

R POLICE F FORMS S



THE WAY FORWARD



ABOUT THE CENTRE FOR GOVERNANCE RESEARCH (CGR)

CGR is a forum for studies and debate on strategic and tactical issues related with good governance and the rule of law. It is a non-governmental civil society advocacy Centre dedicated to reforms in the justice and governance sectors.

As an independent think tank, CGR sets its own agenda, publishing and disseminating its findings regularly for national and global audience. Using an interdisciplinary approach, CGR brings together rule of law, justice and governance experts, researchers and internationally renowned professionals to animate its debate and research activities.

CGR aims to stand out as one of rare Pakistani think tanks to position itself at the very heart of debate on governance and justice issues.

CGR focuses on advocacy, research and studies in the following areas:

- Governance and Rule of Law
- Public policy
- Policing and Justice Sectors
- Serious and Organized Crimes
- Counterterrorism and Counter Extremism (CT and CE)

Meanwhile, the National Initiative against Organized Crime (NIOC) continues as a flagship project from the platform of the Centre for Governance Research (CGR).

ACKNOWLEDGEMENT

CGR would like to acknowledge that this Policy Brief has been written by NIOC Consultant Dr Syed Kaleem Imam.

7 November 2022

NIOC Policy Brief
**Police Reforms -
The Way forward**

Introduction

The police's performance is as much a public interest issue as it is an institutional concern. The police's work affects us all, especially when it comes to the security of life, property, and honor. Consequently, police reforms are being repeatedly discussed among ordinary citizens and veterans alike. With globalization, the advent of technology, and rapid means of communication, crime has changed its face while law enforcers are lingering. Increasing social disorganization is responsible for neighborhood decay and a widening gap of trust between the police and the public who used to be natural allies in combating crime and disorder.

The modernization of police functioning is imperative due to the fresh threats posed by emerging trends. The police need to be made capable of effective responses; nip the evil in the bud; to sustain good practices while also innovating in response to new challenges. A new approach can help bridge the current structural, functional, and operational gaps in policing, with the end goal being the improvement in the quality of public service delivery.

Scope and objective

This policy brief examines the evolution of police work, the obstacles it has faced, efforts for reform, as well as prevalent challenges. It correspondingly suggests a pragmatic way forward.



History of policing in Pakistan

The police system currently in vogue is a legacy of colonial mindset that was designed to deal with a set of social, administrative, and political circumstances that were vastly different from what we face today. The British may have been replaced by indigenous politicians, administrators, and stakeholders but the spirit of their policing system remains the same. The new paradigm is the protection of the interests of the ruling elite and those who matter. Although we are free of colonial rule, the 'law of the rulers and their hegemonistic urges' still prevails over the 'law of the land'.

Enigma of policing

Despite 75 years of freedom, expediency, and ad hocism, a preference for shortcuts continue to reign in policy circles. In the opinion of the common man, the current system is opaque, unfair, biased, and corrupt, and its policies lack equitability and inclusiveness. Meanwhile, continued deprivation and injustice have led



to an increase in social ailments, especially extremism, militancy, terrorism, and organized crime.

The criminal justice system continues to endorse selective policing, and it is therefore widely perceived that the police work for the elite and the ruling class. Instead of considering a police officer as an impartial and prudent friend public perceives him as an unethical, incompetent, financially, morally, and intellectually corrupt person.

Non-registration and minimization of crime and low detection rate are the countrywide common features of our policing styles. In short, the policing system is in shambles. It is no wonder that Pakistan is currently ranked 129 out of 140 in the World Justice Project's global Rule of Law index, and its position has been declining steadily for the past three years .

On the other hand, the police also face several challenges that hamper their performance. Police organizations are routinely understaffed and underfunded and suffer from severe extraneous

interference from rulers, bureaucrats, pressure groups, associations, and agencies . The tiers of police leadership and management lack tenure security, administrative independence, and operational autonomy . The lack of career planning, insufficient capacity-building programs, and lack of accountability have further polarized the organization's leadership.

It is unfortunate that despite thousands of police officers dying in the line of duty and many others being maimed, and others striving and working around the clock in very adverse environments police have failed to win the trust of the public. Successive governments have demonstrated a lackadaisical attitude to the issues being faced by the police.

Chronology of reform efforts

Some segments in different regimes, the police leadership, and civil society took certain steps over the years to address core issues, and certain changes were realized. The Chronicles of Reforms provides a fascinating account of police reforms:

1. There has been some improvement in the police structure, its functions, operations, salary package, training, recruitment, investigation, forensics, IT needs, and budget since then, based on the recommendations of 26 commissions and numerous committees.
2. The most significant reform effort was the Police Order of 2002. This was enacted to ensure public accountability of the police, reduce political influence, and enable the specialization of functions for better service delivery.
3. The Police Order was never implemented

in the Federal Capital, Islamabad, GB, and AJK. Sindh and Baluchistan quietly reverted to the Police Act of 1861 in 2011. While Punjab continued to meet its ends unevenly, Khyber Pakhtunkhwa enacted a Police Act in 2017. The Sindh government passed its Police Act in 2019 in violation of court orders in a bid to control and use the police for political designs.

