

POLICE REFORMS

**NEW LEGAL FRAMEWORK
AND
ISSUES IN IMPLEMENTATION**

**Police Reforms:
New Legal Framework and Issues in
Implementation**

**Results of
Public Consultations**

Published by:

CRCP

Consumer Rights Commission of Pakistan

P.O. Box 1379, Islamabad, Pakistan

UAN 111 739 739

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Web Site: www.crdp.org.pk

in collaboration with

ADB

Asian Development Bank

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Executive Summary

During December 2004 and January 2005, Consumer Rights Commission of Pakistan (CRCP), with the support of Asian Development Bank (ADB), organized 5 multi-stakeholder public forums on “Police Reforms: New Legal Framework and Issues in Implementation” in Islamabad and 4 provincial capitals. Purpose of these forums was to initiate a public dialogue among stakeholders about the design of police reforms as well as the issues in implementation; and to collect ideas and recommendations for the benefit of policy makers. In total, 331 people (280 males and 51 females) from diverse backgrounds participated in the public forums. Methodology for public forums included thematic / expert presentations followed by open discussion sessions.

Various issues related to the legal-cum-political context, design and implementation of police reforms were debated during the public forums. Many panellists and participants, mostly from the opposition political parties and bar councils, pointed to the fact that police reforms were introduced by a military dictator outside the constitutional framework and in violation of provincial autonomy. In their opinion, effective and sustainable reforms could be produced only through a democratic process. Serious concerns were expressed about the key role being played by the Federal Government in police reforms despite the fact that police was a provincial subject under the constitution.

As for the design of police reforms, the debate was largely focused on issues of autonomy of police department, public oversight for police accountability and functional specialization between investigation and watch and ward. In the context of autonomy of police department, most participants supported operational autonomy for the police department and appreciated the original Police Order 2002 whereby Provincial Police Officer (PPO) was to be appointed by the provincial government from amongst a panel of 3 officers proposed by the National Public Safety Commission (NPSC). They rejected the change made through the amendments, which now authorizes the Federal Government to propose a panel of police officers. Most participants also argued that role of Chief Minister should be restricted to policy guidance and oversight; and should have nothing to do vis-à-vis appointment of District Police Officers (DPOs). There were, however, mixed views about the role of district nazim in initiating performance evaluation reports of DPOs.

In all the public forums, participants had a consensus about the need of effective public oversight for police accountability. However, they expressed their concerns about the membership of public safety commissions as well as constitution of selection panels. They noted that changes introduced in the constitution of selection panels were likely to enhance provincial government's ability to influence outcomes in its favour. Many participants also objected to the induction and increase of the number of legislators from treasury benches in the public safety commissions. In their opinion, such changes were likely to negatively affect the police autonomy and would allow legislators, especially the ones from treasury benches, to use police against their political opponents. Others, who largely included politicians and officials of home department, supported the inclusion of legislators, arguing that it would strengthen public safety commissions, which were earlier being ignored by DPOs.

Although most participants suggested that creation of too many institutions is not a good practice, they were highly sceptical about the merger of public safety commissions and police complaint authorities at the provincial level. They noted that public safety commissions including political representatives, only possessed recommendatory powers, and were not designed to work as complaint authorities.

In relation to functional specialization, most participants supported it in view of its potential to reduce the concentration of powers in the hands of Station House Officer (SHO) and improve the quality of investigation as well as watch and ward service. At the same time, they noted that its limited implementation had created certain problems relating to efficient use of resources and friction between the two branches. From the citizens' perspective, it was pointed out that people now had to deal with more police officials, which was expensive in terms of time as well as increased opportunities of extortion by corrupt officials. Most of the participants were concerned that general control of SHO over investigation, as introduced through amendments in the Police Order 2002, would restore the concentration of powers in SHO and dilute specialization.

General concerns discussed during the public forums included slow implementation of police reforms and the lack of any visible improvement since the Police Order was promulgated in 2002. Most participants were also highly sceptical about the recent amendments and noted that the same had been introduced without stakeholder consultations and, strangely enough, even before full implementation of the Police Order 2002. Others, however, suggested that these were necessary to address the problems faced during implementation.

1. Introduction

Introduction

The Police Order 2002 was a landmark initiative towards the implementation of long overdue police reforms in Pakistan. It aimed at addressing public grievances vis-à-vis the police department by introducing a significant shift from a coercive organ of the state to a public service organization, which envisaged establishment of effective mechanisms of public accountability and institutional checks and balances. After its promulgation, the federal and provincial governments took active steps for the implementation of the Police Order but the implementation process suffered from various impediments as, by the end of the year 2004, it had only partially been implemented. In the face of this situation, the government introduced a large number of amendments in the Police Order in November 2004. Ostensibly, the purpose of these amendments was to address the inadequacies and problems faced in the course of implementation and ensure that objectives of the Police Order are efficiently achieved. Many commentators, however, were of the opinion that the amendments were made under the pressure of political leadership, and that these would politicize the police functioning.

This situation called for a public debate and a serious analysis of the situation by all stakeholders, especially in terms of identifying the constraints, and how best the same could be addressed. It may be noted that until then a serious public debate on the Police Order and its implementation had been largely missing in the media as well as at various civil society platforms. More specifically, the involvement of public and civil society organizations in the entire reform process was conspicuous by its absence.

It was against the above background that CRCP, with the support of ADB, organized 5 multi-stakeholder public forums in Islamabad and the four provincial capitals. Key objectives of organizing these forums were the following:

- a) Initiation of a serious dialogue involving all stakeholders, especially the CSOs, relevant government departments and legislators;
- b) Collection of ideas and recommendations for various stakeholders as to how best they could make policy inputs and work for successful implementation of police reforms; and
- c) Dissemination of the ideas and recommendations collected through the dialogue forums, among the active members of the policy making community.

Design,
Methodology
and Themes of
Multi-
stakeholder
Dialogue
Forums

2. Design, Methodology and Themes of Multi-stakeholder Dialogue Forums

Each dialogue forum consisted of 4 sessions spread over 1 whole day. (For program, see the Appendix I). Each forum was aimed at collecting multiple perspectives, developing a consensus about the policy recommendations, and the nature and form of civil society initiatives which would help in achieving the objectives of Police Order 2002. In total, 5 forums were organized i.e. 1 each in Islamabad, Peshawar, Karachi, Quetta and Lahore. Forums were organized on the following dates:

No	City	Date
1	Islamabad	December 10, 2004
2	Lahore	December 22, 2004
3	Quetta	December 30, 2004
4	Peshawar	January 5, 2005
5	Karachi	January 11, 2005

Methodology of public forums included significant emphasis on ensuring participation of all stakeholders including members of cabinet, police officials, representatives of home ministries, legislators from both treasury and opposition parties, representatives of media, members of bar councils and staff of NGOs. In each public forum, panellists made thematic presentations to provide expert analysis, which were followed by open discussions sessions. Focus on critical issues was emphasized and ensured through moderations. Key themes covered included autonomy of police department, public oversight for police accountability, functional specialization and the role of civil society.

3. Participation Analysis of Stakeholders

Participation
Analysis of
Stakeholders

About 331 people from diverse backgrounds participated in the multi-stakeholder dialogues organized in Islamabad and the four provincial capitals. They made a judicious mix and included, among others, 101 members of civil society, 64 journalists, 23 legislators, 33 police officials and 29 lawyers. Others included businessmen, government officials (other than police officers), retired judges, local councillors and common citizens. In terms of gender, participants included 280 males and 51 females. Consolidated data of participants from 5 forums is presented in the Table below. For participation data on each forum held, please see the Appendix II.

3.1 Consolidated Data of Participants for 5 Forums

Consolidated
Data of
Participants for
5 Forums

	Male	Female	Total
Civil Society	74	27	101
Media	54	10	64
Legislators	22	1	23
Police Officials	33	0	33
Lawyers	24	5	29

Others	73	8	81
Grand Total	280	51	331

Total participants of the workshop had significant representation from Islamabad and four provinces. They included 68 in Islamabad, 65 in Lahore, 90 in Peshawar, 48 in Quetta and 60 in Karachi.

