



# POLICE REFORMS

## POSITION PAPER



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## ACRONYMS

<b>CPI</b>	Corruption Perceptions Index
<b>CPLC</b>	Citizen Police Liaison Committees
<b>Cr. P. C</b>	Code of Criminal Procedure
<b>EBP</b>	Evidence Based Policing
<b>FIR</b>	First Information Report
<b>GDP</b>	Gross Domestic Product
<b>GPI</b>	Global Peace Index
<b>GRoLI</b>	Global Rule of Law Index
<b>ILP</b>	Intelligence Led Policing
<b>IO</b>	Investigation Officer
<b>IT</b>	Information Technology
<b>KP</b>	Khyber Pakhtunkhwa
<b>PITB</b>	Punjab Information Technology Board
<b>PPW</b>	Practical Police Work
<b>PRC</b>	Police Reforms Committee
<b>PSBB</b>	Police Station Based Budgeting
<b>SDGs</b>	Sustainable Development Goals
<b>SDPO</b>	Sub-Divisional Police Officer
<b>SP</b>	Superintendent of Police
<b>SSDO</b>	Sustainable Social Development Organization

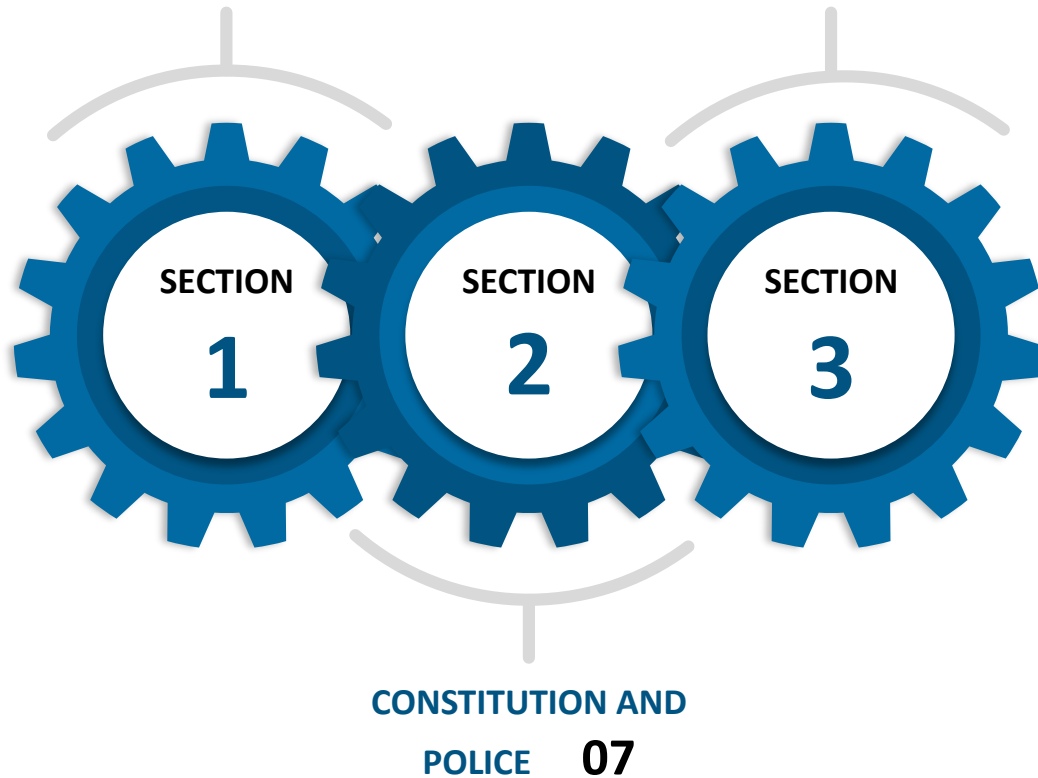
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## SECTION-1

### INTRODUCTION

International measurements and indices are by no means exhaustive, but given the fact that local measurements are not made, these become relevant. The Global Rule of Law Index, 2020 (GROLI, 2020), shows Pakistan at 120 out of 128 countries.<sup>1</sup> The Global Rule of Law Index, 2020 measured nine factors, in terms of order and security, Pakistan was ranked at 126/128. The state of criminal justice, however, was gauged better than civil justice with the former at 98/128, and the latter at 118/128. Likewise, the Global Peace Index, 2020 (GPI, 2020) ranked 163 independent states according to their level of peacefulness.<sup>2</sup> Pakistan was ranked at 152/163 on GPI. It was shown as one of the least peaceful countries in the world with 52% of GDP as its economic cost of violence. In terms of corruption in the public sector, the Corruption Perception Index, 2019 (CPI, 2019) shows Pakistan at 120/180 countries.<sup>3</sup> With this brief situation analysis, the overall picture of the state of the public sector, security, and peacefulness requires much to be done. To improve the situation, certain initiatives in different fields have to be taken especially with regard to the Sustainable Development Goal 16 (SDG-16). In line with this approach, institution building is the most important step. 'Police', as a function, is one of the most important services to be offered to the public at large. Its institution building is central to the justice sector and has a direct bearing on the rule of law of a country. In this context, there is a need to motivate and mobilize the parliamentarians who shape the police reforms to improve the present state of affairs.

**Pakistan** ranked 120 out of 128 Countries on Global Rule of Law Index 2020.

**Pakistan** was ranked at 152/163 on Global Peace Index 2020.

**Pakistan** ranked at 126/128 in terms of order and security.

**Pakistan** ranked at 98/128 in terms Civil Justice

<sup>1</sup> World Justice Project, Rule of Law Index, 2020, [https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2020-Online\\_0.pdf](https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2020-Online_0.pdf) (accessed on 10<sup>th</sup> August, 2020).

<sup>2</sup> The Global Peace Index, 2020, [http://visionofhumanity.org/app/uploads/2020/06/GPI\\_2020\\_web.pdf](http://visionofhumanity.org/app/uploads/2020/06/GPI_2020_web.pdf) (accessed on 10<sup>th</sup> August, 2020).

<sup>3</sup> Corruption Perceptions Index, 2019, [https://www.transparency.org/files/content/pages/2019\\_CPI\\_Report\\_EN.pdf](https://www.transparency.org/files/content/pages/2019_CPI_Report_EN.pdf) (accessed on 10<sup>th</sup> August, 2020).

## 1.1 POLICE REFORMS V. POLICING REFORMS

The term ‘Police Reforms’ is often applied generically. The experts in this area clearly distinguish between police reforms and Policing Reforms by treating the two as distinct concepts. The police reforms are, in essence, ‘inward’. Police reforms aim to deal with the ‘organizational aspects’ of police. Police reforms deals with the matters among the police officers as well as between the Police and the government. Usually, police laws reflect police reforms by providing an independent and professional police organizations. Contrarily, the policing reforms deal with service delivery aspects of police. They address the ‘functions’ of police like registration of criminal cases, investigation, change of investigation, the law of bail, law of remand, trial procedure, processing of offenders and juveniles, etc. The policing reforms are usually dealt with cross-cutting laws affecting the criminal procedure and the way police perform their duties. In Pakistan’s context, the Policing Reforms are to be found in the amendments in the Code of Criminal Procedure, the law of corrections, women protection laws, and the juvenile related legislation. In practical terms, most of the time, by bringing about police reforms, it is expected that the criminal justice will improve, but the full benefits of any reform agenda only yield results when applied in totality with the Policing Reforms. This aspect is also important from the viewpoint of the history of police reforms in Pakistan and with regards to the design of the police reforms in Pakistan, which has primarily dealt with a Police organization, police welfare, police accountability, and likewise matters. Little attention has usually been paid to the policing reforms i.e. the reforms to bring about change in service delivery aspects of police service as in the Police Reforms Committee Report, 2019, that was mandated by the Chief Justice of the Supreme Court of Pakistan from the platform of the Law and Justice Commission of Pakistan.<sup>4</sup>

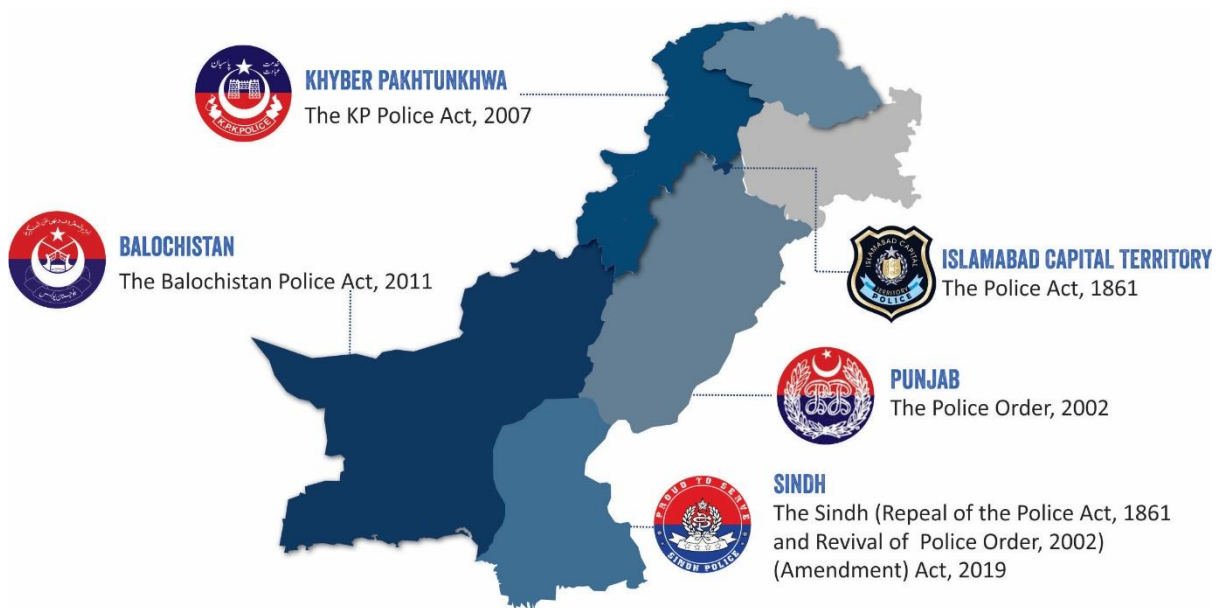
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<sup>4</sup> The Police Reforms Committee Report titled as the ‘Police Reforms: Way Forward’ was established by the Chief Justice of the Supreme Court of Pakistan in the capacity of the Chairman of the Law and Justice Commission of Pakistan established under the National Judicial Policy Making Committee Ordinance, 2002, <http://ljcp.gov.pk/nljcp/assets/dist/Publication/b1896-title-brochure-final-14-01-2019-pdf.pdf>

## SECTION-2

# CONSTITUTION AND POLICE

Pakistan's Constitution is the supreme legal document for the country. It lays down the areas/domains in which different constituting units of the country operate and the institutional turf of different constitutional organs. One of the issue that is at the heart of the policy debate related to police reforms is regarding the constitutionality of the police laws in Pakistan. Succinctly, it tries to address the question of whether the subject of police is exclusive to the provinces, or is it a matter of shared responsibility between the Federation and the Provinces. In case the matter is exclusive, the Provinces are entitled to have their exclusive provincial police laws. Conversely, if the matter is treated as shared responsibility, the matter becomes concurrent, enabling the Federation and the Provinces both to legislate on the subject with Federal law having an overriding effect. In this context, after the Eighteenth Amendment was passed, the Provinces opted to treat the subject of police as a provincial subject. The result of the approach of treating the police as a provincial subject is that all the Provinces have their own police laws. The province and territory wise state of affairs are reflected hereunder:



Notwithstanding the practice of the Provinces, the matter has often been examined by the courts. For example, the Supreme Court of Pakistan was pleased to direct the Attorney

General for Pakistan to opine on the constitutionality of the police laws in 2015.<sup>5</sup> Likewise, when the Chief Justice of the Supreme Court of Pakistan constituted the Police Reforms Committee (PRC) in 2018, it set the matter of constitutionality of the police laws with special reference to the Eighteenth Amendment as the first term of reference.<sup>6</sup> The PRC Report, 2019 contains a detailed legal arguments on the subject, which need not to be reproduced here. Finally, in the latest decision of the Supreme Court of Pakistan, on the touchstone of Articles 142 and 143 of the Constitution of Pakistan, the ‘Police’ has been declared as ‘concurrent’ subject.<sup>7</sup>

### RECOMMENDATION

The question of the constitutionality of police laws in Pakistan is debated and finalized to remove doubts if any. The option is between treating the subject as purely Provincial as against a shared responsibility of the Federation and the Provinces. The provinces treat police laws as provincial subjects, which are not in conformity with the Articles 142 and 143 read with the latest judgment of the Supreme Court in Chief Secretary Sindh Case decided in 2019.

