Special Laws like Gambling, Prostitution, Drugs, Alcohol and Firearms which dealt with individual misdemeanors have transcended into Mafia run businesses. Along with this Extortion, Kidnapping for Ransom, Murder and Robberies have assumed alarming significance not only because of the use of sophisticated firearms but also because terrorist or extremist groups perpetrate these offenses to collect funds. All these offenses need to be dealt by specially trained

units. These offenses should not be dealt at police station level as these are beyond the competence or skill level (or the costs required) of the SHO or the thana. For reasons stated above there is a dire need to establish specialized units for investigation of these above-mentioned crimes.

6. The problem is that special units cannot be established because the Cr.P.C. has only empowered the “officer-in-charge-of-the-police station” to investigate offenses. This provision of law makes it impossible to establish specialized units which are essential if organized crime or terrorism is to be tackled. Therefore, to deal with these serious offenses it is necessary to amend the law. The word “officer-in-charge-of-the-police station” wherever used in the Cr.P.C. should be replaced by the word “police officer”. This amendment would enable the establishment of specialized units. Investigations into these serious offenses would be conducted in a professional manner by specially trained units and would go a long way in improving the justice system.
7. Secrecy is of utmost importance in investigation of these cases because mafias and terror organizations use muscle and fire power to target not only investigators but also complainants and witnesses. Secrecy is not possible because of the provisions contained in Cr.P.C. According to Section 157 a report of a cognizable offense is to be given to the magistrate. Police Rule 24-5 requires four copies of the FIR to be made out of which one is sent to the SP and one to the magistrate. This provision of the Police Rules makes it impossible for police to conduct investigations secretly. This Police Rule needs to be deleted. Furthermore, subsection 1 (a) of Section 173 Cr.P.C. makes it mandatory to give the names of all persons who appear to be acquainted with the case. This unmask the police officers and witnesses and puts them under grave threat. A proviso is needed that if the police is of the view that sufficient reason exists to withhold the names of persons acquainted with the case, it may withhold the names from the report, etc. In addition that part/s of the statement/s which would enable identification may also be withheld. In a world where the media conducts its own investigations in sensational offenses, it becomes all the more necessary to ensure secrecy of police investigations. The amendments to Police Rules and Cr.P.C. suggested above are necessary to achieve this. The establishment of specialized units would ensure that secrecy is maintained.
8. Investigation of all the offenses is time consuming. Section 173 Cr.P.C. on the other hand gives hardly any time for investigations. A proviso added to this section by an amendment in 1992 makes it mandatory for the SHO to submit “an interim report”

seventeen days after the registration of the FIR and adds “...and the Court shall commence the trial on the basis of such interim report...” This proviso may have suited conditions in which the village was liable under Track Law to own up the offender and produce witnesses. It is quite inappropriate for investigation of serious crime under the existing and prevalent conditions as it gives no time at all for the investigation to be prolonged beyond seventeen days. As a result of this, investigations into serious offenses cannot be conducted. Serious crime is faceless and has to be investigated through painstaking scientific and forensic methods. In terrorism cases and targeted killings it is important to know the signature of each group which is determined after examination of the scene of crime e.g. type of explosive or weapons used. Material collected from scene of crime requires minute study, identification and analysis. The time taken to identify and analyze the pieces of evidence collected from the scene will depend on what object is being examined. Moreover, examination of case material is not being carried out in one location. Different facilities are being used for this purpose. There is no government facility for examination of textile fabrics and results can only be obtained from textile units which have a testing laboratory albeit these results may be unaccepted as evidence. DNA testing is limited to Lahore or Islamabad. Therefore, laying down a time limit on investigations will only damage the investigation. The investigator is given no time to conduct a proper investigation nor the Prosecution Service enough time for screening cases. What will be the fate of investigations if the deadline laid down by this provision of law is to be met? The fate of the case is sealed!

9. Without specialized units there can be no improvement in investigations. The existing archaic methods and techniques will be perpetuated and public dissatisfaction with the justice system cannot be addressed. Moreover, if scientific methods of investigation are to be introduced and sustained then there is no better method than to link it with specialized units. Training and other resources would be appropriately used and would be cost effective. Expecting this kind of expertise and resource to be located in every police station would increase the costs exponentially and would destroy the whole system of science and forensic based investigations. The advanced world has been successful in switching over to scientific investigations by establishing specialized units for serious offenses. There is a dire need to establish forensic science laboratories along with a fool proof system to ensure that the forensic results are not tampered or compromised. Existing police procedures relating to forensic investigation need to be upgraded and improved. This can only be achieved if specialized units are established. The crime of



terrorism should be dealt at a national level because of the nature in which the terrorists are organized. They have a presence not only in the entire country but are also affiliated worldwide. Therefore, the investigation of terrorist offenses should be entirely the purview of the Federal Government. Agents can be placed within the Intelligence Bureau with powers to investigate terrorist offenses. The provinces already have a substantial number of officers who are dealing with terrorist offenses and they are doing a good job despite the handicaps both legal and monetary. They can be placed at the disposal of the Intelligence Bureau. This model would combine intelligence and investigation which is so very important in dealing with a menace which has national and international outreach.

10. If forensic based investigations are to be the foundation for investigation of serious crime, then a law is necessary for the protection of scene of crime. Without this law and rules based on it for police to follow, the scene of crime would always be contaminated. An effective law based on law and practice in Japan, USA or Great Britain needs to be enacted.
11. Section 173 Cr.P.C. requires that a report along with case file in every cognizable offense be sent to court within the time laid down. This means that cases in which the police has made no headway or which is false or in which evidence is insufficient to prosecute are all being sent to the court. In Karachi almost 50% of cases are untraced. In addition many cases would be without sound and credible evidence. The court would need an elaborate system to examine and screen all these cases before starting trial. This mechanism is not available to the court but it is available to the prosecution service. A proper screening of cases is necessary to ensure that only those cases in which evidence is irrefutable and procedural requirements have been complied with should be referred to the court. Countries like Japan, England and USA are regularly quoted for their high conviction rates. They achieve this by referring to courts only those cases which would result in conviction. The rest are confined to record. Therefore, necessary amendment should be made in the Cr.P.C to empower the Prosecution Service to decide the fate of investigation and every case should not be sent to court. However, a proviso should be added that the complainant may approach the court if he believes that the decision not to prosecute has been made incorrectly.
12. This brings us to the question of what should be dealt at the police station level. The police at this level should be dealing with the community, solving their problems and assisting in resolution of disputes. Therefore, the thana police should deal with non-

cognizable offenses while all cognizable offenses should be dealt by special units. Unfortunately, such a work distribution is not possible under the existing law. One reason mentioned earlier is that the law empowers only the officer-in-charge of the police station for investigation of crime which prohibits the creation of specialized units. The second reason is that the police is absolutely prohibited from investigating non-cognizable offenses. The law directs the SHO to record the substance of the complaint and refer the victim to the magistrate. In villages the Lambardar, who is responsible under Section 45 Cr.P.C. to report incidents of crime to the magistrate or police, is not bound to report the commission of non-cognizable offenses. Who deals with non-cog offenses in the villages if police cannot deal with these offenses? If the thana culture is required to be changed then we need to revise the tasks that are performed at that level. If this front office of the police can deal with community policing only then its image will change. This would leave the criminals to be dealt through specialized teams for investigation.

13. This issue is even more distressing in urban areas where the victim of non-cog offenses is referred to the magistrate. It may be pointed out that the situation prevailing in Karachi regarding non-cog offenses is extremely perturbing. A Dawn report (Aug 23, 2012) on the functioning of the Madadgar service of police mentioned 22,416 reports of assault or affray received and dealt by Madadgar. In addition 19,946 reports related to family disputes. These are all non-cognizable offenses. From my own experience I would say that the number of assault cases in Karachi would not be less than two hundred thousand every year. The London Metropolitan police investigates and prosecutes nearly a hundred thousand (96,864 in 2009) offenses of this nature although it deals with half the population of Karachi and a society with high standards of compliance to law. Imagine the anguish and agony of the victims of this offense who are merely referred to the magistrate and no further action is taken!
14. Because police is prohibited from investigating non-cog offenses the local heavyweight has become the dispute resolver both in the rural and the urban areas. In a Dawn report of 31 March, 2012 Naziha Hasan and Fahimuzzaman give an account of the informal justice system taken over by the Taliban in areas dominated by them. This is standard practice throughout Karachi and local mohalla level offices of political parties are equally involved in dispensing justice. In rural areas Jirgas have even started resolving disputes in cognizable cases. As long as police is prohibited from investigating non-cog offenses the dispute resolution mechanism will be jirga based and punishments will be novel and

illegal. In urban areas dispute resolution and even justice will be dispensed by political party offices. The victim is left at the mercy of a mendacious system which will sap the state if the law is not amended.