Proceedings at
the Public
Forums

4. Proceedings at the Public Forums

In all public forums, panellists and participants held very open and frank discussions on various aspects of the Police Order, reasons for non-implementation of various provisions of the Order, and importance of the role of civil society in the reform process. Following paragraphs sum up the main arguments around key themes as made in the public forums:

Constitutional
Issues

4.1 Constitutional Issues

Many participants and panellists questioned the constitutional status of the Police Order 2002. They pointed to the fact that it was designed and promulgated under a military government, and was never produced before the legislators for debate and enactment. They also criticized the 17th constitutional amendment, which indemnified and legalized all the actions and legislation under the military government, and termed it as a contradiction of basic principles embodied in the constitution as well as democratic development. It was, therefore, argued that the Police Order represented lack of legitimacy, dubious constitutional status and lack of confidence of various stakeholders, especially the common people. The people who took this line of argument mostly analyzed the broader issues of constitutional, institutional and political development in Pakistan, and emphasized that the frequent interruption of political process was the main cause of weak institutions including the police service.

It was repeatedly argued that the goal of rule of law was hard to be realized in a country where even the constitution is not respected and the doctrine of necessity had been accepted as a governing principle. What generally followed from this line of argument was that the discussion about police reforms was useless and disconnected from broader political and constitutional concerns, which needed to be addressed first to produce any meaningful reform in the policing or other public service delivery systems.

While raising constitutional issues, panellists and participants also pointed to the fact that amendments in the Police Order 2002 had been introduced through an Ordinance and without any involvement of the Parliament or provincial assemblies. Some argued that, even under the requirements of existing constitutional framework, the provincial assemblies should have passed resolutions to demand and support the proposed amendments before the same could be promulgated by the Federal Government.

Above arguments were mostly made by people from the political parties in the opposition, members of the bar councils and political activists. They insisted on their point of view and refused to give in to the suggestions that the debates in the public forums should just focus on the contents of the Police Order and the amendments. They dismissed it as a wrong approach and underlined the need of careful analysis of basic issues, which impinge upon all reform initiatives.

4.2 Issue of Provincial Autonomy

Another issue, which was repeatedly and emphatically raised in the public forums, was about the provincial autonomy and the way the Federal Government had undermined it by introducing reforms through federal legislation. It was argued that police was a provincial subject and the Federal Government had no right to pass laws about it. Generally, participants discussed the Police Order 2002 in relation to the Local Government Ordinance 2001, and analyzed aspects, which had diluted provincial autonomy as well as the jurisdiction of provincial governments on key decision-making processes. Within the context of long-standing controversy in

Issue of
Provincial
Autonomy

Pakistan about federal-provincial relations and the distribution of powers, it was argued that the federal initiatives like police reforms were not likely to earn public ownership and respect and, therefore, were unlikely to make any sustainable impact.

Some participants who generally had affiliation with political parties and bar councils analyzed the Local Government Ordinance 2001 as well as the Police Order 2002 in historical perspective, while arguing that the motivation behind them was always to divert public attention away from the national level issues related to abrogation of constitution, ‘usurpation’ of provincial autonomy and weakening of democratic institutions. They also tended to argue that, merits of the Police Order aside, it was a product of ‘bad intentions’, undemocratic process and in violation of provincial autonomy and, therefore, should be rejected right away. They also referred to the amendments, which had been promulgated by the executive without tabling them in the provincial assemblies or even in the Parliament.

It may, however, be noted that a vast majority of participants in the public forums, even though most of them appreciated the concerns about constitutionality and provincial autonomy, showed their willingness to discuss the contents of the Police Order and its amendments.

Autonomy in
Police
Operations

4.3 Autonomy in Police Operations

In November 2004, several changes were brought about in the Police Order 2002 through amendments, which can potentially affect the operational and administrative autonomy of police.

Amendments
Affecting
Autonomy

4.3.1 Amendments Affecting Autonomy

These changes are briefly given below:

- Control over the Provincial Police Officer's (PPO) working given to the provincial government through Home Secretary;
- Change in procedure of writing of the Performance Evaluation Reports (PERs) of the District Police Officer (DPO);
- Change in procedure of posting/ transfer of officers (especially PPO and DPO) before completion of their tenure of three years.

In the Police Order 2002, operational autonomy was emphasised by giving security of tenure to officers, by giving powers of ex-officio secretary to the PPO, by getting panels of PSP officers forwarded by the NPSC to the government for posting as PPO and by providing officers an opportunity of hearing and recourse both against illegal orders and pre-mature transfers. The recent amendments have changed all these aspects.

The provincial safety commission now has the power to recommend premature repatriation of the Provincial Police Officer (PPO) before the completion of the three years tenure for 'unsatisfactory' performance. The earlier provision of giving a hearing to the PPO before recommendation of premature transfer has been deleted from the statute book. Another feature that has further weakened the position of the PPO is the deletion of the provision that gave the power to National Public Safety Commission to recommend a panel of three officers to the provincial governments for posting as PPO. The PPO has, despite having the powers of ex-officio secretary, been made subject to the 'policy, oversight and guidance' of Chief Minister through Home Secretary. At the level of the DPO, the procedure for the writing of the PER of the DPO has been changed and it is now to be written by the Zila Nazim. The law lays down that DPO shall not be responsible to the Zila Nazim in matters of 'administration of the district police, investigation of criminal cases and police functions relating to prosecution of criminal cases and yet after the recent amendments the performance of the DPO is to be commented upon in toto.

PPO's position

4.3.2 PPO's position

Participants and panellists in the public forums had almost a total consensus about the need of operational, administrative and financial autonomy for the police department, subject to effective checks and balances by appropriate authorities. Several panellists informed the participants that the original Police Order had been designed, while keeping in view all such considerations. Relevant steps had included, among others, the awarding of the status of secretary to the Provincial Police Official (PPO) in the provincial government. It was noted that situations had existed in the past wherein Inspector General Police (IGP), despite being senior in grade, had to work under the guidance of Home Secretary. However, the amendments in the Police Order had diluted the effectiveness of provisions aimed at providing operational, administrative and financial autonomy to the police department. In this regard, the police officials drew the attention of participants to the provisions like (a) the Chief Minister would convey his policy guidance to the PPO through the Chief Secretary and the Home Department; and (b) PPO will appoint a district police official (DPO) with the approval of the Chief Minister.

It was, however, the approval required of the Chief Minister for the posting of DPO, which drew wider and stringent criticism of panellists and participants. It was described as a direct interference of the political head of the province in the routine functioning of the police department, which would undermine PPO's authority and make the department politicized. Participants expressed their sentiment in favour of restricting the role of Chief Minister to just general policy, oversight and guidance, and no involvement whatsoever in transfers, posting and other administrative matters internal to the department, although all this would need to happen subject to the policy guidelines developed by political leadership.

Legislators and representatives of provincial governments, however, defended the role of Chief Minister on the grounds that it is ultimately he who is asked questions and made accountable by public as well as representative institutions for the law and order situation in the province. So if the Chief Minister is ultimately

responsible and made accountable for law and order, he should have the required powers to deliver. But this argument became a subject of significant scrutiny by participants and panellists alike. It was pointed out that, in order to deliver, Chief Minister need not involve himself in transfers and postings within the department, and that it could be better achieved through efficient policies and the oversight of police department to determine whether the policies were being effectively implemented in letter and spirit. Such an approach would be in line with international best practices and the goal of insulating the police department against political interference.

4.3.3 PPO's Appointment

Most participants of the public forums objected to the amendment whereby the federal government – and not the National Public Safety Commission – would now recommend a panel of 3 police officers to the provincial governments. It was noted that this would further empower the executive at the federal level, and would not promote the cause of creating a politically neutral police force. This would, on the one hand, strengthen the concerns about politicization of the police department and, on the other hand, provoke political forces in smaller provinces to complain about continuing interference of federal government in provincial matters.

PPO's
appointment

4.3.4 Performance Evaluation of DPO

Participants had mixed views about the amendment in the Police Order, which empowered the Zila Nazim to initiate the annual Performance Evaluation Report (PER) of the DPO. Many thought that it was a necessity in view of the fact that Nazim was responsible for functions relating to the local law and order in the district. Without such a power vested in the office of the Nazim, he would have no influence over the DPO to perform his responsibilities or contribute the evaluation process of the DPO. Members of the district government generally were the major supporters for this amendment. They had various complaints about the police, especially in relation to its non-cooperation or lack of responsiveness, and believed that this provision would help improving the situation on the ground.