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<sup>5</sup> Haider Ali v. DPO Chakwal (2015 SCMR 1724)

<sup>6</sup> Police Reforms: Way Forward-Police Reforms Committee Report 2019

<http://ljcp.gov.pk/nljcp/assets/dist/Publication/b1896-title-brochure-final-14-01-2019-pdf.pdf> (accessed on 12th August, 2020)

<sup>7</sup> The Province of Sindh through Chief Secretary Sindh v. Shehri Citizens for a Better Environment (Civil Appeal 148 to 150 of 2018 filed in the Supreme Court of Pakistan)



## SECTION-3

# SERVICE DELIVERY ISSUES

### 3.1 POLICY AND SERVICE DELIVERY ISSUES

In earlier police reforms efforts/initiatives, all the issues affecting police and their performance have been lumped together. This approach has confused the policy issues with service delivery issues. This paper has tried to neatly distinguish between the two areas of police reforms. In Pakistan, the most important policy area has been the constitutionality of police laws in the country. It is important as police are part of the larger criminal justice system, which is concurrent in legislative matters and offers a singular criminal code for the country. Moreover, inter-provincial aspects of law enforcement can be adequately addressed by resolving the issue. As against the policy issues, there are service delivery issues that affect police performance and their image. The checklist of service delivery issues varies, as the public, policymakers, police officers, courts, civil society, media, and other stakeholders keep offering their list of service delivery issues. All the lists and variances point out problems and their solutions, but for any reform efforts are needed to yield results, the list must be prioritized. An example of the foregoing discussion has variety of issues, addressed in KP Police Act, 2017 which are police independence, career progression of different cadres within the police, oversight mechanisms, community participation mechanisms/ initiatives, superintendence, and police governance issues. This lumping together approach has resulted in confounded priorities that lead to turf differences and bureaucratic wrangling between different service groups thus, not fully transferring the benefits of a legislative instrument to the citizenry. Staying clear from this approach, after consultation with civil society and the public at large, four issues have been identified as a point of departure for service delivery related police reforms. These four areas are women and police, investigations, Community Policing, and the use of information technology in policing. It must be stated clearly here that by prioritizing these four areas, it is being suggested that other areas of public service delivery are as important as aforementioned issues. For example, urban policing, traffic management, road safety, regulation of arms in the society, the role of police in checking extremism in the society, police image, police prosecution cooperation, police forensics cooperation,

preventive Policing, and many more areas are equally important. Nonetheless, some areas need to be prioritized and therefore, the selected service delivery issues are by no means exhaustive. This Paper will show the present state of affairs regarding the selected four service delivery issues.

### 3.2 FOUR SERVICE DELIVERY ISSUES

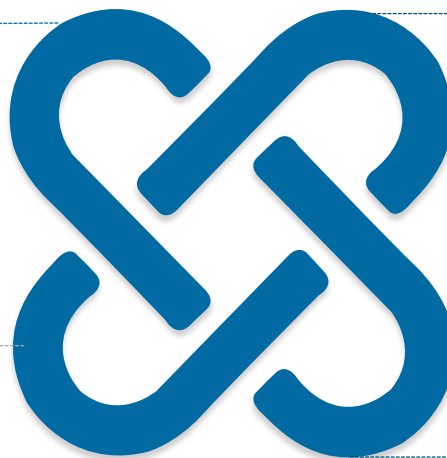
As discussed above, the four selected service delivery issues are women and police, police investigations, community policing and information technology, and police.

#### Women in Police

- Women in Police
- Crimes against Women

#### Community Policing

- Mandate
- Selection and Composition of Bodies
- Compatibility with larger system



#### SERVICE DELIVERY ISSUES

#### Police Investigations

- Functional Specialization
- Cost of Investigation
- Standardization
- Change of Investigation
- Evidence based Arrests
- Supervision of Investigation
- Accountability for Defective Investigation
- Police Prosecution Cooperation
- Police Forensics Cooperation

#### Information Technology & Police

- Digitization to Digitalization
- Data Privacy
- Cyber Security
- Primacy of Electronic Evidence

#### 3.2.1 WOMEN IN POLICE

Latest Census has shown that women comprise 48.76% of the total population of Pakistan.<sup>8</sup> Given their numbers and the fact that society is shaped by women, there is a greater realization that special arrangements shall be made for protecting women. In this regards, two main issues may be presented here, which are:

##### 1. WOMEN IN POLICE

The number of women in the police can significantly improve police response towards women in distress, women victims, and those in the peril of crime. It has also been included in the legal framework by requiring that if a woman is to be

<sup>8</sup>Compendium on Gender Statistics in Pakistan 2019, Pakistan Bureau of Statistics, Ministry of Planning, Development and Reform, Government of Pakistan, <http://www.pbs.gov.pk/sites/default/files//COMPENDIUM%20GENDER%202019%2018-06-2019%20%20printing.pdf> (accessed 12<sup>th</sup> August, 2020)

arrested, the arrest shall be made by a woman police officer.<sup>9</sup> Governments have been trying to address the issue of women in police by establishing women police stations and by allocating women quota in the induction phase of the recruitment. Statistically, there are 17 women police stations in Pakistan, whereas the first women police station was inaugurated in 1994.<sup>10</sup> Why women police stations could not be mainstreamed is a question that must be dispassionately examined. An apparent cause is that the Code of Criminal Procedure confers territorial jurisdiction to police stations and has not been amended to confer jurisdiction to women police stations. Likewise, insofar as women in police are concerned, women are now being inducted at all levels of entry for police i.e. as Constables, Assistant Sub-Inspectors, Sub-Inspectors, and as Assistant Superintendents of police. According to a count of 2011, women police is 0.87% of the total police in Pakistan.<sup>11</sup> The number of gazette police officers is constantly on the rise and at the moment there are 41 gazetted police officers (senior police officers). While induction needs to be improved, the retention and working conditions for Women police officers are certainly not in better condition. Some of the core problems are: mainstreaming of women police officers, working conditions, assignments, daycare and allied facilities for their children, transport, residential facilities, separate washrooms, etc. The purpose of this paper is not to carry out detailed research, but to indicate the areas that might excite attention and thinking by the policymakers.

## 2. CRIMES AGAINST WOMEN

The state of crimes against women is not clear due to a shortage of data and inadequate measurement of the extent of the crimes and their responses. There is a strong case to establish a national database for measuring crimes against women especially given the latest criminal law amendments introduced in 2016. Once the extent is measured, the response strategy and mechanism can be

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<sup>9</sup> Rule 26.18-A of the Police Rules, 1934

<sup>10</sup> Women Police in Pakistan, <https://www.individualland.com/downloads/womenPolice/Women%20Police%20in%20Pakistan.pdf> (accessed on 12<sup>th</sup> August, 2020)

<sup>11</sup> Ibid

planned and introduced. There have been efforts by the Government to address this by establishing Women Protection Centres, but these Centres have not worked at part with the police stations as these were not conferred powers to register First Information Reports (FIRs).<sup>12</sup> Even if an FIR is registered by the help of these Centres, the investigation is being carried out, most often than not, by male Investigation Officers (IOs). Thereafter, if investigations are changed, the matters of the investigation become more complex leaving a woman victim with no option but to compromise. This state of affairs by keeping in view the Practical Police Work (PPW), Police-Prosecution and Police-Forensics Cooperation must be seriously studied before introducing any Reform to ensure that sustainable Reforms as against mere cosmetic Reforms take place.

### 3.2.2 POLICE INVESTIGATIONS

The Policing system in Pakistan is primarily detection based and confers little or no legal authority to police to do preventive Policing. Detective policing is no in sync with the latest trends of Policing where techniques of community policing, Intelligence-Led Policing (ILP), and Evidence-Based Policing (EBP) are required and practiced due to the availability of information technology. Nevertheless, until the laws are amended the model will remain detection based. Due to the overwhelming nature of detective Policing in Pakistan, there is a strong need to improve police investigations. The ultimate test of a police organization in Pakistan is how good, effectively, and efficiently it detects the crime and based on that detection, how it can secure convictions. Owing to its importance in practical policing, there is a need to improve it. To this end, the following points merit consideration:

#### 1. FUNCTIONAL SPECIALIZATION

The Code of Criminal Procedure treats investigation technically by defining it as 'collection of evidence by Police'.<sup>13</sup> Due to the technical nature of the investigation, it is imperative that it must be dealt by police officers having training, experience, and specialization in dealing with investigations. The police

<sup>12</sup> Established under the Punjab Protection of Women Against Violence Act, 2016.

<sup>13</sup> Section 4(l) of the Code of Criminal Procedure, 1898.

Order, 2002 provided for the first time legal basis for functional specialization of police functions.<sup>14</sup> Based on the idea, the watch and ward and investigation were planned to be separate, but owing to lack of funds, the separation could not take place in reality. Also, the organizational changes could not be introduced in the time leading to no successful functional organization. As a matter of principle and in conformity to the legal system in Pakistan, there should be a specialist cadre for the investigation of crimes based on the concept of functional specialization.

## **2. COST OF INVESTIGATION**

Based on the aforementioned concept of functional specialization, the cost of the investigation is a budgetary consequence of the idea in the sense that for all investigative steps the Government must pay. This payment of the cost of the investigation is most important to improve the quality of investigation as well as the integrity of the IOs, who often borrow from a better-off party to a crime to fund his investigation. After the inclusion of the legal basis of functional specialization of investigation, budgetary grants were paid to police organizations. There are many issues attached to the cost of investigation, but some of the important issues are the allocation of the cost of investigation for different kinds of offenses and their disbursement. One way to do this is to resort to Police Station Based Budgeting (PSBB). Recently, in Karachi, PSBB has been introduced for both the watch and ward and for the investigation. Its impact is yet to be studied.<sup>15</sup>

## **3. STANDARDIZATION**

The third issue related to investigations is the standardization of police practices, the consequential prosecutorial and court practices. The standardization can best be achieved by accrediting the IOs by first initiating accreditation of training institutes. Non-compliance of standards should be treated as a defective investigation to make the concept of defective investigation concrete and practical for objective implementation. In the domain of standardization, the concept of

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<sup>14</sup> Article 8 of the Police Order, 2002.

