



POLICE REFORMS: THE WAY FORWARD



August - 2018

Quranic Verse

“O you who believe! Stand out firmly for justice, as to Allah, even if it be against yourselves, your and your relatives, or whether it is against the rich poor...”

(Surah An-Nisa, 135)

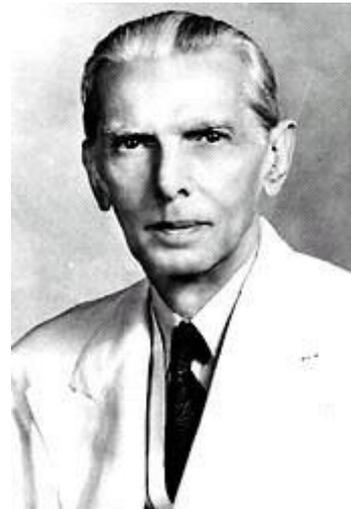


witnesses
parents,
or the

Quaid's Quote

“Do your duty as servants to the people and the State, fearlessly and honestly. Service is the backbone of the Governments are formed, governments are defeated, Ministers come and go. Ministers come and go, but you and, therefore, there is a very great responsibility on your shoulders.”

(Address to Civil Officers in Peshawar, 14th April



State.
Prime
stay on,
placed

1948)

GLOSSARY OF TERMS

Acronym	Description
ACLC	Anti-Car Lifting Cell
ADR	Alternate Dispute Resolution
ATA	Anti-Terrorist Act
ATC	Anti-Terrorism Court
CFMS	Case File Management Section
CFS	Cellular Forensic Section
CJS	Criminal Justice System
CMS	Complaints Management System
CNSA	Control of Narcotic Substances Act Of 1997
CPLCs	Citizen-Police Liaison Committees
CPO	Central Police Office
CrPC	Criminal Procedure Code
CSIS	Crime Scene Investigation Section
CTD	Counter Terrorism Department
DCJCCs	District Criminal Justice Coordination Committees
DRC	Dispute Resolution Council
FIA	Federal Investigation Agency
FIR	First Information Report
FM	Frequency Modulation
GSM	Global System for Mobile
HCBA	High Court Bar Association
I.O	Investigation Officer
IAB	Internal Accountability Branch
IC3	Internet and Computing Core Certification
JoP	Justice of Peace
LJCP	Law & Justice Commission of Pakistan
MQS	Minimum Quality Standards
NJPMC	National Judicial Policy Making Committee
PAFIS	Pakistan Automated Fingerprint Information System
PBC	Pakistan Bar Council
PCA	Police Complaints Authority
PCrLJ	Pakistan Criminal Law Journal
PJC	Provincial Justice Committee
PLD	Pakistan Legal Decisions
PPC	Pakistan Penal Code
PPO	Provincial Police Officer
PROMIS	Police Record Office Management Information System
PSC	Public Service Commission
PTC	Police Training College
PTV	Pakistan Television
SCBA	Supreme Court Bar Association
TG	Trainers Guide

Acronym	Description
TNA	Training Needs Assessment
TOE	Table of Equipment
ToT	Training of Trainers

Table of Contents

GLOSSARY OF TERMS	iv
TERMS OF REFERENCE	vii
EXECUTIVE SUMMARY	x
INTRODUCTION	1
CHAPTER 1. MODEL POLICE LAW	7
1.1 INTRODUCTION.....	7
1.2 Police Act 1861 a Federal Law, a Provincial Law, or both?	9
1.3 Genesis of Police Order 2002	11
1.4 Police Order 2002: Present Status	13
1.5 18 th Constitutional Amendment and Constitutionality of Police Order 2002.....	14
1.6 Interwoven Nature of Criminal Law, Criminal Procedure, Evidence and Police Law	17
1.7 Need and Justification for a Standard and Uniform Police Law.....	19
1.8 Recent Developments	21
1.9 Way Forward.....	21
CHAPTER 2. POLICE ACCOUNTABILITY	24
2.1 COMPLAINTS AGAINST POLICE: CONCERNS OF SUPERIOR JUDICIARY ...	24
2.2 INTERNAL ACCOUNTABILITY	30
2.3 EXTERNAL ACCOUNTABILITY	37
CHAPTER 3. IMPROVING QUALITY OF INVESTIGATIONS	42
3.1 INTRODUCTION.....	42
3.2 ORGANIZATION OF INVESTIGATION BRANCH	43
3.3 SAFEGUARDS AGAINST ABUSE OF POWERS	49
3.4 FORENSIC SCIENCE LABORATORIES.	53
3.5 LEGAL ISSUES & SUGGESTIONS.....	53
CHAPTER 4. REVAMPING URBAN POLICING	54
4.1 INTRODUCTION.....	54
4.2 POLICE ORGANISATION OF A MAJOR URBAN CENTRE	55
4.3 THE URBAN POLICE STATION	59
4.4 CONCLUSION	62
CHAPTER 5. ALTERNATE DISPUTE RESOLUTION (ADR)	64
5.1 INTRODUCTION.....	64
5.2 PROPOSED ADR MODEL	76
5.3 RECOMMENDATIONS	76

CHAPTER 6. CJS EFFECTIVENESS AND ATA CASES.....	78
6.1 INTRODUCTION.....	78
6.2 EVIDENCE BASED DIAGNOSIS OF WEAK AREAS OF THE CRIMINAL JUSTICE SYSTEM	79
6.3 A REVIEW OF THE EXISTING ANTI-TERRORISM LAWS OF PAKISTAN	81
6.4 OTHER LAWS RELEVANT TO TERRORISM.....	87
6.5 ROAD MAP TO ENHANCE THE EFFECTIVENESS OF CJS DEALING WITH ATA CASES	89
6.6 RECOMMENDATIONS:	91
6.7 CONCLUSION	92
CHAPTER 7. LEGISLATIVE REFORMS	97
7.1 INTRODUCTION.....	97
7.2 THE ROLE OF THE FEDERATION IN ADMINISTERING THE CRIMINAL JUSTICE	97
7.3 ENABLING THE SPECIALISTS TO DECIDE MATTERS RELATED TO CRIMINAL JUSTICE	98
7.4 SPECIFIC BUDGET ALLOCATION FOR JUSTICE RELATED LEGISLATION .	99
7.5 UPDATING POLICE RULES, 1934	99
7.6 LAW RELATING CHANGE OF INVESTIGATION	100
7.7 AMENDMENTS IN QANOON-E-SHAHDAT ORDER, 1984	101
7.8 LAW RELATING POLICE REPORTS UNDER SECTION 173 CR.P.C	101
RECOMMENDATIONS	104
PART-I: MODEL POLICE LAW	104
Part-II: ACCOUNTABILITY AND OPERATIONAL MATTERS.....	104
Part-III: LEGISLATIVE REFORMS.....	106
APPENDIX 1.....	109
<i>Final amended Police Order recommended as Model Police Law</i>	<i>111</i>
APPENDIX 2.....	166
<i>Police Order with amendments that is indicated</i>	<i>166</i>

TERMS OF REFERENCE

Part-I: Model Police Law

- *Draft a Model Police Law to meet the challenges of the 21st-century policing that ensures the Police to be politically neutral, democratically controlled, effectively accountable, administratively and operationally autonomous and highly specialized professional community service institution.*

- *The model law should ensure uniformity and standardization of institutional structures, functional specialization and grant administrative, operational and financial authority along with responsibility to the Police command across the board in the federation and the Provinces.*
- *Examine all the Supreme Court and High Courts' verdicts on Police law-related issues, especially in the context of the 18th constitutional amendment and recommend uniform application of law in the federation and the Provinces.*

Part-II: Police accountability and operational matters

- *Recommend internal and external accountability mechanisms to address the public complaints against the Police. Departmental institutional arrangements and external oversight mechanisms should be clearly spelt out to reduce pressure on the judiciary that is inundated with public complaints against the Police.*
- *Recommend improvements in the quality of investigations with an emphasis on functional specialization, operationally distinct investigation cadre, concept of investigation teams, appointment and tenure of investigation officers, state-of-the-art training institute for the investigators along with intra-institutional training methodology for investigators, prosecutors, judges and lawyers.*
- *“Suggest re-vamping of urban policing by changing basic administrative structure, introducing better quality of command and control to ensure quick decision-making and rapid response to meet public order challenges as well as quality of access to the citizens seeking justice.”*
- *Recommend Alternate Dispute Resolution (ADR) mechanism by examining the efficacy of Dispute Resolution Committees (DRCs) in KP at Police station, sub-division, district, division, regional and provincial levels.*
- *Carry out diagnosis of weak areas in CJS in combating terrorism; provide a roadmap to enhance effectiveness of CJS for dealing with ATA cases; evaluate existing laws for their efficacy while recommending measures to effectively combat terrorism and violent extremism.*

Part-III: LEGISLATIVE REFORMS

- *Suggest policing-related amendments/reforms in laws like CrPC, Evidence law, Anti-Terrorism Act etc. and recommend changes in accordance with international best practice.*
- *Identify redundant policing and criminal justice-related laws that have outlived their utility and require to be struck off the statute books/Pakistan Code.*

EXECUTIVE SUMMARY

The Police Reforms Committee (PRC) feels honoured due to the trust reposed by the Hon'ble Chief Justice of Pakistan (CJP) in it. The trite Terms of Reference (ToRs) necessitated focused work. There were **three broad areas** of ToRs i.e. Model Police Law, Accountability and Operational matters and Legislative Reforms. Each broad area had further itemized issues. The Executive Summary attempts to elucidate each broad area in a concise manner.

The **first broad area** relates to the state of Police Law in the country. The first question that came before the PRC was the constitutionality of Police Law in Pakistan. A brief survey of constitutional aspects of Police Law in Pakistan was carried out. The record evinces that since 1947, the federal nature and the role of federation in dispensing criminal justice, has been constitutionally protected. The question of constitutionality of Police Act, 1861 essentially was rarely posed in so many words before any constitutional Court in Pakistan. If and when, it did occur, it was peripheral to some other issue except in the case of Zafarullah Khan v/s Federation of Pakistan (2002), wherein, it was declared that Police Order, 2002 was intra vires of the Constitution. It is relevant to mention that the defining characteristics of Police Order, 2002 include political neutrality, democratic control and effective accountability of Police in addition to making the Police organization administratively independent, highly specialized community service institution.

After the 18th Constitutional Amendment, the propensity of the Provincial Governments to control Police led to multiplicity of Provincial Police Laws without appreciating the jurisprudence expounded by the Hon'ble Supreme Court of Pakistan and without taking into account the importance of fair and effective enforcement of fundamental rights of the people of Pakistan as guaranteed in the Constitution. At the moment, save as the Punjab, the Khyber Pakhtunkhwa (KP), the Sindh and Balochistan have introduced their separate Police Laws in total disregard to Articles 142 and 143 of the Constitution of Pakistan. Going through successive constitutional instruments, the legislative schemes in various legislations and taking into account the opinion rendered by eminent jurists, the PRC is of the view that Police Law is relatable to "criminal law, criminal procedure and evidence". That being so, the Police law falls within the legislative domain of both the federation and the Provinces subject to the primacy of the federal legislation over the provincial legislation as enunciated under Article 143 of the Constitution.

As the path to the rule of law can only be trodden through constitutionalism, the constitutional role of the federation in dispensation of criminal justice can't be undermined. The PRC, after examining the Police Order, 2002 with a fresh mind, has ensured that it provides the requisite uniformity and standardization of its institutional structures. The PRC is of the view that there are some areas that need compatibility with the latest constitutional and legal developments. While

keeping in view the spirit of the Police Order, 2002 and various judgments of the superior judiciary, necessary and suitable amendments have been proposed by way of deletion and addition in the existing Police Order, 2002; the proposed amendments aim at ensuring that the Model Police Law allows necessary administrative, operational and financial authority along with the responsibility to the Police command across the board in the federation and the Provinces.

The **second thematic area** identified in the ToRs is Accountability and Operational Matters, which is further itemized into internal and external accountability, improving the quality of investigations, revamping of urban policing organizational structure, Alternate Dispute Resolution (ADR) and diagnosing weak areas in the anti-terrorism legal regime in Pakistan. Gist of each itemized issue is given in the succeeding paragraphs.

Insofar as **the Accountability Mechanisms** are concerned, the PRC is of the view that public complaints against the Police require to be addressed as the highest priority if meaningful reforms in the criminal justice system are to be achieved. As reflected in the Lahore High Court judgement (PLD 2005 Lahore 470), the public complaints against the Police mainly relate to:

- Harassment by the Police;
- Failure of the Police to Register a Criminal Case;
- Failure by the Investigation Officer to add appropriate Penal provisions to FIR;
- Failure to record a Cross-version;
- Failure to arrest an accused person nominated in the FIR;
- Seeking Transfer of Investigation due to unfair & biased Investigation;
- Failure to submit a Challan within reasonable time.

The PRC recommends that there is a need to have an Internal Accountability Mechanism at the Central Police Office to deal with complaints against Police. The Punjab has established a Discipline & Inspections Branch headed by an officer of the rank of Additional IGP. Giving it the nomenclature of Internal Accountability Branch (IAB), the Central Police Offices of all the Provinces need to have such mechanisms. Conversely, for External Accountability Mechanisms, the PRC recommends establishment of Police Complaints Authorities at Regional and Provincial levels as provided in the Police Order, 2002 (Articles 103-108). These Authorities will deal with complaints of neglect, excess or misconduct against Police officers. The complaints of ordinary nature may be referred to concerned Heads of Police. However, complaints of serious nature, like death, rape or serious injury to any person in Police custody may be referred to the Chief Justice of High Court for enquiry through a District and Sessions Judge (D&SJ). An effective instrument of systematic external accountability of district level justice sector organizations vests in the institution of the Provincial Justice Committees headed by the Chief Justices of the High Courts. In addition, the PRC

also recommends that the existing Ombudsmen institutions need to be strengthened and where necessary independent Ombudsmen may be appointed to exclusively deal with public complaints.

Appraising the existing **system of investigation**, the PRC is of the view that investigation side needs major up-gradation to win public confidence. In this regard the PRC recommends organizational revamping and giving investigation its due place within the Police working. As investigation is not a key priority area for rank and file in the Police organizations, the whole Police organization needs to be geared towards according due priority to this vital responsibility. Poor quality of investigation being also a major concern of the judiciary needs urgent remedial measures. In order to bring about a substantial qualitative improvement in the state of affairs relating to investigation, the PRC recommends functional specialization with an operationally distinct cadre. It also recommends introduction of the concept of investigation teams, appointment of best Police officers as investigators and establishment of state of the art training institutes with international certification and accreditation. The investigators will lose their individual certification for persistent poor performance and their failure to undergo at least 25-30 hours of continuous professional development courses / trainings on yearly basis. The PRC is particularly concerned about abysmally inadequate allocation to meet the cost of investigation which leads to avoidable extortion from public. Living off the land has to stop in order to realistically expect investigators to uphold the observance of the fundamental rights of citizens in line with the internationally professional standards. If investigation is to be organized in the modern lines it has to have a strong backup of forensic technologies which is a resource intensive enterprise requiring sufficient funding. The outcome of qualitative investigative effort is critically dependent on how the criminal cases are prosecuted in Courts and institutional mechanism of holding to account those involved in conducting defective investigations due to mala fide.

With regards to **revamping of the urban policing structure**, after examining the current Police station model that is entirely rural and grew out of the Police Act of 1861, the PRC is of the view that there is a need to revisit the fundamentals of this policing model in the light of Police Order, 2000 as well as international best practices in urban policing to address the challenges in an urban setting. One million is an optimal population size for a city to benefit from an urban policing design. Ten cities in Pakistan viz. Karachi, Lahore, Faisalabad, Rawalpindi, Gujranwala, Peshawar, Multan, Hyderabad, Islamabad and Quetta qualify under this criterion. In order to restructure policing on functional basis, Police command in the urban districts is recommended to be organized in eight wings viz. Administration, Traffic, Operations, Law & Order, Investigation, Security, Community Relations, and Communications & Technology, each headed by a DIG. The Police Division, headed by a Superintendent of Police, shall be an independent operational, financial and administrative unit. It may be formed with merger of 3 to 5 current Police Stations and organized into five sections viz.

Administration, Operations, Investigation, Law & Order and Community Relations. The current Police Stations can be converted into reporting centres housing front desks and other offices of the division. This design represents a fundamental departure from present practices, particularly at the Police station level. As it will raise serious change management issues in its implementation, the key stakeholders will be brought on board while the new design is implemented through a well-crafted strategy.

Taking into consideration the principles contained in the **Alternate Dispute Resolution Act, 2017**, the PRC is of the view that the Police can play an effective role in settlement of disputes in petty/minor criminal cases, and therefore, the Act may either be extended to the whole country or the Provinces may legislate their own laws on the same lines. An important independent institution for reconciliation is the office of Ombudsmen. The PRC recommends that the superior judiciary may help build adequate capacity of Ombudsmen institutions to enable them to shoulder the growing burden of resolvable disputes presently being dealt by the formal judicial fora. At the same time, the district judiciary needs to be sensitized to utilize the existing ADR structures to their optimum level. The PRC further recommends that adequate funds may be earmarked to meet the operational expenditure and develop necessary infrastructure of ADR institutions.

The PRC has considered two models of **counter terrorism** i.e. war model and the criminal justice model. In the first model, military plays the lead role while in the latter, the criminal justice system (CJS) is the main instrument. In the post 9/11 period, Pakistan relied on both the models i.e. war model in the insurgency affected areas like the former FATA and a mix of war and criminal justice model in main cities of Karachi, Quetta and Peshawar. Noting that the current national counter terrorism effort is predominantly military driven and is focused principally on kinetic measures the PRC recommends that the capacity of CJS needs to be substantially enhanced to improve its adequately meeting the challenge of terrorism. The PRC also recommends the anti-terrorism laws effectiveness of the national counter terrorism effort gets compromised due to multiplicity of laws related to terrorism.

The **third thematic area** relates to policing-related amendments in laws like CrPC, evidence law, ATA etc., the PRC has recommended appropriate changes therein. The PRC has also identified issues that cut across various other legislations and are likely to have systemic impact on the service delivery of Police. In particular, the PRC has appraised latest legislation on women, juveniles and witness protection. To its dismay, it discovered that constitutional relationship between the law making and available budget or resources is missing. Excessive legislation was introduced without allocating resources for implementation. Resultantly, there are more new laws with no resources, hence eroding the trust of citizens in the government's ability to deliver on rights and the constitutional dispensation. Likewise, areas like custody of evidence, arrest, file making etc. have

not been accorded due priority in legislative effort. The PRC has also recommended that the law be provided to regulate and minimize the abuse of discretion. Article 70 of the Qanoon-e-Shahadat Order, 1984 provides legal basis of the testimonial evidence in trials; however, it does not enable the Courts to adequately use the currently available forensic tools in trials. Accordingly, the PRC has asked for suitable amendment.

The PRC believes that work on improving Police services in Pakistan is a continuing effort that needs persistent institutional ownership as well as trust by the Courts and the public at large. The PRC shall be looking forward to assist the Hon'ble Supreme Court of Pakistan, in its effort to implement the fundamental rights of the citizens of Pakistan.

INTRODUCTION

On 8 May, 2010, a meeting was held by the Hon'ble Chief Justice of Pakistan with a group of selected retired Inspector-Generals of Police Service of Pakistan and serving IGs of the four provinces and ICT. In his introductory remarks he highlighted the issues of Police Reforms, particularly the flaws in investigations and need for effective accountability while highlighting the significant role of the Police as an important component of the criminal justice system.

The flawed investigations created lacunae that could be exploited by the defense team during the legal process and were therefore a decisive factor in the acquittal of many offenders. In turn, these acquittals laid open the judiciary and for that matter the entire criminal justice system to strong criticism. It was therefore deemed extremely important to take corrective measures so as to improve the performance of the police. The Hon'ble Chief Justice of Pakistan also instructed the participants to highlight the deficiencies in the current legal regime for reformation of the criminal justice system (CJS).

The views of the participants on this important issue were sought and they were asked to extend their support for addressing such pressing matters and to furnish their recommendations for improving the situation. The participants expressed agreement with the views of the Hon'ble Chief Justice and emphasized certain important aspects meriting immediate intervention for bringing about an overall improvement in the CJS in general and the police in particular. The Hon'ble Chief Justice of Pakistan formed a Committee of all the participants and upon the suggestion of the Committee; the undersigned was nominated as the Convener.

While concluding the meeting the Hon'ble Chief Justice of Pakistan stressed that "it is a payback time to posterity and judiciary will leave no stone unturned to reform the criminal justice system to extend justice to the citizens, especially victims of the crimes and misuse of law." He noted that the "provision of speedy justice and relief to the citizens of Pakistan was need of the hour. Hence, the Committee shall work on reforms on (police-related) criminal laws on immediate basis".

A notification (Annex A) constituting a Police Reforms Committee (PRC) under the aegis of Law and Justice Commission of Pakistan (LJCP) in pursuance of the aforesaid meeting was issued by the Law and Justice Commission of Pakistan.

This notification spelled out the terms of reference broadly under three major heads including:

- ✓ Model Police Law;
- ✓ Accountability and Operational Matters; and
- ✓ Legislative Reforms.

The Terms of Reference were divided into seven key topics namely:

- i. Model Police Law

- ii. Police Accountability
- iii. Improvement in investigation
- iv. Alternate Dispute resolution
- v. Urban Policing
- vi. Combating Terroism by CJS
- vii. Legislative reforms

These topics were assigned to seven groups of officers to examine the issues who were requested to come up with concrete recommendations for submission to the Law and Justice Commission.

The seven groups of police officers completed their reports after intense and exhaustive deliberations on each topic, having discussed various aspects of their subjects with all the stakeholders and also holding workshops and consultative meetings to develop feasible and practical proposals and recommendations to address the policing problems. The judicial verdicts by the superior judiciary on key aspects of policing were also examined in detail that was kept in view while writing these reports so that the policing aspects highlighted in these judgments are addressed in their papers.

Four meetings of the PRC were held and after further refinements the papers were finalized that were eventually compiled into a single report. These papers form separate chapters of this Report with concrete recommendations on each topic.

Consideration of these recommendations should be the first step in bringing a positive transformation in policing in order to achieve the rule of law in this country as being the implementing arm of the Criminal Justice System, its impact will be all encompassing and profound that will ensure relief to the common man.

I would like to express my gratitude to the Hon'ble Chief Justice of Pakistan for the trust that he reposed in the members of this committee by giving us an opportunity to be part of the far-reaching changes that have been initiated by the higher judiciary to mitigate the sufferings of the people of Pakistan.

Special thanks are due to Dr. Muhammad Raheem Awan, Secretary Law and Justice Commission of Pakistan and his staff were always forthcoming and helpful in ensuring that the PRC gets the required level of support to complete its task in time.

I would also like to acknowledge and thank the members of the committee who participated actively in writing this report and offered their services for any tasks related to the Terms of Reference.

The PRC would like to acknowledge the valuable contribution of officers from different provinces especially Mr. Shahzada Sultan, DIG/HQs and Mr. Ahsan Abbas, CPO Rawalpindi from

the Punjab Police, Mr. Zulfiqar Larik, DIG from the Sindh Police, Mr. Muhammad Yousaf Malik, DIG from Balochistan Police, Mr. Alam Shinwari, DIG from KP Police and Mr. Nasir Satti, DIG and Mr. Kamran Adil, SSP from the ICT Police who actively assisted in compilation of the report. Finally, thanks go to Mr. Badar ul Hassan and Mr. Shafqat Azeem from the National Highways and Motorway Police (IT department) who provided secretariat support in preparing this report.

Afzal Ali Shigri
QPM,PPM

Convener
Police Reforms Committee

Part-I

MODEL POLICE LAW

CHAPTER 1. MODEL POLICE LAW

Term of Reference: *Draft a Model Police Law to meet the challenges of the 21st century policing that ensures the Police to be politically neutral, democratically controlled, effectively accountable, administratively and operationally autonomous and highly specialized professional community service institution.*

The model law should ensure uniformity and standardization of institutional structures, functional specialization and grant administrative, operational and financial authority along with responsibility to the Police command across the board in the federation and the Provinces.

Examine all the Supreme Court and High Courts' verdicts on Police law-related issues, especially in the context of the 18th constitutional amendment and recommend uniform application of law in the federation and the Provinces.

1.1 INTRODUCTION

The Hon'ble Chief Justice of Pakistan in the meeting held with a select group of retired and serving Inspectors General of Police on 8-5-2018 kindly emphasized the need of reforming the anachronistic Police system of Pakistan. He specifically pointed out that poor policing in the country was a cause of widespread violation of fundamental rights guaranteed under the Constitution which in turn was leading to generating lot of avoidable workload for the superior Judiciary. Referring to absence of a standard Police law in the country that obligates the Government to establish adequately resourced independent Police forces, he emphasized that such a statutory instrument was a *sine qua non* for Police to strictly work to promote Rule of Law and serve the community better. Finally, expressing his firm resolve to take judicial notice of the abysmal state of policing, he asked PRC to propose the way forward for securing independent, fair, effective and accountable Police service.

In view of centrality of a uniform Police law to the quality of Police working, the PRC, after extensive discussions, concluded that Police Order 2002 provided the right starting point for a model Police law premised on internationally accepted policing standards. The core policing principles anchored in Police Order include:

- (i) Redefining the role of Police as a service.
- (ii) Fostering a healthier relationship between Police and community.
- (iii) Operational autonomy that combines authority with responsibility.
- (iv) Specialized organizational structures to meet the challenges of modern policing.
- (v) De-politicized and extraneous influence-free Police operations.

- (vi) Democratic control over policing policy - through independent external oversight system of public safety commissions.
- (vii) Effective Police accountability system through credible internal and external oversight mechanisms.

Taking Police Order 2002 as the basic Police law, the PRC proceeded to examine the KP Police Act 2017, Punjab Police Order (Amendment) Act 2013 and Punjab Police Order (Amendment) Act 2017, with a view to proposing necessary amendments needed in the Police Order 2002 as it was already nearly 16-year-old.

The PRC next examined the following judgements of Superior Judiciary that are relevant to ToR:

- (i) Supreme Court Judgement in Suo Motu Notice No.16/2011
- (ii) Supreme Court Judgement in Civil Petition No.1282/2014 (Haider Ali v. D.P.O. Chakwal)
- (iii) Supreme Court Judgement [PLD 1985 SC 159]
- (iv) Lahore High Court Judgement in W.P. No. 16244/2002
- (v) Lahore High Court Interim Orders in WP No. 5973/2017
- (vi) Sindh High Court Judgement in CP No. D-7097/2016 and CP No. D-131/2017
- (vii) Balochistan High Court Order in CMA No. 112/2018 (CP No. 48/2013)
- (viii) Allahabad High Court Judgement [AIR 1951 All 816]

The guidelines / observations for fair and effective policing the Superior Judiciary has enunciated in the cited Judgements include:

- (i) *A functioning criminal justice system is directly linked to the enforcement 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.* [Civil Petition 1282/2014].
- (ii) Without addressing Police abuse of power and its inefficiency, it was not possible to stem the rising tide of cases of human rights violations coming before the superior judiciary. [Civil Petition 1282/2014]
- (iii) Without a depoliticized and well-resourced Police, the law and order situation in Karachi would continue to get worse. [Suo Motu Notice No. 16/2011]
- (iv) An independent investigation agency *sine qua non* for fair and honest outcome of criminal cases.

- (v) Independent accountability forums like National and Provincial Public Safety Commissions and Police Complaints Authority created pursuant to Police Order 2002 were either inactive or non-existent.
- (vi) *The executive lacked the necessary political will to modernize and reform the archaic policing system.*
- (vii) *Fixed tenure of Inspector General of Police.*
- (viii) Complete independence of Police operations.
- (ix) Autonomy of command with full administrative, operational and financial powers, including postings/transfers of Police officers up to the rank of Additional Inspectors General Police, without direction and control of any executive authority outside the organization.
- (x) Superintendence over Police by the Government to be limited to high policy decisions of an emergent nature, subject to ex post facto approval by the relevant public safety commission, but in no way prejudicing the autonomy of command and independence of operations.
- (xi) Unhindered empowerment of Inspector General of Police to formulate rules.

Pursuant to the superior judiciary's policing guidelines in relation to a de-politicized, professional and accountable Police service, the PRC has proposed certain amendments in the Police Order 2002. Needless to say that like all man-made laws the model Police law too will need periodical amendments / improvements in future, to meet the emerging challenges of a fast changing society. The proposed draft model Police law is annexed as Appendix I. Appendix II is draft model Police law showing proposed deletions from Police Order 2002 (struck through with line) and proposed additions to Police Order 2002 (highlighted and italicized).

1.2 Police Act 1861 a Federal Law, a Provincial Law, or both?

Historically, the present Police organization in the Indian sub-continent was established under the Police Act 1861. Though the Police Act 1861 was a central law, its adoption was left to the states. Having adopted the Police Act, however, the states were not permitted to amend it.

Under the Government of India Act 1935, the "Police" as a subject was included as entry 3 of List II (Provincial Legislative List), and *criminal law, criminal procedure and evidence* respectively included as entry 1, 2 and 5 of List III (Concurrent Legislative List).

After independence, the Police Act 1861 continued in force as an *existing* law under the Indian Independence Act of 1947.

Under the 1956 Constitution, the Police figured as entry 3 of the Provincial List. However, the subject of *criminal law, including the law of evidence and procedure* was significantly merged into

entry 1 of Concurrent List. The Police Act continued as an *existing* law under Article 224 of the Constitution.

The Constitution of 1973 provided only two Legislative Lists, namely Federal Legislative List and Concurrent Legislative List. The latter List, following the scheme of Government of India Act 1935, split the generic subject of criminal law (under the 1956 Constitution) into three separate subjects: *criminal law* (entry 1), *criminal procedure* (entry 2) and *evidence* (entry 4). Though the 1973 Constitution deleted the Provincial Legislative List, the Police Act 1861 was validated under Article 268(1) as *existing* law, *unless* altered, repealed or amended by the *appropriate* authority.

A close examination of post-1973 Federal and Provincial amendments in the Police Act 1861 is critical in assessing the correct constitutional status of Police Act in Pakistan. The Punjab Government, vide Act VII of 1975, introduced a *Punjab-specific* amendment in Section 7 of the Police Act 1861, bringing the power to compulsorily retire a negligent Police officer of subordinate rank within the scope of Section 7 of Police Act 1861. Through another amendment, vide the Police (Punjab Amendment) Ordinance VIII of 1984, the Punjab Government amended Section 30(3) of the Police Act 1861, yet again adding a *Punjab-specific* proviso. Likewise, the Sindh Government, vide Sindh Ordinance XLII of 1984 added a *local* amendment, *exclusive* to Sindh. These – *local* – amendments in the Police Act 1861 by different Provincial Governments made it clear that the Police Act 1861 was a valid Federal law falling within the concurrent legislative domain. If there was still any doubt in the constitutionality of Police Act 1861, it was completely laid to rest when the Federal Government, vide the Federal Laws (Revision and Declaration) Ordinance 1981, included the Police Act 1861 in the *updated* list of valid Federal laws. Substituting the applicable CrPC 1882 with the CrPC 1898, the Federal Laws (Revision and Declaration) Ordinance 1981 (Second Schedule) in effect also amended Sections 16, 26 and 37 of the Police Act 1861. This shows the interwoven nature of these relatable laws.

In *Inspector General of Police and others v. Mushtaq Ahmed Warraich and others* [**PLD 1985 SC 159**], the matter under contest was whether seniority of members of Police officers from Constable to Deputy Superintendent rank was to be determined under the Police Act, a *special* law, or the Punjab Civil Servants Act 1974, a *general law*, not the *constitutionality* of the Police Act 1861 *per se*. Having observed that (a) Police having been excepted under Article 8(3)(a) of the Constitution could not be treated at par with other civil servants, (b) taking out Police laws out of the applicability of fundamental rights obviously showed a different treatment meted out to the Police force qua the constitutional dispensations because of special nature of Police duties and the requirement of maintenance of discipline for proper maintenance of law and order, and (c) at the time when the Constitution was enacted it laid the foundation for the *continued* application of the Police Act 1861 and the rules framed thereunder, the apex Court held in favour of the Police Act

1861. However, the Hon'ble Supreme Court, was also pleased to observe: "Police being within the legislative competence of the provincial legislature, the Police Act 1861 was a provincial law." With respect, this observation was *obiter dictum* though a caveat was added that it was made *without* assessing the efficacy of Articles 143 and 148 of the Constitution. Here, it is relevant to refer to the jurisprudence developed in India over the matter of constitutionality of Police Act 1861. For instance, in Sagar Mal v. the State [AIR 1951 All 816], while observing that the Police Act 1861 which was passed in 1861 when there was no representative Government in India and had been *continued* to remain in force under Article 372(1) of the Constitution of India [Pakistan Constitution's Article 268(1)], the Allahabad High Court held that Article 246 of the Constitution of India [Pakistan Constitution's Article 142] did not apply to the Police Act 1861 which was already *in existence*, and therefore the constitutionality of Police Act 1861 could not be attacked on the ground that it being a Central Act was no longer a valid Act in any particular State. The same judicial view has since prevailed across India. Arguably, the Hon'ble Supreme Court would have *observed* differently in Inspector General of Police and others v. Mushtaq Ahmed Warraich and others, had it got the benefit of the scheme of the Federal and Provincial amendments made in the Police Act 1861 from 1975 to 1981 and the declaration by the Federal Government under the Federal Laws (Revision and Declaration) Ordinance 1981 that the Police Act 1861 was a valid Federal law. In 1985, the Federal Government, vide Ordinance II of 1985, again amended the Police Act 1861, adding sub-section (6) to its Section 15-A. Lastly, in 2001, vide C.E. Order No. 7, the Federal Government introduced several amendments of fundamental significance in the Police Act 1861, before *repealing* the Police Act 1861 on 14th August, 2002, and replacing it with the Police Order 2002.

The upshot of the above discussion is that had the framers of the 1973 Constitution intended to transfer the legislative jurisdiction over the Police Act 1861 entirely to the Provincial domain, they would have unambiguously stated it as such in Article 268(1) of the Constitution. Post-1973, the Provinces would have strongly agitated at the Federation's periodic intrusions in their perceived - *exclusive* - legislative domain, even thrown an outright legal challenge to the Federation on the basis that such amendments were simply a nullity in law. The Provinces at no time objected to these – overriding – Federal amendments.

1.3 Genesis of Police Order 2002

As noted, the Police Order 2002 was enacted on 14th August 2002, after the Federal Government repealed the Police Act 1861. It is important to note that the Police Order 2002 was not made in haste. Rather, recommendations of over 25 Committees/Commissions, both national and international, were extensively studied and discussed before the National Reconstruction Bureau (NRB) with its Final Report on Police Reforms, 2001. The draft Police Order 2002 prepared by the

NRB, after thorough vetting by the Law Division, was finally promulgated by the Chief Executive. In order to understand the fundamental changes effected by the Police Order 2002, let's start by comparing the preambles of Police Act 1861 and the Police Order 2002. The preamble of Police Act 1861 read as "WHEREAS it is expedient to re-organize the Police and to make it a more efficient instrument for the prevention and detection of crime", whereas the preamble of the Police Order 2002 reads as follows:

WHEREAS the Police has an obligation and duty to function according to the Constitution, law and democratic aspirations of the people;

AND WHEREAS such functioning of the Police requires it to be professional, service-oriented, and accountable to the people;

AND WHEREAS it is expedient to redefine the Police role, its duties and responsibilities;

AND WHEREAS it is necessary to reconstruct the Police for efficient prevention and detection of crime, and maintenance of public order."

The provisions of the Police Order 2002 specifically relevant to the present discussion include Article 3: Attitude and responsibility of Police towards the public, and Article 4: Duties of the Police. Article 8 deals with organization of Police on functional basis. The direction and control of Police in a Province unambiguously vests in the Provincial Police Officer, and, subject to his general direction and control, in Capital City Police Officer, City Police Officer, and District Police Officer (Articles 10, 11, 15 and 16). Enhancing the autonomy of Provincial Police Officer, under Article 11(5), he is empowered to exercise administrative and financial powers as *ex-officio* Secretary to the Provincial Government. Article 12 gives security of tenure to Provincial Police Officer, Capital City Police Officer, and Head of a Federal Law Enforcement Agency for a term of three years. Likewise, under Article 15, the City Police Officer and District Police Officer have three-year tenure from the date of posting. The institutional framework for independence and transparency of appointments, transfers and postings of senior Police officers is provided through District-, Provincial- and National-level Public Safety Commissions (Articles 37 to 96). For effective and credible accountability of Police, Articles 97 to 108 provide setting up of independent Police Complaints Authorities. Article 109 through District Criminal Justice Coordination Committees provides institutional framework for meaningful coordination between the judiciary, Police and other criminal justice stakeholders. Under Article 159, the National Police Management Board provides institutional framework for strategic management and planning for the Police forces. Article 168 provides for the establishment of Citizen Police Liaison Committees for promoting positive interaction between the citizen and the Police.

Significantly, the Police Order 2002 also empowers the Provincial Governments, under Article 184, to *amend, vary or modify* any of its provisions on the basis of their *specific requirements and circumstances* though *with* prior sanction of the Federal Government, but does not give the Provinces the power to altogether *repeal* the Police Order 2002.

In nutshell, the Police Order 2002 places a statutory obligation on the Police to function as an instrument of rule of law, in fulfilment of fundamental rights and democratic aspirations of the people of Pakistan. The principal purpose of Police Order 2002 was to improve professionalism, efficiency, integrity and accountability of Police, and to restore public confidence in Police. The overarching key principles the Police Order 2002 anchored included de-politicization of Police, transformation of Police from a public-frightening force to a public-friendly service organization, security of tenure to Police key appointment holders, administrative and financial autonomy of Inspector General Police, functional specialization, effective accountability, and adequate budgeting for Police capacity building and continuous professional development. The establishment of independent bodies like public safety commissions at national, provincial and district levels; independent Police complaints authorities; national Police management board; and citizen-Police liaison committees was all meant to achieve fair, effective and accountable policing.

1.4 Police Order 2002: Present Status

Taking a retrograde step, the Sindh and Balochistan Governments repealed the Police Order under Sindh (Repeal of the Police Order 2002 and Revival of the Police Act 1861) Act 2011, and the Balochistan Police Act No. X of 2011 respectively. The Khyber Pakhtunkhwa (KP) Assembly, on 24th January 2017, also passed its own version of Police Act 2017 (Act No. II of 2017). Though largely based on the core policing principles set out in the Police Order 2002, the KP Police Act 2017 has introduced a novel legislative scheme that distinguishes between *Provincial Legislative Field* and *Federal Legislative Field*, without actually giving a precise definition what each Field means and includes. Repealing the Police Order to the extent of *Provincial Legislative Field*, the scheme seems to be a device to avoid the repugnancy provision under Article 143 of the Constitution. As for as Punjab is concerned, it is the only Province that has retained the Police Order, vide the Punjab Police Order 2002 (Amendment) Act 2013. However, the repeal of Article 184 of the Police Order 2002 is repugnant to the limited legislative competence of the Province to *amend, vary or modify* the Police Order. Under Article 143 of the Constitution, no Provincial Assembly has power to repeal a provision that deals with the powers of the Federal Government.

The Sindh (Repeal of the Police Order 2002 and Revival of the Police Act 1861) Act 2011 was challenged by several civil society organizations in the Sindh High Court. In Judgment dated 07-09-2017 in CP No. D-7097 of 2016 and CP No. D-131 of 2017 the Sindh High Court gave a

landmark judgment on strong connection between an independent and autonomous Police force and enforcement of fundamental rights guaranteed under the Constitution. The principal motivation behind reversion to anachronistic Police Act by the Provinces of Sindh and Balochistan, and general resistance of Federal and Provincial Governments to implement the Police Order in *letter and spirit* stem from their desire to hang on to unfettered political control over the Police, even at the cost of substantial improvement in the quality of policing. The Balochistan High Court in Order dated 15-01-2018 in CMA No. 112 of 2018 (in CP No. 48 of 2013) also held that *full administrative and financial autonomy* of Inspector General Police is critical to an *independent and depoliticized Police service*. The Court also ordered a range of steps necessary for *fair, effective and politically-neutral policing*. In the Writ Petition No.5973 of 2017 [‘Muhammad Razzaq and Another Versus Federation of Pakistan and Others’] filed in Lahore High Court for ensuring meaningful implementation of Police Order 2002, the Court through Order dated 12.05.2017 directed the Government of Punjab to appoint Provincial Police Officer on a regular basis within a month from the date of the said Order and to ensure that the tenure of three years for a Provincial Police Officer as provided in Article 12 of the Police Order 2002 is strictly observed. The Provincial Government was further directed to constitute Provincial Public Safety Commission and District Public Safety Commissions within one month from the date of the said Order. Though the Federal Government and the Government of Punjab appointed a regular Provincial Police Officer, it was done without recourse to the statutory procedure laid down in Article 11(1) of the Police Order 2002. The Lahore High Court Order dated 12.05.2017, to the extent of establishment of Provincial Public Safety Commission and District Public Safety Commissions, however, is yet to be implemented. Several other Petitions filed in the Lahore High Court are pending adjudication.

1.5 18th Constitutional Amendment and Constitutionality of Police Order 2002

The constitutionality of Police Order 2002 was challenged in the Lahore High Court in Writ Petition No. 16244/2002 (Zafarullah Khan v. Federation of Pakistan). Rejecting the prayer, Mr. Justice Tasaddaq Husain Jilani (as he then was) held:

This country is being run by a written Constitution. Criminal Law is included in Concurrent List of the 4th Schedule...The Police Order 2002 primarily is relatable to the enforcement of the criminal law and policing, therefore, it would squarely fall within the said List. That being so, the Police Order 2002 is not ultra vires of the Constitution of Pakistan.

The Petitioner did not prefer appeal against the Lahore High Court judgment.

In 2003, vide the 17th Constitutional Amendment [Article 270AA (1), as on December 31, 2003], the Parliament duly validated the Police Order 2002 (C. E. Order No. 22 of 2002), and also placed it in Sixth Schedule of the Constitution for a period of six years. The Sixth Schedule spanned over thirty laws that could not be amended by the Parliament, without prior sanction of the President.

In 2010, the Parliament passed the 18th Constitutional Amendment, with the consensus of all political parties represented in the Parliament. The 18th Constitutional Amendment is relevant, in several respects, to the constitutionality of Police Order:

- (i) *The 18th Amendment affirmed the Parliament's legislative competence over the Police Order. Had the Parliament intended otherwise, the C. E. Order No. 22 of 2002 would have been either included in the purview of amended Article 270AA (1) or specifically excluded from the scope of Article 270AA (2).*
- (ii) The 18th Constitutional Amendment deleted the Sixth Schedule of the Constitution, leading to a misconception in certain quarters that the Parliament had impliedly transferred the Police Order to the exclusive legislative domain of the Provinces. In actual fact, entry 35 relating to the Police Order 2002 stood deleted from the Sixth Schedule on 31st December 2009 due to sunset clause of the 17th Constitutional Amendment, not due to coming into force of the 18th Constitutional Amendment on 20th April 2010. Even otherwise, the deletion of the Sixth Schedule under the 18th Constitutional Amendment only meant that the Parliament henceforth was free to *amend* the laws included in the Sixth Schedule *without* prior sanction of the President, *not* that these laws stood repealed.
- (iii) The 18th Constitutional Amendment also did away with the Concurrent Legislative List that contained 47 entries, including criminal law (entry 1), criminal procedure (entry 2), and *evidence* (entry 4). Nonetheless, it took care to protect the overriding legislative jurisdiction of the Federal Government over the Concurrent List's Police-related subjects of *criminal law*, *criminal procedure* and *evidence* by appropriately amending Article 142(b) of the Constitution. The amended Article 142(b) subjected *criminal law*, *criminal procedure* and *evidence* to legislative jurisdiction of both Parliament and Provincial Assembly, *subject* to repugnancy provision of Article 143 of the Constitution. Had the Parliament intended to transfer these three subjects, including matters incidental or ancillary thereto to the *exclusive* non enumerated legislative domain of the Provinces, the Article 142(b) would have been altogether repealed.
- (iv) Under the 18th Constitutional Amendment, the Parliament relocated entry 40 of Federal Legislative List (Part I) as entry 10 of Federal Legislative List (Part II). This

entry relates to *extension of the powers and jurisdiction of members of a Police force belonging to any Province to any area in another Province, but not so as to enable the Police of one Province without the consent of the Government of that Province*. The purpose of relocation was to institutionalize inter-provincial consultation on this Police-related matter by bringing it within the purview of Council of Common Interests [Article 154(1)].

- (v) The 18th Constitutional Amendment also introduced a new entry 32: “International treaties, conventions and agreements” in Federal Legislative List (Part-I). This entry has obvious relevance with Ministry of Interior and Police. Likewise, entry 3 in Federal Legislative List (Part-I) and dealing with matters of extradition, including the surrender of criminals and accused persons to Governments outside Pakistan is equally relevant to Ministry of Interior and Police. That being so, a range of Police functions clearly fall in the Federal Legislative List (Part-I). The Police cooperation with International Organisations is also specifically covered under Article 163 of the Police Order 2002. The Hon’ble Supreme Court in Civil Appeals No. 1583-1598 of 2014 has held that implementation of international conventions on corruption, terrorism, torture and organized crime, for instance, and matters relating to extradition necessitate legislation on a Provincial subject by the Parliament.
- (vi) As noted, the PSP is an All-Pakistan Federal Service common both to the Federation and the Provinces. Constituted under Article 240 of the Constitution, the PSP comprises officers of the rank of Inspector General, Additional Inspector General, Deputy Inspector General, Senior Superintendent, Superintendent, and Assistant Superintendent. While the Inspector General heads the Police in a Province and is appointed by the Federal Government, other PSP officers holding senior staff and field assignments assist him in the discharge of his duties. The Assistant Superintendents recruited through the Federal Public Service Commission are trained centrally at the National Police Academy. Promotions, disciplinary matters and inter-provincial transfers of PSP officers are dealt with by the Federal Government (Establishment Division) while the coordination of inter-provincial law and order matters is handled by the Federal Government (Ministry of Interior). The 18th Constitutional Amendment did not in any way skew this long-held Federal responsibility in favour of the Provinces. Rather, by adding a new entry 13 relating to “Inter-provincial matters and coordination” in Part-II of Federal Legislative List, the Eighteenth Constitutional Amendment actually for the first time provided clear constitutional underpinnings to inter-provincial coordination of law and order matters by the Federal Government.

- (vii) Under the 1973 Constitution, while “Railways” figures as entry 1 of Federal Legislative List (Part - II), the field “Railway Police” does not figure at all. If the Police is taken to fall exclusively within the provincial domain and “Railway Police” is not taken as a matter *incidental or ancillary* to “Railways”, then Pakistan Railways Police Act 1977 would be rendered *ultra vires* the Constitution. The same shall hold for the Federal Investigation Act 1974, the Anti-Terrorism Act 1997, and National Accountability Ordinance 1999.

In nutshell, the above discussion amply establishes that the 18th Constitutional Amendment has had no change in the concurrent status of Police Order 2002. If anything, some of the new or amended entries have actually strengthened the reliability of Police Order 2002 with the Federal Legislative List.

1.6 Interwoven Nature of Criminal Law, Criminal Procedure, Evidence and Police Law

When we talk of crime, we talk of Police, we talk of criminal law, we talk of criminal procedure, we talk of law of evidence, and we talk of Police law. Whilst criminal law defines a crime and prescribes the punishment, the Police conducts investigation under the criminal procedure code and the law of evidence, and brings the offender before Court for trial and punishment. Black Law Dictionary defines Police as an agency charged with the prevention, detection, and punishment of crimes [Sixth Edition, p. 1156]. The intertwined and overlapping nature of Police law, criminal law, criminal procedure, and law of evidence gets evident when we have a comparative look at the relevant provisions under the Police Act 1861, the Government of India Act 1935, the 1956 Constitution, the 1973 Constitution, and the Police Order 2002:

- (i) Section 6 of Police Act 2002 at one time dealt with magisterial powers of Police-officers. This Section was repealed by the CrPC, 1882. Likewise, all moneys payable under Sections 13, 14, 15 and 15-A of Police Act, until 1981, were subject to CrPC, 1882. The CrPC 1882 had also amended Sections 24, 26 and 35 of Police Act. After coming into force of the Federal Laws (Revision and Declaration) Ordinance 1981, the CrPC 1882 was replaced with the CrPC 1898. Section 37 of Police Act was subject to both Pakistan Penal Code and the CrPC. This shows clear reliability of criminal law, criminal procedure, evidence and Police law.
- (ii) The Government of India Act 1935 contained three entries relating to *Criminal Law*, *Criminal Procedure* and *Evidence* respectively at Sr. No. 1, 2 and 5 of List III

(Concurrent Legislative List). As against this, the Concurrent List of 1956 Constitution included these three subjects in a single generic entry (Sr. No. 1) which read as *criminal law, including the law of evidence and procedure*. In other words, the 1956 Constitution *subsumed* the related fields of *criminal procedure* and *evidence* in the single field of *criminal law*. The 1973 Constitution listed *criminal law, criminal procedure and evidence* separately under the Concurrent Legislative List (entry 1, 2 and 4).

- (iii) A substantial part of CrPC 1898 (Chapters IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XXXIX) relate to Police functions. It is the Police that applies the Pakistan Penal Code while Articles 38, 39, 40 of the Qanun-e-Shahadat Order 1984 regulate confessions before Police. The Police Order 2002 includes Chapter XVI (Sections 138-154) on *Offences and Punishments*, and Chapter XVII (Sections 155-157) on *Offences by and Punishments for Police Officers*. Not only are Police Order offences and punishments relatable to *criminal law*, their trial is regulated by the CrPC 1898. Article 153 of Police Order 2002 even overrides the CrPC 1898 by making the offences falling under Articles 148 to 152 cognizable. Chapter XI of Police Order specifically caters for inter-agency coordination between judiciary, Police, prosecution, prison, probation and parole services.
- (iv) “It is indeed well known that the provisions of the Police Act are meant to supplement the provisions made in other *connected* Acts and are to be read with them, for instance, the Indian Penal Code, the CrPC, the Indian Evidence Act, the Arms Act, etc.,” wrote K. K. Singh (1997) in *The Police Acts (Central and States)*, p. x.
- (v) As stated (para 22/N) above, the Lahore High Court in Writ Petition No. 16244/2002 (*Zafarullah Khan v. Federation of Pakistan*) held that the Police Order 2002 being primarily relatable to the enforcement of the criminal law would squarely fall within the Concurrent Legislative List (as it existed then). That being so, the Lahore High Court concluded that Police Order was not *ultra vires* the Constitution.
- (vi) Examples of *intertwined* Police and criminal justice laws from the UK include the Police and Criminal Evidence Act 1984, the Criminal Justice Act 1988, the Criminal Justice and Public Order Act 1994, the Police Act 1996, Terrorism Act 2000, the Police Reform Act 2002, the Criminal Justice Act 2003, the Police and Justice Act 2006, and the Policing and Crime Act 2017.

The above discussion (para 26/N) demonstrates the irrefutable linkage that has long existed, both nationally and internationally, between criminal law, criminal procedure, evidence and Police laws.

1.7 Need and Justification for a Standard and Uniform Police Law

The Constitution defines the entire structure of the state in a manner that it revolves around the fundamental rights and principles of policy. Side by side, the administrative and judicial structures are designed to enforce fundamental rights of every citizen without compromising the security of the State. Under Article 148(3) of the Constitution, it is the *duty* of the Federation to protect every Province against external aggression and *internal disturbances and to ensure that the Government of every Province is carried on in accordance with the provisions of the Constitution*. The Federation's *duty* to maintain peace and order under Article 148(3) obviously cannot be fulfilled effectively without enacting uniform and standard criminal laws, including Police laws. Fragmented criminal laws and poor inter-provincial coordination are a recipe for disaster, particularly while dealing with serious crime including terrorism. Can the required uniformity be achieved if the agency charged with interfacing with the public lacks synchronization with other structures of criminal law? Police law thus has to be uniform across Pakistan otherwise it just cannot achieve the desired goal of non-discriminatory enforcement of fundamental rights. Under Article 149, the executive authority of every Province shall be so exercised as not to impede or prejudice the exercise of the executive authority of the Federation. The maintenance of peace and order being a shared responsibility of the Federal and Provincial Governments, the unilateral repeal of or amendments in the Police Order 2002, a Federal law, by Sindh, Balochistan, KP and Punjab, in varying degrees, seem obvious violation of Articles 137, 143, 148(1) and 149 of the Constitution.

Of late, particularly in the backdrop of 9/11, a growing number of countries have revisited their laws relating to peace and order and Police organization. In the US, the FBI has been given a whole range of new powers, in addition to the creation of Homeland Security as a new Department. President Obama in July 2016 even called for "Federalizing" the Nation's Police Force through standardized training and professional development across the US. In Scotland eight independent Police forces were merged into a single national Police service in April 2013. Law enforcement in Belgium underwent a fundamental structural reform in 2001. The reform led to an integrated Police service structured on the Federal and Local levels and made up of the Federal Police and the Local Police. In Germany, there are powerful voices for reforming German Police and establishing a single judicial system across Europe. Malaysia, a Federation, already has a single National Police. In India, an independent National Investigation Agency, with mandate to take up investigation of any terrorism-related case, even without concurrence of the concerned State, was established in the

aftermath of Mumbai terrorist attacks of 2008. More relevantly, the 2015 Constitution of Nepal includes only matters relating to provincial Police administration and peace and order in the State Legislative List, while all matters, including matters relating to the operations, supervision and coordination of functions to be discharged by the Nepal Police, State Police, Armed Police Force and National Investigation Department are provided for, under Article 268, in the Federal law. The example of Nepal is pertinent in several ways. The Nepalese Constitution has three Lists and the Police Act 1861 is a subject *exclusively* reserved for the Federal jurisdiction. It is the newest Constitution in the world. It has changed Nepal from a unitary form of government to a Federal Parliamentary System. Two Constituent Assemblies took several years to finalise the Constitution (First Constituent Assembly: 2008-2012, Second Constituent Assembly: 2013-2015). The whole exercise received a wide range of support by UNDP and many other international agencies.

Whilst integration and harmonization of Police institutions across countries and regions is gaining pace, it is regrettable that with multiple 'Police Acts' the policing system of Pakistan has become more and more fragmented over time, and that too when Pakistan and the international community is faced with exceptionally daunting law and order challenges. It is critical that a standard law enforcement system is not only maintained but further strengthened to enable the Police to meet the challenges of terrorism and serious organized crime that Pakistan is presently confronted with. The standard law should also aim at promoting enhanced cooperation on mutual legal assistance and Police cooperation matters.

Without uniform criminal laws: penal, procedural, evidential and Police-related, any meaningful coordination amongst various Police forces across Pakistan, much less internationally, will be difficult to achieve, even impossible in certain situations. The country is already suffering due to a variety of criminal justice systems in its different parts and this factor alone is a major cause of our present policing woes. There is a strong case to move fast in the direction of standardization. Due to vested interests we have failed to take required decisions and even when taken they have remained unimplemented. Introduction of regular CJS by deploying regular Police in B Areas of Balochistan was reversed by the vested interests when the Federal Government had already spent more than Rs. 10 billion. FATAs and tribal area of Rajanpur District have long remained *ungovernable spaces*. It is internationally recognized that the way forward to fight exceptional challenges of law and order and restore writ of law is to have fair, effective and accountable Police forces operating under standard criminal law statutes and procedures, rather than varied and fragmented structures and systems.

1.8 Recent Developments

In order to seek expert guidance on the issue of constitutionality of one standard Police law for Pakistan, in the backdrop of 18th Constitutional Amendment and recent judgments by the Superior Judiciary, the PRC requested the Secretary, Law and Justice Commission to arrange meetings with eminent jurists of the country. The synopsis of the outcome of these meetings held in the Law and Justice Commission and attended by Members of PRC and the Secretary and relevant staff of Law and Justice Commission is that Police Order 2002 is a valid Federal law relatable to Article 142 (b) of the Constitution and both "*Majlis-e-Shoora (Parliament) and a Provincial Assembly have power to make laws with respect to criminal law, criminal procedure and evidence, subject to repugnancy provision of Article 143.* However, only a judicial declaration from the Hon'ble Supreme Court of Pakistan can conclusively resolve this contentious constitutional matter.

1.9 Way Forward

In view of the above discussion, the PRC recommends as follows:

- (i) The efficient, fair and uniform enforceability of fundamental rights as guaranteed in the Constitution cannot be achieved unless Police perform its functions strictly in accordance with law under a uniform standard Police law for the entire country. The Hon'ble Supreme Court may kindly decide the constitutionality of Police Order 2002 under Article 184(3) of the Constitution, after giving due consideration to the recommendations of PRC and advice of eminent jurists.
- (ii) All past efforts at reforming Police have failed due to lack of will on part of the ruling elite and strong resistance from vested interests, the Hon'ble Chief Justice of Supreme Court is requested to constitute an Implementation Bench of the apex Court to monitor progress of implementation of model Police law and Superior Judiciary verdicts that relate to the long needed transformation of a public-frightening Police inherited as a colonial legacy into a public-friendly service delivery organization meant to uphold the Rule of Law.

Part-II

POLICE ACCOUNTABILITY AND OPERATIONAL MATTERS

CHAPTER 2. POLICE ACCOUNTABILITY

Term of Reference: *Recommend internal and external accountability mechanisms to address the public complaints against the Police. Departmental institutional arrangements and external oversight mechanisms should be clearly spelt out to reduce pressure on the judiciary that is inundated with public complaints against the Police.*

2.1 COMPLAINTS AGAINST POLICE: CONCERNS OF SUPERIOR JUDICIARY

The Hon'ble Lahore High Court in a landmark judgment by Mr. Justice Iftikhar Hussain Chaudhry, Chief Justice, Mr. Justice Asif Saeed Khan Khosa and Mr. Justice Sheikh Abdul Rashid clearly spelt out the role of Justice of Peace / ex-officio Justice of Peace and concerns of the judiciary, as regards complaints against the Police. The salient features of the judgment cited as PLD 2005 Lahore 470 on Writ Petition Nos. 11862, 14415, 17169 and 16453 of 2004 pronounced on 1st June 2005 are summarized below.

2.1.1 Questions Framed:

The Hon'ble Judges framed the following key questions regarding the issue of Justice of Peace and common complaints against the Police along with the legal and administrative framework:

- i. What is the role of a Justice of Peace / ex-officio Justice of Peace?
- ii. Does Justice of Peace exercise judicial powers or merely administrative and ministerial powers?
- iii. Can Justice of Peace directly interfere with investigation of a criminal case?
- iv. Can Justice of Peace on getting complaints against Police, issue directions?
- v. What remedies are available for Justice of Peace against non-compliance of directions?
- vi. Whether or not the order passed by Justice of Peace is legally sustainable?

2.1.2 Who is Justice of Peace:

Justice of Peace is an institution conceived and conjured up centuries ago mainly to assist the Police and the other law enforcing agencies in maintaining peace in the society. It originated in England and had been introduced by the British in some of their colonies. During their rule over the Indo-Pak sub-continent the British had also introduced the concept of Justices of the Peace in the local system of governance and conservation of the peace. On November 21, 2002 ex-officio

Justices of the Peace in Pakistan were conferred an additional role through promulgation of the Criminal Procedure (Third Amendment) Ordinance (Federal Ordinance No. CXXXI) of 2002.

