Structural Organization of Police: Official Record of the Government of Pakistan Based on Cabinet Division and Secretariat

Abstract:

This research seeks to interrogate the overall organizational structure of police in Pakistan with the help of official record of the government of Pakistan. It provides the historical insight of Police reforms under British India. It examines the declassified official record of the Government of Pakistan. Several efforts have been made to reform and develop the police system but to no use. The article probes that British policies were far better than the reforms initiated by Pakistani ruling elite as particularly the institution of police which deteriorated rapidly owing to immense political influence. An effort has also been made to highlight the different phases of Pakistan's law and order history from 1947-2002.

Keywords: Police administration, Law Enforcement Agencies, Governance.

Introduction:

Advent of British India ushered new era in the development of administrative institutions in general and police in particular. Initially office of *darogha* was created for crime control and maintenance of public order. It had a force consisting of twenty to fifty officers. Magistrate was to supervise the office of *darogha*. But this office failed to improve the crime situation, So in order to inquire the causes of failure to preserve peace and order in Bengal in 1801 Lord Wellesley instituted a committee. But, the most important sub-committee appointed by the East India Company was in 1813 was mandated to inquire in the administration of justice and police in the territories held by the company. On the basis of the recommendations of this sub-committee, following reforms were incorporated:

- The office of the darogha and subordinates working under it was abolished.
- b) The village police was revived.
- c) But the significant measure was to combine the functions of revenue, executive and judiciary in one authority. Here, it is important to mention that "this combination of powers had been tried earlier and discarded in 1793. But again this venture of combining powers could not proved productive. Owing to the failure of these reforms, the Court of Directors of East India Company appointed a police committee to re-visit the above mentioned reforms and introduce more reforms. The committee reflected: The chief cause of inefficiency in the police was inadequate supervision and attributed many of the injurious effects due to the union of the office

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of Magistrate with that of the collector and therefore, recommended that the collector should cease to exercise magisterial functions or control over police. Initially, these reforms were introduced in the cities of Sindh, Bombay and Madras where British had strong control. But later on, Charles Napier's formula of police organization was replicated in other parts of the country as well. As far as civil administration was concerned police proved its worth through its discipline, efficiency and conduct, particularly, police of the paramilitary type on the style and pattern of the Irish-constabulary that reduced the British military expenses and improved the image of British Raj in the eyes of Indians because it was less cruel and more efficient force as compared to a military or paramilitary forces. Above all, police force served the British interests well for maintaining law and order. The issue of separation of powers between revenue, executive and judiciary became so burning in the 1850's that the British government had to face country-wide protests resulting in the appointment of a Torture Commission which submitted its report in 1855, by stating that it was impossible to look for any remedy against abuse of power without separation of revenue from police functions.

Although, it was not in the material interest of the Company to separate revenue from police functions because company's dominant interest was hauling raw materials from the colony to the factories back home and the collection of revenue from areas under their control. For this purpose, young European officers were appointed as collectors of revenue and in order to give them muscle, they were invested both police and judicial powers. But, nevertheless, it was accepted, though reluctantly, and approved by the court of Directors of East India Company, that a separate police force under a commissioner of police force for the entire presidency of Madras should be established. Later on, the Government of Madras deputed. J.D. Mayne, professor of law in the University of Madras, to draft a Police Act. It was also decided to eliminate control and direction of police by the District Magistrate. This draft was eventually approved by Lord Harris, the Governor of the Madras Presidency. But, owing to the unfolding of certain events i.e. war of independence in 1857 and other rebellious elements from the Indians compelled the British to change the bill, before it could be enacted into law. Finally Lord Harris, the Governor Madras was replaced by Sir Charles Trevelvan, an empire builder who did not favor separation of judiciary from police... under these circumstances, the provisions of the police bill was materially altered. Executive and judicial functions were combined and the title of the commissioner of police was changed to Inspector General of police on the pattern of Royal Irish constabulary. This amended bill became law in1859 as Act XXIV. Initially, it applied to the province of Madras but later on implemented throughout India. A police commission was accordingly setup in 1860 under the chairmanship of Mr. M.H. Court...The commission completed its task and submitted with its report a draft bill which was piloted.