<sup>15</sup> Urdupoint, Budget to be allocated to Police Stations in Karachi, 10<sup>th</sup> July, 2020, <https://www.urdupoint.com/en/pakistan/budget-to-be-distributed-at-police-stations-l-970924.html>

investigative teams may be introduced to ensure that collective decision making is introduced and unbridled discretion is checked especially in relation to offenses with the higher quantum of punishment.

#### **4. CHANGE OF INVESTIGATION**

The law related to the change of investigation is situated at the moment in the Police laws.<sup>16</sup> In the first place, it may be made part of the Code of Criminal Procedure that deals with all the powers and functions related to the concept of investigation. Secondly, in the present form, the law related to the change of investigation does not align with the cardinal principles of the crime scene investigation as the only first investigation is carried out at the scene of the crime. Second and third investigations are carried out at Divisional and Provincial levels, which are far away from the crime scene. This must be put right to improve the quality of investigation and to ensure that forensic and prosecutorial support is fully utilized. Likewise, horizontal and vertical changes of investigation in the level of officers investigating the cases must also be streamlined to ensure uniformity, efficiency, effectiveness and timely completion of investigations.

#### **5. EVIDENCE-BASED ARRESTS**

Supreme Court in two of its latest judgments styled as Khizar Hayat Case<sup>17</sup> and Sughran Bibi Case<sup>18</sup> was pleased to direct the Inspector Generals of Police to strictly follow evidence-based policing. It included and gave judicial sanction to the maxim ‘falsus in uno, falsus in omnibus’<sup>19</sup>; the Supreme Court was pleased to reject the practice of police to bring in false witnesses to strengthen their cases. It also clearly stated that arrest and all coercive actions by police must be evidence-based. It also tried to weaken the overwhelming control of the FIR on the criminal justice processes by directing that only one FIR can be registered in one incident. All other versions should be recorded and investigated by the IO and truth be determined as required by the law. The approach taken by the Supreme Court is

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<sup>16</sup> For example, see: Articles 18 and 18-A of the Police Order, 2002.

<sup>17</sup> PLD 2019 SC 527

<sup>18</sup> PLD 2018 SC 595

<sup>19</sup> False in one, false in all

very much in line with the latest trends of police investigations worldwide, especially in the UK where Professor Lawrence Sherman of Cambridge University is an ardent proponent of the Evidence-Based Policing (EBP).

## **6. SUPERVISION OF INVESTIGATION**

The supervision of investigation is an important matter as organizationally senior police officers are expected to monitor the quality of investigations. Once the functional specialization is achieved or is aimed at as a principle of police Reforms, the supervision of investigations must be carried out by specialist supervisors. At the moment, the law provides for ‘verification’ of investigations by Sub-Divisional Police Officers (SDPOs). The role of Superintendents of police in investigations with regards to special offenses like blasphemy, offenses against women must be performed by senior police officers who have opted to be part of a specialist cadre to ensure that standards are met and quality of high profile cases is professional. Summoning case files and preservation of evidence should be rule-based not discretion based to repel unnecessary interference and to ward off tampering with evidence.

## **7. ACCOUNTABILITY FOR DEFECTIVE INVESTIGATION**

There is a lot of talk about the accountability of police without specifying areas that must be held accountable. The analysis of internal accountability statistics will reveal that most of the time the accountability is related to watch and ward issues along with discipline-related issues. The ‘defective investigation’ at the moment is being examined subjectively and discretion based questioning and arrests are not usually held accountable. The standards for defective investigation must be professionally set and enforced transparently as these not only have departmental but also criminal consequences. The Government was pleased to criminalize defective investigation in 2016, but no standards have been set within the police to check the quality of investigation.<sup>20</sup>

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<sup>20</sup> Section 166 of the Pakistan Penal Code, 1860 amended through the Criminal Amendments Act, 2016.

## 8. POLICE PROSECUTION COOPERATION

The prosecution was initially with the police, but after 2006, all the four Provinces have their own Prosecution Services. The partnership of police and prosecution is a must for the success of state cases. The cooperation should be treated as mandatory and not as voluntary to ensure that the collective effort of police and Prosecution helps in controlling crime and prosecuting offenders.

## 9. POLICE FORENSICS COOPERATION

At the moment, individual IOs enjoy considerable discretion in dealing with evidence of a case. The power to convene forensic services assistance is with the IOs who sporadically invite forensics in cases. The discretion should be done away with and rule-based assistance of forensic service may be introduced. Improved Police Forensics Cooperation means more Evidence-Based Policing.

### 3.2.3 COMMUNITY POLICING

Public order and community have been linked by the legal framework since 1934.<sup>21</sup> The concept was further fortified by the Police Order, 2002 that provided the detailed duties of a police officer and also provided the legal basis for the establishment of Citizen Police Liaison Committees (CPLCs).<sup>22</sup> The concept was also used for dispute resolution by introducing it in the legal framework of the new KP Police law.<sup>23</sup> Despite these legal bases, there are issues, which must be considered for further legislation, and for improving the community policing system all over the country. These issues are:

#### 1. MANDATE

The mandate of community policing initiatives varies. Every officer has his own way of constituting community policing bodies. The mandate varies with the officer. As soon as the officer changes, the committee's mandate changes. This must be rule-based to make the initiatives sustainable and part of the system. The most common mandates that have been introduced by officers are:

<sup>21</sup> Rule 21.1 of the Police Rules, 1934.

<sup>22</sup> Article 168 of the Police Order, 2002 and Section 80 (c) of the Sindh Police Act, 2019.

<sup>23</sup> Section 73 of the KP Police Act, 2017.



- (a) safety e.g., in religious congregations,
- (b) dispute resolution, by whatever name styled e.g., in Islamabad Capital Territory, Public Conciliatory Committees
- (c) Police-Public Relations e.g., CPLCs and Police Committees.

There is a need to make the mandate rule-based instead of officer based.

## **2. SELECTION AND COMPOSITION OF BODIES**

The second issue relates to the selection, composition, tenure and removal of the community policing bodies/institutions. The selection is often done by officers on recommendations or by their good judgment. This is discretion based and often brings in people with vested interests and rent-seeking tendencies. This must be rule-based to keep the system transparent and sustainable.

## **3. COMPATIBILITY WITH LARGER LEGAL SYSTEM**

Most of the time, the mandate of the community policing institutions/bodies is dispute resolution and reconciliation. This mandate should be made compatible with the larger legal system. For example, reconciliation conducted in business and commercial matters may be given evidentiary value by amending the law of evidence. Likewise, for petty matters and minor offenses, these may be declared as courts and their awards should be made enforceable. But to do so would require broader stakeholder ownership i.e. ownership by all justice sector stakeholders including bar associations of the country.

### **3.2.4 INFORMATION TECHNOLOGY AND POLICE**

Information Technology (IT) is an integral part of societal advancement nowadays. It is all-pervasive in every field of life. Police in Pakistan have taken advantage of it for prevention and detection. They have also used IT for image building on media. Owing to the greater importance of IT, safe city projects have also started in different cities of the country that use technology for surveillance, traffic management, crime prevention and crime detection. While the use of IT has offered new opportunities for police, it has also thrown unprecedented challenges, which must be noted, and

sustainable and human rights compliant IT solutions should be planned and implemented. The present state of IT use is that Punjab police is in the lead as it struck a partnership with the Punjab Information Technology Board (PITB), which provided it a robust platform to implement many a solution. The Sindh police, in its own place, remained the pioneer in IT use for policing in the country when it used computers for maintaining records and databases of crime in Karachi in collaboration with the first Citizen Police Liaison Committee (CPLC). The KP police have also made its mark when it provided a dedicated Police School of Information Technology in its new law.<sup>24</sup> Balochistan Police has also strived to keep pace with the latest developments and has used IT for the detection of crimes. The efforts are no doubt being made to increase the use of IT in the police. Nevertheless, the following issues may be noted to increase the impact of the use of IT in police:

### 1. DIGITIZATION TO DIGITALIZATION

Digitization and digitalization are different in meaning yet used interchangeably. While 'digitization' is 'the process of changing from analog to digital form', the 'digitalization' is 'the use of digital technologies to change a business model; it is the process of moving to a digital business.'<sup>25</sup> The process of digitization is also known as enablement.<sup>26</sup> The process of converting handwritten data into a digital form explains the digitization of the text. It is important to know that it is information that is digitized. Thus, it can be inferred that digitization is a precondition for digitalization. The police have to move from digitization to digitalization by using the information as a tool rather than as a mere electronic version of manual records. This shift from digitization to digitalization requires linking up all the databases available in the public sector domain and by enabling their cross-usage on a real-time basis. This access to digitization has to be enabled through analytical tools powered by algorithms and artificial intelligence to ensure that the technical component optimally supplements the human component of police.

<sup>24</sup> Section 13 of the KP Police Act, 2017

<sup>25</sup>Gartner (20<sup>th</sup> July 2020):Digitization and Digitalization, <https://www.gartner.com/en/information-technology/glossary/digitalization> (accessed on 12th August, 2020)

<sup>26</sup>Gartner glossary (20<sup>th</sup> July 2020):Digitization and Digitalization available at gartner.com.

## 2. DATA PRIVACY

The digitization of police has been mostly product of individual police officers' efforts or of the efforts of the government information technology boards, which have focused on digitization to a larger extent. The right to privacy as enshrined in Article 14 of the Constitution must be safeguarded while using IT in policing. This aspect requires special attention by any reform initiated by the Government to ensure that the chances of abuse of IT are minimized and a legal regime is in place to oversee the use, sharing, and exchange of digitized data.

## 3. CYBERSECURITY

Most of the IT initiatives introduced by police organizations have been developed through software development platforms available on the internet. While these are useful for experimentation purposes and small scale, these are highly vulnerable to cyberattacks. There is a strong case to introduce security protocols to deal with cyberattacks, which presently are not put in place. The vulnerabilities are not only high for the public at large but also the police organizations as well.

## 4. PRIMACY OF ELECTRONIC EVIDENCE

Lastly, there is a need to provide legal cover to the electronic evidence by declaring it relevant and admissible under the law of evidence. Without addressing the legal concerns, the IT-based solutions and digitalization will not be integrated into the larger criminal justice system of the country.

### RECOMMENDATIONS

1. The women police stations have been established since 1994, however, these are not mainstreamed and most of these police stations do not register a crime. There is a need to study the system in detail and to ensure that women police stations work as functional units of police organizations. Their mandate and legal matters related to their operationalization must be addressed to increase the induction and retention of women in police.
2. There is no reliable database of the crimes against women, which must be professionally measured to carve out strategies to deal with them.