2.1.3 The Powers of Justice of Peace in Pakistan:

The major powers of Justice of Peace under Section 22-A CrPC include:

- i. To make an arrest in circumstances enumerated in Sections 54 & 55, CrPC and to hand over custody of the arrested person to the officer in charge of the nearest Police Station;
- ii. To call upon any member of the Police force on duty to aid him in arresting or preventing the escape of a person involved in commission of a cognizable offence;
- iii. To call upon any member of the Police force on duty to aid him in the prevention of crime, breach of the peace or disturbance of the public tranquillity;
- iv. To issue a certificate of identification of a person, to verify any document and to attest any document;
- v. To issue appropriate directions to concerned Police authorities under Section 22-A (6) of CrPC as an ex-officio Justice of Peace on a complaint regarding:
 - Non-registration of criminal case;
 - Transfer of investigation from one Police officer to another; and
 - Neglect, failure or excess committed by a Police authority in relation to its functions and duties.

2.1.4 The Duties of a Justice of Peace:

The duties of justice of peace under Section 22-B CrPC include:

- i. To make inquiries and to report in writing to the nearest Magistrate and to the officer in charge of the Police Station whenever he receives information of an occurrence of any incident involving a breach of the peace or of commission of any offence within his local area;
- ii. If the information received by him is in respect of commission of a cognizable offence then to also prevent any interference with the place of occurrence or removal of anything there from;
- iii. To render assistance to a Police officer, if so required in writing by him, making an investigation in respect of any offence within the relevant local area;
- iv. To record any statement, if so required in writing by a Police officer making an investigation in respect of any offence within the relevant local area, made under expectation of death by a person in respect of whom a crime is believed to have been committed.

2.1.5 Discussion:

Arguments of all parties resulted in clarification of certain vague areas as regards power and authority of justice of peace under CrPC:

- i. A Justice of the Peace or an ex-officio Justice of the Peace in Pakistan performs functions that are administrative and ministerial in nature and not judicial in character;
- ii. The superior Courts of Pakistan having Constitutional, legal, supervisory and inherent judicial jurisdiction, have consistently and consciously refrained from directly interfering with investigation of a criminal case by the Police;
- iii. It is a well-established principle that where investigation is mala fide or without jurisdiction, the High Court under Article 199 of the Constitution is competent to correct such proceedings and pass necessary orders, to ensure justice and fair play;
- iv. It is within jurisdiction of Section 22-A (6) CrPC that an ex-officio Justice of the Peace can issue appropriate directions to the Police authorities concerned on the basis of complaints regarding: non-registration of a criminal case; transfer of investigation from one Police officer to another; and neglect, failure or excess committed by a Police authority. However, such directions to the concerned Police authorities to attend to the grievance of the complaining person in accordance with the relevant law an ex-officio Justice of the Peace cannot arrogate to himself the power of redressing the actual grievance itself;
- v. Under Section 22-A(6), CrPC an ex-officio Justice of the Peace is to perform the role of a facilitator and that of a bridge or a conduit between the complaining persons and the Police authorities concerned and the jurisdiction under Section 22-A(6), CrPC does not allow an ex-officio Justice of the Peace to put on the mantle of a higher Police authority himself, and to start exercising all those executive powers himself which the relevant law has vested in the concerned Police authorities.

2.1.6 Complaints against Police:

Common complaints against the Police identified include:

- i. Harassment by the Police: Complaints about harassment by the Police in the absence of any criminal case having been registered against the aggrieved person in an extreme case of highhandedness and totally unjustified harassment the ex-officio Justice of the Peace may issue a direction to the relevant Police authority to register a criminal case against the delinquent Police officer;
- ii. Failure of the Police to Register a Criminal Case: Complaints regarding failure of the

- Police to register a criminal case despite commission of a cognizable offence having been reported to it –the use of the word "may" in Section 22-A(6), CrPC clearly shows that the jurisdiction of an ex-officio Justice of the Peace in that regard is discretionary in nature;
- iii. Failure to add appropriate Penal provisions to FIR: Complaints pertaining to failure by the investigating officer to add appropriate penal provisions to an FIR or a cross-version of the accused party – such complaints are not uncommon but they are normally not worthy of being taken with any degree of seriousness by an ex-officio Justice of the Peace;
 - iv. Failure to Record a Cross-version: Complaints about failure by the investigating officer to record a cross-version of the accused party– an ex-officio Justice of the Peace should call for comments of the investigating officer explaining as to why he has not recorded the version of the accused party and if such comments confirm the complaint that despite having been approached in that regard by the accused party, the investigating officer has not recorded the version of the accused party, then a direction may be issued by the ex-officio Justice of the Peace to the investigating officer to do the needful or in the alternative the Superintendent of Police(Investigation) of the relevant Districts ensure that the needful is done by the investigating officer without further ado;
 - v. Failure to Arrest an accused Person nominated in FIR: Complaints regarding failure to arrest an accused person nominated in the FIR or in the cross-version of the accused party –under Section 22-A (1), CrPC a Justice of the Peace has the jurisdiction to exercise all those powers of arrest in the relevant local area which powers are available to a Police officer referred to in Section 54 & 55 CrPC. The powers of arrest in both the said sections are the same but they relate to different situations;
 - vi. Seeking Transfer of Investigation: Complaints pertaining to unfair, biased and improper investigation and seeking transfer of the investigation:
 - (a) The complaints about unfair, biased and improper investigation and seeking transfer of investigation of the relevant criminal case are generally the most frequent complaints that are filed before the ex-officio Justices of the Peace under Section 22-A(6), CrPC and are often subject matter of Writ petitions filed before superior Courts and therefore, this area has also emerged for serious and detailed consideration;
 - (b) By virtue of the provisions of Article 18(5) of the Police Order, 2002 a District Police Officer cannot interfere with the process of investigation. According to Article 18(6) of the Police Order, 2002 the first change of investigation can, in areas other than

the Capital City District, be ordered only by the Additional Inspector General of Police (Investigation Branch) and that too only after deliberations and recommendations by a Board headed by an officer not below the rank of Senior Superintendent of Police and including two Superintendents of Police, one being in charge of the investigation in the concerned District. According to the same Article second change of investigation may only be allowed with the approval of the Provincial Police Officer (Inspector General of the Police in a Province) or the Capital City Police Officer, as the case may be;

- (c) It had already been observed above that an ex-officio Justice of the Peace cannot step into the shoes of a competent Police authority so as to himself pass an order transferring investigation of a criminal case and that his role in this regard is confined only to get the process started under Article 18(6) of the Police Order, 2002;
- vii. Failure to submit a Challan within reasonable time: Complaints about failure to finalize investigation of a criminal case and to submit a Challan within a reasonable time – if the explanation submitted by the investigating officer is found by the ex-officio Justice of the Peace to be unsatisfactory then he may issue a direction to the Superintendent of Police (Investigation) of the relevant District to ensure finalization of investigation and submission of Challan at the earliest possible and may also, depending upon the circumstances of the case, either warn the relevant investigating officer to be careful in that regard in future or issue a direction to the relevant higher Police authority or the relevant Public Safety and Police Complaints Commission to consider the complaint and to take appropriate action against the delinquent Police officer under the relevant provisions of the Police Order, 2002 or under any other law applicable to such misconduct.

2.1.7 Conclusions:

- i. The powers and duties of a Justice of the Peace or an ex-officio Justice of the Peace in Pakistan stand specified in Sections 22-A and 22-B, CrPC and they possess no other additional power and perform no other additional duty except that which is specifically conferred upon them by a statute;
- ii. The powers and duties of a Justice of the Peace or an ex-officio Justice of the Peace in Pakistan do not involve any jurisdiction which can be termed as judicial and the functions performed by him are merely administrative and ministerial in nature and character;
- iii. The superior Courts of Pakistan having Constitutional, legal, supervisory and inherent

judicial jurisdiction have consistently and consciously refrained from directly interfering with investigation of a criminal case by the Police and, therefore, Justices of the Peace or ex-officio Justices of the Peace possessing only administrative and ministerial powers should be twice shy of such direct interference;

- iv. The directions to be issued by an ex-officio Justice of the Peace under Section 22-A (6), CrPC are to be directions to the concerned Police authorities to attend to the grievance of the complaining person in accordance with the relevant law and through the jurisdiction under Section 22-A (6), CrPC an ex-officio Justice of the Peace cannot arrogate to himself the power of redressing the actual grievance itself. An exception to this is a case of a clear legal obligation on the part of a Police officer to act in a particular manner in which situation a direction may be issued by an ex-officio Justice of the Peace to the concerned Police officer to do the needful. Under Section 22-A(6), CrPC, an ex-officio Justice of the Peace is to perform the role of a facilitator and that of a bridge or a conduit between the complaining persons and the Police authorities concerned and the jurisdiction under Section 22-A(6), CrPC does not allow an ex-officio Justice of the Peace to put on the mantle of a higher Police authority himself and to start exercising all those executive powers himself which the relevant law has vested in the concerned Police authorities;
- v. Barring exceptional and extraordinary cases, the remedy before an ex-officio Justice of the Peace under Section 22-A(6), CrPC can ordinarily be termed and accepted as an adequate alternate statutory remedy, ousting a direct recourse by an aggrieved person to the High Court by invoking its extraordinary jurisdiction under Article 199 of the Constitution;

The proceedings before an ex-officio Justice of the Peace under Section 22-A (6), CrPC are essentially summary in character. He is not required to treat such proceedings as regular list and no elaborate orders having semblance of a judgment are required to be passed.

In the light of the above judgment it can be inferred that if the Police has an effective and robust Internal Accountability Mechanism then the need for Justice of Peace / ex-officio Justice of Peace would not arise. Furthermore, in the presence of effective Internal Accountability Mechanism in the Police, the work load of the judiciary as regards complaints against the Police would drastically be reduced.

Part-II

2.2 INTERNAL ACCOUNTABILITY

Presence of strong and effective Internal Accountability Mechanisms in an organization cannot be overemphasized. Police being a service-oriented department vested with extensive powers to restrain liberty of people needs a very vigilant and robust accountability system to ensure that life, property and honour of citizenry are not adversely affected at the hands of Police. Moreover, it is to be ensured that service with very high professional standards is provided to public and all the concerns of the judiciary noted above are addressed.

2.2.1 Present System of Internal Accountability:

- i. Internal Accountability Mechanisms are present in Police governed by E&D Rules all over the Provinces. Following chart elaborates the Punishments and relevant Punishing Authorities:

Sr.	Punishments	IP	SI/ASI	HC	Const
1	Extra Drill not exceeding 15 days fatigue or other duties			SP	Inspector
2	Confinement to Quarters up to 15 days			SP	ASP
3	Censure	SP	SP	ASP	ASP
4	Forfeiture of approved service up to 2 years	SP	SP	SP	ASP
5	Stoppage of increment not exceeding 3 years	DIG	SP	ASP	ASP
6	Fine to any amount not exceeding one months' pay	DIG	SP	ASP	ASP
7	Withholding of promotion for one year or less	DIG	SP	SP	SP
8	Reduction from substantive rank to a lower rank or reduction in pay	DIG	SP	SP	SP
9	Dismissal, removal from service, compulsory retirement	DIG	SP	SP	SP

- ii. Power to proceed departmentally against a DSP lies with IGP/PPO.

2.2.2 Punishments awarded in Punjab (2017):

At present accountability in Police Department is carried out at the respective Districts and Regional levels. An analysis of punishments given to Police Officials of various ranks in Punjab reveals that more than 64,000 punishments were given to officials of various ranks in 2017. Around 80% of the total punishments comprise of censure, fine and forfeiture of service. Moreover, 62.5% of the punishments were awarded to officials of the rank of constable and Head Constable. Details are appended as (**Annex-B**).

2.2.3 FIRs Registered on Orders of Courts (22-A & 22-B):

Analyses of FIRs registered on the orders of Courts vide 22-A & 22-B is also placed as (**Annex-C**). A total of 23,994 cases were registered in Punjab in year 2017 on Court orders. While comparing this with the punishments awarded to officials for delay in registration of FIRs, 164 officials were punished for delay in registration of FIR. Further, it can be noted that only 3 officials were awarded punishment of reduction in rank, whereas, most of the others were awarded minor punishments like censure or forfeiture of service.

2.2.4 Conclusion:

From this the following conclusions can be drawn:

- i. The number of punishments is very high, whereas the desired results are still not achieved;
- ii. The punishments in effect do not address the concerns of the judiciary as noted above;
- iii. Most of the punishments were awarded to Constables/ Head constables who are not directly related to issues raised above;
- iv. Most of the punishments awarded to Inspectors/ SI/ASI were not given on issues. Moreover, the punishments were not adequate in most of the cases and were minor in nature;
- v. As such the internal accountability mechanisms at the District and Regional levels are not effective to address the complaints against Police.

2.2.5 Internal Accountability Branch (IAB):

There is a need to have an Internal Accountability Mechanism at the CPO level to meet the challenge. Punjab has established a Discipline & Inspections Branch headed by an officer of the rank of Additional IGP. There is a need to have an effective body to deal with complaints against Police internally. It can be named as Internal Accountability Branch (IAB).

Following can be the Objectives, Organization Structure and Functions of IAB.

2.2.6 Objectives:

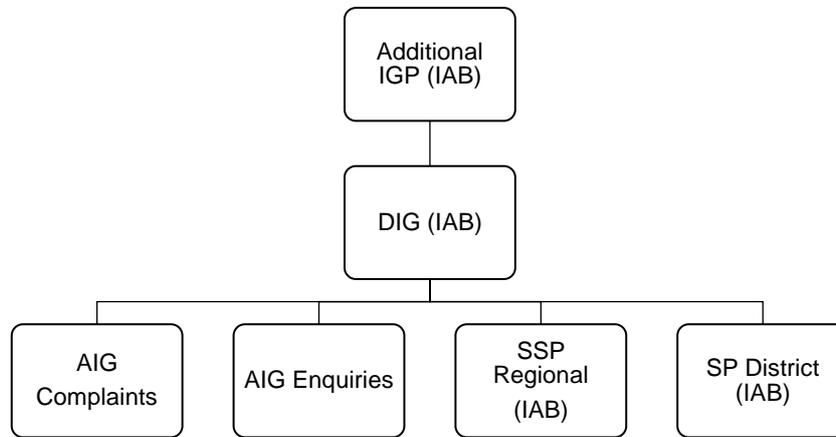
The following may be the objectives of IAB:

- i. To protect the public, the employees and the department through fair, thorough and proactive enquiries/proceedings of alleged misconduct;
- ii. To identify corrective actions by changing procedures/practices of Police department for better service delivery;
- iii. To ensure departmental/ legal action commensurate with the misconduct;
- iv. To protect the Police against false and malicious allegations of misconduct by ensuring fairness and accuracy in all investigations/enquiries;
- v. To streamline the platform of public complaints and grievances against Police;
- vi. To inculcate sense of responsibility and accountability at various levels in Police.

2.2.7 Organization Structure:

- i. The Internal Accountability Branch (IAB) to be established at Central Police Office shall be headed by an officer of the rank of an Additional Inspector General of Police, assisted by a DIG, two SSP rank officers at CPO and SSP/ SP rank officers at Regional/ District level. The organogram/ command structure of the proposed Branch is given below. The IAB to be provided with adequate resources, properly manned and financially independent;
- ii. The officers at district level may not be assigned any other duty;
- iii. Regional and District level officers may consist of teams of three / four officials, as per requirement.

Organogram



2.2.8 Charter of duties/functions of Internal Accountability Branch:

The main functions of the Internal Accountability Branch (IAB) shall be to:

- i. Process and enquire into all internal and external complaints against Police officers of all ranks (from DIG to Constable) received from various authorities or general public;
- ii. Devise mechanism for timely disposal of public complaints and maintain track record of the same;
- iii. Maintain record of enquires and ensure their timely disposal;
- iv. Conduct enquiries against injudicious use of financial resource, corruption and the allegations of abuse of power by Police officers;
- v. Conduct statistical / empirical analysis of disciplinary matters to improve the system of accountability;
- vi. Formulate Police accountability policy and monitor its implementation.

2.2.9 Duties of the Additional IGP (IAB):

The Additional IGP (IAB) shall be responsible:

- i. To entrust enquiries/ complaints to any member of IAB:
 - (a) On receipt of enquiry reports file them or entrust to any officer for regular departmental enquiry. The officer will be chosen from a panel of officers already approved by PPO/ IGP;
 - (b) Addl. IGP (IAB) will be authorized to co-opt any officer for enquiry/probe.
- ii. To take departmental action against delinquent Police officials including officers of the rank of DSP and above in the light of recommendations of the enquiry officer. Appeals against orders of Additional IGP(IAB) shall lie with the IGP/PPO;
- iii. To keep close liaison with other units of Police department and report facts to the IGP with suggestions to improve the situation in a particular area;
- iv. To send periodic reports to the IGP/PPO about various matters as per the Charter of

Duties;

For overall efficient and effective administration of the IAB and its subordinate offices, the Additional IGP IAB shall enjoy complete operational autonomy and independence in matters related to his mandate. He shall be granted separate budget for running his department, with separate finance, procurement, and logistics. DIG/IAB shall act as the DDO at the CPO level, while regional SPs will be DDOs at regional level. His officers shall answer to him alone. The IAB will be answerable to the PPO only through the Additional IGP. In addition to regular Police officers and ministerial staff, the Additional IGP may request or hire services of auditors, researchers, and legal experts from within the department or from without.

2.2.10 Duties of DIG (IAB):

Following will be the duties of DIG (IAB) who shall be responsible to:

- i. Keep the Additional IGP(IAB) informed about the functions assigned to the Internal Accountability Branch as per the Charter of Duties;
- ii. Be responsible for the efficient and effective working of the IAB;
- iii. Supervise the work of AIGs Discipline, Complaints, Enquiries and Regional SPs and District ASPs/DSPs;
- iv. Liaise with other Police units to achieve the purpose of the IAB through enquiries, facts reporting and recommendations for improvement;
- v. Get reports from the AIGs and Regional SPs of IAB within the stipulated period.

2.2.11 Duties of AIG (Complaints):

AIG Complaints will have responsibilities as follows:

- i. To work as focal person to deal with complaints against Police at the CPO and to coordinate with districts and regions to follow up for timely action to be taken on the complaints;
- ii. To manage all matters related to complaints referred by the Chief Minister, Chief Secretary and the IGP/PPO;
- iii. To work as a focal person with Police Compliant Authority in the Province;
- iv. To provide assistance to IGP/PPO during Open Court and ascertainment of facts as necessitated in the interest of justice;
- v. To manage all complaints coming from the offices of President, Prime Minister, Governors, Chief Ministers, Federal and Provincial Departments, Embassies of Pakistan, and Foreign Governments, Oversees Pakistani and all other sources;

- vi. To develop and manage the Computerized Complaints Management System (CMS) for expeditious maintenance of records, complaints track system, data mining and retrieval in the interest of prompt service delivery;
- vii. To analyse complaints under various heads emanating from different districts, according to causes, trends and remedial measure thereof;
- viii. To ensure that action is taken against Police officials if they were wilfully found to be negligent in their duties and IGP's Complaints Centre had to interfere for redress of grievances of the complainants.

2.2.12 Duties of AIG (Enquiries):

AIG Enquiries will be responsible to:

- i. Ensure that the enquiry officers carry out enquires on merit and periodically report to the Additional IGP (IAB) about quality of enquires;
- ii. Maintain record of enquires and ensure their timely disposal;
- iii. Supervise the enquires being conducted against Police officers on allegations of irregularities, misuse of financial resource, corruption and the allegations of abuse of power;
- iv. Verify complaints of indifference to welfare of Police personnel;
- v. Ensure that all enquires entrusted to various Officers are completed within four weeks and reports are submitted accordingly;
- vi. Forward the outcome of enquiries to AIG Discipline for completion of departmental action;
- vii. Conduct any enquires of high profile cases entrusted to him by IGP, Additional IGP or PCA.

2.2.13 Duties of Regional SSP (IAB) and District IAB:

Following shall be the duties of the IAB officers at the regional and district level:

- i. Discreet and fact finding enquiries into:
 - (a) Rampant/persistent complaints of corruption;
 - (b) Gross miscarriage of justice;
 - (c) Police inaction in important/high profile/sensational cases;
 - (d) Police high handedness/torture, death in custody and other violations of basic human rights;
 - (e) Escape from Police custody indicating Police involvement/ connivance;
 - (f) Police encounters having allegations of being fake;
 - (g) Report of increase in crime and Police indifference particularly in non-registration

of FIRs.

- ii. Checking and verifying whether important instructions issued by the PPO and Additional IGP (IAB) Punjab from time to time, are being implemented in letter & spirit;
- iii. Any other task assigned by DIG (IAB) and Additional IGP (IAB);
- iv. They shall have linkage with the concerned CCPO/RPO who may also assign them important enquires on any matter under intimation to DIG (IAB).

Part-III

2.3 EXTERNAL ACCOUNTABILITY

2.3.1 Police Complaints Authority

- i. **Police Complaints Authority (PCA):** Externality is a key feature of the best practices of Police accountability and oversight. However robust an internal accountability mechanism, there is no substitute to the external checks. Neutrality, objectivity, transparency and impartiality flow from an external system of accountability, while the internal controls can be susceptible to self-preservation needs of an organization. However, external oversight nowhere in the world has replaced the internal accountability. The internal, in-built controls are absolutely essential; the external checks are placed to prevent any failures of the internal audits. Both the internal and external accountability do not militate against or exclude each other, but are complementary in nature.

An effective accountability system must have efficient and non-discriminatory internal as well as external accountability mechanisms and an enabling environment to enforce accountability in a transparent and fair manner. Departmental action against Police officers from the rank of Constable to Inspector (Junior Police Officers) is taken under "Punjab Police Efficiency and Discipline Rules, 1975" by respective Regions / Districts. However, action against Provincial Police Officers from the rank of DSP to onward and ministerial staff is taken under "The Punjab Civil Servants (E&D) Rules, 1999". Powers for internal accountability of the Police are vested exclusively in supervisory Police officers, who award punishments to those guilty of misconduct, neglect or inefficiency. As for external accountability of the Police, in addition to critical recourse to Courts, the governance structure of the Police, the Police Order 2002, provides for civilian oversight and checks in the form of Police Complaints Authority (PCA). A transparent and credible accountability mechanism in Police is of utmost importance to ensure effective service delivery. While internal accountability mechanisms are present and working in the department, there is a need to have an effective external accountability system. Internationally, the external accountability is carried out by Independent Police Complaints Authorities.

- ii. **Objectives of PCA:** For inquiring serious complaints against the Police force a Police Complaint Authority is envisaged in the Police Order 2002. Police Order 2002 was introduced with the idea to transform the Police department into a professional, service-oriented force that would be accountable to the people. The Articles 103-108 of Police

Order 2002 lay down the criteria and procedure for Establishment and Composition of Police Complaints Authority (**Annex-D**).

- iii. **Composition:** The Provincial Police Complaints Authority to be established by the Provincial Governments comprising of a chairperson and six members. The Governor of the Province would appoint the chairperson and the members are required to be selected by the respective Public Service Commissions.
- iv. **Functions:** Police Complaints Authority would deal with complaints of neglect, excess or misconduct against Police Officers. The complaints of ordinary nature are to be referred to concerned Head of Police whereas those of serious nature, like death, rape or serious injury to any person in Police custody shall be referred to the Chief Justice of High Court for enquiry by a Judge of level of District and Sessions Judge. Furthermore, in appropriate cases, complaints of serious nature would be referred to a Police officer senior in rank to that complained against, who would conduct inquiry under supervision of a Member of Police Complaints Authority.

Draft rules are placed at **Annex-E** which provide details of the mode of receiving the complaints, process of referral for enquiries, time frame for completion of enquiries and action to be taken, departmental as well as legal, against delinquent Police officials where charges are proved.

The Provincial Police Complaints Authorities may be established in all the Provinces to work as an external accountability mechanism for Police.

2.3.1.1 **Provincial Justice Committee (PJC):**

The Provincial Justice Committee is an apex justice sector institutional mechanism responsible for improving the quality of service delivery and administration of justice. While designing, leading, implementing, monitoring and evaluating justice sector performance and reforms, the PJC can also effectively implement the National Judicial Policy 2009.

Chaired by the Chief Justice of the High Court, members include the organizational/departmental heads who can take necessary decisions in their respective areas of competence to effect change. In view of the inter-dependent and multi-organizational nature of the justice system, the PJC is mandated to strengthen sectoral and institutional policy-making, planning and coordination to improve the quality of justice services.

The Law and Justice Commission of Pakistan is responsible for providing strategic, technical and managerial support to the PJC. In addition to the PJC bringing various provincial justice departments and organizations onto a single platform to discuss the quality of justice services, the Secretary LJCP provides a vertical linkage between the federal and provincial levels, and a

horizontal intra-provincial linkage enabling a better sharing of information and learning between various stakeholders.

By relying on the original decision-making and operational powers of the departmental and organizational heads, the PJC strengthens existing mandates for effective service delivery and oversight.

- i. **Composition:** Pursuant to the decision of the National Judicial (Policy Making) Committee (NJPMC) dated 30 May 2015, the Hon'ble Chief Justice of Pakistan / Chairman NJPMC was pleased to reconstitute the Provincial Justice Committee under the chairmanship of the Hon'ble Chief Justices of the High Courts to ensure effective coordination, policy and planning, and implementation to improve the quality of justice service delivery. The composition and mandate of the reconstituted committee is as under:

• Chief Justice of High Court	Chairman
• Secretary LJCP	Member/Secretary
• Home Secretary	Member
• Secretary Law	Member
• Secretary Prosecution/DG	Member
• IGP/PPO	Member
• Prosecutor General	Member
• IG Prisons	Member
• Advocate General	Member
• Senior Most Sessions Judge	Member
• Director Anti-Corruption	Member
• Any official or person selected by PJC	Member

- ii. **Mandate:** The PJC is an apex provincial body responsible for ensuring the effective administration, operation and development of a fair, impartial and inclusive rule of law organizations to address provincial law, justice and security challenges within their territory/jurisdictions. To this end, the PJC is a forum for provincial inter-organizational coordination and cooperation with the following mandate:

- Review the law and order status in the Province/jurisdiction and take necessary measures to enhance the operation and effectiveness of the rule of law organizations;

- Lead the review, formulation, coordination and implementation of rule of law reforms in the Province/jurisdiction;
- Formulate policies and plans for effective implementation of the rule of law to address security and justice challenges;
- Review, formulate and coordinate the design, implementation and impact of rule of law reforms and related projects and programmes.

In particular, to improve service delivery:

- Enhance coordination between the respective rule of law organizations;
- Enhance judicial-executive coordination to improve justice sector service delivery;
- Conduct institutional, organizational and impact assessments to review and strengthen departmental/organizational performance and effectiveness;
- Formulate and implement performance standards;
- Formulate and implement monitoring and implementation frameworks to ensure effective and timely service delivery and reform implementation;
- Develop operating processes, procedures, plans and policies to enhance the quality of justice and security effectiveness;
- To review the performance of and provide policy guidance to the District Criminal Justice Coordination Committees (DCJCCs), or their equivalent bodies;
- To review DCJCC recommendations and where necessary issue policy and/or operational directions and/or measures;
- Make recommendations to the Federal and Provincial Government and the LJCP to strengthen rule of law institutions and organizations to improve service delivery.

- iii. **Reporting:** The Chairperson shall submit three monthly performance reports to the NJPMC.

2.3.2 **Recommendations**

In view of the foregoing, following are a set of recommendations:

- i. The Internal Accountability Branches be established at CPO level, headed by Additional IGP in the Provinces and DIG in Islamabad Capital Territory;
- ii. Head of Internal Accountability Branches may act as Police Ombudsmen in the concerned Central Police Offices;
- iii. After Internal Accountability Branches at CPO and Regional levels are established all over the Provinces and ICT, they should be extended to all the districts subject to

availability of financial and administrative resources;

- iv. The Provincial Complaint Authorities (PCAs) to be notified by the Federal and concerned Provincial Government, at the earliest;
- v. The Provincial Justice Committees (PJs) to be made functional with clear composition and mandate to act as potent external accountability mechanism.

CHAPTER 3. IMPROVING QUALITY OF INVESTIGATIONS

Term of Reference: *Recommend improvements in the quality of investigations with an emphasis on functional specialization, operationally distinct investigation cadre, concept of investigation teams, appointment and tenure of investigation officers, state-of-the-art training institute for the investigators along with intra-institutional training methodology for investigators, prosecutors, judges and lawyers.*

3.1 INTRODUCTION

Pakistan has been fighting war against terrorism, extremism and serious crimes. There is a general consensus that the Criminal Justice System in Pakistan needs to be revamped to meet these challenges. Important areas deserving immediate attention are investigation and prosecution of criminals. Quality of investigation of criminal cases is a very serious impediment in bringing offenders to justice. This requires capacity building and legal reforms to improve standard of investigation, prosecution and presentation of evidence in the Courts for maximizing chances of success at criminal trials. This is precisely, the main focus of this study. It specifically looks at the issue of organizing an investigation branch which is able to effectively address the public concern regarding Police investigations. It proposes creation of special investigation teams and units for specialized investigations of serious crimes. The report also addresses the issue of training to raise the quality of investigation with emphasis on workable steps for professional investigation of crimes. Amendments in the laws related to investigation, prosecution and evidence for improving overall working of Police investigations have also been suggested.

3.1.1 Terms of Reference & Scope of Study

- i. Recommend improvements in the quality of investigations with an emphasis on functional specialization, operationally distinct investigation cadre, concept of investigation teams, appointment and tenure of investigation officers.
- ii. State-of-the-art training institute for the investigators along with intra-institutional training methodology for investigators, judges and lawyers.

Since revamping of investigation branch and its procedures is intrinsically linked with the amendments in the relevant law, the study also identifies and proposes amendments in the CrPC, Police Act/Police Order, Police Rules and Qanoon-e-Shahadat.

3.2 ORGANIZATION OF INVESTIGATION BRANCH

3.2.1 Office of Additional Inspector General (Investigation)

- i. The Additional IG shall be head of the Investigation Branch of the Province. He shall have a personal secretariat comprising of three units:
 - (a) Policing Plan
 - (b) Public Affairs dealing with the media and information to citizens
 - (c) Performance audit of DIG/SP. Key performance indicators shall be designed along with code of conduct so that performance evaluation and accountability can be transparent.
- ii. In order to strengthen coordination with other stakeholders of the criminal justice system he shall maintain a close liaison with the Prosecutor General. He shall be a member of the Board of Governors of the autonomous Provincial Forensic Science Laboratory. He shall assist the IGP with regards to the Provincial Law and Justice Committee headed by the Chief Justice of the High Court.
- iii. He shall be assisted by Deputy Inspectors General and Assistant Inspectors General of Police for the efficient functioning of the investigation branch.
- iv. One DIG, who shall also be the second in command, shall be responsible for Internal Accountability. In dealing with complaints and internal accountability he shall employ investigation methods to find facts.
- v. A Director shall head a Statistical Branch to monitor the incidence of crime in the Province through various returns. He shall be responsible for crime statistics and analysis.
- vi. AIG/Administration shall deal with all administrative matters including logistics and accounts. He shall have one section dealing exclusively for training of investigators. For personnel records, office management and information system the PROMIS program shall be employed.
- vii. AIG/Forensics shall deal with the administration of forensic teams throughout the Province. He shall be responsible for training of forensic teams. He shall be responsible for acquiring technical equipment and other materials necessary for the use of forensic teams. He shall head the Police forensic laboratories.
- viii. AIG/Legal shall be dealing with legal matters. He shall handle all matters concerning Supreme Court and High Court. He shall monitor cases relating to missing persons, human rights especially related to women and children etc. He shall also assist in change of investigation. He shall prepare exploration reports for the provincial special investigation teams. These reports relate to grounds of acquittal.

- ix. AIG/Criminal Record Office shall deal with data relating to criminals and offenders based on PAFIS program.
- x. An officer of the rank of DIG/SP shall head Special Investigation Units which shall deal with Organized Crime, Organized Traffic in Women and Children, Inter Provincial Gangs, Major Frauds, Forgeries, Theft of Government Arms/Ammunition and other cases of Technical Nature.

The Organization Chart is at **Annex-F**

3.2.2 Regional Command

The Regional Command shall have an Investigation Branch headed by a DIG/AIG. DIG/AIG investigation shall have:-

- i. A personal secretariat comprising of three units:
 - a) Policing plan
 - b) Public Affairs which shall deal with media and information to citizens
 - c) Performance Audit of DSP. Key performance indicators shall be designed along with code of conduct so that performance evaluation and accountability can be transparent.
- ii. A unit dealing with internal accountability. An SP shall head this unit. In dealing with complaints and internal accountability he shall employ investigation methods to find facts.
- iii. An Administration Branch headed by an Assistant Inspector General shall deal with establishment, logistics and accounts. PROMIS program shall be used for running the office systems.
- iv. A Statistical Branch headed by a Deputy Director who shall be responsible for crime statistics and analysis.
- v. A DSP/Legal who shall deal with legal affairs, matters concerning Supreme Court and High Court, Human Rights especially related to Women and Children, missing persons and change of investigations.
- vi. A Technical Branch headed by a DSP shall be responsible for the criminal record office based on PAFIS program. He shall also be responsible for the training of the forensic teams in the region and ensuring that they are properly equipped.

The Organization Chart is at **Annex-G**

3.2.3 SP Investigations

- i. He shall function in accordance with Article 18 of The Police Order.
- ii. He shall have a personal secretariat comprising of three units:
 - a) Policing plan
 - b) Public Affairs-Public affairs unit shall deal with media and information to citizens
 - c) Performance Audit of Junior Police Officers. Key performance indicators shall be designed along with code of conduct so that performance evaluation and accountability can be transparent.
- iii. He shall be assisted by the following branches:
 - a) A branch dealing with internal accountability. In dealing with complaints and internal accountability he shall employ investigation methods to find facts.
 - b) A DSP/Crimes who shall deal with crime investigations in the district. He shall be assisted by sub-division based DSPs/Crime responsible for investigation of crime in the sub-divisions.
 - c) A DSP/Admn who shall deal with general administration of the investigation branch, accounts, establishment. He will also be responsible for equipment and transport. PROMIS program shall be used for running the office systems.
 - d) A DSP/Legal who shall deal with legal affairs, matters concerning Supreme Court and High Court, Human Rights especially related to Women and Children, missing persons and change of investigations.
 - e) A Technical Branch headed by a DSP which shall be responsible for CRO in accordance with PAFIS program. One important task of this branch would be study of modus operandi for use by investigators and sharing with the public. He will also ensure that forensic teams in the district are properly equipped.
 - f) A Statistical Branch headed by a Deputy Director dealing with crime statistics and analysis. Spatial analysis studies shall be carried out to assist in prevention of crime initiatives.
- iv. The SP/Investigation shall also have Special Investigation Units under his control as follows:
 - a) Homicide.
 - b) Gender based violence including Rape, Sexual Assault and Domestic Violence.
 - c) Anti-Car Lifting Cell (ACLC).
 - d) Serious crime like Dacoity.
 - e) Kidnapping for Ransom.
 - f) Road Traffic Accidents

g) Crime Scene Units.

The Organization Chart is at **Annex-H**

3.2.4 Principles of Organization

- i. The basic theme of the organization is to enhance its capacity in dealing with all aspects of investigations. Another fundamental rule is that any issue of concern should be dealt by a specialized branch or unit rather than placing such issues within the purview of one or the other branch of the organization. For this reason Internal Accountability is given importance by placing it under a DIG in the office of Addl. Inspector General of Police, Investigations. Crime of public concern has been given to **specialized teams** working under a DIG in the office of Add. IG Investigations.
- ii. The District Investigation Branch is a mix of territorial and functional branches. The territorial branch shall comprise of one DSP in the office of SP/Investigations who shall oversee the work of Sub-Divisional officers and Station investigation Officers based in the Police stations. Crimes of public concern and those requiring higher level of skills have been placed directly under the SP.
- iii. A special unit for investigation of road traffic accident cases has been proposed because of the grave public concern aroused by this epidemic. This unit shall investigate cases of death or loss of limb caused by rash and negligent driving under the provisions of the Penal Code. In cases of minor hurts and property damage the option of prosecution under the Motor Vehicle Ordinance should be considered.
- iv. The SP may create other specialized units as and when a crime becomes a cause of concern or which requires higher skills. However, SP investigation must seek formal and written approval of Additional IG Investigations of the Province, through the RPO, for creating any new investigation unit. The Regional office and the Additional IG investigation shall ensure that no informal investigation unit/ special cell is functioning in the districts.
- v. The organization of investigation branch under the Capital City Police Officer shall be in accordance with that of Additional IGP Investigations office. The organization of the investigation branch of the City District shall be identical to that in a District.

3.2.5 Coordination with Prosecution and Judiciary

- i. Investigation and Prosecution branch will maintain close liaison for removing flaws in investigation, gathering cogent evidence and following up cases at trial stage.
- ii. A representative of the prosecution branch will be associated with the investigation of

- important cases from the initial stage of the investigation.
- iii. The SsP Investigation and the District Public Prosecutors will arrange monthly coordination meeting to improve coordination between the two important institutions of criminal justice system.
 - iv. As a secretary of the Criminal Justice Coordination Committee of the District, SP Investigation should play a lead role in improving the coordination between Investigation and Prosecution branch.
 - v. In order to establish intra institutional training for investigators, prosecutors, judges and lawyers the Investigation Training School shall be open to all professions. In addition the Addl. IG Investigations shall arrange for Police investigators to be trained in the judicial academy.
 - vi. The Addl. IG/Investigations shall maintain liaison with the Prosecutor General.

3.2.6 Distribution of Strength in the District

There is an urgent need to ensure that the strength of officers and men in the investigation branch is sufficient to be able to perform its functions efficiently. In addition it is important that only the most suitable officers are transferred to the investigation branch. The following measures are proposed:

- i. Forty percent of officers in the rank of ASI to Inspector should be the share of the investigation branch in the District.
- ii. Sixteen to twenty percent of the officers in the rank of Head Constable and Constable should be the share of the investigation branch in the District
- iii. Head Constables and Constables transferred to the investigation branch shall be borne on promotion list.
- iv. All D - list Head Constables shall be transferred to investigation branch.
- v. In order to give due importance to Investigation Branch, promotion to the ranks of ASI and above should be made only from the Investigation Branch.

3.2.7 Transport and Equipment

- i. The Add. IG Investigations shall fix the number and type of vehicles required by the investigation branch.
- ii. He shall draw up Table of Equipment (TOE) for the entire Branch.

3.2.8 Cost of Investigations

- i. Rates for cost of investigations and rules on the subject are not uniform. There is a

need to have a consensus on both issues.

- ii. For the efficient and transparent utilization of funds for investigations the rules relating to Permanent Advance as specified in Police Rules (PR 10.5 to 10.9) should be employed.

3.2.9 Developing Investigation Monitoring Software

Software will be developed for monitoring investigation of cases under investigation and follow up of cases under trial for use by all supervisory and senior officers.

3.2.10 Training & Certification

- i. Every Police officer serving in Investigation Branch will be trained in the field of investigation and certified.
- ii. A **School of Investigation** will be established in each Province to develop and design training modules for different levels of investigators.
- iii. Sindh & KP Police have already established School of Investigation. The other Provinces should also establish such schools. The KPK model may be adopted.
- iv. The **Curriculum Development Program** of Sindh Police has developed the following modules which may also be adopted by other Police forces:
 - a) Basic Investigation Handbook
 - b) Investigation of Offences: Advanced Module
 - c) Forensic Investigation Handbook
 - d) Protecting Human Rights
- v. A program of training and certification of investigators shall be initiated to ensure that every officer in the Branch is appropriately trained. Short duration specific training courses should be arranged for skill development. There is a need to develop certification courses for raising the standard of investigations based on specialization. The following certification courses are recommended:
 - a) Basic Investigation Certificate
 - b) Intermediate Investigation Certificate
 - c) Advanced Investigation Certificate
 - d) Specialized Investigation Certificate
- vi. Basic Investigation Certificate, Intermediate Investigation Certificate and Advanced Investigation Certificate qualified investigators will not be required to undergo the existing corresponding equivalent Lower School Course, Intermediate School Course or Upper School Course respectively.

- vii. Specialized investigation certification may include but will not be limited to Homicide, Car Snatching/Theft, Kidnapping for ransom, Dacoity/Robbery, gender based violence etc.
- viii. The specialized certificates will be awarded by a Board duly constituted by the Additional Inspector General Investigation.
- ix. Only Specialized Certified Investigators may be entrusted with investigation of the offences for which specialized units have been established by the Additional Inspector General of Police Investigation.
- x. The participants of each certification course shall also be familiarized with terrorism.
- xi. Training in the school of investigations shall be open for prosecutors and magistrates/judges.

3.3 SAFEGUARDS AGAINST ABUSE OF POWERS

- i. The superior Courts have time and again decreed that arrest should not follow automatically once an FIR has been registered. This was reiterated in many Judgments of the Superior Courts.
- ii. In order to prevent such abuse of power it is proposed that Police should establish a process of due diligence based on the principles governing arrest as laid down in PR 26-1 and 26-2. These rules relate to bailable offences and the rules must be followed. Due diligence should entail that arrest should only be made after obtaining permission from the SP. In deciding whether to allow arrest or use the option of bail the SP shall be guided by the principles laid down in the above mentioned rules. In addition he must examine the evidence with a mind on the prosecution of the case. This should entail a meaningful exercise based on **calendar of evidence** for each accused to see that the evidence on file would be sufficient to stand in Court. Only after such an exercise should a decision be taken.
- iii. Due diligence procedure should also be conducted in offences that are non-bailable in accordance with the same principles.
- iv. Police Rule 26-1 and 26-2 are reproduced as under:
26-1 General Powers of Arrest- Section 54 CrPC any Police officer to arrest without warrant who has been concerned in any cognizable offence, or against whom a reasonable complaint has been made, or credible information has been received, or reasonable suspicion exists of his having been so concerned. The authority given under this section to the Police to arrest without warrant is however permissive and not obligatory. Whenever escape from justice or inconvenient

delay is likely to result from the Police failing to arrest, they are bound to do so; but in no other cases. The law allows the Police officer to apply to a magistrate for a warrant or a summons instead of making arrest immediately, and this discretion shall be exercised whenever possible and expedient.

The law also allows a Police officer in any bailable case to take security under Section 170 CrPC from an accused to appear before a magistrate without first arresting him.

26-2 Power to Defer Arrest- If the fact that suspicion rests on a particular person has been kept a secret, and there is no risk of his absconding, Police shall defer making the arrest until the investigation is sufficiently complete; but if any interference with the liberty of the accused person is necessary to prevent him from absconding, and the facts justify arrest, the Police shall arrest him and shall not interfere with his liberty unless they arrest him.

- v. The Supreme Court in its judgment in Human Rights case No. 10842/P of 2018 (Mst. Sughran Bibi Vs State) dated May 23, 2018 has declared legal position with regards to arrest during investigation as follows:-

“(vi) ordinarily no person is to be arrested straight away only because he has been nominated as accused person in an FIR or in any other version of the incident brought to the notice of the investigating officer by any person until the investigating officer feels satisfied that sufficient justification exists for his arrest and for just justification he is to be guided by the relevant provision of the code of Criminal Procedure, 1898 and the Police Rules, 1934. According to the relevant provision of the said Code and Rules a suspected is not be arrested straight away or as a matter of the Courts, unless the situation on the ground so warrants, the arrest is to be deferred till such time that sufficient material or evidence become available on the record of investigation prima facie satisfying the investigation officer regarding correctness of the allegations labelled against such suspect or regarding his involvement in the crime in issue”.

- vi. The Supreme Court has referred to PR 26-1 and 26-2 while declaring this legal position. As such it is all the more important that due diligence procedures are put in place to ensure compliance with the above mentioned judgment of the Supreme Court.
- vii. The preferred tool for investigation is torture. This is no longer an option considering that Pakistan is now a signatory to UN Convention against Torture and the International Covenant on Civil and Political Rights. Pakistan is required to “take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction”. It is therefore necessary to put an end to this

practice by Police. It is recommended that a lawyer must be present during the questioning of the suspect by the Police.

3.3.1 Zero Tolerance and Rule of Law

- i. There is a general belief that complaints are not entertained and burking of crime is rampant. One can imagine the distress and anxiety caused to victims of crime.
- ii. The problem of non-registration stems from the law which empowers Police to investigate cognizable offences and prohibits investigation of non-cognizable offenses. The second important reason for burking is citizen lack of faith in the justice system. In certain offenses like road traffic accidents the victims are wary of procedural delays which can extend to over two years. The victims are more interested in settling the matters privately. A unit located in the Cabinet Division collects data relating to road traffic injuries from all the hospitals located in the districts. This is part of a program regarding District Health Information System which was funded by the Japanese Government. According to this data in 2010 over 930,000 were treated in District Hospitals for road traffic injuries. On the other hand the statistics available with the Government of Pakistan relate to around 14,000 death and injury accidents. It is quite clear from this that the victims of road traffic injuries do not access the Police and the judicial system. It is proposed that only death and serious injuries involving loss of limb etc. should be dealt under PPC. Other cases should be dealt under the provisions of MVO. Moreover, CrPC needs amendments to ensure that victims are attended to promptly and Police process begins immediately.
- iii. The problem is further compounded by section 155 CrPC which deals with information relating to non-cognizable offences. In this case the information is recorded in the Roznamcha and the informant is referred to the magistrate. No other action is taken by the Police unless magistrate orders an investigation. As far as the victim is concerned, this act of the Police tantamount to inaction. The law requires the magistrate to take cognizance of this offence which seldom happens. This provision of law is a travesty and mockery as far as the victim of non-cognizable offenses is concerned. The victim is convinced that there is no remedy for him. The second problem with the procedural law is that it encourages informal justice systems. Finding no remedy victims look for an alternate system for redress. The victim is forced to knock the doors of the influential and powerful personalities of the area who may or may not deliver justice as they have their own priorities or vested interests. According to a report in Dawn on August 23, 2012, in Karachi 22416 cases of assault were

reported to the Police. In addition 19946 reports related to domestic violence. These offences fall under the non-cognizable categories. The figure quoted in the report is only a tip of iceberg. The actual figure is much higher. According to one estimate over seven hundred thousand such offences take place in Karachi every year. One can only guess what misery is being faced by the victims. Unless the law is changed with a view to make justice accessible to the victim of offences the state will be failing in its duties to provide rule of law and citizen satisfaction.

- iv. In order to ensure Rule of Law based on zero tolerance two amendments relating to powers of Police in investigation of cases are essential. The first relates to empowerment of Police in investigation of cognizable offences. At present the law empowers only “the officer in charge of the Police station” to deal with information relating to an offence. This provision of law discourages the registration of cases or reports of victims of non-cognizable offenses. Therefore the term “officer in charge of the Police station” should be replaced by the words “a Police officer”. This would enable a “duty officer” to deal with information.
- v. The second relates to investigation of non-cognizable offences. The Police is absolutely forbidden from investigating this category of offences without the order of a magistrate. Taking into consideration the present condition in the society and to ensure zero tolerance the law may be amended empowering the Police to investigate non-cognizable offences. However in such cases arrest shall not be made without a warrant from a magistrate.

3.3.2 Witness Protection

- i. Sindh Province has enacted a law on witness protection. This should be employed for protection of witnesses.
- ii. In addition to the above law it is proposed that amendments in Chapter XIV, CrPC and Police Rules should also be made. In Section 157 CrPC the words “he shall forthwith send a report of the same to a Magistrate empowered to take cognizance of such offence upon a Police report” should be deleted. In Section 173 CrPC a proviso should be added that if the Police has knowledge that a witness would be under threat, the name and that portion of his statement which could lead to his identification should be withheld from the report submitted under this section.
- iii. Police Rule 24-5 should be amended in accordance with the same principles and there should be no requirement to send copies of the FIR to senior officers and the Magistrate. Only a report giving a gist of the offence omitting place, time, names and

portions from which complainant or witnesses can be identified shall be sent to such officers.

3.4 FORENSIC SCIENCE LABORATORIES.

- i. Forensic laboratories play one of the most important role in collection of evidence, analysis and protection of evidence. It helps in linking the criminal to the crime scene. Therefore, the reports generated by forensic laboratories must have unquestioned credibility. That reports are credible and not tainted depends on the rules and procedures that ensure transparency. More importantly credibility is assured by the manner in which the Laboratory is insulated from extraneous influences. This can only be guaranteed by the way in which it is organized.
- ii. Presently Police departments are running rudimentary type of laboratories. Only Punjab Province has a state of the art forensic laboratory. This laboratory is ostensibly autonomous and its credibility has so far not been questioned. However, there is need to ensure by its administrative design, the complete neutrality and transparency of the forensic tests in the laboratory.
- iii. It is, therefore, of utmost importance to ensure a complete autonomy of the Forensic Science Laboratories if credibility of reports is to be guaranteed. It is, therefore, proposed that the FSL should have a governing board comprising of stakeholders of the criminal justice system, a representative of the legal fraternity and HRCP, scientists and a pharmacist of repute, an expert in operations research to ensure transparent and credible procedures and a management expert to ensure that all systems run efficiently and with due diligence.

3.5 LEGAL ISSUES & SUGGESTIONS

In order to improve quality of investigation the entire body of laws including criminal procedure code, Qanoon e Shahadat, Police Act/Police Order and Police Rules need to be examined and appropriate amendments have to be enacted to facilitate efficient and effective process of investigation. Amendments in Police rules are necessary to deal with technical data like mobile cell phones, CCTV cameras, emails etc.

CHAPTER 4. REVAMPING URBAN POLICING

Term of Reference: *“Suggest re-vamping of urban policing by changing basic administrative structure, introducing better quality of command and control to ensure quick decision-making and rapid response to meet public order challenges as well as quality of access to the citizens seeking justice.”*

4.1 INTRODUCTION

Police Order, 2002 was a major improvement over the Police Act, 1861. Of the many issues that the new law sought to address, distinction between rural and urban districts featured prominently. The recognition of city and capital city districts as deserving of special administrative and operational status was an admission of the fact that larger urban centres had their peculiar policing needs. In this way, Police Order clearly declared the fact that the current urban milieu needed a new policing paradigm. However, due to administrative and political issues with implementation of the Police Order, the new distinction at the city level could not effectively translate into an urban policing design all the way down to the Police station level. The current Police station model is entirely rural that grew out of the Police Act of 1861 and that was solidified in the Punjab Police Rules, 1934. There is a need to revisit the fundamentals of this policing model in the light of Police Order as well as international best practices in urban policing.

While doing so, there is a need to again distinguish between megacities like Karachi (pop. 15 m.) and Lahore (11 m.) on the one hand, and smaller urban centres on the other. Karachi and Lahore present policing challenges of great complexity in terms of nature and volume of crime, management of traffic, and difficulties in maintaining law and order and security. Though less complex, smaller urban centres cannot be Policed now with the existing rural Police model. For an urban centre to qualify for an urban policing design, one million has been proposed as the minimum population size for the city. The following ten cities currently have the requisite minimum population:

Rank	City	Pop. (2017, in millions)	Province
1	Karachi	14.91	Sindh
2	Lahore	11.13	Punjab
3	Faisalabad	3.20	Punjab
4	Rawalpindi	2.10	Punjab

Rank	City	Pop. (2017, in millions)	Province
5	Gujranwala	2.03	Punjab
6	Peshawar	1.97	KPK
7	Multan	1.87	Punjab
8	Hyderabad	1.73	Sindh
9	Islamabad	1.01	ICT
10	Quetta	1.00	Balochistan

4.2 POLICE ORGANISATION OF A MAJOR URBAN CENTRE

In addition to establishing city districts, Police Order enables urban policing also by emphatically providing for specialisation of functions. The peculiar nature of urban policing now requires specialisation and organisation of several functions at the city level. Many matters of crime prevention, investigation, law and order, security and administration necessitate citywide functional jurisdictions that augment and support Police stations in their territorial jurisdictions. **Annex-I** contains a blueprint of the organisation of Police in an urban centre and it is explained in the following paragraphs. The proposed model is designed primarily with a view to the complexity of Karachi and Lahore. The same design can be employed for other, smaller urban centres with a degree of customisation. The proposed model has the following features:

4.2.1 Chief of Police

The city's Police organisation shall be headed by a Chief of Police having the rank of an Additional IGP or DIG, depending upon the size of city. The nomenclature introduced by Police Order i.e. CCPO and CPO may be retained as an alternative. The Chief of Police shall have the powers and responsibilities as defined by the Police Order under the command of the PPO/IGP.

The Chief of Police shall be assisted by his personal staff headed by a personal staff officer having the rank of an ASP/DSP. Two teams shall report directly to the Chief.

The Vigilance or Internal Affairs team head by an SSP or SP will be eyes and ears of the Chief on matters of discipline, propriety, professional standards and integrity.

The Media Management team will work to manage public relations, create and distribute content to print and electronic media, and also to manage the marketing through social media platforms. The team will be headed by an SSP who will preferably act as the spokesperson for the City Police and report directly to the Chief.

4.2.2 Administration Wing

Headed by a DIG or SSP, as the case may be, Administration Wing shall be responsible for all matters relating to finance, establishment (human resource), logistics, transport, communication, and buildings. Management of finance is a core administrative function at the district level. This wing shall manage finance, accounts and audit. It shall also ensure best human resource practices in recruitment, training, performance evaluation and career planning. It shall ensure timely and accurate indenting and procurement of all items that are required to be purchased at the district level. It shall be responsible for proper warehousing, distribution and maintenance of all moveable assets. The wing shall also be responsible for repair and maintenance of all official buildings. This wing shall effectively constitute the secretariat of Chief of Police.

4.2.3 Traffic Wing

The Traffic Wing will comprise the City Traffic Police, which will be a specialised team with full and exclusive authority for traffic management, licensing, regulation and enforcement. The City Traffic Police shall wear distinctive uniforms. The City Traffic Officer shall be an officer having the rank of a DIG or SSP reporting to the CCPO. The wing shall administer HR of traffic cadre in the district. It will recruit, train and optimally deploy traffic HR.

It shall work with municipal government agencies to improve traffic management in terms of road use, safety, parking and public transport. It shall operate FM, GSM and internet-based systems for dissemination of traffic information and updates to the citizens. It shall work closely with IC3 to ensure optimal traffic management and safety of road users.

4.2.4 Operations Wing

The Operations Wing will comprise Police Divisions (bigger urban Police stations). Headed by a DIG or SSP, Operations Wing will primarily be responsible for prevention of crime, responding first to reported incidents, dealing with minor/local law and order events, regulating and licensing public events (Moharram processions etc.), and taking cognizance of minor offences and crimes related to public peace and those listed by PPO for investigation by Operations Wing staff. It will regulate thoroughfares and use of public spaces. It shall enforce laws and regulations governing explosive and hazardous substances. It will control special operations elements like Elite Police or Commandos. It will work closely with IC3 to ensure optimal performance of first responders and for effective prevention of crime.

It shall collect and collate all information about law and order events and prepare security plans daily for deployment of resources of Security and Law and Order Wings in collaboration with respective Police divisions.

Operations Wing shall also include an Intelligence Branch to collect and analyse information on political, social and other activities in order to keep all wings in the district informed about current and future events and trends.

The Operations Wing staff shall also be responsible for arrest of proclaimed offenders, Court absconders, military deserters and persons liable to be apprehended under preventive sections of the CrPC. Maintenance of History Sheets of criminals, record of those on schedule four of ATA and their surveillance shall also be the responsibility of operations wing.

4.2.5 Law & Order Wing

Urban centres, even megacities of Karachi and Lahore, still see law and order and public events covered through ad-hoc routine deployment of SHOs and SDPOs who are hardly trained or equipped to handle such events. Internationally, management of law and order has become a deeply specialised function involving highly trained and specially equipped units. Police need a much higher degree of specialisation in riot control and public event management as number of planned and unplanned events is increasing day by day. As per record of Punjab Police IC3 Lahore, Police handled 479 events of various natures from Jan 2017 to April 2018 which makes one event daily of different magnitudes including Muharram, political and other agitations by various organisations.

This gap will be filled with a new Law and Order Wing. Headed by a DIG or SSP, Law and Order Wing will have dedicated resources, specialised training and well-defined SOPs and rules of engagement. This wing may have the following features:

- Primary responsibility for dealing with law and order
- Capacity to plan and deploy for multiple major events simultaneously
- Dedicated units for geographical jurisdictions
- Supported by Police stations
- New rules of engagement to control with minimum use of force
- Enhancement of non-lethal capacity

4.2.6 Investigation Wing

Headed by a DIG or SSP, Investigation Wing shall primarily be responsible for investigating all registered cases. There may be only two exceptions: (i) Terrorism cases investigated by CTD and (ii) cases of offences related to regulatory matters and local law and order investigated by Operations Wing as notified by PPO.

Effective investigation of crime is the core function of Police. Police Order recognises the importance of this fact by providing for separation of investigation from other Police functions. Punjab has removed some imperfections of the original Police Order investigation design by amending article 18. Yet, there is still a need for refining the design further and streamline its working.

A separate investigation organisation will seek to improve the technical and legal quality of investigation work. Specialised investigation units will be established for offences that are now beyond the capacity of the Police station to investigate. They require information, skill, funds and technical capacity that can be pooled only at a citywide level. Such offences may include homicide, dacoity/ robbery, serious fraud, religious and hate crime, and offences related to women and children. The Investigation Wing Staff shall act as second responders to a scene of crime and a case shall be registered on a complaint/ istaghasa despatched from the scene by these second responders in the respective Police division. Such an investigation organisation may have the following features:

- Specialised investigation units for heinous crime
- Squads of units may be geographically dispersed
- Centralised databank of crime and criminals
- Dissemination of criminal intelligence and analysis
- Provision of technical/forensic services

4.2.7 Security Wing

Security of important persons and places will be responsibility of the Security Wing headed by a DIG or SSP. Security of persons and premises has become a major functional specialisation in the era of militant terrorism. Lahore has responded well with establishment of a Security Division and a VVIP protection wing. These units protect VVIP and VIP venues and persons. The Security Wing can expand on this design and include other persons and premises that are not currently covered. This organisation may have the following features:

- Centralised command for a dedicated security cover across the city
- Responsible for security of premises, persons and VVIP routes and places of visit and stay
- Close protection units for security of visiting delegates or persons.
- Security of vulnerable establishments as per requirements.
- Development of security policies and protocols.

4.2.8 Community Relations Wing

Community relations has assumed a central role in policing. This wing, headed by a DIG or SSP, will be responsible for designing and implementing programmes for developing and maintaining relations of Police with the community it serves. It will undertake community-policing initiatives in various forms including neighbourhood and commercial watch. This wing will facilitate formation and operations of Citizen-Police Liaison Committees (CPLCs) established under the Police Order, 2002. It will implement alternative dispute resolution mechanisms (ADRs) as and when provided.

4.2.9 Communications and Technology (IC3) Wing

Technology is now critical to effective policing. The increasing integration of technology into everyday Police functions necessitates creation of a separate Communications and Technology Wing. From city-wide information and surveillance networks to function-specific apps, this wing will implement and administer technology-based solutions in all their manifestations. Various urban centres have deployed technology to varying degrees of success.

For example, prevention of crime may be organised into an integrated command and control system. The IC3 system (Safe City Project) installed in Lahore is the model. At the moment six cities of Punjab are developing safe city projects. The best practices developed may be implemented across other urban centres in the country. Such a system may have the following features and functions:

- Assist with centralized patrolling and response controlled by Operations Wing
- Establish a fully computerized integrated emergency Police response 15.
- Analysis of crime patterns and dissemination of information to local units
- Assist in traffic monitoring and signal control systems.
- Assist in law and order and security monitoring and response.
- Assist investigation by providing evidence in cases where applicable.
- Provide technical telecommunication and IT services/database to be used by all wings of Police.