Performance
evaluation of
DPO

Almost all police officials and many members of civil society were, however, critical of any role of the Nazim in evaluating performance of police officials. Main concern was that such a power would be misused to force police officials to victimize against the political opponents of the Nazim. It was argued that police should be treated as a force with a unity of command and should be insulated against such interference. As the first counter-signing authority of PER is the PPO and the second counter-signing authority is Chief Minister, it was also pointed out that police officers like Deputy Inspector Generals (DIGs) would become almost totally irrelevant. Even the authority of the PPO has been diluted, as the Chief Minister and the Nazim would now have substantial say in the evaluation process. In such a scenario, if the Nazim and the Chief Minister colluded, PPO would become totally irrelevant, despite being head of the police force in the province. On the other hand, PPO and the Chief Minister could collude to undermine the authority of the Nazim.

Accountability
and Public
Oversight

4.4 Accountability and Public Oversight

Changes introduced through amendments in the accountability regime of the Police Order 2002 are discussed below:

Amendments
Affecting
Accountability

4.4.1 Amendments Affecting Accountability

Following are the changes affecting the accountability regime of the Police Order:

- Police Complaints Authority (PCA) has been merged with the Public Safety Commission;
- Number of independent members reduced from one-half to one-third in the district safety commission;
- Treasury MPAs' number doubled in the Provincial Public Safety Commission;
- Change in method of selection of Independent Members from 'consensus vote' to 'majority vote';

- Change in powers and functions of the Public Safety Commission and
- Recourse provided to police officers against illegal orders taken away

In the Police Order 2002, the Public Safety Commission was provided as an accountability body representing society at large and not just the political powers in government. This was ensured through giving half the membership to independent members and through giving equal representation to the opposition at the provincial safety commission level. The composition of selection panel for independent members was such that it would ensure a broad representation of society through these independent members. Police Complaint Authorities were to be bodies that were charged with executive bodies to look into and take action against police abuses.

This has now been changed to skew the membership at the district as well as province level in favour of the government of the day. This has affected the broadly representative character of the safety commissions. The working of these commissions may be politicised as would be their credibility. The role of independent members as watchdogs of society's interests has been diluted as they would not be able to affect the outcomes at the commissions. The provision that gave recourse to the police officers against illegal orders of any authority has been removed and has been replaced by a watered down version that does not provide any concrete protection against such orders.

4.4.2 Establishment of Safety Commissions

Design and implementation of public oversight were presented to the participants as key issues for debate in various public forums. There was a broad agreement on the importance of public oversight, as it was identified as a key improvement in the existing policing system under the Police Order 2002.

Establishment
of Safety
Commissions

However, many panellists and participants questioned whether the government had the sincerity and the political will to operationalise public oversight by establishing the relevant institutions like the district, provincial and national public safety commissions. It was noted that government's performance on this front was very poor, as most public safety commissions could not be established or were not provided adequate resources required for effective functioning. In certain situations, the representatives of provincial and district governments blamed each other for the delay in this regard. Other explanation given was the delay in obtaining nominations for members from relevant institutions like the judiciary.

Members of the district PSCs who participated in the public forums complained about the non-responsiveness of senior police officials at the district and provincial levels to their recommendations. This, they argued, was already undermining the credibility of DPSCs in the public perception, which would badly impact the development of DPSCs into effective public oversight institutions. It was, however, noted that the problems confronted by DPSCs were partly because the provincial public safety commissions were yet to be established. It was argued that, after the provincial PSCs were established, the DPSCs would have the power to lodge their complaints to the provincial PSCs, which should ensure that their recommendations were taken seriously.

Merging of
Public
Oversight and
Public
Grievance
Redress

4.4.3 Merging of Public Oversight and Public Grievance Redress

Several panellists drew the attention of participants to a major change in the Police Order regarding the merging of public oversight and the public grievance redress. In the post amendment scenario, public grievance authorities, envisaged under the original Police Order, would not be established, as

the relevant provisions have been deleted. The functions of public grievance authorities have now been shifted to the PSCs at the provincial level. Initial reaction of many participants was that too many institutions are never good as they are expensive and create confusions. Some government representatives also defended the amendment by giving similar arguments and pointing to the resource constraints.

On a closer analysis, however, many participants noted that merging of public oversight with grievance redress might create serious problems, especially when majority of members of PSCs would be from the government side. It was also noted that PSCs are largely recommendatory bodies, and their capacity to provide public grievance redress would remain limited and a matter of concern.

In general, members of civil society were seriously concerned that the police reforms and the newly envisaged public oversight institutions had led to no significant improvement in police performance on the ground. They noted that powers of the police department had been effectively increased in the absence of effective public oversight institutions and proper system of checks and balances. It was also pointed out that public oversight institutions would never deliver if they were run by hand-picked individuals without having much public trust or credibility for their integrity and capacity to deliver. Police officials, while agreed that actual police performance had not tangibly improved, defended themselves by arguing that the Police Order first needed to be fully implemented and only then a fair assessment of its success could be made. They also frequently pointed to the lack of resources and facilities provided to the police service in Pakistan. They invited civil society groups to come forward and play their role in ensuring that PSCs include right kind of people.

Responding to the concern that police officials were not cooperating with PSCs, it was observed that, among others, PSCs were supposed to protect police officials against undue political interference by the provincial or federal governments. Hence, police officials should not take PSCs just as a check on them but also as bodies, which they can depend on in order to protect their operational independence.

Composition of
Safety
Commissions

4.4.4 Composition of Safety Commissions

Serious concerns were also raised about the design of public oversight, which had been substantially changed through the amendments to give representation to provincial and federal legislators in the district public safety commissions (DPSCs). Most participants and panellists strongly argued that it would politicize the police department and adversely impact its performance. It was pointed out that such a change was in contradiction of the very spirit of the Police Order, which had sought to protect the operational independence of the police department against political interference. However, legislators and representatives of provincial governments defended this on various grounds. Firstly, they argued that the design of the original Police Order was not sensitive to the fact that legislators as public representatives were important stakeholder and, therefore, needed to be included in the public oversight institutions. And that taking them on board would strengthen the reform process. Secondly, they argued that DPSCs would become stronger public oversight institutions if members of provincial or national assemblies would be its members, as it would then be difficult for senior police officers to ignore their recommendations. Lastly, public representatives have the mandate from the people, and it is unfair to exclude them from such bodies in a democratic setup.

Arguments in favour of including legislators in the DPSCs were, however, vehemently contested by police officials and members of civil society. It was argued that this would make

the police department a tool in the hands of politicians, especially the ones in the sitting government, who would use it against their opponents. Most participants agreed that public representatives should have a role but it should be different from the one assigned to them under the amendments in the Police Order. Such a role should be restricted to law-making, policy formulation and executive oversight through the parliamentary committees e.g. standing committee of the provincial assembly on the Home Ministry. Members of the district government were also opposed to the involvement of legislators in the DPSCs.

4.4.5. Composition of Selection Panel

Composition of
Selection Panel

Composition of provincial selection panels for independent members was another subject of discussion in the public forums. Under the original Police Order, the selection panels included the chief justices of respective high courts. Under the amendments, however, the selection panel would now include the provincial ombudsman, the chairman of the provincial public service commission, and one member to be appointed by the Chief Minister. It was noted during the discussions that both ombudsman and the chairman of provincial public service commission were also appointed by the provincial government. This effectively means that all 3 members of the selection panel would now be at least under some influence of the provincial government, which may impact its functioning as a non-partisan institution.

Government representatives gave the justification for the amendment on the basis of reluctance of judiciary to be involved in the process. It was also noted that ombudsman and the chairman public service commission, although appointed by the provincial government, could operate with relative independence in view of their fixed tenures and protection from removal that they enjoy under their respective statutes. In any case, the main guarantee for institutions to operate independently would come from active civil society

involvement and support for such institutions, which would make it difficult for governments to arbitrarily interfere in their work.