3. The crimes against women should preferably be investigated by women police officers. This will help in minimizing the communication gap, increased empathy, and better coordination for evidence collection.
4. Owing to Pakistan's detection based policing model, the functional specialization of investigation must be ensured. The officers who opt for investigation must be given tenures within the organization to ensure that only trained investigators investigate the cases.
5. The cost of the investigation must be increased and rationalized according to the actual needs of the investigation. The system should preferably be decentralized with a professional audit regime and special rules. The disbursement must be easy and fully accounted for.
6. Accreditation of investigation officers must be introduced. The officers must undergo rigorous training related to police investigations, forensics, human rights compliance, and legal matters.
7. The law related to change of investigation must be reviewed to bring it in conformity with basic principles of crime scene investigation. At the moment, the second and third investigations take place, away from the crime scene, at divisional and provincial headquarters.
8. One of the main problems with police investigations is that it is driven by information, not by evidence. In conformity with the international best practice of Evidence-Based Policing, the police should be bound only to make evidence-based arrest except in very few exceptional cases. The evidence-driven investigations will lessen the burden on the judiciary and will improve the quality of investigations resulting in a better rate of conviction in cases sent up for prosecution.
9. Supervision of investigation is carried out by professional officers trained in investigation. The standards of investigation must be monitored by senior police officers who shall do rule-based supervision, which should be part of the record of a case.

- 10.** The defective investigation has been criminalized by criminal law amendments introduced in 2016. The enforcement, however, is subjective and must be implemented by introducing objective standards for compliance.
- 11.** Police-Prosecution Cooperation should be made consequential and mandatory with the decision to prosecute rests with the prosecution. This will help in clearly defining the boundaries of authority and responsibility of police and prosecution officers.
- 12.** At the moment, police have discretion in inviting forensic teams to crime scenes. Their power to convene forensic teams could be made rule-based to minimize the discretion.
- 13.** The community policing may be institutionalized in policing by providing for a clear and rule-based mandate, selection, removal, and tenure system to ward off any political and personal considerations.
- 14.** Judiciary may be taken on board to integrate the community policing initiatives into the larger criminal justice system.
- 15.** IT use to be made more professional and institutional in police by transforming it from digitization to digitalization.
- 16.** Data privacy in line with the constitutional obligation of privacy be introduced for citizens' dignity and integrity of police organization.
- 17.** Presently, IT applications have been developed by police organizations by using standard platforms available on the internet. The trend is healthy but not secure. Cybersecurity must be an integral part of any digitalization effort in the police.
- 18.** The electronic evidence, by amending the law, may be declared relevant and admissible under the law of evidence. The generic law of evidence does not fully support electronic evidence in criminal trials.



## Annex-A

# CONSULTATIVE MEETING WITH PARLIAMENTARIANS ON POLICE REFORMS

August 12<sup>th</sup> 2020

Report

## 1. Introduction

The “Consultative Meeting with Parliamentarians on Police Reforms” was organized by the Sustainable Social Development Organization (SSDO), under a pilot project of the “Police Awam Saath Saath (PASS),” in collaboration with the United States Institute of Peace (USIP).

The event, participated by Members National Assembly, Senators, and police officers, was part of a series of meetings held with the parliamentary working groups at national and provincial levels to introduce reforms in the police department by bringing in modern research mechanisms and making necessary legislation.

The session started with an overview of conceptual, policy, and service delivery issues of police, with a detailed outline of women in policing, community policing and digitalization in policing through effective tools.

## 2. Participants of the Meeting:

Senator Mushahid Hussain Syed was the chief guest of the event. The session was attended by Senators Javaid Abbasi, Rubina Khalid, Usman Kaakar, and MNAs Dr. Shazia Sobia Aslam Soomro, Ghazala Saifi, Munawara Baloch, Nafeesa Inayatullah Khattak, Naureen Farooq Ibrahim, Nusrat Wahid, Riaz Fatyana, Rukhsana Habib, Sher Ali Arbab, Syma Nadeem, and Zillehuma. The list of participants is annexed to this report and made part of this document.

## 3. Setting the Context:

The session was kicked off with a brief introduction by Syed Kausar Abbas, the Executive Director of Sustainable Social Development Organization (SSDO). The brief of his discussion is as follows;

- Since long we have been listing about the police reforms and many national and international organizations are pushing the agenda but concrete changes are not observed. This can be mainly attributed to the fact that all stakeholders are not on one page. The input of all stakeholders is not accounted for the desired changes.
- In continuation of the efforts by various organizations, SSDO is in the process of developing a position paper. The purpose of this position paper is to generate support on and around the need for responsive legislations. The position paper is based on facts and policy analyses that provide a solid foundation for the need for policy-level reforms in the police department.
- Upon finalizing, this paper will be shared with members of national and provincial assemblies so that it guides the policy level interventions in national, provincial assemblies and senate.
- The position paper is guided by the discussions with police and DMG officers as well as with members of provincial assemblies of Punjab, Khyber Pakhtunkhwa, Sindh, and Balochistan.
- The position paper mainly revolves around four major areas. These include 1) Digitalization, 2) Women in Policing 3) Investigation Process and 4) Community Policing.
- Parliamentarians need to be engaged in policymaking for police reforms, especially making use of these meetings’ forum where all stakeholders are brought together to discuss this crucial and longstanding issue.

### **Chaudhry Shafique- Senior Technical Advisor- Sustainable Development Goals Secretariat:**

The glimpse of the points raised by the senior advisor, SDGs are mentioned below;

- Police reforms are at the center of human rights and development. Police reforms are directly related to the rule of law, respect for fundamental rights, and linked to the basic rights of people.
- Police and law enforcement agencies are the central agency for maintaining peace in the country.
- Police Reforms have been at the agenda of all political parties however, it has been missed out due to many reasons.

- In this regard, law and justice department undertake a comprehensive exercise. Recently, under the Law and Justice Commission, a police reforms committee was formed. The committee comprised of retired and serving IGs and high police officials put forward crisp seven point's agenda for legislative reforms. Supreme Court also examined the role of federation and provinces for legislation as after the 18<sup>th</sup> constitutional amendment, police legislation is considered to be a provincial subject. The jurisdiction of the federal government to legislate on police matter was examined in detail and a verdict was given , where the federal government has certain authority national parliament can legislate. This is mentioned in the recent law and justice report.  
Clubbing this work of SSDO with law and justice report and presenting it in parliament can generate serious debate leading to some result-oriented exercise. This document will serve as a guiding document in the legislation process and generating debate.
- We have four major police laws in the country i.e Policy law, Criminal Law, Criminal procedure And Procedural law. The service structure and administrative laws vary from province to province and there in non-uniformity among them.
- The subject of police reform is directly linked with the target # 3 of SDG-16 Peace Justice and Strong Institutions. The government of Pakistan has adopted this unanimously and it's the responsibility of the federal government.

#### **Komal- Program officer PASS- USIP**

The glimpse of the discussion by the program officer PASS are mentioned below;

- The program PASS started with the National Police Bureau in 2015. Initially, this program was a mass media and communication campaign having certain areas around gender-responsive policing, police reforms, and challenges faced by policing. As the program evolved from 2015, a larger need for capacity building of police and policy reforms was felt. The current phase of the program focuses on advocacy for police reforms.
- The main aim of policy reforms is to bring stakeholders and influencers on one table as Police reforms have been an un-addressed agenda since the inception of the country. A consensus needs to be built around police reforms. In the past, various commissions were formed but so far police reforms have not taken place. Everyone including the police needs to sit together to build consensus on police reforms.

#### **Presentation on Draft Position Paper on Legislative Oversight on Police Reforms:**

The draft presentation is annexed to this document. The silent points of the presentation on the draft position paper are presented below:

- Currently, three types of laws are operative in the country comprised of
  - Colonial-Era Laws (1857-1957)- Pakistan has adopted many laws from this era though some amendments have taken place in these laws, however most of them are operative in its actual form.
  - Ordinances/Order- Military Regimes and Act of the Parliament- These are passed during military regimes through executive orders or ordinance. Such laws are made part of the constitution through blanket constitutional amendments. Such laws are never discussed or debated in parliament.
  - Act of Parliament- Such laws are passed after through discussion.
  - All the elements of the three types of laws are reflected in police laws being operative in the country.
- The main reasons for the failure of many laws in Pakistan can be mainly attributed to the poor quality of legislation. This is because of the certain reasons as mentioned below;
  - Poor Legislative Drafting Skills
  - Lack of adequate time, resources and skills for legislative analysis



- Inconsistency of sub-ordinate legislation with principal law
- Lack of consultation with the relevant stakeholders & experts
- Dispensation with rules pertaining to a legislative analysis by Committees
- Indemnification of ordinances without parliamentary scrutiny
- Inconsistency of legal provisions with the constitutional framework
- The main challenges in the implementation of laws could be attributed to;
  - Delay/Inadequacy in delegated legislations e.g. Rules of Business
  - Lack of allocation of sufficient financial and human resources
  - Lack of capacity building of implementers
  - Lack of coordination amongst various stakeholders
  - Lack of awareness & trust amongst masses about the laws
  - Weak investigations and prosecution
  - Lack of access to legal assistance
- Police Reforms vs. Policing Reforms
  - Police Reforms-relates to the police organization
  - Policing Reforms-relates to service delivery
  - Criminal Justice= Police Reforms + Policing Reforms
- Design of Police Reforms
  - Design of Police Reforms has been changing
  - The focus of earlier reports on police reforms have different dimensions including Change of Law, Police Welfare, Police Accountability, Complaints Management, and Service Delivery
- Constitutional Position
  - Is police a federal or provincial subject? According to Articles 142 and 143 of the Constitution, it's a Shared Responsibility of the Federation and the Provinces.
  - Exclusive to Provinces (Punjab-Police Order, 2002, Balochistan Police Act, 2011, KP Police Act, 2017, Sindh Police Act, 2019 and Police Act, 1861 (ICT, AJK, and GB)
- Four Areas of Service Delivery
  - Women and Policing
    - Female Population in Pakistan: 48.76%
    - Women employed in police: 0.94% of the total police force with the largest number in FIA.
    - As compared to Pakistan, women employed in police in India: 8.98%
    - Crimes against Women are on the rise. Women police officers are in a better position to handle such cases.
  - Investigation
    - The main reasons for not successful criminal prosecution can be mainly attributed to poor quality of investigation, Functional specialization, Cost of investigation, Change of investigation, Evidence-based arrests, Supervision of investigation, Accountability for defective investigation, and Police Prosecution Cooperation.
  - Community Policing
    - It's an ideal model in the world. The paper has a recommendation with respect to Community Policing Models, Selection and Composition, Functions, Safety, Dispute Resolution, Police-Public Relations, Tenure, and Removal.

- IT and Digitalization

The paper has a recommendation concerning Digitization, the Impact of COVID like situation, Training Curriculum and Delivery, Data privacy, and Cybersecurity.

#### 4. Discussions and Suggestions:

The parliamentarians and police officers presented actionable suggestions for implementation at all tiers.