4.3 THE URBAN POLICE STATION

The most important change that needs to be considered is reinventing the urban Police station. The current Police station was designed 150 years ago primarily as an investigation unit for a rural milieu of the 19th century. Despite the fact that it was kept lean to economise on costs, the Police station suited the rural setting very well. The Police station records, processes, human resource and even the buildings were perfectly suited to the work the Police station was designed

to do. Unfortunately, this rural Police station has been caught up in an urban jam. The SHO, the kingpin of this rural system, has barely been able to manage the growing chaos.

The Police leaders have sought to address this failure through constant replication of the same anachronistic Police station: By and large the response to urban growth has been more Police stations with ever-smaller jurisdictions. Even the Police Order did not address this rural-Police-station-in-an-urban-centre conundrum. It sought to create a specialised investigation branch at each Police station without correcting the fundamental problem with its design. The solution lies in less, and not more, Police stations.

Each urban centre shall have one Police station for roughly 250,000 to 500,000 citizens called a Police Division. By this standard, Lahore shall have 20-25 Police Divisions instead of the current 88 Police stations. The area of three to four present Police stations with the right geographic contiguity shall be merged to form one Police Division.

A Superintendent of Police, with effective administrative and financial powers, shall head each Police Division. If Lahore is taken as an example, implementation of this design will see the current six divisions replaced with 20-25 Divisions where the Superintendents will have greater resources and more effective authority over the resources, albeit in a smaller, more manageable jurisdictions.

The present Police Stations will become reporting centres with front desks and any other investigation/ operations/ logistics functions.

The Police Division shall comprise several functional sections, each headed by an ASP or DSP. The sections shall perform specialised functions independently under the command of the Superintendent. The following sections are proposed (Please see **Annex-J** for a full organisation chart):

4.3.1 Administration Section

This section shall effectively form the office of the Superintendent of the Division. It shall be responsible for accounts, finance, logistics, establishment, buildings and services. Accounts and finance work will require preparation of budget estimates, management of yearly funds allocation and maintaining appropriate records for audit and other scrutiny.

Logistics work shall include maintenance and storage of all moveable property of the government in use of the Division.

This section shall ensure proper use, maintenance and storage of all items from body armour and weapons to photocopiers and office supplies.

This section shall ensure optimal use of the human resource in the Division. It shall maintain service records, assist with career planning, ensure objective performance evaluation and regulate training.

The section shall also be responsible for maintenance of all official buildings in the Division. It shall also facilitate operation of citywide IC3 and other technological services.

4.3.2 Operations Section

It shall be responsible primarily for prevention of crime. It shall in effect be the public face of the Police Division. It shall implement preventive policies and procedures. It shall plan and execute local prevention activity, particularly foot and mobile patrolling. It shall be responsible for effective deployment of first responders (e.g. Dolphin Squad in Lahore). It shall operate the *malkhana* (safe room) and lockup of the Division.

The section shall perform all regulatory functions pertaining to use of thoroughfares and public spaces. It shall regulate explosive and dangerous substances as required by the Explosives Act and other laws and government regulations.

It shall administer the front desks for a pleasant and professional interaction with citizens. The front desks shall issue certificates and reports to citizens and exchange any other useful information with them.

The Operations Section staff shall also be responsible for arrest of proclaimed offenders, Court absconders, military deserters and persons liable to be apprehended under preventive sections of the CrPC. Maintenance of History Sheets of criminals, record of those on schedule IV of ATA and their surveillance shall also be the responsibility of Operations Section.

4.3.3 Investigation Section

It shall carry out investigation of all cases registered for offences arising from regulatory functions of Police and offences related to local law and order. The PPO may determine from time to time the type of offences that shall be investigated by the Investigation Section of the Police division under the Operations Wing.

The Investigation Section staff shall act as second responders to a scene of crime and a case shall be registered on a complaint/ *istaghasa* despatched from the scene by these second responders in the respective Police division. It shall also maintain the Police station records. The Investigation Section shall maintain a close liaison and continuous exchange of information with the Investigation Wing.

The officers posted to the investigated section shall preferably be specially trained and certified investigation officers. They shall not be employed to perform a duty other than investigation.

4.3.4 Law & Order Section

This section shall deal with local matters of law and order like minor gatherings, social events and impromptu protests at a small scale. It shall gather and maintain information on local issues and persons that may impact law and order. It shall collaborate closely with Law and Order Wing of the District to exchange information about on-going and expected events. It shall maintain anti-riot readiness and equipment to ensure timely response to an emerging situation.

4.3.5 Community Relations Section

The section shall maintain liaison with all citizen bodies, associations and unions etc. in residential and commercial areas. It shall work to design and implement community policing initiatives. It shall implement the policies and programmes designed by the Community Relations Wing of the district. It shall have the primary responsibility for implementing neighbourhood watch and commercial watch programmes. It shall support ADR initiatives and CPLCs in their operation.

4.4 CONCLUSION

The design for the urban district and the Police station may vary from time to time and place to place, but there is no denying the fact that urban policing now requires a major departure from the existing policing paradigm. There is a need to develop specialisations, city-wide commands along with policing at divisional level that will grow and mature over time to provide the policing performance that is the need of the day.

Training and stakeholders' inclusion is key for change management. This model will not be easy to implement as it suggests radical changes in the system, roles and functions. It will require planning and excellent communication strategy within Police and among the public to avoid risk of disbelief and strong reaction from the proponents of status quo.

CHAPTER 5. ALTERNATE DISPUTE RESOLUTION (ADR)

Term of Reference: *Recommend Alternate Dispute Resolution (ADR) mechanism by examining the efficacy of Dispute Resolution Committees (DRCs) in KP at Police station, sub-division, district, division, regional and provincial levels.*

5.1 INTRODUCTION

Dispute resolution is a fundamental requirement of all societies. In the ancient times, tribal elders would ensure that there is an order in the society by redressing grievances of the victim. Slowly and gradually the State took over the function of citizen's security and structured formal legal systems for this purpose. The objective of justice systems was to create a crime-free environment in which all citizens could live their lives in a peaceful manner.

It is however, argued that justice in itself is punitive in nature. It punishes the guilty but does not remove the discord. Its design structure does not focus on resolving disputes; it awards punishment that may or may not resolve the dispute. In order to make it fair and transparent, lengthy and cumbersome processes are adopted that cause inordinate delays which are often the reason of a retributive behaviour.

ADR is a concept of "Multi-door Court house" where litigants have a choice regarding the mode in which dispute resolution best fit their needs. ADR includes all types of negotiation, conciliation, mediation, or arbitration systems. Various studies around the world have proved that ADR reduces litigation and cost. There is a strong argument that dispute resolution systems and mechanisms are substitute to full-scale Court processes.

Alternate Dispute Resolution (ADR) is generally perceived as a new concept in the realm of justice, which is not true. Mankind knows dispute resolution from pre historic times. Providing justice has grown out of dispute resolution that is the end objective of a state and the society.

Unfortunately, our priorities are lopsided. We spend ridiculously large amounts of physical, human and financial resources on ensuring justice than resolving disputes. We have not developed our age-old societal structures of dispute resolution like Jirga and Panchayat. We allowed these forums to operate in the "informal justice sector" without any state or societal regulatory controls that gave rise to arbitrary, whimsical and unconstitutional decisions frequently trampling fundamental human rights. Except for the very recent past, ADR does not find any place in our legal system that is based on English Common law. ADR has the potential to become a legal process that empowers the parties to opt for a choice that is more creative and offers flexible, effective and economical solutions.

This paper intends to study the concept of ADR for the purpose of introducing it as a prelude to the criminal justice system (CJS). Apart from other legal instruments already available in our laws, the current paper will study the concept of Dispute Resolution under the Alternate Dispute Resolution Act, 2017.

5.1.1 Available ADR Mechanisms

Following are the ADR mechanisms already available in the domestic laws of Pakistan:

- i. The Arbitration Act, 1940
- ii. The Conciliation ordinance, 1961
- iii. The Local Government Ordinance, 2001
- iv. The Small Claims and Minors Offences Courts Ordinance, 2001.
- v. The Punjab Consumers Protection Act, 2004.
- vi. The Code of Civil Procedure (Amendment) Ordinance No. XXXIV of 2002.
- vii. The Alternate Dispute Resolution Act, 2017

i. The Arbitration Act, 1940

This is the most commonly used law to which parties to a dispute refer to for amicable settlement of their disputes. One of the major intentions of this law is to curtail litigation in Courts to submit existing or future differences between the parties.

The Act provides for three classes of arbitration:

- Arbitration without Court intervention (Chapter II, sections 3-19);
- Arbitration where no suit is pending, (but through Court) (Chapter III, section 20);
- Arbitration in suits (through Court) (Chapter IV, sections 21-25).

ii. The Conciliation ordinance, 1961

This Ordinance provides for the establishment of Conciliation Courts for settling disputes through conciliation. The Ordinance extends to both Civil and Criminal Laws. The Act strictly prohibits (Sec 16) the legal counsels from appearing on behalf of the parties before any Conciliation Court that portrays the true spirit of amicable dispute resolution.

Part 1, section A and Part 2 section A of Schedule I to the Ordinance provides a list of criminal matters that can be referred to and settled by the Conciliation Courts.

Civil matters are dealt with in light of Part 1, section B and Part 2, section B of Schedule I, wherein issues pertaining to recovery of money due on contract, recovery of and compensation for wrongfully taking/damaging movable property are provided that may be referred to the Conciliation Court.

iii. The Local Government Ordinance, 2001

The Local Government Ordinance 2001 provides for amicable dispute resolution through Musalihat Anjuman (Conciliation Committee) at the Union Council level. Sections 102–106 under Chapter XI of the Ordinance encourage “amicable settlement of disputes...through mediation, conciliation, and arbitration”. But the subsequent legislations like Sindh Local Government Act 2013 do not provide this mechanism.

iv. The Small Claims and Minor Offences Courts Ordinance, 2001.

The Small Claims and Minor Offences Ordinance 2002 has introduced a detailed system of accessing to mediation, including the appointment of mediators for small claims on both civil and criminal nature. However, while it has provided details with regards to the processes on the civil side, it fails to do so for the criminal side, referring it to the CrPC, that does not have the necessary level of detail. The CrPC is only relevant with regards to the process of compounding offences under Section 345 of the Code in relation to the Small Claims and Minor Offences Ordinance 2002.

The Small Claims and Minor Offences Court Ordinance intends to establish a Court, where value of the small claims suit is less than Rs.100,000 and the punishment for minor offences is less than three years. The purpose of the law is to “provide legal cover to amicable modes of settling disputes between parties in an easy and expeditious manner. The Court maintains a panel of arbitrators, mediators and conciliators, prepared by the respective High Court in consultation with the District Judge and President of the local bar association. In the event of failure of ADR proceedings, the Court shall proceed to determine the suit through prescribed summary procedure, ordinarily to be decided within 60 days.

v. The Punjab Consumers Protection Act, 2005.

The Punjab Consumers Protection Act, 2005 provides for mandatory use of ADR for resolution of consumer disputes. The Consumer Tribunal adopts alternate methods of dispute resolution including mediation, conciliation etc.

vi. The Code of Civil Procedure (Amendment) Ordinance No XXXIV of 2002 (Sec 89 A).
Section 89-A authorizes the Courts to secure expeditious disposal of a case by adopting ADR methods, including mediation and conciliation, with the consent of the parties, wherever deemed necessary.

vii. The Alternate Dispute Resolution Act, 2017

This Act has recently been passed by the parliament that particularly deals with the 'out of Court settlement' between parties to a dispute. At present this law is applicable only to the Islamabad Capital Territory.

Following is the scheme of the Act:

Chapter 1 – Civil Matters.

Subject to the exceptions mentioned in section 3, this chapter, not only requires civil Courts to refer every civil matter mentioned in the schedule for ADR but also require government, after consultation with the high Court, to notify in the official gazette a panel of neutrals. The chapter further lays down the procedure for appearance of parties before neutrals, ADR proceedings and settlement.

Chapter II – Compoundable Offences

This chapter deals with referral of compoundable offences specified in section 345 CrPC to the ADR for facilitation of compounding of such offences.

Chapter III – Panchayat System

This chapter confers legal status on panchayat, at par with ADR, to facilitate amicable settlement of civil disputes and also compound offences under this Act.

Chapter IV – Miscellaneous

In this Chapter provisions concerning cost and fee of ADR, utilization of services of an evaluator, penal costs, savings etc. are mentioned. Moreover, through its non-obstante clause under section 21, the Act gives overriding effect to its provisions on other laws.

Schedule to the Act -

The schedule enumerates matters of civil nature falling within the scope and competence of ADR.

5.1.2 Present Status of ADR in Provinces of Pakistan:

i. **ADR in Punjab**

ADR in Punjab has mostly been in the informal domain. Different modes are prevalent in different parts and almost all of it is without any laid down rules or judicial oversight. There

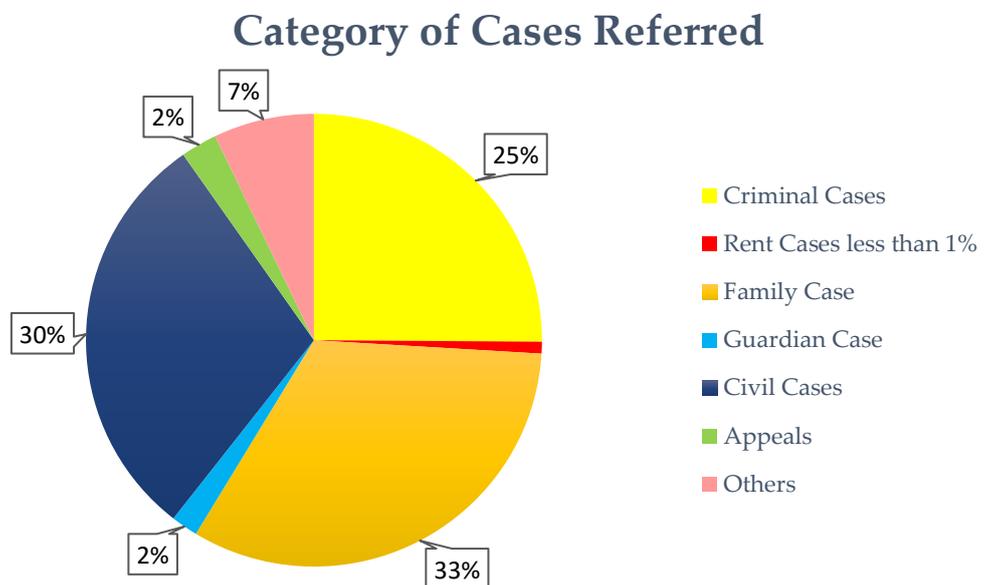
are numerous complaints of illegal and unconstitutional decisions that are scandalous in nature. Such decisions violate the fundamental/human rights and bring bad name to the state and the society internationally.

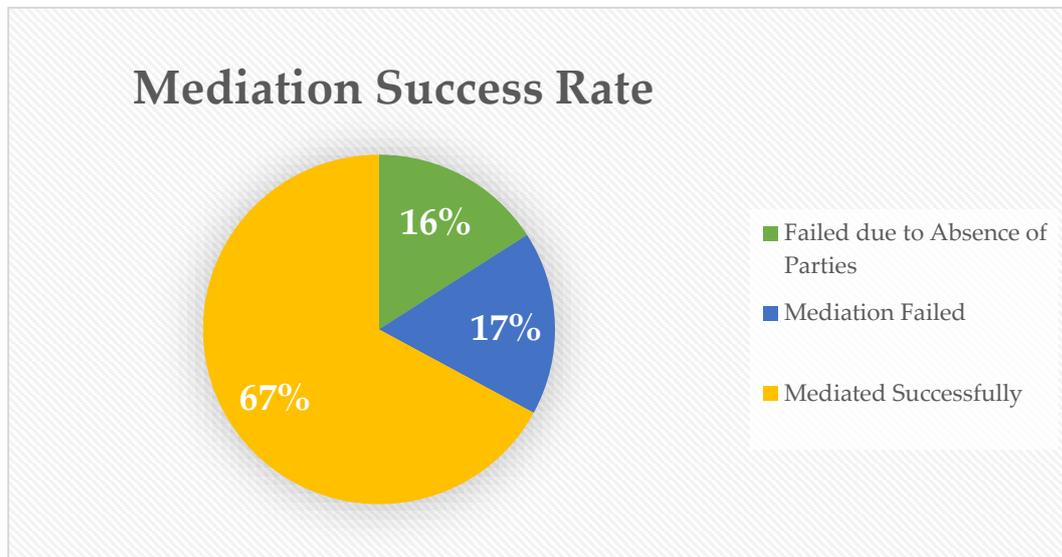
The only way to control the adverse effects of the informal ADR is to regulate and supervise it through the legal and administrative regime. The Courts will have to play a key role both in administering ADR and overseeing its dispensation. There are two options for quick and speedy disposal of the workload falling in the ADR domain; increase the number of judges or make the working conditions conducive for early disposal of cases.

Syed Mansoor Ali Shah, the then Chief Justice of Lahore High Court took a highly welcome initiative in establishing 36 ADR Centres in all districts of Punjab for early disposal where parties are willing to reach a settlement.

The existing law allows the parties to move the Court hearing their case, to settle the matter through the ADR Centres. Once they exercise this option, the remaining process becomes easy and the cases are decided in a matter of 30/60 days without incurring much costs. The judges in the ADR centres are trained by the Punjab Judicial Academy to help parties reach a settlement.

A consolidated ADR Report from June 2017 to May 2018, published on the official website of the Lahore High Court, demonstrates the following situation:





ii. **ADR in Sindh**

The traditional ADR in Sindh is centuries old, which includes *Panchayats, Jirgas, and faislo or Suleh*. The word *faislo* has various meanings encompassing resolution of a dispute, a settlement, a decision and a judgment. *Faislo* is used not only to resolve civil matters, but also to settle matters of long standing enmities in tribal feuds.

In *Mst. Shania vs. SHO Pano Akil* case, reported in 2004 PCrLJ, the High Court of Sindh has laid down that all kinds of trials and decisions conducted under the *Jirga* system in Sindh are banned, and anyone involved irrespective of the position he or she holds, will be charged with the contempt of Court.

The detractors of informal justice system demand for strengthening of the ADR in the formal justice system. They accuse the arbitrators functioning on ethnic, tribal, caste, and male-dominated norms. Such forums completely ignore the females as a participant, complainant, witness and member the jury.

The ADR mechanism of the Court-annexed bodies, i.e. arbitration councils, minor offence Courts, reconciliation Courts in Sindh have not been exploited to its full potential. The government has neither made enabling legislation or has created necessary structures.

The current practice of selecting the arbitrators is limited only to lawyers (through District Bar Associations) and retired judges. In most cases such names are recommended by District Bar Associations/Bar Bodies whose affiliations are with office bearers or the lawyers who have voted for them. Resultantly, experienced lawyers belonging to rival

panels are missed and *Saalis* selection becomes biased. The process should also include retired teachers, Police officials, revenue officials, and councillors etc.

The Judicial officers generally follow the litigation procedure instead of resorting to mediation. The annual statistics reveal that most of the judicial officers who were imparted training on ADR have not referred cases for ADR.

Sindh High Court has recently notified first Court Annexed Mediation Centre at Sindh Judicial Academy, which is a welcome step. More such mediation centres need to be established. However, this Centre will only take up the civil nature cases under section 89-A of Civil Procedure Code, 1908.

Chapter VII (Public Relationship) Section 42 of Draft Sindh Police Act 2018 deals with the formation of Dispute Resolution Committees (DRC) to be notified by the Deputy Commissioners and chaired by Assistant Commissioners. If previous experience is any indicator, Police handles ADR in criminal cases much better, therefore, this draft law should be structured on the model of the DRCs in KPK.

iii. **ADR in KPK before Police Act 2017**

As already discussed, Alternate Dispute Resolution mechanism works as a supplement to the formal judicial system as is the case in most parts of the world. The objective is to provide cheap, speedy and efficacious justice in petty disputes. In 2008, the then IGP KPK formed Muslahiti Committees at the level of Police Stations. Although this concept had the legal sanction of the Local Government law, the Police took the lead. The objective of the committees was to resolve such disputes that are likely to lead to breach of peace. The disputes were referred with mutual consent of the parties.

Performance of the committees from 2011 to 2014

Year	Criminal			Civil		
	Complaints lodged	Resolved	Referred to Court	Complaints lodged	Resolved	Referred to Court
2011	24459	20055	4404	10324	9669	655
2012	12923	12145	778	7152	6606	546
2013	13870	13347	523	6628	6044	584
2014	4699	4593	106	2114	1967	147

The performance of these Committees led to a bill sponsored by the Home & Tribal Affairs Department, titled as MUSALEHATI JIRGA BILL, 2013. This law provided an alternate dispute forum both for civil and criminal nature disputes and gave a role to the Revenue and Police officials.

The Musalehati Jirga processed compoundable criminal offences and matrimonial disputes upon a complaint made by a husband or wife. All Jirga members dealt with the cases and disposed them off within 30 days. Disputes could be brought to the Jirga through a written application or verbally by either party that was reduced into writing by the convener.

In case the parties did not reach to a compromise, the Jirga would impartially facilitate the filing of an FIR or a Court case and may also conduct its own investigation and give its opinion.

iv. **ADR under the KP Police Act 2017**

Sec 73 of the KPK Police Act 2017 provides for “Dispute Resolution Council”. *The Provincial Police Officer for out of Court amicable settlement of petty nature cases, may constitute, Dispute Resolution Councils at District, Sub-Division or Police Station level, which shall consist of such number of members and shall conduct its business in such a manner as may be prescribed:*

Provided that the Dispute Resolution Councils already constituted by the Provincial Police Officer shall be deemed to have been validly constituted and all the actions taken, decisions made or order passed by such Dispute Resolution Councils shall be deemed to have been validly taken, made or passed under this Act.

Explanation: *For the purpose of this section, petty nature case means and includes a small, minor, of less or inconsiderable importance and affected amity in the society or any cause leading towards provocation, which may lead to a criminal offence.*

The Provincial Police Officer KPK framed detailed rules to ensure neutrality, fairness and smooth functioning of the DRC system on the following broad guidelines:

- Selection of the DRC members

The District Police Chief in consultation with the civil society request prominent and well-reputed personalities of the community to join the Council. Any person interested in becoming a member to offer his services voluntarily. The District Police Chief, has discretion to enlist such person in the panel after due verification.

- *Structure of Dispute Resolution Council*

- a. A DRC to have 21 members including professionals, retired judges, retired civil and military officers, educationists, religious scholars, journalists, local/tribal elders and businessmen.
- b. The DRCs operates in Police stations in a dedicated Jury Room established for their functioning. Police officer(s) appointed as support staff, maintain record of working and decisions of the Council. The Council function in close liaison with the concerned SDPO/of the Sub-Division.

- *Working Modalities of the Council*

- a. The Council takes up only those applications which have been referred to it through Police. The Council cannot take any case on its own, however, may recommend the applicant to the Police.
- b. If any party has any reservation on decision of the DRC it may apply to the DPO for review.
- c. A 5-member review panel, other than the original decision members, reviews the finding in such situation.
- d. A Police Liaison Officer of the rank of ASI or above will be appointed by the DPO for helping the coordinator in record keeping and other issues of the Council.

- *Responsibilities of the Police Coordinator*

- a. Summoning both the parties and ensuring their attendance before the DRC.
- b. Recording statements of the parties and documenting the proceedings.
- c. Providing guidance/advice to the panel members on legal issues.

Employing the age-old customary techniques of Jirga and Panchayat, coupled with the modern techniques of conciliation and mediated-arbitration, the DRC panels strive for amicable resolution of all such disputes forwarded by Police authorities where the disputant parties agree to get their disputes resolved through DRCs

Performance of DRCs since 2014

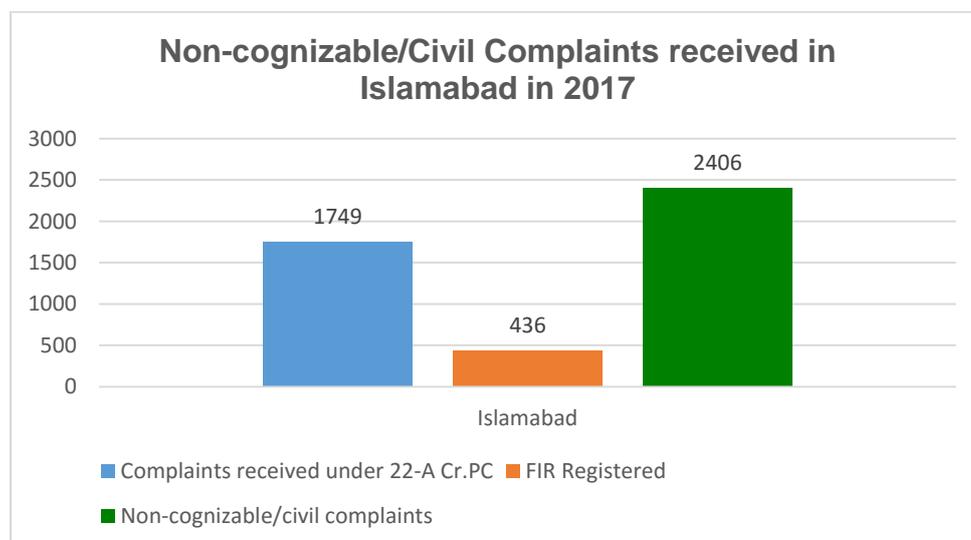
	01.01.18 To 30.04.18	01.01.17 To 31.12.17	01.01.16 To 31.12.16	01.01.15 To 31.12.15	01.01.14 To 31.12.14
Total Cases	2192	8722	4628	802	553
Compromised	1307	6573	3702	598	432
Legal Action	163	1016	751	174	102
Under Process	722	1133	175	30	19

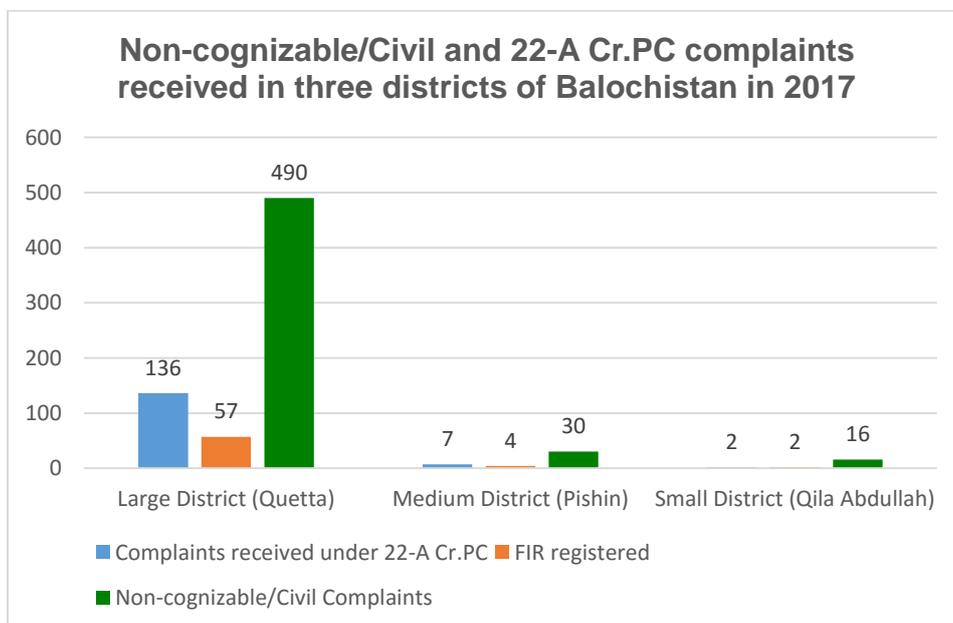
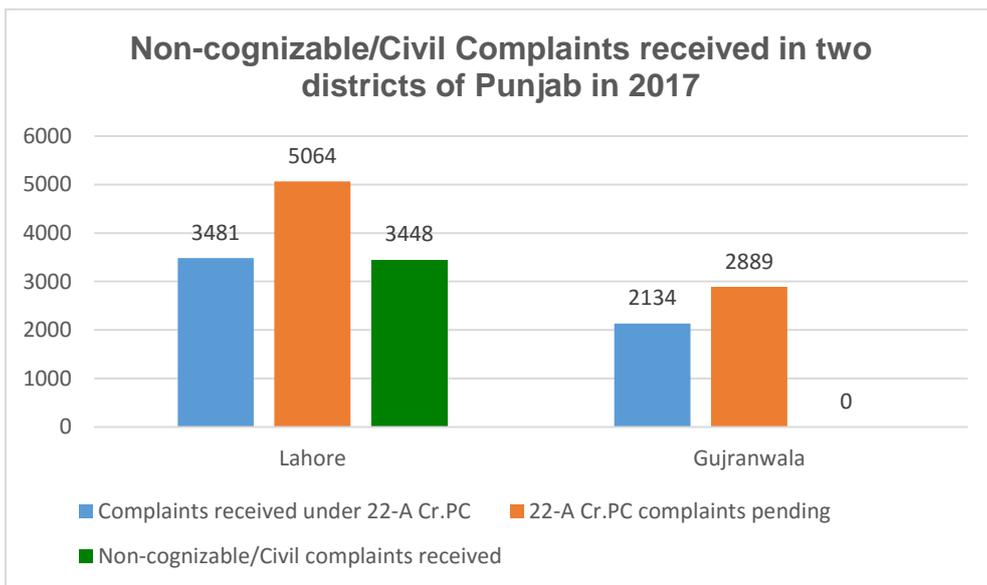
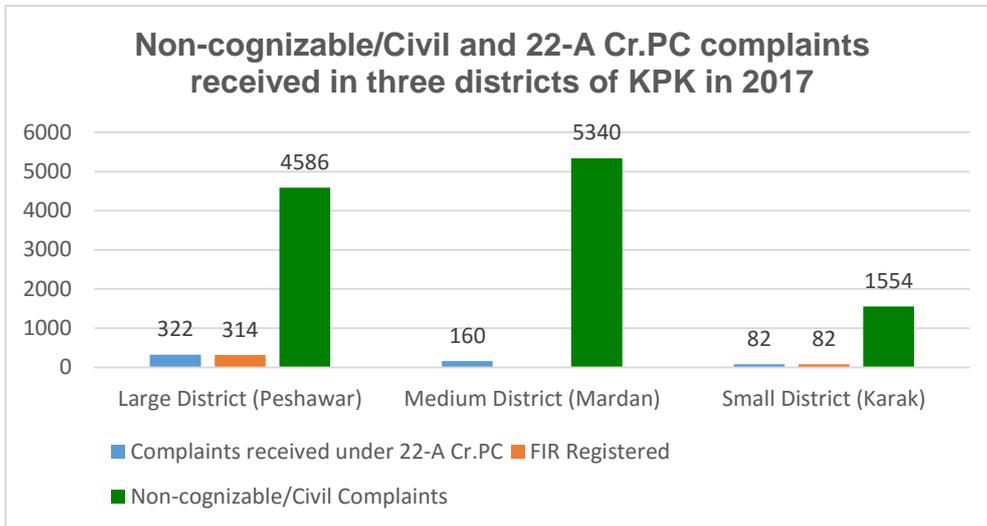
5.1.3 Non-Cognizable/Civil Complaints and ADR

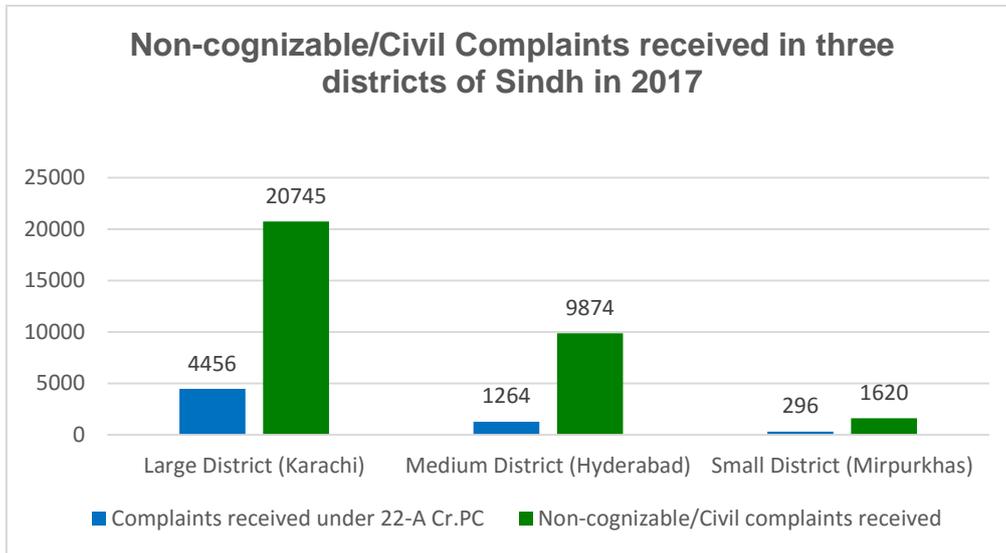
An effort has been made to understand the utility of the ADR through the volume of complaints being received in the Police and Court system at the district level in each Province. All the provincial Police forces were requested to provide the number of complaints pertaining to non-cognizable and civil nature cases that they have to deal with at the Police station. Three districts (large, medium and small size) from each Province were selected for this purpose.

Another fall out of a victim's complaint not being registered is that a number of the complainants approach the Sessions Courts and Justices of Peace for registration of FIRs under Sec 22-A of the CrPC. This generates legal battles between the Police, Courts and the complainants resulting in a lot of wastage of time, energy and financial resources. This exercise affects the reputation of the government and the Police adversely and erodes the confidence of the citizen in the state.

Following charts reflect the situation in each Province:







The above situation clearly indicates that the issue of civil nature complaints that are regarded as 'non-cognizable by Police are a substantial workload in all the districts; big or small. Handling these complaints involves a process that is more or less equal to the investigation of an average crime. This process entails a lot of malpractices, high handedness and corruption at the Police station level that in turn creates a bad image of the Police. Yet the victim still opts to go to the Police station than legal forums like Courts available for the redressal. If the distinction of cognizable and non-cognizable is removed from the law and a robust mechanism of ADR is provided at PS/Sub Division level, a vast majority of these complaints will be resolved quickly with less costs and before them turning into ugly enmities.

Cases Registered Under 22-A & 22-B CrPC (2011-2017) In Punjab

Year	Cases Registered	Accused			Cases Cancelled	Cases Challenged	Under Inv.	Decided by the Court		Conviction Rate (%)
		Total	Held Innocent	Challenged				Convicted	Acquitted	
2011	38943	65019	12984	49482	11994	26649	15	2522	7466	9
2012	36071	57402	12865	41289	11622	23204	10	2856	8394	12
2013	32885	50696	10961	36198	9816	22245	21	2244	7034	10
2014	32932	51285	11021	36463	9862	22115	22	2431	8305	11
2015	30910	48354	11300	34672	8541	21479	28	2349	6768	11
2016	28428	44575	9887	32184	7944	19950	197	2141	5803	11
2017	23994	38331	9250	25544	6409	30578	1773	1339	3174	4

Perusal of the above chart clearly suggests that a large number of cases are being registered through 22 A & 22 B CrPC by the Sessions Courts and JoPs. However, what is alarming that approximately 50% cases are either cancelled (30%) or acquitted (19%). The percentage of

“convicted to challaned cases” during the last 7 years have remained 12% or less. Such a high percentage of cancelled or acquitted cases and low conviction rate is an indicator that recourse to action under 22 A or 22 B before a JoP/Sessions Court is not a solution to the problem. On the contrary, referring such complaints to an organized system of ADR will be less costly and more efficient.

5.2 PROPOSED ADR MODEL

The critical question that needs answer is that what is the most appropriate model of ADR to be adopted? The KPK model has largely conferred the jurisdiction to Police through section 73 of the Police Act, 2017. However, Police force, being primarily responsible for maintaining law and order, taking cognizance of crimes and their investigation, is perhaps not the appropriate forum for the purpose. Therefore, instead of providing legal regime for ADR under Police laws, the Alternate Dispute Resolution Act 2017, a federal statute, promulgated by the parliament, may either be extended to the whole country, or the Provinces may legislate their own laws on the same line and ADR centres be established in every district at sub division level. A sub division is a jurisdiction big enough to pick up suitable members from all shades of life and yet be close enough to the people and the knowledge of their disputes.

5.3 RECOMMENDATIONS

It goes without saying that only the higher judiciary in Pakistan has the potential and authority to direct and motivate the lower Courts and other state institutions to realize the full potential of the ADR.

In order to achieve this tall order following recommendations are made:

- i. A country wide training program (preferably of 3 years) should aim to train the district judiciary, the Police and ADR neutrals etc.
- ii. The Alternate Dispute Resolution Act, 2017, a federal law on the subject may either be extended to the whole of Pakistan or Provinces should replicate it.
- iii. Establishment of ADR training centres preferably in the judicial academies under the direct supervision of the Supreme Court and the provincial High Courts.
- iv. Identify and establish “conduct standards” for the personnel conducting ADR and mechanisms for quality assurance.
- v. Mediation Centres and Institutes of Arbitrators and Mediators need to be established in all Provinces.
- vi. The federal and provincial governments should allocate budget and create infrastructure to utilize the arbitration and reconciliation forums in a three year phased program. The

budgetary allocation may also include the recurring/operational expenditure.

- vii. The district judiciary should ensure that all judges refer minor offences and disputes to the relevant Courts that already exist under the law for the arbitration and reconciliation.
- viii. The superior judiciary should develop strong monitoring mechanisms to ensure that all federal, provincial and judicial authorities discharge their roles and duties as laid down in the existing ADR laws.
- ix. The respective provincial governments and the federal government shall develop rules, SOPs and strong monitoring mechanisms to govern functioning of the ADR, as they would be dealing with the rights and liberties of the citizens. Any step of the procedure not legally covered is likely to create problems in the Courts of law.

CHAPTER 6. CRIMINAL JUSTICE SYSTEM EFFECTIVENESS AND ANTI TERRORIST ACT CASES

Term of Reference: *Carry out diagnosis of weak areas in CJS in combating terrorism; provide a roadmap to enhance effectiveness of CJS for dealing with ATA cases; evaluate existing laws for their efficacy while recommending measures to effectively combat terrorism and violent extremism.*

6.1 INTRODUCTION

It is generally accepted that there are two models to deal with the challenge of terrorism i.e. the war model and the criminal justice model. In the war model, the military plays the lead role and follows the norms of war in dealing with terrorists and terrorism affected areas. In the criminal justice model, the Police play the lead role and the criminal justice system is the main instrument to deal with the terrorist threat. In Pakistan, we are following the war model in the insurgency-hit areas like former FATA and the criminal justice model to deal with incidents of terrorism in the rest of the country. International experience indicates that the most effective way to deal with terrorism, particularly in a democratic state, is to follow the criminal justice model. It follows that, the effectiveness of our criminal justice system in arresting and convicting the terrorists, is likely to be a crucial determinant of our success in dealing with the terrorist threat in the long run.

For the last many years, terrorism has been the most serious threat to internal security in Pakistan. In fact, the year 2013 was the worst year ever in Pakistan, as far as the number of terrorist attacks and casualties are concerned. During that year, Pakistan was the third worst affected country in the world, after Iraq and Afghanistan, with 1933 terrorist attacks in which 2345 were killed and 5035 injured¹. After effective action by the government in 2014, the situation improved considerably. Consequently, in 2017, the number of terrorist attacks went down to 370 in which 815 people were killed and 1736 injured.² No mean achievement indeed, made at no small cost to the military and civilian law enforcement agencies. The moot point is whether this improvement is sustainable or not? Extensive research indicates that Police and civilian agencies have been more effective in defeating terrorist organizations than the military.³ In the context of Pakistan, it can be said that since this reduction of terrorism is more due to the military and para military intervention, an ad hoc

¹Global Terrorism Index 2017. *Institute for Economics and Peace*. p. 26.

² Pakistan Security Report 2018 (2018). *Pakistan Institute for Peace Studies*. P.2

³Jones, G.S &Libicki,C.S (2008). How Terrorist Groups End: Lessons to Counter Al-Qaeda. *RAND Corporation*.

arrangement, than to capacity building of the components of the criminal justice system, it is not likely to be sustained. To address the reform in Criminal Justice System (CJS), this paper is divided into four parts: the need to diagnose the weak areas of the CJS on the basis of research and data analysis, an evaluation of the effectiveness of the existing laws related to terrorism, a road map of the capacity building of the criminal justice system and the way forward.

6.2 EVIDENCE BASED DIAGNOSIS OF WEAK AREAS OF THE CRIMINAL JUSTICE SYSTEM

It goes without saying that in our society, generally speaking, scientific research and data analysis rarely form the basis of public policy formulation process. Nothing brings this out more clearly than the meagre budgets allocated to research and data analysis and lack of attention to the respective research and development units within different organizations. The impact of the lack of evidence-based diagnosis on the quality of our policies is not difficult to imagine. Existing prescriptions to improve the working of the components of the criminal justice system i.e. Police, prosecution and the Courts are no exception and are mostly based on partial data analysis, anecdotes or personal opinions and perceptions of the decision makers. There is hardly any study that analyses the national data to diagnose what ails the CJS generally and the anti-terrorism regime specifically, on the basis of which recommendations of reforms can be made. However, there are few random studies carried out at the provincial level, which help identify weak areas of the CJS.

6.2.1 Existing Research at the Provincial Level

A study of some of the existing research projects carried out to analyse certain aspects of the criminal justice system indicates a shocking state of affairs, about the efficacy of the criminal justice system in dealing with cases of Anti-Terrorism Act [ATA]. One such study carried out in KP for the years 2015, 2016 and 2017 indicated that, on an average, 48% of the cases of ATA sent up by the Police to the Anti-Terrorist Courts, were discharged by the Courts⁴.

Another study, which helps to understand the reasons of this high number of discharge of cases, highlighted some of the deficiencies of the investigating officers posted in CTD/KP. Most of the IOs posted in CTD/KP had not been given any specialized training in dealing with investigation of terrorism cases, indicating a serious gap in Police training programs in KP.⁵ Moreover, an overwhelming number of the IOs were not aware of the provisions of the Investigation of Fair Trial

⁴Prosecution of Terrorism Offences in Khyber-Pakhtunkhwa (2018). *Research Society of International Law*.

⁵ Skill Assessment of the Investigation Officers Counter Terrorism Department Khyber Pakhtunkhwa Police (2018). United Nations Office on Drugs and Crime (UNODC).

Act, which prescribes the legal procedure for the IOs of cases of ATA, to intercept communication of the terrorists, so that it becomes an important piece of admissible evidence⁶.

Another study was carried out by a Police officer to identify the reasons for acquittal of terrorism cases in Punjab from 1990 to 2009. 178 judgments of acquittals were analysed which broadly identified three types of reasons of acquittal i.e. defects in the FIR, flawed investigation and problems at prosecution stage⁷.

A similar study carried out by another Police officer on cases registered under the ATA in the Punjab Province, points out to the frequent application of the ATA to crimes like gang rape, multiple murders etc., which are, strictly speaking not terrorism cases. In fact, the study highlighted, that only 4.6 percent of the cases registered under ATA in Punjab during the years 2005 to 2011, were about bomb explosions and suicide bombings, the signature offences of terrorism. Thus, almost 95 percent of cases registered by the Police in Punjab during these years were not, strictly speaking, cases of terrorism⁸.

The same research also indicated that the average rate of conviction in ATA cases by the Courts in Punjab, during 2005-2011 was only 14 %.⁹ What can be the deterrence value to the terrorists, of a criminal justice system, where 86 % of the terrorists arrested by the Police, after lot of effort, putting their lives at stake, end up walking out of the prisons, without any conviction?

These statistics are a very damning evidence of the ineffectiveness of the existing regime to deal with ATA cases where almost half the cases of terrorism, investigated and challaned by the Police were summarily disposed-off by the Courts. This highlights the need, not only to have regular analysis of the judgments of the ATCs but also joint training of Police, prosecutors and the ATCs.

It is interesting to note that after the CJP formed the Police Reforms Committee to give recommendations to the Law and Justice Commission for Police Reforms a quick survey was conducted. The provincial CTDs were asked to share the latest conviction figures in terrorism cases. It transpired that the conviction rate has improved in Punjab during 2016-2017 to 61%, in Sindh it had gone down to 4 % and in KP it was found to be 30%¹⁰. While it is better in Punjab and abysmal in Sindh, there is a need to improve the rate of conviction in all the Provinces. It must be, however, preceded by a thorough analysis of the judgments to specify the reasons of large-scale acquittals. Punjab can possibly share the best practices it used to improve its rate of conviction in ATA cases.

⁶ ibid

⁷ Hussain, Ijaz (2013). *Why do Terrorism Cases Fail in Court? An Empirical Analysis of Acquittal of ATA Cases in Punjab*, Unpublished.

⁸ Hameed, Z (2012). *Anti-Terrorism Law published in Stabilizing Police through Police Reforms. Asia Society.*

⁹ ibid

¹⁰ Figures provided by provincial CTDs

6.3 A REVIEW OF THE EXISTING ANTI-TERRORISM LAWS OF PAKISTAN

With the evolving terrorist activity in Pakistan over time, the criminal justice system has tried to evolve accordingly but always with some lag. The intent of the system has been to cover the changing type of terrorist offences, make punishments stricter, raise the conviction rates, try the terrorism cases speedily, and enable the law enforcement agencies to effectively investigate and prosecute the acts of terrorism. But even today, the intent of the system is not fulfilled and the objectives remain elusive. Conviction rates are low, trials are delayed, investigation quality is less than satisfactory and prosecution is slack. Law enforcement agencies still have to face the dilemma of effective response within the bounds of law, ensuring procedural justice while working to achieve the substantive justice. System's credibility and capabilities can be enhanced only through swift and certain punishment while ensuring procedural justice. There is a consensus on the fact that all parts of the CJS (Criminal Justice System) are not working satisfactorily. Investigation is not being done in a professional manner on scientific lines. Prosecution is not strong and consistent. There are unduly long delays in completion of trials because of absence of an effective case flow management system and various other reasons including non-cooperation of private lawyers. The result is that the CJS is performing much below par and has nominal deterrence value for the terrorists. Since the terrorism related laws form the framework within which the components of the CJS has to work, it is imperative that a periodical exercise is carried out to evaluate the implementation of such laws on the ground and to assess the extent to which these laws are effective in combating terrorism.

6.3.1 Reforms required in ATA 1997:

The basic law governing the Anti-Terrorism regime in Pakistan is Anti-terrorism Act 1997. Following are the areas requiring reform in this law;

The loose definitions of "terrorism" and "terrorist act" have resulted in considerable ambiguity as well as the application of the Act, in many cases where it should not have been applied. Many cases like murder and attempted murder, which can and should ordinarily be covered by the general criminal law under the Pakistan Penal Code (PPC), have been registered under the ATA, whenever some sensationalism has been attached to the surrounding circumstances. This has been possible due to the loose wording in the Act. However, in many such cases, the real motive appears to be a wish on the part of the complainants or the Police to ensure a higher legal sanction with the possibility of severer punishment which is more probable under the Act. Some new categories of offences, like acid throwing on women and kidnapping for ransom, have been added to the Act because of this desire for a stricter penalty for these offences. An indirect consequence of the liberal application of the Act is that real acts of terrorism, (which really should be covered under the Act)

receive less stringent treatment than required for such heinous acts. A better approach would be to exclude from the ambit of the Act those offences which are already adequately covered by the PPC – such as murder and attempted murder – and to introduce special legislation for distinct offences like acid throwing on women with provision for higher punishments and stricter procedural safeguards. This would result in better prosecution under the ATA for, what can be termed as, purely terrorism cases, thus enhancing the deterrent effect of the Act.

This section identifies five areas that are particularly inadequate in terms of the legislative framework required to deal with the evolving trends in and nature of terrorist threats.

6.3.2 Defining new offences:

There is a need to revise the Act to cater for new types of crimes that have emerged in the last five years. Following are the issues that need special emphasis in this respect. New types of crimes that need to be included in and comprehensively defined by the Act include suicide attack, conspiracy or planning for a suicide attack, suicide bombing, armed insurgency, and planning to cause widespread disaffection against the State. In addition, the definitions of “terrorism” and “terrorist act” also need to be improved so that any attack attempting to or resulting in large scale destruction or widespread damage falls within their ambit. Further, a special section on ‘weapons of mass destruction’ needs to be introduced along the lines of U.S. law which defines such attacks in a separate category to reinforce both their different nature and the gravity of their consequences.¹¹

The Act does not provide for a special category of federal offences unlike the laws in the U.S. which have such categories of offences.¹² Crossing provincial boundaries for an act of terrorism, transportation of explosives,¹³ and planning acts of terrorism across provincial boundaries through use of explosives are examples of the kinds of terrorist acts that should be placed under the umbrella of a new category of federal offences in the Act. These offences should not be limited to investigation by the provincial Police forces since it is not possible for a Province to take cognizance of the entire chain of events which is inter-provincial.

There is a need to create a strict liability offence for possession of a minimum quantity of explosives and for harbouring people with such explosives. Anyone found to be in illegal possession

¹¹Title 18 US Code Chapter 113B deals with terrorism and contains a detailed treatment of the subject. ‘Weapons of mass destruction’ have been specifically defined in § 2332a.

¹²Title 18 US Code Chapter 113B makes use of the power to regulate inter-state commerce provided under §1958(b)(2) of the Code to create a federal crime of using, threatening or planning to use, or transporting weapons of mass destruction across state boundaries. The federal government not only has federal jurisdiction in such matters but has extra territorial jurisdiction for any act of domestic or international terrorism.

¹³Title 18 US Code, § 844(d) and (n) deal with transportation of explosives inside as well as outside state boundaries in the U.S.

of explosives beyond a certain quantity should be subject to minimum and maximum penalties prescribed by law. Although the Act already provides a presumption of proof against the accused for possession of explosive substances, it should include a distinct offence of possession of such materials *per se*. A relevant example is the strict liability crime of possession of narcotics under the Control of Narcotic Substances Act of 1997 (“CNSA”).¹⁴ The CNSA enhances the penalties in tandem with the increasing quantity of narcotics in possession of an accused. This scheme should be followed in terms of provision of enhanced punishments in proportion to the increase in the quantity of explosives possessed. The U.S. Federal Sentencing Guidelines also take a similar approach in enhancing the level of punishment in a manner commensurate with an increase in the quantity of explosives possessed by the suspected terrorist.¹⁵ For example, if the possession of a kilo of high explosive entails a punishment of imprisonment of up to five years, possession of more than ten kilos may entail death or life imprisonment. In fact, one can reasonably argue that possession of explosives is a much more heinous offence than possession of narcotics due to a much higher potential for causing damage to the society. Keeping in view our recent history, this offence should entail a much higher degree of societal opprobrium in the form of stricter punishments.

A special category of offences for attacks on security installations, armed forces, and law enforcement agencies and their facilities should be created. Any symbol of national importance should be included in this category. Attacks on the Sri Lankan cricket team, GHQ, Tehran Naval Base, Police Academies in Manawa and Sargodha, and Federal Investigation Agency (“FIA”) buildings underscore the importance of having such a separate category. The U.S. law includes such special categories like attack, kidnapping or assassination of the President,¹⁶ the Vice President or any member of the staff of the President or the Vice President.

There is no provision in the Act to cater for attacks on highly sensitive installations or infrastructure.¹⁷ There is a need to create a special category of offences covering attempts to take over or damage an installation or building related to national security like nuclear installations and installations related to critical national infrastructure like dams, transmission wires, pipelines, etc.

¹⁴Act No XXV of 1997 promulgated on July 11, 1997. Section 9 of this Act prescribes differing levels of punishment varying with the quantity of narcotic substance or drug possessed or transported, etc.

¹⁵US Sentencing Guidelines § 2 K 1.3(b)(1)(c). Any offence of unlawful receipt, possession, transportation and prohibited transactions of explosives involves an enhancement of punishment in accordance with the increasing weight of the explosives.

¹⁶Title 18 US Code Chapter 84 § 1751. The penalty for causing death of any of the persons in the said section is the punishment of death or life imprisonment with fine. The penalties for lesser offences like kidnapping or attempts at kidnapping, etc., are life imprisonment or imprisonment of up to ten years.

¹⁷Title 18 US Code § 2332f deals with bombings of places of public use, government buildings, public transportation systems and infrastructure facilities, and prescribes death or imprisonment for life as punishment for such an offence.

The spectre of attacks using chemical,¹⁸ biological¹⁹ or unconventional weapons has haunted several countries in the world in the recent past. A separate provision needs to be made for such attacks.

Recoveries of explosives and weapons are covered under the Explosives Act 1884, the Explosive Substances Act 1908²⁰ and the Pakistan Arms Ordinance 1965,²¹ respectively, and are not offences under the Act. This practically means that possession of arms, even if they are high calibre or automatic weapons, is only punished with small terms of imprisonment or modest fines. Historically, the Courts have been very reluctant in awarding punishments under the Arms Ordinance and this tradition carries over even into cases that are registered under the Act. Therefore, possession of arms in relation to terrorist acts does not result in as heavy a penalty as it deserves. Similarly, the Explosive Substances Act is an antiquated law that does not adequately provide for new types of explosives and modes of preparation. There is a need to define in the Act the new offences of possession of weapons and explosives connected with terrorism, thus bringing the provisions in the old legislation with required modifications into the fold of the Act.

6.3.3 Enhancing penalties:

There are several offences, which are not adequately treated or do not entail sufficient penalties in the Act. There are some types of explosives the possession of which should entail exemplary punishments like the death penalty. These include suicide vest, anti-personnel mines, RPGs, rockets, anti-aircraft guns, etc. Such enhancement of penalties would ensure a measure of deterrence that is much needed in the circumstances. Possession of higher amounts of explosives and weapons should entail higher penalties. In addition, there is a need to convert offences of possession of explosives and weapons to strict liability crimes under the Act, provided there is a sufficient nexus with a terrorist plan or attack. Attacks on persons and places having national symbolic significance, defence-related facilities, and nationally important installations or infrastructure including nuclear facilities, should entail special penalties with a minimum punishment of life imprisonment and a maximum punishment of death. Such special penalties can also be extended to the unauthorized possession of nuclear, chemical or biological weapons. Penalties for all newly defined offences should be stricter, with clearly delineated legislative guidelines for

¹⁸Title 18 US Code Chapter 11B. This entire chapter deals with offences related to chemical weapons and prescribes punishments of death or imprisonment for life for causing death of any person under such offences.

¹⁹Title 18 US Code, Chapter 10. Offences relating to the development, production, stockpiling, transfer, acquisition, retention, possession or any attempt thereto, entail a punishment of imprisonment for life with any amount of fine.

²⁰Act VI of 1908 promulgated on June 8, 1908.

²¹Act XX of 1965 promulgated on June 8, 1965.

minimum punishments in order to ensure deterrence. The Act should make provision for compulsory confiscation of all properties in favour of the State of persons convicted of terrorist attacks, with further enhanced penalties for repeat offenders of heinous offences under the Act.

6.3.4 Assistance, aid and abetment in terrorism:

Terrorist acts, in their modern form, require the active collaboration and assistance of several perpetrators for achieving their goals. Similarly, in the absence of an enabling environment in terms of people and resources, terrorist acts have a slim chance of success. However, the Act fails to sufficiently take into account these attending circumstances of recruiting and radicalizing people, collecting financial resources and acting in aid and abetment of a particular act of terrorism.

Penalties attached to offences dealing with facilitating terrorism should be much higher. Acts like training suicide bombers, imparting training in preparation of explosives, weapons training, and harbouring terrorists, are some examples of offences in this category. Similarly, propagation and dissemination of ideas or literature leading to terrorism should also attract more serious penalties.

There is no provision for providing assistance within Pakistan to any international agencies in connection with acts of international terrorism with links in Pakistan. A provision needs to be made with a prescribed mechanism for such assistance. The area of terrorism financing has received a lot of attention worldwide but has largely been neglected in Pakistan. The sources of terrorism financing need to be identified and appropriate provisions need to be made for each source. One of the most obvious sources is donations by individuals or organizations. In several countries' laws,²² such financing, even if done recklessly, is an offence under the law and entails serious penalties. Money Laundering and proceeds of crimes have to be expressly dealt with by the Act.

6.3.5 Powers of law enforcement and investigative agencies:

Law enforcement agencies and Courts are hampered in effective investigations and adjudication of cases due to a lack of legal powers which are necessitated by the very nature of terrorism in recent days and changes in technology. There is a need to provide powers to the Police and other investigating agencies like FIA or Counter Terrorism Department ("CTD") for the monitoring and surveillance of persons, financial transactions and money flows in connection with

²²*Australian Criminal Code Act 1995 as amended, Division 103 deals with terrorism financing and makes purposeful or reckless financing of terrorist activities an offence punishable with life imprisonment. Title 18 US Code § 2339C prohibits terrorism financing and makes the offence punishable with imprisonment of up to twenty years. Canadian Criminal Code Sections 83.02, 83.03 and 83.04 deal with terrorism financing and make offences like collection or possession of property for use in terrorism, etc., punishable with imprisonment of up to ten years. The 'International Convention for the Suppression of the Financing of Terrorism,' adopted by the General Assembly of the United Nations in resolution 54/109 of 9 December 1999, is also a possible source of guidance for dealing with terrorism financing.*

terrorism. Compulsory reporting and sharing with law enforcement agencies of all relevant information needs to be made an obligation for all financial institutions. The Police or any other investigating agency acting under the Act should be able to request and obtain information about a person's travel, residence, telephone calls, financial transactions or any other relevant information from any source about any named person. Even though in theory the law has given some powers in this respect to the Police, in practice these powers are limited and require several authorizations, thus considerably delaying the process of investigation. Clear powers need to be conferred on the investigation agencies for expedited investigation.

There is a need for an effective victim and witness protection program under the Act, instead of leaving it to the Provinces, as being done now. The Police and the Courts should be empowered to 'take all necessary steps' to ensure that the victims, witnesses, judges, investigation officers and prosecutors are effectively protected in trials of terrorism. These steps could involve image and voice distortion, closed sessions, hidden identity of witnesses and any other measures considered necessary and expedient in the interest of justice and the protection of witnesses.

The Special Courts under the Act should have the power to conduct trials incognito, in appropriate circumstances, in order to protect the identity of the judges, investigating officers and witnesses. This means that where circumstances warrant, the government should be able to authorize a trial which does not involve the judge, witnesses, investigation officers and prosecutors being visible to the accused and is conducted either through one-way video conferencing or one-way glass partition. This is especially relevant in cases where a jail trial is thought expedient.

6.3.6 Procedural issues:

Procedural bottlenecks effectively kill any chances of successful prosecution and conviction in terrorism cases. The provisions contained in the law of evidence and Court rules are antiquated and do not cater for a new reality in the present day. There is a need to amend the law of evidence as well as the Act to make the testimony of Police officers admissible in evidence. This is the case in many countries around the world and is especially important in the context of terrorism cases where witnesses are not forthcoming due to fear and where oral testimony is given a lot of importance. However, necessary amendments are needed in the law of evidence, specifically in the Qanoon-e-Shahadat Order, to take care of the substantive law in addition to the amendments in the Act itself. Further, there is a need to amend the law in order to make circumstantial evidence admissible in terrorism cases. Safeguards need to be built into the Act to ensure that it is not misused. A much more precise definition of "terrorist act" and circumstances where it can be applied need to be provided in the Act to preclude the possibility of abuse. Our traditional criminal law gives a lot of importance to physical presence of the perpetrators at the scene of the crime. The nature of

terrorism and more particularly of suicide bombing is such that the presence of all perpetrators on the scene of the crime would be a virtual impossibility. An additional complicating factor is the fact that the main perpetrator, i.e. the suicide bomber, would have died in the act. The person planning the act of terrorism may be in a remote location. It stands to reason that such a person should be the main accused in a case like this. In these circumstances there is a need to come up with a mechanism to do away with the requirement of physical presence at the scene of the crime. There is also a need to move away from the approach of connecting the persons present at the scene of crime to the persons planning the act of terrorism. In such circumstances, the standard of proof required in the Qanoon-e-Shahadat Order should be relaxed and circumstantial evidence should be made admissible. This is important especially if perpetrators sitting in remote locations are to be brought into the net of the law.

