

Good Governance and Police Administration in Pakistan

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Abstract

For a police organization that meets the needs of its members and the people it intends to serve requires it to be consistent and in consonance with the notion of good governance. Most of the rules and regulations and practices though have continued over the years as a colonial legacy but good governance practices need to be made an integral part of the system. This paper starts out with an introduction to the concept of governance and its indicators that are applicable to police administration. It further analyses the level of adherence to good governance in current police administration so that loopholes in it can be identified. Since the concept of good governance is non-empirical so its gauge like transparency, accountability, equity and inclusiveness, rule of law, efficiency and effectiveness have been analyzed to evaluate as to how far it is being followed.

Key Words: Police, good governance, administration, accountability, system

1. Governance

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Governance is the state of power relationships across different levels of a hierarchy. These power relationships are manifested most clearly in decision making. Therefore governance is defined as “the process of decision making and the process by which decisions are implemented” (<http://www3.actionaid.org/pakistan/1791.html>).

It is also described as “a process by which power is exercised without explicitly stating the ends being sought” (Latif, 2003). Good governance in any organization can be ensured where this decision making involves transparency, accountability, equity and inclusiveness, rule of law, efficiency and effectiveness. Although there are other indicators of good governance but indicators relevant to police administration have been discussed here.

The function of governance in any organization is that it “fulfills the overall purpose and intended outcomes” (The Good Governance) and operates in an “effective and efficient manner” (http://www.cipfa.org.uk/pt/download/governance_standard.pdf).

Purpose in case of police organization is protection of life, property, liberty of citizens and preservation and promotion of public peace. Hence all members of the police organization must be clear about the functions of organizational governance vis-à-vis good governance and their own responsibilities as a part of police administration, as well as be unambiguous about the role of other institutions to ensure proper working.

Follow up regarding the implementation of decisions is equally important and efficient use of resources must be taken care of. On the other hand governing bodies also need to have multiple accountabilities forum; to citizens and to higher authorities (http://www.cipfa.org.uk/pt/download/governance_standard.pdf) that is internal and external oversight though courts constitute a major forum in this regard

An analytical perspective of good governance indicators in the three historical eras is elucidated at table one.

Table No. 1
Timeline of Good Governance Indicators

Governance Indicator	Pre-British	British Era	Post-Independence
Transparency*	Lack of set rules and regulations regarding recruitment, training, intelligence gathering, community policing, information collection, detection and prevention of crime.	Some degree of transparency in this era. Set pattern for recruitment, training, intelligence gathering etc.	Rules and laws are in place but access to information regarding police working is not satisfactory.
Accountability**	Although external accountability to locals or public was lacking yet kotwals and faujdars were accountable to the rulers and kings. Each officer was accountable to his superior. (Gosh, 2007:14)	Police Act of 1861 laid down, that police are accountable for their conduct but it lacked proper mechanisms for external accountability in particular (CHRI, 2005:6).	Police order 2002 has criminalized police malpractices as non registration of FIR, vexatious entry, use of torture etc. Provides external accountability through public safety commissions and public complaint authority.
Equity and Inclusiveness***	This era was marked by hierarchical systems of policing, no specific rules existed during this period and practices did not include equity and inclusiveness.	During British era documentation was initiated but no rules were made to ensure equity and inclusiveness.	Equity and inclusiveness standards have not been included in the Police Rules or Police Order but it is generally perceived that equity and inclusiveness

			are not practiced.
Rule of Law****	Setting, interpreting and implementation of laws was not properly done as rules were lacking regarding recruitment, training, intelligence gathering and detection and prevention of crime so rule of law could not be ensured.	Condition of rule of law was comparatively better as is evident from relatively transparent system of recruitment, intelligence gathering, community policing and detection and prevention of crime.	Rule of law in post independence period improved through formal setting of laws regarding recruitment, training, intelligence gathering, community policing and detection and prevention of crime. Implementation of these rules needs to be empirically tested.
Efficiency and Effectiveness*****	Purposes of maintaining law and order and glorifying the ruler were duly served.	Police during this era was professional and making use of the resources maintained law and order and was found to be effective.	Considering the need of the society and precarious situation of law and order it cannot be regarded as efficient.

*Decisions taken and their enforcement are done in a manner that follows rules and regulations; information is freely available and directly accessible to those who will be affected by such decisions and their enforcement.

