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Revisiting Police Reforms in Pakistan: A Critical Analysis

Abstract:

The main objective of the present research is to explain why the policy makers in Pakistan have failed to reform the police in a manner consistent with the dignity, prosperity and security of its citizens. It is pertinent to explore that why reformers have either been ineffective to understand police's structural imperatives or having understood failed to translate their ideas into practice. Owing to these problems society has become ungovernable. Any serious attempt to reform the institution of police must take into account the history, culture and ethos of state apparatus and society where the reforms are to be introduced. By explaining the historical analysis of police reforms in Pakistan's history has been examined critically and comprehensively and an effort has been made to highlight ground realities which would help policy makers and reformers understand the flaws of erstwhile reforms and thus contributing towards the improvement of the institution of police.

Keywords: Institution of Police, Police reforms, British Policies, Human Rights Commission

Introduction:

A rational understanding of the crisis of governance in Pakistan that is grounded in historical experience is very important for the solution of the state problems. This case study of the institution of Police reveals that the Pakistani State and society is witnessing a behavioral pattern of regression. Broadly speaking the Pakistani police is deteriorating owing to a lack of material and legal modernization of police which is a much neglected and maligned institution, and last, but not least, due to the failure of the ruling elite to understand the central importance of law and order to the achieve the development goals. In trying to provide a rational explanation of police reforms in Pakistan, this study is oriented towards explaining why police reforms failed to produce their desired results. The minister of Home Affairs accepts the proposal after consulting provisional Governments and the Ministry of law¹. Although, SPE has been working since 1948 to deal with the cases of corruption among government officials, it lost its professional outlook. So, it was revised under the Constitution of 1956 in the entry 18 of the Federal List. This entry got further impetus with the congruence of the Ministry of Law that their entry gives authority to the central government to constitute SPE as an investigating agency. It was also agreed that it could have all the powers necessary

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for discharging its functions as an investigating organization e.g. powers of arrest, seizure of property and prosecution. So in order to maintain status quo in this regard, a new entry was added to the third schedule of new constitution i.e.33-A Measure to combat corruption and the establishment of a police force for the purpose.

This summary finally got the approval of the Minister of Home and Kashmir Affairs.² Several measures have also been taken to make the police departments autonomous. One such step was separation of anti-corruption department. A recommendation for separating the anti-corruption department from the police had been made in 1969-70 police commission. But, after taking in to consideration the views of the provinces it could not be considered for submission to cabinet. Similarly, the setting up to anti-corruption tribunals at the provincial and central level could not be materialized owing to the provincial disapproval.³

Historically keeping in view the declassified record of the Government of Pakistan and the reports and committee's held for reforming the institution of police it must be acknowledged that G. Ahmed's committee on police organization and reforms in Pakistan is considered to be the landmark and standard in this regard. It is pertinent to mention, that G. Ahmed's committee got feedback from the president, the Cabinet Committee meant for reviewing his recommendations and the Provinces.⁴ In order to understand the importance of the recommendations of this committee it is imperative to discuss them in detail.

Its recommendations were as follows.

- a- Police should be given special importance owing to its difficult job at times risking their life. Police should be accountable to public and for this purpose he proposed the setting up of consultative committees to review police public relations... District magistrate would head these consultative committees and superintendents of police, Deputy Superintendents of police should attend their meetings. Police should be accountable to the government. According to the police Act 1861 the District police is to be under the control of district Magistrate, who is to be the captain of the District team and would be answerable to Government on the provincial level and the Inspector general of police would be responsible to the Home Secretary. The intention was to reduce the arbitrary use of power by a uniformed force. Thus the supremacy of magistracy over the police had to be established. The District Magistrate could transfer upper subordinates in the District police and could write the annual confidential reports of the SP. The commissioner was given the authority to write the annual confidential reports of divisional inspector general. Over a number of years this authority been taken away from the District Magistrate, the commissioner and the home department, resulting in independence and lack of accountability on the part of police. It has therefore, been recommended that the Governments should revert to the old system by ensuring that:

- 1- The District magistrate exercises state authority over the police force.
- 2- He has the authority to inspect any police station at any time.
- 3- No transfer of an S.H.O. should take place without the prior approval of the District Magistrate.
- 4- The District Magistrate is authorized to write the annual confidential report of the superintendent of police.
- 5- The commissioner should imitate the annual confidential report of Divisional Inspector General of Police.
- 6- No transfer of an S.H.O. should take place without the prior approval of the District Magistrate.
- 7- A District magistrate can order the transfer of an S.H.O

The president agreed with all except (6) and (7) and observed that such an authority would undermine the position of superintendent of police and that district magistrate could always use his powers for the transfer of a S.H.O. According to his own will while the “provincial governments agreed with the proposal 1 to 5. G. Ahmed proposed the appointment of an independent commissioner for administration at the centre and in each province on the lines of ombudsman in U.K. and Scandinavia countries. But, the committee gave an alternative i.e. administrative court that would be processed by the Cabinet Secretariat in consultation with Ministry of Law. The president endorsed the committee’s recommendations of setting up administrative courts but, nevertheless, he was of the view that the institution of ombudsman may be given a trial. Provincial Governments agreed with the President.

G. Ahmad also recommended that the complaints made by police officials of victimization by influential citizens be made actionable through a clearly defined procedure. But the committee and president did not accept this proposal on the plea that laws already existed which provide heavy penalties for interfering with police duties. All provincial governments except NWFP supported the president’s and committee’s views.

G. Ahmed also recommended that the cases of police officers with a persistent reputation for corruption should be placed before anti-corruption tribunals for summary retirement from service and the retirement should be without pension or with proportionate pension if the tribunal so recommends. The committee agreed with the proposal of setting up anti-corruption tribunals. Moreover, it further explained the organization of anti-corruption tribunals to deal with the cases to be headed by the commissioner of the Division with one appeal from the order of this Tribunal to the provincial tribunal.

The cases of officers, of the rank of Inspectors, DSPs and SP belonging to provincial service should be placed before a provincial tribunal which should have the provincial Home Secretary and (IG)’ Inspector General as its members. However, “In the case of PSP officers a central tribunal should be set up which

should consist of the Home Secretary and two other secretaries to be appointed by the government. An appeal from the order of the provincial tribunal would in their case lie to the governor and an appeal from the central government to the president.” Punjab, NWFP and Baluchistan agreed, but Sindh disagreed on the plea that it wanted normal anti-corruption laws applicable to other government servants to also apply equally to the police in terms of the organization of the police; G. Ahmed proposed to divide the police into various branches.

- a) Crime police
- b) Armed police
- c) Traffic police
- d) Mounted police
- e) Railway police
- f) Border police
- g) Police for prosecution duties
- h) Federal police
- i) Police for the protection of the president

By and large the committee of the cabinet for reviewing Mr. G. Ahmed recommendations agreed with the proposal of dividing police into various branches. Moreover president and provinces also agreed. G. Ahmed urged the Government to enhance the facilities and benefits for police and their families:

- a) Free medicines for police and their families
- b) Free education up to matriculation for the children of police officials
- c) Residential accommodation for police and their families
- d) Increase in allowances
 - i. Crime allowance
 - ii. Conveyance allowance
 - iii. Washing allowance
 - iv. House rent allowance.

He also proposed to improve the image of police through proper publicity and for this purpose a senior public relations officer should be employed in the Inspector General's (IG) office in each province. To sum up, above discussion was based on the chronological order of the declassified documents of the government of Pakistan based on cabinet division and secretariat. It reveals interesting reform policies by the government of Pakistan in order to reform the institution of police. With these in mind we can now examine the police structure in Pakistan. 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.⁵

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.
- b. 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 ⁶ . 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.
- b) The salaries, recruitment and management procedure corresponds to 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.⁷ It was further proposed that the system of inter-wing transfers of C.S.P. and P.S.P. officers be made on these terms and conditions i-e officers should be posted to the other wing during the initial period of service, officer should not be posted to his home province before the period of three years, Expatriation allowance should be raised to 25 percent of pay, Rest houses should be built at Karachi, Lahore and Dacca for use by the officers in transit, residential accommodation should be guaranteed to officers posted. Special powers were proposed for the police in order to deal with disturbances in the country, 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, arrest without warrant for the person who has committed a cognizable offence, 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. We can now examine the police structure in Pakistan.