##### 4.1 Police Officers

- Police reforms could only be made a reality through the police officers' individual will to reform, which is well within their power, as not every improvement requires changes at the policy level.
- To improve the investigation process, specialized units for investigation could be established.
- The participating police officers were of the view that the police department is in the process of digitization but still far from "digitalization". Islamabad police has an IT division headed by director IT. Islamabad safe city also falls under the IT division. The introduction of body cam was introduced in the city which is placed on the body of investigation officer to address the issues of Investigation officers misbehaving with the general public. This is in its pilot phase. All the recording of body cam is stored on servers.
- The cost of the investigation is far low which needed to be reviewed and improved.
- To combat crimes against women, specialized units could be established to only support women.
- Community policing would improve with mutual respect shown towards citizens. Police are made limited to crime control only and are treated as a department and not a body that represents the State, they said adding they have no representation in policymaking through a secretary and even have to implore for resources. They said the issue of unity of command at district and provincial levels should be resolved, alongside the addition of investigation and prosecution services with independent structures.
- The policies for women recruitment and retention should be developed and implemented.
- As perks, their health expenses should be taken care of, they suggested.
- Police have a border role in society and internal security. In the whole world, police are doing policing but in Pakistan, the role of the police has been limited to crimes.
- Police is a connotation of state and it's not merely a department.
- Police order 2002 is a very comprehensive document and is reflected in the recent report of the law and justice department.
- It's not a question of police reforms, it's the question of implementation of existing policies.
- There should be a unity of command. Unity of command is very important at all tiers i.e. Provincial and district level.
- This is the only institution in the country without any head. We need a separate secretary for the police force allowing us to take decisions pertaining to police.
- The role of police IGs are very demanding with limited resources and given the geographical coverage of the provinces. There is a need to divide these roles through making administrative units on smaller scales and DGP roles need to be initiated at provincial levels.
- The police force is the only department in Pakistan which has proved that they have successfully launched the functional unit's e.g. Dolphin force is operational with limited resources.
- The police force does not have technical wings. We need to establish specialized technical wings. Police are not equipped with specialized technical detectives. Police departments need detective systems.

- Police officers are expected to be on duty 24 hours a day and they are perpetually exhausted. How can one expect people to work under such conditions and not crack?
- Out of 1900 security cameras installed in the country, 1880 are currently functional.

#### 4.2 Parliamentarians

- The police force was initiated in the country under the police order of 1861. Since the inception of the country, three commissions were formed in the country for police reforms i.e. in 1951, 1986, and 1997. All these commissions came up with comprehensive and detailed reports, however, the findings of these commissions never guided any police reforms.
- The police order of 2002 is the best system to date. Despite all odds, it's the most comprehensive system. The first time in history, the DMG was put aside from the force.
- Through the Sindh province adopted the police order 2002 but reverted to the 1948 law in 2014. Again in 2019 they adopted the police order 2002 but with lots of modifications.
- Islamabad the capital of the country where this order was drafted never adopted the police order 2002.
- The laws are developed and enacted however the rules of business are not established well. The drafting of rules should not be left on the department alone. The drafted rules should be passed by the parliament. It should help its implementation in its original spirit. The drafting of rules should also be time-bound.
- DMG is the main hurdle in the police reforms.
- Lack of public trust in the Police force to perform their duties, limited financial and human resources are destroying the Police department's public image in establishing it as an authoritative body.
- The main operational hurdle in police operations is mainly attributed to limited resources, for instance the monthly fuel limit of police patrolling.
- Yadgar-e-Shuhada of martyred police officers should be constructed. Their memories and efforts should be appreciated by many of such memorials
- The police officers at all levels must be paid tribute for their services, especially in case of death, to boost their morale. The underperformance of police to the department being under-equipped and under-resourced. The education level of most human resources in the police is low, with no psychological training, and called for better and smart planning with resource optimization by experience sharing among provinces and even districts.
- The parliamentarians presented actionable suggestions for implementation at all tiers. The policymakers were of the view that the lifestyle of police officers at lower ranks is not conducive that opens the door to not only corruption but job stress.
- Women do not join the police force due to insecure environments at *thanas*.
- Image building of police is the first step for police reforms. Steps should be taken to improve police image among people as police are one of the most widely feared, complained against, and least trusted government institutions in Pakistan.
- Inter-provincial investigation through connectivity should be established through investing in some IT solutions.
- Separation of Investigation Wings at Police Station and SDPO level.
- Streamlining the FIR registration process. Setting criminal law into motion or, in legal terms, registering an FIR in Pakistan is a daunting task, especially for the poor who have meager resources.
- If possible, separate police stations for women should be established at various tiers in the country.
- Police in Pakistan are under-resourced and poorly trained. With only outdated legal frameworks, conventional training and education to rely on, the police managed to respond to various crimes in Pakistan.

- The police should be provided support for their well-being and welfare of its officers and employees that not only includes financial compensation and job security but also prioritizes their health.
- Senator Mushahid Hussain Syed, the chief guest of the event, accepted the reality of police not having a voice of their own in policy-making concerning them. “We, as policymakers in the parliament’s upper and lower houses, should be the representatives of police and should own up to their professional service.” He committed to following-up on all the issues faced by police that were discussed during the meeting. He particularly praised the Islamabad Police’s smart lockdown implementation in the federal capital.

#### Participants of the Consultative Meeting:

Sr #	Name	Designation
1	Abdul Wahab	SDPO
2	Zil-e-Huma	Member National Assembly
3	Rukhsana Naveed	Member National Assembly
4	Adeela Khan	Advisor PTI on SDGs
5	Farhat Kazmi	ICT Police (SP/OPS)
6	Nusrat Wahid	Member National Assembly
7	Rubina Khalid	Senator
8	Ghazala Saifi	Member National Assembly
9	Dr. Shazia Soomro	Member National Assembly
10	Syma Nadeem	Member National Assembly
11	Mushahid Hussain Syed	Senator
12	Riaz Fatyana	Member National Assembly
13	Javed Abbasi	Senator
14	Naureen Farooq	Member National Assembly
15	Nafeesa Inayatullah Khattak	Member National Assembly
16	Munawara Baloch	Member National Assembly
17	Khalid Rashid	SP Traffic
18	Liaqat Niazi	SP Special Branch
19	Kamran Adil	AIG
20	Zohaib	ASP ICT Police
21	Usman Tipu	ASP ICT Police
22	Rana Hussain Tahir	ASP
23	Zeeshan Haider	SP
24	Dr. Aqeela	ASP
25	Sameena Sarwar	ICTP
26	Farzana Begum	ICTP
27	Misbah Shahbaz	ICTP
28	Syed Mehmood	PTS
29	Zulfiqar Ahmed	ICT Police
30	Syed Mehmood Kazmi	ICT Police
31	Abdul Rehman	ICT Police
32	Zakir Ullah	ICT Police
33	Muhammad Arshad	ICT Police
34	Ehsan Uddin	ICT Police
35	Zulfiqar Ahmed	ICT Police
36	Chaudhry Shafique	Advisor SDG Task Force
37	Amna Kayani	Program Officer PCHR

## Annex-B Consultative Meeting with Parliamentarians of Sindh Assembly on police Reforms

Sustainable Social Development Organization (SSDO), under a pilot project of the United States Institute of Peace (USIP), formed four parliamentary working groups to bring reforms in the police department by introducing modern research mechanisms and making necessary and responsive legislations. The project aims to assist the parliamentarians in evaluating the existing laws followed by police reforms under the project 'Police and Public Side by Side'. The project will be guided by researches and position papers.

This meeting was a sequel to the kick-off meeting during June earlier this year. The project was kicked off through introductory meetings with parliamentarians. The proceedings of this meeting are as follows;

### A. Meeting with the Legislators of Sindh Assembly



**Participants of the Meeting:** The participants were a mix of legislators from various political parties of Sindh. Provincial assembly opposition leader MPA Firdous Shamim Naqvi and MPAs Adeeba Hassan, Ali Aziz, Hashim Raza, Nusrat Sehar Abbasi, Pir Mujeeb-u- Haq, Rabia Khatoon, Dr. Sanjay Gangwani, Shahzad Qureshi, and Sidra Imran attended the session. The list of participants is annexed to this report and made part of this document.

### Overview of the Project:

Syed Kausar Abbas, the executive director of SSDO provided an overview of the project. He discussed the project purpose, its mode of delivery and major interventions under the project. The glimpse of his discussion is presented below;

- USIP was running campaigns on Social media however our suggestion was to work through parliamentarians for responsive policy and legislation.
- The current government has on its priority list the agenda of police reforms but practical steps in this regard are at question. To improve the efficiency and effectiveness of police, policy-

level interventions are needed which are only possible through working with parliamentarians.

- To support and guide the project interventions senior police officers and bureaucrats are on board. These bureaucrats include Kamran Adil-Additional IGP Islamabad, Prime Minister focal person for climate change, and police reforms - Rizwan Mehboob and some senior police officials.
- Many organizations are working on police-related themes and issues. Under the project, we aim to consolidate their work in the form of research.
- He highlighted the important role of parliamentarians in reforming the police department across the country so that it could serve the masses more efficiently and bring down the crime rate.
- Abbas said the project would also help improve the police image and promote the culture of community policing with the active participation of the public, including women and children.
- Under the project, a position paper is also being developed in collaboration with the law and Justice Department. This position paper would aim to get a glimpse of police-related legislation, identify policy and legislation related gaps, and come up with recommendations on what needs to be changed and how. It is desired that these recommendations will be taken up at the parliament level by legislators. This will help ensure addressing the policy-related issues at the policy level.

#### Presentation on Police Reforms:

Mr. Kamran Adil, a senior police officer made a presentation on the state of police reforms in Pakistan. The brief overview of the presentation made is as follows;

- According to the Rule of Law Index 2020, Pakistan is performing poorly on certain indicators. On the civil justice indicator, Pakistan is placed 118 from 128 countries while on criminal justice Pakistan is placed 98 from among 128 countries. 128 is the lowest performance country.
- Mr. Kamran Adil screened a presentation on the silent points of the draft position paper, mentioned presented below:
  - Currently, three types of laws are operative in the country comprised of
    - Colonial-Era Laws (1857-1957)- Pakistan has adopted many laws from this era though some amendments have taken place in these laws however most of them are operative in its actual form.
    - Ordinances/Order- Military Regimes and Act of the Parliament- These are passed during military regimes through executive orders or ordinance. Such laws are made part of the constitution through blanket constitutional amendments. Such laws are never discussed or debated in parliament.
    - Act of Parliament- Such laws are passed after through discussion.
    - All the elements of the three types of laws are reflected in police laws being operative in the country.
  - The main reasons for the failure of many laws in Pakistan can be mainly attributed to the poor quality of legislation. This is because of the certain reasons as mentioned below;
    - Poor Legislative Drafting Skills
    - Lack of adequate time, resources and skills for legislative analysis
    - Inconsistency of sub-ordinate legislation with principal law
    - Lack of consultation with the relevant stakeholders & experts