**Decision makers within the organization are accountable to internal as well as external stakeholders.

*** All persons existing within the organization and those served by it have the opportunity to receive the level of service desired.

**** Strict adherence to the legal frameworks under which the organization operates

***** The processes and operation of the police organization produce results that meet the needs of all stakeholders while making the best use of allocated resources.

Source: Author's own compilation from various sources

An analysis of the notion of good governance shows that indicators of good governance have shown some degree of improvement over the pre-British and British eras, though the situation cannot be regarded as

ideal. Good governance within police administration depends on its tenets therefore any change towards making police a better organization will require changing the administrative practices.

2. Transparency

Transparency is a basic requirement of good governance. Any organization including police organization is supposed to be transparent, accountable and both of these parameters are prerequisites to each other. Transparency means that “decisions taken and their enforcement are done as per rules and regulations; information is freely available and directly accessible to those who will be affected by such decisions and their enforcement.” (What is Good Governance)

There are four kinds of mechanisms or criteria to judge transparency as explained by Lindsay Stirton and Martin Lodge (Stirton & Lodge, 2001). **Information** (like analysis of annual reports, annual policing plans, performance evaluation, availability of crime data etc.), **choice, representation** (representation of interests of both the parties; all the members of the police administration from constables to IGP as well as citizens getting fair opportunity, access to justice, share in policy making process) and **voice** (individual participation and contribution of people who are a part of the police administration and even public, their perceptions and opinions are respected and implemented, if valid).

In the context of police administration, lack of access to information within police, absence of choice and representation and inability of police officials to voice their concerns and opinions has led to lack of transparency in police organization. Regarding police professional working, all these four factors are missing in police-public relationship; which makes police non transparent from a public perspective.

As mentioned above information or access to information is a mechanism for measuring transparency. This mechanism is clearly lacking in Pakistan police. Annual reports are inaccessible to public; annual reports and performance evaluations are only circulated within police organization as a result it is not possible for public to keep a

check on the working of police or question any decision that involves them.

For making access to information possible, an access to information policy was formulated for Punjab Police (*Punjab Police Access*) and was also adopted by Sindh Police. This policy requires government offices to provide the information they hold, to public whenever they want. Free and Fair Election Network's *Police Station Monitor Report* (More Resources, 2011:5) (based on data collected from October to December 2010) shows that in Punjab 35.3% and in Sindh 29.4% of the SHOs are not even aware of this policy. 58.8% of police stations in both Punjab and Sindh have not designated information access officers. Only 19.6% police stations in Punjab and 58.8% in Sindh have maintained a register for keeping a record of requests for access to information.

Implementation of information access policy shows that not many requests have been received by the police stations. A major reason behind it could be lack of awareness regarding this policy even in public. 27.5% of the police stations in Punjab and 35.3% in Sindh received requests for access to information during the covered period. Copies of FIR are accessible to public in 84.3% of the police stations in Punjab and 64.7% in Sindh.

Organizational governance and the concept of transparency can be related to Bentham's principle of good governance which says that 'the more strictly we are watched, the better we behave' (Hood et al, 1999), which implies that keeping a close check on police, improves its working. This discussion has revealed that there are not many mechanisms for keeping a check on police working.

Definition of transparency suggests; that following rules and regulations is essential during the process of decision-making and enforcement. In case of Pakistan rules and regulations have been set up by the police administration for different processes like recruitment, training, prevention and detection of crime etc. execution of these rules however is more important to indicate the level of transparency.

Primary data on recruitment collected from 32 districts shows that recruitment is not done on the basis of standards that have been set because a large number of police personnel are under-qualified. For

the ranks of constable and head constable the educational requirement is matriculation, from ASI onwards the requirement is graduation. The table 2 elaborates the situation in 32 districts and its 278 police stations:

Table No: 2
Listing of Educational Qualifications by Rank

Rank	Under Matriculates	Matriculates	F.A.	B.A.	M.A. or above
Constable	20.58%	51.22%	21.07%	-	-
Head Constable	17.65%	50.78%	22.63%	7.48%	-
Assistant Sub Inspector	12.40%	45.41%	18.28%	19.48%	4.42%
Sub Inspector	16.86%	45.58%	19.41%	13.07%	5.08%
Inspector	4.13%	26.48%	23.73%	32.03%	13.63%
Deputy Superintendent	1.00%	2.00%	27.00%	46.34%	24.00%
Assistant Superintendent	-	-	-	17.65%	27.65%
Superintendent			13.46%	19.23%	67.31%