Specialisation
in Investigation

4.5 Specialisation in Investigation

Amendments affecting the separation of investigation from watch and ward duties are discussed hereunder.

Amendments
Affecting
Specialisation

4.5.1 Amendments Affecting Specialisation

Following are the changes in the provisions affecting specialisation in investigation.

- General control over investigation staff given to the DPO and Station House Officer (SHO);
- In charge of investigation to keep the DPO and SHO informed of the progress of cases.

In the Police Order 2002, investigation function was separated from the watch & ward function and there was a separate hierarchy of officers for investigation staff. There was protection against duties in watch and ward as well as against interference in investigation by the watch and ward function.

In the recent amendments, DPO and SHO have been given ‘general control’ over the head of investigation at the district and police station level. Investigation staff is now to be located within the police station premises and they are to be facilitated by the DPO and SHO. Head of investigation has to keep the DPO and SHO informed of progress of cases.

Separation of
Investigation

4.5.2 Separation of Investigation

Most participants appreciated the separation of general policing from investigation. They argued that it would contribute to the improvement of general policing as well as investigative functions, largely because there would be dedicated staff to perform clearly defined responsibilities. Additionally, it was pointed out that this

step would lead to distribution of powers in such a way that it would be hard for police officers to abuse them. Such an abuse is generally common in situations where a police official is responsible for both policing and investigation, and hence enjoys concentration of powers, which are easy to abuse. It was, however, noted that process of separating two functions had taken too long to implement, partly because it required additional workforce, facilities and resources. As a result, it had been implemented only in fewer cases, and it was hard to assess whether it had made any tangible difference on the ground.

Others, however, argued that separation of policing and investigative functions was not desirable due to various factors. First of all, it was an expensive proposition for a country like Pakistan, as it would not allow flexible use of resources by shifting them from one sector to the other. Secondly, there were already indications that, wherever implemented, it had caused frictions between the officials responsible for general policing and investigation. Therefore, the risk is that if the two branches did not work in a cooperative manner, the overall efficiency of the system would reduce and may lead to total break-down of law and order. Thirdly, it was argued that it was complicated from the point of view of users', as now they had to deal with more officials to obtain redress of their complaints. In many cases, this meant more visits to the police stations, more waits, and more officials extorting bribes.

Discussions on the topic were not conclusive but there was a general agreement that at least the Police Order 2002 should have been fully implemented before we could assess its strengths and weaknesses, and make appropriate recommendations. In the same context, many participants expressed their concern about the amendments, which have given the SHO a general control over investigation as well. It was argued that it was a step towards the same old system, which had made SHO a very powerful official in the whole police system and it is the same office that was most notorious for abuse of authority.

Provision of
Resources for
Investigation**4.5.3 Provision of Resources for Investigation**

In all the public forums, police officials complained about the lack of resources and poor conditions in which police officials have to work. They particularly pointed out the following:

- Average duty hours for junior officers and staff are over 12 hours, and yet they can be called any time during the 24 hours on any day of the week;
- It is extremely hard for police officials and staff to go for vacations or get a day off.
- Housing facilities for police officials and their staffs are almost non-existent. This makes it extremely difficult for them to perform their duties, as they consistently feel insecure and unhappy;
- There is no system to provide food to the police officials and staff on duty. This is in contrast to the armed forces where soldiers on duty are provided with decent meals at the places of their duty;
- Transport facilities for police officials and staff are also effectively non-existent. Most of the time, they have to make their own arrangements and travel on the public transport for long hours to get to the duty stations.

Most participants recognized the need of providing additional resources to improve the quality of police service. At the same time, they pointed to the fact that whatever resources are currently allocated to the police need to be spent more efficiently and in a transparent manner. Some also noted that money allocated for improvements of work conditions is largely spent on furnishing offices of senior officers, and adequate attention is not paid to improve conditions of junior staff. Therefore, while there is a need for allocating more funds to the police department, it is important to ensure that such funds are efficiently used to deliver results that people could feel and appreciate.

4.6 Role of Civil Society

Role of Civil Society

In all the public forums, various participants and panellists stressed the role of civil society for the success of police reforms in Pakistan. They regretted that such a role has been lacking in the past, as very few civil society initiatives emerged to make appropriate engagements with the responsible government agencies on issues of critical importance or to create awareness among the public. They, however, welcomed the holding of public forums by CRCP and suggested continuation of such dialogues at various levels in future. Some of the ideas floated and discussed about the role of civil society groups are briefly presented in the following paragraphs.

First of all, it was argued that civil society groups needed to work as a bridge between the police and public. On one hand, they needed to create awareness among the public about their civic responsibilities and role that they could play to help prevent the crime as well as bring offenders to the justice. On the other hand, they needed to work as a watch on the police performance and highlight the excesses through various forums so that the same could be addressed. Most importantly, the challenge for them is to bring the public and police closer to each other so that the existing environment of total mistrust is removed to facilitate emergence of a police service that is people friendly and that is trusted by the public.

Secondly, participants suggested that civil society groups needed to organize public forums and seminars at various levels, especially the grass-roots level, to create awareness among the public about the Police Order and its salient features. Unless there existed a broader understanding of the reform initiatives, especially about the provisions that were in public interest, there was always a risk that vested interests would change the laws or obstruct their implementation to promote their respective agendas at the expense of public interest.

Thirdly, it was suggested that civil society groups needed to watch the process of the formation of PSCs to ensure that right kind of people were taken on board. In this regard, civil society groups could help in identifying appropriate people for such positions, and point out the weaknesses if and when they could be identified.

It was, however, pointed out that effective civil society participation was contingent upon the willingness of police department and other relevant government agencies to recognize the role of civil society as an important stakeholder in the reform process. Furthermore, it was important that police department becomes transparent in its functioning, particularly allowing citizens and civil society groups to access information about aspects such as the allocation and usage of funds. The right to information and transparency would help building the confidence and creating necessary spaces for active civil society involvement.

There was a general consensus that role of civil society was crucial in terms of identifying the problems, creating awareness about them and the potential solutions among the public, putting them on the policy agenda, and performing as watchdogs to ensure that public interest is safeguarded in the implementation process.

Miscellaneous

4.7 Miscellaneous

Many other issues relating to the police service were also raised and discussed during the public forums. Some of them are briefly described below:

- Police Order is not a gender sensitive piece of legislation. It hardly refers to the specific needs of women, who constitute over 50% of the population.
- In the public forum held at Quetta, it was pointed out that very few women are working in the police department. Need of recruiting more women police officials was stressed. Success in recruiting more women in the police department would, however, require additional incentives and good work environment.

- Senior police officials requested women activists and civil society organizations to help the police department in hiring more women. They informed the participants that the response to various advertisements in the newspapers for women recruitment in the police was disappointing.
- Police uniform no longer commands public respect. In any case, it is too dull and does not give sense of freshness. It should be changed, as a part of integrated campaign to make police people-friendly.
- Training of police officials and staff, especially in the lower ranks, needs to be re-designed and implemented with the aim of building human resource that could deliver the objectives of Police Order 2002.
- Senior police officials treat the officers and staff in the lower ranks very badly. In many cases, the use of abusive language is common. This culture needs to be changed so that police officials and staff are respected, and in turn they could be expected to deal with people respectfully.
- People generally show their disliking and disdain against the police personnel. This needs to change as well, and they should demonstrate some empathy, especially in view of the adverse conditions in which police officials and staff have to work.