6.4 OTHER LAWS RELEVANT TO TERRORISM

A number of laws, besides the ATA, have been enacted by the legislature to deal with different dimensions of terrorism in Pakistan. The Investigation for Fair Trial Act 2013 was enacted in January 2013 to provide for collection of evidence from modern devices including the collection of cell phone data and email communications. The statute's primary intent was to ensure that such forms of communication would be admissible as evidence in the Courts of law since they were not previously admissible in Courts. This was due to the evidence law contained in The Qanun-e-Shahadat Order which was promulgated in 1984 (substantially based on the earlier Evidence Act of 1872) and only treated as admissible documents that were at that time considered to be legal documents, for example written communication.²³ This did not include email communication or any type of electronic communications. Since the law of evidence was not amended after the advent of electronic communications, there was a void in terms of admissibility of evidence in the law that has now been filled through the latest statute.

The Investigation for Fair Trial Act 2013, seeks to empower investigation of cases involving such means and to regulate the investigation and intelligence agencies conducting such investigations. The law, for the first time in Pakistani history, empowers intelligence and law enforcement agencies to conduct surveillance and interception of electronic and cellular phone communication for the purposes of any investigation into an offense. The scope of the reasons for

²³ *The evidence law only defines evidence in two forms i.e. oral evidence in front of Court and documentary evidence. The definition of Documentary evidence does not include electronic communications. Therefore the need was felt for bringing in the new law. See sections 2(1)(b) and 2(1)(c) of the Qanun-e-Shahadat Order 1984. See note ix supra. The Evidence Act 1872 can be seen at <http://indiankanoon.org/doc/1953529/>.*

starting an investigation is broad and a reasonable suspicion of involvement in any activity that could lead to a criminal offense is sufficient for an application for a warrant under this law. Even though the grounds for obtaining a warrant are broad, the procedure for obtaining a warrant and conducting an operation under this law is quite cumbersome. The application for a warrant is to be submitted by a senior officer of an intelligence or law enforcement agency. This application has to be approved first by the federal interior minister and then by an Hon'ble Judge of the concerned High Court before the surveillance and interception can occur. The warrant is only issued for a limited period of sixty days, which can be extended on application again through the same process. If it is established that there has been an offense under the ATA or four other laws given in the schedule of the Investigation for Fair Trial Act on the basis of such surveillance and interception, a criminal case shall be registered. The material collected under The Investigation for Fair Trial Act 2013 can then be used as evidence in the trial of such a case.

The procedure provided in this law is so cumbersome and impractical that it has practically made the law irrelevant for law enforcement/investigating agencies like Police and CTD. This is the reason that this law has never been used in practice in Pakistan.

There are some other laws, which though important, have rarely been used by the Police. These include Witness Protection Acts of Sindh, Baluchistan and Punjab or Rehabilitation of Victims of Terrorism Act in Baluchistan, a number of laws regulating the renting of houses etc. A careful analysis of the reasons for inadequate implementation of such laws should be carried out and addressed. Lack of knowledge of all such laws is one major reason for the Police not using these. Most Police Investigating Officers are of the view, that all these laws be clubbed into the ATA. This is likely to lead to greater clarity, ease of use, and more effective application of the law. Also, many laws or their provisions having a bearing on terrorism like Anti Money Laundering Act, Pakistan Electronic Crimes Act, etc. shall become part of one document. This is likely to be, not only, immensely convenient for the IOs as well as the prosecutors and the Courts but also facilitate in meeting the ends of justice.

Similarly, the premier strategic level national body for counter terrorism and counter violent extremism is NACTA, established under NACTA Act 2013. Some of the important provisions of the NACTA Act, are not being implemented. The law clearly lays down that the organization shall be responsible to the Prime Minister, yet the Interior Ministry refuses to let go of it. As per the law, an essential starting point of NACTA has to be a meeting of the Board of Governors, headed by the PM. The Board of Governors (BoG), inter alia, has to approve its budget, issue guidelines to it, approve SOPs etc. but that is not being done. Its main functions include, preparing terrorist threat assessments for the government by collating intelligence from all agencies, develop CT strategies and monitor its implementation, carry out research in terrorism related areas, evaluation of terrorism

related laws etc. Due to lack of, even a single meeting of BoG in 5 years, an important body like NACTA, is working much below par and not able to give any strategic direction or unity to the national counter terrorism effort. NACTA can play an important role by serving as the national focal point on enhancing effectiveness of the CJS in dealing with ATA cases.

In the light of the foregoing discussion, it can be asseverated that the need to have a system for a regular review of the laws related to terrorism cannot be postponed any longer. In order to institutionalize regular evaluation of the terrorism related laws, it is necessary to have a senior, credible reviewer, whether a judge of the Supreme Court or a private lawyer, with the exclusive task to examine the laws. UK has set up an institution for this task, called, Independent Reviewer of Terrorism Legislation. The model can be studied.

6.5 ROAD MAP TO ENHANCE THE EFFECTIVENESS OF CJS DEALING WITH ATA CASES

The road map for enhancing the effectiveness of the CJS vis-a-vis cases of ATA should be broken up into two parts. One, a short term quick start capacity building plan can be implemented, to ensure reasonable improvement of the CJS within 6 months i.e. by the time the military Courts, dealing with cases of terrorism, expire in Jan 2019. Two, a long term action plan to be developed by the Law and Justice Commission, on the basis of comprehensive diagnostic research of weak areas of CJS, in consultation with all the stake holders.

The essential starting point for the short-term plan, in terms of Police, has to be the selection, training and equipping of IOs in the provincial CTDs. The officers to be posted in the CTDs as Investigating Officers should be specially selected out of the existing lot through an evaluation system based on established criteria focusing on general investigation skills, education and knowledge of law. After selection, they may be imparted rigorous training to investigate offences under ATA 1997 and study other terrorism related laws. The training program can be designed to enhance their capability to deal with terrorism cases like preservation of crime scene of a terrorist attack, collection of evidence, interviewing of witnesses and suspects, linking of the terrorist network with the crime, terrorist financing etc. of crucial importance A portion of training will be joint with the prosecutors focusing on how to work jointly after registration of the FIR. The Police departments and the prosecution shall need to develop their own SOPs as well as sign protocols with each other to reduce in black and white, the roles each have to play in case of a terrorist attack. These IOs shall not be transferrable from the CTD assignment before three years. Enough funds will have to be provided to pay for cost of investigation and all the equipment required for investigation shall have to be procured for them. As far as the time frame is concerned, it is proposed that we take 2 months to make a comprehensive plan, in consultation with the provincial CTDs, for the entire process.

Another one month is needed for the selection of IOs in CTD, followed by a 3 months specialized training for investigation cases of terrorism. Thus, this group of specially selected, highly skilled IOs can start working in all the provincial CTDs within a period of 6 months, considerably improving the quality of investigation of ATA cases, resulting in a higher conviction rates in such cases.

The second tier of short-term capacity building program is enhancing capacity of the CJS is to have dedicated prosecutors for successful prosecution. While the respective prosecution departments may be the best judge, how to go about it, it is felt that instead of attaching prosecutors with each Court, it might be appropriate to allocate their workload on the basis of ATA cases for each of them. At present, only one prosecutor is assigned entire workload in the ATC (Anti-Terrorism Court). Attaching prosecutors with the cases registered would ensure that they are attached with the IOs of the cases right from registration of the FIR. The prosecutor can then guide the IO in preparation of the case file. Hence, joint training of the prosecutors and IOs is considered very useful. Lack of space to meet is a serious problem, which limits the contact between the IO and the prosecutor. One possible option is that after Court hours, they can meet in specified buildings to be provided by the respective CTDs. This would facilitate preparation for next day's proceedings including holding of mock trials to prepare witnesses to give evidence in the Court. One possible option is that new prosecutors can be recruited within 02 months from amongst practicing lawyers. They can be imparted specialized training for prosecuting terrorism cases as well as joint training with the IOs in the next 03 months. Hence, enough prosecutors can be made available to the ATC Courts in next 6 months.

As far as the ATCs are concerned, it is generally acknowledged that certainty of punishment is the most potent deterrent to future crimes. This can be ensured only when there is certainty of trial. Hence, the case flow management in the ATC is essential for holding trial of offenders. Any case may be fixed in Court after any amount of time on its turn but once it comes up for trial, it must be completed within few weeks running on day to day basis. Only by doing this, presence of witnesses can be ensured. For this short duration of trial, all necessary steps can be taken for protection of stakeholders in the trial. In ATCs, the caseload is reasonable and case management system can be enforced as a pilot project. Trials pending indefinitely in the Court discourage witnesses to come forward on multiple hearings and benefit goes to the accused party. Nothing can be achieved in prosecution if certainty of trial is not ensured. This is one of the most difficult tasks these days. Private lawyers are likely to resist it as they are, supposedly, major beneficiaries of the delays in the trial. Courts are already under pressure from the private lawyers and bar councils. Lower judiciary has lost the battle of case management vis-à-vis bar councils. Hence, superior judiciary will have to support the lower judiciary in this regard. Roadmap of this important step depends upon will power of the superior judiciary in freeing lower Courts from clutches of private

lawyers. Strong resolve of judiciary and assistance from LEAs can do this job within 06 months. Arrangements can also be made for very short Police, prosecution and ATCs joint training by retired judges/prosecutors/Police officers in the respective judicial academies. Last but not the least, capacity issues of ATCs in terms of security and logistics need to be met on priority basis.

Above are the practical measures which can be implemented within 06 months with little amount of funds. But ownership of these reforms must be taken by the Executive and Judiciary. High Court's monitoring committee, headed by the In-charge Judge of ATCs and having members from all stakeholders, is already working. There is a need to quantify its KPIs for all three stakeholders, i.e., Police, Prosecution and Judiciary. For the success of the above roadmap, all steps must be taken simultaneously. These are connected with each other in such a way that any one step in isolation cannot produce results. After full implementation of all the above steps, strict accountability of the three stakeholders may be ensured for failures to achieve KPIs.

6.5.1 Need for a Federal Counter Terrorism Department.

There is a need for a Federal Counter Terrorism Department. The steps mentioned in the foregoing paragraphs are for investigating cases of terrorism confined to a Province. The existing terrorist networks active in Pakistan are not only inter provincial in nature but also have transnational linkages. The existing Counter Terrorism Wing of Federal Investigation Agency does not seem to be capable of investigating the ATA cases having interprovincial or transnational ramifications. There is no dedicated national CT (Counter Terrorism) Agency to fight these national and transnational terrorist organizations. Provincial CTDs are working in silos to fight the menace. The need to set up a national CTD to deal with cases of terrorism having interprovincial linkages, cannot be over emphasized. Moreover, certain aspects of terrorism like terror financing can only be investigated by a national agency, which can deal with the State Bank and other national financial institutions. It should have concurrent jurisdiction with the provincial CTDs but have the mandate to take up cases of national and transnational terrorism. There are many instances of dedicated national investigation agencies for investigating cases of terrorism, like FBI in US, AFP in Australia and so on.

6.6 RECOMMENDATIONS:

- i. Evidence based diagnosis of the areas of weakness in anti-terrorism regime in Pakistan
 - (d) Law and Justice Commission to consolidate available research on terrorism related issues relevant to the CJS. This would not only give a baseline of existing knowledge on the subject but also highlight the shocking state of affairs in the capability of the CJS to deal with the terrorist threat.

- (e) Research cell of Law and Justice Commission Pakistan to prepare a National Research Plan and orchestrate the national effort in research on ATA related topics, in coordination with research cells of the Police, prosecution and the Courts
- ii. Reviewing laws related to terrorism
 - (a) L&JC to examine clubbing together all laws relating to terrorism, as far as possible, in one major Anti-Terrorism Act
 - (b) Amendments to be made in ATA 1997, have been suggested in the report. L&JC to examine these
 - (c) Measures to be taken to address the reasons for inadequate implementation of certain laws related to terrorism like Investigation for Fair Trial Act, Provincial Witness Protection Acts and Provincial Victim Rehabilitation Acts in different Provinces and other such laws
 - (d) To institutionalize the evaluation of utility or effectiveness of the laws related to terrorism, the L&JC may appoint a senior lawyer or judge to deal exclusively with terrorism legislation. UK has an Independent Reviewer of Terrorism Legislation.
 - (e) NACTA Act be implemented in letter and spirit
- iii. Road map for enhancing capacity of the CJS
 - a. For a quick start, a short-term road map for six months ending Jan 2019, has been suggested. It is based on four pillars i.e. selection and training of personnel of all the components of CJS, better coordination between all components, streamlining the work flow system and meeting of their respective logistics demands .
 - b. A long term road map may be drawn up by the Law and Justice Commission, on the basis of the proposed scientific diagnostic research of the weak areas of CJS, in dealing with ATA cases. This should be done in consultation with the Police, prosecution and the ATCs.
 - c. Setting up of a Federal Counter Terrorism Department to investigate cases of terrorism having inter-provincial linkages.

6.7 CONCLUSION

There can be no two opinions on the fact, that to sustain the recent success in combating terrorism in Pakistan, enhancing effectiveness of the CJS is absolutely essential. The CJS reform process outlined above, has to be based on three basic factors i.e. the effort should be simultaneous for all the components. It should be multi-dimensional, addressing all areas of concern and finally, it should be institutionalized to ensure a sustained process of reform. The current L&JC initiative to enhance the efficacy of the anti-terrorism regime, can prove to be the turning point in the State`s

capability to protect the lives and property of its citizens from the threat of terrorism.

Part-III

LEGISLATIVE REFORMS

CHAPTER 7. LEGISLATIVE REFORMS

Term of Reference: *Suggest policing-related amendments/reforms in laws like CrPC, Evidence law, Anti-Terrorism Act etc. and recommend changes in accordance with international best practice.*

7.1 INTRODUCTION

Recommending legislative reforms for Police, in particular, and for the criminal justice, at large, is an extraordinary task; it involves expertise besides experience and depending upon the perspective of a stakeholder and the trust reposed by the system in it, the positions taken on the continuum may differ in large measure. Mindful of these constraints, the Committee does not aspire to recommend legislative reforms in legalese; alternatively, it will aim at identify the thematic areas that may be further deliberated upon by the Law and Justice Commission of Pakistan, which has the statutory mandate²⁴ of addressing and proposing legislation. With thematic identification of legal reforms, the experience and feedback of the Police will be presented in more conceptual manner. The detailed legislative proposals can then be drafted by help of professional draftsmen and after taking other stakeholders in confidence and by inviting their input.

The following select thematic areas may interest the Honourable Court in considering the submissions of the Committee:

7.2 THE ROLE OF THE FEDERATION IN ADMINISTERING THE CRIMINAL JUSTICE

The role of the Federation in administering the criminal justice to the citizens of Pakistan finds its legality from the obligation placed on the State to enforce Fundamental Rights of its citizens²⁵. Article 142(b) of the Constitution of Pakistan clearly reserves a role of the Federation in legislating the laws related to criminal law, criminal procedure and evidence; the legislation in these areas has not been fully devolved to the Provinces. The enabling legislation and conforming interpretation by the Courts need to be ensured as a matter of public policy. The architecture of administration of the criminal justice system in the Provinces did reserve powers for the Federation in the form of transfer/posting of the Advocates General of the Provinces and in transfer/posting of the Inspectors General of Police. The role cannot be abdicated in favour of the Provinces as the constitutional

²⁴Section 4 of the Law and Justice Commission of Pakistan Ordinance, 2002.

²⁵Articles 7 and 8 of the Constitution of Pakistan, 1973.

scheme does not support such an approach. The corollary of the issue is the role of the Federation in the policing laws. The policing laws, as they stand today, exclude, if any, the role of the Federation. The propensity is dangerous and may not favour the internal security of the country, which is already slipping away from the hands of the civilian security organizations; notwithstanding the outstanding contributions of the armed forces, constitutionalism vests the civilian security organizations with the task of ensuring the internal security of the country. The role of the federation, therefore, cannot and should not be excluded from the criminal justice administration at the provincial level.

RECOMMENDATION

The Honourable Court may take up the case in review about the constitutionality of the Police laws in Pakistan and decide the constitutionality of the Police laws in the light of article 142 (b) of the Constitution of Pakistan;

And

The Federation be directed to ensure that, in line with the Constitution of Pakistan, the Police laws in the Provinces should be drafted in a manner that the role of the Federation is not excluded in criminal justice administration. Alternatively, a federal Police law applicable to the whole country may be proposed to be legislated in consultation with the Provinces.

7.3 ENABLING THE SPECIALISTS TO DECIDE MATTERS RELATED TO CRIMINAL JUSTICE

The laws related to the criminal justice system were mostly inherited from the colonial times. Unfortunately, except the judiciary, which asserted its independence, the decision-making for a related to the components of the criminal justice system are occupied by the non-specialists who tend to enjoy authority without taking the responsibility of the matters decided by them. The legal device used by the non-specialists is a 'superintendence' legal provision available in Police, prisons and parole laws. The 'superintendence' provision is then read with the provincial rules of business and the spirit of the laws is undermined by denying the specialists of different fields in the Police, prisons and parole to take their professional decisions; resultantly, a dysfunctional system is in place that has little or no regard for 'reform' and is not willing to move with the pace of social change taking place all over the world. It may be noted that the device is colonial in its nature and purport and needs to be struck down on the ground of enforcing the Fundamental Rights of the citizens.

RECOMMENDATION

The 'superintendence' clauses in the provincial Police laws may be struck down on the ground that these are inconsistent with the Fundamental Rights of the people of Pakistan. The action can be taken through invoking article 184(3) of the Constitution;

OR

By directing the Law and Justice Commission of Pakistan to examine all the laws related to the criminal justice administration and to recommend to the legislature to repeal the outdated legal provisions.

7.4 SPECIFIC BUDGET ALLOCATION FOR JUSTICE RELATED LEGISLATION

Most often than not, Pakistan is treated as a country with excessive legislation; this might be true. A plain reading of the lists of legislations introduced in the last five years will evince that plethora of legislation has been passed by the federal and provincial legislatures. Unfortunately, the law making and the budget making in the country are not linked as required under the Constitution. For example, the law related to witness protection was passed in all the four Provinces and the responsibility to implement the laws was placed on provincial Police organizations. However, the budgetary allocations were not provided to attend to the legislative requirements resulting in eroding of the trust of the public at large at the capacity of the Police organizations besides increasing the gap between the legislative expectation and on ground implementation. Another illustration of this point is that section 14 of the Punjab Women Protection Authority Act, 2017 provides that an Additional IGP, Women Protection shall be appointed to oversee the work of the Women Protection Centres in the Punjab; no administrative action was taken in this direction as there was no budgetary allocation to implement the same. Such pieces of legislation are in abundance. Juvenile Justice System Ordinance, 2000 (and now the Juvenile Justice System Act, 2018) are other examples of such legislation.

RECOMMENDATION

The Law and Justice Commission of Pakistan may kindly be tasked with study the law making and budget making of the last five years and identify the legislation that has not been backed by budgetary allocation. Based on the study, the Federal and Provincial Governments can be directed to incrementally address the gap to ensure that the spirit of the rule of law is not eroded.

7.5 UPDATING POLICE RULES, 1934

Chapters 25 and 26 of the Punjab Police Rules, 1934 (adopted by all the four Provinces) deal with investigation and arrest respectively. The chapters are outdated and do not envision an

independent prosecution. The chapters must be updated and re-written by addressing the latest trends in the investigation and by filling in the gap between the practice and the legislation. The delegated legislation relating to investigation and arrest will help standardize the Police working and will improve the quality of the investigation. Additional chapters dealing with forensics and evidence handling (collection, preservation, securing, storing and exhibiting) are also required to be added. The model delegated legislations on the subject can be utilized.

RECOMMENDATION

The LJCP has the legal mandate to do this. The Committee proposes that with the representation of all Police organizations and in consultation with prosecution departments, the delegated legislation relating the investigation, arrest, forensics and evidence be updated and necessary additions may be introduced.

7.6 LAW RELATING CHANGE OF INVESTIGATION

The law relating to change of investigation was introduced through the Police Order, 2002²⁶. With the new provincial Police laws, the law relating the change of investigation has largely been repealed. Whereas the original place for the law relating the change of investigation should have been the CrPC, 1898 (that deals with the definition of 'investigation' and with the incidental matters), the law relating to the change of investigation must be provided to ensure fair investigation. There should be maximum three investigations of a case. Absent the law relating to the change of investigation, the abuse of the criminal justice system increases, which brings bad name to the Police and the provides unbridled discretion to Police. The primary and delegated legislation about the change of investigation must be provided to curtail discretion of Police officers.

RECOMMENDATION

The Committee proposes that the LJCP may kindly be directed to prepare legislative proposals about the law relating to the change of investigation. The Police officers and the prosecutors must be consulted at the time of drafting the law.

²⁶Article 18 of the Police Order, 2002.

7.7 AMENDMENTS IN QANOON-E-SHAHDAT ORDER, 1984

It is often said that Pakistan's criminal justice system relies on the testimonial evidence; the observation, it may be noted, is correct. The law of evidence, in its, article 70 provides that all the facts, except contents of the documents, may be proved by oral evidence. The principle legislated in article 70 of the law of evidence has influenced most of the case law relating to evidence in Pakistan. The article need immediate reform and the law of evidence has to address the electronic and forensic evidence in much more detail. Besides, the law of evidence has to address issues related to multiple cross-jurisdictional proceedings. For example, the evidence exhibited before a Court of competent jurisdiction should be readable before another Court without repeating the whole process.

RECOMMENDATION

The law of evidence must be thoroughly examined by the LJCP in consultation with the Police and prosecution departments. The representatives of the Punjab Forensic Science Agency and the Punjab Safe City Authority must also be included for consultation to the extent of forensic and electronic evidence respectively.

7.8 LAW RELATING POLICE REPORTS UNDER SECTION 173 CR.P.C

Section 173 CrPC deals with Police reports after completion of investigation. The law is outdated and needs immediate improvement. It has the following reform aspects:

- i. Different types of reports under section 173 CrPC get categorized differently. For example, the Punjab Police use the terms 'Challan', 'Saqit', 'Adam Pata' and 'Ikhraj' for such reports; on the other hand, Sindh Police use A, B and C categories to address different types of section 173 reports. The variance has to be standardized for certainty of law and in order to check discretion of Police, prosecutors and Courts;
- ii. The statutory time for submission of report under section 173 CrPC is same for a petty offence and for the most heinous; the timelines must be rationalized to ensure that the quality of investigation is not compromised;
- iii. Timelines must be devised for reports by forensic science agency, serologists, handwriting experts and cyber forensic experts. Besides, the categories of section 510 CrPC experts must also be increased to include the latest array of experts dealing with evidence;
- iv. The procedure and guidelines for dealing with each type of report be also provided to Police, prosecution and Courts to minimize their discretion and to increase certainty and

predictability of law;

- v. In case of Joint Investigation Team under section 19 of the Anti-Terrorism Act, all the members be bound to sign the JIT report. The procedure and form for the JIT report must be provided through delegated legislation;
- vi. The requirement of the law that all the reports under section 173 CrPC be signed by the officer in charge of a Police station must be reconsidered, and in the places where dedicated officers in charge of investigation are posted, the requirement be accordingly amended;

In addition to the above thematic areas concerning the major legislation of CJS there is also a need to closely examine all the laws that empower Police for enforcement of its provisions. These laws are generally enacted without consulting the Police departments but they entail additional work for Police. It is important to also address this aspect of legislation in addition to the major criminal laws. Mostly these laws are legislated to deal with societal needs for regulation of new facets of the ever changing social structures and urbanization. It is recommended to devise an institutional arrangement to amend these laws by creating a cell for this purpose in the L & JC. The members of the Police Reforms Committee have offered their services to work voluntarily with the commission for any such exercise. This will not only address the existing needs but will also ensure timely intervention for a changing world that requires the legislations to be updated continuously to meet the emerging challenges of technology in a modern world.

RECOMMENDATIONS

PART-I: MODEL POLICE LAW

- 1) The PRC recommends that the role of federation in the policing matters as envisaged in the Constitution of Pakistan be continued and the Police Order, 2002, which is a uniform model Police law be applied in its original form as it existed on 14th August, 2002;
- 2) The PRC has proposed specific amendments in the law through addition and deletion of the existing Police Order, 2002. The changes can be considered for introducing a Model Police Law that constitutes politically neutral, democratically controlled, effectively accountable, administratively and operationally autonomous and highly specialized Police to meet the challenges of 21st century.

Part-II: ACCOUNTABILITY AND OPERATIONAL MATTERS

1. Police Accountability

- 1) The Internal Accountability Branches be established at CPO level, headed by Additional IGP in the Provinces and DIG in Islamabad Capital Territory;
- 2) Head of Internal Accountability Branches may act as Police Ombudsmen in the concerned Central Police Offices;
- 3) After Internal Accountability Branches at CPO and Regional levels are established all over the Provinces and ICT, they should be extended to all the districts subject to availability of financial and administrative resources;
- 4) The Provincial Complaint Authorities (PCAs) to be notified by the Federal and concerned Provincial Government, at the earliest;
- 5) The Provincial Justice Committees (PJs) to be made functional with clear composition and mandate to act as potent external accountability mechanism.

2. Improving Quality of Investigations

- 1) Investigation Branch shall be organized according to the organization charts given in the report;

- 2) The PRC recommends that investigation side needs major up-gradation to win public confidence. In this regard the PRC recommends organizational revamping and giving investigation its due place within the Police working;
- 3) The PRC recommends functional specialization with an operationally distinct cadre. It also recommends introduction of the concept of investigation teams, appointment of best Police officers as investigators and establishment of state of the art training institutes with international certification and accreditation. The investigators will lose their individual certification for persistent poor performance and their failure to undergo at least 25-30 hours of continuous professional development courses / trainings on yearly basis;
- 4) The PRC is particularly concerned about abysmally inadequate allocation to meet the cost of investigation which leads to avoidable extortion from public. It is, therefore, recommended that adequate resources be allocated to meet the cost of investigation;
- 5) Investigation shall be carried out by specific teams;
- 6) Forensic teams shall assist investigation teams;
- 7) Officers dealing with investigation shall require training for skill enhancement and certification;
- 8) To safeguard against abuse of powers a due diligence process would be compulsory in accordance with PR26-1 & 26-2 before making arrest;

3. Revamping Urban Policing

- 1) The PRC recommends revisiting the fundamentals of policing model in the light of Police Order, 2000 as well as international best practices in urban policing to address the challenges in an urban setting. One million is an optimal population size for a city to benefit from an urban policing design. Ten cities in Pakistan viz. Karachi, Lahore, Faisalabad, Rawalpindi, Gujranwala, Peshawar, Multan, Hyderabad, Islamabad and Quetta qualify under this criterion.
- 2) In order to restructure policing on functional basis, Police command in the urban districts is recommended to be organized in eight wings viz. Administration, Traffic, Operations,

Law & Order, Investigation, Security, Community Relations, and Communications & Technology, each headed by a DIG.

4. Alternate Dispute Resolution (ADR)

- 1) The PRC recommends that by utilizing the principles of the Alternate Dispute Resolution Act, 2017, and by learning from experience of KP Police, the statutory legal cover be provided to Police efforts in settlement of disputes in petty/minor criminal cases;
- 2) The PRC recommends that the superior judiciary may help build adequate capacity of Ombudsmen institutions to enable them to shoulder the growing burden of resolvable disputes presently being dealt by the formal judicial fora;
- 3) The PRC further recommends that adequate funds may be earmarked to meet the operational expenditure and develop necessary infrastructure of ADR institutions.

5. Enhancing Effectiveness of the CJS in Dealing with ATA Cases

- 1) The PRC recommends that the capacity of CJS needs to be substantially enhanced to improve its adequately meeting the challenge of terrorism;
- 2) The PRC also recommends the anti-terrorism laws effectiveness of the national counter terrorism effort gets compromised due to multiplicity of laws related to terrorism;
- 3) The National Counter Terrorism Authority Act, 2014, be implemented in letter and spirit;

Part-III: LEGISLATIVE REFORMS

- 1) The PRC recommends that the rule of law can best be protected through constitutionalism, which confers legislative role of the federation in Police and policing laws. Hence, it recommends continuity of a uniform federal Police law;
- 2) The PRC looked at the legislative architecture of the laws dealing with criminal justice system. It transpired that the legislative architecture is captured by non-specialists who use the superintendence clauses in laws and the rules of business to upend the legislative intent of empowering specialists in service delivery; by doing so, the authority is enjoyed by the non-specialists and the responsibility is borne by

specialists. The PRC recommends doing away with such legislative architecture, which is colonial in its provenance;

- 3) The PRC appraised latest legislation on women, juveniles and witness protection. To its dismay, it discovered that constitutional relationship between the law making and budget making is missing. Excessive legislation was introduced without allocating resources for implementation. Resultantly, there are more new laws with no resources, hence eroding the trust of citizens on the fundamental rights and the constitutional dispensation. The PRC recommends linking of law making and budget making especially in the domain of criminal justice;
- 4) The PRC noted that earlier efforts of updating the Punjab Police Rules, 1934 (that have been adopted by all the Police organizations and that deal with many supplementary and allied issues like custody of evidence, arrest, file making etc.) have not been accorded approval by the relevant authorities. The exercise, the PRC, recommends is exhaustive and needs statutory platform for its timely approval. The updated Police rules will provide legal basis for departmental/internal accountability;
- 5) The PRC noted that with the provincial Police legislations, the law of change of investigations as regulated by the Police Order, 2002 was not preserved. The unregulated change of investigation powers in criminal cases are discretionary and often used in arbitrary manner. The PRC recommends that the law be provided to check the discretion;
- 6) The PRC recommends that Article 70 of the Qanoon-e-Shahadat Order, 1984 the provides the legal basis of the testimonial evidence in trials must be amended to upgrade the weightage of scientific evidence;
- 7) With respect to report under Section 173 CrPC, 1898, the PRC recommends:
 - (a) streamlining types of final report under Section 173 of the CrPC, 1898;
 - (b) review of timelines for submission of final report, which are same for petty and heinous offences;

- (c) timelines for forensic reports must be statutorily provided to ensure timely completion of trials;
- (d) the relationship between Police and prosecution be statutorily determined in so far as timelines are concerned to ensure timely submission of challans/final reports and to ensure that the responsibility of submission of challan is shared between the Police and the prosecution;
- (e) the procedure for submission of JIT (constituted under Section 19 of the Anti-Terrorism Act, 1997) report under Section 173 should be statutorily provided;
- (f) the officer in charge of an investigation, instead of in charge of a Police station, should be statutorily covered for submission of report to expedite and regularize the process.

APPENDICES

Final amended Police Order recommended as Model Police Law

AN ORDER

to reconstruct and regulate the Police;

WHEREAS the Police has an obligation and duty to function according to the Constitution, law, and democratic aspirations of the people;

AND WHEREAS such functioning of the Police requires it to be professionally competent, politically neutral, operationally, administratively and financially independent, service-oriented, and accountable to the people;

AND WHEREAS it is expedient to redefine the Police role, its duties and responsibilities;

AND WHEREAS it is necessary to reconstruct the Police for efficient prevention and detection of crime, and maintenance of public order;

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement. – (1) This Order may be called the Police Order (2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions. - (1) In this Order, unless the context otherwise requires,

- i. 'Administration' includes direction, control and management of administrative, operational and financial functions;
- ii. 'Capital City Police Officer' means the head of Police of a general Police area of the capital city district who is not below the rank of Additional Inspector General of Police and is posted under Article 15;
- iii. City District means a district with a population equal to or more than two million;
- iv. 'City Police Officer' means the head of Police of the city district who is not below the rank of Deputy Inspector General of Police and is posted under Article 15;
- v. 'Code' means the CrPC, 1898 (Act V of 1898);
- vi. 'Commission' means a Public Safety Commission established under this Order at the national, provincial, or district level;
- vii. 'District' means the district as defined in a Local Government Law;
- viii. 'District Police Officer' means the head of Police of a district who is not below the rank of Senior Superintendent of Police and is posted under Article 15;

- ix. "exigency of service", in relation to posting and transfer, means an urgent or unforeseen situation which, for the reasons to be recorded in writing, requires premature transfer of a Police Officer for performance of specific tasks or duties but not as a replacement for what should be rightly treated as an efficiency and discipline matter;
- x. 'Federal Law Enforcement Agencies' include Federal Investigation Agency, Pakistan Railway Police, Anti-narcotics Force, Pakistan Motorway and Highway Police, Islamabad Police, Frontier Constabulary, and any other Federal or Provincial organization notified as such by the Government from time to time;
- xi. 'General Police Area' means a capital city district, a part of a Province, the Islamabad Capital Territory, or any territory for which separate Police is established under Article 6;
- xii. "Government" means the appropriate Government;
- xiii. "Head of District Police" means a District Police Officer, City Police Officer or a Capital City Police Officer;
- xiv. 'Head of Unit' means a Police officer not below the rank of Superintendent of Police or any other officer heading a self-contained administrative unit with administrative, operational and financial autonomy as prescribed;
- xv. 'junior ranks' means members of the Police of and below the rank of Inspector as set out in the First Schedule;
- xvi. 'person' includes community, a company, or corporation;
- xvii. 'Place' includes.
 - a. any building, tent, booth or other structure, whether permanent or temporary; and
 - b. any area, whether enclosed or open.
- xviii. 'place of public amusement' means any place where music, singing, dancing or game or any other amusement, diversion, or recreation or the means of carrying on the same is provided etc. to which the public are admitted either on payment of money or with the intention that money may be collected from those admitted;
- xix. 'place of public entertainment' means any place of boarding and lodging to which public are admitted by any person owning, or having any interest in, or managing, such place;
- xx. 'Police Officer' means a member of the Police who is subject to this Order;
- xxi. 'Police or Police Establishment' means the Police referred to in Article 6 and includes

- a. all persons appointed as special Police officers or additional Police officers under this Order; and
- b. all other employees of the Police;
- xxii. 'prescribed' means prescribed by rules made under this Order;
- xxiii. 'property' means any moveable property, money or valuable security;
- xxiv. 'Provincial Police Officer' means head of the Police of a general Police area of the rank of Inspector General of Police posted under Article 11;
- xxv. 'public place' means any place to which the public may have access;
- xxvi. 'Region' means two or more Districts grouped together and constituted under Article 21;
- xxvii. 'Regional Police Officer' means Head of the Police of a region;
- xxviii. 'rules' means rules made under this Order;
- xxix. 'schedule' means a schedule to this Order;
- xxx. 'senior ranks' means members of the Police above the rank of Inspector as set out in the First Schedule;
- xxxi. 'street' includes any highway, bridge, way, causeway, arch, road, lane, footway, square, alley or passage, whether or not it is a thoroughfare and to which the public have access, whether permanently or temporarily;
- xxxii. 'Superintendence' by the Government means taking decisions on major policy matters only, without directly or indirectly impacting, compromising, affecting, negating, eroding or otherwise curtailing or reducing the administrative and financial autonomy and operational independence of the Police; and
- xxxiii. 'vehicle' includes any conveyance of any description mechanically propelled or otherwise.

(2) All references in respect of District Superintendent of Police in any law in force shall mean Head of District Police posted under Article 11 and Article 15.

CHAPTER II

RESPONSIBILITIES AND DUTIES OF THE POLICE

3. Attitude and responsibilities of Police towards the public. - It shall be the duty of every Police officer to

- (a) behave with the members of the public with due decorum and Courtesy;
- (b) promote amity;
- (c) guide and assist members of the public particularly the poor, disabled or physically weak and children who are either lost or find themselves helpless on the streets or other public places; and

(d) aid individuals who are in danger of physical harm particularly women and children.

4. Duties of Police. - (1) Subject to law, it shall be the duty of every Police officer to

(a) protect life, property and liberty of citizens;

(b) maintain law and order and preserve and promote public peace and security;

(c) ensure that the rights and privileges, under the law, of a person taken in custody, are protected;

(d) prevent the commission of offences and public nuisance;

(e) collect and communicate intelligence affecting public peace and crime in general;

(f) keep order and prevent obstruction on public roads and in the public streets and thoroughfares at fairs and all other places of public resort and in the neighbourhood of and at the places of public worship;

(g) regulate and control traffic on public roads and streets and issue driving licences;

(h) take charge of all unclaimed property and to prepare its inventory;

(i) detect and bring offenders to justice;

(j) apprehend all persons whom he is legally authorised to apprehend and for whose apprehension, sufficient grounds exist;

(k) ensure that the information about the arrest of a person is promptly communicated to a person of his choice;

(l) enter and inspect without a warrant on reliable information any public place, shop or gaming-house where alcoholic drinks or narcotics are sold or weapons are illegally stored and other public places of resort of loose and disorderly characters;

(m) obey and promptly execute all lawful orders;

(n) perform other duties and exercise powers as are conferred by this Order, the Code or any other law for the time being in force;

(o) aid and co-operate with other agencies for the prevention of destruction of public property by violence, fire, or natural calamities;

(p) assist in preventing members of public from exploitation by any person or organized groups;

(q) take charge of lunatics at large to prevent them from causing harm to themselves or other members of the public and their property;

(r) Prevent harassment of women and children in public places; and

(t) control narcotics substances and illicit drugs.

(2) Police officer shall make every effort to

(a) afford relief to people in distress situations, particularly in respect of women and children;

(b) provide assistance to victims of road accidents;

(c) assist accident victims or their heirs or their dependants, where applicable, with such information and documents as would facilitate their compensation claims; and

(d) cause awareness among the victims of road accidents of their rights and privileges.

(3) It shall be the duty of a Police officer to lay information before a competent Court and to apply for a summons, warrant, search warrant or such other legal process as may, by law, be issued against any person suspected of committing an offence.

(5) Emergency duties of Police with regard to essential services. – (1) The Government may, in an emergency, by notification in the Official Gazette, declare any specified service to be an essential service to the community.

(2) Upon a declaration being made under clause (1) and so long as it remains in force, it shall be the duty of every Police officer to obey any lawful order given by a senior Police officer in relation to the declaration.

CHAPTER III

CONSTITUTION AND ORGANIZATION OF THE POLICE

6. Adequate Police establishment for each general Police area. - The Government shall maintain adequate and well-resourced Police establishment for every general Police area.

7. Constitution of Police. - (1) The Police establishment for each general Police area shall consist of such numbers in the senior and junior ranks and have such organization as the Government may from time to time determine.

(2) The recruitment criteria pay and allowances and all other conditions of service of the Police shall be uniform throughout Pakistan.

(3) The recruitment in the Police other than ministerial and specialist cadres shall be in the rank of Constable, Assistant Sub-Inspector and Assistant Superintendent of Police:

Provided that selection for direct recruitment in the rank of Assistant Sub-Inspector shall be through the appropriate Public Service Commission and shall not exceed twenty-five percent of total posts in that rank:

Provided further that 25% of the quota for departmental promotions to the rank of Assistant Sub-Inspector, shall be filled, subject to rules, through selection by the appropriate Public Service Commission from graduate Constables or Head Constables, respectively of clean record.

(4) The recruitment in the rank of Assistant Superintendent of Police shall be through the Federal Public Service Commission on all Pakistan basis.

(5) The recruitment in the rank of Constable shall be on the basis of district of domicile and that of Assistant Sub-Inspector on the basis of Police region in which district of domicile of the candidate is located. There will be no bar on the posting of officers of other districts for investigation,

traffic, security, reserve, intelligence and other duties. Subject to rules, Inspectors and Deputy Superintendents of Police shall be promoted on the basis of provincial seniority.

Provided that promotion prospects for all ranks up to DSP shall be uniformly regulated.

(6) Every Police officer while on Police duty shall have all the powers and privileges of a Police officer throughout Pakistan and be liable to serve at any time in any branch, division, bureau and section.

8. Police to be organized on functional basis. - (1) The Police establishment constituted under Article 7 shall, as far as practicable, be organised on functional basis into departments, branches, divisions, bureaus and sections.

(2) The departments, branches, divisions, bureaus and sections referred to in clause (1) may include

- (a) Investigation;
- (b) Intelligence;
- (c) Watch and Ward;
- (d) Reserve Police;
- (e) Police Accountability;
- (f) Personnel Management;
- (g) Education and Training;
- (h) Finance and Internal Audit;
- (i) Crime Prevention;
- (j) Crime against women;
- (k) Traffic Planning and Management;
- (l) Criminal Identification;
- (m) Information Technology;
- (n) Transport and Communication;
- (o) Research and Development;
- (p) Legal Affairs;
- (q) Welfare;
- (r) Estate Management and Infrastructure Development Unit.
- (s) Logistics and Procurement;
- (t) Counter Terrorism Department;
- (u) Special Branch;
- (v) Elite Force;
- (w) Public Relations;
- (x) Traffic Wardens;

- (y) Integrated command and Control System/Safe City Project;
- (z) Specialised Protection and Security; and
- (aa) Inspections

(3) The specialist investigators shall be operationally responsible to the officer in-charge of the investigation branch.

(4) Every Police officer shall be liable for posting to any branch, division, bureau and section, or anywhere in or outside the Police.

(5) Posting to any specialist branch, division, bureau or section shall be subject to necessary training and experience in accordance with the rules.

(6) The Provincial Police Officer or the Capital City Police officer Islamabad may establish specialized schools of training as deemed necessary.

(7) Subject to Rules, the Provincial Police Officer, with the approval of the Government, may establish Metropolitan Police system and Urban Policing system for Capital cities and other cities having population of two million or more.

9. Superintendence of Police. - (1) The superintendence of Police throughout a general Police area shall vest in the appropriate Government.

(2) The power of superintendence under clause (1) shall be so exercised as to ensure that Police performs its duties efficiently and strictly in accordance with law.

(3) Government may, subject to availability of resources, provide adequate human resources to the Police to ensure that working hours of the Police personnel are in conformity with the laws regulating working hours in Pakistan.

10. Administration of the Police. - (1) Administration of Police in a general Police area shall vest in the Provincial Police Officer and Capital City Police Officer posted under Article 11, or Article 15, as the case may be.

(2) The Provincial Police Officer and the Capital City Police Officer, as the case may be, shall exercise such powers and perform such functions and duties and shall have such responsibilities as may be provided by or under this Order and any other law for the time being in force.

(3) The Provincial Police Officer may for direction and control issue standing orders not inconsistent with the Order or rules made hereunder for the efficient functioning of the Police.

(4) Provincial Police Officer shall prepare a provincial annual policing plan for review by the Provincial Public Safety Commission. The plan shall include

- (a) objectives of policing;
- (b) financial resources likely to be available during the year;
- (c) targets; and
- (d) mechanism for achieving these targets.

(5) Notwithstanding anything contained in other laws or rules for the time being in force, the Provincial Police Officer or the Capital city Police officer Islamabad as the case may be shall transfer and post officers up to the rank of Additional Inspector General in the Police Establishment throughout the Province or the Capital City Islamabad as the case may be and issue notification thereof.

Provided that the Provincial Police Officer or the Capital city Police officer Islamabad shall make transfer and posting in consultation with a Police Executive Board consisting of three senior-most Police officers and Deputy Inspector General Headquarters as the Board's Secretary.

(6) There shall be a Police Advisory Board headed by Provincial Police Officer or the Capital City Police Officer Islamabad as the case may be. The board shall consist of eight senior-most Police officers. The Provincial Police Officer or the Capital City Police Officer Islamabad, as the case may be, may co-opt any person for advising on efficient and transparent administration and public service delivery.

11. Posting of Provincial Police Officer, Capital City Police Officer and Head of Federal Law Enforcement Agency. - (1) The Provincial Government shall, out of a panel of three Police officers recommended by the National Public Safety Commission from a list provided by the Federal Government, post a Police officer of the rank of Inspector General of Police as Provincial Police Officer of the Province:

Provided that before a Police officer is posted as Provincial Police Officer under clause (1) the Federal Government shall place his services at the disposal of the Provincial Government.

(2) The Federal Government in the case of Islamabad Capital Territory shall post a Police officer not below the rank of Additional Inspector General of Police as Capital City Police officer Islamabad out of three officers recommended by the National Public Safety Commission. .

(3) The Federal Government shall, out of a panel of three suitable Police officers recommended by the National Public Safety Commission post head of a Federal Investigation Agency, Pakistan Railway Police, Pakistan Motorway and Highway Police and Frontier Constabulary.

(4) During temporary absence of the Police officers mentioned under clause (1) and clause (2) the next senior officer may exercise all or any of the powers, perform all or any of the functions and duties, and discharge all or any of the responsibilities of the Provincial Police Officer, or Capital City Police Officer Islamabad, as the case may be.

(5) The Provincial Police Officer, posted under clause (1) shall have administrative and financial powers as ex-officio Secretary to the Provincial Government and other powers under this Order, or any other law for the time being in force and Islamabad Capital City Police Officer posted under clause (2) shall have the same administrative and financial powers.

(6) Subject to job description of each post under the rules, the Police officers mentioned in clauses (1) and (2) may, by a general or special order, empower any officer subordinate to him to exercise and perform all or any of the powers, functions or duties to be exercised or performed under this Order.

12. Term of office of Provincial Police Officer, Capital City Police Officer Islamabad and Head of a Federal Law Enforcement Agency. - (1) The term of office of Provincial Police Officer, Capital City Police Officer and Head of a Federal Law Enforcement Agency posted under Article 11 shall not be less than two and more than three years from the date of his posting.

(2) The Provincial Government, with agreement of Provincial Public Safety Commission and the Islamabad Capital City Public Safety Commission may transfer the Provincial Police Officer or Capital City Police Officer, Islamabad before the expiry of his tenure as the case may be.

(3) The Provincial Government or the respective Public Safety Commission may initiate the case of premature transfer of the officers mentioned in clause (2) for unsatisfactory performance of duties.

(4) The Federal Government may with the agreement of National Public Safety Commission transfer Islamabad Capital City Police officer and Head of a Federal Law Enforcement Agency before the expiry of his tenure.

(5) The Federal Government or the National Public Safety Commission may initiate premature transfer of the officer mentioned in clause (4) for unsatisfactory performance of duties:

Provided that before premature transfer of the officers mentioned in clause (3) and clause (5) the appropriate Commission shall give the concerned officer an opportunity of being heard in person.

6) The Federal Government may with the agreement of the National Public Safety Commission recall a Provincial Police Officer or the Capital City Police Officer Islamabad.

13. Posting of Additional Inspectors General of Police.-The Provincial Police Officer or Capital City Police Officer Islamabad, as the case may be, shall post such number of Additional Inspectors General of Police to assist him in the Headquarters, or as Head of Unit, or Regional Police Officer or Capital City Police Officer, as the case may be.

14. Appointment of experts. – (1) The Provincial Police Officer may, on recommendation of the appropriate Public Service Commission, appoint one or more experts to assist him. (2) The qualifications, eligibility, terms and conditions of service of experts shall be as prescribed.

15. Posting of Capital City Police Officer, City Police Officer and District Police Officer. - (1) The Provincial Police Officer shall post a Capital City Police Officer for a capital city district notified as a general Police area, City Police Officer for a city district and the District Police Officer in a district within a general Police area. (2) The term of office of Capital City Police Officer, City Police Officer or District Police Officer, as the case may be, shall be two years from the date of his posting.

(3) The Capital City Police Officer, City Police Officer or District Police Officer may be transferred before completion of normal tenure of two years on specific grounds such as inefficiency and ineffectiveness or due to exigency of service

16. Administration of Police in a district. - (1) Subject to this Order, the administration of Police throughout a district, other than a capital city district , shall vest in a City Police Officer or District Police Officer, as the case may be, posted under Article 15.

(2) The City Police Officer or District Police Officer, as the case may be, may delegate any of his powers and functions conferred on him to a Senior Superintendent of Police, Superintendent of Police Assistant or Deputy Superintendent of Police posted under Article 17.

(3) The Capital City Police Officer shall have administrative and financial powers of the head of an attached department.

(4) A Capital City Police Officer posted under Article 15 shall exercise the powers vested in them under clause (3) above and Article 10 subject to the direction and control of the Provincial Police Officer.

17. Posting of Deputy Inspector General, Senior Superintendent, Superintendent, Assistant Superintendent and Deputy Superintendent. - (1) Subject to this Order, the Provincial Police Officer shall post , for any part or Region of a general Police area or for Police headquarters, such number of Deputy Inspector General of Police as he may deem fit.

(2) Provincial Police Officer or the Capital City Police Officer shall post Senior Superintendents, Superintendents, Assistant and Deputy Superintendents of Police in the general Police area.

(3) Every officer posted under clause (1) and clause (2) shall exercise and perform such powers, functions and duties, as assigned to him under this Order, or any other law for the time being in force.

18. Functions of Provincial Investigation Branch. - (1) There shall be a Provincial Investigation Branch to be headed by an officer of the rank of Additional Inspector General of Police.

(2) The Additional Inspector General of Police, Investigation shall assist the Provincial Police Officer in the supervision of investigations in the Province in the manner prescribed. (3)

The Provincial Police Officer may determine the territorial and functional jurisdiction of Provincial Investigation Branch and each of the unit so established shall be headed by an officer not below the rank of Deputy Inspector General of Police.

19. Separation of investigation function. - (1) There shall be separation of investigation from other functions of the Police at Police station level.

(2) Subject to sub-section (3), there shall be a District Investigation Branch in each District, under the supervision of Head of District Investigation Branch, to investigate cases notified by the Provincial Police Officer.

(3) The Provincial Police Officer may notify, through Standing Order, the offences which shall be investigated by the officers in the Police station under the supervision of the Station House Officer of the Police station;

Provided further that cases of murder and such other serious offences as determined by Provincial Police Officer shall be investigated by a team of specialist investigators;

(4) The District Investigation Branch, other than in the Capital City District, shall be headed by a Police officer not below the rank of a Superintendent of Police and shall consist of such other Police officers as the head of District Police may determine.

(5) In the Capital City District, the District Investigation Branch shall be headed by a Police officer not below the rank of Senior Superintendent of Police and shall consist of such other Police officers as the Capital City Police Officer may determine.

(6) The members of District Investigation Branch shall not form part of any Police station and, as far as possible, the District Investigation Branch shall comprise of specialized wings, each wing being responsible for investigation of one or more types of cases.

(9) Except in case of an emergency notified by the Provincial Police Officer for a specified period, the members of District Investigation Branch shall not be employed for duties other than investigation.

20. Transfer of investigation. - (1) Within seven working days of the filing of an application, the Head of District Police may, for reasons to be recorded in writing, transfer investigation of a case from the investigation officer to any other investigation officer or a team of investigation officers in that District.

(2) If the Head of District Police has transferred an investigation, within seven working days of the filing of an application, the Regional Police Officer may, for reasons to be recorded in writing, transfer investigation of a case from the investigation officer to Regional Investigation Branch or any other investigation officer or a team of investigation officers in that region or, with the approval of the Provincial Police Officer, to the officer of any other region or unit:

Provided that the Regional Investigation Branch shall be headed by an officer not below the rank of Superintendent of Police.

(3) If the Regional Police Officer has transferred an investigation, the Provincial Police Officer may, within fifteen (15) days of the filing of an application, for reasons to be recorded in writing, order second transfer of investigation of a case to the Provincial Crimes Branch:

Provided that the investigation in the Provincial Crimes Branch shall be supervised by an officer not below the rank of Deputy Inspector General of Police.

21. Appointment of Director of Police Communications etc. - Subject to rules, Provincial Police Officer as the case may be, may appoint Director of Wireless, Motor Transport and Information Technology for the whole of the general Police area or for any part thereof and such number of officers and staff as may be determined from time to time.

22. Posting of heads of Police training institutions. - (1) The Federal Government shall post a Police officer of the rank of Inspector General of Police as Commandant of the National Police Academy.

(2) Provincial Police Officer or Capital City Police Officer, may post an officer not below the rank of Deputy Inspector General of Police as Commandant of the Police training college and an officer not below the rank of Senior Superintendent of Police as Principal of each Police training school within the general Police area under his charge.

(3) The Provincial Police Officer may, subject to Rules, appoint Heads or subordinate officers of Specialized Units, having expertise in the relevant field, on contract basis for such period as Provincial Police Officer may deem appropriate.

23. Constitution of regions and divisions etc. - (1) The Provincial Police Officer may constitute Police regions.

(2) Within the budgetary allocations, Provincial Police Officer and Capital City Police Officer or the Regional Police Officer with the approval of the Provincial Police Officer, , may:

- (a) divide districts into Police divisions, sub divisions and Police stations;
- (b) sub-divide the Police stations into Police posts; and
- (c) define the limits and extent of such-divisions, sub divisions, Police stations and Police posts:

Provided that the limits and extent of such divisions, Police stations and Police posts shall, as far as practicable, be coterminous with the limits of Tehsils, or Town in a city district and Unions.

(3) A Police region under clause (1) shall be headed by a Police officer not below the rank of Deputy Inspector General of Police:

Provided that where the size of Police establishment is more than ten thousand the region shall be headed by a Police officer not below the rank of Additional Inspector General of Police.

(4) A Police division shall be under an officer not below the rank of a Superintendent of Police; a Police sub-division under an officer not below the rank of an Assistant or Deputy Superintendent of Police; and a Police station shall be under an officer of the rank of Inspector of Police.

(5) The term of office for Station House Officer shall not be less than two years unless transferred earlier due to exigency of service or misconduct.

24. Parallel Police Establishment. – (1) Notwithstanding anything contained in any other law or rules, Government shall not establish separate Police establishment in other Departments for exercising functions and duties relating to Police.

(2) Where required, officers from the Police Establishment shall be posted on deputation to Government bodies and functionaries for policing functions.

25. Oath or affirmation by members of Police. – (1) Every member of the Police shall on appointment make and subscribe before Provincial Police Officer or Capital City Police Officer or City Police Officer, or head of a training institution, an oath or affirmation according to the form set out in the second Schedule.

(2) Assistant Superintendents of Police shall make and subscribe to the said oath or affirmation before Commandant, National Police Academy.

26. Certificate of appointment. - (1) Officers of junior ranks shall on appointment receive a certificate in the form provided in the Third Schedule. The certificate shall be issued under the seal of such officer as Provincial Police Officer or Capital City Police Officer or City Police Officer may by general or special order direct.

(2) A certificate of appointment shall become null and void whenever the Police officer named therein ceases to belong to the Police.

27. Suspension of Police officer. - (1) Subject to rules, the authority or an officer authorised in this behalf by the authority shall have power to suspend a member of Police.

(2) The powers and functions vested in a member of Police shall remain suspended while such officer is under suspension:

Provided that notwithstanding his suspension such member shall not cease to be a member of Police and shall continue to be subject to the control of the same authorities to which he would have been, but for his suspension.

28. General powers of Provincial Police Officer etc. - Subject to this Order and rules made thereunder, Provincial Police Officer, Regional Police Officers, Head of Unit and Head of District Police, as the case may be, shall within their respective spheres of authority, direct and regulate all matters of recruitment, training, postings, transfers, promotions, arms, drill, discipline, clothing, distribution of duties, and any other matter concerning the efficient fulfilment of duties by the Police under his control.

29. Powers of Provincial Police Officer, Capital City Police Officer or City Police Officer Regional Police Officer concerning Police accounts. - (1) Provincial Police officer, Capital City Police Officer or City Police Officer and Regional Police Officer shall have authority to investigate, order the audit and inspection and regulate all matters of accounts connected with the Police and

all persons concerned shall be bound to give reasonable aid and facilities in conducting such investigation and to conform to his orders consequent thereto.

(2) The power of Provincial Police Officer, Capital City Police Officer Regional Police Officer and City Police Officer to regulate accounts under clause (1) shall be without prejudice to the Auditor General's authority to audit Police.

30. Appointment of special Police officers. - (1) Subject to rules, Head of District Police may appoint special Police officers for special purposes or occasions when the Police available to him is not sufficient to assist the Police under his command.

(2) Every special Police officer so appointed shall, on appointment

(a) receive a certificate in the prescribed form;

(b) have the same powers, and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as a regular Police.

31. Appointment of additional Police. - (1) City Police Officer and District Police Officer subject to the approval of the Provincial Police Officer, and Capital City Police Officer may appoint additional Police officers of such rank and for such time as he may deem fit for the purposes stated in their employment orders.

(2) Every additional Police officer so appointed shall on appointment

(a) receive a certificate in a form approved by Provincial Police Officer or Capital City Police Officer or City Police Officer as the case may be;

(b) be vested with all or any of the powers, privileges and duties of a Police officer;

(c) be subject to orders of the Capital City Police Officer, City Police Officer and District Police Officer.

(3) The employment of additional Police may be made at the request of any person reasonably requiring such Police and the cost of such employment shall be recovered in such manner as provided under this Order or rules made there under.

32. Ministerial staff etc. - (1) Subject to rules, Provincial Police Officer, Capital City Police Officer and City Police Officer, as the case may be, may appoint ministerial staff and other employees to assist the Police.

(2) Any person employed under clause (1) shall be under the direction and control of Provincial Police Officer, Capital City Police Officer, or City Police Officer, as the case may be.

(3) The powers of direction and control referred to in clause (2) shall include the powers of discipline and dismissal.

(4) Subject to rules, Provincial Police Officer, Capital City Police Officer or City Police Officer, as the case may be, may delegate his powers and authority under this Article to an officer of appropriate rank.

33. Policing Plan. - (1) Head of District Police shall prepare an annual Policing Plan consistent with Provincial Policing Plan wherever applicable in consultation with District head of local Government in the prescribed manner.

(2) The Policing Plan shall include:

- (a) objectives of policing;
- (b) financial resources likely to be available during the year;
- (c) targets; and
- (d) mechanism for achieving these targets.

(3) Head of District Police shall obtain the approval of the plan from the appropriate Public Safety Commission and send copies of the approved plan to District head of local Government Provincial Government, Provincial Public Safety Commission and Provincial Police Officer and in case of Islamabad Capital Territory to, District head of local Government Islamabad District Public Safety Commission, National Public Safety Commission and Federal Government.

(4) Head of District Police shall prepare a report on the policing of the district during the year and send it to the District Public Safety Commission by end of August.

34. Relationship of District Police with Zila Nazim etc. (1) Where a Nazim, District Government receives any public complaint relating to Police, he may refer the matter to Head of District Police for appropriate legal action. The Head of District Police shall within fifteen (15) days submit a report to the Nazim, District Government.

(2) The Tehsil or Town Council may refer in writing any public complaint relating to Police, through their concerned Nazim, to the concerned Sub-Divisional Police Officer for necessary legal action. The Sub-Divisional Police Officer, as the case may be, shall take appropriate legal action on such complaint and report back to the concerned council through the Nazim within fifteen (15) days.

(3) The Village Council or Neighbourhood Council may refer in writing any public complaint relating to Police, through the concerned Nazim, to the concerned Station House Officer for necessary legal action. The Station House Officer, as the case may be, shall take appropriate legal action on such complaint and report back to the concerned council through the Nazim within fifteen (15) days.