15. The most important reason why it is necessary to empower police to investigate non-cog offenses is that Rule of Law cannot be established if police is not empowered to investigate and prosecute non-cognizable offenses. The concept of zero tolerance has become the foundation for preventing crime and establishing rule of law. Under the present legal dispensation this is not possible. Unless police is empowered to investigate non-cognizable offenses zero tolerance cannot be practiced and rule of law cannot be established. In view of the foregoing it is necessary to empower police to investigate non-cog cases, including public nuisance, to provide help and assistance to victims of crime and to help resolve disputes. Section 155 Cr.P.C. and Chapter X, Cr.P.C. need to be deleted.

The thana culture is odious because of the excessive use or abuse of the power of arrest. There is a need to create a due diligence system according to which arrest should only be permitted after obtaining permission from a senior officer. Police Rules 26-1 and 26-2 have laid down guidelines according to which arrest in bailable offenses may be made. These guidelines should be made a mandatory provision and should also be applicable to non-bailable offenses. When an arrest is contemplated, the SP/Investigation should be approached for obtaining permission. He should conduct due diligence in accordance with the rules stated above and decide whether arrest should or should not be made. This procedure would keep a control over arrests and go a long way in improving police image.

**Views of Mr. Imtiaz Inayat Elahi,  
former Federal Secretary,  
Chief Commissioner ICT, Chairman CDA and  
Member of the Committee**

**Observations**

- a. A comprehensive report which adequately addresses all issues raised by the Supreme Court of Pakistan. As per my experience of working as District Magistrate I found the issues identified by the Committee extremely relevant.
- b. The points relating to:-
  - i. qualification of SHOs and investigating staff
  - ii. delay or non-registration of FIRs
  - iii. unfriendly environment of police stations
  - iv. non submission of challan within the stipulated time
  - v. lack of accountability and transparency
  - vi. appointment of officers on political considerations, personal likes and dislikes were core problems and have been adequately addressed in the report
- c. Formatting of the report needs improvement

**Suggestions**

- a. The format of the report needs to be revised and repetitive mention of the committee and its members may be edited. Ideally the report should contain the following in order:-
  - i. Foreword
  - ii. Introduction and ToRs
  - iii. Deliberations
  - iv. Findings/recommendations
- b. The suggestions given by the members of the Committee and the final recommendations could be more succinct.
- c. The report also mentions granting of powers to the Federal and Provincial Ombudsman in ensuring security of tenure of SHOs. This was a sensitive and enormous responsibility considering the high frequency of such transfers across the country and the complex nature of issues that result in a sizable proportion of

such transfers. It is therefore suggested that a broad based expert consultation be carried out to carefully assess the pros and cons of such a recommendation.

**Views of Mr. Hamid Ali Khan,  
former Federal Secretary, Director General NACTA and  
Member of the Committee**

**Good Administration Standards and Measures to Curb  
Mal-Administration in Police Stations**

Policing is one of the most critical services for citizens and community. Numerous reform efforts in the past have failed to make any significant impact to improve transparency, responsiveness, accountability and efficiency of Police force at the level of police station. The recent reform measures culminated in the promulgation of Police Order 2002. The objective was to institute politically neutral, highly accountable and professional police force and to address the issues of misuse of authority, arbitrary use of power, political interference in police operations, corruption, misconduct and maladministration with special focus on police station. A closer look in the functioning of police force amply suggests that these reforms have not yielded any tangible results, rather the problem has been further compounded with increase in terrorism, sectarian conflict, escalation in crime and violence in mega urban centers.

**Recommendations to Improve Public Grievances and Service Delivery in Police Stations**

- The provision of Section 154 Cr.P.C is mandatory in nature and concerned police station has no discretion or mandate to refuse the registration of FIR if the information provided relates to commission of cognizable offence. The provisions of Sec. 154 Cr.P.C continue to be misused and flouted. The directions of justice of peace relating to misconduct and negligence or actions against defaulting police officers in this regard are rarely implemented. This issue can be addressed by legally empowering external agency for registration of cases without delay to Illaqa Magistrate, Justice of peace, Wafaqi Mohtasab, etc.
- It has been often observed that after registration of FIR, the relevant Police officer without ascertaining that sufficient evidence is available for the arrest directly proceeds to arrest the nominated accused which tantamounts to abuse of authority and misconduct. Liberty is fundamental right of citizens and the police should never arrest a person unless there is solid proof or evidence. In order to prevent the arrest of innocent citizens, the powers to make arrest maybe exclusively vested in district and session judge or Illaqa Magistrate to discourage arrests on false grounds and political pressure.

- In order to improve transparency and efficiency, reliance may be placed on technological solutions like monitoring of reporting rooms, prisons, and investigation rooms in Police Stations through cameras. Some of the other tools which are proposed to be used include: FIR and Police Station Management System, Foreigner Registration System, Personnel Management System, Vehicles Management System and Inventory Management, MIS for Police operational activities, Crime Diary and computerization of 26 manual registers. The system, once in place, is expected to provide a central source of data for easy access to all the cases and current investigation information to internal as well as external stakeholders, improve capability to retrieve relevant information in a timely manner, facilitate information sharing and identify high crime areas. The system is also expected to enhance investigation transparency, increase access to officials, facilitate citizens to seek information through online databases and prevent manipulation of data and information.
- Free legal assistance cell may be established as Legal-Aid Counter. A law graduate officer may be posted to provide legal assistance to deal with female complaints and child abuse cases.
- A citizen feedback system may be established in order to make the police department more accountable and responsive to public. The Citizen Feedback Cell may make calls or send SMS to citizens accessing specific services to seek their feedback about the service provision. The feedback may be consolidated and made accessible to senior police officials to take remedial actions, in case they come across a performance issue.
- Women and children represent a disadvantaged and vulnerable section of society. No woman or child under 18 years of age should be arrested without prior approval of DPO.
- The federal government and provincial governments may establish an independent Police complaint authority, headed by a retired judge of Supreme Court and High courts, to establish external accountability mechanism as envisaged in Police Order 2002. The issues within the authority's domain will include corruption, misuse of authority, misconduct, high-handedness, and violation of human rights.

- Tenure security of SHO's and other police officials at police station level must be ensured. Arbitrary and premature transfers should be discouraged.
- Working conditions and salaries for police officials at police station level should be improved and brought at par with those of the National Highways and Motorway Police, in order to enhance their efficiency and minimize corruption. Welfare initiatives and system of reward for best performance may be introduced.



**Views Hafiz Ahsaan Ahmed Khokhar,  
Senior Advisor WMS, Grievance Commissioner for Children and  
Member of the Committee**

**Good Administration Standards and Measures to Curb  
Mal-Administration in Police Stations**

1. The recommendations are divided into four broad heads:-

**A. Legislative Framework**

- Uniformity in police laws: introduction of a new law with uniformity to ensure coordination and delivery at a federal level. This should be done with coordination of Capital and four Provinces.
- Police rules to be introduced; these must be drafted within stipulated time in consonance with the new legislation.
- Cognizable offences should be redefined; as arrest-able and non arrest-able.
- Arrest procedures and laws may be revisited; in order to ensure transparency and minimize abuse of powers with reference to Cr.P.C.
- There should be a National Strategy for criminal justice. This should be done with coordination of all stakeholders of justice sectors within specific time. Federal Ombudsman Secretariat should lead and provide a forum for formulation of National Strategy for Criminal Justice.
- Legislation for specific Police Stations may be made with consultation of all relevant Agencies for improving the good governance and public delivery mechanism.
- Federal Ombudsman Secretariat should hold dialogue on the subject for coordination and implementation of the recommendation in view of the Supreme Court of Pakistan's order. Special Cell in this regard under the head of Senior Advisor having legal background must be established for oversight and implementation of the recommendations of this Secretariat in view of orders of Supreme Court of Pakistan.
- Awareness campaign for rights and duties along with initiative must be initiated by Federal Ombudsman Secretariat with coordination of all relevant Agencies and PEMRA, PTV, PID and Radio Pakistan.