Source: Data Collected by the author

Tables 2 above shows that Rules have been violated as 20.58 % of Constables, 17.65% of Head Constables, 12.40 % of Assistant Sub Inspectors, 16.86 % of Sub-Inspectors, 4.13 % of Inspectors and 1.00 % of Deputy Superintendents of police are under matriculate.

Similarly data on training also indicates that it is not conducted according to the Police Rules 1934. It has been categorically mentioned that annual training is mandatory for all the constables however figures in Table 3 shows that only 5.44% of the Constables were trained in the 32 districts (278 police station).

Table No: 3
Percentage of Officers Trained within a Rank

Ranks	Total Strength*	Officials Trained	<i>Trained percentage</i>
Constables	112231	6114	5.44%
Head Constables	16549	2455	14.83%
Assistant Sub Inspectors	11030	671	6.08%
Sub Inspectors	7044	1096	15.55%
Inspectors	2156	65	3.0%
Deputy Superintendents	310	40	12.9%
Assistant Superintendents	33	12	36.36%
Superintendents	111	30	27.02%

*In 32 of the districts (278 police stations) covered for survey.

Source: Data Collected by the author

This discussion leads us to the conclusion that police administration does not fulfill the criteria of transparency because information regarding police is not freely available or easily accessible and processes such as recruitment and training are not strictly followed in accordance to the rules and regulations.

3. Accountability

Accountability is another key requirement of good governance and it denotes being held responsible and answerable for specified results as outcome of an activity over which one has authority. Decision makers in the organization are accountable to both internal as well as external stakeholders (Jones, 2009: 345).

O' Donnell (O Donnell, 2001:474) makes a distinction between horizontal and vertical accountability (Stirton & Lodge, 2001:474) and describes vertical accountability's instruments to be the media and public, as people are primarily affected by decisions or steps taken by the police. O' Donnell then goes on to describe horizontal accountability to be the type in which state or the higher authorities hold any public official or a public service organization accountable. It varies from routine oversight to criminal sanctions.

Police Order 2002's preamble states that "Whereas the police have 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"(Preamble, 2002). This Order includes proper mechanisms for enhancing, not only for horizontal but also for vertical accountability as described by O' Donnell.

According to Andreas Schedler; concept of accountability is two-dimensional and it comprises of answerability or the monitoring, and enforcement or the threat of sanctions for abuses of exercise of power. (Schedler, et. al., (ed)., 1999: 26) Another widely understood concept of accountability is in terms of internal and external accountability and Pakistan police theoretically has the mechanisms for both in the Police Order 2002. Public safety commissions at the Federal, Provincial and District levels if established and functional can serve to institutionalize public accountability of police force.

The main responsibilities of the District Public Safety and Police Complaints Commission (DPSPCC) as envisaged in Police Order 2002 include: approve the local policing plan (Article 44(1)(a), 2002), "take steps to prevent the police from engaging in any unlawful activity arising out of compliance with unlawful or mala fide orders" (Article 44(1)(e), 2002), cause registration of FIR within 24 hours when warranted (Article 44(1)(h), 2002), hear complaints (Article 44(1)(l), 2002), conduct fact-finding and refer a matter to Provincial Public Safety and Police Complaints Commission if the head of the district police does not act on the matters(Article 44(1)(m)(ii), 2002).

In addition to above mentioned functions the Provincial Public Safety and Police Complaints Commission (PPSPCC) is also supposed to play the important role of facilitating the establishment and functioning of the Citizens-Police Liaison Committees (CPLCs) (Article 44(1)(m)(iii), 2002), coordinating the functioning of DPSPCCs (Article

80(1)(c), 2002), implementations of the Provincial Policing Plan (Article 80(2)(a), 2002) etc. This oversight body for the police has both elected and nominated members at all the three levels (Abbas, 2009).