Here, it is important to note the dichotomy of the British vis-à-vis Indian administrative polices.

Firstly, it was committed by Frere that there would eventually be complete separation of judiciary and police functions and withdrawal of all military functions from police. Secondly, it was also committed, that the bill was styled after the London Metropolitan Police Act of 1829. But, practically, the police was not separated from judiciary. Rather, it created a system closer to the Irish constabulary because it was organized to control a turbulent colony and so was the case with India particularly after the war of 1857. Third, from the colonial point of view, the Irish constabulary model was practically enforced and had been so successful initially in Sind introduced by Napier and subsequently in Bombay, Madras and Punjab respectively.

Thus, despite various objections the bill was enacted as Act-V of 1861 placing the police force under the command and control of the District Magistrate. By the same token, a note of dissent was recorded by Maharaja of Darbhanga state who was a member of the Indian Police Commission of 1902-03, better known as the Fraser Commission. He very wisely made his arguments logical and effective by giving reference to the British officers who were in favor of separation of powers. The police commission of 1860 recommended that as a rule there should be complete severance of executive and police from judicial functions by giving reference of Sir Bartle Frere in the legislative council of the time he expressed a hope that, the principle adopted by the police commission would at no distant date be fully and completely carried out. Sir Henry Prinsep who was in favor of creating a separate police department quite independent of the control of the Magistrate saves in respect of the prevention of a breach of the peace.

An Overview of Pakistani Efforts for Reforms:

Pakistan inherited colonial legacy as far as administrative institutions are concerned but keeping in view the changing circumstances many efforts were carried out to reform and review the British policies over the years. The following list compiled by the Human Rights Commission of Pakistan provides an overview of reform efforts which have been undertaken to improve the performance of law enforcement agencies in general and police in particular:

- 1948 Passage of Bill to Introduce a Metropolitan System of Policing in Karachi.
- 2. 1951 Recommendations of Sir Oliver Gilbert Grace, IG Police, NWFP.
- 3. 1961 Police Commission headed by Mr. Justice J.B Constantine.
- 4. 1962 Pay and Services Reorganization Committee (Justice Cornelius).
- 5. 1970 Police Commission headed by Major General A.O. Mitha.
- 1976 Police Station Enquiry Committee headed by M.A.K. Chaudhary, IG Police.
- 7. 1976 Law and Order Sub-committee headed by Ch. Fazal Haque.
- 8. 1976 Police Reforms committee headed by Rafi Raza.
- 9. 1981 Orakzai Committee on police welfare, promotion and seniority rules.
- 10. 1982 Cabinet Committee on the Emoluments of SHOs.
- 11. 1983 Cabinet Committee on Determining the Status of SHOs.
- 12. 1983 Sahibzada Rauf Ali committee.
- 13. 1985 The Police Committee headed by Mr. Aslam Hayat.

- 14. 1987 "Report of the Two-member Delegation's Visit to Bangladesh and India.
- 15. 1989 "Report of the Seven-member Delegation's Visit to Bangladesh and India
- 16. 1990 Police Reforms Implementation Committee-M.A.K Chaudhary.
- 17. 1995 Report of the UN Mission on Organized Crime in Pakistan.
- 18. 1996 Report of the Japanese Police Delegation on the Police System in Pakistan.
- 19. 1997 Committee on Police Reforms under the Chairmanship of Interior Minister
- 20. 1998 Report of the Good Governance on Police Reforms: Committee Vision.
- 21. 2000 Report of the Focal Group on Police Reforms: NRB Draft 2000²
- 22. Police Organization and Reforms in Pakistan by Mr. G. Ahmed in 1972³.