## **B. Monitoring, Transparency and Oversight**

- Requirement for a policing plan; with external oversight by independent authorities including the ombudsmen. The plan should be updated on the website to include civic engagement and should be monitored by Federal Ombudsman Secretariat.
- Tenure security at police level; this is important vis a vis leadership in ensuring that a plan is made. SOP should be made with consultation of Islamabad Police and Ministry of Interior and Oversight for implementation should be made by Federal Ombudsman Secretariat.
- Civic engagement; public should have access to police records particularly through a website that should be updated station wise.
- Interactive websites to be developed; to facilitate the public and be service delivery oriented
- Internal mechanism to ensure quality assurance with external oversight
- System of public redressal vis a vis call centres and websites and a system of tracking; in Punjab, this is done electronically as well as in KPK. However, most of the help lines are non responsive.
- Introduction of citizen hours at police station, DPO and IG Levels; there need to be designated people with additional incentives with particular training. This should be handled primarily by citizens with requisite training
- Better coordination between police investigators and prosecution; SOPs may be framed and implemented- particularly at the police station level. Investigators and prosecutors should have some coordination to ensure that there are no missing links.
- Criminal Justice Coordination Committees- their role should be redefined.
- C. Organizational Strengthening
- Up-gradation of lower police officials with better incentives
- Functional re-organization of the police: National standardized system- recruitment, capacity building with functional specialization and infrastructure and recruitment through independent bodies
- Research and development units at provincial and national level may be developed and strengthened with experts from all the stakeholders in the

justice system. Particular think tanks for the purpose with retired and serving officials.

- Tenure security at police level; with special regard to posting and transfer to ensure that the organization works in a cohesive manner and standards are followed and maintained.
- Reduce political engagement and strengthen the office of the I.G.
- There should be committees at different levels with the engagement of civic society with independent commissioners and ombudsman to ensure mal-administration.
- Community policing should be formalized- this system should be established at all levels under legal covers.
- Proposals regarding setting standards of transparency and public access should be taken in consultation with the police, information commissioner and ombudsman.
- The issue of budget to the extent of service delivery should be rational. The budget should be utilized at the police station level. (in Sindh there has been an experiment- 25% of the police stations were given a budget- direct allocation- this has been very successful). Direct budgeting for efficiency and operation service delivery. Allocation directly to the police station. The SP should not be involved in this.
- Police uniform has to be changed to change the outlook.
- Trainings of police officials; strengthen their academies and their courses at par with armed forces. Enhance the physical and professional capabilities through trainings; capacity building and training of police officials at par with international standards.
- National Police Bureau should be the central authority to coordinate the information amongst the different districts.
- Induction has to be merit based; training of the highest quality- in the field there has to be performance monitoring.
- There has to be an internal monitoring system with external oversight. The services of experts for monitoring and service delivery should be obtained at all three tiers (IG, DPO and Police Stations).

- Basic infrastructure of police stations has to be improved and jurisdiction has to be redesigned; this should be circulated to the public and awareness campaigns should be introduced for this purpose.
- Present sanction strength at all levels has to be revisited and re-evaluated according to the population and crime statistics and based upon 8 hour shifts- redefinition, standardization and identification with respect to police stations.
- Forensic science should be independent; there should be an authority for national forensic science.
- Public prosecutors should be promoted and upgraded to Grade 20 on fitness etc.
- The role of inspector legal shall be revived and strengthened at the police station and district level both.
- Better coordination between police investigators and prosecution-some SOPs may be framed and implemented- particularly at the police station level. Investigators and prosecutors should have some coordination to ensure that there are no missing links.
- Frequent specialized trainings to enhance leadership qualities and professional capabilities.
- D. Automation
- All the different departments of the justice sector should have integrated databases.
- There should be a mechanism of complaints and case tracking, monitoring and evaluation, policing and oversight. This should be oversight by Federal Ombudsman Secretariat.
- Civic engagement to be enhanced through official websites.
- Awareness campaigns to be initiated on these websites.
- Access to other databases should be allowed including NADRA.
- All records to be automated in one year at all police stations.

2. It is my humble view that the recommendations on the subject should be specific, executing Agency should be identified and specific time frame should be given for implementation. Role of Ombudsman for implementation and oversight over recommendations

must be clearly defined as per directions of Supreme Court of Pakistan for public convenience and establishing standardization at Police Stations.

**Views of Ms. Zoha Waseem,  
a Doctoral candidate  
at King's Collage, London**

**Best Practices for Police Stations in Pakistan  
Observations and Recommendations**

**Summary**

This brief report is based on preliminary findings from field research undertaken at over one dozen police stations across Karachi between June and September 2015, as part of this author's own doctoral research at King's College London. The findings presented here are solely those of this researcher and do not necessarily represent the points of view of the participants interviewed during the course of this research. This report draws upon best practices undertaken by police professionals within Pakistan and abroad to highlight the problems with *thana* culture, shortcomings in the workings of Pakistani police stations, and how police culture may be improved upon. It is suggested that external and internal oversight mechanisms must be introduced and implemented immediately and further research be undertaken by independent and non-partisan researchers to better understand the workings of police stations across the country.

***Preliminary Observations***

**'Model' Police Stations:** There appear to be no standard models implemented or a set criteria for police stations in Karachi; some are built upon encroached land, others on raw infrastructure that is not sustainable long-term, whereas some have been renovated as Model Police Stations. These different standards create inconsistencies in the workings of police stations between neighborhoods, which makes it difficult to maintain universal codes of conduct, culture or best practices. This also begs the question: do better equipped *thanas* automatically translate into better policing? Further, differentiating in the standards of police stations within a given city or district displays exclusion or segregation between the population of affluent neighborhoods and those residing in lower-income areas.

**Resources:** It has been noted that, regardless of the area in which they are situated, police stations are severely under-staffed and under-resourced. There are lack of funds provided for basic utilities including petrol, stationary, and food for staff or detainees. Frequently, station staff and officials have complained about their funds 'being eaten' by their leadership within the police. Due to lack of funds to keep the police stations functioning, station staff is encouraged to engage in the collection of funds 'through other means' (i.e. corruption), which is practiced in an organized manner within neighborhoods, encouraging crime and vice, particularly the functioning of wine shops, drug dens, and prostitution.

**Shifts:** Work hours for stations staff are far too long; twelve-hour long shifts for constables and roughly round-the-clock workdays for Station House Officers, coupled with VIP duties and court visits, leave police officials exhausted and irritable. Shifts must be reduced and example should be drawn from the paramilitary forces (e.g. the Rangers in Karachi) whose constables serve no longer than 2-3 hours at a stretch.

**Evidence Collection:** There seems to be no standard practice for evidence collection at police stations. The lack of evidence collection kits at police stations for victims (especially, rape

victims) prolong and taint investigations and delay the collection of evidence that should otherwise be timely stored or sent to forensic labs.

**Case Property:** There is also a lack of storage capacity for case property at police stations. Vehicles (including cars and motorcycles) and other space-consuming case properties are left outside the premises of the station building, giving an impression of a disorganized, ill-kept police station.

**Snap-Checking Duties:** Police staff, including constables, ASIs and SHOs deployed at snap-checking duties, perceive the activity to be useless for curbing crime and are merely a ‘show of strength’. Snap-checking duties draw resources away from police stations and exhaust policemen who conduct these checks in a half-hearted manner, resulting in frequent clashes with civilians, extortion, or unnecessary hindrances to traffic. They also make police officials more vulnerable to become ‘soft targets’ for criminals and terrorists. Neighborhood watch models should be introduced to task civilians in assisting the police at various points around cities, instead of drawing strength from each police station and deploying staff and resources – at times, twice a day – for snap-checking.