35. Police support to Government functionaries, etc. - (1) Any functionary of the Federal Government, Provincial Government, any statutory body or anybody or corporation owned, set up or controlled by any such Government or in which such Government has a controlling share or interest, District Government, Tehsil or Town Municipal Administration or Union Administration, or

Cantonment Board may for the discharge of his official duties which in his opinion require Police assistance, ask for Police support from the concerned Police authority of the area and such authority shall provide the requisite support:

Provided that, if for any reason, the Police authority is unable to provide the Police support requested under this clause it shall forthwith bring the matter through its channel of command to the notice of Head of District Police who shall make arrangement for provision of Police support and, where he is unable to provide such support, he shall inform the District Public Safety Commission accordingly:

Provided further that before making a report to the higher officer, each officer in the chain of command shall make an effort to provide the requisite Police support:

Provided also that where any Police officer is of the opinion that the request for Police support is unnecessary, unlawful or malafide, he shall, through his channel of command, report to Head of District Police who may seek recourse to the appropriate Public Safety Commission and in that case the decision of the Public Safety Commission shall prevail.

(3) In case of an unlawful or malafide order issued by any authority, the Head of District Police shall seek recourse to the appropriate Public Safety Commission whose decision shall prevail.

36. Reference to Police Complaints Authority. – Head of District Police and Head of Federal Law Enforcement Agency shall inform the Provincial Police Complaints Authority or the Federal Police Complaint Authority, as the case may be, of any incident or a complaint of rape, death or serious injury to any person in Police custody.

CHAPTER V

DISTRICT PUBLIC SAFETY COMMISSION

37. Establishment. - The Provincial Government shall establish a District Public Safety Commission in each district consisting of 8, 10 or 12 members depending upon the area and population of the district.

38. Composition. – (1) Half of the members of the District Public Safety Commission shall be elected by the Zila Council, from amongst its councillors on the basis of each member casting only one vote in favour of any contesting candidate through secret ballot.

(2) The other half comprising independent members shall be appointed by the Government from a list of names recommended by the District Selection Panel.

(3) One third of both the elected and the independent members of the District Public Safety Commission shall be women.

(4) The convener of the District Assembly shall request the Chairperson of the District Selection Panel to conduct the election of the members of the District Public Safety Commission referred to in clause (1).

(5) The appointment of members shall be notified in the Official Gazette.

39. Appointment of Chairperson. - (1) The Chairperson shall be elected by the members from amongst themselves annually alternating between independent and elected members.

(2) The Chairperson shall preside over the meetings of the Commission.

40. Meeting in the absence of the Chairperson. - In the absence of the Chairperson the District Public Safety Commission shall elect one of its member to preside over a meeting.

41. Selection of independent members. - (1) (1) The District Justice Coordination Committee shall select the independent members of the Commission.

(2) The selection of independent members shall be by consensus.

(3) The selection process shall be completed within thirty days from the commencement of the selection process.

(4) Independent members shall be of impeccable integrity and proven professional competence in such fields as social work, law, administration, education, corporate sector, etc.

42. Functions of the Selection Panel. - The selection panel shall invite applications or nominations from the public for selection of independent members, and after interviewing eligible and willing candidates, forward names of persons twice the number of appointments to be made to the Governor of the Province.

43. Selection criteria of independent members. - A person shall be disqualified from becoming a member of District Public Safety Commission if he –

(a) is an activist of any political party or has held any representative office or has remained a public servant in the six months immediately preceding such appointment;

(b) is found suffering from physical or mental incapacity or illness;

(c) is declared a bankrupt, loan defaulter or tax evader;

(d) is not a citizen of Pakistan;

(e) holds an office of profit in the service of Pakistan;

(f) is in the service of any statutory body or any other body which is owned or controlled by the Government or in which the Government has a controlling share or interest;

(g) has been dismissed, removed or compulsorily retired from the service of Pakistan on grounds of corruption or any other form of misconduct;

(h) is convicted of a criminal offence;

(i) has any conflict of interest;

(j) is involved in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people, and the good order and harmony of society.

(k) has entered into plea bargain or voluntary returns under the National Accountability Bureau Act, 2002; or

(l) belongs to any proscribed organization; or

(m) has been notified under the Fourth Schedule of the Anti-Terrorism Act, 1997.

44. Functions of the District Public Safety Commission. - The District Public Safety Commission shall perform the following functions including those related to complaints against the Police:

(a) approve an annual Local Policing Plan prepared by the District Police Officer in consultation with the Zila Nazim setting out the arrangements for the policing during the year: Provided that such Policing Plan shall include –

(i) a statement of the financial resources expected to be made available by the Provincial Government; and

(ii) performance targets for the year and their delivery mechanism;

(b) evaluate the delivery of performance targets contained in the Local Policing Plan on quarterly basis and send half-yearly reports to Zila Nazim, Tehsil Nazim, Provincial Government, Provincial Public Safety Commission and Provincial Police Officer;

(c) encourage Police-public cooperation;

(d) provide recourse to District Police Officer or City Police Officer for reporting against any unlawful or malafide order or request for Police support from any authority received by him or any officer subordinate to him and give a decision thereon which shall prevail;

(f) direct the District Police Officer or City Police Officer as to disposal of unclaimed property under clause (4) of Article 135.

(h) on receipt of a complaint of excess by a Police officer;

(i) refer the complaint to the District Police Officer or City Police Officer in writing to take appropriate action and report within two weeks; (iii) report the matter to the Provincial Police Officer, Provincial Government or the Police Complaints Authority for appropriate action if the District Police Officer does not submit a report or take action on the direction given by the District Public Safety Commission;

(j) on a complaint of excess committed by any member of Federal Law Enforcement Agency and civil armed forces acting in support of the district Police, require the appropriate authority of the concerned department in writing to take remedial action and report within a specified period. If no action is taken by the concerned authority, a reference may be made by the District Public Safety Commissions to the head of concerned organization or the Federal Complaints Authority for appropriate action.

(k) conduct scientific public feedback surveys through professionals on the Police performance and Police image;

(l) identify and report to the Head of District Police social problems that require Police attention;

- (m) mediate contentious issues between Police and other Government departments at the district level;
- (n) recommend Police resource enhancement measures to the Government or Local Government, as the case may be; and
- (o) recommend creation of a new Police station or Police post in consultation with Head of District Police;

45. Terms of members of the District Public Safety Commission. - (1) The term of office of a member shall be three years unless he resigns at any time before the expiry of his term or ceases to be a member of the Zila Council.

- (2) No member shall be eligible for a second term.
- (3) Members shall be paid TA and DA for attending meetings, as per rules.
- (4) Independent members may be paid honoraria as per rules.

46. Removal of members. - The Governor on its own volition or on the recommendation of the District Public Safety Commission may remove a member from office if he

- (a) ceases to be a citizen of Pakistan;
- (b) is found suffering from physical or mental incapacity or illness;
- (c) is guilty of misconduct;
- (d) is found to have dealt with any matter in which he had a conflict of interest;
- (e) is convicted of a criminal offence;
- (f) is declared a bankrupt, loan defaulter or tax evader;
- (g) is involved in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people, and the good order and harmony of society;
- (h) brings the District Public Safety Commission into disrepute;
- (i) fails to attend its three consecutive meetings without any reasonable cause.

47. Meetings and conduct of business of the District Public Safety Commission. - (1) The business of the District Public Safety Commission shall be conducted by the Commission in a meeting.

- (2) The meeting may be convened by the Chairperson or on the requisition of three members.
- (3) Quorum for a meeting of the District Public Safety Commission shall be two third of its total membership.
- (4) Members shall attend meetings of the Commission as and when required for which at least a week's notice, with agenda, shall be given. There shall be minimum of one meeting in a month provided an emergency meeting may be held at a short notice not exceeding twenty four hours.
- (5) Decisions of the Commission shall be by simple majority.

(6) District Police Officer or City Police Officer or in their absence their deputy may be invited to attend a meeting, which he shall attend.

(7) The Commission may invite any expert for consultations on specific issues.

(8) The Provincial Police Officer may frame rules of procedure for the conduct of business.

48. Secretariat. - (1) The Government shall establish an independent and permanent secretariat of the District Public Safety Commission.

(2) The Secretariat shall be headed by a suitable person who shall be appointed by the Commission in consultation of the District Head of Police.

(3) The Secretariat shall consist of such number of officers and staff as the Government may in consultation with the Commission, determine from time to time.

Chapter VI

Capital City District Public Safety Commission

49. Establishment. - The Provincial Government shall establish a Capital City District Public Safety Commission in the Capital City consisting of 12 members.

50. Composition. – (1) Three members of the Capital City District Public Safety Commission shall be elected by the Zila Council, from amongst its councillors on the basis of each member casting only one vote in favour of any contesting candidate through secret ballot.

(2) Three members shall be nominated by the Speaker of the Provincial Assembly from amongst its members two from the treasury and one from the opposition in consultation with the Leader of the House and the Leader of the Opposition.

(3) The remaining six members shall be independent members and shall be appointed by the Government from a list of names recommended by the Capital City District Selection Panel.

(4) One third of both the elected and independent members of the Commission shall be women.

(5) The Convener District Assembly shall request the Chairperson of the Capital City District Selection Panel to conduct the election of the members of the Capital City District Public Safety Commission referred to in clause (1).

(6) The appointment of members shall be notified in the Official Gazette.

51. Appointment of Chairperson. - (1) The Chairperson shall be elected by the members from amongst themselves annually alternating between independent and elected members.

(2) The Chairperson shall preside over the meetings of the Commission.

52. Meeting in the absence of the Chairperson. - In the absence of the Chairperson the Capital City District Public Safety Commission shall elect one of its member to preside over a meeting.

53. Selection of independent members. - (1) The Independent members of the commission shall be selected by the Capital Justice Coordination Committee.

(2) The selection of independent members shall be by consensus.

(3) The selection process shall be completed within thirty days from the commencement of the selection process.

(4) Independent members shall be of impeccable integrity and proven professional competence in such fields as social work, law, administration, education, corporate sector, etc.

54. Functions of the Selection Panel. - The selection panel shall invite applications or nominations from the public for selection of independent members, and after interviewing eligible and willing candidates, forward names of persons twice the number of appointments to be made to the Governor of the Province.

55. Selection criteria of independent members. – A person shall be disqualified from becoming a member of District Public Safety Commission if he–

(a) is an activist of any political party or has held any representative office or has remained a public servant in the six months immediately preceding such appointment; or

(b) is found suffering from physical or mental incapacity or illness; or

(c) is declared a bankrupt, loan defaulter or tax evader; or

(d) is not a citizen of Pakistan; or

(e) holds an office of profit in the service of Pakistan; or

(f) is in the service of any statutory body or any other body which is owned or controlled by the Government or in which the Government has a controlling share or interest; or

(g) has been dismissed, removed or compulsorily retired from the service of Pakistan on grounds of corruption or any other form of misconduct; or

(h) is convicted of a criminal offence; or

(i) has any conflict of interest; or

(j) is involved in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people, and the good order and harmony of society.

(k) has entered into plea bargain or voluntary returns under the National Accountability Bureau Act, 2002; or

(l) belongs to any proscribed organization; or

(m) has been notified under the Fourth Schedule of the Anti-Terrorism Act, 1997.

56. Functions of the Capital City District Public Safety Commission.– The Capital City District Public Safety Commission shall perform the following functions of Public Safety and Complaints Authority:-

(a) approve an annual Local Policing Plan prepared by the Capital City Police Officer in consultation with the District head of local Government setting out the arrangements for the policing during the year:

Provided that such Policing Plan shall include–

- (i) a statement of the financial resources expected to be made available by the Provincial Government; and
 - (ii) performance targets for the year and their delivery mechanism;
- (b) evaluate the delivery of performance targets contained in the Local Policing Plan on quarterly basis and send half-yearly reports to Zila Nazim, Tehsil Nazim, Provincial Government, Provincial Public Safety Commission and Provincial Police Officer;
- (c) encourage Police-public cooperation;
- (d) provide recourse to Capital City Police Officer for reporting against any unlawful or mala fide order or request for Police support from any authority received by him or any officer subordinate to him and give a decision thereon which shall prevail;
- (f) direct the Capital City Police Officer as to disposal of unclaimed property under clause (4) of Article 135.
- (h) on receipt of a complaint of excess by a Police officer–
- (i) refer the complaint to the Capital City Police Officer in writing to take appropriate action and report within two weeks ;
 - (ii) report the matter to the Provincial Police Officer, or the Police Complaints Authority for appropriate action if the Capital City District Police Officer does not submit a report or take action on the complaint referred by the Capital City Public Safety Commission;
- (j) on a complaint of excess committed by any member of Federal Law Enforcement Agency and civil armed forces acting in support of the district Police, require the appropriate authority of the concerned department in writing to take remedial action and report within a specified period. If no action is taken by the concerned authority, a reference may be made by the Capital City District Public Safety Commission to the head of concerned organization or the Federal Complaints Authority for appropriate action.

57. Terms of members of the Capital City District Public Safety Commission. –

- (1) The term of office of a member shall be three years unless he resigns at any time before the expiry of his term or ceases to be a member of the Provincial Assembly or the Zila Council.
- (2) No member shall be eligible for a second term.
- (3) Members shall be paid TA and DA for attending meetings, as per rules.
- (4) Independent members may be paid honoraria as per rules.

58. Removal of members.– The Governor on his own volition or on the recommendation of the Capital City District Public Safety Commission may remove a member from office if he–

- (a) ceases to be a citizen of Pakistan;
- (b) is found suffering from physical or mental incapacity or illness;

- (c) is guilty of misconduct;
- (d) is found to have dealt with any matter in which he had a conflict of interest;
- (e) is convicted of a criminal offence;
- (f) is declared a bankrupt, loan defaulter or tax evader;
- (g) is involved in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people, and the good order and harmony of society;
- (h) brings the Capital City District Public Safety Commission into disrepute;
- (i) fails to attend its three consecutive meetings without any reasonable cause.

59. Meetings and conduct of business of the Capital City District Public Safety Commission.–

(1) The business of the Capital City District Public Safety Commission shall be conducted by the Commission in a meeting.

(2) The meeting may be convened by the Chairperson or on the requisition of three members.

(3) Quorum for the meeting of the Capital City District Commission shall be two-third of its membership.

(4) Members shall attend meetings of the Commission as and when required for which at least a week's notice, with agenda, shall be given. There shall be minimum of one meeting in a month provided an emergency meeting may be held at a short notice not exceeding twenty four hours.

(5) Decisions of the Commission shall be by simple majority.

(6) Capital City Police Officer and in his absence his deputy may be invited to attend a meeting which he shall attend.

(7) The Commission may invite any expert for consultations on specific issues.

(8) The Provincial Police Officer may frame rules of procedures for the conduct of business.

60. Secretariat.– (1) The Government shall establish an independent and permanent secretariat of the Capital City District Public Safety Commission.

(2) The Secretariat shall be headed by a suitable person who shall be appointed by the Commission in consultation of the Capital City Police Officer.

(3) The Secretariat shall consist of such number of officers and staff as the Government may, in consultation with the Commission, determine from time to time.

CHAPTER VII

ISLAMABAD DISTRICT PUBLIC SAFETY COMMISSION

61. Establishment.– The Federal Government shall establish Islamabad District Public Safety Commission for Islamabad Capital Territory consisting of 12 members.

62. Composition.– (1) Three members of the Islamabad District Public Safety Commission shall be elected by the District Council, from amongst its councillors on the basis of each member casting only one vote in favour of any contesting candidate through secret ballot.

(2) Three members shall be nominated by the Speaker of National Assembly from amongst its members two from the treasury and one from the opposition in consultation with the Leader of the House and the Leader of the Opposition.

(3) The remaining six members shall be independent members and shall be appointed by the President from a list of names recommended by the Islamabad District Selection Panel.

(4) One third of both the elected and independent members of the Islamabad District Public Safety Commission shall be women.

(5) The convener of the District Assembly shall request the Chairperson of the Islamabad District Selection Panel to conduct the election of the members of the Islamabad District Public Safety Commission referred to in clause (1).

(6) The appointment of members shall be notified in the official Gazette.

63. Appointment of Chairperson.— (1) The Chairperson shall be elected by the members from amongst themselves annually alternating between independent and elected members.

(2) The Chairperson shall preside over the meetings of the Commission.

64. Meeting in the absence of the Chairperson.— In the absence of the Chairperson, Islamabad District Public Safety Commission shall elect one of its member to preside over a meeting.

65. Selection of independent members.— (1) .

(1) The independent members of the Commission shall be selected by the Islamabad Criminal Justice Coordination Committee.

(2) The selection of independent members shall be by consensus.

(3) The selection process shall be completed within thirty days from the commencement of the selection process.

(4) Independent members shall be of impeccable integrity and proven professional competence in such fields as social work, law, administration, education, corporate sector, etc.

66. Functions of the Selection Panel.— The selection panel shall invite applications or nominations from the public for selection of independent members, and after interviewing eligible and willing candidates, forward names of persons twice the number of appointments to be made to the President.

65. Selection of independent members.— (1) There shall be a Selection Panel for independent members consisting of Chief Justice of the High Court who shall be its Chairperson and one nominee each of the Federal Government and the District Government:

Provided that such nominee shall not be elected representative or public servant.

(2) The selection of independent members shall be by consensus.

(3) The selection process shall be completed within thirty days from the commencement of the selection process.

(4) Independent members shall be of impeccable integrity and proven professional competence in such fields as social work, law, administration, education, corporate sector, etc.

66. Functions of the Selection Panel.– The selection panel shall invite applications or nominations from the public for selection of independent members, and after interviewing eligible and willing candidates, forward names of persons twice the number of appointments to be made to the President.

67. Selection criteria of independent members.– A person shall be disqualified from becoming a member of Islamabad District Public Safety Commission if he–

- (a) is an activist of any political party or has held any representative office or has remained a public servant in the six months immediately preceding such appointment; or
- (b) is found suffering from physical or mental incapacity or illness; or
- (c) is declared a bankrupt, loan defaulter or tax evader; or
- (d) is not a citizen of Pakistan; or
- (e) holds an office of profit in the service of Pakistan; or
- (f) in the service of any statutory body or any other body which is owned or controlled by the Government or in which the Government has a controlling share or interest; or
- (g) has been dismissed, removed or compulsorily retired from the service of Pakistan on grounds of corruption or any other form of misconduct; or
- (h) is convicted of a criminal offence; or
- (i) has any conflict of interest; or
- (j) is involved in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people, and the good order and harmony of society.
- (k) has entered into plea bargain or voluntary returns under the National Accountability Bureau Act, 2002; or
- (l) belongs to any proscribed organization; or
- (m) has been notified under the Fourth Schedule of the Anti-Terrorism Act, 1997.

68. Functions of Islamabad District Public Safety Commission.– The Islamabad District Public Safety Commission shall perform the following functions of Public Safety and Complaints Authority:-

- (a) approve an annual Local Policing Plan prepared by the Capital City Police Officer in consultation with the District head of local Government setting out the arrangements for the policing during the year:

Provided that such Policing Plan shall include–

- (i) a statement of the financial resources expected to be made available by the Federal Government; and
- (ii) performance targets for the year and their delivery mechanism;

- (b) evaluate the delivery of performance targets contained in the Local Policing Plan on quarterly basis and send half- yearly reports to District head of local Government , Federal Government and National Public Safety Commission;
- (c) encourage Police-public cooperation;
- (d) provide recourse to Capital City Police Officer for reporting against any unlawful or mala fide order or request for Police support from any authority received by him or any officer subordinate to him and give a decision thereon which shall prevail;
 - (f) direct the Capital City Police Officer as to disposal of unclaimed property under clause (4) of Article 135;
- (h) on receipt of a complaint of excess by a Police officer–
- (i) refer the complaint to the Capital City Police Officer in writing to take appropriate action and submit a report within two weeks ; or
 - (iii) report the matter to the Federal government or the Federal Police Complaints authority for appropriate action if the Capital City Police Officer does not submit a report or take action on the complaint referred by the Islamabad District Public Safety Commission;
- (i) (j) on a complaint of excess committed by any member of Federal Law Enforcement Agency and civil armed forces acting in support of the Islamabad district Police, require the appropriate authority of the concerned department in writing to take remedial action and report within a specified period. If no action is taken by the concerned authority, a reference may be made by the Islamabad District Public Safety Commission to the head of concerned organization or the Federal Complaints Authority for appropriate action.

69. Terms of members of the Islamabad District Public Safety Commission.– (1) The term of office of a member shall be three years unless he resigns at any time before the expiry of his term or ceases to be a member of the National Assembly or the Zila Council.

(2) No member shall be eligible for a second term.

(3) Members shall be paid TA and DA for attending meetings, as per rules.

(4) Independent members may be paid honoraria as per rules.

(70. Removal of members.– The President on his own volition or on the recommendation of Islamabad District Public Safety Commission may remove a member from office if he–

(a) ceases to be a citizen of Pakistan;

(b) is found suffering from physical or mental incapacity or illness;

(c) is guilty of misconduct;

(d) is found to have dealt with any matter in which he had a conflict of interest;

(e) is convicted of a criminal offence;

(f) is declared a bankrupt, loan defaulter or tax evader;

(g) is involved in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people, and the good order and harmony of society;

(h) brings the Islamabad Public Safety Commission into disrepute;

(i) fails to attend its three consecutive meetings without any reasonable cause.

71. Meetings and conduct of business of the Islamabad District Public Safety Commission.–

(1) The business of Islamabad District Public Safety Commission shall be conducted by the Commission in a meeting.

(2) The meeting may be convened by the Chairperson or on the requisition of three members.

(3) Quorum for the meeting of the Commission shall be two-third of its membership.

(4) Members shall attend meetings of the Commission as and when required for which at least a week's notice, with agenda, shall be given. There shall be minimum of one meeting in a month provided an emergency meeting may be held at a short notice not exceeding twenty four hours.

(5) Decisions of the Commission shall be by a simple majority.

(6) Capital City Police Officer or in his absence his deputy may be invited to attend a meeting which he shall attend.

(7) The Commission may invite any expert for consultations on specific issues.

(8) The Capital City Police Officer, Islamabad may frame rules of procedure for the conduct of business.

72. Secretariat.– (1) The Government shall establish a independent and permanent secretariat of Islamabad District Public Safety Commission.

(2) The Secretariat shall be headed by an officer of BPS 17 a suitable person who shall be appointed by the Commission in consultation with the Capital City Police Officer, Islamabad.

(3) The Secretariat shall consist of such number of officers and staff as the Government may in consultation with the Commission, determine from time to time.

CHAPTER VIII

THE PROVINCIAL PUBLIC SAFETY COMMISSION

73. Establishment. - There shall be a Provincial Public Safety Commission, consisting of twelve members and the ex officio Chairperson.

74. Composition. - (1) Half of the members of the Provincial Public Safety Commission shall be nominated by the Speaker of the Provincial Assembly from amongst its members three each from the treasury and opposition in consultation with the Leader of the House and the Leader of the Opposition:

Provided that at least two members shall be women.

(2) The other half comprising independent members shall be appointed by the Government from a list of names recommended by the Provincial Selection Panel:

Provided that at least two members shall be women.

(3) Notwithstanding anything contained in clause (1), independent members appointed under clause (2) shall constitute the Provincial Public Safety Commission when the Provincial Assembly is not in existence.

(4) The appointment of members shall be notified in the Official Gazette.

75. Appointment of Chairperson. - (1) The Provincial Chief Minister will be the ex-officio Chairperson of the Provincial Public Safety Commission. (2) The Chairperson shall preside over the meetings of the Provincial Public Safety Commission.

76. Meeting in the absence of the Chairperson. - In the absence of the Chairperson the Provincial Public Safety Commission shall elect one of its member to preside over a meeting.

77. Selection of independent members. - (1) (1) The Independent members of the Commission shall be selected by the Provincial Justice Committee.

(2) The selection of independent members shall be by consensus.

(3) The selection process shall be completed within thirty days from the commencement of the selection process.

(4) Independent members shall be of impeccable integrity and proven professional competence in such fields as social work, law, administration, education, corporate sector, etc.

78. Functions of the Selection Panel. - The selection panel shall invite applications or nominations from the public for selection of independent members, and after interviewing eligible and willing candidates, forward names of persons twice the number of appointments to be made to the Governor.

79. Selection criteria of independent members.— A person shall be disqualified from becoming a member of Provincial Public Safety Commission if he—

- (a) is an activist of any political party or has held any representative office or has remained a public servant in the six months immediately preceding such appointment;
- (b) is found suffering from physical or mental incapacity or illness;
- (c) is declared a bankrupt, loan defaulter or tax evader;
- (d) is not a citizen of Pakistan;
- (e) holds an office of profit in the service of Pakistan;
- (f) is in the service of any statutory body or any other body which is owned or controlled by the Government or in which the Government has a controlling share or interest;
- (g) has been dismissed, removed or compulsorily retired from the service of Pakistan on grounds of corruption or any other form of misconduct; or
- (h) is convicted of a criminal offence;
- (i) has any conflict of interest; or

- (j) is involved in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people, and the good order and harmony of society.
- (k) has entered into plea bargain or voluntary returns under the National Accountability Bureau Act, 2002; or
- (l) belongs to any proscribed organization; or
- (m) has been notified under the Fourth Schedule of the Anti-Terrorism Act, 1997.

80. Functions of the Provincial Public Safety Commission.- (1) Subject to this Order, the Provincial Public Safety Commission shall

- (a) provide guidelines on the policy of the government with the Provincial Police Officer for promoting integrity, efficiency and effectiveness of Police;
- (b) take steps to prevent the Police from carrying out any unlawful or malafide orders or directions from any authority to any functionary of the Police through-out the Province and in case such orders are brought to the notice of the commission it shall have the powers to intervene and its decision shall prevail; and
- (c) facilitate the establishment and functioning of Citizen Police Liaison Committees in accordance with Article 168.

(2) Without prejudice to its role under sub-section (1) the Commission shall perform the following specific responsibilities

- (a) co-ordinate the functioning of Public Safety Commissions within the Province;
- (b) recommend to the Government premature transfer of Provincial Police Officer before completion of normal tenure of two years for unsatisfactory performance of duties:
Provided that before making such recommendation the Provincial Public Safety Commission shall give the concerned Police officer an opportunity to be heard in person;
- (c) recommend to the government for grants to various Police establishments within the Province, for enhancing their capability to handle public order;
- (d) assist the Police establishment in securing assistance from other Police establishments and law enforcement agencies by approaching the other Provincial and National Public Safety Commissions;
- (e) determine in consultation with the Provincial Police Officer objectives for the policing of the Province for each financial year;
- (f) oversee the implementation of the Provincial Policing Plan prepared by Provincial Police Officer and approved and published by the Provincial Government. The plan shall include:

- (i) a statement of the financial resources expected to be made available by the Government; and
 - (ii) performance targets for the year and their delivery mechanism.
- (g) evaluate the delivery of performance targets on quarterly basis;
- (h) require the Provincial Police Officer to submit by end of August each year a general report in a manner prescribed by the Provincial Public Safety Commission which shall be published;
- (i) submit an annual report to the Government and the Provincial Assembly that shall include the following;
 - (i) an abstract concerning performance of the Provincial Public Safety Commission during the year;
 - (ii) a report on the functioning of the Police Establishments;
 - (iii) a report on matters connected with general law and order in the Province.
- (j) recommend reforms for modernization of laws and procedure in respect of Police, prosecution, prisons and probation service;
- (k) evaluate the performance of the District and Capital City Public Safety Commissions on annual basis. If on the basis of the evaluation conducted by the Provincial Public Safety Commission, the performance of the Commission is found unsatisfactory, it may recommend the dissolution of such Commission or Authority and on dissolution of the Commission the government shall reconstitute the same in accordance with the provisions of this Order within forty five days of such decision;
- (l) conduct enquiry on the recommendation of a Zila Council through a resolution passed by two third majority of its total membership for the dissolution of the relevant Public Safety Commission on grounds of unsatisfactory performance of the said commission, establish veracity or otherwise of the grounds of recommendation for rejection or onward transmission to the Provincial Government for the dissolution of the said Public Safety Commission. Where the government dissolves the relevant Public Safety Commission it will reconstitute the same in accordance with the provisions of this Order within forty five days of such decision;
- (l) perform functions of the relevant Public Safety Commission during the period it stands dissolved;
- (m) consider the proposals made by Provincial Police Officer or National Police Management Board and give its recommendations to the government;
- (n) recommend essential criminal justice reforms; and

(o) perform such other functions with regard to public order and safeguarding public interest, as may be assigned by the government to it for the purpose under any law for the time being in force including Prosecution, Prisons and Probation services;

81. Terms of members of the Provincial Public Safety Commission. – (1) The term of office of a member shall be the same as that of the Provincial Assembly unless he resigns at any time before the expiry of his term, or ceases to be a member of the Provincial Assembly.

(2) No member shall be eligible for a second term.

(3) Members shall be paid TA and DA for attending meetings, as per rules.

(4) Independent members may be paid honoraria as per rules.

82. Removal of members. – The Governor on his own volition or on the recommendation of the Provincial Public Safety Commission may remove a member from office if he–

(a) ceases to be a citizen of Pakistan;

(b) is found suffering from physical or mental incapacity or illness;

(c) is guilty of misconduct;

(d) is found to have dealt with any matter in which he had a conflict of interest;

(e) is convicted of a criminal offence;

(f) is declared a bankrupt, loan defaulter or tax evader;

(g) is involved in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people, and the good order and harmony of society;

(h) brings the Provincial Public Safety Commission into disrepute;

(i) fails to attend its three consecutive meetings without any reasonable cause.

83. Meetings and conduct of business of the Provincial Public Safety Commission. – (1) The business of the Provincial Public Safety Commission shall be conducted by the Commission in a meeting.

(2) The meeting may be convened by the chairperson or on the requisition of three members.

(3) Quorum for the meeting of the Commission shall be two-third of its membership.

(4) Members shall attend meetings of the Commission as and when required for which at least a week's notice, with agenda, shall be given. There shall be minimum of one meeting in a month; provided an emergency meeting may be held at a short notice not exceeding twenty four hours.

(5) The ex officio Chairperson shall not have the right of vote, except in case of a tie.

(6) Decisions of the Commission shall be by simple majority.

(7) The Commission may hold public consultations as and when required.

(8) The Provincial Police Officer and heads of prosecution service, prison and probation departments shall attend meetings of the Commission as non-voting members, when invited.

(9) The Commission may invite any expert for consultations on specific issues.

(10) The Provincial Police Officer may frame rules of procedure for the conduct of business.

84. Secretariat. – (1) The Government shall establish a permanent and independent secretariat of the Provincial Public Safety Commission.

(2) The Secretariat shall be headed by a suitable person who shall be appointed by the Commission in consultation with the Provincial Police Officer.

(3) The Secretariat shall consist of such number of officers and staff as the Government may, in consultation with the Commission, determine from time to time.

(4) The Secretariat shall be attached to the Provincial Law Department for purposes of budget and for matters pertaining to the Provincial Assembly.

CHAPTER IX

THE NATIONAL PUBLIC SAFETY COMMISSION

85. Establishment. – There shall be a National Public Safety Commission consisting of twelve members and the ex officio Chairperson.

86. Composition. – (1) Half of the members of the National Public Safety Commission shall be nominated by the Speaker of the National Assembly from amongst its members three each from the treasury and the opposition in consultation with the Leader of the House and the Leader of the Opposition:

Provided that at least one member shall belong to each Province, and to Islamabad Capital Territory:

Provided further that at least two members shall be women.

(2) The other half comprising independent members shall be appointed by the President from a list of names recommended by the National Selection Panel:

Provided that at least one member shall belong to each Province, and to Islamabad Capital Territory:

Provided further that at least two members shall be women.

(3) Notwithstanding anything contained in clause (1), independent members appointed under clause (2) shall constitute the National Public Safety Commission when the National Assembly is not in existence.

(4) The appointment of members shall be notified in the official Gazette.

87. Appointment of Chairperson. – (1) The Federal Interior Minister will be ex-officio Chairperson of the National Public Safety Commission.

(2) The Chairperson shall preside over the meetings.

88. Meeting in the absence of the Chairperson. – In the absence of the Chairperson, the National Public Safety Commission shall elect one of its member to preside over a meeting.

89. Selection of independent members. – t.

(1) The Independent members of the Commission shall be selected by the Law and Justice Commission.

(2) The selection of independent members shall be by consensus.

(3) The selection process shall be completed within thirty days from the commencement of the selection process.

(4) Independent members shall be of impeccable integrity and proven professional competence in such fields as social work, law, administration, education, corporate sector, etc.

90. Functions of the Selection Panel. – The selection panel shall invite applications or nominations from the public for selection of independent members, and after interviewing eligible and willing candidates, forward names of persons twice the number of appointments to be made to the President of Pakistan.

91. Selection criteria of independent members. – A person shall be disqualified from becoming a member of National Public Safety Commission if he–

(a) is an activist of any political party or has held any representative office or has remained a public servant in the six months immediately preceding such appointment; or

(b) is found suffering from physical or mental incapacity or illness; or

(c) is declared a bankrupt, loan defaulter or tax evader;

(d) is not a citizen of Pakistan;

(e) holds an office of profit in the service of Pakistan;

(f) is in the service of any statutory body or any other body which is owned or controlled by the Government or in which the Government has a controlling share or interest;

(g) has been dismissed, removed or compulsorily retired from the service of Pakistan on grounds of corruption or any other form of misconduct;

(h) is convicted of a criminal offence;

(i) has any conflict of interest; or

(j) is involved in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people, and the good order and harmony of society.

(k) has entered into plea bargain or voluntary returns under the National Accountability Bureau Act, 2002; or

(l) belongs to any proscribed organization; or

(m) has been notified under the Fourth Schedule of the Anti-Terrorism Act, 1997.

92. Functions of the National Public Safety Commission. – (1) In the performance of its duties the National Public Safety Commission shall oversee the functioning of the Federal Investigation Agency, Pakistan Railways Police, Anti-narcotics Force, Frontier Constabulary Pakistan Motorway

and Highway Police, any other Federal Law Enforcement Agency and Anti-smuggling Wing of Customs exercising Police powers.

(2) Facilitate the establishment and functioning of Citizen Police Liaison Committees in accordance with Article 168.

(3) Without prejudice to its role under clause (1), the National Public Safety Commission shall perform the following functions:-

- (a) recommend to the Federal Government panels of three Police officers for the appointment of Capital City Police Officer for Islamabad and for the appointment of head of Federal Investigation Agency, Pakistan Railways Police, Pakistan Motorway and Highway Police and Frontier Constabulary;
- (b) recommend to the Provincial Government panels of three Police officers for the appointment of a Provincial Police Officer;
- (c) recommend to the Federal Government premature transfer of Capital City Police Officer for Islamabad and head of a Federal Law Enforcement Agency before completion of normal tenure of three years for unsatisfactory performance of duties; provided that before making such recommendation the National Public Safety Commission shall give the concerned officer an opportunity to be heard in person;
- (d) oversee implementation of plans prepared by heads of the respective law enforcement agencies and approved and published by the Government, setting out arrangements for achieving objectives during the year. The plans shall include—
 - (i) a statement of financial resources expected to be made available by the Government; and
 - (ii) performance targets for the year and their delivery mechanism;
- (e) evaluate the delivery of performance targets on quarterly basis;
- (f) require heads of the relevant Federal Law Enforcement agency to submit to the National Public Safety Commission, by end of August each year, a general report in a manner prescribed by the National Public Safety Commission, which shall be published;
- (g) submit an annual report to the Government and the Parliament that shall include the following:-
 - (i) an abstract concerning performance of the National Public Safety Commission during the year;
 - (ii) a report on the functioning of the Federal Law Enforcement Agencies; and
 - (iii) a report on matters connected with general law and order in the country;
- (h) recommend reforms for modernization of laws and procedure in respect of Police, prosecution, prisons and probation services;
- (i) facilitate coordination among the Provincial Public Safety Commissions;

- (j) evaluate the performance of the Islamabad District Public Safety Commission on annual basis. If on the basis of the evaluation conducted by the National Public Safety Commission, the performance of the Commission is found unsatisfactory, the Government may dissolve the Islamabad District Public Safety Commission and reconstitute the commission in accordance with the provisions of this Order within forty five days of such decision;
- (k) conduct enquiry on the recommendation of Islamabad Zila Council through a resolution passed by two third majority of its total membership for the dissolution of the Islamabad District Public Safety Commission on grounds of unsatisfactory performance of the said Commission, establish veracity or otherwise of the grounds of recommendation for rejection or onward transmission to the Federal Government for the dissolution of the said Public Safety Commission;
- (l) perform functions of the Islamabad District Public Safety Commission during the period it stands dissolved;
- (m) consider the proposals of the National Police Management Board and give its recommendations to the Government; and
- (n) perform such other functions with regard to public safety and safeguarding interest of the people, as may be assigned by the Government to it for the purpose under any law for the time being in force in particular pertaining to the Prosecution, Prisons and Probation services.

93. Terms of members of the National Public Safety Commission. – (1) The term of office of a member shall be the same as that of the National Assembly unless he resigns or is removed from office at any time before the expiry of his term or ceases to be a member of the National Assembly.

(2) No member shall be eligible for a second term.

(3) Members shall be paid TA and DA for attending meetings, as per rules.

(4) Independent members may be paid honoraria as per rules.

94. Removal of members. – The President on his own volition or on the recommendation of the National Public Safety Commission may remove a member from office if he–

(a) ceases to be a citizen of Pakistan;

(b) is found suffering from physical or mental incapacity or illness;

(c) is guilty of misconduct;

(d) is found to have dealt with any matter in which he had a conflict of interest;

(e) is convicted of a criminal offence;

(f) is declared a bankrupt, loan defaulter or tax evader;

(g) is involved in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people, and the good order and harmony of society;

(h) brings the National Public Safety Commission into disrepute;

(i) fails to attend its three consecutive meetings without any reasonable cause.

95. Meetings and conduct of business of the National Public Safety Commission. – (1) The business of the National Public Safety Commission shall be conducted by the Commission in a meeting.

(2) The meeting may be convened by the Chairperson or on the requisition of three members.

(3) Quorum for the meeting of the Commission shall be two-third of its membership.

(4) Members shall attend meetings of the National Public Safety Commission as and when required for which at least a week's notice, with agenda, shall be given. There shall be minimum of one meeting in a month, provided an emergency meeting may be held at a short notice not exceeding twenty four hours.

(5) The ex officio Chairperson will not have the right of vote, except in case of a tie.

(6) Decisions of the Commission shall be by simple majority.

(7) The Commission may hold public consultations as and when required.

(8) Heads of law enforcement agencies, prosecution service, prison and probation services will attend meetings of the Commission as non-voting members, when invited.

(9) The Commission may invite any expert for consultations on specific issues.

(10) The Commission may frame rules of procedure for the conduct of the business.

96. Secretariat. – National Police Bureau referred to in Article 162 shall function as the secretariat of the National Public Safety Commission.

CHAPTER X

POLICE COMPLAINTS AUTHORITIES

97. Establishment of Federal Police Complaints Authority. - The Government shall establish a Federal Police Complaints Authority for enquiring into serious complaints against the members of Federal Law Enforcement Agencies.

98. Composition. - (1) The Federal Police Complaints Authority shall consist of a Chairperson and six members.

(2) The President shall appoint the Chairperson of the Federal Police Complaints Authority.

(3) The Government shall appoint the members of the Federal Police Complaints Authority on the recommendation of the Federal Public Service Commission.

99. Criteria and terms of the members. - (1) The members of the Federal Police Complaints Authority shall be eminent persons of impeccable integrity with skills, knowledge and experience in such fields as may be specified by the Government.

(2) Persons may be appointed as whole-time or part-time members of the Authority.

(3) A person shall not be appointed for a period of more than three years.

(4) No member or the Chairperson shall be eligible for a second term.

100. Functions of the Federal Police Complaints Authority. - The Federal Police Complaints Authority shall perform the following functions

(a) receive from District Public Safety Commission or an aggrieved person in writing on an affidavit complaint of neglect, excess or misconduct against Islamabad Capital Territory Police Officer or any member of any Federal Law Enforcement Agency;

(b) process the complaint and refer the ordinary cases to an appropriate authority for action and report and in serious cases initiate action on its own;

(c) receive from the Islamabad District Public Safety Commission or the Capital City District Police Officer or Head of a Federal Law Enforcement Agency any report of death, rape or serious injury to any person in Police custody and take steps to preserve evidence relating to such incident;

(d) request the Chief Justice of the High Court, in serious cases, to appoint a District and Sessions Judge for a judicial enquiry;

(e) appoint in appropriate cases a Police officer belonging to the Federal Law Enforcement Agencies who is senior in rank to the officer complained against as an inquiry officer, and supervise the inquiry proceedings;

(f) send a copy of the report to the competent authority and direct him for departmental action based on the findings of the enquiry or registration of a criminal case as appropriate and direct the competent authority to submit a report about the action taken on the findings of the report;

(g) inform the complainant of the outcome of the enquiry in writing as soon as possible;

(h) where the Federal Police Complaints Authority is not satisfied with the order in cases referred under clause (f), it may send a report to the next higher authority for revision of the order by the awarding officer and the process be repeated till it is considered by the final authority;

(i) in case of any frivolous, false or vexatious complaint, initiate legal action against the complainant;

(j) recommend disciplinary action against an enquiry officer for wilful neglect or mishandling of an enquiry;

(k) prepare and send to the Government an annual report on matters relating generally to its functions, including any matter to which it considers attention of the Government may be drawn by reason of gravity or other exceptional circumstances, for laying the report before Parliament;

(l) establish when necessary in consultation with the Federal Government, regional offices anywhere in the country or with the agreement of the Provincial Government designate Provincial

Police Complaints Authority or District Public Safety Commission to deal with the complaints of excess or neglect.

101. Secretariat. - (1) The Government shall establish a permanent secretariat of the Authority.

(2) The Secretariat shall be headed by an officer not below BS 19 who shall be appointed in consultation with the Authority.

(3) The organization of the secretariat and functions of officers and staff shall be determined by the Authority.

(4) The secretariat shall consist of such number of officers and staff as the Government may in consultation with the Authority determine from time to time. (5) The terms and conditions of service of the staff of the Authority shall be determined by the Government in consultation with the Authority.

102. Removal of the members. - The procedure of the removal of the Chairperson and members of the Federal Police Complaints Authority shall be the same as for the members of the Federal Public Service Commission.

103. Establishment of Provincial Complaints Authority. - The Government shall establish a Provincial Complaints Authority for enquiring into serious complaints against the **members of the Police**

104. Composition. - (1) The Provincial Complaints Authority shall consist of a Chairperson and six members.

(2) The Governor shall appoint the Chairperson of the Provincial Complaints Authority.

(3) The Government shall appoint the members of the Provincial Complaints Authority on the recommendation of the Provincial Public Service Commission.

105. Criteria and terms of the members. - (1) The members of the Provincial Complaints Authority shall be eminent persons of impeccable integrity with skills; knowledge and experience in such fields as may be specified by the Government.

(2) Persons may be appointed as whole-time or part-time members of the Authority.

(3) A person shall not be appointed for a period of more than three years.

(4) No member or the Chairperson shall be eligible for a second term.

106. Functions of the Provincial Complaints Authority. - The Provincial Complaints Authority shall perform the following functions

(a) receive from District Public Safety Commission or an aggrieved person in writing on an affidavit, complaint of neglect, excess or misconduct against a Police Officer.

(b) process the complaint and refer the ordinary cases to an appropriate authority for action and report ;

(c) receive from the District Public Safety Commission or Head of District Police any report of death, rape or serious injury to any person in Police custody and take steps to preserve evidence relating to such incident and request the Chief Justice of the High Court under intimation to the Government to appoint a Judge not below the District and Sessions Judge for a judicial enquiry;

(d) may appoint in appropriate cases a Police officer of the same district or of a different district who is of impeccable integrity and senior in rank to the officer complained against as an inquiry officer, and supervise the inquiry proceedings;

(e) send a copy of the report to the competent authority and direct him for departmental action based on the findings of the enquiry or registration of a criminal case as appropriate and direct the competent authority to submit a report within one month about the action taken on the findings of the report;

(f) inform the complainant of the outcome of the enquiry in writing as soon as possible;

(g) where the Provincial Complaints Authority is not satisfied with the order in cases referred under clause (e), it may send a report to the next higher authority for revision of the order by the awarding officer and the process be repeated till it is considered by the final authority;

(h) in case of any frivolous, or vexatious complaint, initiate legal action against the complainant;

(i) may recommend disciplinary action against an enquiry officer for wilful neglect or mishandling of an enquiry;

(j) prepare and send to the Government an annual report on matters relating generally to its functions, including any matter to which it considers attention of the Government may be drawn by reason of gravity or other exceptional circumstances, for laying the report before Provincial Assembly;

(k) may in consultation with the Provincial Government establish regional offices anywhere in the Province.

107. Secretariat. - (1) The Government shall establish a permanent secretariat of the Authority.

(2) The Secretariat shall be headed by a suitable person who shall be appointed by the Authority in consultation of the Provincial Police Officer.

(3) The organization of the Secretariat and functions of officers and staff shall be determined by the Authority.

(4) The Secretariat shall consist of such number of officers and staff as the Government may in consultation with the Authority determine from time to time. (5) The terms and conditions of service of the staff of the Authority shall be determined by the Government in consultation with the Authority.

108. Removal of the members. - The procedure of the removal of the Chairperson and members of the Provincial Complaints Authority shall be the same as for the members of the Provincial Public Service Commission.

CHAPTER XI

CRIMINAL JUSTICE COORDINATION COMMITTEE

109. Establishment. – There shall be a Criminal Justice Coordination Committee in a district.

110. Composition. - The Criminal Justice Coordination Committee shall consist of

- (a) District and Sessions Judge (Chairperson)
- (b) Head of District Police
- (c) District Public Prosecutor
- (d) District Superintendent Jail
- (e) District Probation Officer
- (f) District Parole Officer
- (g) Head of Investigation (Secretary)

111. Functions of the Criminal Justice Coordination Committee. – (1) The Criminal Justice Coordination Committee shall

- (a) keep under review the operation of the criminal justice system and work towards the improvement of the system as a whole;
 - (b) promote understanding, co-operation and coordination in the administration of the criminal justice system;
 - (c) exchange information and give advance notice of local developments, which may affect other parts of the system;
 - (d) formulate co-ordinated priorities and plans to give effect to locally agreed policies;
 - (e) raise relevant issues with the appropriate authorities;
 - (f) promote the spread of good practices; and
 - (g) review the implementation of any decisions taken by the Criminal Justice Coordination Committee.
- (2) The meeting of the Criminal Justice Coordination Committee shall be held at least once a month. The secretary of the committee shall record the minutes of the meetings.

CHAPTER XII

REGULATION, CONTROL AND DISCIPLINE OF THE POLICE

112. Rule making by Provincial Police Officer or Islamabad Capital City Police Officer. Provincial Police Officer, or Islamabad Capital City Police Officer, as the case may be, with the prior approval of the Government, may by notification in the official Gazette, make rules for carrying into effect the provisions of this Order.

113. Punishments. – Subject to the rules, a member of the Police may at any time be suspended, dismissed, compulsorily retired, reduced in rank or pay, within a time scale, fined, censured or awarded any other punishment in the prescribed manner.

114. Code of Conduct. – (1) Provincial Police Officer and Capital City Police Officer shall issue Code of Conduct to regulate Police practices in respect of–

- (a) the exercise by Police officers of statutory powers of stop and search;
- (b) the searching of premises by Police officers and the seizure of property found by Police officers on persons or premises;
- (c) the detention, treatment and questioning of persons by Police officers; and
- (d) the identification of persons by Police officers.

(2) Subject to rules, a Police officer contravening the Code of Conduct may be awarded one or more punishments provided under Article 113.

115. Police officer at any time liable to be called for duty.– A Police officer when off-duty, on leave or under suspension shall be liable to be called for duty.

116. Withdrawal from duty and resignation, etc.– (1) No Police officer shall withdraw from the duties of his office unless expressly allowed to do so in writing by Head of District Police or by some other officer authorised to grant such permission

Explanation.– A Police officer who being absent on leave fails without reasonable cause to report for duty on the expiration of such leave shall be deemed within the meaning of this Article to withdraw himself from the duties of his office.

(2) No Police officer shall resign his office unless he has given to his superior officer notice in writing for a period of not less than two months of his intention to resign.

117. Police officer not to engage in any other employment.– No Police officer shall engage in any private employment while he is a member of the Police establishment.

CHAPTER XIII

POWERS TO ISSUE ORDERS

118. Power to issue orders. – The Head of District Police may, in an emergency, for the maintenance of public order or preventing public nuisance, issue orders to give effect to the provisions of any Municipal law, rules or bye-laws for the time being in force.

119. Power to give direction to the public. – Subject to rules, a Police officer not below the rank of a Sub-Inspector may, give such directions as may be necessary to–

- (a) direct the conduct and behaviour or actions of persons constituting processions or assemblies on roads or streets;
- (b) prevent obstructions–
 - (i) on the occasion of processions and assemblies;

- (ii) in the neighbourhood of places of worship during the time of worship; and
- (iii) when a street or public place or place of public resort may be thronged or liable to be obstructed;

(c) keep order on streets, mosques, churches or other places of worship and places of public resort when these may be thronged or liable to be obstructed.

120. Regulation of public assemblies and processions and licensing of same. – (1) Head of District Police or Assistant or Deputy Superintendent of Police may as occasion require, direct the conduct of assemblies and processions on public roads, or in public streets or thoroughfares and prescribe the routes by which and the times at which, such processions may pass.

(2) He may also, on being satisfied that it is intended by any persons or class of persons to convene or collect any assembly in any such road, street or thoroughfare, or to form a procession which would, in his judgement, if uncontrolled, be likely to cause a breach of the peace, require by general or special notice that the persons convening or collecting such assembly or directing or promoting such processions shall apply for a licence.

(3) On such application being made, he may issue a licence specifying the names of the licensees and defining the conditions on which alone such assembly or such procession is to be permitted to take place and otherwise giving effect to this Article:

Provided that no fee shall be charged on the application for, or grant of any such licence.

121. Powers with regard to assemblies and processions violating the conditions of licence. – (1) Head of District Police or Assistant or Deputy Superintendent of Police or Inspector of Police or an officer in-charge of a Police station may stop any procession which violates the conditions of a licence granted under the last foregoing Article, and may order it or any assembly which violates any such conditions as aforesaid to disperse.

(2) Any procession or assembly, which neglects or refuses to obey any order given under clause (1) shall be deemed to be an unlawful assembly.

122. Power to prohibit certain acts for prevention of disorder.– (1) Head of District Police may, whenever and for such time as he may consider necessary but not exceeding two days by notification publicly promulgated or addressed to individuals prohibit in any urban or rural area, the carrying of arms, cudgels, swords, spears, bludgeons, guns, knives, sticks, lathis or any other article, which is capable of being used for causing physical violence and the carrying of any corrosive substance or explosives, the carrying, collection or preparation of stones or other missiles or instruments of means of casting or impelling missiles.

(2) If any person goes armed with any article as is referred to in clause (1), such article shall be liable to be seized from him by a Police officer.

123. Power to give directions against serious disorder at places of amusement, etc.– (1) For the purpose of preventing serious disorder or breach of the law or imminent danger to those assembled at any place of public amusement or at any assembly or meeting to which the public are invited or which is open to the public, any Police officer of the rank of Assistant Sub Inspector or above, present at such place of public amusement, or such assembly or meeting, may subject to such rules, regulations or orders as may have been lawfully made, give such reasonable directions as to the mode of admission of the public to, and lawful conduct of the proceedings and the maintaining of the public safety, at such place of amusement or such assembly or meeting as he thinks necessary and all persons shall be bound to conform to every such reasonable direction.

(2) Every Police officer while on duty shall have free access to any place of public amusement, assembly or meeting for the purpose of giving effect to the provisions of clause (1) and to any direction made there under.

124. Erecting of barriers in streets, etc.– Any Police officer may in an emergency temporarily close any street or public place through erection of barriers or other means, to prohibit persons or vehicles from entering such area.

125. Power to search suspected persons or vehicles in street, etc.– When in a street or a place of public resort a Police officer on reasonable grounds suspects a person or a vehicle to be carrying any article unlawfully obtained or possessed or likely to be used in the commission of an offence, he may search such person or vehicle; and if the account given by such person or possessor of the vehicle appears to be false or suspicious, he may detain such article after recording in writing the grounds of such action and issue a receipt in the prescribed form and report the facts to the officer in-charge of the Police station for informing the Court for proceeding according to law against the person.

CHAPTER XIV

SPECIAL MEASURES FOR MAINTENANCE OF PUBLIC ORDER AND SECURITY

126. Employment of additional Police to keep peace.– (1) Capital City Police Officer or City Police Officer and District Police Officer subject to approval of Provincial Police Officer may on application of any person depute any additional number of Police to keep the peace, to preserve order, to enforce any provisions of this Order, or any other law, in respect of any particular class or classes of offences or to perform any other duties imposed on the Police.

(2) Subject to rules, such additional Police shall be employed at the cost of the person making the application.

(3) If the person upon whose application such additional Police are employed gives one week's notice for the withdrawal of the said Police, he shall be relieved from the cost thereof at the expiration of such notice.

(4) If there is any dispute on payment, Head of District Police on an application by the aggrieved party may refer the matter to the Government for final decision.

127. Employment of additional Police at the cost of organizers, etc.– (1) Whenever it appears to Head of District Police that–

(a) any large work which is being carried on, or any public amusement, or event at any place is likely to impede the traffic or to attract a large number of people; or

(b) the behaviour or a reasonable apprehension of the behaviour of the persons employed on any railway, canal or other public work, or in or upon any manufactory or other commercial concern under construction or in operation at any place, necessitates the employment of additional Police at such place;

he may depute such number of additional Police to the said place for so long as the necessity to employ the additional Police shall appear to be expedient.

(2) Subject to rules, the cost of such additional Police shall be borne by the organisers of such events or employers of such works or concerns, as the case may be, at rates approved by the appropriate government from time to time.

128. Compensation for injury caused by unlawful assembly.– When any loss or damage is caused to any property or when death or grievous hurt is caused to any person or persons, by anything done in furtherance of the common object of an unlawful assembly, the trial Court may determine the amount of compensation which, in its opinion should be paid by members of the unlawful assembly to any person or persons in respect of the loss or damage or death or grievous hurt caused.

129. Recovery of amount payable under Articles 126 and 127.– Any amount payable under Article 126 and Article 127 shall be recovered in the same manner as if it were arrears of land revenue.

130. Recovered amount to go to treasury.– Amounts payable under Article 126 and Article 127 shall be credited to the treasury.

131. Banning of use of dress resembling uniform of Police or armed forces.– (1) If Provincial Police Officer or the Capital City Police Officer or City Police Officer is satisfied that the wearing in public, by any member of any body, association or organization, of any dress or article of apparel resembling the uniform worn by Police or members of the Armed Forces or any uniformed force constituted by or under any law for the time being in force, is likely to prejudice the security of the state or the maintenance of public order, he may by a special order prohibit or restrict the wearing

or display, in public of any such dress or article of apparel by any member of such body or association or organization.

(2) Every order under clause (1) shall be published in the official Gazette.

Explanation.— For the purpose of clause (1) a dress or article of apparel shall be deemed to have been worn or displayed in public if it is worn or displayed in any place to which the public have access.

132. Control of camps, parades, etc.— If Head of District Police is satisfied that it is necessary in the interest of maintenance of public order, he may by a special order prohibit or restrict throughout the district or any part thereof all meetings and assemblies of persons for the purpose of training in the use of arms or taking part in any such camp, parade or procession.

133. Authority of Head of District Police over the village Police.— Head of District Police shall for the purpose of carrying this Order into effect, exercise authority and control over village watchmen or village Police officers.

CHAPTER XV

RESPONSIBILITIES OF POLICE

IN RELATION TO UNCLAIMED PROPERTY

134. Police to make inventory of unclaimed property, etc.— It shall be the duty of every Police officer to take charge and make inventory of any unclaimed property found by, or made over to him, and furnish a copy of the inventory to Head of District Police without delay, who shall send a copy of the same to District Public Safety Commission.

135. Procedure for disposal of unclaimed property.— (1) Where any property has been taken charge of under Article 134, Head of District Police shall issue a proclamation within fifteen days in the prescribed manner specifying the articles of which such property consists and requiring that any person who may have a claim thereto shall appear before him or some other officer not below the rank of Assistant Superintendent of Police or Deputy Superintendent of Police especially authorised in this behalf and establish his claim within three months from the date of such proclamation.

(2) If the property, or any part thereof, is subject to speedy and natural decay or if the property appears to be of the value of less than one thousand rupees, it may forthwith be disposed off in the prescribed manner under the orders of Head of District Police and the net proceeds of such sale shall be dealt with in the manner provided in Articles 136 and 137.

(3) Where any person who has a claim to the property is required by the proclamation under clause (1) to appear before an officer authorised by the Head of District Police and establish his claim, such officer shall forward the record of the proceedings to the Head of District Police.

(4) Head of District Police shall follow the directions of the District Public Safety Commission in disposal of property under clause (3).

136. Delivery of property to person entitled.— (1) Head of District Police on being satisfied of the title of any claimant to the possession or administration of the property specified in the proclamation issued under clause (1) of Article 135 order the same to be delivered to him.

(2) In case where there is more than one claimant to the same property the matter shall be referred by the Head of District Police to the competent Court.

137. Disposal of property, if no claimant appears.— If no person establishes his claim to such property within the period specified in the proclamation, the property, or such part thereof as has not already been sold under clause (2) of Article 135 shall, with the approval of appropriate Public Safety Commission, be disposed off in the prescribed manner and the proceeds shall be deposited in the treasury.

CHAPTER XVI

OFFENCES AND PUNISHMENTS

138. Causing mischief in street by animal or vehicle. - No person shall cause damage, injury, danger, alarm or mischief in any street or public place by negligent or reckless driving or by driving any vehicle or animal laden with timber, poles or other unwieldy articles through a street or public place contrary to any regulation.

139. Causing obstruction in a street. - No person shall cause obstruction in any street or public place

(a) by allowing any animal or vehicle, which has to be loaded or unloaded, or take up or set down passengers, to remain or stand in the street or the public place longer than may be necessary for such purpose; or

(b) by leaving any vehicle standing or fastening any cattle in the street or the public place; or

(c) by using any part of a street or public place as a halting place for vehicles or cattle; or

(d) by causing obstruction in any other manner.

140. Wilful or negligent conduct in respect of dogs. - No person shall in any street or public place

(a) let loose any dog wilfully or negligently so as to cause danger, injury, alarm or annoyance; or

(b) suffer a ferocious dog to be at large without a muzzle; or

(c) set on a dog to attack any person or horse or other animal.

141. Penalty for offences under Articles 138 to 140. - Any person who contravenes any of the provisions of Articles 138 to 140 shall, on conviction, be punished with fine, which may extend to ten thousand rupees, or, in default of payment, with imprisonment for a term not exceeding thirty days.

142. Suffering disorderly conduct. - Whoever being the keeper of any place of public amusement or public entertainment, knowingly permits or suffers disorderly behaviour or any gambling or any

other criminal act, whatsoever, in such place, shall, on conviction be punished with fine which may extend to ten thousand rupees.

43. Penalty for contravening orders, etc. under Article 118. - Whoever contravenes or abets the contravention of any order made under Article 118 or any of the condition of the licence issued under such regulations shall on conviction be fined up to ten thousand rupees.

144. Penalties for contravention of order, etc. under Article 119 and Articles 122 and 123. - (1) Whoever contravenes, disobeys, opposes or fails to conform to any order given by a Police officer under Article 119, and Article 123 shall, on conviction, be punished with fine, which may extend to ten thousand rupees.

(2) Whoever contravenes a notification or an order made under clause (1) of Article 122 shall be punished with imprisonment for a term which shall not be less than three months but may extend to two years and with fine up to one hundred thousand rupees.