The fate of Police Order 2002 is in limbo, however, this Order provided for enhanced police accountability, for example, it envisaged, the National Public Safety Commission as responsible institution for overseeing functioning of Federal Law Enforcement Agencies at national level (Article 92(1), 2002), facilitating functioning of the CPLCs (Article 92(2), 2002), implementing plans prepared by heads of Federal Law Enforcement Agencies (Article 92(3)(d), 2002) and coordinating functions of PPSPCCs (Article 92(3)(i), 2002).

In terms of internal accountability as well, the Police Order 2002 criminalizes a number of police malpractices such as non-registration of First Information Reports (FIRs), vexatious entry, search, arrest, seizure of property, use of torture, delay in bringing an arrested person to court and notifications regarding the grounds of arrest (Shoaib, 2007). Although these mechanisms have been included in Police Order 2002 yet because of hindrances in implementation process these mechanisms have either not been properly established or have not been effective. National Reconstruction Bureau's data reveals that till the year 2007, DPSPCC was not established in 16 districts and in the established 94, commissions chairmen were appointed in only 14. Therefore partial implementation and stunted progress of Police Order 2002, particularly the provisions on accountability still leave police largely unaccountable.

During a survey 40 key informants; including retired and serving bureaucrats, members of civil society and students were asked about the reasons behind the lack of accountability in police. 30% of the respondents mentioned lack of political will to make police accountable as the main reason. Other reasons mentioned by the respondents include prevalence of corrupt organizational structure, police-politician nexus and poor supervision by the senior officers.

According to Transparency International's *Global Corruption Barometer 2007*, police was perceived as the most corrupt public organization in Pakistan (Report on the Transparency, 2007: 22). Low wages of police personnel particularly in lower ranks is also perceived as a reason behind indulgence in corrupt practices. However the situation is

different at the moment as pay scales were revised in all the provinces in the year 2008.

The working conditions of most police officers are, putting it mildly, appalling; they have no facilities of lodging and conveyance. This dearth of resources however is typical to rural police stations where the responsibility of police is mainly confined to the collection of intelligence, verification of character, protection of vital points, registration and investigation of criminal cases. Police in general have to perform their duties for long and uncertain hours with high risk to their lives. They are in the frontline against terrorism and organized crime (Shigri, 2005).

National Corruption Perception Surveys for the years 2002, 2006, 2009 and 2010 show that the police are perceived as the most corrupt department in Pakistan and this perception has continued for quite some time now.

Table No: 4
National Corruption Perception Survey

Sr. No.	Years			
	2010	2009	2006	2002
1.	Police	Police	Police	Police
2.	Power	Power	Power	Power
3.	Land Administration	Health	Judiciary	Taxation
4.	Education	Land Administration	Land Administration	Judiciary
5.	Local Government	Education	Taxation	Custom

Source: National Corruption Perception Survey, Transparency International Pakistan, 2010

During the survey forty key informants were also inquired about the reasons for police' indulgence in corrupt practices; results indicate that lack of accountability is the main reason according to most of the respondents for involvement of police in corrupt practices. "Corrupt organizational culture" and "Lack of Accountability" account for well

over half of the responses to this question. It can be inferred that new recruits see corrupt practices and realize that the organization sees them as acceptable. There is seemingly no penalty or accounting for corrupt practices, so there is little or no deterrence exerted on personnel.

In Punjab, the establishment of an Inspection and vigilance cell, on the basis of Article 10 (3) of Police Order 2002 is another step for making police accountable and restore public confidence in the police. Additional Inspector General is in charge of this cell. One Superintendent of Police is nominated member of the Inspection and Vigilance Cell on each region including the Capital City District. Functions performed by this cell are formal/informal inspection of the police stations and various posts, fact finding inquiries into complaints of corruption, police high handedness etc., verification of police performance, complaints of non-registration of cases, or any other tasks assigned by Provincial Police Officer (Annual Administration Report, 2009).

Of most concern, it seems that weakness in external oversight of the police have made the police less governable. The consequence is that the incidence of police excess and torture during pre-trial detention has increased markedly, along with the perception that police are unresponsive to increasing violence. As a result police reforms are in serious danger of being perceived as a one-way street on which the police has simply secured more resources and autonomy while becoming less accountable. (ADB, DFID & WB 2004: Overview, p. 9)

During the collection of primary data SHOs in 278 of the Police Stations were asked how accountable they were for their actions and responses. Almost 30% of respondents felt only moderately accountable for their actions. 18% of the SHOs did not respond to this query, it appears they do not even feel accountable enough to respond. If the leaders do not feel accountable, the result down below would obviously be the same. It can also be said that SHOs do not feel accountable because they get postings by exerting extraneous pressure. Beside supervisory officers being less proficient, fails to check, do not want to check or are not in position to hold such officers accountable. Performance is measured only by statistics which can be tampered very easily.