Several efforts have been made time by time after the establishment of Pakistan. Here is an overview of all the reforms which were introduced regarding the institution of police.

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:

1. 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.
6. 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 SahibzadaRauf 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 2000⁸
 - a. Although the report of Human Rights commission on police organizations comprehensively outlines the chronological order of the reports of committee's in order to reform police. But nevertheless, it missed two important reports.
22. Police Organization and Reforms in Pakistan by Mr. G. Ahmed in 1972⁹.
 - a. Report of Foreign Experts Composed of Romanian Police Officers in 1976.

A Critical Analysis of the official Record:

Now, to provide a detailed analysis of the reports of committees and commission on police, it is imperative to critically and comprehensively examine the official record. So the effort is made to study the de-classified record of Cabinet Division and Secretariat. The history of making policies vis-à-vis police started with the 'Pakistan Special Police Ordinance 1947'. In the meeting held on 24th December 1947 the ministers for interior, information and education collectively decided for the "Special Police Establishment (SPE)" for combating corruption in addition to provincial police that is subject to local political influences. Cabinet referred this decision to provinces for consultation on two points.

- a- For the establishment of SPE to combat corruption.
- b- To amend concurrent list of India Act 1935.

All the provinces except Sindh agreed. Sindh disagreed on the following points.

- 1- Corruption in the provinces should not be investigated by a central police force.
- 2- Central police force would undermine provincial autonomy.
- 3- Provincial government had already decided to appoint their own anti-corruption officers and so there is no need for centrally controlled special police forces for this purpose.

The objections raised by Sind government did not seem convincing. Hence, keeping in view the urgent need to constitute a special police force Governor General decided to make and promulgate the ordinance under the powers conferred by Section 42 of the Government of India Act 1935. Finally the ordinance was made named as Special Police Establishment (SPE) Ordinance, 1948.¹⁰

Historically speaking, the Indian SPE was created in 1941 by the Government of undivided India for suppressing corruption in the wake of war, but, in 1943 its scope was enlarged and with Partition few of its staff came over to Pakistan. Subsequently, it was re-visited by Pakistan's interior ministry and in this regards Special Police Establishment ordinance 1948 and Pakistan criminal law amendment Act 1948 was incorporated.

The SPE's main headquarters were at Lahore, Karachi and Dacca. There was no direct recruitment and staff was drawn from provincial police. The S.P. of every Headquarter was given the charge for its executive and clerical matters. Its primary function was to investigate cases of bribery, corruption and abuse of power. The registration of cases, its investigation and execution were very complicated. As far as its performance and significance is concerned it can be examined by examining its dealing with two cases.

Through the timely action, it saved government a loss of Rs.1,55,588/- in the shape of iron bars which were being given to the allotted of Wah cement factory as scrap. It found that merchandise costing about Rs.5,000,000 was imported and dishonestly and wrongfully declared as goods in transit to Afghanistan, thereby evading payment of Rs.3,000,000 as import duty besides the sales tax and income tax etc. Although, these two cases handled by SPE during 1948 and 1949 are not enough to determine the overall performance nevertheless, the effectiveness and sincere effort by the new organization can be seen. SPE also faced difficulties such as insecurity of tenure because it lacked permanent organization, structure, recruitment, promotions, transfers etc. Moreover, the staff was temporarily managed by the provincial police. It is interesting to note that the cases registered were usually against the government servants owing to corruption so they created hurdles during investigation and prosecution of cases. In a meeting held on 16th November 1948 in Karachi that was attended by Minister for the Interior, the Inspector General, Assistant I.G. of Police East Bengal and the Secretary General, an issue was raised by the I.G of East Bengal regarding the desperate need of officers in his police department. For this purpose, he suggested, that arrangements should be made for AD-HOC recruitment to the Pakistan police service cadre of East Bengal.¹¹