**Police Facilities:** Police accommodation or police lines adjacent to police stations are in poor conditions and seldom visited by senior police officials. Similarly, police hospitals are neglected in terms of medical supplies, staff, and doctors. While the Karachi police hospital has been renovated, the administrators are unprofessional, and the doctors untrained. It should be mandatory for every police officer taking charge of a new post, jurisdiction or district to visit police accommodations and other facilities that fall within his area of command.

**Registers:** Police stations registers are poorly maintained. There is little importance given to past registers. Often, the SHOs and Head Muharrars are unaware of where these registers are stored, indicating a lack of interest or up-keeping. Registers and other paper-work is easily misplaced because of lack of digital or computerized records.

**Encroachment of Public Space:** Outside police stations, police vehicles, traffic barriers, and sand bunkers block the movement of civilians and disrupt the flow of traffic, creating nuisance in residential neighbourhoods or schools and office buildings adjacent to police stations. Station staff should be careful not to encroach upon public space outside its designated territory.

**VIP Duties:** Police station staff deployed at VIP security duties at residences or public events are poorly treated and left to fend for their own food, water, and shelter. VIP duties should not draw strength and resources away from police stations.

### ***Suggestions and Recommendations***

**Women:** At least two members of a police station’s staff should be women. Induction of women police professionals must increase, as has been recommended time and again by police think tanks and human rights organisations. Separate women’s police stations are useful, but such segregation should not be encouraged within stations and a professional working environment between male and female police officers should be maintained.

**Juveniles:** Police station’s staff (male and female) should be adequately trained in dealing better with juveniles (including juvenile offenders and victims of child abuse). In several police stations, juveniles are meted out the same treatment as hardened criminals which is severely problematic and does little to deter the offender.

**Receptions/Counters:** Police stations must have reception areas and public counters as first points of contact between the police and citizens. Reporting rooms for all visitors are usually offices of duty officers, where a number of complainants are dealt with simultaneously in an unorganized manner which creates frustration for visitors, undue delays, as well as a lack of privacy. A separate reception area creates the impression of good customer service, which should be the hallmark of an organized police service. A digital visitor's log or register can also be maintained at these counters to keep track of how many visitors the station received per day and the number of complaints resolved. These logs should be reviewed by the SHO at the end of the day to notify himself and his staff of pending cases. Similarly, as is being implemented in Punjab, a computerized 'front-desk system' should also be introduced to reception areas<sup>8</sup>.

**Policing Plans:** The practice of drafting annual policing plans (for cities and provinces) should be implemented. They should include a separate section for police stations, detailing budgets, personnel, PS staff, infrastructure, et cetera.

**Distribution of Local Police Plans:** Local police plans (pertaining to each station's jurisdiction) should be drafted yearly (if not bi-annually) and they should be made open for access to local community so that the community is aware of what the police are planning in their neighbourhoods. These plans should be displayed on boards at reception areas or close to public counters to boost trust and confidence and improve police-public relations, as well as the experience of visiting a police station.

**Code of Conduct:** A code of conduct should be drafted as an official document and made public. Copies of these codes should be available at all police stations, whether on display boards or as brochures, and they should be provided to visitors upon request. This is both to remind the police of the behavior expected of them as well as to remind civilians of what their rights are.

**Evidence Collection Centres:** A separate centre should be created for evidence collection processes, especially for victims of sexual abuse or domestic violence.

**Identification Tags:** Staff should be instructed to wear name tags at all times. Display of identification automatically influences a civilian's way of approaching a police officer. Notification of new SHOs being appointed to a given police station should be made public via social media or on the police's official website. Presently, such notifications are circulated via Whatsapp groups or text messages which have limited reach.

**Public Behaviour:** Behaviour of police professionals deployed at public events, peaceful demonstrations, and rallies should display a friendly attitude and approachability. During riots, protests, rallies, demonstrations, sporting events, and other large public gathering, police must be the primary responder and the inner-most security cordon. Riot police should be there to assist local police. Special security units, elite commandos, and paramilitary officials should be present to assist but they should not be the first respondents. This line of separation of duties should be clearly understood. In reality, when a scuffle follows, this line is often blurred, which can further entice an already aggrieved population.

**Telephone Numbers:** Police stations should be encouraged to have separate numbers. These should be available online and on websites managed by provincial or city police services. London has 140 police stations, all of which provide their numbers online for basic inquiries.

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<sup>8</sup>Saif, Umar, 'Fighting Crime and Terrorism Through Technology', *The Express Tribune*, 31 January 2016, p. 07



**Surveillance Cameras/Body Cameras:** Aside from CCTV cameras for lock-ups, investments may be made into cameras for police mobiles and body cameras for police officials for regulating police behaviour and abuse. However, there must be a separate legislation enacted to address the regulation, functioning, and distribution of such surveillance mechanisms, in line with the Constitution, so as to ensure that neither civilian nor police officials' rights are violated.

**Police Facilities:** Better investments must be made into police lines, accommodations, and hospitals. All new PSP officers appointed or transferred to a given area should be encouraged to visit these facilities at the beginning of his/her appointment.

**Research:** Survey teams should be established across Pakistan to conduct extensive research across selected police stations. Lack of independent research can lead to poor policy planning. Investments should be made in appointing independent research teams for producing authentic qualitative and quantitative data and analyses. Such research may be monitored by an independent oversight commission (see below) or the National Police Bureau (that has yet to produce any academic research report) and be conducted in collaboration with local universities.

**Open Days:** Police stations should be encouraged to hold 'open days' for students and residents within the stations' jurisdictions. This is to promote better relations and information-sharing between police and civilians and to teach the latter more about how police stations function.

**Social Media:** Media cells of police services should learn the importance of social media. American, British, and Indian police services should be studied as examples. Their officials are active on social media (Twitter, Facebook, et cetera) and are swift in responding to inquiries and relaying vital information online. These are creative, communicative, and cost-friendly measures that do not require advanced technology for building better images of the Police Services of Pakistan. At present, the Sindh Police website is seldom updated, and sections of the Karachi police website have not been revised since 2014. Social media activity has often been undertaken by crime reporters and police reporters in Karachi to build rapport with police officers, unofficially but under the knowledge of the police. This leads to the dissemination of inaccurate and unverified information to the public. Social media activity is easier to update than websites, but should be undertaken by officially appointed personnel on the behalf of the provincial or city police officers.

### ***External and Internal Oversight Mechanisms***

Oversight and accountability (external and internal) is a problem of police services across South Asia. Bangladesh set up the Police Complaints Commission in 2007 to oversee complaints of enforced disappearances and extrajudicial killings. The Commission is yet to be established. Bangladesh police does have an internal oversight mechanism (PIO), under which units of the Bangladesh police fall, but it is not independent of the police.<sup>9</sup>In India, after a Supreme Court judgement in 2006, Police Complaints Authorities began to be set up on state and district levels to oversee complaints of police abuse, maltreatment, misconduct, etc. although they have yet to be set up in all states.<sup>10</sup>In Sri Lanka, the National Police Commission is the civilian oversight body for Sri Lankan police. Under the NPC, the Police Complaints Investigation Division

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<sup>9</sup> Police Internal Oversight, 'Organizational Information', available at <http://www.pio.gov.bd/Organization>

<sup>10</sup> CHRI (2008), 'Feudal Forces: Reform Delayed. Moving from Force to Service in South Asian Policing', available at [http://www.humanrightsinitiative.org/publications/police/feudal\\_forces\\_reform\\_delayed\\_moving\\_from\\_force\\_to\\_service\\_in\\_south\\_asian\\_policing.pdf](http://www.humanrightsinitiative.org/publications/police/feudal_forces_reform_delayed_moving_from_force_to_service_in_south_asian_policing.pdf)

(PCID) was set up in 2007 to deal with police complaints at provincial levels. Their composition and procedures are clearly laid out online.<sup>11</sup>

As envisaged in the Police Order 2002, independent oversight mechanisms or a Police Complaints Commission (on district and provincial levels) and a Police Complaints Authority (on federal level) must be established and made functional at the earliest to increase *external* and public accountability in Pakistan. The federal authority can be entrusted to oversee that *internal* accountability mechanisms within the police are functioning effectively; should complainants be dissatisfied by the way internal accountability mechanisms have addressed their grievances, he/she should have the option of taking the matter to the federal authority (appeal). Under district and provincial Commissions, authorities should be entrusted to deal with complaints against the police, particularly those with reference to police behaviour at local levels, i.e. police stations jurisdictions, to make officials across rank and file accountable to the public. Amendments into the Police Order in 2004 took away the provincial and federal police complaint authorities and the complaint function was merged into a general complaint mechanism under the Public Safety Commissions.<sup>12</sup> There is currently no dedicated body outside the PSC or within the PSC to deal exclusively with complaints against the police.