- Dispensation with rules pertaining to a legislative analysis by Committees
- Indemnification of ordinances without parliamentary scrutiny
- Inconsistency of legal provisions with the constitutional framework
- The main challenges in the implementation of laws could be attributed to;
  - Delay/Inadequacy in delegated legislations e.g. Rules of Business
  - Lack of allocation of sufficient financial and human resources
  - Lack of capacity building of implementers
  - Lack of coordination amongst various stakeholders
  - Lack of awareness & trust amongst masses about the laws
  - Weak investigations and prosecution
  - Lack of access to legal assistance
- Police Reforms vs. Policing Reforms
  - Police Reforms-relates to the police organization
  - Policing Reforms-relates to service delivery
  - Criminal Justice= Police Reforms + Policing Reforms
- Design of Police Reforms
  - Design of Policy Reforms has been changing
  - The focus of earlier reports on police reforms have different dimensions including Change of Law, Police Welfare, Police Accountability, Complaints Management, and Service Delivery
- Constitutional Position
  - Is police a federal or provincial subject? According to Articles 142 and 143 of the Constitution, it's a Shared Responsibility of the Federation and the Provinces.
  - Exclusive to Provinces (Punjab-Police Order, 2002, Balochistan Police Act, 2011, KP Police Act, 2017, Sindh Police Act, 2019 and Police Act, 1861 (ICT, AJK, and GB)
- Four Areas of Service Delivery
  - Women and Policing
    - Female Population in Pakistan: 48.76%
    - Women employed in police: 0.94% of the total police force with the largest number in FIA.
    - As compared to Pakistan, women employed in police in India: 8.98%
    - Crimes against Women are on the rise. Women police officers are in a better position to handle such cases.
  - Investigation
    - The main reasons for not successful criminal prosecution can be mainly attributed to poor quality of investigation, Functional specialization, Cost of investigation, Change of investigation, Evidence-based arrests, Supervision of investigation, Accountability for defective investigation, and Police Prosecution Cooperation.
  - Community Policing
    - It's an ideal model in the world. The paper has a recommendation concerning Community Policing Models, Selection and Composition, Functions, Safety, Dispute Resolution, Police-Public Relations, Tenure, and Removal.
  - IT and Digitalization
 

The paper has a recommendation with respect to Digitization, Impact of COVID like situation, Training Curriculum, and Delivery, Data Privacy, and Cybersecurity.

### Discussions and Suggestions:

The discussion with parliamentarians and followed by actionable suggestions for implementation at all tiers are presented below;

- The traffic police was not covered in the presentation as well as the police act.
- A lack of implementation of the policing plan with unclear performance indicators and criteria encourages a culture of political influence on police, where officers are hired, transferred, promoted, and demoted due to political pressure.
- The laws should be developed that support police officers and their transfers should not be politicized.
- Clear guidelines should be adopted by the police department for the recruitment of women in the police department.
- Image building of police is the first step for police reforms. Steps should be taken to improve police image among people as police are one of the most widely feared, complained against, and least trusted government institutions in Pakistan.
- Modern technology should be brought and introduced in the police department and police officers should be trained on the use of technology.
- The crime and investigation should remain with provinces and investigators should report to IG crimes and he should have representation in every police station. For street crimes, technology should be used.
- The fuel limit should be increased given the geographical coverage of the jurisdiction of police stations.
- A very well-articulated and much-needed project. Much has been talked about police reforms but practicalities are still a question. Much has been done on the awareness part.
- A safe and secure environment is needed in the police station so that women can easily visit the police station and register their complaints.
- People in urban areas are somewhat aware of police laws however, people in rural areas have less knowledge and they often fall victim to police. This is mainly attributed due to lack of awareness of the role of police and legislation.
- The process of FIR needs to be streamlined. If FIRs are not recorded properly then it is impossible to get justice.
- On 400 people only 1 police personal is deputed which is not possible to control crimes. The support from technology needs to be taken. The safe city is an excellent idea in this regard.
- Traffic police should be brought in the policy as well and licensing needs to be given after proper tests.
- In every police station, at least one female police officer should be deputed.
- In every police station, at least one female police officer should be deputed.
- People in urban areas are somewhat aware of police laws however, people in rural areas have less knowledge and they often fall victim to police. This is mainly attributed to a lack of awareness of the role of police and legislation.
- Proper budgeting of policy reforms needs to be done based on the needs and requirements of the area.
- Only 9 liters of fuel are given to per police station per day for patrolling which is a question.
- A shortage of women police personals is observed in police stations. Even the police stations reserved for women have a significant majority of males.
- The behavior of women police officers is often abusive. This needs to be improved through mentoring and coaching.



- The mechanism of police patrolling should be streamlined and improved to combat street crimes.
- Benefits should be given to overcome corruption in the police department and salaries should be increased.

### Conclusion:

A group of members of the Provincial Assembly of Sindh (MPAs) has unanimously called for the de-politicization of the police force in the province, terming it the only way forward to enjoy the results of police reforms.

They voiced this demand while participating in a virtual session on policing issues that aimed to introduce reforms in the police department with modern research mechanisms and necessary legislation, read a press release.

The online session was arranged by the Sustainable Social Development Organization (SSDO), in collaboration with the United States Institute of Peace (USIP), for the Parliamentary Working Group of MPAs from Sindh, as part of the SSDO's series of consultative sessions on the issue.

SSDO Executive Director Syed Kausar Abbas apprised the participants of the categorical matrix of concept, policy, and service delivery for the proposed police reforms that include matters of women and community policing, and the overall digitalization of the police department.

The participants suggested clear goal-setting and roadmaps for improvements in infrastructure, training and budgeting by following the best practices of other countries. They said remunerations for police officers at all tiers must be reflective of the service delivery that can be achieved by incentivizing good service and penalizing negligence.

They were of the view that the digitization of police stations is still a far reality for the province and called for equipping each police station across Sindh concerning its specific needs and demographics alongside the revival of neighborhood policing and citizen participation to reduce the imbalance in the police-citizen ratio in each district to fight crime.

The legislators were unified on improving the human face of police and their treatment of citizens with respect and dignity at all stages of the investigation. They observed that even the educated class in major cities avoid registering complaints at police stations due to fear of police treatment. They suggested countering these issues by reducing the innumerable responsibilities put on the police force as part of every bill footed in the House and by including traffic police to help change its public perception.

They emphasized the extensive need for psychological training of police officers, not only for better dealing with victims, especially women and children but also for their own morale-boosting and emotional intelligence.

The female lawmakers called for a holistic inclusion of women officers at all police stations, with female police dealing equally with complainants of all genders. They lamented that just a single woman police help desk has been established for an entire district in some cases, with no access to justice for female victims of crime, who are already socially marginalized in rural Sindh.

Abbas assured the MPAs that their recommendations will be added in the evaluation of the existing laws, police reforms, and research methodologies under the project 'Police and Public Side by Side' and stressed the parliamentarians' role in reforming the police department across the country. The

members of the Parliamentary Working Group will be provided with research-based technical assistance to raise the issues of police reforms in the provincial legislature.

#### Participants of the Consultative Meeting:

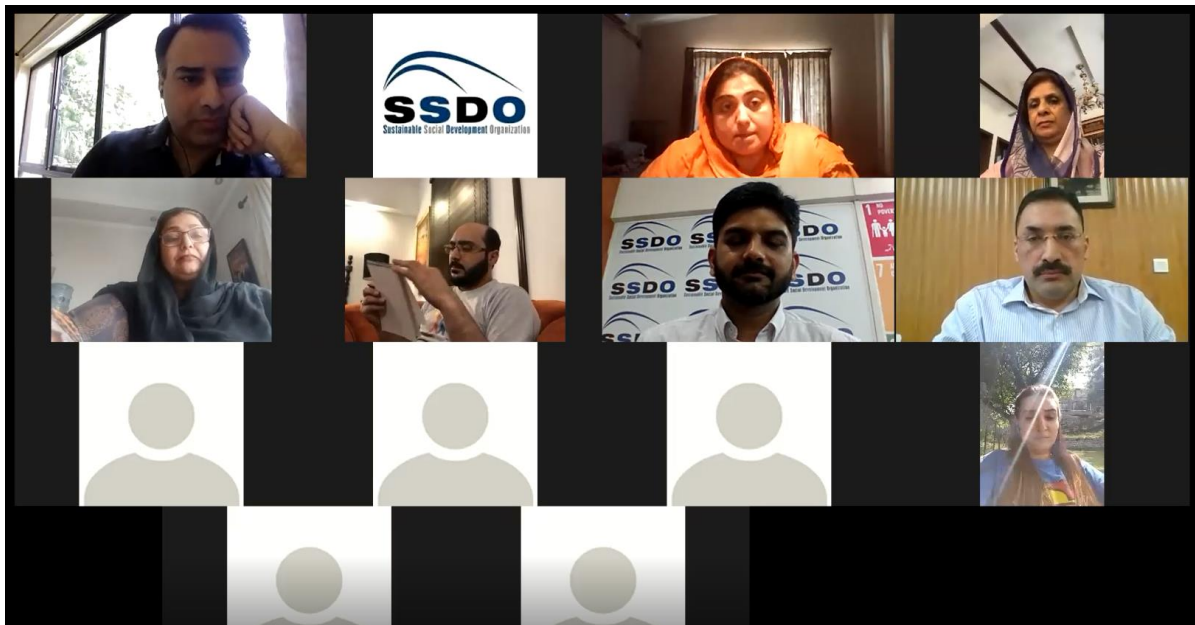
Sr #	Name	Designation
1	Firdous Shamim Naqvi-PTI	Member Provincial Assembly
2	Adeeba Hassan- PTI	Member Provincial Assembly
3	Ali Aziz- PTI	Member Provincial Assembly
4	Hashim Raza-MQM	Member Provincial Assembly
5	Nusrat Sehar Abbasi-PML(F)	Member Provincial Assembly
6	Pir Mujeeb-ul- Haq- PPP(P)	Member Provincial Assembly
7	Rabia Khatoon- MQM	Member Provincial Assembly
8	Dr Sanjay Gangwani-PTI	Member Provincial Assembly
9	Shahzad Qureshi –PTI	Member Provincial Assembly
10	Sidra Imran-PTI	Member Provincial Assembly

### Annex-C: Consultative Meeting with Parliamentarians of Punjab Assembly on Police Reforms

Sustainable Social Development Organization (SSDO), under a pilot project of the United States Institute of Peace (USIP), formed four parliamentary working groups to bring reforms in the police department by introducing modern research mechanisms and making necessary and responsive legislations. The project aims to assist the parliamentarians in evaluating the existing laws followed by police reforms under the project 'Police and Public Side By Side'. The project will be guided by researches and position papers.

This meeting was a sequel to the kick-off meeting during June earlier this year. The project was kicked off through introductory meetings with parliamentarians. The proceedings of this meeting are as follows;

#### Meeting with the Legislators of Punjab Assembly



**Participants of the Meeting:** The participants were a mix of legislators from various political parties of Punjab. These include Ali Haider Gillani, Bushra Anjum Butt, Ishrat Ashraf, Kanwal Pervez, Momina Waheed, Neelum Hayat, Raheela Khadim Hussain, Sohaib Ahmed Bherth, Sadia Sohail Rana and Uswa Aftab. The list of participants is annexed to this report and made part of this document.