5. Recommendations

Recommendations

Considering the wide range of issues discussed during the public forums and the diversity of views expressed, it was hard to come up with consensual recommendations and get them properly agreed upon by the participants. A further difficulty was faced in view of the fact that only a small number of participants stayed on for the whole duration of forums. Others attended one or two sessions of their own choice, and did not necessarily stay for the last sessions in which recommendations were supposed to be taken up. In view of

all this, it would be appropriate to clarify that the recommendations presented here are of broad nature and are largely based on the general sense of the proceedings as recorded by the facilitator, rapporteurs and other members of CRCP team. These are:

- 5.1. Government needs to take initiatives to build a broad-based consensus of political parties and other stakeholders about the salient aspects of the reform agenda. This should help addressing the concerns raised about the legitimacy, provincial autonomy or constitutional status of police reforms.
- 5.2. Police Order and the recent amendments should be discussed at appropriate legislative platforms, and enacted in the form of law after adequate consideration and consultative process involving various stakeholders. Relevant standing committees of legislatures could perform a key role in steering the deliberative and consultative process.
- 5.3. Police service must be insulated against frequent interference of legislators and political leadership in operational matters.
- 5.4. Role of political leadership should be restricted to policy formulation, standard setting and departmental oversight, and it should have nothing to do with routine administrative matters like transfers, postings, promotions, and disciplinary actions.
- 5.5. Steps need to be taken to ensure that institutions envisaged for public oversight (e.g. PSCs) have balanced political representation and enjoy credibility and respect in the public perception. In this context, government should reconsider changes made in the composition of PSCs.
- 5.6. Government must expedite the process of setting up PSCs at the district and provincial levels, and build their capacity to deliver by providing required resources and powers.

- 5.7. Selection panels for the independent members of PSCs should be strengthened, as truly independent and credible bodies. In this regard, the concerns that in its current form, the selection panels would be likely to get influenced by provincial governments, needs to be addressed.
- 5.8. Government must reconsider the decision made through the recent amendments about merging public oversight and public grievance redress (i.e. merging of PCAs into PSCs).
- 5.9. Government should reconsider the system of preparing and finalizing performance evaluation reports (PERs) in order to address the concerns that, in its current form, it would allow politicization of police and undermine the chain of command by making DIGs irrelevant and diluting the authority of PPO.
- 5.10. Mechanisms created for functional specialization should ensure that citizens do not have to deal with more offices, and resources available to the police department are used efficiently. Furthermore, it should discourage concentration of powers in the hands of SHO.
- 5.11. Civil society groups must undertake awareness campaigns about the police reform process in order to inform them about the mechanisms which they can use to make police accountable.
- 5.12. Civil society groups must play their watchdog role by independently analysing the design of police reforms and monitor its implementation from the perspective of citizens' access to justice and policing service.
- 5.13. More resources should be allocated to police for improvement of their training facilities, investigation equipment, transportation and living facilities.

Appendix I

Appendix I

Program of
Multi-
stakeholder
Public Forums

Program of Multi-stakeholder Public Forums

<p>Registration (9:30 am - 9:45 am)</p>
<p>Session 1 Inaugural (09:45 am -10:15 am)</p>
<ul style="list-style-type: none"> ○ Welcome remarks and context setting of the dialogue ○ Introduction of participants ○ An overview of the police reforms ○ Policy perspective by chief guest
<p>Tea break (10:15 am – 10:30 am)</p>
<p>Session 2 Police Order 2002 and Recent Amendments: where do we stand today? (10:30 am -11:30 am)</p>
<ul style="list-style-type: none"> ○ What are the achievements so far? ○ What were the problems confronted? ○ Whether the new amendments have undermined or advanced the idea and purpose of police reforms? ○ How the amended Police Order fits into the local government system? ○ Questions of neutrality and professionalism? ○ Gaps in implementation
<p>Interactive Discussion (11:30 am -12:00 am)</p>

Session 3 Police Reforms: Are we moving towards an accountable and people-friendly police system? (12:00 pm - 1:00 pm)
<ul style="list-style-type: none">○ What is the experience so far?○ What are the initiatives to make police accountable and what is the level of their success?○ What are the initiatives to make police people friendly and what is the level of their success?○ Public Oversight of Police: Envisaged objectives contrasted with ground realities.○ What are the obstacles and how best these can be addressed?
Interactive Discussion (01:00 pm - 01:30 pm.)
Lunch Break (01:30 pm - 02:30 pm)
Session 4 Civil Society and Police Reforms (02:30 pm - 03:30 pm)
<ul style="list-style-type: none">○ Implementation of police reforms and the role of civil society groups

- Why civil society needs to play their role to influence the implementation of police reforms?
- How best the civil society groups can work for the people oriented police reforms?

Interactive Discussion

(03:30 pm - 04:00 pm)

Tea

(04:00 pm – 4:15 pm)

Session 5

(4:15 pm – 4:30 pm)

- Conclusions and Recommendations
- Note of Thanks
- (4:30 pm – 4:45 pm)

Appendix II

Appendix II

**List of Participants
Islamabad
Friday, December 10, 2004**

List of
Participants
Islamabad

Sr. No.	Name	Designation	Organization
1	Nazoora Ali	Program Officer	HRCP
2	Muhammad Zafar Iqbal	Correspondent	INP
3	M. Sarwar Khan	Program Advisor Law and Governance	ADB
4	M. Naveed	Asst. Program Coordinator	EDF
5	Danish Farooq		Ehsaas Dev. Foundation
6	Maliha Zia	Research Associate Law and Gender	ADB
7	M. Ishaq Hunzai	Research Officer	AF Islamabaad
8	Zia Hashmi	Consultant	ADB
9	Dil Jan Khan	Ex. Federal Secretary	Police
10	Tasaddaque	Director	FIA
11	Asghar Mahmood	Director NPA	NPA
12	Ahmed Afzaal	Coordinator	EDI
13	Shafiq Ch.	Coordinator	PCHR
14	Zakir M. Jauhar		M/O Law
15	Raza Ahmed	ADB	ADB
16	S. Semab Haider	G. Sec	CSF
17	R. Sikander	P. Sec	CSF
18	Shakeel Ahmed	Reporter	AAJ Tv
19	Ms. Aasiya	Joint Director	PILDAT
20	Afzal Ali Shigri	IGP (R)	
21	A. M. Khan	O.B Registrar	P.B.C
22	Masood Asim	O.B Producer	P.B.C
23	M. Abbas Khan	Sec. Fed Gov.(R)	Gov. of Pakistan
24	M. Afzaal Ch.	Photo Journalist	APP
25	Irshad Sheikh	Photo Journalist	ONLINE

26	Ferdous Nizam	Camera Man	AAJ TV
27	S. A. Jawad	ADOL. O. G	FOX
28	Sardar Latif Khan Khosa	Senator Adv. Supreme Court	Parliament
29	Akram Abid	Chief Rep.	SANA
30	Dr. Mazhar Abbasi	Consultant	SAHIL
31	Irfan Tariq	Correspondent	VECTOR
32	Iqrar Hussain	Correspondent	Civil Junction
33	M. Shaheen Mughal	Adv. Supreme Court	Mughal Law Chamber
34	M. Aamir Mughal	Adv. High Court	Mughal Law Chamber
35	Azhar Hameed	Automation SPC, ATP	AJP/ADB
36	Hunazr Vautn	NZ and Spe. AJP	AJP/ADB
37	Hafiz Amjad	Chairman NCCDPSC PAK	Public Safety Commission
38	Allahud Din	Chairman DDIPCC	Public Safety Commission NWFP
39	Mr. Azhar	Communication Specialist	ADB
40	Saghir	Program Coordinator	ROZAN
41	Babar Bashir	Program Officer	ROZAN
42	Mohsin Akhtar Hayyat	General Secretary	High Court
43	Wajid Ali	Officer	Advocate
44	Sardar Balakh Sher Khosa	General Secretary	High Court Bar
45	Ch. Muhammad Bilal	Exective Member	Advocate Bar Multan
46	S. Balakh Sher Khan	General Secretary	High Court Bar
47	Malik Waqar Haider Awan	V. President	High Court Bar Assoc. Multan
48	Qamar Ch	Reporter	ONLINE
49	Mr. Mujeeb	Team Head ADTA	AJP
50	Muhammad Ali Saif	ADB/ADTA	ADB/AJP
51	Ms. Rahila	MPA Balochistan	
52	Dr. S. H. Ansari	Managing Trustee	Doaba Foundation

53	Rashid Chohan	Feature Writer	Daily The Balochistan Time
54	Shujat Ali	Prog. Specialist	Voice Against Tolluee
55	Abdul Munim	Student	QAU
56	Naseem Abbas	Student	QAU
57	Saeed Hameed	Student	QAU
58	Dr. Shoaib Suddle	Director General	NPB
59	Irfan		RDPI
60	Noor Hayat Baloch	PS to Chairman Standing Committee	Senate of Pakistan
61	Arshad Bhatti	Director	Civil Junction.
62	Asad Mahmood	Student	QAU
63	Nawab Mirza	M.N.A	MQM
64	M. Aftab Alam	Media Law Advisor	Internews
65	Farhan Ahmad	Volunteer	OXFAM
66	Hafiz Junaid	Secretary	NCCDPSC
67	Dr. Mohd. Ali Barohi	Senator	Gov. of Pakistan