4. Equity and Inclusiveness

Equity and inclusiveness in police administration implies that all the members of the police organization feel that they have stakes in it and do not feel alienated. "All persons in the organization and those served by it have the opportunity to receive the level of service they deserve" (Jones, 2009:345). In police administration equity needs to be ensured in different aspects; training, rewards and punishments, availability of facilities to different police stations, salaries etc.

In terms of training equity has to be maintained, all personnel of the same rank should get equal opportunities of getting trained and developing their organizational skills. Opportunities of training should also be similar for lower and higher ranks. Percentage of personnel trained within a rank can serve as an indicator of equity, this percentage (as already mentioned in Table 4 under the heading of transparency) shows that Inspectors and Constables are the least trained ranks.

A general trend apparent from the results is that lower ranks do not get enough opportunities of training as compared to higher ranks. Another example of inequity in training is that female police officers do not get training on investigation, as such their skills are not developed in that particular field resultantly those posts are filled by male investigative officers (Interview DSP Nighat, 2010).

Punishments and rewards should be given fairly and on the basis of equity. Firstly, the findings indicate that punishments are mainly given to lower ranks; in 2009 in the covered 32 districts all of the punishments were given to lower ranks and only two Deputy Superintendent of police were punished. Secondly, breakup of punishments and share of each rank in punishments indicates that with increasing ranks severity of punishments also decreases. Both of these factors show (table 5) that equity is not maintained while giving punishments.

Table No 5
Percentage of personnel punished in each rank

Rank	Total force in each rank	Number of Personnel Punished	Percentage Share of Personnel Punished
Constable	112,231	28017	24.96%
Head	16,549	2736	16.53%
ASI	11,030	5855	53.08%
Sub Inspector	7,044	4825	68.50%
Inspector	2,156	1441	66.84%
Deputy	310	2	0.65%

Source: Data Collected by the author

Inequity is also apparent in the division of facilities provided to police personnel, junior ranks are not provided with even the basic facilities in the barracks and police stations (washrooms, messing, lodging and clean drinking water). In this state of affairs junior ranks cannot be expected to perform well and brood over the reputation of the police organization.

Distribution of resources; weapons and vehicles in districts also shows that their numbers drastically vary from one district to another. All the resources and facilities available to urban police stations must also be made available to rural police stations.

Salary structures of different police establishments are again indicative of inequity within police administration. There is a lot of difference between the salary structures of ICT police and Balochistan police. According to primary data based on salary structures for the year 2008, a constable in Balochistan is paid 14,504 PKR and a constable in ICT police gets 30,064 PKR. Any constable who joins police would expect the same level of pay as the duties performed by all the constables are more or less similar but it is apparent that their pay structures do not match. Also the perks and privileges at the disposal

of police officials, are only available to higher echelons. All of the above mentioned factors show that inequity is prevalent in police administration.

5. Rule of law

Rule of law is rule-based decision making. Rule of law in literal terms means institutional process of setting, interpreting and implementing laws and other regulations. Everyone should be subject to known and standing laws (http://www.gdrc.org/u-gov/doc-oecd_ggov.html). United States Supreme Court Justice Antonin Scalia described “rule of law as a law of rules” (Zywicki, 2003:11). When it comes to application of the notion of rule of law to police administration it can be said that rule of law exists in the police administration when the laws followed by it are in public knowledge, are unambiguous and apply to everyone equally.

Rule of law is not practiced in police, merit is not adhered to and law and rules are only implemented on weaker individuals and those having links in the corridors of power are beyond the reach of law. Empirical testing of implementation of rules and regulations in police administration also gives similar results. Examples of recruitment, training and accountability have been extensively discussed already which show that rule of law does not exist in police administration.

6. Efficiency and Effectiveness

Efficiency and effectiveness in police administration means that it “produces results that meet the needs of society while making the best use of resources at its disposal” (What is Good).