Returning to the SPE, it is interesting to examine its performance in 1957. In January, 1957 SPE registered 16 new cases of these, one was registered at Karachi, eight at Lahore, three at Bahawalpur and four at Dacca. The antismuggling staff of the central Govt. seized goods worth Rs.67 million similarly, in February it registered 17 new cases, and of these, four were registered at Karachi, four at Lahore, two at Bahawalpur, six at Dacca and one relating to State Bank Karachi regarding currency case. Its anti-smuggling circle seized goods worth Rs.29,766 and registered six cases of smuggling and black market. In March 1957, it registered 31 cases and of these, six were at Karachi, eighteen at Lahore, five at Bahawalpur and two at Dacca. Its anti-smuggling circle sized goods worth Rs.35,730/-. In May 1957, it registered 16 new cases, and of these four were at Karachi, two at Lahore, eight at Bahawalpur and two at Dacca. Its Anti-smuggling staff seized goods worth Rs.20, 823 and registered 42 cases of smuggling.

In June, it registered eighteen new cases and of these, three were at Karachi, four at Lahore, and eleven at Bahawalpur. Its anti-smuggling staff seized goods worth Rs.22, 979. In July, it registered twenty two new cases, of these, seven at Karachi, ten at Lahore, two at Bahawalpur, two at Dacca and one at State Bank circle Karachi. The anti-smuggling circles seized goods worth Rs.83,002 and registered seven cases of smuggling and black-market operations. In September, it registered 13 new cases, and of these, four were at Karachi, four at Lahore, three at Bahawalpur and two at Dacca. Its anti-smuggling circle sized goods worth Rs.26,162/- and registered three cases of smuggling. In October, the SPE registered 31 new cases, of their, four were at Karachi; eleven at Lahore, thirteen at Bahawalpur, and three at Dacca. Its anti-smuggling staff seized goods worth Rs.32, 308 and registered seven cases of smuggling. ⁴In order to reform policies regarding the police a few amendments were made in the security of Pakistan Act of 1952 such as:

a. The scope of activities of the Act has been extended to activities prejudicial to the maintenance of special supplies and services in the federal capital. It would enable the central government to take action against smugglers, bounders etc. Amendment in sub-section (7) of section 3 of the Act has made it compulsory for the Government to indicate a time-limit in detention orders. New sections 3-A, 3-B and 3-C have been added to the Act.

- '3-A provides for the temporary release of detainees after entering into a bond with or without sureties'.
 - '3-B provides for an execution and detention orders'.
- '3-C empowers the detention order even outside the territorial jurisdiction of the government'.
- b. The amendment in section 8 of the Act has empowered the advisory board to hear in Persons, the person effected by under the act, it thinks fit or if the person concerned so desire. Other amendments in this section provide for the six monthly reviews in all the cases where orders have been issued under clause (b) of sub-section (1) of section 3 and section 10, 11&12 of the act.⁵

Initially, the cabinet secretary explained the consent of Governor to redefine the rules regarding the option of special induction that were prepared in a hurry, so, contained several short-comings. So it was decided that new rules should be incorporated by a committee of senior officers rather than a public service commission. For this purpose a committee was appointed consisting of Edward Snelson, A.R. Khan, and H.A. Majid. But, on the merits of the proposal the view expressed was that the number of cases would be so large that the committee of senior officers would not have sufficient time to attend to them. Secondly, examination by Public Service Commission would create more confidence among officers and it would also prevent favoritism and victimization. Hence, no amendment was made and previous system of selection by Public Service Commission continued. Here it is important to quote the summary of the cabinet vis-à-vis police profile which will help us understand the institution of police.

At a time when Government has undertaken large scale social and constitutional reforms, to the discomfiture of sizeable and influential vested interests in the country, it is somewhat disconcerting to final that the police morale is so low. Not only, nothing substantial has been done in 14 years since partition in the matter of police housing, equipment and transport, as compared with other development sectors, but certain retrograde measures have been taken in other directions such as the position of the police in the order of precedence, and the relationship between the police and magistracy etc...It is necessary to see if anything could be done to raise their morale without unduly straining government's financial resources. It is easy to see that action in the sphere of housing etc; will take time as it involves money. Something however, can and should be done immediately in the other spheres....