Lahore
Wednesday, December 22, 2004

List of
Participants
Lahore

Sr. No.	Name	Designation	Organization
1	Javaid Qayyum Khan	IGP (R)	Police
2	Rana Sanaullah Khan	MPA PML (N)	Punjab Assembly
3	Bilal Ahmad	Lecturer	GCU Lahore
4	Bilal Mustafa	Program Assistant	SPARC
5	Amir Butt	Coordinator	CRCP
6	Zia Hashmi	Consultant	ADB
7	Ghulam Mustafa Ch.	Secretary General	PCHR
8	Inam Haider	Internee	Action Aid
9	Musarrat Badar	Training assistant	Action Aid

10	Imran Zahid	Organizer of Center	ANCE
11	M. Azam Arshad	SP Investigation	Police
12	Sunita Javed	Assistant Operation Mgr.	Church World Service
13	Muhammaad Idrees	Chief Coordinator	Farmers Association of Pakistan
14	Javed Qureshi	Citizen	
15	Kamran Arif	Lawyer	DCHD
16	Ashraf Khan	Internee	SAP-Pak
17	Ikram Arifi	Prog. Officer	SAP-Pak
18	Zaheer Siddique	Staff Reporter	Daily Dawn
19	Shahid Naseem	Director Management	Dove Care Foundation
20	Maqbool Hussain	Cahirman Y/W	
21	Mrs. Nagina Bilal	Member WR	
22	Ruhi Jasmineen	Member WR	
23	Rubina Ahmed	Member WR	
24	Amraiz Khan	Crime Reporter	The Nation
25	Tanveer Juhar	Director	DCHD
26	Ehsan Elahi Shahid	AO	CRCP
27	Aamir Riaz	Director	JAAG
28	Syed Mohsin Abbas	Legal Draftsman	Govt. of Punjab
29	Raja Tariq	Research Associate	PURC
30	Nasira Iqbal	Retd. Judge High Court	NA
31	Aayesha Arshad	Management Consultant	BUNYAD
32	Atiq-ur-Rehman	Adv. High Court	High Court
33	Naseer Rashid	Civil Service	Public A&ACC
34	Syeda Abida Hissain	Former MNA	
35	Rabbiya	Lawyer	
36	Asher Feroze	Designer Database management	New Line Publishers
37	Shamshad Qureshi	Program Officer	UNICEF
38	Faisal Awan	Reporter	Daily Express
39	Javad Awan	Sr. Staff Reporter	PPI
40	Mian M. Bashir	President	PCHR

41	Abid Saqi	Advocate	
42	Iftikhar Ahmed	Advocate	
43	M. Kamran Khan	Advocate	
44	Ejaz Ahmed Bhatti	Advocate	
45	Imran	Advocate	
46	Dr. Fouzia	Program manager	CONTECH
47	Ehtisham Cheema	Chief Executive	PHARMA ROSE
48	G. Murtaza Shah	Student	
49	M. Mubashar	Student	
50	Haji Rafiq Ahmad	Student	
51	Ihsanullah Waqas	MPA	AL-Khidmat Foundation
52	Imran Masood	Student	
53	Sohail A. Waraich		Shirkat Ghah
54	Dr. Riasat	Demonstrator	FJML
55	Syed Afzal Haider	Citizen	
56	Wajih Ahmed	Reporter	The News
57	Tayyab	PSP	
58	Azhar Baig	Staff Reporter	Daily Express
59	Rehmat Ali Razi	Columnist	
60	Sohail		WBM
61	Salman Jafri	Sr. Reporter	Nawai-waqt Lahore
62	Dr. Amjad Iqbal	CEO	COSD
63	Usman Khan	Reporter	The News
64	Saeed A. Amir	Reporter	ONLINE
65	Mazhar H. Khan	AD Engg.	LDA

Peshawar
Wednesday, January 05, 2005

List of
Participants
Peshawar

Sr. No.	Name	Designation	Organization
1	Dr. Arshad Waheed	Consultant	CRCP
2	Niaz Mehar	A. Member Inspection	
3	Tajamal Hussain	Provincial Coordinator	World Vision
4	Zia Hashmi	Consultant	ADB
5	N. Hasnain Karim	Consultant	ADB
6	Jahanzeb Khan	Provincial Coordinator	SPARC

7	Shahab Khalid	Program Officer	Sabawon International
8	Waqas ul Hassan	Provincial Program Officer	ADB
9	Shahida Perveen	Reporter	Daily Express
10	Zakir Shoaib	Program Manger	Dost Foundation
11	Shabbir Hussain	Staff Reporter	Daily Aaj
12	Sohail Ahmed	Program Manager	SAHAR
13	Shujaat Ali Khan	Bureau Chief	INP
14	Mohammad Shakir	Finance Manger	BEST
15	Zabita Khan	Assistant Director	Information Department
16	Israr Ahmed	Coordinator	IRDS
17	Tasleem Suleman	Social Organizer	WEDev
18	Adil Awan		IRDS
19	Haji Mohammad Adil		ANP
20	A. Latif Afridi	Advocate	Distt. Bar
21	Sardar Khan	Advocate	Distt. Bar
22	Asghar Khan	Lawyer	High Court Bar
23	Atta ur Rehman	Civil Servant	Civil Secretariat
24	Ishfaq	Social Worker	
25	Adil Shah	Section Officer	Environment Deptt.
26	Zahoor	Chairman	AHD
27	Shah Zaman	Reporter	Geo TV
28	Nighat Orakzai	MPA	NWFP
29	Saima Khatoon	Social Organizer	
30	Qaisar Khan	Advocate	
31	S. B. Shah	Reporter	The News
32	Qaiser Shah	Reporter	Nawa-i-Waqt
34	Waheed	Reporter	AVT Khyber TV
35	Mehmood Jan Babar	Incharge News Section	AVT Khyber TV
36	Sadia Qasim Shah	Journalist	Daily Dawn
37	Dr. Mohammad Iqbal Khalil	DNN, Peshawar	Peshwar CDG
38	Imdad Khan	Chairman	CCB
39	Siraj ul Haq Yousaf	Nazim	UC-44
40	Ayesha Zia ul Qamar	Project Coordinator	AWARD

41	Inam ur Rehman	Cameraman	GEO TV
42	Ayesha Durrrani	Project Manager Legal Clinic	Aurat Foundation
43	Asghar Ali	PM	DLG
44	Ghulam Mohammad	APM	DLG
45	Zafar Goraya		Online News
46	Mohammad Hussain		INP
47	Sardar Idress	Minister Local Govt.	Govt. of NWFP
48	S. Zafar Ali	PS to Minister LG	Govt. of NWFP
49	Asad Afridi	Staff Reporter	Daily Jang
50	Aziz Bangash	Photographer	Daily Mashriq
51	Tanzeel ur Rehman	Journalist	Daily Jang
52	Zahoor Khattak	CEO	URDO/LFP
53	Qazi Fazalullah	Journalist	Daily Ausaf
54	Ameer Mohammad	Political Leader	
55	Allaouddin	Journalist	Daily Subh
56	Ijaz Khattak	Producer Current affairs	PTV
57	Jamshed Khan	L/Man	PTV
58	Syed Qayyum Shah	Dy. Secretary	Law, Parliamentary Affairs & HR
59	Bilal Ahmed	KPO	Peshawar High Court
60	Haroon Bilal	Nazim TMA-1	City Distt. Peshawar
61	Saqib Raza	Provincial Coordinator	CRCP Peshawar
62	Farhan	Lawyer	Bar Club
63	Sadia Siddque	Advocate	
64	Dr. Zakir Shah	MPA	NWFP
65	Arif Yousafzai	Reporter	FP & IRIN
66	Syed Zahir Shah	City Editor	The Statesman
67	Sikandar Hayyat	Chief Accountant	Printing Press
68	Masood Ahmed	Dy. Secretary	Transport Department
69	Sajid Khan	Director TPT	TPT Department
70	Abid Majeed	Deputy Secretary	Admin Department