The Federal Ombudsman of Pakistan, that has recently established offices at divisional and district levels across Pakistan to expedite disposals of complaints, may consider establishing a separate unit or department for dealing with complaints against the police. In case the police official or complainant is not satisfied with the decision at district or divisional levels, an appeal can be filed at provincial or federal Mohtasib offices. There should be no extra financial cost involved in such appeals. In order to make the proposed set up functional immediately, however, a separate procedure is required to be laid down.

Example can be drawn from the Independent Police Complaints Commission for England and Wales (UK). The IPCC, through a well-organised and up-to-date website, publishes regular reports about its activities, actions and investigations. It deals with complaints against the police officers and employees. It is staffed entirely by non-police officers (civilians), has investigative powers for complaints and oversees the police while they are investigating complaints that have been referred to them. Complainants who are not satisfied with the way the police has addressed their complaint, can appeal to the Commission.<sup>13</sup> France has an independent National Commission for a Security Code of Conduct that deals with complaints against the police and other matters.

To further strengthen civilian oversight (external), independent processes should be encouraged by entities that are completely impartial, i.e. neither representative of the state (judiciary, executive or legislature) nor civilians. These entities include human rights commissions (e.g. HRCP, HRW), community policing forums (such as CPLC), and the media. Accountability of the police should be understood as a 'conglomerate of processes'<sup>14</sup>, and thus different stakeholders should be included. In 2012, the Parliament had proposed setting up a commission under the National Commission for Human Rights Act, to address accusations of human rights' violations by public servants (excluding officers of the armed forces and intelligence agencies)<sup>15</sup>. As of January 2016, the government had yet to make the NCHR fully operational.<sup>16</sup>

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<sup>11</sup> National Police Commission, Sri Lanka, <http://www.npc.gov.lk/npc/>

<sup>12</sup> Ibid

<sup>13</sup> Independent Police Complaints Commission, UK, <http://www.ipcc.gov.uk/>

<sup>14</sup> UNODC, 'Handbook on Police Accountability, Oversight and Integrity', available at [https://www.unodc.org/documents/justice-and-prison-reform/crimeprevention/PoliceAccountability\\_Oversight\\_and\\_Integrity\\_10-57991\\_Ebook.pdf](https://www.unodc.org/documents/justice-and-prison-reform/crimeprevention/PoliceAccountability_Oversight_and_Integrity_10-57991_Ebook.pdf)

<sup>15</sup> CHRI (2012), 'Feudal Forces: Reform Undermined. Failing to Move from Force to Service in South Asian Policing', pp. 83-84

<sup>16</sup> 'Government assures full support to NCHR', *The News*, 20 January 2016, available at <http://www.thenews.com.pk/print/92412-Government-assures-full-support-to-NCHR>

Aside from dealing with police-public relations and complaints, the provincial Police Complaints Commissions, the National Police Complaints Authority, the National Public Service Commission and National Police Bureau should encourage independent research to be conducted at district and divisional levels to academically study the workings of police stations across the country.

## **Additional Views of Mr. Afzal Ali Shigri, former Inspector General of Police and Member of the Committee**

31<sup>st</sup> May, 2016

Subject: **Note of dissent to the Report of the Committee set up by Wafaqi Mohtasib on the working of Police Station**

In the final draft of the report it has been proposed to restore the institution of the executive magistracy as a check on the abuse of the authority by the police station as it exists in Islamabad and FATA. The recommendation has been provided as follows :-

At Page 27

"a) The institution of executive magistracy/Ilaqa Magistrate be restored (it continues to exist in Islamabad and FATA) with authority to take immediate action in cases of abuse of authority by the police stations. This issue was reportedly discussed in an apex meeting in Karachi chaired by the Prime Minister and attended by the COAS and leaders of political parties and the proposal for restoration of executive magistracy was endorsed."

On final recommendations page 36

"4. The institution of Executive Magistracy/Ilaqa Magistrate (as in Islamabad) needs to be restored for prompt action in cases of abuse of authority. The courts should also take speedy and effective action under sections 182 and 211 of PPC."

We disagree with this recommendation on the following grounds :-

1. This could be the view of an individual officer but it was never adopted as recommendation of the committee.
2. We cannot support this recommendation because restoration of executive magistracy in the country is a major policy decision and is clearly in conflict with the constitutional provisions as it combines the executive and the judiciary in one office. There is a clear judicial verdict on the matter and it was the judgments of the superior judiciary that the judiciary was separated from the executive and the entire judicial system in the country was restructured.

3. Continuation of executive magistracy in some areas of Pakistan is inherently a flawed argument as it has not been effective in bringing any meaningful change in the functioning of police station in these areas.
4. While discussing this issue in a small group this proposal came up for discussion and legal position was pointed out. Mr. Abbas Khan had categorically stated that a recommendation that contravenes the constitutional provisions could not be included in the report of the committee.
5. We had only stressed the proactive role by the Judicial Magistrate in monitoring the progress of the investigations as provided in the Criminal Procedure Code. The code clearly lays down the procedure of remand, registration of FIR, submission of case diaries and final challan in the court. It is the concerned judicial magistrate who needs to be trained to monitor and intervene at all these steps of investigation of the case as he is empowered and responsible to remedy and address the complaints of the concerned parties to the case.
6. Solution to the problem is not reversal of the system based on the principle of separation of judiciary from executive but to improve and train the judicial magistrates to play a more proactive role assigned to them by the law.

There are no short cuts to reforms. These need to be anchored in detailed procedures in rules and regulations, resourced and then monitored closely by an implementation structure till it takes roots and becomes part of the system. If only executive orders and legislation could deliver Pakistan would have become an ideal state.

(Mohammad Abbas Khan)

(Afzal Ali Shigri)

## **PRESS CLIPPINGS**

یہ ہم کھٹ کے اہل کریم کے عین آن آسکدن گرنے لہذا کریم کا طریقہ کا وضع کر کے ضرورت سے مسلمان قانون کا خصوصی کمیٹی کے اجلاس سے خطاب