145. Penalty for contravention of orders under Articles 131 and 132. - Whoever contravenes any order made under Article 131 and Article 132 shall, on conviction, be punished with imprisonment for a term, which may extend to three years, or with fine up to one hundred thousand rupees, or with both.

146. Penalty for obtaining employment as a Police officer through fraudulent means. Any person who makes a false statement or a statement which is misleading in material particulars or uses a false document for the purpose of obtaining employment as a Police officer shall on conviction be punished with imprisonment for a term which may extend to one year, or with fine up to fifty thousand rupees, or with both.

147. Warning to first offender. - It shall be lawful for Head of District Police or any other officer authorized by him not below the rank of Inspector, to request the relevant Court to issue in lieu of prosecution, a warning in writing to the accused in relation to first commission of any offence mentioned in Articles 138 to 140:

Provided that for any subsequent offence mentioned in this Article the offender on conviction will be awarded at least half of the prescribed punishment.

148. Defiling water in public wells, etc. - Whoever shall defile or cause to be defiled water in any public well, tank, reservoir, pond, pool, aqueduct or part of a river, stream, nullah or other source or means of water supply, so as to render the same unfit for the purpose for which it is set apart, shall on conviction be punished with imprisonment for a term which may extend to six months or with fine which may extend to thirty thousand rupees, or with both.

149. False alarm of fire, etc. - Whoever knowingly gives or causes to be given a false alarm of fire to the fire brigade or to any officer or fireman thereof shall on conviction be punished with

imprisonment for a term which may extend to three months or with fine which may extend to fifteen thousand rupees, or with both.

150. Penalty for contravention of orders made under Article 124. - Whoever contravenes, or abets the contravention of any order made under Article 124 shall, on conviction, be punished with imprisonment which may extend to three months, or with fine which may extend to ten thousand rupees or with both.

151. Penalty for unauthorized use of Police uniform. - If any person not being a member of the Police wears without authorisation, the uniform of Police or any dress having the appearance or bearing any of the distinctive marks of Police uniform, he shall, on conviction, be punished with imprisonment for a term which may extend to three years, or with fine up to one hundred thousand rupees, or with both.

152. Penalty for frivolous or vexatious complaint. – Any person who files a complaint against the Police, which on enquiry by the Police Complaints Authority is held frivolous or vexatious, shall be punished on conviction with imprisonment for six months, or with fine, which may extend to fifty thousand rupees, or with both.

153. Certain offences to be cognizable. - Notwithstanding anything contained in the Code, offences falling under Articles 148 to 152 shall be cognizable.

154. Power to try offences summarily. - The Court trying offences under this chapter shall have power to try such offences summarily in accordance with the procedure laid down for summary trial in the Code.

CHAPTER XVII

OFFENCES BY AND PUNISHMENTS FOR POLICE OFFICERS

155. Penalty for certain types of misconduct by Police officers. – (1) Any Police officer who

- (a) makes for obtaining release from service as Police officer, a false statement or a statement which is misleading in material particulars or uses a false document for the purpose;
- (b) is guilty of cowardice, or being a Police officer of junior rank, resigns his office or withdraws himself from duties without permission;
- (c) is guilty of any wilful breach or neglect of any provision of law or of any rule or regulation or any order which he is bound to observe or obey;
- (d) is guilty of any violation of duty;
- (e) is found in a state of intoxication, while on duty;
- (f) malingers or feigns or voluntarily causes hurt to himself with the intention to render himself unfit for duty;

(g) is grossly insubordinate to his superior officer or uses criminal force against a superior officer; or

(h) engages himself or participates in any demonstration, procession or strike or resorts to or in any way abets any form of strike or coercion or physical duress to force any authority to concede anything,

shall, on conviction, for every such offence be punished with imprisonment for a term which may extend to three years and with fine.

(2) Criminal proceedings under this section shall be initiated after approval is accorded in writing by Regional Police Officer for officers up to an Inspector and Provincial Police Officer for senior Police Officer.**156. Penalty for vexatious entry, search, arrest, seizure of property, torture, etc.**

Whoever, being a Police officer –

(a) without lawful authority, or reasonable cause, enters or searches or causes to be entered or searched any building, vessel, tent or place;

(b) vexatiously and unnecessarily seizes the property of any person;

(c) vexatiously and unnecessarily detains, searches or arrests any person; or

(d) inflicts torture or violence to any person in his custody;

shall, for every such offence, on conviction, be punished with imprisonment for a term, which may extend to five years and with fine.

157. Penalty for unnecessary delay in producing arrested persons in Courts. - Any Police officer who vexatiously and unnecessarily delays the forwarding to a Court or to any other authority to whom he is legally bound to forward any arrested person, shall, on conviction, be punished with imprisonment for a term which may extend to one year and with fine.

CHAPTER XVIII

NATIONAL POLICE MANAGEMENT BOARD

158. Establishment. – The Federal Government shall establish National Police Management Board.

159. Composition. – The National Police Management Board shall consist of the following heads of the Police establishments and the Federal Law Enforcement Agencies:-

(a) Provincial Police Officers of Punjab, Sindh, NWFP and Balochistan;

(b) Inspectors General of Railways Police, Pakistan Motorway and Highway Police, Northern Areas and AJK

(c) Capital City Police Officers of Islamabad, Lahore, Karachi, Peshawar and Quetta;

(d) Directors General of Federal Investigation Agency and Anti Narcotics Force;

(e) Commandants of National Police Academy and Frontier Constabulary;

(f) Director General of National Police Bureau (Member Secretary); and

(g) any other member that the Federal Government may nominate.

160. Functions of the National Police Management Board. – The National Police Management Board shall perform the following functions, namely:-

- (a) advise the Federal and Provincial Governments on matters concerning general planning, development and standardisation of administration, education and training, gender sensitisation, communications, criminal identification facilities, criminal statistics and equipment of Police and other law enforcement agencies;
- (b) identify and arrange research in the areas of criminology, terrorism, sectarian and ethnic violence, drug trafficking, organised crime, inter-provincial crime, crime having international dimensions, etc.;
- (c) recommend Federal Government grants to various Police organizations and Federal Law Enforcement Agencies for enhancing their operational capabilities;
- (d) recommend steps for securing inter-governmental and inter-agency assistance to ensure a comprehensive and cohesive arrangement for crime control and internal security;
- (e) recommend to the Federal and Provincial Governments standards of recruitment, appointment, promotions, transfers, tenure and discipline;
- (f) develop standing operating procedures based on internationally accepted good practices for adoption by the Police and Law Enforcement Agencies in the country to improve their performance;
- (g) Notwithstanding anything contained in any other law, the posting/transfer, promotions, career planning, discipline etc of Police officers of Police Service of Pakistan shall be managed by the National Police Bureau;
- (f) Notwithstanding anything contained in any other law, to manage the administration and policy of the Police Service of Pakistan; *and*
- (g) any other duties that the Federal Government may assign to it.

161. Meeting and conduct of business of the Board. – (1) Normally two meetings shall be held in a year. Meetings may, however, be convened by the Secretary of the Board on the requisition by half of the members of the Board.

(2) Quorum for the meeting will be three quarters of the total membership and no participation by proxy shall be allowed.

(3) Members shall attend the meetings as and when required for which at least one month's notice, with agenda shall be given.

(4) The meetings shall be presided over by the senior most member present.

(5) The Board may invite any expert for consultations.

162. National Police Bureau. – (1) A National Police Bureau headed by a Director General not below the rank of Additional Inspector General of Police shall be established.

(2) The National Police Bureau shall function as permanent secretariat of the National Public Safety Commission and the National Police Management Board.

(3) The Government shall determine the organization of the National Police Bureau and provide such number of staff as it may determine from time to time.

(4) The National Police Bureau shall perform research and development functions as assigned to it by the National Police Management Board and the National Public Safety Commission.

(5) Perform such other functions as may be assigned to it by the Government.

(6) The National Police Bureau as secretariat to the National Public Safety Commission shall function independently but for all other functions the Bureau shall be under the Interior Division.

CHAPTER XIX

MISCELLANEOUS

163. Provision of advice and assistance to International Organizations etc. - The Police may provide advice and assistance to an International Organization or to any other person or body engaged in investigation of criminal cases outside Pakistan or may assist in implementing international conventions relating to crime, criminals and accused with the permission of the Government.

164. Coordination by Federal Government. - The Federal Government shall coordinate for the purpose of efficiency in the Police administration among general Police areas falling under the Federal or the Provincial governments.

165. Constitution of Promotion Boards etc. - Subject to rules, promotion of Police officers of the provincial Police shall be made on the recommendations of the departmental promotion committees/promotion boards:

Provided that the departmental promotion committees/promotion boards shall be headed by an officers not below the rank of

(a) Assistant Superintendent of Police or Deputy Superintendent of Police for promotion to the rank of Head Constable;

(b) Superintendent of Police for promotion to the rank of Assistant Sub-Inspector and Sub-Inspector;

(c) Deputy Inspector General of Police for promotion to the rank of Inspector.

(d) Additional Inspector General of Police for promotion to the rank of Deputy Superintendent of Police; and

(e) Inspector General for promotion to the rank of Superintendent of Police.

166. Criminal Statistics and reports. - (1) The Provincial Government shall at such times and in such form as the Federal Government may direct, transmit statistic and reports to the Federal

Government with respect to officers, offenders, criminal proceedings and the state of law and order in the Province as the Federal Government may require.

(2) The Federal Government shall cause a consolidated abstract of the information transmitted to it under clause (1) to be prepared and laid before the National Assembly.

(3) The Federal Government may require a Provincial Government to submit reports on such matters as may be specified in the requirements on matters connected with Police performance.

(4) A requirement under clause (3) may specify the form in which a report is to be submitted.

(5) The Provincial Government may direct the submission of such reports and returns by the Provincial Police Officers and other Police officers as it may deem proper and may prescribe the form in which such returns shall be made.

167. Maintenance of Daily Diary at a Police station. – (1) A register of Daily Diary shall be maintained at every Police station in such form as shall, from time to time, be prescribed and to record therein the names of all complainants, persons arrested, the offences charged against them, the weapons or property that shall have been taken from their possession or otherwise, and the names of the witnesses who shall have been examined.

(2) The District and Sessions Judge of the district may call for and inspect such Diary.

168. Citizen Police Liaison Committees. –The t concerned Public Safety Commission may establish Citizen Police Liaison Committees as voluntary, self financing and autonomous bodies, for developing better liaison between aggrieved citizens and Police for providing relief.

169. Public Safety Fund. - (1) The Government may, by notification in the Official Gazette, constitute Public Safety Fund at the Provincial and District levels consisting of

(a) Grants made by the Federal Government, the Provincial Government and the District Governments to the Police.

(b) Contributions made in cash or kind by the public for the improvement of Police service delivery to be credited to District Public Safety Fund.

(2) The Provincial Government may credit one-half of the sums of the traffic fines to the Provincial Public Safety Fund.

(3) All receipts mentioned in sub-clauses (a) and (b) of clause (1) and clause (2) may be credited to the Provincial or District Public Safety Fund as the case may be under a Head of Account in the Public Account duly authorised by the Controller General of Accounts.

4) The Fund shall be non-lapsable.

5) Accounts shall be kept of payments made into or out of this fund, which shall be audited by the Auditor General at the end of each financial year.

(6) The Public Safety Fund at Provincial level shall be operated by the Provincial Public Safety Commission and at the district level by the District Public Safety Commission subject to any rules and regulations made under this Order.

(7) The Public Safety Fund shall be applied for the purpose of:

- (a) improving facilities for public and service delivery at Police stations.
- (b) improving traffic Police; and
- (c) rewarding Police officers for good performance.

170. Officers holding charge of or succeeding to vacancies competent to exercise powers. -

Wherever in consequence of the office of Head of District Police becoming vacant, any officer who holds charge of such post or succeeds either temporarily or permanently to his office under the orders of the competent appointing authority, such officer shall be competent to exercise all the powers and perform all the duties respectively conferred and imposed by this Order on Capital City Police Officer, City Police Officer or District Police Officer.

171. No Police officer to be liable to any penalty or payment of damages on account of acts done in good faith in pursuance of duty. -

No Police officer shall be liable to any penalty or to payment of damages on account of an act done in good faith in pursuance or intended pursuance of any duty imposed or any authority conferred on him by any provision of this Order or any other law for the time being in force or any rule, order or direction made or given therein.

172. Suits or prosecutions in respect of acts done under colour of duty not to be entertained if not instituted within the prescribed period. -

In case of an alleged offence by a Police officer, or a wrong alleged to have been done by him or by any act done under colour of duty or in exercise of any such duty or authority of this Order or when it shall appear to the Court that the offence or wrong if committed or done was of the character aforesaid, the prosecution or suit shall not be entertained, or shall be dismissed, if instituted after more than six months from the date of the action complained of.

173. Notice of suit to be given with sufficient description of wrong complained of. –

(1) In the case of an intended suit on account of an alleged wrong referred to in Article 172 by a Police officer, the person intending to sue shall give two months' notice as prescribed in section 80 of Civil Procedure Code 1908, of the intended suit with sufficient description of the wrong complained of.

(2) The provisions of section 80 of the Civil Procedure Code, 1908, shall mutatis mutandis apply to the notice referred to in clause (1).

174. Licences and written permissions to specify conditions, etc. -

Any licence or written permission granted under the provisions of this Order shall specify the period, locality, conditions and restrictions subject to which the same is granted and shall be given under the signature of the competent authority.

175. Revocation of licence or permission. - Any licence or written permission granted under this Order may at any time be suspended or revoked by the competent authority after due notice if any of its conditions or restrictions is infringed or evaded by the person to whom it has been granted, or if such person is convicted of any offence in any matter to which such licence or permission relates.

176. When licence or permission is revoked, the grantee would be deemed to be without licence. - When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the person to whom the same was granted shall, for all purposes of this Order, deemed to be without a licence or written permission, until the order for suspending or revoking the same is cancelled, or until the same is renewed, as the case may be.

177. Grantee to produce licence and written permission when required. - Every person to whom any such licence or written permission has been granted, shall, while the same remains in force, at all reasonable time, produce the same if so required by a Police officer.

178. Public notices how to be given. - Any public notice required to be given under any of the provisions of this Order shall be in writing under the signature of a competent authority and shall be published in the locality to be affected thereby, by affixing copies thereof in conspicuous public places, or by proclaiming the same with beat of drums, or by advertising the same in local newspapers in regional languages and English or Urdu, as the said authority may deem fit, or by electronic media, or by any two or more of these means and by any other means it may think suitable.

179. Consent of competent authority how to be proved. - Whenever under this Order, the doing or the omitting to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of a competent authority, a written document signed by the competent authority purporting to convey or set forth such consent, approval, declaration, opinion or satisfaction shall be evidence thereof.

180. Signature on notices may be stamped. - Every licence, written permission, notice or other document, not being a summons or warrant or search warrant, required by this Order, or by any rule hereunder, to bear the stamp and the signature of Head of District Police and it shall be deemed to be properly signed if it is a facsimile of the document bearing his signature.

181. Persons interested may apply to annul, reverse or alter any rule or order. - In the case of any rule or order made under an authority conferred by this Order and requiring the public or a particular class of persons to perform some duty or act, or to conduct or order themselves or those under their control in a manner therein described, it shall be competent for any interested person to apply to the authority issuing such rule or order to annul, reverse or alter the rule or order aforesaid on the ground of its being unlawful, oppressive or unreasonable:

Provided that the appropriate government shall exercise jurisdiction for revision against such orders.

182. Notification of rules and regulations in the Official Gazette. - Every rule and regulation made under this Order shall be made by notification in the Official Gazette.

183. Powers to prosecute under any other law not affected. - Nothing contained in this Order shall be construed to prevent any person from being prosecuted under any other law for the time being in force for any offence made punishable under this Order.

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

185. Repeal and savings. - (1) The Police Act, 1861, (V of 1861), hereinafter referred to as the said Act, is hereby repealed:

Provided that – (a) all rules prescribed, appointments made, powers conferred, orders made or passed, consent, permit, permission of licences given, summons or warrants issued or served, persons, arrested or detained or discharged on bail or bond, search warrants issued, bond forfeited, penalty incurred under the said Act shall, so far as they are consistent with this Order, be deemed to have been respectively prescribed, made, conferred, given, passed, served, arrested, detained, discharged, forfeited and incurred hereunder;

(b) all references made to the said Act or in any law or instrument shall be construed as references to the corresponding provisions of this Order.

Police Order with amendments that is indicated

- (i) Clauses to be deleted struck through with line**
- (ii) Proposed insertions highlighted and italicised**

AN ORDER

to reconstruct and regulate the Police;

WHEREAS the Police has an obligation and duty to function according to the Constitution, law, and democratic aspirations of the people;

AND WHEREAS such functioning of the Police requires it to be professional *ly competent, politically neutral, operationally, administratively and financially independent*, service-oriented, and accountable to the people;

AND WHEREAS it is expedient to redefine the Police role, its duties and responsibilities;

AND WHEREAS it is necessary to reconstruct the Police for efficient prevention and detection of crime, and maintenance of public order;

~~AND WHEREAS the Chief Executive is satisfied that circumstances exist which render it necessary to take immediate action;~~

~~NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999, and in exercise of all powers enabling him in that behalf, the Chief Executive of the Islamic Republic of Pakistan is pleased to make and promulgate the following Order:~~

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement. – (1) This Order may be called the Police Order, ~~2002.~~

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions. - (1) In this Order, unless the context otherwise requires,

- i. 'Administration' includes *direction, control* and management of administrative, operational and financial functions;
- ii. 'Capital City Police Officer' means the head of Police of a general Police area of the capital city district who is not below the rank of Additional Inspector General of Police and is posted under Article 44 *15.*

- iii. **City District means a district with a population equal to or more than two million;**
- iv. 'City Police Officer' means the head of Police of a general Police area of the city district who is not below the rank of Deputy Inspector General of Police and is posted under Article 15;
- v. 'Code' means the CrPC, 1898 (Act V of 1898);
- vi. 'Commission' means a Public Safety Commission established under this Order at the national, provincial, or district level;
- vii. 'District' means the district as defined in a Local Government Law;
- viii. 'District Police Officer' means the head of Police of a district who is not below the rank of Senior Superintendent of Police and is posted under Article 15;
- ix. **"exigency of service", in relation to posting and transfer, means an urgent or unforeseen situation which, for the reasons to be recorded in writing, requires premature transfer of a Police Officer for performance of specific tasks or duties but not as a replacement for what should be rightly treated as an efficiency and discipline matter;**
- x. 'Federal Law Enforcement Agencies' include Federal Investigation Agency, Pakistan Railway Police, Anti-narcotics Force, Pakistan Motorway and Highway Police, Islamabad Police, Frontier Constabulary, and any other Federal or Provincial organization notified as such by the Government from time to time;
- xi. 'General Police Area' means a capital city district, a part of a Province, **the Islamabad Capital Territory**, or any territory for which separate Police is established under Article 6;
- xii. "Government" means the appropriate Government;
- xiii. "Head of District Police" means a District Police Officer, City Police Officer or a Capital City Police Officer;
- xiv. **'Head of Unit' means a Police officer not below the rank of Superintendent of Police or any other officer heading a self-contained administrative unit with administrative, operational and financial autonomy as prescribed;**
- xv. 'junior ranks' means members of the Police of and below the rank of Inspector as set out in the First Schedule;
- xvi. 'person' includes community, a company, or corporation;
- xvii. 'Place' includes.
 - a. any building, tent, booth or other structure, whether permanent or temporary; and
 - b. any area, whether enclosed or open.

- xviii. 'place of public amusement' means any place where music, singing, dancing or game or any other amusement, diversion, or recreation or the means of carrying on the same is provided etc. to which the public are admitted either on payment of money or with the intention that money may be collected from those admitted;
- xix. 'place of public entertainment' means any place of boarding and lodging to which public are admitted by any person owning, or having any interest in, or managing, such place;
- xx. 'Police Officer' means a member of the Police who is subject to this Order;
- xxi. 'Police or Police Establishment' means the Police referred to in Article 6 and includes
- a. all persons appointed as special Police officers or additional Police officers under this Order; and
 - b. all other employees of the Police;
- xxii. 'prescribed' means prescribed by rules made under this Order;
- xxiii. 'property' means any moveable property, money or valuable security;
- xxiv. 'Provincial Police Officer' means head of the Police of a general Police area of the rank of Inspector General of Police posted under Article 11;
- xxv. 'public place' means any place to which the public may have access;
- xxvi. *'Region' means two or more Districts grouped together and constituted under Article 21;*
- xxvii. *'Regional Police Officer' means Head of the Police of a region;*
- xxviii. 'rules' means rules made under this Order;
- xxix. 'schedule' means a schedule to this Order;
- xxx. 'senior ranks' means members of the Police above the rank of Inspector as set out in the First Schedule;
- xxxi. 'street' includes any highway, bridge, way, causeway, arch, road, lane, footway, square, alley or passage, whether or not it is a thoroughfare and to which the public have access, whether permanently or temporarily; and
- xxxii. *'Superintendence' by the Government means taking decisions on major policy matters only, without directly or indirectly impacting, compromising, affecting, negating, eroding or otherwise curtailing or reducing the administrative and financial autonomy and operational independence of the Police; and*
- xxxiii. 'vehicle' includes any conveyance of any description mechanically propelled or otherwise.

(2) All references in respect of District Superintendent of Police in any law in force shall mean Head of District Police posted under Article 11 and Article 15.

CHAPTER II
RESPONSIBILITIES AND DUTIES OF THE POLICE

3. Attitude and responsibilities of Police towards the public. - It shall be the duty of every Police officer to

- (a) behave with the members of the public with due decorum and Courtesy;
- (b) promote amity;
- (c) guide and assist members of the public particularly the poor, disabled or physically weak and children who are either lost or find themselves helpless on the streets or other public places; and
- (d) aid individuals who are in danger of physical harm particularly women and children.

4. Duties of Police. - (1) Subject to law, it shall be the duty of every Police officer to

- (a) protect life, property and liberty of citizens;
- (b) **maintain law and order and** preserve and promote public peace and **security**;
- (c) ensure that the rights and privileges, under the law, of a person taken in custody, are protected;
- (d) prevent the commission of offences and public nuisance;
- (e) collect and communicate intelligence affecting public peace and crime in general;
- (f) keep order and prevent obstruction on public roads and in the public streets and thoroughfares at fairs and all other places of public resort and in the neighbourhood of and at the places of public worship;
- (g) regulate and control traffic on public roads and streets and **issue driving licences**;
- (h) take charge of all unclaimed property and to prepare its inventory;
- (i) detect and bring offenders to justice;
- (j) apprehend all persons whom he is legally authorised to apprehend and for whose apprehension, sufficient grounds exist;
- (k) ensure that the information about the arrest of a person is promptly communicated to a person of his choice;
- (l) enter and inspect without a warrant on reliable information any public place, shop or gaming-house where alcoholic drinks or narcotics are sold or weapons are illegally stored and other public places of resort of loose and disorderly characters;
- (m) obey and promptly execute all lawful orders;
- (n) perform other duties and exercise powers as are conferred by this Order, the Code or any other law for the time being in force;
- (o) aid and co-operate with other agencies for the prevention of destruction of public property by violence, fire, or natural calamities;

(p) assist in preventing members of public from exploitation by any person or organized groups;

(q) take charge of lunatics at large to prevent them from causing harm to themselves or other members of the public and their property; and

(r) Prevent harassment of women and children in public places; and

(t) **control narcotics substances and illicit drugs.**

(2) Police officer shall make every effort to

(a) afford relief to people in distress situations, particularly in respect of women and children;

(b) provide assistance to victims of road accidents;

(c) assist accident victims or their heirs or their dependants, where applicable, with such information and documents as would facilitate their compensation claims; and

(d) cause awareness among the victims of road accidents of their rights and privileges.

(3) It shall be the duty of a Police officer to lay information before a competent Court and to apply for a summons, warrant, search warrant or such other legal process as may, by law, be issued against any person suspected of committing an offence.

(5) Emergency duties of Police with regard to essential services. – (1) The Government may, in an emergency, by notification in the Official Gazette, declare any specified service to be an essential service to the community.

(2) Upon a declaration being made under clause (1) and so long as it remains in force, it shall be the duty of every Police officer to obey any lawful order given by a senior Police officer in relation to the declaration.

CHAPTER III

CONSTITUTION AND ORGANIZATION OF THE POLICE

6. Separate Adequate Police establishment for each general Police area. - The Government shall maintain **adequate and well-resourced** a separate Police establishment for every general Police area.

7. Constitution of Police. - (1) The Police establishment for each general Police area shall consist of such numbers in the senior and junior ranks and have such organization as the Government may from time to time determine.

(2) The recruitment criteria pay and allowances and all other conditions of service of the Police shall be **uniform throughout Pakistan** such as the Government may from time to time determine.

(3) The recruitment in the Police other than ministerial and specialist cadres shall be in the rank of Constable, Assistant Sub-Inspector and Assistant Superintendent of Police:

Provided that selection for direct recruitment in the rank of Assistant Sub-Inspector shall be through the appropriate Public Service Commission and shall not exceed twenty-five percent of total posts in that rank:

Provided further that 25% of the quota for departmental promotions to the rank of Assistant Sub-Inspector, shall be filled, subject to rules, through selection by the appropriate Public Service Commission from graduate Constables or Head Constables, respectively of clean record.

(4) The recruitment in the rank of Assistant Superintendent of Police shall be through the Federal Public Service Commission on all Pakistan basis.

(5) ~~The recruitment in the rank of Constable and Assistant Sub-Inspector shall be on the basis of the district of domicile which for all service matters shall be their administrative unit up to the rank of Deputy Superintendent of Police and only such officers shall be posted to their district of domicile for field assignments.~~ **The recruitment in the rank of Constable shall be on the basis of district of domicile and that of Assistant Sub-Inspector on the basis of Police region in which district of domicile of the candidate is located.** There will be no such bar on the posting of officers of other districts for investigation, traffic, security, reserve, and intelligence **and other** duties. Subject to rules, Inspectors and Deputy Superintendents of Police shall be promoted on the basis of provincial seniority.

Provided that promotion prospects for all ranks up to DSP shall be uniformly regulated.

(6) Every Police officer while on Police duty shall have all the powers and privileges of a Police officer throughout Pakistan and be liable to serve at any time in any branch, division, bureau and section.

8. Police to be organized on functional basis. - (1) The Police establishment constituted under Article 7 shall, as far as practicable, be organised on functional basis into **departments**, branches, divisions, bureaus and sections.

(2) The **departments**, branches, divisions, bureaus and sections referred to in clause (1) may include

- (a) Investigation;
- (b) Intelligence;
- (c) Watch and Ward;
- (d) Reserve Police;
- (e) Police Accountability;
- (f) Personnel Management;
- (g) Education and Training;
- (h) Finance and Internal Audit;
- (i) Crime Prevention;

- (j) Crime against women;
- (k) Traffic Planning and Management;
- (l) Criminal Identification;
- (m) Information Technology;
- (n) Transport and **Communication**;
- (o) Research and Development;
- (p) Legal Affairs;
- (q) Welfare;
- (r) Estate Management and **Infrastructure Development Unit**.
- (s) Logistics and Procurement;**
- (t) Counter Terrorism Department;**
- (u) Special Branch;**
- (v) Elite Force;**
- (w) Public Relations;**
- (x) Traffic Wardens;**
- (y) Integrated command and Control System/Safe City Project;**
- (z) Specialised Protection and Security; and**
- (aa) Inspections**

(3) The specialist investigators shall be operationally responsible to the officer incharge of the investigation branch.

(4) Every Police officer shall be liable for posting to any branch, division, bureau and section, or anywhere in or outside the Police.

(5) Posting to any specialist branch, division, bureau or section shall be subject to necessary training and experience in accordance with the rules.

(6) The Provincial Police Officer or the Capital City Police officer Islamabad may establish specialized schools of training as deemed necessary.

(7) Subject to Rules, the Provincial Police Officer, with the approval of the Government, may establish Metropolitan Police system and Urban Policing system for Capital cities and other cities having population of two million or more.

9. Superintendence of Police. - (1) The superintendence of Police throughout a general Police area shall vest in the appropriate Government.

(2) The power of superintendence under clause (1) shall be so exercised as to ensure that Police performs its duties efficiently and strictly in accordance with law.

(3) Government may, subject to availability of resources, provide adequate human resources to the Police to ensure that working hours of the Police personnel are in conformity with the laws regulating working hours in Pakistan.

10. Administration of the Police. - (1) Administration of Police in a general Police area shall vest in the Provincial Police Officer and Capital City Police Officer ~~or City Police Officer~~ posted under Article 11, or Article 15, as the case may be.

(2) The Provincial Police Officer **and** the Capital City Police Officer ~~and City Police Officer~~, as the case may be, shall exercise such powers and perform such functions and duties and shall have such responsibilities as may be provided by or under this Order and any other law for the time being in force.

(3) ~~The Police officers mentioned in clause (1)~~ **Provincial Police Officer** may for direction and control issue standing orders not inconsistent with the Order or rules made hereunder for the efficient functioning of the Police.

(4) Provincial Police Officer shall prepare a provincial annual policing plan for review by the Provincial Public Safety Commission. The plan shall include

- (a) objectives of policing;
- (b) financial resources likely to be available during the year;
- (c) targets; and
- (d) mechanism for achieving these targets.

(5) Notwithstanding anything contained in other laws or rules for the time being in force, the Provincial Police Officer or the Capital city Police officer Islamabad as the case may be shall transfer and post officers up to the rank of Additional Inspector General in the Police Establishment throughout the Province or the Capital City Islamabad as the case may be and issue notification thereof.

Provided that the Provincial Police Officer or the the Capital city Police officer Islamabad shall make transfer and posting in consultation with a Police Executive Board consisting of three senior-most Police officers and Deputy Inspector General Headquarters as the Board's Secretary.

(6) There shall be a Police Advisory Board headed by Provincial Police Officer or the Capital City Police Officer Islamabad as the case may be. The board shall consist of eight senior-most Police officers. The Provincial Police Officer or the Capital City Police Officer Islamabad, as the case may be, may co-opt any person for advising on efficient and transparent administration and public service delivery.

11. Posting of Provincial Police Officer, Capital City Police Officer and Head of Federal Law Enforcement Agency. - (1) The Provincial Government shall, out of a panel of three Police officers recommended by the National Public Safety Commission from a list provided by the Federal

Government, post a Police officer of the rank of Inspector General of Police as Provincial Police Officer of the Province:

Provided that before a Police officer is posted as Provincial Police Officer under clause (1) the Federal Government shall place his services at the disposal of the Provincial Government.

(2) The Federal Government in the case of Islamabad Capital Territory ~~and the Provincial Government in the case of Capital City District~~ shall post a Police officer not below the rank of Additional Inspector General of Police as Capital City Police officer **Islamabad** out of three officers recommended by the National Public Safety Commission. ~~or on the recommendation of the Provincial Police Officer, as the case may be.~~

(3) The Federal Government shall, out of a panel of three suitable Police officers recommended by the National Public Safety Commission post head of a Federal Investigation Agency, Pakistan Railway Police, Pakistan Motorway and Highway Police and Frontier Constabulary.

(4) During temporary absence of the Police officers mentioned under clause (1) and clause (2) the next senior officer may exercise all or any of the powers, perform all or any of the functions and duties, and discharge all or any of the responsibilities of the Provincial Police Officer, or Capital City Police Officer **Islamabad**, as the case may be.

(5) The Provincial Police Officer, posted under clause (1) shall have administrative and financial powers as ex-officio Secretary to the Provincial Government and other powers under this Order, or any other law for the time being in force and Islamabad Capital City Police Officer posted under clause (2) shall have the same administrative and financial powers.

(6) Subject to job description of each post under the rules, the Police officers mentioned in clauses (1) and (2) may, by a general or special order, empower any officer subordinate to him to exercise and perform all or any of the powers, functions or duties to be exercised or performed under this Order.

12. Term of office of Provincial Police Officer, Capital City Police Officer **Islamabad and Head of a Federal Law Enforcement Agency.** - (1) The term of office of Provincial Police Officer, Capital City Police Officer and Head of a Federal Law Enforcement Agency posted under Article 11 shall be three **not be less than two and more than three** years from the date of his posting.

(2) The Provincial Government, with agreement of Provincial Public Safety Commission and the Islamabad Capital City Public Safety Commission may transfer the Provincial Police Officer or Capital City Police Officer, Islamabad before the expiry of his tenure as the case may be.

(3) The Provincial Government or the respective Public Safety Commission may initiate the case of premature transfer of the officers mentioned in clause (2) for unsatisfactory performance of duties.

(4) The Federal Government may with the agreement of National Public Safety Commission transfer Islamabad Capital City Police officer and Head of a Federal Law Enforcement Agency before the expiry of his tenure.

(5) The Federal Government or the National Public Safety Commission may initiate premature transfer of the officer mentioned in clause (4) for unsatisfactory performance of duties:

Provided that before premature transfer of the officers mentioned in clause (3) and clause (5) the appropriate Commission shall give the concerned officer an opportunity of being heard in person.

6) The Federal Government may with the agreement of the National Public Safety Commission recall a Provincial Police Officer or the Capital City Police Officer **Islamabad.**

13. Posting of Additional Inspectors General of Police.—The Government **Provincial Police Officer or Capital City Police Officer Islamabad, as the case may be,** may **shall** post such number of Additional Inspectors General of Police to assist **him** the Provincial Police Officer, or Capital City Police Officer, **as the case may be,** in the **Headquarters, or as Head of Unit, or Regional Police Officer** or Capital City Police Officer, as the case may be.

14. Appointment of experts. – (1) The Government **Provincial Police Officer** may, on recommendation of the appropriate Public Service Commission, appoint one or more experts to assist **him.** the Provincial Police Officer and Capital City Police Officer or City Police Officer.

(2) The qualifications, eligibility, terms and conditions of service of experts shall be as prescribed.

15. Posting of Capital City Police Officer, City Police Officer and District Police Officer. - (1) The Provincial Police Officer may **shall** post a **Capital City Police Officer for a capital city district** notified as a general Police area, City Police Officer for a city district notified as a general Police area and the District Police Officer in a district within a general Police area. ~~in consultation with the Government.~~

(2) The term of office of **Capital City Police Officer,** City Police Officer or District Police Officer, as the case may be, shall be ~~three~~ **two** years from the date of his posting.

(3) The **Capital City Police Officer,** City Police Officer or District Police Officer may be transferred before completion of normal tenure of **two** ~~three~~ years on specific grounds such as inefficiency and ineffectiveness **or due to exigency of service.** ~~with the concurrence both of the ZilaNazim and the District Public Safety Commission, after he has been heard in person by the District Public Safety Commission.~~

16. Administration of Police in a district. - (1) Subject to this Order, the administration of Police throughout a district, other than a capital city district and a city district, shall vest in a **City Police Officer or** District Police Officer, **as the case may be,** posted under Article 15.

(2) The **City Police Officer or** District Police Officer, **as the case may be**, may delegate any of his powers and functions conferred on him to a **Senior Superintendent of Police**, Superintendent of Police Assistant or Deputy Superintendent of Police posted under Article 17.

(3) The Capital City Police Officer and the ~~City Police Officer~~ shall have administrative and financial powers of the head of an attached department.

(4) A Capital City Police Officer ~~posted under article 14 and a City Police Officer~~ posted under Article 15 shall exercise the powers vested in them under clause (3) above and Article 10 subject to the **direction and control** ~~operational control by~~ **of** the Provincial Police Officer.

17. Posting of Deputy Inspector General, Senior Superintendent, Superintendent, Assistant Superintendent, Deputy Superintendent. - (1) Subject to this Order, the **Government Provincial Police Officer** shall post in consultation with ~~Provincial Police Officer, or Capital City Police Officer, as the case may be~~, for any part **or Region** of a general Police area or for Police headquarters, such number of Deputy Inspector General of Police as **he** may deem fit.

(2) Provincial Police Officer or the Capital City Police Officer shall post Senior Superintendents, Superintendents, Assistant and Deputy Superintendents of Police in the general Police area.

(3) Every officer posted under clause (1) and clause (2) shall exercise and perform such powers, functions and duties, as assigned to him under this Order, or any other law for the time being in force.

~~18. Posting of head of investigation. - (1) The head of investigation in a general Police area other than the Capital City District or the City District shall be of the rank of Additional Inspector General of Police.~~

~~(2) The head of investigation in a Capital City District or City District shall not be below the rank of Senior Superintendent of Police.~~

~~(3) The head of investigation in a District shall not be below the rank of Superintendent of Police and shall be responsible to his own hierarchy subject to general control of the District Police Officer.~~

~~(4) All registered cases shall be investigated by the investigation staff in the district under the supervision of the head of investigation:~~

~~Provided that the Government may, by a special or general order, may entrust investigation of offences under Local and Special Laws as defined in the Pakistan Penal Code and punishable with imprisonment for a term not exceeding three years with or without any other punishment, to the Police station staff.~~

~~(5) The District Police Officer shall not interfere with the process of investigation. The head of investigation shall however keep the District Police Officer informed of the progress of all cases~~

~~which have a bearing on public order. The District Police Officer shall provide full support to the Head of investigation in the performance of his duties.~~

18. A. Functions of Provincial Investigation Branch. - (1) There shall be a Provincial Investigation Branch to be headed by an officer of the rank of Additional Inspector General of Police.

(2) The Additional Inspector General of Police, Investigation shall assist the Provincial Police Officer in the supervision of investigations in the Province in the manner prescribed.

(3) The Provincial Police Officer may determine the territorial and functional jurisdiction of Provincial Investigation Branch and each of the unit so established shall be headed by an officer not below the rank of Deputy Inspector General of Police.

18.B. Separation of investigation function. -(1) There shall be separation of investigation from other functions of the Police at Police station level.

(2) Subject to sub-section (3), there shall be a District Investigation Branch in each District, under the supervision of Head of District Investigation Branch, to investigate cases notified by the Provincial Police Officer.

(3) The Provincial Police Officer may notify, through Standing Order, the offences which shall be investigated by the officers in the Police station under the supervision of the Station House Officer of the Police station;

Provided further that cases of murder and such other serious offences as determined by Provincial Police Officer shall be investigated by a team of specialist investigators;

(4) The District Investigation Branch, other than in the Capital City District, shall be headed by a Police officer not below the rank of a Superintendent of Police and shall consist of such other Police officers as the head of District Police may determine.

(5) In the Capital City District, the District Investigation Branch shall be headed by a Police officer not below the rank of Senior Superintendent of Police and shall consist of such other Police officers as the Capital City Police Officer may determine.

(6) The members of District Investigation Branch shall not form part of any Police station and, as far as possible, the District Investigation Branch shall comprise specialized wings, each wing being responsible for investigation of one or more types of cases.

(9) Except in case of an emergency notified by the Provincial Police Officer for a specified period, the members of District Investigation Branch shall not be employed for duties other than investigation.

18.C. Transfer of investigation. - (1) Within seven working days of the filing of an application, the Head of District Police may, for reasons to be recorded in writing, transfer investigation of a case from the investigation officer to any other investigation officer or a team of investigation officers in that District.

(2) If the Head of District Police has transferred an investigation, within seven working days of the filing of an application, the Regional Police Officer may, for reasons to be recorded in writing, transfer investigation of a case from the investigation officer to Regional Investigation Branch or any other investigation officer or a team of investigation officers in that region or, with the approval of the Provincial Police Officer, to the officer of any other region or unit:

Provided that the Regional Investigation Branch shall be headed by an officer not below the rank of Superintendent of Police.

(3) If the Regional Police Officer has transferred an investigation, the Provincial Police Officer may, within fifteen (15) days of the filing of an application, for reasons to be recorded in writing, order second transfer of investigation of a case to the Provincial Crimes Branch:

Provided that the investigation in the Provincial Crimes Branch shall be supervised by an officer not below the rank of Deputy Inspector General of Police.

19. Appointment of Director of Police Communications etc. - Subject to rules, Provincial Police Officer as the case may be, may appoint Director of Wireless, Motor Transport and ~~computer~~ **Information Technology** for the whole of the general Police area or for any part thereof and such number of officers and staff as may be determined from time to time.

20. Posting of heads of Police training institutions. - (1) The Federal Government shall post a Police officer of the rank of Inspector General of Police as Commandant of the National Police Academy.

(2) Provincial Police Officer or Capital City Police Officer, may post an officer not below the rank of Deputy Inspector General of Police as Commandant of the Police training college and an officer not below the rank of Senior Superintendent of Police as Principal of each Police training school within the general Police area under his charge.

(3) The Provincial Police Officer may, subject to Rules, appoint Heads or subordinate officers of Specialized Units, having expertise in the relevant field, on contract basis for such period as Provincial Police Officer may deem appropriate.

21. Constitution of regions and divisions etc. - (1) The Provincial Police Officer may ~~with the approval of the Government~~ constitute Police regions.

(2) Within the budgetary allocations, Provincial Police Officer **and** Capital City Police Officer or the City **Regional** Police Officer **with the approval of the Provincial Police Officer**, ~~as the case may be,~~ may:

- (a) divide districts into Police divisions, sub divisions and Police stations;
- (b) sub-divide the Police stations into Police posts; and
- (c) define the limits and extent of such-divisions, sub divisions, Police stations and Police posts:

Provided that the limits and extent of such divisions, Police stations and Police posts shall, as far as practicable, be coterminous with the limits of Tehsils, or Town in a city district and Unions.

(3) A Police region under clause (1) shall be headed by a Police officer not below the rank of Deputy Inspector General of Police:

Provided that where the size of Police establishment is more than ten thousand the region shall be headed by a Police officer not below the rank of Additional Inspector General of Police.

(4) A Police division shall be under an officer not below the rank of a Superintendent of Police; a Police sub-division under an officer not below the rank of an Assistant or Deputy Superintendent of Police; and a Police station shall be under an officer of the rank of Inspector of Police.

~~Provided that an officer of the rank of Assistant Superintendent of Police may be posted as head of a Police station, assisted by Inspectors as officer incharge in selected Police stations.~~

(5) The term of office for Station House Officer shall not be less than two years unless transferred earlier due to exigency of service or misconduct.

~~**22. Transfer to other Police establishment.** - Subject to rules, the appropriate Government may transfer any Police officer appointed under this Order from Police constituted for one general Police area to another.~~

~~**23. Appointment of junior ranks.** - Subject to rules, Head of District Police shall be the appointing authority for Junior ranks.~~

23. Parallel Police Establishment. - (1) Notwithstanding anything contained in any other law or rules, Government shall not establish separate Police establishment in other Departments for exercising functions and duties relating to Police.

(2) Where required, officers from the Police Establishment shall be posted on deputation to Government bodies and functionaries for policing functions.

24. Oath or affirmation by members of Police. - (1) Every member of the Police shall on appointment make and subscribe before Provincial Police Officer or Capital City Police Officer or City Police Officer, or head of a training institution, an oath or affirmation according to the form set out in the second Schedule.

(2) Assistant Superintendents of Police shall make and subscribe to the said oath or affirmation before Commandant, National Police Academy.

25. Certificate of appointment. - (1) Officers of junior ranks shall on appointment receive a certificate in the form provided in the Third Schedule. The certificate shall be issued under the seal of such officer as Provincial Police Officer or Capital City Police Officer or City Police Officer may by general or special order direct.

(2) A certificate of appointment shall become null and void whenever the Police officer named therein ceases to belong to the Police.

26. Suspension of Police officer. - (1) Subject to rules, the authority or an officer authorised in this behalf by the authority shall have power to suspend a member of Police.

(2) The powers and functions vested in a member of Police shall remain suspended while such officer is under suspension:

Provided that notwithstanding his suspension such member shall not cease to be a member of Police and shall continue to be subject to the control of the same authorities to which he would have been, but for his suspension.

27. General powers of Provincial Police Officer etc. - Subject to this Order and rules made thereunder, Provincial Police Officer, **Regional Police Officers, Head of Unit** and Head of District Police, as the case may be, shall within their respective spheres of authority, direct and regulate all matters of recruitment, training, postings, transfers, promotions, arms, drill, discipline, clothing, distribution of duties, and any other matter concerning the efficient fulfilment of duties by the Police under his control.

28. Powers of Provincial Police Officer, Capital City Police Officer or City Police Officer Regional Police Officer concerning Police accounts. - (1) Provincial Police officer, Capital City Police Officer or City Police Officer **and Regional Police Officer** shall have authority to investigate, **order the audit and inspection** and regulate all matters of accounts connected with the Police and all persons concerned shall be bound to give reasonable aid and facilities in conducting such investigation and to conform to his orders consequent thereto.

(2) The power of Provincial Police Officer, Capital City Police Officer **Regional Police Officer** and City Police Officer to regulate accounts under clause (1) shall be without prejudice to the Auditor General's authority to audit Police .

29. Appointment of special Police officers. - (1) Subject to rules, Head of District Police may appoint special Police officers for special purposes or occasions when the Police available to him is not sufficient to assist the Police under his command.

(2) Every special Police officer so appointed shall, on appointment

(a) receive a certificate in the prescribed form;

(b) have the same powers, and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as a regular Police.

30. Appointment of additional Police. - (1) City Police Officer and District Police Officer subject to the approval of the Provincial Police Officer, and Capital City Police Officer may appoint additional Police officers of such rank and for such time as he may deem fit for the purposes stated in their employment orders.

(2) Every additional Police officer so appointed shall on appointment

(c) receive a certificate in a form approved by Provincial Police Officer or Capital City Police Officer or City Police Officer as the case may be;

(d) be vested with all or any of the powers, privileges and duties of a Police officer;

(c) be subject to orders of the Capital City Police Officer, City Police Officer and District Police Officer.

(3) The employment of additional Police may be made at the request of any person reasonably requiring such Police and the cost of such employment shall be recovered in such manner as provided under this Order or rules made there under.

31. Ministerial staff etc. - (1) Subject to rules, Provincial Police Officer, Capital City Police Officer and City Police Officer, as the case may be, may appoint ministerial staff and other employees to assist the Police.

(2) Any person employed under clause (1) shall be under the direction and control of Provincial Police Officer, Capital City Police Officer, or City Police Officer, as the case may be.

(3) The powers of direction and control referred to in clause (2) shall include the powers of discipline and dismissal.

(4) Subject to rules, Provincial Police Officer, Capital City Police Officer or City Police Officer, as the case may be, may delegate his powers and authority under this Article to an officer of appropriate rank.

32. Policing Plan. - (1) Head of District Police shall prepare an annual Policing Plan consistent with Provincial Policing Plan wherever applicable in consultation with ~~the Zila Nazim~~ **District head of local Government** in the prescribed manner.

(2) The Policing Plan shall include:

(a) objectives of policing;

(b) financial resources likely to be available during the year;

(c) targets; and

(d) mechanism for achieving these targets.

(3) Head of District Police shall obtain the approval of the plan from the appropriate Public Safety Commission and send copies of the approved plan to ~~Zila Nazim, Tehsil or Town Nazim,~~ **District head of local Government**, Provincial Government, Provincial Public Safety Commission and Provincial Police Officer and in case of Islamabad Capital Territory to ~~Zila Nazim,~~ **District head of local Government** Islamabad District Public Safety Commission, National Public Safety Commission and Federal Government.

(4) Head of District Police shall prepare a report on the policing of the district during the year and send it to the District Public Safety Commission by end of August.

33. Relationship of District Police with ZilaNazim etc.—~~(1) Subject to the provisions of this Order, Head of District Police shall be responsible to the ZilaNazim for Police functions under this Order but shall not include administration of the district Police, investigation of criminal cases and Police functions relating to prosecution, which shall rest with the Police:~~

~~Provided that ZilaNazim may visit a Police station to find out if any person is under unlawful detention and in appropriate cases may also direct action in accordance with law having regard to the facts and circumstances of the case.~~

~~(2) In case of a difference of opinion between the Zila Nazim and the Provincial Government on any matter concerning the district Police, the decision of the Provincial Government shall prevail.~~

(1) Where a Nazim, District Government receives any public complaint relating to Police, he may refer the matter to Head of District Police for appropriate legal action. The Head of District Police shall within fifteen (15) days submit a report to the Nazim, District Government.

(2) The Tehsil or Town Council may refer in writing any public complaint relating to Police, through their concerned Nazim, to the concerned Sub-Divisional Police Officer for necessary legal action. The Sub-Divisional Police Officer, as the case may be, shall take appropriate legal action on such complaint and report back to the concerned council through the Nazim within fifteen (15) days.

(3) The Village Council or Neighbourhood Council may refer in writing any public complaint relating to Police, through the concerned Nazim, to the concerned Station House Officer for necessary legal action. The Station House Officer, as the case may be, shall take appropriate legal action on such complaint and report back to the concerned council through the Nazim within fifteen (15) days.

34. Police support to Government functionaries, etc. - (1) Any functionary of the Federal Government, Provincial Government, any statutory body or anybody or corporation owned, set up or controlled by any such Government or in which such Government has a controlling share or interest, District Government, Tehsil or Town Municipal Administration or Union Administration, or Cantonment Board may for the discharge of his official duties which in his opinion require Police assistance, ask for Police support from the concerned Police authority of the area and such authority shall provide the requisite support:

Provided that, if for any reason, the Police authority is unable to provide the Police support requested under this clause it shall forthwith bring the matter through its channel of command to the notice of Head of District Police who shall make arrangement for provision of Police support and, where he is unable to provide such support, he shall inform the ~~Zila Nazim~~ **District Public Safety Commission** accordingly:

Provided further that before making a report to the higher officer, each officer in the chain of command shall make an effort to provide the requisite Police support:

Provided also that where any Police officer is of the opinion that the request for Police support is unnecessary, unlawful or malafide, he shall, through his channel of command, report to Head of District Police who may seek recourse to the appropriate Public Safety Commission and in that case the decision of the Public Safety Commission shall prevail.

~~(2) Where the ZilaNazim so directs, the District Coordination Officer shall be responsible for coordination of Police support by Head of District Police to the District Government, Tehsil Municipal Administration, Union Administration and Cantonment Board in exigencies threatening law and order, natural calamities and emergencies.~~

(3) In case of an unlawful or malafide order issued by any authority, the Head of District Police shall seek recourse to the appropriate Public Safety Commission whose decision shall prevail.

35. Responsibility on complaints of neglect and excesses by Police. ~~—(1) Where the ZilaNazim on the basis of any complaint or information has reason to believe that any Police official has committed an act of neglect, failure or excess, or the Union Public Safety Committee on its own motion or on receipt of a complaint from an aggrieved person reports to the ZilaNazim about Police neglect, failure or excess, the ZilaNazim may direct Head of District Police to take remedial measures, including registration of First Information Report in a cognizable offence in appropriate cases within the period specified by him and the ZilaNazim shall inform the appropriate Public Safety Commission accordingly.~~

~~(2) Head of District Police or the concerned competent authority shall immediately take remedial measures, and may suspend the concerned official where necessary, initiate an enquiry and take appropriate action in accordance with law.~~

~~(3) Head of District Police shall without delay inform the ZilaNazim and appropriate Public Safety Commission of the action taken by him pursuant to the directions given under clause (1) and forward a copy of the final report of enquiry within forty five days of such directions.~~

36. Reference to Police Complaints Authority. – Head of District Police and Head of Federal Law Enforcement Agency shall inform the Provincial Police Complaints Authority or the Federal Police Complaint Authority, as the case may be, of any incident or a complaint of rape, death or serious injury to any person in Police custody.

CHAPTER V

DISTRICT PUBLIC SAFETY COMMISSION

37. Establishment. - The Provincial Government shall establish a District Public Safety Commission in each district consisting of 8, 10 or 12 members depending upon the area and population of the district.

38. Composition. –(1) Half of the members of the District Public Safety Commission shall be elected by the Zila Council, from amongst its councillors on the basis of each member casting only one vote in favour of any contesting candidate through secret ballot.

(2) The other half comprising independent members shall be appointed by the Government from a list of names recommended by the District Selection Panel.

(3) One third of both the elected and the independent members of the District Public Safety Commission shall be women.

(4) The ~~Naib Zila Nazim~~ **convener of the District Assembly** shall request the Chairperson of the District Selection Panel to conduct the election of the members of the District Public Safety Commission referred to in clause (1).

(5) The appointment of members shall be notified in the Official Gazette.

39. Appointment of Chairperson. - (1) The Chairperson shall be elected by the members from amongst themselves annually alternating between independent and elected members.

(2) The Chairperson shall preside over the meetings of the Commission.

40. Meeting in the absence of the Chairperson. - In the absence of the Chairperson the District Public Safety Commission shall elect one of its member to preside over a meeting.

41. Selection of independent members. - (1) ~~There shall be a Selection Panel for independent members consisting of District and Sessions Judge who shall be its Chairperson and one nominee each of the Provincial Government and the District Government:~~

~~Provided that such nominee shall not be elected representative or public servant.~~

(1) The District Justice Coordination Committee shall select the independent members of the Commission.

(2) The selection of independent members shall be by consensus.

(3) The selection process shall be completed within thirty days from the commencement of the selection process.

(4) Independent members shall be of impeccable integrity and proven professional competence in such fields as social work, law, administration, education, corporate sector, etc

42. Functions of the Selection Panel. - The selection panel shall invite applications or nominations from the public for selection of independent members, and after interviewing eligible and willing candidates, forward names of persons twice the number of appointments to be made to the Governor of the Province.

43. Selection criteria of independent members. - A person shall be disqualified from becoming a member of District Public Safety Commission if he –

(a) is an activist of any political party or has held any representative office or has remained a public servant in the six months immediately preceding such appointment;

- (b) is found suffering from physical or mental incapacity or illness;
- (c) is declared a bankrupt, loan defaulter or tax evader;
- (d) is not a citizen of Pakistan;
- (e) holds an office of profit in the service of Pakistan;
- (f) is in the service of any statutory body or any other body which is owned or controlled by the Government or in which the Government has a controlling share or interest;
- (g) has been dismissed, removed or compulsorily retired from the service of Pakistan on grounds of corruption or any other form of misconduct;
- (h) is convicted of a criminal offence;
- (i) has any conflict of interest;
- (j) is involved in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people, and the good order and harmony of society.
- (k) has entered into plea bargain or voluntary returns under the National Accountability Bureau Act, 2002; or*
- (l) belongs to any proscribed organization; or*
- (m) has been notified under the Fourth Schedule of the Anti-Terrorism Act, 1997.*

44. Functions of the District Public Safety Commission. - The District Public Safety Commission shall perform the following functions including those related to complaints against the Police:

- (a) approve an annual Local Policing Plan prepared by the District Police Officer in consultation with the Zila Nazim setting out the arrangements for the policing during the year: Provided that such Policing Plan shall include –
 - (i) a statement of the financial resources expected to be made available by the Provincial Government; and
 - (ii) performance targets for the year and their delivery mechanism;
- (b) evaluate the delivery of performance targets contained in the Local Policing Plan on quarterly basis and send half-yearly reports to Zila Nazim, Tehsil Nazim, Provincial Government, Provincial Public Safety Commission and Provincial Police Officer;
- (c) encourage Police-public cooperation;
- (d) provide recourse to District Police Officer or City Police Officer for reporting against any unlawful or malafide order or request for Police support from any authority received by him or any officer subordinate to him and give a decision thereon which shall prevail;
- ~~(e) refer the matter in writing to the Provincial Government for appropriate action where the District Public Safety Commission is satisfied that a collusive relationship detrimental to the interest of the people exists between the Zila Nazim and District Police Officer or City Police Officer:~~

~~Provided that before making such report the District Police Officer or City Police Officer and the Zila Nazim shall be given an opportunity to be heard in person to explain their respective positions;~~

(f) direct the District Police Officer or City Police Officer as to disposal of unclaimed property under clause (4) of Article 135.

~~(g) direct the District Police Officer or City Police Officer in writing, where the District Public Safety Commission has reasons to believe that the head of the Police station has unjustifiably refused or avoided to register any First Information Report, to conduct an inquiry into the matter and cause the registration of the First Information Report under section 154 of the Code, if any cognizable case is made out from the allegations of the complainant and report to the District Public Safety Commission within forty-eight hours the action taken by him;~~

(h) on receipt of a complaint of excess by a Police officer;

(i) **refer the complaint** to direct the District Police Officer or City Police Officer in writing to take appropriate action and submit a report **within two weeks** specified period; or

~~(ii) conduct a fact finding enquiry through two or more of its members, and in case the complaint is found correct, send its report and direct District Police Officer to suspend the defaulting Police officer and take departmental action against him in accordance with the rules;~~

(iii) report the matter to the Provincial Police Officer, Provincial Government or the Police Complaints Authority for appropriate action if the District Police Officer does not submit a report or take action on the direction given by the District Public Safety Commission;

~~(i) direct the District Police Officer in writing to enquire into a complaint of neglect in general or by a functionary of a district Police and take appropriate action and report within the specified period.~~

(j) on a complaint of excess committed by any member of Federal Law Enforcement Agency and civil armed forces acting in support of the district Police, require the appropriate authority of the concerned department in writing to take remedial action and report within a specified period. If no action is taken by the concerned authority, a reference may be made by the District Public Safety Commissions to the head of concerned organization or the Federal Complaints Authority for appropriate action.

(k) conduct scientific public feedback surveys through professionals on the Police performance and Police image;

(l) identify and report to the Head of District Police social problems that require Police attention;

(m) mediate contentious issues between Police and other Government departments at the district level;

(n) recommend Police resource enhancement measures to the Government or Local Government, as the case may be; and

(o) recommend creation of a new Police station or Police post in consultation with Head of District Police;

45. Terms of members of the District Public Safety Commission. - (1) The term of office of a member shall be three years unless he resigns at any time before the expiry of his term or ceases to be a member of the Zila Council.

(2) No member shall be eligible for a second term.

(3) Members shall be paid TA and DA for attending meetings, as per rules.

(4) Independent members may be paid honoraria as per rules.

~~(5) Members shall be Justices of Peace within the district in accordance with the Code.~~

46. Removal of members. - The Governor on its own volition or on the recommendation of the District Public Safety Commission may remove a member from office if he

(a) ceases to be a citizen of Pakistan;

(b) is found suffering from physical or mental incapacity or illness;

(c) is guilty of misconduct;

(d) is found to have dealt with any matter in which he had a conflict of interest;

(e) is convicted of a criminal offence;

(f) is declared a bankrupt, loan defaulter or tax evader;

(g) is involved in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people, and the good order and harmony of society;

(h) brings the District Public Safety Commission into disrepute;

(i) fails to attend its three consecutive meetings without any reasonable cause.

47. Meetings and conduct of business of the District Public Safety Commission. - (1) The business of the District Public Safety Commission shall be conducted by the Commission in a meeting.

(2) The meeting may be convened by the Chairperson or on the requisition of three members.

(3) Quorum for a meeting of the District Public Safety Commission shall be two third of its total membership.

(4) Members shall attend meetings of the Commission as and when required for which at least a week's notice, with agenda, shall be given. There shall be minimum of one meeting in a month provided an emergency meeting may be held at a short notice not exceeding twenty four hours.

(5) Decisions of the Commission shall be by simple majority.

(6) District Police Officer or City Police Officer or in their absence their deputy may be invited to attend a meeting, which he shall attend.

(7) The Commission may invite any expert for consultations on specific issues.

(8) The **Provincial Police Officer** Commission may frame rules of procedure for the conduct of business.

48. Secretariat. - (1) The Government shall establish an **independent and** permanent secretariat of the District Public Safety Commission.

(2) The Secretariat shall be headed by an of BPS-17 **a suitable person** who shall be appointed in consultation with by the Commission by the Provincial Government **in consultation of the District Head of Police.**

(3) The Secretariat shall consist of such number of officers and staff as the Government may in consultation with the Commission, determine from time to time.