... In pre-partition India, the I.G. ranked immediately after Chief Secretary in article 35 and in the revised order of precedence in India this position has been maintained; whereas in Pakistan, the I.G. has been lowered and bracketed with provincial secretaries some of whom are very junior officers. This has caused a lot of heart-burning. Similarly, DIGs have been placed below Deputy Commissioners some of whom in the present setup are comparatively junior officers. The S.P. who is the king-pin in the police hierarchy and on whose morale and efficiency depends the success of the entire police fabric, does not find a place in the new order of precedence. It is felt that this officer who is the main prop in

the district administration with all its present hardness and complexities resulting from de-centralization should be given a place...As regards confidential reports, a controversial subject, we think that Deputy Inspector-General should initiate the report upon superintendent of police and role it through the commissioner who will no doubt ordinarily consult the District Magistrate.⁷

On the basis of this summary and analysis of police profile by cabinet, few suggestions have been recommended and it also got the approval of the Minister for Home Affairs.

- a. The position of I.G. in the order of precedence be restored to the original position, he be placed in article 27 along with Divisional Commissioners and Joint Secretaries to central Government.
- b. The DIG should be moved up to article 33 where the Deputy Director Intelligence Bureau has been placed.
- c. The S.P. should be placed in article 34, the last article in the order of precedence.
- d. The DIG should initiate the report on S.P. and route on S.P. and route it through the Divisional commissioner who will ordinarily consult the Deputy Commissioner.
- e. A police medal is to be instituted to mark the occasion.

Few attempts had also been made for seeking cooperation between central and provincial police by merging them. One such example is as follows:

In a meeting held in the supreme commanders house in October 1958, among other things it was decided that the Special police Establishment should be merged with the respective provincial police cadres and that the provincial Governments should extend the fullest possible cooperation to the Inspector General Special Police Establishment, in the selection of the right type of men needed by him. Following reasons were given for merging SPE with the provincial police.

- a. Special police Establishment is a small organization and cannot therefore, make proper arrangements for the recruitment and training of staff.
- The experience of AD-HOC arrangements has been not as successful as it should be.
- c. Provincial police by having local men with indigenous knowledge of the nature and pattern of crime has been more useful.
- d. All executive posts should be filled by obtaining suitable men on deputation. It is pertinent to mention regarding the numerical strength of the officials of SPE and that of on deputation from provinces i.e. Special police Establishment has 456 officers, 96 belong exclusively to special police establishment. 360 officers are on deputation from provinces". In order to give it a legal cover, the Ministry of Law was requested to draft a President's Order and to get approval of the Cabinet. Accordingly, the summary for the cabinet was approved after being put up by the minister

for Home Affairs. Again, in order to reform police some experimental schemes have been carried out in this regard one important scheme was the village police scheme. It began under the directions of the Government of Pakistan received with president's secretariat (Cabinet Division), note on 27/C.H 59 dated the 20th April 1960. Village police was established as an experimental measure in the three selected districts of Peshawar, Multan and Hyderabad for a period of six months with effect from the 1st of August 1961. During the experimental stage the scheme was to be tried in two alternative forms as under:

- a) The scheme where under the village policemen would be under the administrative control of the S.H.O. Police.
- b) The scheme where under the village policemen would be under the administrative control of the union council.
- c) It is interesting to note the opinions of Commissioners, Superintendents of police, Divisional Inspector General, Inspector General of police and the provisional governments of the cities of Peshawar, Multan and Hyderabad, where village schemes has been experienced ⁹. Commissioners of Peshawar, Multan and Hyderabad are unanimous that by and large the experiment has been a success and they recommended the supervision of policemen under the chairman of Union Council. Reasons given by them were as:
- a) Village Policemen have to serve only one master the chairman of union council and consequently it prevents the friction between the union council and the local police station.
- The salaries, recruitment and management procedure corresponds to b) union council, so its supervision must be given to chairman union council. Actual field experience has shown that village policeman working under chairman union council has been more successful particularly in the selecting up of conciliation courts in the village. The commissioners have however recommended some minor modifications in the scheme such as increasing in the pay of village policemen and provision of uniforms and financial aid from Government. The view of SP Hyderabad was that the system has worked well. He, however, preferred the alternative where the village policemen worked under the S.H.O. police. The D.I.G Police Multan opposed the village policemen and suggested to have one regular policeman against village policemen under union council. The Inspector-General of police acknowledged the views of commissioner to be guiding factor. Last but not least, provincial governments also recommended the adoption of the scheme where in the village policemen will work under the control of chairman union council. An effort was also made to reduce provincialism and to make police centrally controlled having a national outlook despite the fact that it is made for controlling provincial law and order situation. In this regard one such reform was that the P.S.P ...should be made more centralized and the system of inter wing transfers of officers be introduced. 10 It was

further proposed that the system of inter-wing transfers of C.S.P. and P.S.P. officers be made on following terms and conditions.