24-01-2016

ایزہ اور دوز، واما از حق تعالیٰ، ملک محمد اقبال، حافظ احسان  
 اور جو کھر، راز محمد اقبال، سابق وفا کی کڑی، سابق  
 بیخ کن کار و زلف کا خلیفہ حاضی خان، شامیج عالم، سیم  
 جزل ہادن سنگد، پاشا، حافظ طاہر علی، صادق نام،  
 بیف کشمر اور آئی کی بی بی اسلام آباد، دو باب سرست  
 و از حق تعالیٰ، پشلی سیکل آئی جلاس 28 جنوری  
 کو وفاقی کتب سلمان قادری کی زیر صدارت ہوئی  
 جس میں پشلیں، پانچڑ کے موسے کی منظوری دی  
 جانے کی۔ حاضی خان نے اپنی سفارشات میں کہا کہ  
 کریم، افغانستان کے جاوڑ استعمال، حق انسانی کی  
 خلاف ورزیوں اور دیگر گناہات کے ازالے کیلئے  
 اختیار اور آزاد پشلی سیکل افغانستان قائم کی جائے۔  
 قانون میں سید سے قتل کیس ایس ایچ او جالندہ  
 کہا جائے۔ قانون میں تعینات پشلیں انکاروں کی  
 تحویلوں اور حالات کا راکو بتر جائے اور پشلیوں کی  
 موزوں پشلیں کے برابر ماحیات دی جائیں۔  
 سفارشات میں کہا گیا کہ 18 سال سے کم عمر کی عورت  
 یا بچہ کو دی بی بی کی ذیلی ایمازت کے بغیر گرفتار نہ کیا  
 جائے۔ ستر پشلیں امرور تک شہر میں کی رسائی کے  
 لئے سیویئر فیلڈ میں بل نہایا جائے۔ تاکو انکس ایس  
 ایس کے کور رہے پشلیں کے بارے میں ایس آئی آر جی  
 کی اطلاع پہنچ جائے کہ زیادتیوں کا اور بھی ہوگا۔ ہر  
 طبع میں مستحق شہر میں قانونی کارروائی کیلئے  
 کاؤنٹر کالکے جائے حاضی خان نے کہا کہ قانون کی  
 کی حوالات، ایس ایچ او میں روح میں کرسے فہم کے  
 جائیں۔ قانون میں جدید ٹیکنالوجی کے تحت پشلیں  
 شیخ شمس ستم، قازرہ حسین ستم، برحق محمد  
 ستم، ویکو محمد ستم، شادرف کرانے جائیں۔  
 فہم نہت کے بغیر کسی فہم شخص آئی آر میں  
 درج ہونے کی تاہر گرفتار نہ کیا جائے شخصی کارروائیوں کی  
 احترام ہونا چاہیے۔ سیاسی دباؤ پر فہمین کی گرفتاریوں  
 پر تھپکے گرفتاری کے اختیارات اس کے تحت اس کے  
 کرختل کے ہیں۔ پشلیں میں آؤٹ آف لائن ترقی  
 اور صوابہ کی اختیار کے تحت تھانعات اور احوال سے  
 دینے کا سلسلہ بند ہونا چاہیے۔ ہر پشلی شیخ کالکے  
 ضرورت کے مطابق سالانہ بنیادوں پر بجٹ فہم  
 جائے تاکہ کسی کی تحقیقات، اپریشن سرگرمیوں  
 فراہم نہت وغیرہ کے کام میں رکاوٹ نہ ہو۔ انہوں  
 کہا کہ کسی بھی ملازمے، انویارنے خوری، انویارنے ملا  
 وشیج، ربرٹی، اور دیگر تھپکین جرائم کی صورت میں طوار  
 کے اس کے آؤٹ آف لائن قرار دے یا جائے۔ تھپکین جرائم کی  
 دیگر جوہات کو نظر رکھا جائے۔



# روزنامہ ”جنگ“ اسلام آباد

29-01-2016

تھانوں میں اصلاحات کی سفارشات پر عملدرآمد اسلام آباد سے شروع کیا جائیگا، وفاقی محتسب

جموں اینڈ آدر دین کرنا والوں کے خلاف کارروائی وفاقی محتسب نے سفارشات پر عملدرآمد میں پیش قدمی کے طور پر کیا جائے گا۔ اس حوالے سے ہم قائل مکمل اور جامع سفارشات

اسلام آباد (طاہر ضلع) وفاقی محتسب محمد سلطان فاروقی نے لوگوں کی اعتماد سازی اور جرائم پر سیکورٹی کے لیے تھانوں میں موام دوست ماحول فراہم کرنے کی ضرورت پر زور دیتے ہوئے کہا کہ تھانوں میں اصلاحات سے متعلق سفارشات پر عملدرآمد کا آغاز اسلام آباد سے پائلٹ پراجیکٹ کے طور پر کیا جائے گا۔ اس حوالے سے ہم قائل مکمل اور جامع سفارشات ہائی سطح پر 8 نمبر 32

32 وفاقی محتسب

مرتب کر رہے ہیں جنہیں سپریم کورٹ میں پیش کریں گے۔ یہ بات انہوں نے ہجرات کو وفاقی محتسب سیکرٹریٹ میں ایک اہل رخ کے اجلاس کی صدارت کرتے ہوئے بھی جس میں سپریم کورٹ کے احکامات کی روشنی میں تھانوں میں اصلاحات اور بد عنوانی کے خاتمے کیلئے اقدامات سے متعلق رپورٹ کو سختی سے دی گئی۔ انہوں نے کہا کہ قانون نافذ کرنے والے اداروں کیلئے ایسی سفارشات تیار کرنے کی ضرورت ہے تاکہ وہ تمام دہشت گردی اور فوجداری مقدمات میں ایف آئی آر درج کر سکیں جبکہ جموں اینڈ آدر دین کرنا والوں کے خلاف کارروائی ہوئی چاہیے۔ ممبئی کی جانب سے تیار کئی گئی رپورٹ کے حوالے سے محمد سلطان فاروقی نے اسید ظاہر کی کہ شہری اور دیہی علاقوں میں تھانوں میں شہریوں سے روا رکھے گئے سلوک میں نمایاں بہتری آئے گی۔ اجلاس کے شرکاء نے اس بات پر اتفاق کیا کہ اسلام آباد میں پولیس اصلاحات پر عملدرآمد پائلٹ پراجیکٹ کے بعد ان اصلاحات پر عملدرآمد کا دائرہ کار دوسرے شہروں تک بڑھایا جائے۔ ممبئی کے اراکین نے تجویز دی کہ سولہ پولیس کی طرف پر پولیس کے پورے نظام کی ری سٹرکچرنگ کی ضرورت ہے۔ وفاقی محتسب نے اس حوالے سے تمام صوبوں میں اتفاق رائے پیدا کرنے کیلئے ایک کمیٹی تشکیل دی۔ ممبئی میں سابق وفاقی سیکرٹری محاسن خان، سابق آئی جی ایض شہری اور سابق وفاقی سیکرٹری کلین ڈرائی شامل ہیں۔

## روزنامہ ”دنیا“ اسلام آباد

29-01-2016

تھانوں میں اصلاحات سے متعلق سفارشات کو حتمی شکل دیدی گئی

سفارشات پر عملدرآمد کا آغاز اسلام آباد سے پائلٹ پراجیکٹ کے طور پر ہوگا، وفاقی محتسب

اسلام آباد (نامہ نگار) وفاقی محتسب سلمان فاروقی نے لوگوں کی اعتماد سازی اور جرائم پر موثر طریقے سے کی لائے کیلئے تھانوں میں عوام دوست ماحول فراہم کرنے کی ضرورت پر زور دیتے ہوئے کہا کہ تھانوں میں اصلاحات سے متعلق سفارشات پر عملدرآمد کا آغاز اسلام آباد، سے پائلٹ پراجیکٹ کے طور پر کیا (باقی صفحہ 5 نمبر 20)

تھانہ اصلاحات

بقیہ نمبر 20

جائے گا۔ ان خیالات کا اظہار وفاقی محتسب سیکرٹریٹ میں اعلیٰ سطح کے اجلاس کی صدارت کرتے ہوئے کیا اجلاس میں سپریم کورٹ کے احکامات کی روشنی میں تھانوں میں اصلاحات اور بدعنوانی کے خاتمے کیلئے اقدامات سے متعلق رپورٹ کو حتمی شکل دی گئی، اس موقع پر وفاقی محتسب نے تھانوں میں مقدمات کے اندراج کے طریقہ کار کو آسان بنانے پر زور دیا، تھانوں کو ایسا مقام بنانا چاہیے جہاں لوگ بلا خوف و خطر اپنی شکایات کے اندراج کیلئے جا سکیں اور وہ امید رکھیں کہ ان سے پیشہ دارانہ سلوک کیا جائے گا، وفاقی محتسب نے اس حوالے سے تمام صوبوں میں اتفاق رائے پیدا کرنے کیلئے ایک کمیٹی تشکیل دے دی جس میں سابق وفاقی سیکرٹری محاسن خان، سابق آئی جی انضام شری سابق وفاقی سیکرٹری کلید راولی شامل ہیں۔

## روزنامہ ”ایکسپریس“ اسلام آباد

20-01-2016

تھانہ کلچر تبدیلی، جامع اصلاحات پر کام کر رہے ہیں، وفاقی محتسب

مستعد شہریوں کو بہتر سہولیات فراہم کرنا، افسران بغیر دباؤ فرائض سرانجام دے سکیں، سلمان فاروقی