Chapter VI

Capital City District Public Safety Commission

49. Establishment. - The Provincial Government shall establish a Capital City District Public Safety Commission in the Capital City consisting of 12 members.

50. Composition. – (1) Three members of the Capital City District Public Safety Commission shall be elected by the Zila Council, from amongst its councillors on the basis of each member casting only one vote in favour of any contesting candidate through secret ballot.

(2) Three members shall be nominated by the Speaker of the Provincial Assembly from amongst its members two from the treasury and one from the opposition in consultation with the Leader of the House and the Leader of the Opposition.

(3) The remaining six members shall be independent members and shall be appointed by the Government from a list of names recommended by the Capital City District Selection Panel.

(4) One third of both the elected and independent members of the Commission shall be women.

(5) The **Convener District Assembly** ~~Naib Zila Nazim~~ shall request the Chairperson of the Capital City District Selection Panel to conduct the election of the members of the Capital City District Public Safety Commission referred to in clause (1).

(6) The appointment of members shall be notified in the Official Gazette.

51. Appointment of Chairperson. - (1) The Chairperson shall be elected by the members from amongst themselves annually alternating between independent and elected members.

(2) The Chairperson shall preside over the meetings of the Commission.

52. Meeting in the absence of the Chairperson. - In the absence of the Chairperson the Capital City District Public Safety Commission shall elect one of its member to preside over a meeting.

53. Selection of independent members. - ~~(1) There shall be a Selection Panel for independent members consisting of Chief Justice of High Court who shall be its Chairperson and one nominee each of the Provincial Government and the District Government:~~

~~Provided that such nominee shall not be elected representative or public servant.~~

(1) The Independent members of the commission shall be selected by the Capital Justice Coordination Committee.

(2) The selection of independent members shall be by consensus.

(3) The selection process shall be completed within thirty days from the commencement of the selection process.

(4) Independent members shall be of impeccable integrity and proven professional competence in such fields as social work, law, administration, education, corporate sector, etc.

54. Functions of the Selection Panel. - The selection panel shall invite applications or nominations from the public for selection of independent members, and after interviewing eligible and willing candidates, forward names of persons twice the number of appointments to be made to the Governor of the Province.

55. Selection criteria of independent members.— A person shall be disqualified from becoming a member of District Public Safety Commission if he—

- (a) is an activist of any political party or has held any representative office or has remained a public servant in the six months immediately preceding such appointment; or
- (b) is found suffering from physical or mental incapacity or illness; or
- (c) is declared a bankrupt, loan defaulter or tax evader; or
- (d) is not a citizen of Pakistan; or
- (e) holds an office of profit in the service of Pakistan; or
- (f) is in the service of any statutory body or any other body which is owned or controlled by the Government or in which the Government has a controlling share or interest; or
- (g) has been dismissed, removed or compulsorily retired from the service of Pakistan on grounds of corruption or any other form of misconduct; or
- (h) is convicted of a criminal offence; or
- (i) has any conflict of interest; or
- (j) is involved in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people, and the good order and harmony of society.

(k) has entered into plea bargain or voluntary returns under the National Accountability Bureau Act, 2002; or

(l) belongs to any proscribed organization; or

(m) has been notified under the Fourth Schedule of the Anti-Terrorism Act, 1997.

56. Functions of the Capital City District Public Safety Commission.— .— The Capital City District Public Safety Commission shall perform the following functions of Public Safety and Complaints Authority:-

- (a) approve an annual Local Policing Plan prepared by the Capital City Police Officer in consultation with the Zila Nazim **District head of local Government** setting out the arrangements for the policing during the year:
Provided that such Policing Plan shall include—
- (i) a statement of the financial resources expected to be made available by the Provincial Government; and
 - (ii) performance targets for the year and their delivery mechanism;
- (b) evaluate the delivery of performance targets contained in the Local Policing Plan on quarterly basis and send half-yearly reports to Zila Nazim, Tehsil Nazim, Provincial Government, Provincial Public Safety Commission and Provincial Police Officer;
- (c) encourage Police-public cooperation;
- (d) provide recourse to Capital City Police Officer for reporting against any unlawful or *mala fide* order or request for Police support from any authority received by him or any officer subordinate to him and give a decision thereon which shall prevail;
- ~~(e) refer the matter in writing to the Provincial Government for appropriate action where the Capital City District Public Safety Commission is satisfied that a collusive relationship detrimental to the interest of the people exists between the Zila Nazim and Capital City Police Officer:
Provided that before making such report the Capital City Police Officer and the Zila Nazim shall be given an opportunity to be heard in person to explain their respective positions;~~
- (f) direct the Capital City Police Officer as to disposal of unclaimed property under clause (4) of Article 135.
- ~~(g) direct the Capital City Police Officer in writing, where the Capital City District Public Safety Commission has reasons to believe that the head of the Police station has unjustifiably refused or avoided to register any First Information Report, to conduct an inquiry into the matter and cause the registration of the First Information Report under section 154 of the Code, if any cognizable case is made out from the allegations of the complainant and report to the Capital City District Public Safety Commission within forty-eight hours the action taken by him;~~

- (h) on receipt of a complaint of excess by a Police officer–
- (i) **refer the complaint to** direct the Capital City Police Officer in writing to take appropriate action and submit a report **within two weeks** specified period; or
 - (ii) ~~conduct a fact finding enquiry through two or more of its members, and in case the complaint is found correct, send its report and direct Capital City District Police Officer to suspend the defaulting Police officer and take departmental action against him in accordance with the rules;~~
 - (iii) report the matter to the **Provincial Police Officer**, Provincial Government or the Police Complaints Authority for appropriate action if the Capital City District Police Officer does not submit a report or take action on the **complaint referred** direction given by the Capital City Public Safety Commission;
 - (i) ~~direct the Capital City District Police Officer in writing to enquire into a complaint of neglect in general or by a functionary of a district Police and take appropriate action and report within the specified period;~~
 - (j) on a complaint of excess committed by any member of Federal Law Enforcement Agency and civil armed forces acting in support of the district Police, require the appropriate authority of the concerned department in writing to take remedial action and report within a specified period. If no action is taken by the concerned authority, a reference may be made by the Capital City District Public Safety Commission to the head of concerned organization or the Federal Complaints Authority for appropriate action.

57. Terms of members of the Capital City District Public Safety Commission.– (1) The term of office of a member shall be three years unless he resigns at any time before the expiry of his term or ceases to be a member of the Provincial Assembly or the Zila Council.

- (2) No member shall be eligible for a second term.
- (3) Members shall be paid TA and DA for attending meetings, as per rules.
- (4) Independent members may be paid honoraria as per rules.
- (5) ~~Members shall be Justices of Peace within the district in accordance with the Code.~~

58. Removal of members.– The Governor on his own volition or on the recommendation of the Capital City District Public Safety Commission may remove a member from office if he–

- (a) ceases to be a citizen of Pakistan;
- (b) is found suffering from physical or mental incapacity or illness;
- (c) is guilty of misconduct;
- (d) is found to have dealt with any matter in which he had a conflict of interest;
- (e) is convicted of a criminal offence;
- (f) is declared a bankrupt, loan defaulter or tax evader;

- (g) is involved in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people, and the good order and harmony of society;
- (h) brings the Capital City District Public Safety Commission into disrepute;
- (i) fails to attend its three consecutive meetings without any reasonable cause.

59. Meetings and conduct of business of the Capital City District Public Safety Commission.—

(1) The business of the Capital City District Public Safety Commission shall be conducted by the Commission in a meeting.

(2) The meeting may be convened by the Chairperson or on the requisition of three members.

(3) Quorum for the meeting of the Capital City District Commission shall be two-third of its membership.

(4) Members shall attend meetings of the Commission as and when required for which at least a week's notice, with agenda, shall be given. There shall be minimum of one meeting in a month provided an emergency meeting may be held at a short notice not exceeding twenty four hours.

(5) Decisions of the Commission shall be by simple majority.

(6) Capital City Police Officer and in his absence his deputy may be invited to attend a meeting which he shall attend.

(7) The Commission may invite any expert for consultations on specific issues.

(8) The Commission **Provincial Police Officer** may frame rules of procedures for the conduct of business.

60. Secretariat.— (1) The Government shall establish an **independent and** permanent secretariat of the Capital City District Public Safety Commission.

(2) The Secretariat shall be headed by ~~an officer of BPS-17~~ **a suitable person** who shall be appointed ~~in consultation with~~ by the Commission ~~by the Provincial Government~~ **in consultation of the Capital City Police Officer.**

(3) The Secretariat shall consist of such number of officers and staff as the Government may, in consultation with the Commission, determine from time to time.

CHAPTER VII

ISLAMABAD DISTRICT PUBLIC SAFETY COMMISSION

61. Establishment.— The Federal Government shall establish Islamabad District Public Safety Commission for Islamabad Capital Territory consisting of 12 members.

62. Composition.— (1) Three members of the Islamabad District Public Safety Commission shall be elected by the District Council, from amongst its councillors on the basis of each member casting only one vote in favour of any contesting candidate through secret ballot.

(2) Three members shall be nominated by the Speaker of National Assembly from amongst its members two from the treasury and one from the opposition in consultation with the Leader of the House and the Leader of the Opposition.

(3) The remaining six members shall be independent members and shall be appointed by the President from a list of names recommended by the Islamabad District Selection Panel.

(4) One third of both the elected and independent members of the Islamabad District Public Safety Commission shall be women.

(5) The ~~Zila Naib Nazim~~ **convener of the District Assembly** shall request the Chairperson of the Islamabad District Selection Panel to conduct the election of the members of the Islamabad District Public Safety Commission referred to in clause (1).

(6) The appointment of members shall be notified in the official Gazette.

63. Appointment of Chairperson.— (1) The Chairperson shall be elected by the members from amongst themselves annually alternating between independent and elected members.

(2) The Chairperson shall preside over the meetings of the Commission.

64. Meeting in the absence of the Chairperson.— In the absence of the Chairperson, Islamabad District Public Safety Commission shall elect one of its member to preside over a meeting.

65. Selection of independent members.— (1) ~~There shall be a Selection Panel for independent members consisting of Chief Justice of the High Court who shall be its Chairperson and one nominee each of the Federal Government and the District Government:~~

~~— Provided that such nominee shall not be elected representative or public servant.~~

(1) The independent members of the Commission shall be selected by the Islamabad Criminal Justice Coordination Committee.

(2) The selection of independent members shall be by consensus.

(3) The selection process shall be completed within thirty days from the commencement of the selection process.

(4) Independent members shall be of impeccable integrity and proven professional competence in such fields as social work, law, administration, education, corporate sector, etc.

66. Functions of the Selection Panel.— The selection panel shall invite applications or nominations from the public for selection of independent members, and after interviewing eligible and willing candidates, forward names of persons twice the number of appointments to be made to the President.

65. Selection of independent members.— (1) There shall be a Selection Panel for independent members consisting of Chief Justice of the High Court who shall be its Chairperson and one nominee each of the Federal Government and the District Government:

Provided that such nominee shall not be elected representative or public servant.

(2) The selection of independent members shall be by consensus.

(3) The selection process shall be completed within thirty days from the commencement of the selection process.

(4) Independent members shall be of impeccable integrity and proven professional competence in such fields as social work, law, administration, education, corporate sector, etc.

66. Functions of the Selection Panel.— The selection panel shall invite applications or nominations from the public for selection of independent members, and after interviewing eligible and willing candidates, forward names of persons twice the number of appointments to be made to the President.

67. Selection criteria of independent members.— A person shall be disqualified from becoming a member of Islamabad District Public Safety Commission if he—

- (a) is an activist of any political party or has held any representative office or has remained a public servant in the six months immediately preceding such appointment; or
- (b) is found suffering from physical or mental incapacity or illness; or
- (c) is declared a bankrupt, loan defaulter or tax evader; or
- (d) is not a citizen of Pakistan; or
- (e) holds an office of profit in the service of Pakistan; or
- (f) in the service of any statutory body or any other body which is owned or controlled by the Government or in which the Government has a controlling share or interest; or
- (g) has been dismissed, removed or compulsorily retired from the service of Pakistan on grounds of corruption or any other form of misconduct; or
- (h) is convicted of a criminal offence; or
- (i) has any conflict of interest; or
- (j) is involved in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people, and the good order and harmony of society.

(k) has entered into plea bargain or voluntary returns under the National Accountability Bureau Act, 2002; or

(l) belongs to any proscribed organization; or

(m) has been notified under the Fourth Schedule of the Anti-Terrorism Act, 1997.

68. Functions of Islamabad District Public Safety Commission.— The Islamabad District Public Safety Commission shall perform the following functions of Public Safety and Complaints Authority:-

- (a) approve an annual Local Policing Plan prepared by the Capital City Police Officer in consultation with the Zila Nazim—*District head of local Government* setting out the arrangements for the policing during the year:

Provided that such Policing Plan shall include—

- (i) a statement of the financial resources expected to be made available by the Federal Government; and

- (ii) performance targets for the year and their delivery mechanism;
- (b) evaluate the delivery of performance targets contained in the Local Policing Plan on quarterly basis and send half- yearly reports to **District head of local Government** Zila Nazim, Tehsil Nazim, Federal Government and National Public Safety Commission;
- (c) encourage Police-public cooperation;
- (d) provide recourse to Capital City Police Officer for reporting against any unlawful or *mala fide* order or request for Police support from any authority received by him or any officer subordinate to him and give a decision thereon which shall prevail;
- ~~(e) refer the matter in writing to the Federal Government for appropriate action where the Islamabad District Public Safety Commission is satisfied that a collusive relationship detrimental to the interest of the people exists between the Zila Nazim and Capital City Police Officer:~~
- ~~Provided that before making such report the Capital City Police Officer and the Zila Nazim shall be given an opportunity to be heard in person to explain their respective positions;~~
- (f) direct the Capital City Police Officer as to disposal of unclaimed property under clause (4) of Article 135;
- ~~(g) direct the Capital City Police Officer in writing, where the Islamabad District Public Safety Commission has reasons to believe that the head of the Police station has unjustifiably refused or avoided to register any First Information Report, to conduct an inquiry into the matter and cause the registration of the First Information Report under section 154 of the Code, if any cognizable case is made out from the allegations of the complainant and report to the Islamabad District Public Safety Commission within forty eight hours the action taken by him;~~
- (h) on receipt of a complaint of excess by a Police officer–
- (i) **refer the complaint to** direct the Capital City Police Officer in writing to take appropriate action and submit a report **within two weeks** a specified period; or
- ~~(ii) conduct a fact finding enquiry through two or more of its members, and in case the complaint is found correct, send its report and direct Capital City Police Officer to suspend the defaulting Police officer and take departmental action against him in accordance with the rules;~~
- (iii) report the matter to the Federal government or the Federal Police Complaints authority for appropriate action if the Capital City Police Officer does not submit a report or take action on the **complaint referred** ~~direction given~~ by the Islamabad District Public Safety Commission;

- (i) ~~Direct the Capital City Police Officer in writing to enquire into a complaint of neglect in general or by a functionary of a district Police and take appropriate action and report within the specified period;~~
- (j) on a complaint of excess committed by any member of Federal Law Enforcement Agency and civil armed forces acting in support of the Islamabad district Police, require the appropriate authority of the concerned department in writing to take remedial action and report within a specified period. If no action is taken by the concerned authority, a reference may be made by the Islamabad District Public Safety Commission to the head of concerned organization or the Federal Complaints Authority for appropriate action.

69. Terms of members of the Islamabad District Public Safety Commission.— (1) The term of office of a member shall be three years unless he resigns at any time before the expiry of his term or ceases to be a member of the National Assembly or the Zila Council.

- (2) No member shall be eligible for a second term.
- (3) Members shall be paid TA and DA for attending meetings, as per rules.
- (4) Independent members may be paid honoraria as per rules.
- (5) ~~Members shall be Justice of Peace within the district in accordance with the Code.~~

70. Removal of members.— The President on his own volition or on the recommendation of Islamabad District Public Safety Commission may remove a member from office if he—

- (a) ceases to be a citizen of Pakistan;
- (b) is found suffering from physical or mental incapacity or illness;
- (c) is guilty of misconduct;
- (d) is found to have dealt with any matter in which he had a conflict of interest;
- (e) is convicted of a criminal offence;
- (f) is declared a bankrupt, loan defaulter or tax evader;
- (g) is involved in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people, and the good order and harmony of society;
- (h) brings the Islamabad Public Safety Commission into disrepute;
- (i) fails to attend its three consecutive meetings without any reasonable cause.

71. Meetings and conduct of business of the Islamabad District Public Safety Commission.—

- (1) The business of Islamabad District Public Safety Commission shall be conducted by the Commission in a meeting.
- (2) The meeting may be convened by the Chairperson or on the requisition of three members.
- (3) Quorum for the meeting of the Commission shall be two-third of its membership.

(4) Members shall attend meetings of the Commission as and when required for which at least a week's notice, with agenda, shall be given. There shall be minimum of one meeting in a month provided an emergency meeting may be held at a short notice not exceeding twenty four hours.

(5) Decisions of the Commission shall be by a simple majority.

(6) Capital City Police Officer or in his absence his deputy may be invited to attend a meeting which he shall attend.

(7) The Commission may invite any expert for consultations on specific issues.

(8) The Commission **Capital City Police Officer, Islamabad** may frame rules of procedure for the conduct of business.

72. Secretariat.– (1) The Government shall establish a **independent and** permanent secretariat of Islamabad District Public Safety Commission.

(2) The Secretariat shall be headed by an officer of BPS 17 **a suitable person** who shall be appointed ~~in consultation with~~ by the Commission **in consultation with the Capital City Police Officer, Islamabad** ~~by the Government~~.

(3) The Secretariat shall consist of such number of officers and staff as the Government may in consultation with the Commission, determine from time to time.

CHAPTER VIII

THE PROVINCIAL PUBLIC SAFETY COMMISSION

73. Establishment. - There shall be a Provincial Public Safety Commission, consisting of twelve members and the ex officio Chairperson.

74. Composition. - (1) Half of the members of the Provincial Public Safety Commission shall be nominated by the Speaker of the Provincial Assembly from amongst its members three each from the treasury and opposition in consultation with the Leader of the House and the Leader of the Opposition:

Provided that at least two members shall be women.

(2) The other half comprising independent members shall be appointed by the Government from a list of names recommended by the Provincial Selection Panel:

Provided that at least two members shall be women.

(3) Notwithstanding anything contained in clause (1), independent members appointed under clause (2) shall constitute the Provincial Public Safety Commission when the Provincial Assembly is not in existence.

(4) The appointment of members shall be notified in the Official Gazette.

75. Appointment of Chairperson. - (1) The Provincial Home **Chief** Minister will be the ex-officio Chairperson of the Provincial Public Safety Commission.

(2) The Chairperson shall preside over the meetings of the Provincial Public Safety Commission.

76. Meeting in the absence of the Chairperson. - In the absence of the Chairperson the Provincial Public Safety Commission shall elect one of its member to preside over a meeting.

77. Selection of independent members. - (1) ~~There shall be a Selection Panel for independent members consisting of Chief Justice of the High Court who shall be its Chairperson and one nominee each of the Governor and the Chief Minister:~~

~~Provided that such nominee shall not be elected representative or public servant.~~

(1) The Independent members of the Commission shall be selected by the Provincial Justice Committee.

(2) The selection of independent members shall be by consensus.

(3) The selection process shall be completed within thirty days from the commencement of the selection process.

(4) Independent members shall be of impeccable integrity and proven professional competence in such fields as social work, law, administration, education, corporate sector, etc.

78. Functions of the Selection Panel. - The selection panel shall invite applications or nominations from the public for selection of independent members, and after interviewing eligible and willing candidates, forward names of persons twice the number of appointments to be made to the Governor.

79. Selection criteria of independent members.— A person shall be disqualified from becoming a member of Provincial Public Safety Commission if he—

- (a) is an activist of any political party or has held any representative office or has remained a public servant in the six months immediately preceding such appointment;
- (b) is found suffering from physical or mental incapacity or illness;
- (c) is declared a bankrupt, loan defaulter or tax evader;
- (d) is not a citizen of Pakistan;
- (e) holds an office of profit in the service of Pakistan;
- (f) is in the service of any statutory body or any other body which is owned or controlled by the Government or in which the Government has a controlling share or interest;
- (g) has been dismissed, removed or compulsorily retired from the service of Pakistan on grounds of corruption or any other form of misconduct; or
- (h) is convicted of a criminal offence;
- (i) has any conflict of interest; or
- (j) is involved in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people, and the good order and harmony of society.

(k) has entered into plea bargain or voluntary returns under the National Accountability Bureau Act, 2002; or

(l) belongs to any proscribed organization; or

(m) has been notified under the Fourth Schedule of the Anti-Terrorism Act, 1997.

80. Functions of the Provincial Public Safety Commission.- (1) Subject to this Order, the Provincial Public Safety Commission shall

- (a) provide guidelines on the policy of the government with the Provincial Police Officer for promoting integrity, efficiency and effectiveness of Police;
- (b) take steps to prevent the Police from carrying out any unlawful or malafide orders or directions from any authority to any functionary of the Police through-out the Province and in case such orders are brought to the notice of the commission it shall have the powers to intervene and its decision shall prevail; and
- (c) facilitate the establishment and functioning of Citizen Police Liaison Committees in accordance with Article 168.

(2) Without prejudice to its role under sub-section (1) the Commission shall perform the following specific responsibilities

- (a) co-ordinate the functioning of Public Safety Commissions within the Province;
- (b) recommend to the Government premature transfer of Provincial Police Officer before completion of normal tenure of ~~three~~ **two** years for unsatisfactory performance of duties:

Provided that before making such recommendation the Provincial Public Safety Commission shall give the concerned Police officer an opportunity to be heard in person;

- (c) recommend to the government for grants to various Police establishments within the Province, for enhancing their capability to handle public order;
- (d) assist the Police establishment in securing assistance from other Police establishments and law enforcement agencies by approaching the other Provincial and National Public Safety Commissions;
- (e) determine in consultation with the Provincial Police Officer objectives for the policing of the Province for each financial year;
- (f) oversee the implementation of the Provincial Policing Plan prepared by Provincial Police Officer and approved and published by the Provincial Government. The plan shall include:
 - (i) a statement of the financial resources expected to be made available by the Government; and
 - (ii) performance targets for the year and their delivery mechanism.
- (g) evaluate the delivery of performance targets on quarterly basis;

(h) require the Provincial Police Officer to submit by end of August each year a general report in a manner prescribed by the Provincial Public Safety Commission which shall be published;

(i) submit an annual report to the Government and the Provincial Assembly that shall include the following;

(i) an abstract concerning performance of the Provincial Public Safety Commission during the year;

(ii) a report on the functioning of the Police Establishments;

(iii) a report on matters connected with general law and order in the Province.

(j) recommend reforms for modernization of laws and procedure in respect of Police, prosecution, prisons and probation service;

(k) evaluate the performance of the District and Capital City Public Safety Commissions on annual basis. If on the basis of the evaluation conducted by the Provincial Public Safety Commission, the performance of the Commission is found unsatisfactory, it may recommend the dissolution of such Commission or Authority and on dissolution of the Commission the government shall reconstitute the same in accordance with the provisions of this Order within forty five days of such decision;

(l) conduct enquiry on the recommendation of a Zila Council through a resolution passed by two third majority of its total membership for the dissolution of the relevant Public Safety Commission on grounds of unsatisfactory performance of the said commission, establish veracity or otherwise of the grounds of recommendation for rejection or onward transmission to the Provincial Government for the dissolution of the said Public Safety Commission. Where the government dissolves the relevant Public Safety Commission it will reconstitute the same in accordance with the provisions of this Order within forty five days of such decision;

(l) perform functions of the relevant Public Safety Commission during the period it stands dissolved;

(m) consider the proposals made by Provincial Police Officer or National Police Management Board and give its recommendations to the government;

(n) recommend essential criminal justice reforms; and

(o) perform such other functions with regard to public order and safeguarding public interest, as may be assigned by the government to it for the purpose under any law for the time being in force including Prosecution, Prisons and Probation services;

81. Terms of members of the Provincial Public Safety Commission. – (1) The term of office of a member shall be the same as that of the Provincial Assembly unless he resigns at any time before the expiry of his term, or ceases to be a member of the Provincial Assembly.

(2) No member shall be eligible for a second term.

(3) Members shall be paid TA and DA for attending meetings, as per rules.

(4) Independent members may be paid honoraria as per rules.

~~(5) Members shall be Justices of Peace in accordance with the Code.~~

82. Removal of members. – The Governor on his own volition or on the recommendation of the Provincial Public Safety Commission may remove a member from office if he–

(a) ceases to be a citizen of Pakistan;

(b) is found suffering from physical or mental incapacity or illness;

(c) is guilty of misconduct;

(d) is found to have dealt with any matter in which he had a conflict of interest;

(e) is convicted of a criminal offence;

(f) is declared a bankrupt, loan defaulter or tax evader;

(g) is involved in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people, and the good order and harmony of society;

(h) brings the Provincial Public Safety Commission into disrepute;

(i) fails to attend its three consecutive meetings without any reasonable cause.

83. Meetings and conduct of business of the Provincial Public Safety Commission. – (1) The business of the Provincial Public Safety Commission shall be conducted by the Commission in a meeting.

(2) The meeting may be convened by the chairperson or on the requisition of three members.

(3) Quorum for the meeting of the Commission shall be two-third of its membership.

(4) Members shall attend meetings of the Commission as and when required for which at least a week's notice, with agenda, shall be given. There shall be minimum of one meeting in a month; provided an emergency meeting may be held at a short notice not exceeding twenty four hours.

(5) The ex officio Chairperson shall not have the right of vote, except in case of a tie.

(6) Decisions of the Commission shall be by simple majority.

(7) The Commission may hold public consultations as and when required.

(8) The Provincial Police Officer and heads of prosecution service, prison and probation departments shall attend meetings of the Commission as non-voting members, when invited.

(9) The Commission may invite any expert for consultations on specific issues.

(10) The Commission **Provincial Police Officer** may frame rules of procedure for the conduct of business.

84. Secretariat. – (1) The Government shall establish a permanent **and independent** secretariat of the Provincial Public Safety Commission.

(2) The Secretariat shall be headed by a ~~Director of the rank of Senior Superintendent of Police~~ **a suitable person** who shall be appointed by the ~~Provincial Government in consultation with the Commission in~~ **consultation with the Provincial Police Officer.**

(3) The Secretariat shall consist of such number of officers and staff as the Government may, in consultation with the Commission, determine from time to time.

(4) The Secretariat shall be attached to the Provincial Law Department for purposes of budget and for matters pertaining to the Provincial Assembly.

CHAPTER IX

THE NATIONAL PUBLIC SAFETY COMMISSION

85. Establishment. – There shall be a National Public Safety Commission consisting of twelve members and the ex officio Chairperson.

86. Composition. – (1) Half of the members of the National Public Safety Commission shall be nominated by the Speaker of the National Assembly from amongst its members three each from the treasury and the opposition in consultation with the Leader of the House and the Leader of the Opposition:

Provided that at least one member shall belong to each Province, and to Islamabad Capital Territory:

Provided further that at least two members shall be women.

(2) The other half comprising independent members shall be appointed by the President from a list of names recommended by the National Selection Panel:

Provided that at least one member shall belong to each Province, and to Islamabad Capital Territory:

Provided further that at least two members shall be women.

(3) Notwithstanding anything contained in clause (1), independent members appointed under clause (2) shall constitute the National Public Safety Commission when the National Assembly is not in existence.

(4) The appointment of members shall be notified in the official Gazette.

87. Appointment of Chairperson. – (1) The Federal Interior Minister will be *ex-officio* Chairperson of the National Public Safety Commission.

(2) The Chairperson shall preside over the meetings.

88. Meeting in the absence of the Chairperson. – In the absence of the Chairperson, the National Public Safety Commission shall elect one of its member to preside over a meeting.

89. Selection of independent members. – ~~(1) There shall be a Selection Panel for independent members consisting of Chief Justice of Supreme Court of Pakistan who shall be its Chairperson and one nominee each of President and Prime Minister:~~

~~— Provided that such nominee shall not be elected representative or public servant.~~

(1) The Independent members of the Commission shall be selected by the Law and Justice Commission.

(2) The selection of independent members shall be by consensus.

(3) The selection process shall be completed within thirty days from the commencement of the selection process.

(4) Independent members shall be of impeccable integrity and proven professional competence in such fields as social work, law, administration, education, corporate sector, etc.

90. Functions of the Selection Panel. – The selection panel shall invite applications or nominations from the public for selection of independent members, and after interviewing eligible and willing candidates, forward names of persons twice the number of appointments to be made to the President of Pakistan.

91. Selection criteria of independent members. – A person shall be disqualified from becoming a member of National Public Safety Commission if he—

(a) is an activist of any political party or has held any representative office or has remained a public servant in the six months immediately preceding such appointment; or

(b) is found suffering from physical or mental incapacity or illness; or

(c) is declared a bankrupt, loan defaulter or tax evader;

(d) is not a citizen of Pakistan;

(e) holds an office of profit in the service of Pakistan;

(f) is in the service of any statutory body or any other body which is owned or controlled by the Government or in which the Government has a controlling share or interest;

(g) has been dismissed, removed or compulsorily retired from the service of Pakistan on grounds of corruption or any other form of misconduct;

(h) is convicted of a criminal offence;

(i) has any conflict of interest; or

(j) is involved in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people, and the good order and harmony of society.

(k) has entered into plea bargain or voluntary returns under the National Accountability Bureau Act, 2002; or

(l) belongs to any proscribed organization; or

(m) has been notified under the Fourth Schedule of the Anti-Terrorism Act, 1997.

92. Functions of the National Public Safety Commission. – (1) In the performance of its duties the National Public Safety Commission shall oversee the functioning of the Federal Investigation Agency, Pakistan Railways Police, Anti-narcotics Force, Frontier Constabulary Pakistan Motorway and Highway Police, any other Federal Law Enforcement Agency and Anti-smuggling Wing of Customs exercising Police powers.

(2) Facilitate the establishment and functioning of Citizen Police Liaison Committees in accordance with Article 168.

(3) Without prejudice to its role under clause (1), the National Public Safety Commission shall perform the following functions:-

- (a) recommend to the Federal Government panels of three Police officers for the appointment of Capital City Police Officer for Islamabad and for the appointment of head of Federal Investigation Agency, Pakistan Railways Police, Pakistan Motorway and Highway Police and Frontier Constabulary;
- (b) recommend to the Provincial Government panels of three Police officers for the appointment of a Provincial Police Officer;
- (c) recommend to the Federal Government premature transfer of Capital City Police Officer for Islamabad and head of a Federal Law Enforcement Agency before completion of normal tenure of three years for unsatisfactory performance of duties; provided that before making such recommendation the National Public Safety Commission shall give the concerned officer an opportunity to be heard in person;
- (d) oversee implementation of plans prepared by heads of the respective law enforcement agencies and approved and published by the Government, setting out arrangements for achieving objectives during the year. The plans shall include—
 - (i) a statement of financial resources expected to be made available by the Government; and
 - (ii) performance targets for the year and their delivery mechanism;
- (e) evaluate the delivery of performance targets on quarterly basis;
- (f) require heads of the relevant Federal Law Enforcement agency to submit to the National Public Safety Commission, by end of August each year, a general report in a manner prescribed by the National Public Safety Commission, which shall be published;
- (g) submit an annual report to the Government and the Parliament that shall include the following:-
 - (i) an abstract concerning performance of the National Public Safety Commission during the year;
 - (ii) a report on the functioning of the Federal Law Enforcement Agencies; and

- (iii) a report on matters connected with general law and order in the country;
- (h) recommend reforms for modernization of laws and procedure in respect of Police, prosecution, prisons and probation services;
- (i) facilitate coordination among the Provincial Public Safety Commissions;
- (j) evaluate the performance of the Islamabad District Public Safety Commission on annual basis. If on the basis of the evaluation conducted by the National Public Safety Commission, the performance of the Commission is found unsatisfactory, the Government may dissolve the Islamabad District Public Safety Commission and reconstitute the commission in accordance with the provisions of this Order within forty five days of such decision;
- (k) conduct enquiry on the recommendation of Islamabad Zila Council through a resolution passed by two third majority of its total membership for the dissolution of the Islamabad District Public Safety Commission on grounds of unsatisfactory performance of the said Commission, establish veracity or otherwise of the grounds of recommendation for rejection or onward transmission to the Federal Government for the dissolution of the said Public Safety Commission;
- (l) perform functions of the Islamabad District Public Safety Commission during the period it stands dissolved;
- (m) consider the proposals of the National Police Management Board and give its recommendations to the Government; and
- (n) perform such other functions with regard to public safety and safeguarding interest of the people, as may be assigned by the Government to it for the purpose under any law for the time being in force in particular pertaining to the Prosecution, Prisons and Probation services.

93. Terms of members of the National Public Safety Commission. – (1) The term of office of a member shall be the same as that of the National Assembly unless he resigns or is removed from office at any time before the expiry of his term or ceases to be a member of the National Assembly.

(2) No member shall be eligible for a second term.

(3) Members shall be paid TA and DA for attending meetings, as per rules.

(4) Independent members may be paid honoraria as per rules.

~~(5) Members shall be Justices of Peace in accordance with the Code.~~

94. Removal of members. – The President on his own volition or on the recommendation of the National Public Safety Commission may remove a member from office if he—

(a) ceases to be a citizen of Pakistan;

(b) is found suffering from physical or mental incapacity or illness;

- (c) is guilty of misconduct;
- (d) is found to have dealt with any matter in which he had a conflict of interest;
- (e) is convicted of a criminal offence;
- (f) is declared a bankrupt, loan defaulter or tax evader;
- (g) is involved in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people, and the good order and harmony of society;
- (h) brings the National Public Safety Commission into disrepute;
- (i) fails to attend its three consecutive meetings without any reasonable cause.

95. Meetings and conduct of business of the National Public Safety Commission. – (1) The business of the National Public Safety Commission shall be conducted by the Commission in a meeting.

(2) The meeting may be convened by the Chairperson or on the requisition of three members.

(3) Quorum for the meeting of the Commission shall be two-third of its membership.

(4) Members shall attend meetings of the National Public Safety Commission as and when required for which at least a week's notice, with agenda, shall be given. There shall be minimum of one meeting in a month, provided an emergency meeting may be held at a short notice not exceeding twenty four hours.

(5) The ex officio Chairperson will not have the right of vote, except in case of a tie.

(6) Decisions of the Commission shall be by simple majority.

(7) The Commission may hold public consultations as and when required.

(8) Heads of law enforcement agencies, prosecution service, prison and probation services will attend meetings of the Commission as non-voting members, when invited.

(9) The Commission may invite any expert for consultations on specific issues.

(10) The Commission may frame rules of procedure for the conduct of the business.

96. Secretariat. – National Police Bureau referred to in Article 162 shall function as the secretariat of the National Public Safety Commission.

CHAPTER X

POLICE COMPLAINTS AUTHORITIES

97. Establishment of Federal Police Complaints Authority. - The Government shall establish a Federal Police Complaints Authority for enquiring into serious complaints against the members of Federal Law Enforcement Agencies.

98. Composition. - (1) The Federal Police Complaints Authority shall consist of a Chairperson and six members.

(2) The President shall appoint the Chairperson of the Federal Police Complaints Authority.

(3) The Government shall appoint the members of the Federal Police Complaints Authority on the recommendation of the Federal Public Service Commission.

99. Criteria and terms of the members. - (1) The members of the Federal Police Complaints Authority shall be eminent persons of impeccable integrity with skills, knowledge and experience in such fields as may be specified by the Government.

(2) Persons may be appointed as whole-time or part-time members of the Authority.

(3) A person shall not be appointed for a period of more than three years.

(4) No member or the Chairperson shall be eligible for a second term.

100. Functions of the Federal Police Complaints Authority. - The Federal Police Complaints Authority shall perform the following functions

(a) receive from District Public Safety Commission or an aggrieved person in writing on an affidavit complaint of neglect, excess or misconduct against Islamabad Capital Territory Police Officer or any member of any Federal Law Enforcement Agency;

(b) process the complaint and refer the ordinary cases to an appropriate authority for action and report and in serious cases initiate action on its own;

(c) receive from the Islamabad District Public Safety Commission or the Capital City District Police Officer or Head of a Federal Law Enforcement Agency any report of death, rape or serious injury to any person in Police custody and take steps to preserve evidence relating to such incident;

(d) request the Chief Justice of the High Court, in serious cases, to appoint a District and Sessions Judge for a judicial enquiry;

(e) appoint in appropriate cases a Police officer belonging to the Federal Law Enforcement Agencies who is senior in rank to the officer complained against as an inquiry officer, and supervise the inquiry proceedings;

(f) send a copy of the report to the competent authority and direct him for departmental action based on the findings of the enquiry or registration of a criminal case as appropriate and direct the competent authority to submit a report about the action taken on the findings of the report;

(g) inform the complainant of the outcome of the enquiry in writing as soon as possible;

(h) where the Federal Police Complaints Authority is not satisfied with the order in cases referred under clause (f), it may send a report to the next higher authority for revision of the order by the awarding officer and the process be repeated till it is considered by the final authority;

(i) in case of any frivolous, false or vexatious complaint, initiate legal action against the complainant;

(j) recommend disciplinary action against an enquiry officer for wilful neglect or mishandling of an enquiry;

(k) prepare and send to the Government an annual report on matters relating generally to its functions, including any matter to which it considers attention of the Government may be drawn by reason of gravity or other exceptional circumstances, for laying the report before Parliament;

(l) establish when necessary in consultation with the Federal Government, regional offices anywhere in the country or with the agreement of the Provincial Government designate Provincial Police Complaints Authority or District Public Safety Commission to deal with the complaints of excess or neglect.

101. Secretariat. - (1) The Government shall establish a permanent secretariat of the Authority.

(2) The Secretariat shall be headed by an officer not below BS 19 who shall be appointed in consultation with the Authority.

(3) The organization of the secretariat and functions of officers and staff shall be determined by the Authority.

(4) The secretariat shall consist of such number of officers and staff as the Government may in consultation with the Authority determine from time to time. (5) The terms and conditions of service of the staff of the Authority shall be determined by the Government in consultation with the Authority.

102. Removal of the members. - The procedure of the removal of the Chairperson and members of the Federal Police Complaints Authority shall be the same as for the members of the Federal Public Service Commission.

103. Establishment of Provincial Complaints Authority. - The Government shall establish a Provincial Complaints Authority for enquiring into serious complaints against **the members of** the Police

104. Composition. - (1) The Provincial Complaints Authority shall consist of a Chairperson and six members.

(2) The Governor shall appoint the Chairperson of the Provincial Complaints Authority.

(3) The Government shall appoint the members of the Provincial Complaints Authority on the recommendation of the Provincial Public Service Commission.

105. Criteria and terms of the members. - (1) The members of the Provincial Complaints Authority shall be eminent persons of impeccable integrity with skills; knowledge and experience in such fields as may be specified by the Government.

(2) Persons may be appointed as whole-time or part-time members of the Authority.

(3) A person shall not be appointed for a period of more than three years.

(4) No member or the Chairperson shall be eligible for a second term.

106. Functions of the Provincial Complaints Authority. - The Provincial Complaints Authority shall perform the following functions

(a) receive from District Public Safety Commission or an aggrieved person in writing on an affidavit, complaint of neglect, excess or misconduct against a Police Officer.

(b) process the complaint and refer the ordinary cases to an appropriate authority for action and report and ~~in serious cases initiate action on its own~~;

(c) receive from the District Public Safety Commission or Head of District Police any report of death, rape or serious injury to any person in Police custody and take steps to preserve evidence relating to such incident and request the Chief Justice of the High Court under intimation to the Government to appoint a Judge not below the District and Sessions Judge for a judicial enquiry;

(d) may appoint in appropriate cases a Police officer of the same district or of a different district who is **of impeccable integrity and** senior in rank to the officer complained against as an inquiry officer, and supervise the inquiry proceedings;

(e) send a copy of the report to the competent authority and direct him for departmental action based on the findings of the enquiry or registration of a criminal case as appropriate and direct the competent authority to submit a report **within one month** about the action taken on the findings of the report;

(f) inform the complainant of the outcome of the enquiry in writing as soon as possible;

(g) where the Provincial Complaints Authority is not satisfied with the order in cases referred under clause (e), it may send a report to the next higher authority for revision of the order by the awarding officer and the process be repeated till it is considered by the final authority;

(h) in case of any frivolous, or vexatious complaint, initiate legal action against the complainant;

(i) may recommend disciplinary action against an enquiry officer for wilful neglect or mishandling of an enquiry;

(j) prepare and send to the Government an annual report on matters relating generally to its functions, including any matter to which it considers attention of the Government may be drawn by reason of gravity or other exceptional circumstances, for laying the report before Provincial Assembly;

(k) may in consultation with the Provincial Government establish regional offices anywhere in the Province.

107. Secretariat. - (1) The Government shall establish a permanent secretariat of the Authority.

(2) The Secretariat shall be headed by ~~an officer not below BS-19~~ **a suitable person** who shall be appointed ~~in consultation with~~ **by** the Authority **in consultation of the Provincial Police Officer**.

(3) The organization of the Secretariat and functions of officers and staff shall be determined by the Authority.

(4) The Secretariat shall consist of such number of officers and staff as the Government may in consultation with the Authority determine from time to time. (5) The terms and conditions of service of the staff of the Authority shall be determined by the Government in consultation with the Authority.

108. Removal of the members. - The procedure of the removal of the Chairperson and members of the Provincial Complaints Authority shall be the same as for the members of the Provincial Public Service Commission.

CHAPTER XI

CRIMINAL JUSTICE COORDINATION COMMITTEE

109. Establishment. – There shall be a Criminal Justice Coordination Committee in a district.

110. Composition. - The Criminal Justice Coordination Committee shall consist of

- (a) District and Sessions Judge (Chairperson)
- (b) Head of District Police
- (c) District Public Prosecutor
- (d) District Superintendent Jail
- (e) District Probation Officer
- (f) District Parole Officer
- (g) Head of Investigation (Secretary)

111. Functions of the Criminal Justice Coordination Committee. – (1) The Criminal Justice Coordination Committee shall

- (a) keep under review the operation of the criminal justice system and work towards the improvement of the system as a whole;
- (b) promote understanding, co-operation and coordination in the administration of the criminal justice system;
- (c) exchange information and give advance notice of local developments, which may affect other parts of the system;
- (d) formulate co-ordinated priorities and plans to give effect to locally agreed policies;
- (e) raise relevant issues with the appropriate authorities;
- (f) promote the spread of good practices; and
- (g) review the implementation of any decisions taken by the Criminal Justice Coordination Committee.

(2) The meeting of the Criminal Justice Coordination Committee shall be held at least once a month. The secretary of the committee shall record the minutes of the meetings.

CHAPTER XII

REGULATION, CONTROL AND DISCIPLINE OF THE POLICE

112. Rule making by Provincial Police Officer or Islamabad Capital City Police Officer. Provincial Police Officer, or Islamabad Capital City Police Officer, as the case may be, with the prior approval of the Government, may by notification in the official Gazette, make rules for carrying into effect the provisions of this Order.

113. Punishments. – Subject to the rules, a member of the Police may at any time be suspended, dismissed, compulsorily retired, reduced in rank or pay, within a time scale, fined, censured or awarded any other punishment in the prescribed manner.

114. Code of Conduct. – (1) Provincial Police Officer and Capital City Police Officer shall issue Code of Conduct to regulate Police practices in respect of–

- (a) the exercise by Police officers of statutory powers of stop and search;
- (b) the searching of premises by Police officers and the seizure of property found by Police officers on persons or premises;
- (c) the detention, treatment and questioning of persons by Police officers; and
- (d) the identification of persons by Police officers.

(2) Subject to rules, a Police officer contravening the Code of Conduct may be awarded one or more punishments provided under Article 113.

115. Police officer at any time liable to be called for duty.– A Police officer when off-duty, on leave or under suspension shall be liable to be called for duty.

116. Withdrawal from duty and resignation, etc.– (1) No Police officer shall withdraw from the duties of his office unless expressly allowed to do so in writing by Head of District Police or by some other officer authorised to grant such permission

Explanation.– A Police officer who being absent on leave fails without reasonable cause to report for duty on the expiration of such leave shall be deemed within the meaning of this Article to withdraw himself from the duties of his office.

(2) No Police officer shall resign his office unless he has given to his superior officer notice in writing for a period of not less than two months of his intention to resign.

117. Police officer not to engage in any other employment.– No Police officer shall engage in any private employment while he is a member of the Police establishment.

CHAPTER XIII

POWERS TO ISSUE ORDERS

118. Power to issue orders. – The Head of District Police may, in an emergency, for the maintenance of public order or preventing public nuisance, issue orders to give effect to the provisions of any Municipal law, rules or bye-laws for the time being in force.

119. Power to give direction to the public. – Subject to rules, a Police officer not below the rank of a Sub-Inspector may, give such directions as may be necessary to–

- (a) direct the conduct and behaviour or actions of persons constituting processions or assemblies on roads or streets;
- (b) prevent obstructions—
 - (i) on the occasion of processions and assemblies;
 - (ii) in the neighbourhood of places of worship during the time of worship; and
 - (iii) when a street or public place or place of public resort may be thronged or liable to be obstructed;
- (c) keep order on streets, mosques, churches or other places of worship and places of public resort when these may be thronged or liable to be obstructed.

120. Regulation of public assemblies and processions and licensing of same. – (1) Head of District Police or Assistant or Deputy Superintendent of Police may as occasion require, direct the conduct of assemblies and processions on public roads, or in public streets or thoroughfares and prescribe the routes by which and the times at which, such processions may pass.

(2) He may also, on being satisfied that it is intended by any persons or class of persons to convene or collect any assembly in any such road, street or thoroughfare, or to form a procession which would, in his judgement, if uncontrolled, be likely to cause a breach of the peace, require by general or special notice that the persons convening or collecting such assembly or directing or promoting such processions shall apply for a licence.

(3) On such application being made, he may issue a licence specifying the names of the licensees and defining the conditions on which alone such assembly or such procession is to be permitted to take place and otherwise giving effect to this Article:

Provided that no fee shall be charged on the application for, or grant of any such licence.

121. Powers with regard to assemblies and processions violating the conditions of licence. – (1) Head of District Police or Assistant or Deputy Superintendent of Police or Inspector of Police or an officer in-charge of a Police station may stop any procession which violates the conditions of a licence granted under the last foregoing Article, and may order it or any assembly which violates any such conditions as aforesaid to disperse.

(2) Any procession or assembly, which neglects or refuses to obey any order given under clause (1) shall be deemed to be an unlawful assembly.

122. Power to prohibit certain acts for prevention of disorder.– (1) Head of District Police may, whenever and for such time as he may consider necessary but not exceeding two days by notification publicly promulgated or addressed to individuals prohibit in any urban or rural area, the carrying of arms, cudgels, swords, spears, bludgeons, guns, knives, sticks, *lathis* or any other article, which is capable of being used for causing physical violence and the carrying of any corrosive

substance or explosives, the carrying, collection or preparation of stones or other missiles or instruments of means of casting or impelling missiles.

(2) If any person goes armed with any article as is referred to in clause (1), such article shall be liable to be seized from him by a Police officer.

123. Power to give directions against serious disorder at places of amusement, etc.– (1) For the purpose of preventing serious disorder or breach of the law or imminent danger to those assembled at any place of public amusement or at any assembly or meeting to which the public are invited or which is open to the public, any Police officer of the rank of Assistant Sub Inspector or above, present at such place of public amusement, or such assembly or meeting, may subject to such rules, regulations or orders as may have been lawfully made, give such reasonable directions as to the mode of admission of the public to, and lawful conduct of the proceedings and the maintaining of the public safety, at such place of amusement or such assembly or meeting as he thinks necessary and all persons shall be bound to conform to every such reasonable direction.

(2) Every Police officer while on duty shall have free access to any place of public amusement, assembly or meeting for the purpose of giving effect to the provisions of clause (1) and to any direction made there under.

124. Erecting of barriers in streets, etc.– Any Police officer may in an emergency temporarily close any street or public place through erection of barriers or other means, to prohibit persons or vehicles from entering such area.

125. Power to search suspected persons or vehicles in street, etc.– When in a street or a place of public resort a Police officer on reasonable grounds suspects a person or a vehicle to be carrying any article unlawfully obtained or possessed or likely to be used in the commission of an offence, he may search such person or vehicle; and if the account given by such person or possessor of the vehicle appears to be false or suspicious, he may detain such article after recording in writing the grounds of such action and issue a receipt in the prescribed form and report the facts to the officer in-charge of the Police station for informing the Court for proceeding according to law against the person.

CHAPTER XIV

SPECIAL MEASURES FOR MAINTENANCE OF PUBLIC ORDER AND SECURITY

126. Employment of additional Police to keep peace.– (1) Capital City Police Officer or City Police Officer and District Police Officer subject to approval of Provincial Police Officer may on application of any person depute any additional number of Police to keep the peace, to preserve order, to enforce any provisions of this Order, or any other law, in respect of any particular class or classes of offences or to perform any other duties imposed on the Police.

(2) Subject to rules, such additional Police shall be employed at the cost of the person making the application.

(3) If the person upon whose application such additional Police are employed gives one week's notice for the withdrawal of the said Police, he shall be relieved from the cost thereof at the expiration of such notice.

(4) If there is any dispute on payment, Head of District Police on an application by the aggrieved party may refer the matter to the Government for final decision.

127. Employment of additional Police at the cost of organizers, etc.— (1) Whenever it appears to Head of District Police that—

- (a) any large work which is being carried on, or any public amusement, or event at any place is likely to impede the traffic or to attract a large number of people; or
- (b) the behaviour or a reasonable apprehension of the behaviour of the persons employed on any railway, canal or other public work, or in or upon any manufactory or other commercial concern under construction or in operation at any place, necessitates the employment of additional Police at such place;

he may depute such number of additional Police to the said place for so long as the necessity to employ the additional Police shall appear to be expedient.

(2) Subject to rules, the cost of such additional Police shall be borne by the organisers of such events or employers of such works or concerns, as the case may be, at rates approved by the appropriate government from time to time.

128. Compensation for injury caused by unlawful assembly.— When any loss or damage is caused to any property or when death or grievous hurt is caused to any person or persons, by anything done in furtherance of the common object of an unlawful assembly, the trial Court may determine the amount of compensation which, in its opinion should be paid by members of the unlawful assembly to any person or persons in respect of the loss or damage or death or grievous hurt caused.

129. Recovery of amount payable under Articles 126 and 127.— Any amount payable under Article 126 and Article 127 shall be recovered in the same manner as if it were arrears of land revenue.

130. Recovered amount to go to treasury.— Amounts payable under Article 126 and Article 127 shall be credited to the treasury.

131. Banning of use of dress resembling uniform of Police or armed forces.— (1) If Provincial Police Officer or the Capital City Police Officer or City Police Officer is satisfied that the wearing in public, by any member of any body, association or organization, of any dress or article of apparel resembling the uniform worn by Police or members of the Armed Forces or any uniformed force

constituted by or under any law for the time being in force, is likely to prejudice the security of the state or the maintenance of public order, he may by a special order prohibit or restrict the wearing or display, in public of any such dress or article of apparel by any member of such body or association or organization.

(2) Every order under clause (1) shall be published in the official Gazette.

Explanation.— For the purpose of clause (1) a dress or article of apparel shall be deemed to have been worn or displayed in public if it is worn or displayed in any place to which the public have access.

132. Control of camps, parades, etc.— If Head of District Police is satisfied that it is necessary in the interest of maintenance of public order, he may by a special order prohibit or restrict throughout the district or any part thereof all meetings and assemblies of persons for the purpose of training in the use of arms or taking part in any such camp, parade or procession.

133. Authority of Head of District Police over the village Police.— Head of District Police shall for the purpose of carrying this Order into effect, exercise authority and control over village watchmen or village Police officers.

CHAPTER XV

RESPONSIBILITIES OF POLICE

IN RELATION TO UNCLAIMED PROPERTY

134. Police to make inventory of unclaimed property, etc.— It shall be the duty of every Police officer to take charge and make inventory of any unclaimed property found by, or made over to him, and furnish a copy of the inventory to Head of District Police without delay, who shall send a copy of the same to District Public Safety Commission.

135. Procedure for disposal of unclaimed property.— (1) Where any property has been taken charge of under Article 134, Head of District Police shall issue a proclamation within fifteen days in the prescribed manner specifying the articles of which such property consists and requiring that any person who may have a claim thereto shall appear before him or some other officer not below the rank of Assistant Superintendent of Police or Deputy Superintendent of Police especially authorised in this behalf and establish his claim within three months from the date of such proclamation.

(2) If the property, or any part thereof, is subject to speedy and natural decay or if the property appears to be of the value of less than one thousand rupees, it may forthwith be disposed off in the prescribed manner under the orders of Head of District Police and the net proceeds of such sale shall be dealt with in the manner provided in Articles 136 and 137.

(3) Where any person who has a claim to the property is required by the proclamation under clause (1) to appear before an officer authorised by the Head of District Police and establish his claim, such officer shall forward the record of the proceedings to the Head of District Police.

(4) Head of District Police shall follow the directions of the District Public Safety Commission in disposal of property under clause (3).

136. Delivery of property to person entitled.– (1) Head of District Police on being satisfied of the title of any claimant to the possession or administration of the property specified in the proclamation issued under clause (1) of Article 135 order the same to be delivered to him.

(2) In case where there is more than one claimant to the same property the matter shall be referred by the Head of District Police to the competent Court.

137. Disposal of property, if no claimant appears.– If no person establishes his claim to such property within the period specified in the proclamation, the property, or such part thereof as has not already been sold under clause (2) of Article 135 shall, with the approval of appropriate Public Safety Commission, be disposed off in the prescribed manner and the proceeds shall be deposited in the treasury.

CHAPTER XVI

OFFENCES AND PUNISHMENTS

138. Causing mischief in street by animal or vehicle. - No person shall cause damage, injury, danger, alarm or mischief in any street or public place by negligent or reckless driving or by driving any vehicle or animal laden with timber, poles or other unwieldy articles through a street or public place contrary to any regulation.

139. Causing obstruction in a street. - No person shall cause obstruction in any street or public place

(a) by allowing any animal or vehicle, which has to be loaded or unloaded, or take up or set down passengers, to remain or stand in the street or the public place longer than may be necessary for such purpose; or

(b) by leaving any vehicle standing or fastening any cattle in the street or the public place; or

(c) by using any part of a street or public place as a halting place for vehicles or cattle; or

(d) by causing obstruction in any other manner.

140. Wilful or negligent conduct in respect of dogs. - No person shall in any street or public place

(a) let loose any dog wilfully or negligently so as to cause danger, injury, alarm or annoyance; or

(b) suffer a ferocious dog to be at large without a muzzle; or

(c) set on a dog to attack any person or horse or other animal.

141. Penalty for offences under Articles 138 to 140. - Any person who contravenes any of the provisions of Articles 138 to 140 shall, on conviction, be punished with fine, which may extend to ten thousand rupees, or, in default of payment, with imprisonment for a term not exceeding thirty days.

142. Suffering disorderly conduct. - Whoever being the keeper of any place of public amusement or public entertainment, knowingly permits or suffers disorderly behaviour or any gambling or any other criminal act, whatsoever, in such place, shall, on conviction be punished with fine which may extend to ten thousand rupees.

43. Penalty for contravening orders, etc. under Article 118. - Whoever contravenes or abets the contravention of any order made under Article 118 or any of the condition of the licence issued under such regulations shall on conviction be fined up to ten thousand rupees.

144. Penalties for contravention of order, etc. under Article 119 and Articles 122 and 123. - (1) Whoever contravenes, disobeys, opposes or fails to conform to any order given by a Police officer under Article 119, and Article 123 shall, on conviction, be punished with fine, which may extend to ten thousand rupees.

(2) Whoever contravenes a notification or an order made under clause (1) of Article 122 shall be punished with imprisonment for a term which shall not be less than three months but may extend to two years and with fine up to one hundred thousand rupees.

145. Penalty for contravention of orders under Articles 131 and 132. - Whoever contravenes any order made under Article 131 and Article 132 shall, on conviction, be punished with imprisonment for a term, which may extend to three years, or with fine up to one hundred thousand rupees, or with both.

146. Penalty for obtaining employment as a Police officer through fraudulent means. Any person who makes a false statement or a statement which is misleading in material particulars or uses a false document for the purpose of obtaining employment as a Police officer shall on conviction be punished with imprisonment for a term which may extend to one year, or with fine up to fifty thousand rupees, or with both.

147. Warning to first offender. - It shall be lawful for Head of District Police or any other officer authorized by him not below the rank of Inspector, to request the relevant Court to issue in lieu of prosecution, a warning in writing to the accused in relation to first commission of any offence mentioned in Articles 138 to 140:

Provided that for any subsequent offence mentioned in this Article the offender on conviction will be awarded at least half of the prescribed punishment.

148. Defiling water in public wells, etc. - Whoever shall defile or cause to be defiled water in any public well, tank, reservoir, pond, pool, aqueduct or part of a river, stream, nullah or other source or means of water supply, so as to render the same unfit for the purpose for which it is set apart, shall on conviction be punished with imprisonment for a term which may extend to six months or with fine which may extend to thirty thousand rupees, or with both.

149. False alarm of fire, etc. - Whoever knowingly gives or causes to be given a false alarm of fire to the fire brigade or to any officer or fireman thereof shall on conviction be punished with imprisonment for a term which may extend to three months or with fine which may extend to fifteen thousand rupees, or with both.

150. Penalty for contravention of orders made under Article 124. - Whoever contravenes, or abets the contravention of any order made under Article 124 shall, on conviction, be punished with imprisonment which may extend to three months, or with fine which may extend to ten thousand rupees or with both.

151. Penalty for unauthorized use of Police uniform. - If any person not being a member of the Police wears without authorisation, the uniform of Police or any dress having the appearance or bearing any of the distinctive marks of Police uniform, he shall, on conviction, be punished with imprisonment for a term which may extend to three years, or with fine up to one hundred thousand rupees, or with both.

152. Penalty for frivolous or vexatious complaint. – Any person who files a complaint against the Police, which on enquiry by the Police Complaints Authority is held frivolous or vexatious, shall be punished on conviction with imprisonment for six months, or with fine, which may extend to fifty thousand rupees, or with both.

153. Certain offences to be cognizable. - Notwithstanding anything contained in the Code, offences falling under Articles 148 to 152 shall be cognizable.

154. Power to try offences summarily. - The Court trying offences under this chapter shall have power to try such offences summarily in accordance with the procedure laid down for summary trial in the Code.

CHAPTER XVII

OFFENCES BY AND PUNISHMENTS FOR POLICE OFFICERS

155. Penalty for certain types of misconduct by Police officers. – (1) Any Police officer who

- (a) makes for obtaining release from service as Police officer, a false statement or a statement which is misleading in material particulars or uses a false document for the purpose;
- (b) is guilty of cowardice, or being a Police officer of junior rank, resigns his office or withdraws himself from duties without permission;
- (c) is guilty of any wilful breach or neglect of any provision of law or of any rule or regulation or any order which he is bound to observe or obey;
- (d) is guilty of any violation of duty;
- (e) is found in a state of intoxication, while on duty;

- (f) malingers or feigns or voluntarily causes hurt to himself with the intention to render himself unfit for duty;
- (g) is grossly insubordinate to his superior officer or uses criminal force against a superior officer; or
- (h) engages himself or participates in any demonstration, procession or strike or resorts to or in any way abets any form of strike or coercion or physical duress to force any authority to concede anything,

shall, on conviction, for every such offence be punished with imprisonment for a term which may extend to three years and with fine.