- 1- Officers should be posted to the other wing during the initial period of service.
- 2- Officer should not be posted to his home province before the period of three years.
- 3- Expatriation allowance should be raised to 25 percent of pay.
- 4- Rest houses should be built at Karachi, Lahore and Dacca for use by the officers in transit.
- 5- Residential accommodation should be guaranteed to officers posted. Special powers were proposed for the police in order to deal with disturbances in the country.
- 1- Power to fire upon persons contravening certain orders not below the rank of an Assistant sub-Inspector, if in his opinion it is necessary for the maintenance of public order after giving such warning.
- 2- Arrest without warrant for the person who has committed a cognizable offence.
- 3- To enter and search without warrant to recover any person believed to be wrongfully restrained or suggested to be starless property or any arms believed to be unlawfully kept in such premises.

Structural Organization of Police in Pakistan:

Now, it seems pertinent to have the overview of the structural organization of police in Pakistan for comprehensive understanding. Although, there are two major police structures i.e. provincial police and the Railway police, yet, Federal Capital Police and Federal Investigation Agency (FIA) are serving in Islamabad. There are also anti-corruption departments serving under the domain of provinces. ¹¹ To understand the police organization structure, it is necessary to examine the police's functional hierarchy. By and large the law and order is a provincial subject and police is the main institution to maintain it. The hierarchy is as follows:

Inspector General of Police IGP (BPS-22) province Additional Inspector General of police Addl. IGP (BPS-21) province Divisional Inspector General of police DIG (BPS-20) Divisional range Senior Superintendent of police SSP (BPS-18-19) district Superintendent of police SP (BPS-18/19) district Assistant Superintendent of police ASP (BPS-17/18) Deputy Superintendent of police DSP (BPS-17) sub division/Tehsil Inspector (BPS-16) Thana Sub Inspector (BPS-14)

Assistant Sub-Inspector ASI (BPS-9/11) Head constable HC (BPS-7) Foot constable

FC (BPS-5) In terms of categorization

- 1- Constable to head constable is Lower subordinates.
- 2- ASI to Inspector is higher subordinates.
- 3- ASP and above are gazette officers.

The above structural organization and functional hierarchy was based on Police act of 1861. Up till 2002 it was working but in 2002 police order was incorporated. Under the police order 2002, the terminology has slightly changed, but, by and large the structure has remained the same. According to it the chief of the police force in the provinces are provincial police offer (PPO) equivalent to the level of IGP previously. Secondly, each provincial capital is referred to as a capital city which has a capital city police officer (CCPO) recruited from among the officers of the rank of additional IG. Then each city district has a city police officer (DPO) recruited from the level of at least SSP or SP rank. Lower hierarchy remains largely the same ¹². Although, an effort was made to reform police in police order 2002 but it proved counterproductive.

Instead of ensuring the autonomy of the police the devolution of power to elected local governments dominated by landlords with five to twelve years of education turned it into the servant of the elected district heads, the nazims ¹³. The police reforms required that the district police officer submit an annual policing plant to the district nazim. This plan must be approved by the nazim and copies sent to the sub-districts, towns and provincial government. The nazims have the power to inspect police stations and hold their district police accountable. They also write the manuscript portion of the performance evaluation report of the district police officer and coordinate between the district coordination officer and the police. To oversee the police and the nazims safety commissions and complaints commissions drawing a third of their members from the ranks of national and provincial assembly members, a third from the district councils, and a third through selection by a panel, have been constituted, for the most part on proper...