اسلام آباد (جنرل رپورٹر) وفاقی محتسب سلمان فاروقی نے کہا ہے کہ وفاقی محتسب تھانہ کلچر میں تبدیلی کیلئے جامع اور قابل عمل اصلاحات لائے پر کام کر رہا ہے، اس حوالے سے سپریم کورٹ کے احکامات پر عمل کریں گے، تھانہ اصلاحات کو ایک مستعد شہریوں کو بہتر سہولیات فراہم کرنا ہے اور اس بات کو یقینی بنانا ہے کہ افسران بغیر دباؤ کے اپنے فرائض سرانجام دے سکیں، تھانوں میں تہنیتات الیگروں کی استعداد میں اضافے کیلئے وسائل کی فراہمی، مسترد شدہ تھانے میں

تہنیتی اور ایف آئی آر اندراج کے طریقہ کار میں بہتری لانا ضروری ہے، ان خیالات کا اظہار انہوں نے گزشتہ روز یہاں وفاقی محتسب سیکرٹریٹ میں تھانوں میں اصلاحات کے حوالے سے قائم کی گئی کمیٹی کے اجلاس سے خطاب میں کیا، انہوں نے کہا کہ قانون نافذ کرنے والے اداروں کو محرموں سے آہنی ہاتھوں سے نمٹنا چاہیے تاہم شہریوں کے تحفظ اور انہیں سہولیات فراہم کرنے کیلئے اقدامات کرنا ضروری ہے، ہمیں تھانوں اور پولیس سے سفارشی کلچر قائم کرنا ہوگا۔

12-11-2015

حاجتی صوبہ ہونے کی وجہ سے اس وقت کی تیاری کیلئے افضل شعری کی ہر برای میں 15 روپیہ کی تحفہ کی ہے

سلسلہ خدوتی / زمستہ ۴۴

05-12-2015

## پولیس کو عوام دوست ادارہ بنانے کیلئے سفارشات کا ابتدائی مسودہ تیار

سپریم کورٹ کی ہدایات پر وفاقی محاسب کی خصوصی کمیٹی کا اجلاس اسلام آباد میں منعقد ہوا

اسلام آباد (طاہر حسین، عاصم حسین) پولیس کو عوام دوست ادارہ بنانے اور سیاسی اثر و رسوخ سے پاک کرنے کیلئے وفاقی محاسب کی خصوصی کمیٹی نے سپریم کورٹ کیلئے سفارشات کا ابتدائی مسودہ تیار کر لیا۔ سپریم کورٹ نے 4 ستمبر 2015 کو اپنے ایک فیصلے میں پولیس کے نظام میں بہتری لانے کیلئے وفاقی محاسب کو اقدامات تجویز کرنے کی ہدایت کی تھی۔ سپریم کورٹ کی ہدایات پر وفاقی محاسب کی خصوصی کمیٹی کا اجلاس اسلام آباد میں منعقد ہوا سابق چیف سیکرٹری ٹیلی ڈرائی، سابق آئی سی ماس خان، سابق آئی جی سابق 6 نمبر 24

24 عوام دوست ادارہ

جی اصل شہری، سابق آئی سی رخصت پاشا، حافظ احسان احمد کو کمرایہ دو کت سپریم کورٹ سنٹر ایڈ وائزر، طاہر ظہیر بیورو چیف، جنگ اسلام آباد، انور رشید خان، ڈی آئی جی کی کرغز پراجیکٹ کر ای، ایس ایم طاہر سنٹر ایڈ وائزر، ساحلی خان، سابق چیف کوارٹر مینر نکھا، شادی جیل خان ڈی آئی جی پٹوار، کھیل احمد ڈی آئی جی کر ای، جیل ایس بی اسلام آباد سکندر حیات ایس ایس بی راولپنڈی، کاشف عالم ایس بی جیل پولیس اکٹھ گی، ذہیر علی ایس بی اسلام آباد، زرباب مسرت ڈائریکٹر محاسب، آذوقہ خان ڈی آئی جی مالکنڈ اجلاس میں موجود تھے۔ اجلاس میں منظر کی سفارشات میں اس امر پر زور دیا گیا کہ پولیس کو سیاسی اثر و رسوخ سے پاک رکھنے کیلئے صحت ملازمت کو حفظ ملنا چاہیے اور سیاسی بنیادوں پر پولیس کی تقرریاں اور تھلے روکے جائیں۔ پولیس پر داخلی اور خارجی چیک اینڈ بیلنس سڑ بنائے جائیں۔ خصوصی سٹی کی اس امر پر اتفاق تھا کہ اسلام آباد سمیت ہر ضلع میں پولیس کمپلائٹ اقداماتی جلد قائم کی جائے، چوں شہریوں کی شکایت کا ازالہ ممکن ہو سکے، ہر پولیس سٹیشن (تھانے) کو ایف سی این اور (POL) پٹرول امداد جات کیلئے مناسب بجٹ فراہم کیا جائے۔ سفارشات میں کہا گیا کہ قانون میں ایمل ایمل بی پاس اور ایمل تعلیم یافتہ عمر لگائے جائیں اور پولیس کے نظام کو باضابطہ بہتر اور موثر بنانے کیلئے پولیس آرڈر 2002 کی بحالی پر توجہ دی جائے۔ صوبائی سبین کو قانون کے معاملات میں شامل کیا جائے۔ اس بات کی سفارش بھی کی گئی کہ صوبائی سبین کے ایڈ وائزر جنس آف جی کے اختیارات دینے جائیں تاکہ وہ قانون کا اچانک معائنہ کر سکیں۔ خصوصی سٹی نے سپریم کورٹ کو سفارش کی ہے کہ کارکردگی کے نئے معیار مقرر کئے جائیں اور پولیس کی صلاحیت و بھروسہ، ٹریننگ، سہولت، سہولت، سہولت، سہولت، سہولت دی جائیں۔ وی آئی بی کیلئے اسلام آباد کی طرز پر ایک پولیس سہولتی ڈویژن بنائے جائیں اور قانون کو جدیہ ٹیکنالوجی نظام سے منسلک کیا جائے۔ یہ بھی سفارش کی گئی کہ تھانے سے ایس بی اور آئی جی کی سطح تک ترجمان مقرر کئے جائیں تاکہ کسی بھی واقعے یا مسئلے کی صورت میں سینڈ پاؤ حقائق جاننے کیلئے رسائی مل سکے۔ میرٹونی حراستیں، خرابین پرنسڈ اور دیگر باردا واقعات کے ازالے کیلئے جیل پولیس بیورو میں ایک مستقل سٹاف قائم کیا جائے۔



29-01-2016

## Faruqi calls for making police citizens friendly

**OUR STAFF REPORTER  
ISLAMABAD**

Ombudsman Salman Faruqi on Thursday underlined the need for making police citizens friendly in order to build trust of people and overcome the existing in an effective and pro-active manner.

Faruqi expressed these views while presiding over a high-level meeting here at the Wafaqi Mohtasib Bait-ul-Ma'arif to finalise the report on administrative standards for police stations and measures to curb maladministration in compliance with the order of the Supreme Court of Pakistan. "General perception is that police stations were not citizen-friendly even though the citizens have the constitutional right to be treated impartially and fairly," he said while calling for simplifying the

cumbersome process of lodging FIRs. He said that everybody has a right to register complaint but there should be proper mechanism and filtration of malicious FIRs.

He said: "There is a need for formulation of such recommendations in the context of law enforcement that registration of FIR in all civil and criminal cases could be facilitated while action must be taken against the persons who lodge false FIRs."

The Wafaqi Mohtasib emphasised that the police stations should be made a place where the people could freely and fearlessly visit to lodge complaints against any oppression and injustice in the hope of immediate and professional follow up.

Pointing towards the report prepared by the committee, Faruqi expressed the confidence that it will also

advise about the territorial coverage by police stations in urban and rural areas.

Addressing the meeting, Abbas Khan, chairman of the committee stated that they urged the improvement of the working of police stations for being the most important level of the institution of police.

He lamented that the police have neither been adequately equipped nor trained on modern lines to discharge their duties effectively, conversely policing in Pakistan has been badly ignored and is totally unprepared to meet the challenges of today.

Meanwhile, the participants of the meeting unanimously agreed that Islamabad should be chosen as the first city where the pilot project of police reforms should be implemented in true letter and spirit after which these reforms would be rationalised to other

parts of the country.

The members of the committee suggested that an effective external oversight mechanism should be put in place for the sake of registration and investigation of cases.