4. In 2018 the Supreme Court took up the issue of reforming the police. A police reforms committee (PRC) comprising retired and serving Inspectors General Of Police was formed. The committee's two-volume report made the following recommendations:
 - i. A model police law that is uniform and standardized.
 - ii. An effective police accountability system is overseen both internally and externally.
 - iii. Improvement in the investigation on scientific lines with support from forensics.
 - iv. Alternate dispute resolution for speedy and prompt resolution of complaints.
 - v. The use of urban policing models in densely populated cities to control crime.
 - vi. Combating terrorism by enhancing the effectiveness of the criminal justice system; and
 - vii. Legislative reforms in line with national needs and international best practices.

Many of the agreed recommendations, however, have remained on paper for years now.

Challenges:

There are, however, several factors that have delayed the police in getting up to speed with modern technology and moving beyond its colonial mindset. These factors include but are not limited to the following bottlenecks and challenges:

- i. The authorities and the power elite, i.e., all those who wield power, continue to use the police as a tool to perpetuate their power.
- ii. Despite court orders, senior officers are not given tenure security.
- iii. Significant interference in police operations prevents them from working professionally.
- iv. Allocation of merely 3% of the provincial budget to the police department, of which:
 - a. 89% goes to pay and allowances and
 - b. A measly 11% is left for operational duties

The way forward:

- i. The Police Reform Committee's recommendations should be implemented in true letter and spirit.
- ii. Court orders must be executed concerning:
 - a. Operational autonomy of police.
 - b. Tenure security of police officers.
 - c. Unity of command in police ranks.
- iii. IG should be appointed only after strict due diligence but then be given guaranteed tenure. And similarly, all tiers below him must also receive tenure security.
- iv. The police should not remain an attached department.
- v. Alternate dispute resolution (ADR)

should be highly emphasized for prompt and speedy justice, especially the one that ensures the safety and welfare of vulnerable segments of society.

- vi. Gender sensitivity needs to be integrated into the police's approach and within the institution.
- vii. An organized and prioritized approach to community policing is needed.
- viii. The practical work of the police needs to be enhanced on scientific lines within the legal framework, and it is vital to do away with the militarization of police immediately.
- ix. A law to check and punish custodial torture and killings must be enacted.
- x. Apolitical policing should be ensured.
- xi. A democratic model of policing needs to be adopted and the highly centralized and reactive methodology should be replaced with proactive and egalitarian policing.
- xii. All amendments in criminal laws like the Police Order must be legislated with due process and as per the law, in consultation with the federal government.
- xiii. Provinces are still running their affairs according to the Police Rules of 1934, which draw their legitimacy from the repealed Police Act of 1861. They must draft their police rules as per the act in consonance with people's aspirations.

Conclusions:

Reforms are not a mere change in rules: they ought to lead to a change in an institution's attitude and mindset as well as improve its acceptance by the public. In our case, enough

documentation has been done and it is now time that the words are put into practice. Insisting on reinventing the wheel instead of implementing the recommendations that have already been made is an indication of the ill intentions of those in charge of the reforms.

The need is to modernize and update the institutional framework of the police and invest more in improving the professional and ethical pillars of the police force. Unless the police are organized as a politically neutral, non-authoritarian, and non-abusive force dedicated to the peace and security of the people, the whole point of having a police force for good governance is lost and the masses will continue to suffer.

'If we value privileges over principles, we'll lose both .

ABOUT THE AUTHOR



Dr. Syed Kaleem Imam holds a PhD in Politics and International Relations, an LLM degree in Human Rights Law from SOAS, UK, and an LLB and master's degree in Philosophy. He shares his understanding and research regularly at various training institutes and public forums, as well as in print and electronic media. He is the author of several publications both nationally and internationally. A 33-year career of exemplary service characterized his career. A former police officer and Federal Secretary of the Narcotics Control Ministry, he is a civil servant with extensive experience in the field. His national experience includes serving as SSP in Islamabad, Rawalpindi, Quetta, Sibi and Nasirabad; Additional Director Immigration, Chief Security Officer to the Prime Minister, Deputy Director General, Intelligence Bureau, Director of National Public Safety Commission; Inspector General Islamabad, Punjab, Sindh, and National Highways and Motorways twice. During his time with the United Nations, he served as Chief of Operations in Mozambique, Planning Coordinator in Liberia, and UN Police Commissioner in Darfur, Sudan. He has been decorated with three UN peace medals, the Quaid Azam Police Medal, the President's Police Medal, and the Tamagha-i-Imtiaz for national distinguished service. He is well-known as an academic, a security analyst, a strategist, and a policy practitioner.



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