In the meantime, the abolition of the commissioner system with police supervisory powers in the hands of the DMG combined with the non-functionality of the other 'Institutional mechanisms' have produced dire consequences: since the promulgation of the police order, a corrupt and violence-prone force has been allowed a free hand without external accountability. In fact, selective implementation of the order in an overall environment of the absence of rule of law has resulted in a sharp rise in reported police excesses crimes, and deteriorating law and order. Azhar Nadeem Hassan, a police officer, has presented law and order situation historically through the lens of political economy. He divides the law and order History of Pakistan in to the following eight phases. ¹⁴

Period of Settling Down (1947-1958)
Period of Relative Stability (1958-1967)
Interregnum(1968-1971)
Period of Settling Down (1972-1977)
Period of Relative Stability (1977-1988)
Period of Political changes and uncertainties (1989-June 1997)
Period of Relative Stability (1997-1998)
Difficult and Challenging Period (1998-1999)

According to Hassan, everything was in a flux in the first phase. Law enforcing machinery had to confront multiple problems i.e. massive migration, mob violence, transfer of property and so on and so forth. Hence in this period law and order machinery was in its infancy and was neither trained nor properly equipped to deal with their initial problematic issues. Owing to political stability the second phase was a period of relative stability. and economic growth Particularly financial assistance from United States brought industrialization in the country leading towards economic development and upward social mobility .Hence, Economic Development generated employment opportunities, consequently propensity to crime remained at a relatively lower level. Third phase was marked by deepening of the political divide between the East and West wings of the country .Particularly, Politicization of campuses and introduction of weapons to students' unleashed new trends vis-à-vis crime patterns. The fourth phase was the period of "settling down after war of 1971 and rebuilding of the shattered economy juvenile delinquency and vandalism showed an upward trend, misappropriation by government employees also increased. Political polarization gave birth to political offences. Hence, owing to massive political influence in institutions, law and order situation further deteriorated. The fifth phase was marked by proliferation of weapons, drugs, illegal trade, and sectarian violence. The vicious circle of smuggling and the use of drugs enhanced the commission of the worst type of crimes in Pakistan. Last but not least, over-emphasis on Islam led to the politics of religion deteriorated the social, political, culture and economic fabric of state and society. The sixth phase was marked by the period of Lawlessness particularly Karachi witnessed the virtual collapse of administration. Moreover, Drugs related crimes had a political cover and patronage which resulted in crime for all sorts and types. The seventh phase was based on one year which was comparatively progressive in dealing with law and order situation. A relatively better trained force designated as the Elite Force was raised to combat organized violent crime in the Punjab, anti-terrorist courts started functioning and ethnic and sectarian terrorist groups were exposed politically.

The last phase was difficult period owing to U.S sanctions on Pakistan's economy which resulted in the aftermath of nuclear tests. In this period the freezing of foreign currency accounts led to an increase in white collar crime while dollar lawlessness showed an upward trend. Azhar Nadeem Hassan's description of law and order situation in all these years is based on political economy of Pakistan's history. He tried to interlink the patterns of crime and its changing nature with economy. To some extent, his analysis for determining the impact of lawlessness on economy suggests more cooperation between economic institutions and law and order machinery for better governance.

Conclusion:

Historically examining the institution of police by focusing on official record of the Government of Pakistan we can conclude that many reform efforts have been initiated but they failed to deliver the results. It can also be assumed that Pakistan's rulers have not been as ill-advised as one may infer from their actions. Moreover, by comparing British policies and Pakistan's ruling elite's effort to reform it reveals that former were far better than the latter's so-called reform agenda. One example is sufficed to clear the point of view. Often the police Act of 1861 have been criticized owing to the immense power exercised by District Magistrate and subordinate nature of police under it. But, what has Police Order 2002 reformed? Ironically, it made police even more subservient to politicians. The British conspicuously made police under the control of district magistrate to prevent expenses, and for maintaining law and order effectively. Yes it is true that British being colonial masters made policies and laws that served their own vested interests and these laws were not prone to the welfare of the Indians. But even then their policies were far better than the reforms initiated by Pakistani ruling elite as particularly the institution of police deteriorated rapidly owing to immense political influence. In the name of devolution of power, the Police Order 2002 created havoc in the institutional and professional autonomy of the police by focusing police reforms generally and comparing Police Act of 1861 with that of the Police Order 2002. It can be concluded that reforms embarked upon have done more harm than good.

Notes & References

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