71	Nadir Rana	SO (TPT)	Admin Department
72	Ikramullah Jan	Chairman	Dazwan Pakhtoon Grand
73	Khawaja Zafar	Advocate	District Bar Association Peshawar.
74	S. Qalb e Abbas	Advocate	District Bar Association Pak.
75	Rabia Mufti	Advocate	High Court. & District Bar
76	Muhammad Shah Zaman	Director Human Rights	HR Law and Justice
77	Saad	AIG (Ops.)	Police
78	Muhammad Farooq	Deputy Chief Executive	SABAWON International
79	Ghulam	Stenographer Sp. Judge	
80	Khalil Javed	Cashier	Special Judge
81	M. M. Jadoon	M. D	EEF
82	Tariq Iqbal	SHO/ U-Town	CCP Peshawar
83	Raza Mohd. Khan	ASHO/ U-Town	CCP Peshawar
84	Tariq Habib	Si/ Siu	CCP Peshawar
85	Saqib Raza Aslam	Provincial Coordinator	CRCP
86	M. Waqas Nazir	ASP	Police Peshawar
87	Abdul Jabbar	ASP	Police Peshawar
88	Rukhshanda Naz	Resident Director	Aurat Foundation
89	Masood Ahmer Piracha	Additional I.G	Police
90	Mr. Yaqoob	AIG Legal	Police

List of
Participants
Quetta

Quetta

Thursday, December 30, 2004

Sr. No.	Name	Designation	Organization
1	Mrs. Surraiya Allaudin	Chairperson	Tanzeem-e-Idara Bahal-i-Mustahkeen

2	Mrs. Rehana Yahya	Ex. MPA	PML (Q)
3	Mohammad Irfan	Chief Executive	BRSP
4	Manzoor Ahmed Kakar	Secretary General	Balochistan Youth Front
5	Farooq Baloch	General Secretary	Women Development Organization
6	Karim Baloch		BNGOF
7	Zia Hashmi	Consultant	ADB
8	Mohammad Ali Babakhel	S.P (Ops.)	Police
9	Sarwar Ali Shaheen	Chairman	TEAM
10	Ms. Kamni Das		YWCA
11	Bibi Zahida	Chair person	Anjuman-e-Falah o Behbood
12	Azizullah	S.O	PIDS
13	Shafiq Ahmed Khan	MPA	Balochistan Assembly
14	Waqas Nadeem	Secretary to MPA	
15	Dr. Haider	AIG (Ops.)	Police
16	Abdul Haq Darya	Press Secretary	Anjuman-e-Ithad Nojawanan Khanozai
17	Asmat Ullah		CSO
18	Shams ul Islam Khan	Senior Media CCI	C.C.I.
19	Zahoor Ahmed Shahwani	Vice Chairperson	HRCP
20	Tahir Hussain Khan Advocate	Chairman Free Legal Aid	HRCP
21	Qazi Abdul Hadri	General Secretary	D.P.M
22	Mrs. Shahida Irshad	Chairperson	DAWN
23	Saeed	Journalist	Mashriq
24	A Qayyum Bedi	HCA	PTV, Quetta
25	Zebunisa Gharshin	Reporter	Daily Jang
26	Ghaffa Kakar	Chairman	CCPSC
27	Behram Khan	Member	Safety Commission
28	Syed Ubaidullah	Exec. Director	Voice for poor
29	Rauf Pervez	CCPO	Police
30	Azhar	SP/ADM	Police
31	Abdul Ghafar	Editor	Chilton, Quetta

32	Zahid Ansari	Program Associate	SEHER
33	M. Azhar	Reporter	Press
34	Ch. Imtiaz Ahmed	Photographer	Press
35	Naseem James	Photographer	Press
36	Tahir Muhammad Khan	Cahirman	HRCP
37	Nanik Ram Rajput	Staff Reporter	Daily Mashriq
38	Ashraf Lodhi	Social Worker	
39	M. Aslam Nasir	Manager Admin	VOICE
40	Hakeem Abdul Karim	President	
41	Abdul Qadir	Director	Human Development Society
42	Jahang Khan	P.O	Plan Pakistan
43	Abdul Rehman	PS to Senator	
44	Kaloom Parveen	Senator	Parliament
45	Haji Bashir	DSP (CCPO)	Police
46	Ghaffar	Chairman	CCC PSC
47	Dost	Army	Army
48	Riaz A. Khan	D.I. G.	Police

List of
Participants
Karachi

Karachi
Tuesday, January 11 2005

S. No	Name	Designation	Organization
1	Syed A Mateen	Member	SHEHRI
2	Zubair Bilal		AJP
3	Kamran Afzal	Guest	FBPWA
4	M. Akbar	DIG (Invest.)	Sindh Police
5	Maj. Gen.(R) M. Hassan Aqeel	Former Pak. Ambassador to Thailand	
6	Nayyar Hasnain	Addl. I.G Invest.	Sindh Police
7	Bushra Shaukat	Prov. Coordinator	CRCP
8	Nazim F. Haji	Citizen	
9	Naila Ahmed		SHEHRI
10	Mehr un Nisa	Coordinator	Behbud Association
11	Ashfaq ur Rehman	Reporter	APP

12	Asad Jahangir	Addl. I.G	Sindh police
13	Roland De Souza		Shehri
14	Khatib Ahmed	Member	Shehri
15	Aijaz Malik	P.O	Shirkat Gah Karachi
16	Syed Kamal Shah	I.G	Sindh Police
17	Rasheed Alam	Addl. Sectary	Home Department
18	Nisar Baloch	Chairman	Karachi NGOs Alliance
19	Abdul Razzaque	Chairman	Kulachi CCB
20	Zulfiqar Halepota	Porv. Coordinator	World Vision Khi.
21	Elahi Bukhsh	Sr. Coordinator	SPO Karachi
22	Muhammad Yousaf	Dy. Chief	CPLC
23	Bushra Syed		CPLC
24	Saeed Iqbal		Daily Star
25	Tanveer Ahmed	Reporter	PPI
26	Zia Hashmi	Consultant	ADB
27	Shaiq Usmani	Student	
28	Ishrat Shaheen	M.T	SKT
29	Nazia Ahmed	General Secretary	Sindhu Agri. Town
30	Ghulam Sarwar Jamali	SSP Traffic	Zone-III Sindh Police
31	G. Mohiuddin Asim	Section Officer (Police)	Home Department (Sindh)
32	Mrs. Zeeneil Marshial	Project Supervisor	YWCA
33	M. Ali Rasheed	Member	SHEHRI
34	G.M. Abdul Rehaman	Staff Member	Daily Imroz
35	M. Shabih Siddiq	PRO to Home Minister	Home Deptt.
36	Shameer Ali Prasla	EE & Com Officer	WWF-Pak.
37	Moin Haider	Ex Governor	Sindh
38	Ahmed Chinoy	Asstt. Chief	CPLC
39	Maroof Sultan	Social Worker	URC
40	Mohammad Tahir	Citizen	
41	Jameel Yousaf	Citizen	
42	Anis Haroon	R.D	A.F
43	Hameed Maker	Chairman	The Helpline Trust
44	Atif Hussain	Stringer	FM 107

45	Amber Ali Bhai	General Secretary	SHEHRI
46	Sheikh Rizwan	Executive Committee Member	SHEHRI
47	Prof. Mrs. Nuzhat Williams	Principal Govt. College & President YWCA	YWCA
48	Aneesa Sattar	Chairperson Youth	APWA
49	Shakeel-ud-din	Reporter	Radio Pak.
50	Noorullah	Producer	Radio Pak.
51	Iqbal Haider	Advocate	
52	Nafees Ghaznavi	Director	Amnesty International Pak.
53	Arman Sabir	Staff Reporter	DAWN
54	Syed Shoaib Hassan	Staff Reporter	HERALD
55	Amin Sheikh	Police	Police
56	Hussain Asghar	SSP/HQ	CCP Karachi
57	Muhammad Akbar	SP	CCP Karachi
58	Ajaz Awan	Owner	Business
59	Syed Kamal Shah	I.G Sindh	Sindh Police
60	M. Rauf Siddiqui	Home Minister Sindh	Govt. of Sindh.