They were also of the view that the police system could not get better until and unless it is de-politicised and state-of-the-art training is imparted to police officials.

There is also a dire need of restructuring the whole police process on the pattern of motorway police, they said and emphasised that police stations should be provided with adequate funds for making their investigation and other requirements.

The committee ended with a note that stress should be given on materialising the suggestions and recommendations in true letter and spirit.

20-01-2016

## Ombudsman committed to police reforms

OUR STAFF REPORTER  
ISLAMABAD

Federal Ombudsman M Salman Faruqi yesterday expressed the resolve that no stone would be left unturned to bring reforms in the police culture in line with the directions of the Supreme Court.

He was chairing a high-level meeting regarding reforms in police stations. The apex court had ordered the federal ombudsman to submit a report on police reforms.

Faruqi said the apex court's orders would be implemented in letter and spirit for bringing doable reforms in 'thana culture' as without bringing positive change in police stations, issues of common people would not be resolved.

"We are committed to enhance capacity building of police officers so that they can perform their professional duties without any fear or pressure," Faruqi added. The Wafaqi Mohtasib was of the view that there is a dire need to bring improvement in the procedure of lodging FIRs in the police stations so as to curtail the cumbersome process of investigation.

Faruqi categorically stated that the police should deal with the culprits and lawbreakers with an iron hand in order to establish the writ of the law in addition to provide safety and sense of security to common citizens.

He opined that it is also the prime responsibility of police to establish cordial and friendly relations with the people so that they might feel free to cooperate with them.

The ombudsman said that without recruiting educated, trained and reputed police officers, reforms in the 'thana culture' would be a dream.

Faruqi apprised the meeting that they would formulate a detailed report and suggest feasible reforms in the police stations and submit it in the Supreme Court as per the court's directions.

**Thursday January 28, 2016**

## Ombudsman achieves another milestone **Outreach complaint resolution at districts level**

**STAFF REPORTER**

**ISLAMABAD**—The Federal Ombudsman striving to provide speedy, fair, transparent and inexpensive relief to the complainants' has launched the Speedy Complaint Resolution Mechanism (SCR) for expeditious disposal of complaints filed against Federal Agencies within a maximum of 15 days. Mr. Jaweed Akhter, Senior Advisor, Wafaqi Mohtasib (Ombudsman)'s Secretariat, Islamabad has been nominated by Mr. M. Salman Faruqi, Federal Ombudsman of Pakistan to investigate the complaints of maladministration filed against Federal Agencies inter-alia including Sui Northern Gas Pipelines Limited (SNGPL), Islamabad Electric Supply Company Limited (IESCO), State Life Insurance Corporation of Pakistan (SLIC) & National Database & Registration Authority (NADRA), Pakistan Post Office, etc.

Mr. Jaweed Akhter addressing the media stated that, Wafaqi Mohtasib Secretariat besides clearing the backlog of 77,685 complaints decided in December, 2014 (most of the complaints were pending for 2-5 years) has also decided 207,463 complaints during the period 2013-2015. Of the findings made 90% findings have been implemented, whereas, only 1% complainants have filed appeals to the President of Pakistan, which shows the quality of findings made through mediation and interpretation of rules/policies of the Agencies.

As a result of speedy disposal of complaints there is no complaint pending for more than 45 days with the

Wafaqi Mohtasib Secretariat.

He stated that in line with the vision of Federal Ombudsman, a Speedy Complaints Resolution (SCR) Outreach Programme has been launched under which the Advisors have been nominated to Districts, who will visit the Districts to hear the complaints at doorstep for expeditious disposal of complaints and decide within 15 days. In the second phase, the Wafaqi Mohtasib Secretariat has planned to hear the complaints at Tehsil and Union Council levels.

In pursuance to the vision of Federal Ombudsman, Mr. Jaweed Akhter heard 17 complaints against Federal Agencies at Provincial Mohtasib Office, Old Zila Katcheri Rawalpindi on 27.01.2016, wherein, the Agencies were represented through General Manager SNGPL, XEN's IESCO, Manager SLIC, Director NADRA. The complaints were heard in the presence of complainants.

After hearing the complainants and the Agency, necessary advice was given to the representative of the Agencies for redressal of the complainant's grievance. He expressed that minimum 02 hearings in a month will be conducted at each District for the facilitation of the inhabitants of concerned Districts.

He also stated that the initiative of SCR by Mr. M. Salman Faruqi has been appreciated by the complainants and the general public alike and this innovative step will go a long way in prompt disposal of complaints and redressal of their grievances against Federal Agencies for maladministration.



20-01-2016

ISLAMABAD: Federal Ombudsman M Salman Faruqi said on Tuesday that no stone would be left unturned to reform the police department in line with the directions of Supreme Court of Pakistan. He was chairing a meeting regarding reforms in the police stations established on the directions of Supreme Court. Addressing the meeting, Faruqi said the apex court orders would be implemented in letter and spirit for bringing doable reforms in "police culture", as without bringing positive changes in police stations the issues of common people would not be resolved. "We are committed to enhancing the capacity of police officers so that they can perform their professional duties without any fear or pressure," Faruqi added. The federal ombudsman was of the view that there was a dire need to bring betterment in the procedure of lodging FIRs in the police stations so as to curtail the cumbersome process of investigation. He categorically stated that the police should deal with the culprits and lawbreakers with iron fist in order to establish the writ of the law and to provide safety and sense of security to the common citizens. He opined that it was also the prime responsibility of the police to establish cordial and friendly relations with the people so that they might feel free to cooperate with them. The ombudsman was of the view that without recruiting educated, trained and reputed police officers, reforming the "Thana Culture" would be a dream. The participants of the meeting apprised Faruqi about the problems faced by the police stations and demanded allocation of sufficient funds and facilities for them. They also suggested that proper trained staff should be deputed in police stations for effective investigation.



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**15-11-2015**

**Ombudsman Committee**  
**To depoliticize police for better results**

ISLAMABAD: Federal Ombudsman Committee (FOC) for police reforms has said it was necessary to free police of all four provinces from political influence. The difference between police and people cannot end without taking police reforms, said the committee, which was constituted following the directions of the apex court. As per details, the FOC has agreed upon that prime responsibility of police stations should be to ensure enforcement of law and order rather than torture cells. The prevailing difference between police and people cannot be ended without depoliticising the police of four provinces. While arranging its term of reference within three days about reforms in Police Department, the FOC has summoned its next meeting on November 27. The first meeting of the FOC was held under the chair of former inspector general Abbas Khan in Federal Ombudsman Office on Friday. The meeting was attended by its members including former secretary Shakil Durrani, former inspector general Afzal Shagri, former IG Riffat Pasha, IG Kaleem Imam, Federal Ombudsman Legal Adviser Hafiz Ehsan Khokhar, former NECTA coordinator Hamid Ali Khan, top officials of police from Islamabad and four provinces. In the meeting, proposals were given regarding reforms in police and said that police should not be free from all restrictions and internal accountability system be very effective in police so that policemen may not affect self-respect of common man. The recommendations were prepared by the members of the committee about delay in lodging First Information Report (FIR) regarding extra judicial killings, harassment, registration of FIR against heavy bribery, delay in presenting challans in the court and untimely completion of investigation process. The committee observed that due to aforesaid reasons the Police Department has become matter of concern for the masses. The recommendations were, therefore, formed to make this department a relief centre for people. The committee said that to abolish mismanagement and to activate good administrative abilities in the department, the recommendations should be the top priority. The members of the committee agreed upon that it was necessary to make Police Department impartial and law implementing agency. The police officials should have courage not to take political influence into consideration about legal matters, it added. Sources told that the FOC was constituted on the directives of the apex court of the country and the committee would submit its report regarding police reforms within the period of three months in the Supreme Court. The FOC would also submit its implementation mechanism about police reforms in the report.

PICTURES OF FEW MEETINGS OF  
THE COMMITTEE



The Committee meeting chaired by Mr. Abbas Khan



The Committee listening to the views of experts





A Sub-Committee meeting chaired by Mr. Shakil Durrani



Group Photo after one of the Committee meetings



FEDERAL OMBUDSMAN OF PAKISTAN