### Overview of the Project:

Syed Kausar Abbas, the executive director of SSDO provided an overview of the project. He discussed the project purpose, its mode of delivery, and major interventions under the project. The glimpse of his discussion is presented below;

- USIP was running campaigns on Social media however our suggestion was to work through parliamentarians for responsive policy and legislation.
- The current government has on its priority list the agenda of police reforms but practical steps in this regard are at question. To improve the efficiency and effectiveness of police, policy-level interventions are needed which are only possible through working with parliamentarians.
- To support and guide the project interventions senior police officers and bureaucrats are on board. These bureaucrats include Kamran Adil-Additional IGP Islamabad, Prime Minister focal person for climate change, and police reforms - Rizwan Mehboob and some senior police officials as well as members from the DMG group.
- Many organizations are working on police-related themes and issues. Under the project, we aim to consolidate their work in the form of research.
- He highlighted the important role of parliamentarians in reforming the police department across the country so that it could serve the masses more efficiently and bring down the crime rate.
- Abbas said the project would also help improve the police image and promote the culture of community policing with the active participation of the public, including women and children.
- Under the project, a position paper is also being developed in collaboration with the law and Justice Department. This position paper would aim to get a glimpse of police-related legislation, identify policy and legislation related gaps, and come up with recommendations on what needs to be changed and how. It is desired that these recommendations will be taken up at the parliament level by legislators. This will help ensure addressing the policy-related issues at the policy level.

### Adnan Rafique- Country Director United States Institute of Peace (USIP)-Pakistan

- USIP is an independent international think-tank that works on building peace in countries around the world with a presence in 60 countries including Pakistan. USIP is operational in Pakistan since 2013.
- Police Awam Saath Saath is one of USIP's flagship program. The main aim of such programs is to create platforms for meaningful discussions and policy-oriented recommendations for collective brainstorming. This program was kicked off and guided by a research paper. A comparison of five countries was made including Lahore from Pakistan, Johannesburg from South Africa, Paris from France, London from the United Kingdom, and New York from the United States of America. The comparison on and around crime rate and people's perception of police was made. It is pertinent to mention here that regarding the crime rate, Lahore had the lowest crime rate amongst these five cities, however, the perception of people on police

was worst. One of the findings was that the gap between the people's perception and crime rate exists which calls for the need to bring people together with police.

- Most of the crimes in Pakistan are not reported for instance harassment is a crime by law and it's generally it's not considered a crime.
- Historically many attempts were made to change the police system in Pakistan. The system of Pakistan's police is based on the colonial era. Historically the benefits of work on police reforms were not reached to the public. This can be mainly attributed to the structural weakness of the police system and its roots go to the colonial area. Understanding them is very important and this is the key to police reforms.
- Anyone working on and around police reforms should adopt globalized solutions for learning and adapt them to local needs and dynamics. The polices should be developed according to the context.

### Presentation on Police Reforms:

Mr. Kamran Adil, a senior police officer made a presentation on the state of police reforms in Pakistan. The brief overview of the presentation made is as follows;

- According to the Rule of Law Index 2020, Pakistan is performing poorly on certain indicators. On the civil justice indicator, Pakistan is placed 118 from 128 countries while on criminal justice Pakistan is placed 98 from among 128 countries. 128 is the lowest performance country.
- Mr. Kamran Adil screened a presentation on the silent points of the draft position paper, mentioned presented below:
  - Currently, three types of laws are operative in the country comprised of
    - Colonial-Era Laws (1857-1957)- Pakistan has adopted many laws from this era though some amendments have taken place in these laws however most of them are operative in its actual form.
    - Ordinances/Order- Military Regimes and Act of the Parliament- These are passed during military regimes through executive orders or ordinance. Such laws are made part of the constitution through blanket constitutional amendments. Such laws are never discussed or debated in parliament.
    - Act of Parliament- Such laws are passed after through discussion.
    - All the elements of the three types of laws are reflected in police laws being operative in the country.
  - The main reasons for the failure of many laws in Pakistan can be mainly attributed to the poor quality of legislation. This is because of the certain reasons as mentioned below;
    - Poor Legislative Drafting Skills
    - Lack of adequate time, resources and skills for legislative analysis
    - Inconsistency of sub-ordinate legislation with principal law
    - Lack of consultation with the relevant stakeholders & experts
    - Dispensation with rules pertaining to a legislative analysis by Committees
    - Indemnification of ordinances without parliamentary scrutiny
    - Inconsistency of legal provisions with the constitutional framework
  - The main challenges in the implementation of laws could be attributed to;
    - Delay/Inadequacy in delegated legislations e.g. Rules of Business
    - Lack of allocation of sufficient financial and human resources

- Lack of capacity building of implementers
- Lack of coordination amongst various stakeholders
- Lack of awareness & trust amongst masses about the laws
- Weak investigations and prosecution
- Lack of access to legal assistance
- Police Reforms vs. Policing Reforms
  - Police Reforms-relates to the police organization
  - Policing Reforms-relates to service delivery
  - Criminal Justice= Police Reforms + Policing Reforms
- Design of Police Reforms
  - Design of Policy Reforms has been changing
  - The focus of earlier reports on police reforms have different dimensions including Change of Law, Police Welfare, Police Accountability, Complaints Management, and Service Delivery
- Constitutional Position
  - Is police a federal or provincial subject? According to Articles 142 and 143 of the Constitution, it's a Shared Responsibility of the Federation and the Provinces.
  - Exclusive to Provinces ( Punjab-Police Order, 2002, Balochistan Police Act, 2011, KP Police Act, 2017, Sindh Police Act, 2019 and Police Act, 1861 (ICT, AJK, and GB)
- Four Areas of Service Delivery
  - Women and Policing
    - Female Population in Pakistan: 48.76%
    - Women employed in police: 0.94% of the total police force with the largest number in FIA.
    - As compared to Pakistan, women employed in police in India: 8.98%
    - Crimes against Women are on the rise. Women police officers are in a better position to handle such cases.
  - Investigation
    - The main reasons for not successful criminal prosecution can be mainly attributed to poor quality of investigation, Functional specialization, Cost of investigation, Change of investigation, Evidence-based arrests, Supervision of investigation, Accountability for defective investigation, and Police Prosecution Cooperation.
  - Community Policing
    - It's an ideal model in the world. The paper has a recommendation concerning Community Policing Models, Selection and Composition, Functions, Safety, Dispute Resolution, Police-Public Relations, Tenure, and Removal.
  - IT and Digitalization
    - The paper has a recommendation with respect to Digitization, Impact of COVID like situation, Training Curriculum, and Delivery, Data Privacy, and Cybersecurity.

#### Discussions and Suggestions from Parliamentarians:

The discussion with parliamentarians followed by actionable suggestions for implementation at all tiers are presented below;

- The police recruitment in all provinces and regions of Pakistan still follows the old pattern and different process for police recruitment. In KPK when the police officer is inducted he has to go through certain stages that is not followed by other provinces and vice versa.

- In Punjab, the police is enjoying powers more than any other province. One police system should be defined and adopted by all provinces and regions
- The investigation process in Pakistan should be streamlined and strengthened. There are many flaws in the investigation process operational in Pakistan. To ensure the provision of justice to the people, the police investigation system has to be developed on modern lines.
- The establishment of front desks in many police stations resulted in the reduction of many complaints by the citizens.
- The MPAs and MNAs treasury benches should sit with police to bring police reforms acceptable to all.
- Police reforms are turning out to be a sensitive issue. If the law and order situation is desired to be improved in the country, the country should immediately go through the police reforms process. Punjab has also formed a commission on police reforms but nothing productive comes out of it.
- There is a need to update the police training curriculum and techniques. The police instructors are not qualified and their main focus is on physical training. Police is not trained on the newly developed laws and policies. The police should also be trained on morality related issues.
- The ratio of police budgeted costs to actual costs is highly unjust. 75% of the total allocated budget goes to salaries and pensions. Unless this ratio is corrected the question of police reforms remains a question. The budget for one case is limited to 500 PKR.
- Women are not seen in high ranks. Women desks in the police stations had reduced which were established under the previous regime. The number of women in the police department should be increased.
- 115 billion budget is allocated for police this year. Which is an increase from 95 billion during previous years. This budget was used to establish dolphin force, CCTV, digitization, safe city projects. But with the increase in the budget the quality of services being extended by police is on the decline.
- Police are short of financial resources for the last 12 years as they are short of vehicles and other resources.
- In the past tenure, the police were provided with a new uniform and it was considered that police reform has taken place.
- Capacity building of police officers on various aspects of policing is a must especially when dealing with children and women.
- The cases of domestic violence against women are not reported.
- Image building of police is the first step for police reforms. Steps should be taken to improve police image among people as police are one of the most widely feared, complained against, and least trusted government institutions in Pakistan.
- Regular capacity building/training of police on various aspects of policing.
- Confidence building measures should be taken for effective policing.
- All over Pakistan, the police is working restlessly to maintain law and order in minimal financial resources. Unlike other armed and security forces, they are deprived of various facilities.
- The police station culture needs to be changed. Bringing a change in the Thaana culture has become an essential part of political manifestos. Successive governments have been promising the public a change in the policing culture but nothing happened so far.
- De-politicization of the police is a must for the effective working of the criminal justice system in Pakistan.

- Police Reforms are needed on a larger scale. The police force for security should be different from regular police.
- The recommendations of Safety commission should be followed and it can lead to resolving many issues of policing in general and police reforms in particular.
- In United Kingdom (UK) there is no issue of FIR. Anyone can approach police through any medium like phone, email, SMS, and then it's the responsibility of the police to investigate and close the case in a certain time frame.
- Our police is not equipped and under-resourced to perform their duties.
- The question remains that are police reforms the issue of police accountability or police conduct.
- On Human Rights end, many organizations of the world funded police in Pakistan on various aspects especially their training. However, these trainings are not transformed into actions. The database of training programs needs to be followed with proper action plans.
- The budgetary control of police resources as well as legislative oversight lies with parliamentarians.
- The accountability of police within the department is very strict.
- The question of accountability comes with responsibility. For making police accountable the police should first be equipped with resources and then comes accountability.
- Public Safety Commission and complaint authority is formed in 2002 but its enforcement is still awaited.
- The command force of police should be established.
- The police performance should be gauged against the law and SOPs; the police is performing under.
- The financial resources for police should be enhanced.
- A proper accountability system of police should be framed and followed.
- Strengths, Weakness, opportunities and Threats (SWOT) analysis of the police department should be done at various levels.

### Conclusion:

Improvement in image and capacity building of the institution of police is a key initiative to make a success out of any reforms made to counter policing issues in the country.

These views were voiced at the first online session on policing issues by the Sustainable Social Development Organization (SSDO), under a pilot project of the Police Awam Saath Saath (PASS), in collaboration with the United States Institute of Peace (USIP), with the parliamentary working group of MNAs and MPAs from Punjab province to introduce reforms in the police department by bringing in modern research mechanisms and making necessary legislation.

The session opened with an SSDO representative presenting police reforms by categorizing them into conceptual, policy, and service delivery issues for better understanding and implementation. He explained in detail the constitutional position of policing between the federal government and the provinces, the importance of women in policing, evidence-based arrests, mandate-based community policing, as well as the need for digitalization in policing through effective tools.

The session participants noted the foremost obstacle in policing reforms as the imbalance in budgetary allocations between administrative and functional costs that have caused negative effects on the reputation and capacity of the police as an institution.