Owing to the lack of time, the police department could not afford to recruit officers through regular competitive examinations. It was the view of meeting, therefore, that the suggestion of I.G. of police East Bengal should be taken up on an all Pakistan basis. Accordingly, all provincial governments were consulted for their demand of officers. So, requirement of various provinces are as follows:

	Age Group	Age Group	Total
	(26-30)	(31-35)	
East Bengal	7	8	15
West Punjab	3	3	6
NWFP	3	-	3
Sindh	13	11	24

In immediate effects the officers were selected on ad-hoc basis. So, it was the first exit from the documented code of recruitment through competitive examination. There was a joint cadre of Indian police officers for the provinces of NWFP, Punjab, Delhi and Baluchistan in undivided India. But owing to the Partition the situation changed rapidly, so there was a need to revive the administrative structure particularly law enforcement agencies to avoid anarchy. It was observed that the government considered that there was no material advantage in the retention of a combined cadre of P.P.S. for these provinces. Hence, all the provincial governments agreed to the proposal and west Punjab government suggested that this separation should take effect from the 1st February 1949.

By and large the law and order is a provincial subject and police is the main institution to maintain it. 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.

It can be concluded that Pakistan's ruling elite, instead of progressive legislation, has initiated regressive laws in the similar direction of the medieval rulers that brought the state on the brink of collapse. Even it made the matters worse and aggravated the problem which brought the institution of police to the brink of collapse.

Conclusion:

Police is the main institution to maintain law and order in the society. As far as administrative institutions are concerned Pakistan has inherited colonial legacy. Same is the case with Police institution but during the course of time several efforts have been carried out to reform and review the British policies over the years. The study done by the Human Rights Commission of Pakistan provides an overview of reform efforts which have been undertaken to develop the performance of law enforcement agencies in general and police in particular. Several actions have also been taken to make the police departments autonomous. Historically, keeping in view the declassified record of the Government of Pakistan and the reports for reforming the institution of police, it must be accredited that G. Ahmed's committee on police organization and reforms in Pakistan is considered to be the milestone in this regard. Efforts have also been made to unite provincial and central structures of police. But all these efforts remained futile to improve the performance of the Police.

Notes & References

¹1962, File No. 399/CF/62, Govt. of Pakistan, Cabinet Secretariat Note on 'Special powers of police and Armed forces to deal with disturbances in the country.

²1962, File No., 466/CF/62, Govt. of Pakistan, Cabinet Secretariat, Note on 'Measures to combat corruption.

³1972, file No.135/CF/72, Govt. of Pakistan, cabinet secretariat, Note on "Separation of Anti-corruption department from the police & setting up to anti-corruption tribunals."

⁴1972, file No.43/CF/72, Govt. of Pakistan, Cabinet Secretariat, G. Ahmed's Committee on Police Organization and Reforms in Pakistan'. 1-24.

⁵1961, File No. 451/CFG/161, Government of Pakistan, Cabinet Secretariat. Note on, Merger of the Special Police Establishment with the provincial cadres.

⁶1962, File No.28/CF/62, Government of Pakistan, Cabinet Secretariat. Note on introduction of the village Police Schemes.

⁷1962, File No 114/CF/62, Govt. of Pakistan Cabinet Secretariat, Note on interning transfer of CSP officers and centralization of PSP cadre.

⁸*The Report of the Human Rights Commission on Police Organization in Pakistan* (New Delhi: CHRI and HRCF, 2010), 18-19.

⁹1972, File No. 43/CF/72, Government of Pakistan, Cabinet Secretariat, *G.Ahmed's committee police Organization and reforms in Pakistan*.

¹⁰1947, File No. 218/CF/47, Government of Pakistan, Cabinet Secretariat, Note on 'Pakistan Special Police ordinance 1947.

¹¹1949, File No 5/CF/49, Government of Pakistan, Cabinet Secretariat, Note on Filing of a proportion of vacancies in the Pakistan police service by AD-HOC selection through P.P.S.C.