According to United States Agency for International Development’s (USAID) assessment of rule of law in Pakistan (Blue & Hoffman, 2008), criminal cases in Pakistan move slowly as the investigative procedures are inefficient. From registration of a “First Information Report” (FIR) to the arrest of suspect, till the trial takes place is a long process. Often investigations are not processed further after filing FIR because at times the primary information collected by the police is insufficient and even incorrect. Courts also do not exercise the power of habeas corpus usually to see if the defendant can be detained or not. As police is one of the organizations responsible for the maintenance of rule of

law within the country so its effectiveness can be gauged according to the degree of efficiency with which they ensure rule of law. For effective rule of law reliable services of police are necessary.

Impediments and challenges to rule of law have increased violence and the terrorist activities throughout the country. There is a significant rise in the rate of petty crimes; street crimes in particular which affect the citizens directly in their daily life. Upon evaluating the statistics of recorded crimes from 2001 till 2009, it is apparent that crimes all over the country have increased over the years.

Crimes against person, property and traffic accidents all have been on the rise from 2001 onwards though it must also be mentioned here that crime rates are in fact affected by socio-economic and political factors. From 2001-2009 population, poverty, unemployment and inflation have substantially increased but police strength has remained almost the same so factual increase in crimes is almost negligible. It is also pertinent to state that crime rates are not the only indicator to gauge police efficiency.

Table No. 6
Total Recorded Crime (2001-2009)

Offence	2001	2002	2003	2004	2005	2006	2007	2008	2009
Crimes against person	63281	62586	65971	72108	72425	77142	77414	88232	88822
Crimes against property	58342	58991	65484	72410	79151	95069	93971	114030	115782
Traffic accidents	11232	10886	11606	11909	11689	11769	12439	10822	10156
Total PPC crimes	216170	206170	222848	253496	256272	309191	303926	359807	385842
Local and special laws	164489	192506	177832	188411	191484	228675	234122	232696	385842
Total recorded crimes	380,659	399,006	400,680	441,907	447,756	537,866	538,048	592,503	616,227

Source: National Police Bureau, 2010.

According to a DSP (Interview DSP Nighat, 2010), Police is fairly efficient considering the dearth of resources at its disposal and if police is regarded as being inefficient then the responsibility lies with the government that has not provided police with the requisite facilities.

The rate of crimes has increased in the country but the responsibility of this increase in crimes cannot be solely placed upon the police because there are a number of social factors that are causing this increase like poverty, unemployment, inflation etc. Government needs to take care of all these problems in order to decrease crime rate in the country.

There has been a difference of opinion and views about the reasons behind this surge in crime and this has been clearly reflected in the survey results as well.

Authors Survey reveals that highest rated cause is “Absence of rule of law.” Apparently a lack of will exists to ensure a lawful and orderly society. This is followed by economic factors and a failure of the Criminal Justice System to effectively perform. This seems to validate the axiom, “No justice, no peace.”

Reasons for this inefficiency in the working of police administration vary. Survey results indicate that most of the respondents consider police corruption as the most important factor followed by politically motivated postings and lack of proper planning. Other reasons in order of significance are lack of training, unjust system of rewards and promotions, poor caliber of police officers and their lethargic attitude.

In a survey while responding to a query regarding possible reasons behind poor performance of law and order personnel, the respondents mentioned two factors which account for 50% of the responses: Political interference and corruption, other factors included attitude of police, lack of motivation, lack of accountability, lack of training etc. This ineffectiveness and inefficiency in police administration has got a direct correlation with the poor implementation of good governance principles. Paul Petzschmann mentions, “the weakness of Pakistan’s police is the result of its institutional history and the governance mechanisms within which it operates” (Petzschmann, 2010:8).

Conclusion

This study clearly indicates that good governance practices are deficient in police administration. Rule based decision making is alarmingly lacking as shown by the data on recruitment and training. Ill-practices in terms of transparency, accountability, rule of law, equity, inclusiveness, efficiency and effectiveness show a dismal state of police administration. So in order to improve the current state of police administration in Pakistan the governance mechanism has to be improved by changing administrative practices. Having a working governance model in place can also help in minimizing extraneous interference in police as it makes all the processes transparent and holds the administration accountable.

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