Appendix III

Appendix III

**Multi-stakeholder Dialogue Forums on Police Reforms
(December 2004 - January 2005)**Multi-
stakeholder
Dialogue
Forums on
Police Reforms**i. Dialogue Brief**

Dialogue Brief

The Police Order 2002 aims at making the police service oriented and accountable to public. Its purpose is to ensure that police is more efficient and respects human rights and dignity of the citizens during its operations. Since promulgation of the Police Order 2002, the federal and provincial governments have made efforts to bring the local policing in line with the modern trends. During the course of its implementation, stakeholders voiced their concerns about certain new arrangements under the Police Order 2002. Various amendments were thus made to the Police Order 2002 with a view to accommodating the genuine concerns expressed by the stakeholders.

On 25 November 2004 President gave assent to “The Police Order (Amendment) Ordinance 2004” introducing changes aimed at facilitating implementation of the new police system. These amendments deal with fundamental principles of checks and balances, de-politicization, police accountability and functioning. The revisions have already been agreed upon by the federal and provincial governments.

The police reforms appear not to have mustered enough public support. This is partly due to almost absence of open public debate on the Police Order 2002 and its implementation arrangements. To bridge this gap, a series of dialogues have been planned to reflect on the character of the new police system and challenges that it now faces under the devolved system of governance. The objective of the dialogues, in addition to generating a healthy debate on the implementation arrangements of the new Police Order 2002, is also to raise public awareness and build ownership of reforms.

The public dialogues are being arranged in all the four provincial capitals including federal capital. These discussions are expected to trigger a quality public debate on the issues in the Police Order 2002, including the latest amendments of 25 November 2004.

Objectives of
the Public
Dialogue
Forum:

ii. Objectives of the Public Dialogue Forum:

The dialogue forums are being organized to achieve the following objectives:

- a) To provide an opportunity to stakeholders especially the civil society, relevant government departments and legislators to examine the pros and cons of the latest amendments and discuss key issues related to implementation of the Police Order 2002;
- b) Soliciting ideas and recommendations from various stakeholders as to how best they could make policy inputs and work for successful implementation of police reforms; and
- c) Sharing and dissemination of ideas and recommendations with the policy makers and the civil society.

iii. Framework for Discussion

Framework for Discussion

The proposed public forums will focus on the specific issues of critical importance in the context of ongoing police reforms. Following are few of the many crucial points, which shall be the focus of the proposed Multi-stakeholder dialogue forums.

- Role of the Provincial Police Officer (PPO) as ex officio secretary and the issues of autonomy and superintendence by the provincial government: In order to protect the police from political interference, the PPO has been made an ex officio secretary with ‘total autonomy in operational, administrative and financial matters subject to policy, oversight and guidance given by the Chief Minister’. Arguably, this provides for a conflict, whilst the PPO has ‘total autonomy’ it is subject to the chief minister’s ‘policy, oversight and guidance’ –at what point will the chief minister’s policy, oversight and guidance encroach upon the PPO’s ‘total autonomy’? For example, the PPO can only appoint a district police officer (DPO) with the approval of the provincial government (s. 15(1)), which seems a basic compromise on ‘total autonomy’. It is also unclear why it has been made obligatory for the Chief Minister to convey his policy guidance to the PPO through the Chief Secretary and the Home Department?
- **Transfers & Promotions:** For the appointment of PPO, the federal government –and not the National Public Safety Commission- will now recommend a panel of three officers to the provincial government. The PPO can only appoint a DPO with the approval of the provincial government. Compared to the pre-amendment provisions, how does the new change affect the attempts at de-politicizing of the police? Is the enhanced role of Provincial Governments in police appointments conducive to a professional, service oriented, modern police or is it part of an appropriate supervisory responsibility in line with the functions of the provincial government? What is the best mix?

- **Changing Composition of Public Oversight:** The Police Order 2002 envisaged equal representation of government and opposition MPAs in the provincial public safety commission. This formula has now been amended apparently to give increased representation to the ruling party's MPAs. The new amendments provide for the inclusion of three parliamentarians of a district in their respective DPSC, appointed by the government. Each DPSC would now include three MNAs or MPAs, three members of the district council and three independent members selected by a selection panel. The number of respective provincial and national assemblies' members, constituting one-third of the DPSC membership, is not clearly laid out in the amended Police Order 2002. Has the inclusions of Parliamentarians politicized the public oversight and public grievance redress? Are there safeguards against it? Are the revised structural changes in public oversight a step towards politicization of police or a move to make Police a truly accountable? Whither the concept of making police a politically neutral institution?
- **Changed Composition of Selection Panel at the Provincial Level:** Amendments have changed the composition of the provincial selection panel, which now excludes the chief justices of the high courts from sitting in the selection panels. The provincial selection panel now includes the provincial ombudsman, the chairman of the provincial public service commission and one member appointed by the chief minister. Does this measure compromise the credibility of the selection committee or does it make the process more efficient as the new members have an executive bent of mind? Arguably, this has resulted in a loss of independence for the selection panel, which is now much more closely associated with provincial government as all the three members are appointed by the provincial government.
- **Merging Public Oversight and Public Grievance Redress:** The provision for Police Complaint Authority

(PCA) at the provincial level has been abolished. Its functions are now shifted to the Provincial and District Public Safety Commissions. This means that public oversight and public grievance redress for serious misconduct are now vested in a single entity having majority membership from the government side. One may ask if the provincial and district public safety commissions have sufficient powers to provide for public oversight and grievance redress? What are the merits of merging the public oversight and public grievance redress functions? Does it constitute an element of conflict of interest? In view of the enlarged public oversight and public grievance redress mandate, has the safety commissions been provided with the powers formerly exercised by the PCA?

- **Relationship Between District Nazim and the District Police:** Given that the Nazim is responsible for “functions relating to local law and order in the district” (Sec. 18(c) Local Government Ordinance 2001) and under the amended PO 2002 (article 33), the Nazim will now initiate the annual Performance Evaluation Report (also known as ACR) of the district Police Chief. What are the problems and merits of exercising control through the PER and how do these compared with the new arrangements for evaluation of performance of Police? Also, what are the implications of making the Chief Minister a final counter signing authority regarding the Annual Evaluation Report (AER) of DPO prepared by the Nazim? With the control over district police by the Chief Minister formalized and extended on a statutory basis for the first time, it is apprehended that conflicting influences will grow possibly leading to further undermine the working and functions of the Police.
- **General Control of SHO Over the Investigation:** What are the merits of empowering SHO to have a general control over the officer-in-charge of the investigation? Will this compromise the intended functional specialization behind the separation of watch-and-ward and investigation?

- **Devolving Police to the Local Level:** Given that the policing is a local function, it is unclear why police is not a devolved function? First, there is a need to address the conflict that emanates from the conflicting constitutional provisions and the clauses of the Local Government Ordinance as to whether or not policing is a local function? It needs to be debated as to whether or not police performance should be subject to local government scrutiny? It also needs to be discussed as to whether or not following a review of past professional performance and conduct of the police officials, their appointments should be ratified by a special resolution of the district/tehsil councils. Also the issues relates to the cases of poor performance or misconduct and whether the district/tehsil councils should be empowered to initiate a special resolution for removal of police officers? There are other important issues demanding clarity and consensus as to whether the higher tiers of the police need to be focusing on the inspection and inter-district co-ordination functions? Are these arrangements appropriate? And how does it fit with the DPSC oversight, which has national and provincial legislators as its members?

Format of the
Public Debates:

iv. Format of the Public Debates:

The Consumer Rights Commission of Pakistan (CRCP) has planned to hold five dialogue forums in five cities of Pakistan. These forums will be held in Islamabad, Karachi, Lahore, Quetta and Peshawar from 10 December 2004 to 11 January 2005. Each dialogue forum will be of one day (9:00am to 5:00pm) spread over 4 sessions. During the sessions, participants are expected to engage in an open and interactive discussion on the merits of the amendments towards establishing a citizen-friendly, accountable and transparent police service. The public debates will provide varied insights to form a consensus on police reforms and the objectives of Police Order 2002.