~~(2) Prosecution under this Article shall require a report on writing by an officer authorized in this behalf under the rules.~~

(2) Criminal proceedings under this section shall be initiated after approval is accorded in writing by Regional Police Officer for officers up to an Inspector and Provincial Police Officer for senior Police Officer.

156. Penalty for vexatious entry, search, arrest, seizure of property, torture, etc. Whoever, being a Police officer –

- (a) without lawful authority, or reasonable cause, enters or searches or causes to be entered or searched any building, vessel, tent or place;
- (b) vexatiously and unnecessarily seizes the property of any person;
- (c) vexatiously and unnecessarily detains, searches or arrests any person; or
- (d) inflicts torture or violence to any person in his custody;

shall, for every such offence, on conviction, be punished with imprisonment for a term, which may extend to five years and with fine.

157. Penalty for unnecessary delay in producing arrested persons in Courts. - Any Police officer who vexatiously and unnecessarily delays the forwarding to a Court or to any other authority to whom he is legally bound to forward any arrested person, shall, on conviction, be punished with imprisonment for a term which may extend to one year and with fine.

CHAPTER XVIII

NATIONAL POLICE MANAGEMENT BOARD

158. Establishment. – The Federal Government shall establish National Police Management Board.

159. Composition. – The National Police Management Board shall consist of the following heads of the Police establishments and the Federal Law Enforcement Agencies:-

- (a) Provincial Police Officers of Punjab, Sindh, NWFP and Balochistan;

- (b) Inspectors General of Railways Police, Pakistan Motorway and Highway Police, Northern Areas and AJK
- (c) Capital City Police Officers of Islamabad, Lahore, Karachi, Peshawar and Quetta;
- (d) Directors General of Federal Investigation Agency and Anti Narcotics Force;
- (e) Commandants of National Police Academy and Frontier Constabulary;
- (f) Director General of National Police Bureau (Member Secretary); and
- (g) any other member that the Federal Government may nominate.

160. Functions of the National Police Management Board. – The National Police Management Board shall perform the following functions, namely:-

- (a) advise the Federal and Provincial Governments on matters concerning general planning, development and standardisation of administration, education and training, gender sensitisation, communications, criminal identification facilities, criminal statistics and equipment of Police and other law enforcement agencies;
- (b) identify and arrange research in the areas of criminology, terrorism, sectarian and ethnic violence, drug trafficking, organised crime, inter-provincial crime, crime having international dimensions, etc.;
- (c) recommend Federal Government grants to various Police organizations and Federal Law Enforcement Agencies for enhancing their operational capabilities;
- (d) recommend steps for securing inter-governmental and inter-agency assistance to ensure a comprehensive and cohesive arrangement for crime control and internal security;
- (e) recommend to the Federal and Provincial Governments standards of recruitment, appointment, promotions, transfers, tenure and discipline;
- (f) develop standing operating procedures based on internationally accepted good practices for adoption by the Police and Law Enforcement Agencies in the country to improve their performance; and
- (g) *Notwithstanding anything contained in any other law, to manage the administration and policy of the Police Service of Pakistan; and*
- (g) (h) any other duties that the Federal Government may assign to it.

161. Meeting and conduct of business of the Board. – (1) Normally two meetings shall be held in a year. Meetings may, however, be convened by the Secretary of the Board on the requisition by half of the members of the Board.

(2) Quorum for the meeting will be three quarters of the total membership and no participation by proxy shall be allowed.

(3) Members shall attend the meetings as and when required for which at least one month's notice, with agenda shall be given.

(4) The meetings shall be presided over by the senior most member present.

(5) The Board may invite any expert for consultations.

162. National Police Bureau. – (1) A National Police Bureau headed by a Director General not below the rank of Additional Inspector General of Police shall be established.

(2) The National Police Bureau shall function as permanent secretariat of the National Public Safety Commission and the National Police Management Board.

(3) The Government shall determine the organization of the National Police Bureau and provide such number of staff as it may determine from time to time.

(4) The National Police Bureau shall perform research and development functions as assigned to it by the National Police Management Board and the National Public Safety Commission.

(5) Perform such other functions as may be assigned to it by the Government.

(6) The National Police Bureau as secretariat to the National Public Safety Commission shall function independently but for all other functions the Bureau shall be under the Interior Division.

CHAPTER XIX

MISCELLANEOUS

163. Assistance to International Organizations and International human rights law etc. – The Police may provide advice and assistance to an International Organization or to any other person or body engaged in investigation of criminal cases outside Pakistan or *may assist in implementing international conventions relating to crime, criminals and accused* with the permission of the Government.

164. Coordination by Federal Government. - The Federal Government shall coordinate for the purpose of efficiency in the Police administration among general Police areas falling under the Federal or the Provincial governments.

165. Constitution of Promotion Boards etc. - Subject to rules, promotion of Police officers of the provincial Police shall be made on the recommendations of the departmental promotion committees/promotion boards:

Provided that the departmental promotion committees/promotion boards shall be headed by an officers not below the rank of

(a) Assistant Superintendent of Police or Deputy Superintendent of Police for promotion to the rank of Head Constable;

(b) Superintendent of Police for promotion to the rank of Assistant Sub-Inspector and Sub-Inspector;

(c) Deputy Inspector General of Police for promotion to the rank of Inspector.

(d) Additional Inspector General of Police for promotion to the rank of Deputy Superintendent of Police; and

(e) Inspector General for promotion to the rank of Superintendent of Police.

166. Criminal Statistics and reports. - (1) The Provincial Government shall at such times and in such form as the Federal Government may direct, transmit statistic and reports to the Federal Government with respect to officers, offenders, criminal proceedings and the state of law and order in the Province as the Federal Government may require.

(2) The Federal Government shall cause a consolidated abstract of the information transmitted to it under clause (1) to be prepared and laid before the National Assembly.

(3) The Federal Government may require a Provincial Government to submit reports on such matters as may be specified in the requirements on matters connected with Police performance.

(4) A requirement under clause (3) may specify the form in which a report is to be submitted.

(5) The Provincial Government may direct the submission of such reports and returns by the Provincial Police Officers and other Police officers as it may deem proper and may prescribe the form in which such returns shall be made.

167. Maintenance of Daily Diary at a Police station. – (1) A register of Daily Diary shall be maintained at every Police station in such form as shall, from time to time, be prescribed and to record therein the names of all complainants, persons arrested, the offences charged against them, the weapons or property that shall have been taken from their possession or otherwise, and the names of the witnesses who shall have been examined.

(2) The District and Sessions Judge of the district may call for and inspect such Diary.

168. Citizen Police Liaison Committees. –The Government **concerned Public Safety Commission** may establish Citizen Police Liaison Committees as voluntary, self financing and autonomous bodies, ~~in consultation with National Public Safety Commission or Provincial Public Safety Commission, as the case may be,~~ for

~~(a) training and capacity building of Public Safety Commission;~~

~~(b) developing mechanism for **better** liaison between aggrieved citizens and Police for providing relief; and~~

~~(c) assistance to Public Safety Commissions, Police Complaints Authority and the Police for the expeditious and judicious discharge of their duties.~~

169. Public Safety Fund. - (1) The Government may, by notification in the Official Gazette, constitute Public Safety Fund at the Provincial and District levels consisting of

(a) Grants made by the Federal Government, the Provincial Government and the District Governments to the Police.

(b) Contributions made in cash or kind by the public for the improvement of Police service delivery to be credited to District Public Safety Fund.

(2) The Provincial Government may credit one-half of the sums of the traffic fines to the Provincial Public Safety Fund.

(3) All receipts mentioned in sub-clauses (a) and (b) of clause (1) and clause (2) may be credited to the Provincial or District Public Safety Fund as the case may be under a Head of Account in the Public Account duly authorised by the Controller General of Accounts.

4) The Fund shall be non-lapsable.

5) Accounts shall be kept of payments made into or out of this fund, which shall be audited by the Auditor General at the end of each financial year.

(6) The Public Safety Fund at Provincial level shall be operated by the Provincial Public Safety Commission and at the district level by the District Public Safety Commission subject to any rules and regulations made under this Order.

(7) The Public Safety Fund shall be applied for the purpose of:

(a) improving facilities for public and service delivery at Police stations.

(b) improving traffic Police; and

(c) rewarding Police officers for good performance.

170. Officers holding charge of or succeeding to vacancies competent to exercise powers. -

Wherever in consequence of the office of Head of District Police becoming vacant, any officer who holds charge of such post or succeeds either temporarily or permanently to his office under the orders of the competent appointing authority, such officer shall be competent to exercise all the powers and perform all the duties respectively conferred and imposed by this Order on Capital City Police Officer, City Police Officer or District Police Officer.

171. No Police officer to be liable to any penalty or payment of damages on account of acts done in good faith in pursuance of duty. -

No Police officer shall be liable to any penalty or to payment of damages on account of an act done in good faith in pursuance or intended pursuance of any duty imposed or any authority conferred on him by any provision of this Order or any other law for the time being in force or any rule, order or direction made or given therein.

172. Suits or prosecutions in respect of acts done under colour of duty not to be entertained if not instituted within the prescribed period. -

In case of an alleged offence by a Police officer, or a wrong alleged to have been done by him or by any act done under colour of duty or in exercise of any such duty or authority of this Order or when it shall appear to the Court that the offence or wrong if committed or done was of the character aforesaid, the prosecution or suit shall not be entertained, or shall be dismissed, if instituted after more than six months from the date of the action complained of.

173. Notice of suit to be given with sufficient description of wrong complained of. – (1) In the case of an intended suit on account of an alleged wrong referred to in Article 172 by a Police officer,

the person intending to sue shall give two month's notice as prescribed in section 80 of Civil Procedure Code 1908, of the intended suit with sufficient description of the wrong complained of.

(2) The provisions of section 80 of the Civil Procedure Code, 1908, shall *mutatis mutandis* apply to the notice referred to in clause (1).

174. Licences and written permissions to specify conditions, etc. - Any licence or written permission granted under the provisions of this Order shall specify the period, locality, conditions and restrictions subject to which the same is granted and shall be given under the signature of the competent authority.

175. Revocation of licence or permission. - Any licence or written permission granted under this Order may at any time be suspended or revoked by the competent authority after due notice if any of its conditions or restrictions is infringed or evaded by the person to whom it has been granted, or if such person is convicted of any offence in any matter to which such licence or permission relates.

176. When licence or permission is revoked, the grantee would be deemed to be without licence. - When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the person to whom the same was granted shall, for all purposes of this Order, deemed to be without a licence or written permission, until the order for suspending or revoking the same is cancelled, or until the same is renewed, as the case may be.

177. Grantee to produce licence and written permission when required. - Every person to whom any such licence or written permission has been granted, shall, while the same remains in force, at all reasonable time, produce the same if so required by a Police officer.

178. Public notices how to be given. - Any public notice required to be given under any of the provisions of this Order shall be in writing under the signature of a competent authority and shall be published in the locality to be affected thereby, by affixing copies thereof in conspicuous public places, or by proclaiming the same with beat of drums, or by advertising the same in local newspapers in regional languages and English or Urdu, as the said authority may deem fit, or by electronic media, or by any two or more of these means and by any other means it may think suitable.

179. Consent of competent authority how to be proved. - Whenever under this Order, the doing or the omitting to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of a competent authority, a written document signed by the competent authority purporting to convey or set forth such consent, approval, declaration, opinion or satisfaction shall be evidence thereof.

180. Signature on notices may be stamped. - Every licence, written permission, notice or other document, not being a summons or warrant or search warrant, required by this Order, or by any rule

hereunder, to bear the stamp and the signature of Head of District Police and it shall be deemed to be properly signed if it is a facsimile of the document bearing his signature.

181. Persons interested may apply to annul, reverse or alter any rule or order. - In the case of any rule or order made under an authority conferred by this Order and requiring the public or a particular class of persons to perform some duty or act, or to conduct or order themselves or those under their control in a manner therein described, it shall be competent for any interested person to apply to the authority issuing such rule or order to annul, reverse or alter the rule or order aforesaid on the ground of its being unlawful, oppressive or unreasonable:

Provided that the appropriate government shall exercise jurisdiction for revision against such orders.

182. Notification of rules and regulations in the Official Gazette. - Every rule and regulation made under this Order shall be made by notification in the Official Gazette.

183. Powers to prosecute under any other law not affected. - Nothing contained in this Order shall be construed to prevent any person from being prosecuted under any other law for the time being in force for any offence made punishable under this Order.

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

185. Repeal and savings. - (1) The Police Act, 1861, (V of 1861), hereinafter referred to as the said Act, is hereby repealed:

Provided that – (a) all rules prescribed, appointments made, powers conferred, orders made or passed, consent, permit, permission of licences given, summons or warrants issued or served, persons, arrested or detained or discharged on bail or bond, search warrants issued, bond forfeited, penalty incurred under the said Act shall, so far as they are consistent with this Order, be deemed to have been respectively prescribed, made, conferred, given, passed, served, arrested, detained, discharged, forfeited and incurred hereunder;

(b) all references made to the said Act or in any law or instrument shall be construed as references to the corresponding provisions of this Order.

ANNEXES

**GOVERNMENT OF PAKISTAN
LAW AND JUSTICE COMMISSION OF PAKISTAN
SUPREME COURT BUILDING
CONSTITUTION AVENUE
ISLAMABAD**

Islamabad, the 15th May 2018

NOTIFICATION

F.No.2/R/PoliceLaw/LJCP-2018. In pursuance of the meeting dated 08.05.2018, the Hon'ble Chief Justice of Pakistan (CJP) has been pleased to constitute a Police Reforms Committee (PRC) under the aegis of the Law and Justice Commission of Pakistan (LJCP) comprising the following retired and serving Inspectors General of the Police Service of Pakistan:

- Mr. Afzal Ali Shigri: Former IGP Sindh (Convener)
- Syed Masud Shah: Former IGP KP & Punjab
- Mr. Asad Jahangir Khan: Former IGP Sindh
- Mr. Tariq Parvez: Former DG FIA
- Dr. Shoaib Suddle: Former IGP Balochistan, Sindh & DG IB
- Mr. Shaukat Javed: Former IGP Punjab
- Mr. Tariq Khosa: Former IGP Balochistan & DG FIA
- Mr. Ifkhar Ahmed: Former IGP Islamabad
- Mr. Fiaz Khan Toru: Former IGP Islamabad & KPK
- Mr. Arif Nawaz: IGP Punjab
- Mr. AD Khawaja: IGP Sindh
- Mr. Salahuddin Mehsud: IGP Khyber Pakhtunkhwa
- Mr. Moazzam Jah Ansari: IGP Balochistan
- Mr. Sultan Azam Temuri: IGP Islamabad

Terms of Reference (ToRs) of the Committee

Part I: Model Police Law

- Draft a Model Police Law to meet the challenges of the 21st century policing that ensures the police to be politically neutral, democratically controlled, effectively accountable, administratively and operationally autonomous and highly specialized professional community service institution.
- The model law should ensure uniformity and standardization of institutional structures, functional specialization and grant administrative, operational and financial authority along with responsibility to the police command across the board in the federation and the provinces.

- Examine all the Supreme Court and High Courts' verdicts on police law-related issues, especially in the context of the 18th constitutional amendment and recommend uniform application of law in the federation and the provinces.

Part 2: Accountability and Operational Matters

- Recommend internal and external accountability mechanisms to address the public complaints against the police. Departmental institutional arrangements and external oversight mechanisms should be clearly spelt out to reduce pressure on the judiciary that is inundated with public complaints against the police.
- Recommend improvements in the quality of investigations with an emphasis on functional specialization, operationally distinct investigation cadre, and concept of investigation teams, appointment and tenure of investigation officers, state-of-the-art training institutes for the investigators along with intra-institutional training methodology for investigators, prosecutors, judges and lawyers.
- Suggest re-vamping of urban policing by changing basic administrative structure, introducing better quality of command and control to ensure quick decision-making and rapid response to meet public order challenges as well as quality access to the citizens seeking justice.
- Recommend Alternate Dispute Resolution (ADR) mechanism by examining the efficacy of Dispute Resolution Committees (DRCs) in KP at police station, sub-division, division, district, region and provincial levels.
- Carry out diagnosis of weak areas in CJS in combating terrorism; provide a roadmap to enhance effectiveness of CJS for dealing with ATA cases; evaluate existing laws for their efficacy while recommending measures to effectively combat terrorism and violent extremism.

Part 3: Legislative Reforms

- Suggest policing-related amendments/reforms in laws like Criminal Procedure Code, Evidence law, Anti-Terrorism Act etc. and recommend changes in accordance with international best practice.
- Identify redundant policing and criminal justice-related laws that have outlived their utility and require to be struck off the statute books/Pakistan Code.

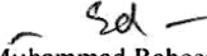
Secretariat of PRC

- Secretary Law and Justice Commission will provide secretarial support to the PRC at the Federal Judicial Academy (FJA).
- Researchers, IT and skilled drafting officials will be arranged by the LJCP.
- Services of competent lawyer (s) for model police law and legislative/legal amendments scrutiny will be obtained by the Secretary LJCP in consultation with the Convener of PRC.

Timeframe

- First draft of the PRC Report shall be finalized before May 31, 2018.
- Final Report will be submitted to the Law and Justice Commission after presentation to the CJP and any other Judge(s) as his lordship deems appropriate to associate for professional input.

Note: The serving IGs named above will continue to serve as members even, if transferred from their present assignment. The officer (s) replacing any of them will be co-opted as member of the PRC.


(Dr. Muhammad Raheem Awan)
Secretary
Law and Justice Commission of Pakistan

Copy forwarded to:-

1. PS to Hon'ble Chief Justice of Pakistan.
2. Registrar Supreme Court of Pakistan.
3. Mr. Afzal Ali Shigri: Former IGP Sindh (Convener)
4. Syed Masud Shah: Former IGP KP & Punjab
5. Mr. Asad Jahangir Khan: Former IGP Sindh
6. Mr. Tariq Parvez: Former DG FIA
7. Dr Shoaib Suddle: Former IGP Balochistan, Sindh & DG IB
8. Mr. Shaukat Javed: Former IGP Punjab
9. Mr. Tariq Khosa: Former IGP Balochistan & DG FIA
10. Mr. Iftikhar Ahmed: Former IGP Islamabad
11. Mr. Fiaz Khan Toru: Former IGP Islamabad & KPK
12. Mr. Arif Nawaz: IGP Punjab
13. Mr. AD Khawaja: IGP Sindh
14. Mr. Salahuddin Mehsud: IGP Khyber Pakhtunkhwa
15. Mr. Moazzam Jah Ansari: IGP Balochistan
16. Mr. Sultan Azam Temuri: IGP Islamabad


Secretary

NOTE: The following IGs joined PRC as co-opted members during the Caretaker setup:

17. Mr. Kaleem Imam IGP Punjab
18. Mr. Mohsin Butt IGP Balochistan
19. Mr. Amjad Javid Saleemi IGP Sindh
20. Mr. Muhammad Tahir IGP KP
5. Mr. Jan Muhammad IGP Islamabad

ANNEX-B

Punishment Awarded to Police Personnel During Year, 2017

Rank	Grounds	MAJOR						MINOR						Total	
		Dismissal	Removal from service	Compulsory retirement	Forfeiture of approved service	Reduction in pay scale	Recovery from pay/pension	With-holding of increment	With-holding of promotion	Reduction to lower stage or stages in pay scale	Censure	Extra drill quarter guard	Filed		
ASP/DSP	Torture.	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Death in custody.	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Corruption.	0	0	1	0	1	1	0	2	0	1	0	0	0	6
	Absence from duty.	0	0	1	0	0	0	1	0	0	3	0	0	0	5
	Negligence.	0	0	0	0	0	0	1	2	0	5	0	0	0	8
	Criminal case.	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	(Any other reasons):-Inefficiency.	0	0	0	0	3	0	3	8	0	28	0	177	0	219
	Poor performance.	0	0	0	0	4	0	4	5	0	6	0	0	0	19
	Lack of supervision/interest in official duty.	0	0	0	0	0	0	0	0	0	1	0	0	0	1
	Misuse of official powers.	0	0	2	0	0	0	1	0	0	2	0	0	0	5
	Failed to control crime.	0	0	0	0	0	0	1	0	0	1	0	0	0	2
	Disobeying the orders of seniors/Courts.	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Misbehavior.	0	0	0	0	0	0	0	1	0	1	0	0	0	2
	Delay in registration of FIR.	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Delay in submission of challan/investigation.	0	0	0	0	0	0	0	0	0	1	0	0	0	1
	Failed to recover case-property.	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Faulty investigation.	0	0	0	0	0	0	1	0	0	1	0	0	0	2
	Escape of accused.	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Failed to arrest accused/ P.Os/ T.Os/ C.As.	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Illegal confinement.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Total	0	0	4	0	8	1	12	18	0	50	0	177	270	

Rank	Grounds	MAJOR						MINOR						Total
		Dismissal	Removal from service	Compulsory retirement	Forfeiture of approved service	Reduction in pay scale	Recovery from pay/pension	With-holding of increment	With-holding of promotion	Reduction to lower stage or stages in pay scale	Censure	Extra drill quarter guard	Filed	
Inspector	Torture.	0	0	0	0	0	0	0	0	0	0	0	0	0
	Death in custody.	0	0	0	0	0	0	0	0	0	0	0	0	0
	Corruption.	4	0	1	2	2	0	3	2	1	0	0	0	15
	Absence from duty.	2	0	0	10	1	0	3	0	2	21	0	8	47
	Negligence.	2	0	1	149	14	0	31	4	5	245	0	20	471
	Criminal case.	1	0	0	0	1	0	2	1	0	6	0	4	15
	(Any other reasons):- Inefficiency.	7	0	2	141	6	6	39	7	24	367	2	55	656
	Poor performance.	0	0	0	37	3	9	14	3	0	70	0	2	138
	Lack of supervision/interest in official duty.	0	0	1	23	3	6	9	0	4	24	0	1	71
	Misuse of official powers.	0	0	1	11	5	0	2	5	0	13	0	1	38
	Failed to control crime.	0	0	0	8	0	0	6	0	0	8	0	1	23
	Disobeying the orders of seniors/Courts.	0	0	0	7	2	0	3	2	0	18	0	1	33
	Misbehavior.	1	0	0	2	0	0	0	0	0	15	1	5	24
	Delay in registration of FIR.	0	0	0	15	1	2	2	1	0	11	0	5	37
	Delay in submission of challan/investigation.	0	0	0	6	0	0	3	1	0	13	0	0	23
	Failed to recover case-property.	0	0	0	2	0	1	6	0	0	3	0	1	13
	Faulty investigation.	3	0	0	22	1	3	7	3	2	13	0	0	54
	Escape of accused.	0	0	0	0	0	0	0	0	0	2	0	0	2
	Failed to arrest accused/ P.Os/ T.Os/ C.As.	0	0	0	59	5	0	17	1	0	47	0	1	130
Illegal confinement.	0	0	0	2	0	0	0	0	0	0	0	0	2	
	Total	20	0	6	496	44	27	147	30	38	876	3	105	1792

Rank	Grounds	MAJOR						MINOR						Total
		Dismissal	Removal from service	Compulsory retirement	Forfeiture of approved service	Reduction in pay scale	Recovery from pay/pension	With-holding of increment	With-holding of promotion	Reduction to lower stage or stages in pay scale	Censure	Extra drill quarter guard	Filed	
Sub-Inspector	Torture.	0	0	0	1	0	0	0	0	0	0	0	0	1
	Death in custody.	0	0	0	0	0	0	0	0	0	5	0	1	6
	Corruption.	21	2	0	29	36	1	6	6	6	11	0	1	119
	Absence from duty.	44	2	4	96	10	1	30	3	8	308	9	241	756
	Negligence.	6	0	1	616	51	5	103	25	78	1140	38	257	2320
	Criminal case.	3	0	1	9	7	0	2	0	1	10	0	0	33
	(Any other reasons):-Inefficiency.	27	0	8	698	58	2	169	54	85	2339	40	362	3842
	Poor performance.	2	0	1	235	25	1	36	12	3	402	3	14	734
	Lack of supervision/interest in official duty.	4	0	1	81	20	0	7	10	2	92	2	2	221
	Misuse of official powers.	11	0	2	46	26	0	10	4	8	27	0	4	138
	Failed to control crime.	0	0	0	5	2	0	0	2	0	8	0	0	17
	Disobeying the orders of seniors/Courts.	3	0	0	69	22	1	3	12	0	94	0	21	225
	Misbehavior.	5	1	0	10	0	0	0	3	1	5	0	1	26
	Delay in registration of FIR.	0	0	0	11	2	0	3	3	0	55	0	1	75
	Delay in submission of challan/investigation.	0	0	0	133	9	0	22	11	3	168	0	4	350
	Failed to recover case-property.	1	0	0	27	1	0	5	0	0	52	0	1	87
	Faulty investigation.	7	0	3	198	64	2	45	19	9	155	0	6	508
	Escape of accused.	3	0	0	2	0	0	2	0	0	3	0	0	10
Failed to arrest accused/ P.Os/ T.Os/ C.As.	1	0	1	263	9	0	39	10	4	229	1	34	591	
Illegal confinement.	2	0	0	2	2	0	0	0	1	10	0	1	18	
	Total	140	5	22	2531	344	13	482	174	209	5113	93	951	10077

Rank	Grounds	MAJOR						MINOR						Total
		Dismissal	Removal from service	Compulsory retirement	Forfeiture of approved service	Reduction in pay scale	Recovery from pay/pension	With-holding of increment	With-holding of promotion	Reduction to lower stage or stages in pay scale	Censure	Extra drill quarter guard	Filed	
Assistant Sub-Inspector	Torture.	0	0	0	2	0	0	0	1	0	1	0	0	4
	Death in custody.	0	0	0	0	0	0	0	0	0	1	0	0	1
	Corruption.	31	0	2	49	45	0	8	3	14	23	0	15	190
	Absence from duty.	26	3	1	149	11	0	55	3	10	541	17	369	1185
	Negligence.	13	0	4	584	42	3	135	25	121	1485	27	348	2787
	Criminal case.	8	0	0	109	10	0	73	6	1	139	0	132	478
	(Any other reasons):- Inefficiency.	22	0	3	669	39	3	106	40	65	2358	79	471	3855
	Poor performance.	5	0	0	297	13	0	66	9	6	620	0	45	1061
	Lack of supervision/interest in official duty.	0	0	1	37	3	0	1	4	0	59	0	2	107
	Misuse of official powers.	8	0	5	52	28	0	7	9	5	45	0	8	167
	Failed to control crime.	1	0	0	6	2	0	0	0	0	20	0	0	29
	Disobeying the orders of seniors/Courts.	1	0	0	61	5	0	3	2	0	98	0	20	190
	Misbehavior.	0	0	0	4	1	0	3	2	0	6	1	4	21
	Delay in registration of FIR.	0	0	0	4	0	0	2	0	2	44	0	0	52
	Delay in submission of challan/investigation.	0	0	0	161	4	0	18	3	0	230	0	8	424
	Failed to recover case-property.	0	0	0	16	1	0	10	1	4	31	0	2	65
	Faulty investigation.	9	0	1	193	40	1	62	10	6	190	0	8	520
	Escape of accused.	0	0	0	7	1	0	6	0	0	48	0	0	62
Failed to arrest accused/ P.Os/ T.Os/ C.As.	0	0	0	431	7	0	68	8	3	362	3	59	941	
Illegal confinement.	0	0	0	4	3	0	2	0	0	2	1	0	12	
	Total	124	3	17	2835	255	7	625	126	237	6303	128	1491	12151

Rank	Grounds	MAJOR						MINOR						Total
		Dismissal	Removal from service	Compulsory retirement	Forfeiture of approved service	Reduction in pay scale	Recovery from pay/pension	With-holding of increment	With-holding of promotion	Reduction to lower stage or stages in pay scale	Censure	Extra drill quarter guard	Filed	
Head Constable	Torture.	1	0	0	1	0	0	0	0	0	0	0	0	2
	Death in custody.	0	0	0	0	1	0	0	0	0	0	0	0	1
	Corruption.	26	0	1	10	12	0	3	3	1	20	21	32	129
	Absence from duty.	44	0	10	135	25	0	48	6	2	743	98	365	1476
	Negligence.	11	0	2	168	46	2	48	4	20	516	20	128	965
	Criminal case.	7	0	0	5	6	0	0	0	0	4	0	1	23
	(Any other reasons):-Inefficiency.	36	0	5	140	32	2	36	7	10	422	2	86	778
	Poor performance.	0	0	0	14	0	0	1	1	0	183	0	2	201
	Lack of supervision/interest in official duty.	1	0	0	11	0	0	1	1	0	16	0	2	32
	Misuse of official powers.	3	0	0	17	11	0	2	1	2	26	0	4	66
	Failed to control crime.	0	0	0	4	3	0	0	0	0	0	0	1	8
	Disobeying the orders of seniors/ Courts.	0	0	0	18	2	0	0	3	0	21	0	1	45
	Misbehavior.	0	0	0	7	6	0	0	1	0	4	0	0	18
	Delay in registration of FIR.	0	0	0	0	0	0	0	0	0	1	0	0	1
	Delay in submission of challan/ investigation.	0	0	0	0	1	0	0	0	0	3	0	0	4
	Failed to recover case-property.	0	0	0	0	0	0	0	1	0	0	0	0	1
	Faulty investigation.	0	0	0	3	4	0	0	0	0	1	1	0	9
	Escape of accused.	5	0	0	2	2	0	0	0	0	1	0	0	10
	Failed to arrest accused/ P.Os/ T.Os/ C.As.	0	0	0	0	1	0	0	0	0	2	0	0	3
Illegal confinement.	0	0	0	0	0	0	0	0	0	0	0	1	1	
	Total	134	0	18	535	152	4	139	28	35	1963	142	623	3773

Rank	Grounds	MAJOR						MINOR						Total
		Dismissal	Removal from service	Compulsory retirement	Forfeiture of approved service	Reduction in pay scale	Recovery from pay/pension	With-holding of increment	With-holding of promotion	Reduction to lower stage or stages in pay scale	Censure	Extra drill quarter guard	Filed	
Constable	Torture.	0	0	0	7	0	0	0	0	0	1	0	0	8
	Death in custody.	0	0	0	0	0	0	0	0	2	0	0	0	2
	Corruption.	85	3	10	30	29	0	6	4	26	111	0	98	402
	Absence from duty.	1317	104	74	2214	275	17	613	50	274	10811	1766	9807	27322
	Negligence.	57	1	4	268	36	0	95	4	37	1875	87	379	2843
	Criminal case.	82	0	4	39	21	0	3	6	3	24	0	5	187
	(Any other reasons):-Inefficiency.	422	8	16	790	160	1	185	6	55	2204	77	1098	5022
	Poor performance.	0	0	0	36	1	0	0	1	1	81	0	10	130
	Lack of supervision/ interest in official duty.	0	0	0	28	3	0	2	0	2	47	0	6	88
	Misuse of official powers.	31	0	0	65	16	0	15	4	9	29	0	17	186
	Failed to control crime.	0	0	0	1	0	0	1	2	0	1	0	0	5
	Disobeying the orders of seniors/Courts.	5	0	0	49	4	0	4	3	0	40	0	17	122
	Misbehavior.	6	0	0	17	2	0	0	0	0	8	0	1	34
	Delay in registration of FIR.	0	0	0	0	0	0	0	0	0	0	0	0	0
	Delay in submission of challan/ investigation.	0	0	0	0	0	0	0	0	0	0	0	0	0
	Failed to recover case-property.	0	0	0	0	0	0	0	0	0	0	0	0	0
	Faulty investigation.	0	0	0	0	0	0	0	0	0	0	0	0	0
	Escape of accused.	11	0	0	4	4	0	0	0	1	2	0	0	22
	Failed to arrest accused/ P.Os/ T.Os/ C.As.	0	0	0	18	0	0	0	0	0	1	0	0	19
Illegal confinement.	0	0	1	1	1	0	0	0	0	0	0	0	3	
	Total	2016	116	109	3567	552	18	924	80	410	15235	1930	11438	36395
	Grand Total	2434	124	176	9964	1355	70	2329	456	929	29540	2296	14785	64458

SUMMARY

Sr.	Ranks	MAJOR						MINOR						Total
		Dismissal	Removal from service	Compulsory retirement	Forfeiture of approved service	Reduction in pay scale	Recovery from pay/pension	With-holding of increment	With-holding of promotion	Reduction to lower stage of stages in pay scale	Censure	Extra drill quarter guard	Filed	
1	ASP/DSP	0	0	4	0	8	1	12	18	0	50	0	177	270
2	Inspector	20	0	6	496	44	27	147	30	38	876	3	105	1792
3	Sub-Inspector	140	5	22	2531	344	13	482	174	209	5113	93	951	10077
4	Assistant Sub-Inspector	124	3	17	2835	255	7	625	126	237	6303	128	1491	12151
5	Head Constable	134	0	18	535	152	4	139	28	35	1963	142	623	3773
6	Constable	2016	116	109	3567	552	18	924	80	410	15235	1930	11438	36395
Grand Total		2434	124	176	9964	1355	70	2329	456	929	29540	2296	14785	64458

ANNEX-C**Cases Registered Under 22-A & 22-B CrPC (2011-2017)**

Year	Cases Registered	Accused			Cases Cancelled	Cases Challenged	Under Inv.	Decided by the Court		Conviction Rate (%)
		Total	Held Innocent	Challenged				Convicted	Acquitted	
2011	38943	65019	12984	49482	11994	26649	15	2522	7466	9
2012	36071	57402	12865	41289	11622	23204	10	2856	8394	12
2013	32885	50696	10961	36198	9816	22245	21	2244	7034	10
2014	32932	51285	11021	36463	9862	22115	22	2431	8305	11
2015	30910	48354	11300	34672	8541	21479	28	2349	6768	11
2016	28428	44575	9887	32184	7944	19950	197	2141	5803	11
2017	23994	38331	9250	25544	6409	30578	1773	1339	3174	4

Establishment of Provincial Police Complaints Authority

- 103. Establishment of Provincial Police Complaints Authority:** The Government shall establish a Provincial Police Complaints Authority for enquiring into serious complaints against the Police.
- 104. Composition:** (1) The Provincial Police Complaints Authority shall consist of a Chairperson and six members.
- (2) The Governor shall appoint the Chairperson of the Provincial Police Complaints Authority.
- (3) The Government shall appoint the members of the Provincial Police Complaints Authority on the recommendation of the Provincial Public Service Commission.
- 105. Criteria and terms of the members:** (1) The members of the Provincial Police Complaints Authority shall be eminent persons of impeccable integrity with skills, knowledge and experience in such fields as may be specified by the Government.
- (2) Persons may be appointed as whole-time or part-time members of the Authority.
- (3) A person shall not be appointed for a period of more than three years.
- (4) No member or the Chairperson shall be eligible for a second term.
- 106. Functions of the Provincial Police Complaints Authority:** The Provincial Police Complaints Authority shall perform the following functions:
- (a) receive from District Public Safety Commission or an aggrieved person in writing on an affidavit, complaint of neglect, excess or misconduct against a Police Officer;
- (b) process the complaint and refer the ordinary cases to an appropriate authority for action and report and in serious cases initiate action on its own;
- (c) receive from the District Public Safety Commission or Head of District Police any report of death, rape or serious injury to any person in Police custody and take steps to preserve evidence relating to such incident and request the Chief Justice of the High Court under intimation to the Government to appoint a Judge not below the District and Sessions Judge for a judicial enquiry;
- (d) may appoint in appropriate cases a Police officer of the same district or of a different district who is senior in rank to the officer complained against as an inquiry officer, and supervise the inquiry proceedings;
- (e) send a copy of the report to the competent authority and direct him for departmental action based on the findings of the enquiry or registration of a criminal case as appropriate and direct the competent authority to submit a report about the action taken on the findings of the report;
- (f) inform the complainant of the outcome of the enquiry in writing as soon as possible;

- (g) where the Provincial Police Complaints Authority is not satisfied with the order in cases referred under clause (e), it may send a report to the next higher authority for revision of the order by the awarding officer and the process be repeated till it is considered by the final authority;
- (h) in case of any frivolous, or vexatious complaint, initiate legal action against the complainant;
- (i) may recommend disciplinary action against an enquiry officer for wilful neglect or mishandling of an enquiry;
- (j) prepare and send to the Government an annual report on matters relating generally to its functions, including any matter to which it considers attention of the Government may be drawn by reason of gravity or other exceptional circumstances, for laying the report before Provincial Assembly;
- (k) may in consultation with the Provincial Government establish regional offices anywhere in the Province.

107. Secretariat: (1) The Government shall establish a permanent secretariat of the Authority.

(2) The Secretariat shall be headed by an officer not below BS 19 who shall be appointed in consultation with the Authority.

(3) The organization of the Secretariat and functions of officers and staff shall be determined by the Authority.

(4) The Secretariat shall consist of such number of officers and staff as the Government may in consultation with the Authority determine from time to time.

(5) The terms and conditions of service of the staff of the Authority shall be determined by the Government in consultation with the Authority.

108. Removal of the members: The procedure of the removal of the Chairperson and members of the Provincial Police Complaints Authority shall be the same as for the members of the Provincial Public Service Commission.

Police Complaints Authority Rules (Proposed)

In exercise of the powers conferred under Articles 103-108 of the Police Order, 2002, the Government of the (Province) is pleased to make the following rules:

1. Short Title and Commencement:

- i. These rules may be called the Police Complaints Authority Rules, 2018;
- ii. They shall come into force at once.

2. Definitions: In these Rules, unless the context otherwise requires:

- i. "Authority" means the Police Complaints Authority notified by the Government of the (Province);
- ii. "Head of the District Police" means the District Police Officer, the City Police Officer, the Capital City Police Officer, as the case may be;
- iii. "Member" means the member of the Police Complaints Authority;
- iv. "Order" means the Police Order, 2002 (Chief Executive Order. No. 22 of 2002);
- v. "Safety Commission" means the District, Capital City and the Provincial Public Safety Commissions constituted under Articles 37, 49 and 73 of the Police Order, 2002 (Chief Executive Order. No. 22 of 2002).

3. Establishment and Composition of PCA:

- i. The Government of Punjab shall establish a Provincial Police Complaints Authority (PCA) as per provisions of Police Order.
- ii. The PCA shall consist of a Chairperson and six members.
- iii. At least, one of the members shall be a woman.

3.1. Appointment of Chairperson/ Members:

- i. The Governor shall appoint the Chairperson from a panel of three persons recommend by the Chief Minister.
- ii. The Provincial Public Service Commission (PSC) shall select members from the panel forwarded to the PSC by the Chief Minister.
- iii. The Members shall be appointed by the Government who have been recommended by the PPSC.

3.2. Criteria and Terms of the Chairperson and Members:

- i. The Chairperson and Members shall be eminent persons of impeccable integrity with skills; knowledge and experience in such fields as may be specified by the Government from time to time.
- ii. They shall be appointed for a period of three years and shall not be re-appointed.
- iii. The members may be appointed on whole-time or part-time basis.
- iv. The Chairperson may preferably be:
 - a. A Retired Judge of Supreme Court / High Court;

- b. A Retired Inspector General of Police (BS-22);
- c. A Retired Civil Servant (BS-22).
- v. The Members may be selected from different professional backgrounds:
 - a. Retired High Court Judge;
 - b. Retired Civil Servant (BS-21/22);
 - c. Retired Police Officer (BS-21/22);
 - d. Human Rights Activist with national standing;
 - e. Prominent Lawyer who has been President, Vice President, Vice Chairman of SCBA/ HCBA/ PBC.

3.3. Process for Selection of Members:

- i. A notified Selection Committee headed by a Minister, consisting of Chief Secretary, PPO / IGP and Home Secretary shall send names for selection to Chief Minister for approval and forwarding the same to PSC for final selection.
- ii. The Selection Committee may call for applications directly or select eminent personalities for the panel to be submitted for the purpose.
- iii. No member or chairperson shall be above sixty seven (67) years of age at the time of appointment to the Authority.
- iv. After final selection, the Government shall issue notification of appointment.

3.4. Regional Police Complaints Authorities:

- i. The Provincial Government may establish regional offices of Police Complaints Authority across the Province.
- ii. The Regional offices of PCA shall have secretariats having:
 - a. A BS-18 Police Officer as Secretary, to be appointed by the PPO/IGP, in consultation with Chairperson Provincial PCA.
 - b. Number of officers and Staff as determined by the Provincial PCA.
- iii. All Regional offices of PCA shall work under the overall guidance and supervision of Provincial PCA and shall be subject to all other conditions mentioned in these Rules.
- iv. The Regional PCAs shall function on similar lines as given in these rules for Provincial PCA
- v. Provincial Government shall notify the establishment of regional offices of Police Complaints Authority the Province.

4. Functions of PCA: The PCA shall receive and process complaints as per following procedure:

4.1. Mode of Receiving Complaint:

- i. The PCA may receive complaint about neglect, excess or misconduct against a Police Officer from:
 - a. District Public Safety Commission;
 - b. An aggrieved person (in writing on an affidavit).
- ii. The PCA may receive complaint of report of death, rape or serious injury to any person in Police custody from:

- a. District Public Safety Commission;
- b. Head of District Police.
- iii. Head of District Police shall communicate with PCA under intimation to the Central Police Office.

4.2. Mode of Referral of Complaint:

- i. Complaints of ordinary nature may be referred to concerned Heads of District Police.
- ii. Complaints of serious nature shall be processed by PCA.

4.3. Process for Handling Complaint:

- i. Complaints of ordinary nature shall be inquired by an officer not below the rank of SP.
- ii. Serious complaints (death, rape or serious injury to any person in Police custody) may be referred to Chief Justice of the respective High Court for inquiry by a judge of the level of District and Session Judge.
- iii. In other appropriate cases a Police officer, of the same district or of a different district, who is senior in rank to the officer complained against, may conduct inquiry, under supervision of a Member of PCA.
- iv. The PCA shall maintain close collaboration and coordination with the Internal Accountability Branch of the Province and may seek assistance in performance of its mandated duties, if and when needed.

4.4. Timeframe for Finalization of Inquiries:

- i. Complaints of ordinary nature maybe completed within two weeks.
- ii. Complaints of serious nature may be finalized within four weeks.
- iii. Complainant shall be informed of the outcome of the enquiry in writing as soon as possible.

4.5. Action in Consequence of Inquiries:

- i. The PCA shall send a copy of the report to the competent authority for:
 - a. Initiation of departmental proceedings and / or;
 - b. Registration of a criminal case.
- ii. Competent authority shall submit a report about the action taken on the findings of the report.
- iii. The PCA may refer to the next higher authorities for enhancement of punishment, if it is not satisfied with the action taken by the competent authority. The matter may be referred to the next higher authority until the case is considered by the final authority.
- iv. No action shall be taken against any Police officer without any Inquiry.
- v. Legal action shall be taken against the complainant for filing frivolous or vexatious complaints.
- vi. The PCA may recommend disciplinary action against Inquiry Officer for wilful neglect or mishandling of inquiry.

5. Reports by PCA:

- i. The PCA shall prepare and send to the Government an Annual Report on matters relating generally to its functions and its performance in a calendar year. The report may also include any matter to which the PCA considers attention of the Government may be drawn

by reason of gravity or other exceptional circumstances, for laying the report before Provincial Assembly.

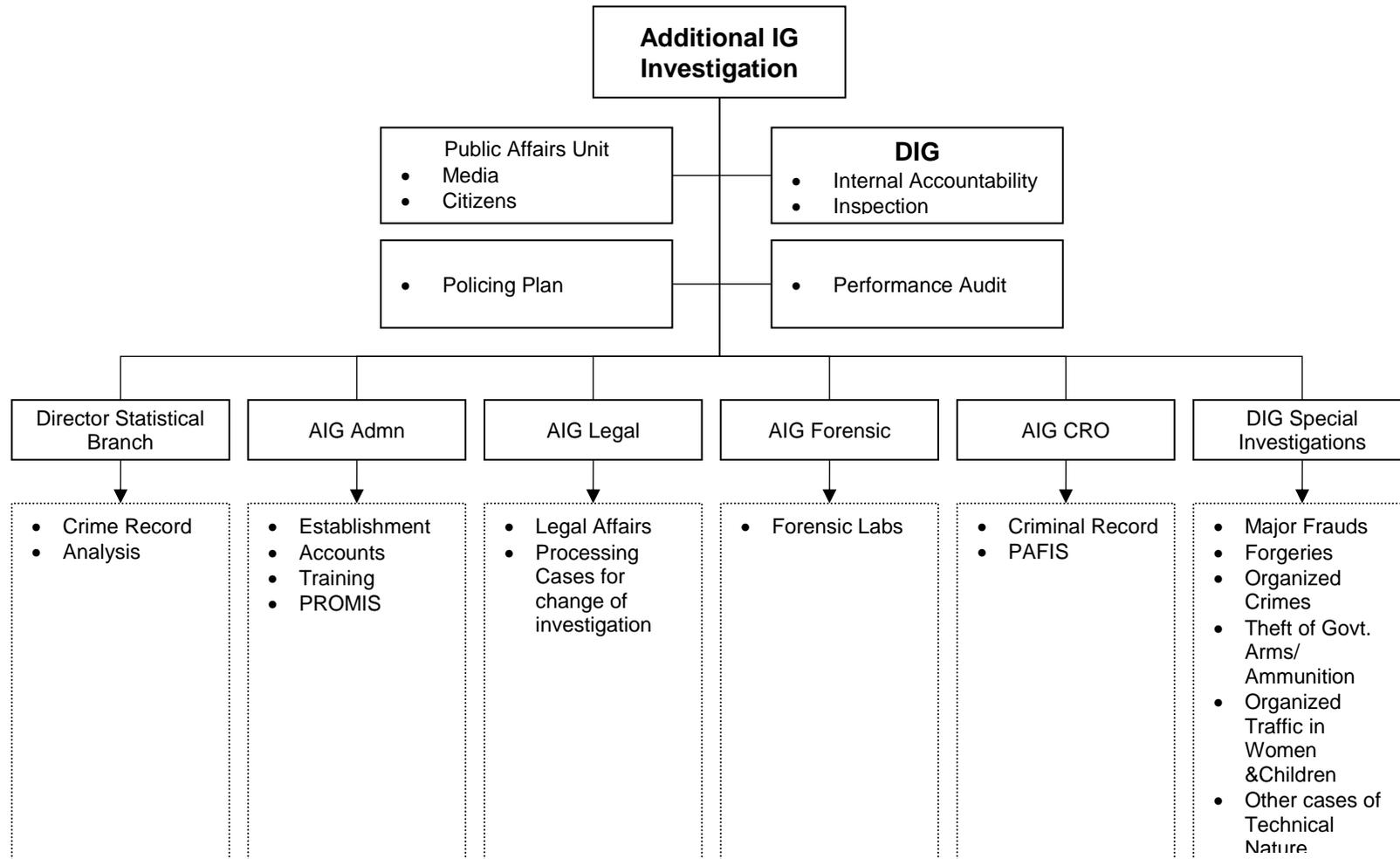
- ii. Such report may also include proposals regarding corrective measures / systemic changes to be made to prevent complaints from recurring in a particular district / region.

6. Secretariat:

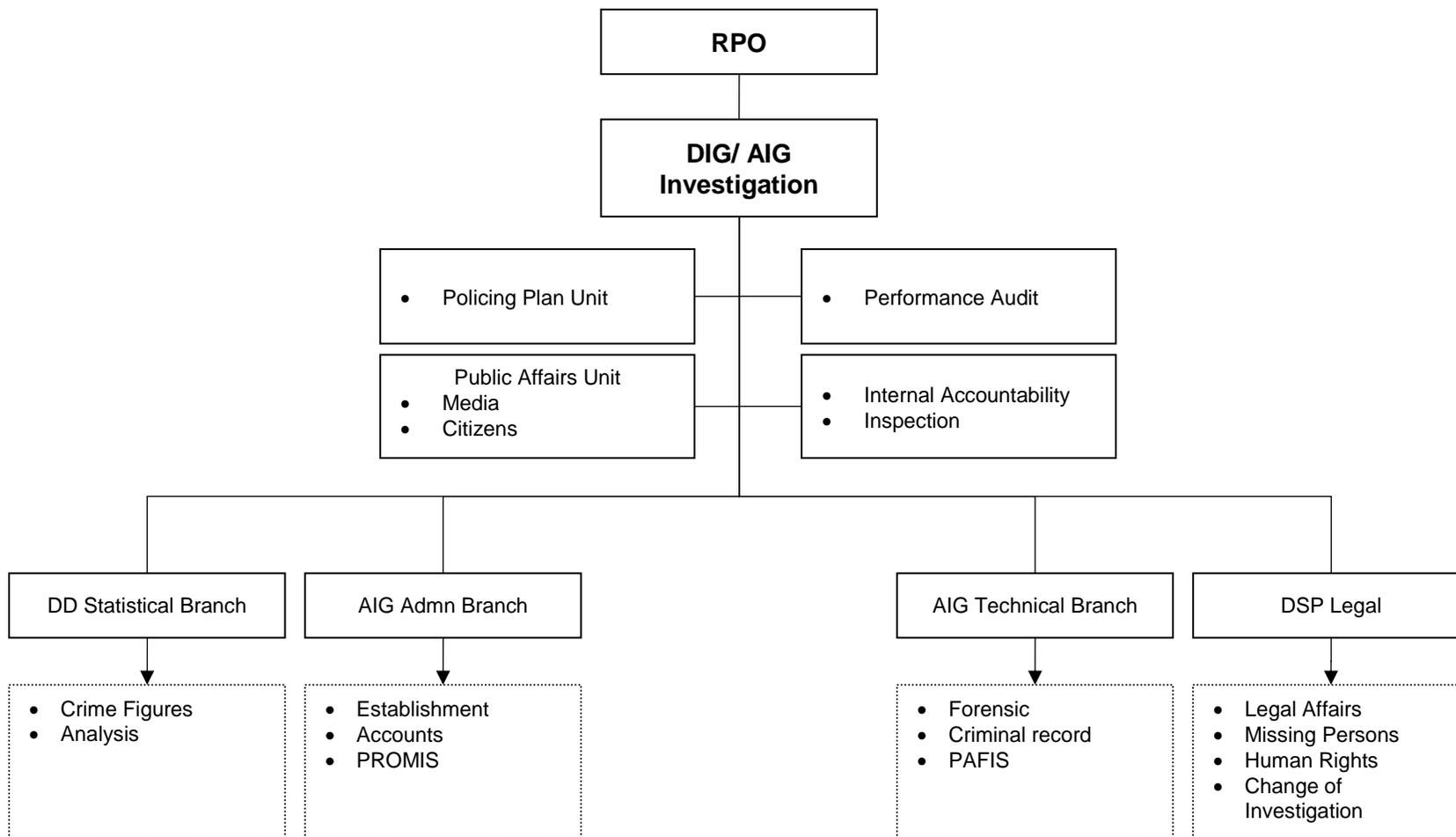
- i. The PCA shall have a permanent Secretariat.
- ii. The Secretariat shall not be housed in a Police building / Establishment.
- iii. The organization of the secretariat and functions of officers and staff shall be determined by the Authority.
- iv. The Secretariat shall consist of such number of officers and staff as the Government may, in consultation with the Authority determine from time to time.
- v. The terms and conditions of service of the staff of the Authority shall be determined by the Government in consultation with the Authority.
- vi. The PCA shall have Financial and Administrative independence.
- vii. Secretary PCA shall be Police Officer not below BS-19 appointed in consultation with PCA by the PPO / IGP.
- viii. Regional offices anywhere in the Province may be established by the Authority in consultation with the Provincial Government.

7. Removal of the Members: The procedure of the removal of the chairperson and members of PCA shall be the same as for the members of the Provincial Public Service Commission.

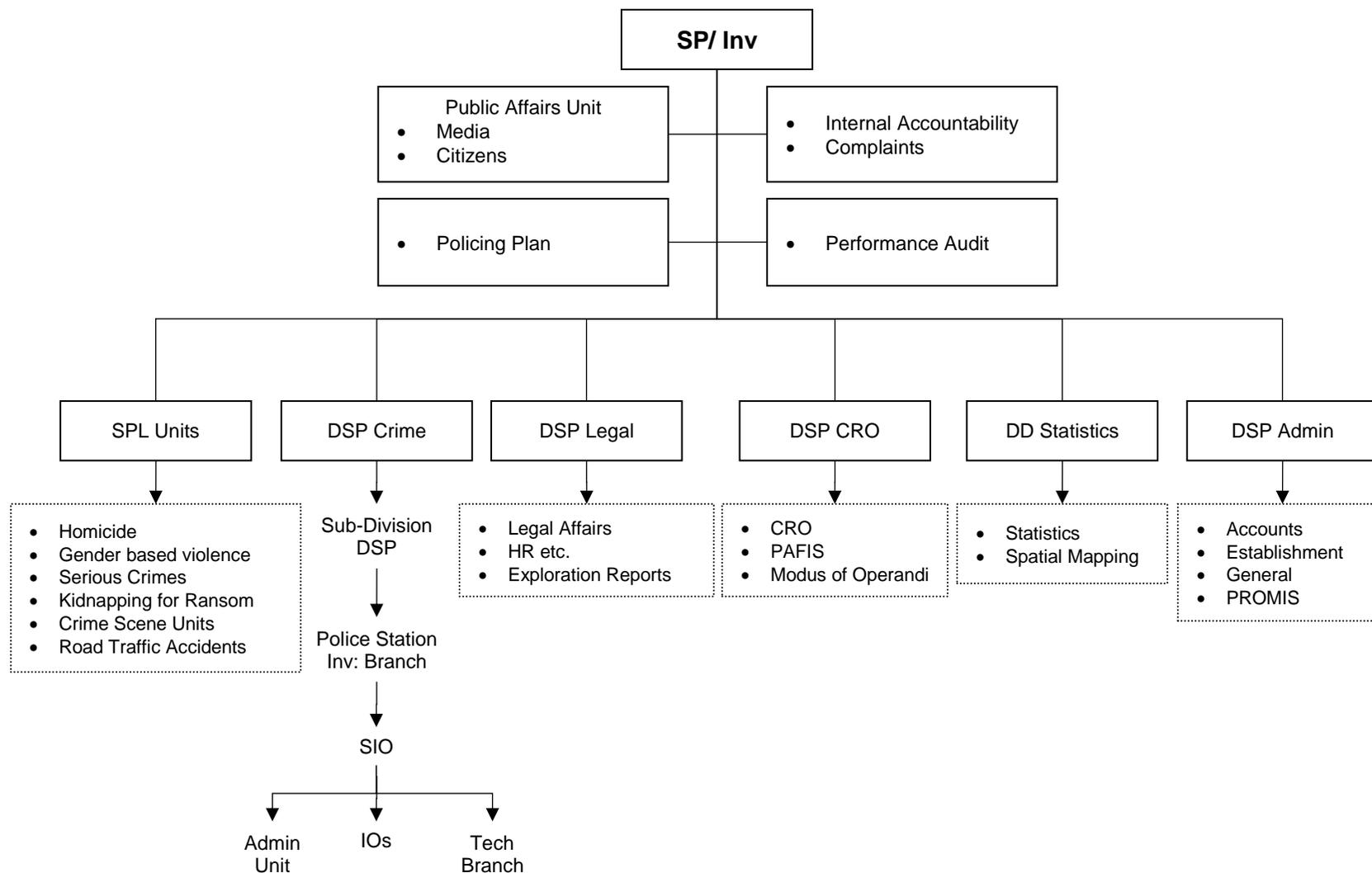
Office of Additional Inspector General (Investigation)



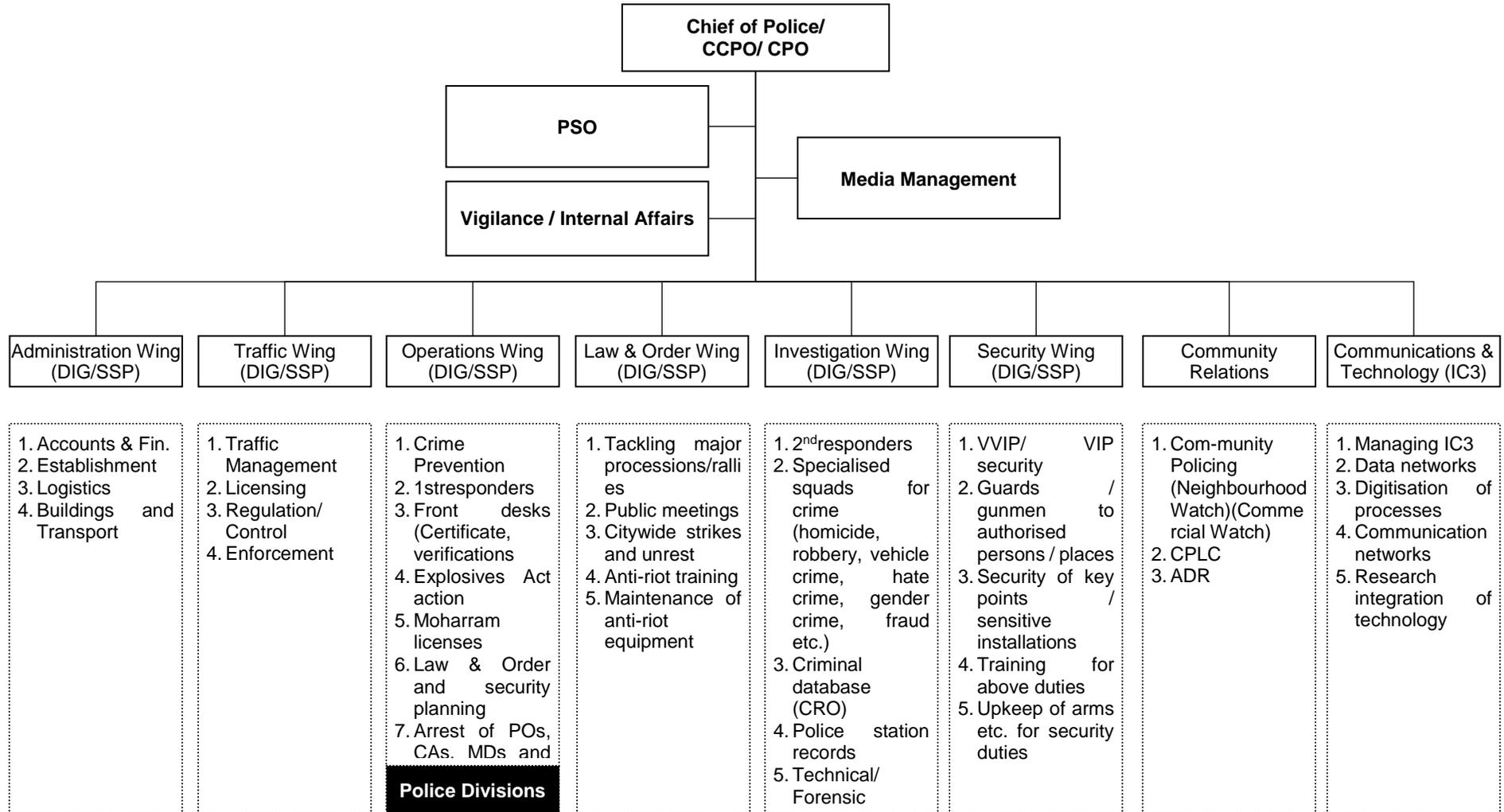
Office of Regional Deputy Inspector General (Investigation)



Office of District Superintendent of Police (Investigation)



Police Organization: Major Urban Centre



Police Divisions

Urban Police Division Organization