They attributed the underperformance of police to the ground reality of the institution being under-equipped and under-resourced. Besides the lack of concrete data available for investigations and a thorough need for streamlining police force induction procedures in each province, some participants saw a change in the mindset of police officials as the first step for better implementation of any reforms.

The parliamentarians strongly voiced their lack of control over the planning and mechanics of such reforms but presented actionable suggestions for implementation at all tiers. They were of the view that crimes against women and children, already on the rise, must be dealt with in a more sensitive and victim-friendly fashion.

To achieve this, women parliamentarians recommended not only soft skill-focused regular training for police officials dealing with such matters by expert trainers but also setting up specialized desks to ease the victims of child and women related crimes in registering their complaints. Such training was recommended as vital in addition to physical training to deal with on-duty pressures and to boost confidence and motivation among police personnel.

SWOT analysis of officials, promotions, and transfers to be based on merit only without political interventions, reduced duty hours, and camera-equipped uniforms and police stations for behavior monitoring were also suggested as necessary reforms.

Adnan Rafique, Country Head United States Institute of Peace (USIP), presided the session and highlighted the crucial need for “glocalized” reforms for policing in Pakistan in accordance with the needs and contextual dynamics of the country.

Syed Kausar Abbas, Executive Director SSDO, emphasized the important role of parliamentarians in reforming the police department across the country and assured the addition of their suggestions in the evaluation of the existing laws, police reforms, and research methodologies under the project ‘Police and Public Side By Side’.

The session was attended by MPAs Ali Haider Gillani, Bushra Anjum Butt, Ishrat Ashraf, Kanwal Pervez, Momina Waheed, Neelum Hayat, Raheela Khadim Hussain, Sohaib Ahmed Bherth, and Uswa Aftab.

#### Participants of the Consultative Meeting:

Sr #	Name	Designation/ Organisation
1	Malik Sohaib Bherth-PML(N)	Member Provincial Assembly
2	Kanwal Liaqat-PML(N)	Member Provincial Assembly
3	Uswa Aftab-PML(N)	Member Provincial Assembly
4	Momina Waheed-PTI	Member Provincial Assembly
5	Bushra Anjum Butt-PML(N)	Member Provincial Assembly
6	Neelum Hayat Malik-PTI	Member Provincial Assembly
7	Ishrat Ashraf PML(N)	Member Provincial Assembly
8	Syed Ali Haider Gilani- PPP(P)	Member Provincial Assembly
9	Sadia Sohail Rana- PTI	Member Provincial Assembly
10	Saeed Shah	UNODC
11	Adnan Rafique	USIP
12	Mukhtar Ahmed Ali	Executive Director CPDI
13	Mohsin Abbas Syed	Senior Legal Expert



## Annex-D: Consultative Meeting with Parliamentarians of Khyber Pakhtunkhwa Assembly on Police Reforms

Sustainable Social Development Organization (SSDO), under a pilot project of the United States Institute of Peace (USIP), formed four parliamentary working groups to bring reforms in the police department by introducing modern research mechanisms and making necessary and responsive legislations. The project aims to assist the parliamentarians in evaluating the existing laws followed by police reforms under the project 'Police and Public Side by Side'. The project will be guided by researches and position papers.

This meeting was a sequel to the kick-off meeting during June earlier this year. The project was kicked off through introductory meetings with parliamentarians. The proceedings of this meeting are as follows;

### Meeting with the Legislators of Khyber Pakhtunkhwa Assembly



**Participants of the Meeting:** The participants were a mix of legislators from various political parties of KPK. The list is annexed to this report.

### Overview of the Project:

Syed Kausar Abbas the executive director of SSDO provided an overview of the project. He discussed the project purpose, its mode of delivery, and major interventions under the project. The glimpse of his discussion is presented below;

- USIP was running campaigns on Social media however our suggestion was to work through parliamentarians for responsive policy and legislation.
- The current government has on its priority list the agenda of police reforms but practical steps in this regard are at question. To improve the efficiency and effectiveness of police, policy-level interventions are needed which are only possible through working with parliamentarians.
- To support and guide the project interventions senior police officers and bureaucrats are on board. These bureaucrats include Kamran Adil-Additional IGP Islamabad, Prime Minister focal person for climate change, and police reforms - Rizwan Mehboob and some senior police officials as well as members from the DMG group.

- Many organizations are working on police-related themes and issues. Under the project, we aim to consolidate their work in the form of research.
- He highlighted the important role of parliamentarians in reforming the police department across the country so that it could serve the masses more efficiently and bring down the crime rate.
- Abbas said the project would also help improve the police image and promote the culture of community policing with the active participation of the public, including women and children.
- Under the project, a position paper is also being developed in collaboration with the law and Justice Department. This position paper would aim to get a glimpse of police-related legislation, identify policy and legislation related gaps, and come up with recommendations on what needs to be changed and how. It is desired that these recommendations will be taken up at the parliament level by legislators. This will help ensure addressing the policy-related issues at the policy level.

### Presentation on Police Reforms:

Mr. Kamran Adil, Assistant Inspector General (AIG) of police made a presentation on the state of police reforms in Pakistan. The brief overview of the presentation made is as follows;

- According to the Rule of Law Index 2020, Pakistan is performing poorly on certain indicators. On the civil justice indicator, Pakistan is placed 118 from 128 countries while on criminal justice Pakistan is placed 98 from among 128 countries. 128 is the lowest performance country.
- Mr. Kamran Adil screened a presentation on the silent points of the draft position paper, mentioned presented below:
  - Currently, three types of laws are operative in the country comprised of
    - Colonial-Era Laws (1857-1957)- Pakistan has adopted many laws from this era though some amendments have taken place in these laws however most of them are operative in its actual form.
    - Ordinances/Order- Military Regimes and Act of the Parliament- These are passed during military regimes through executive orders or ordinance. Such laws are made part of the constitution through blanket constitutional amendments. Such laws are never discussed or debated in parliament.
    - Act of Parliament- Such laws are passed after through discussion.
    - All the elements of the three types of laws are reflected in police laws being operative in the country.
  - The main reasons for the failure of many laws in Pakistan can be mainly attributed to the poor quality of legislation. This is because of the certain reasons as mentioned below;
    - Poor Legislative Drafting Skills
    - Lack of adequate time, resources and skills for legislative analysis
    - Inconsistency of sub-ordinate legislation with principal law
    - Lack of consultation with the relevant stakeholders & experts
    - Dispensation with rules pertaining to a legislative analysis by Committees
    - Indemnification of ordinances without parliamentary scrutiny
    - Inconsistency of legal provisions with the constitutional framework
  - The main challenges in the implementation of laws could be attributed to;
    - Delay/Inadequacy in delegated legislations e.g. Rules of Business
    - Lack of allocation of sufficient financial and human resources
    - Lack of capacity building of implementers

- Lack of coordination amongst various stakeholders
- Lack of awareness & trust amongst masses about the laws
- Weak investigations and prosecution
- Lack of access to legal assistance
- Police Reforms vs. Policing Reforms
  - Police Reforms-relates to the police organization
  - Policing Reforms-relates to service delivery
  - Criminal Justice= Police Reforms + Policing Reforms
- Design of Police Reforms
  - Design of Policy Reforms has been changing
  - The focus of earlier reports on police reforms have different dimensions including Change of Law, Police Welfare, Police Accountability, Complaints Management, and Service Delivery
- Constitutional Position
  - Is police a federal or provincial subject? According to Articles 142 and 143 of the Constitution, it's a Shared Responsibility of the Federation and the Provinces.
  - Exclusive to Provinces (Punjab-Police Order, 2002, Balochistan Police Act, 2011, KP Police Act, 2017, Sindh Police Act, 2019 and Police Act, 1861 (ICT, AJK, and GB)
- Four Areas of Service Delivery
  - Women and Policing
    - Female Population in Pakistan: 48.76%
    - Women employed in police: 0.94% of the total police force with the largest number in FIA.
    - As compared to Pakistan, women employed in police in India: 8.98%
    - Crimes against Women are on the rise. Women police officers are in a better position to handle such cases.
  - Investigation
    - The main reasons for not successful criminal prosecution can be mainly attributed to poor quality of investigation, Functional specialization, Cost of investigation, Change of investigation, Evidence-based arrests, Supervision of investigation, Accountability for defective investigation, and Police Prosecution Cooperation.
  - Community Policing
    - It's an ideal model in the world. The paper has a recommendation concerning Community Policing Models, Selection and Composition, Functions, Safety, Dispute Resolution, Police-Public Relations, Tenure, and Removal.
  - IT and Digitalization
    - The paper has a recommendation with respect to Digitization, Impact of COVID like situation, Training Curriculum, and Delivery, Data Privacy, and Cybersecurity.

#### Discussions with Parliamentarians:

The parliamentarians presented actionable suggestions for implementation at all tiers. The brief points of their discussions are presented as follows;

- The intentions of the Police reforms act of 2017 were to de-politicize police by making it an autonomous body by having a higher level of financial, administrative, and operational autonomy.

- The police act of 2017 had many positives however the wish list of government could not be achieved which aims at giving the police department a new picture. This non-achievement is greatly attributed to financial constraints.
- DRCs were formed to give quick and speedy justice. The members of civil society as well as the chief justice was part of the commission however its notification is not done so.
- Special schools and trainings were made part of these reforms. These reforms had four essential parts including the legal framework, financial support, and budgeting, oversight by external bodies, and training & recruitment.
- Self-accountability was one of the essential parts. Normally the accountabilities are done at a lower level and by internals. The public safety commission was given a role for external accountability and external oversight.
- Lack of coordination is observed between and among various government departments. The rule of business is a guiding document that provides a clear connection of police with other departments and the role of ministers. The police should be oriented on the rule of business documents.
- Each year 700 to 800 investigation officers are trained on various aspects of the investigation. The investment in their training is huge. It's a dilemma that once the officer is trained he/she is posted to some other department or duty and the investment made goes waste.
- The act did support de-politicization of police however this act needs to be debated again in the assembly.
- Nine different types of schools are proposed in this act which is good as long as budget hurdles are not posing a challenge.
- The regular meetings of the public safety commission should take place. The yearly report of the commission is yet to be presented. The Chief executive of the province should be part of this meeting.
- The role of the police safety commission should be enhanced.
- Reforms are good but its implementation is not done effectively.
- Police training schools at Sihala and Hangu are effectively providing training to officers on various aspects however their training on religious aspects is completely missed out.
- Police officer's duty time is 24 hours, Makeshift arrangements should be made for day and night duty. It's not humanly possible to remain vigilant for 24 hours.

### Conclusion:

Improvement in image and capacity building of the institution of police is a key initiative to make a success out of any reforms made to counter policing issues in the country.

These views were voiced at the first online session on policing issues by the Sustainable Social Development Organization (SSDO), under a pilot project of the Police Awam Saath Saath (PASS), in collaboration with the United States Institute of Peace (USIP), with the parliamentary working group of MNAs and MPAs from Punjab province to introduce reforms in the police department by bringing in modern research mechanisms and making necessary legislation.

The session opened with an SSDO representative presenting police reforms by categorizing them into conceptual, policy, and service delivery issues for better understanding and implementation. He explained in detail the constitutional position of policing between the federal government and the

provinces, the importance of women in policing, evidence-based arrests, mandate-based community policing, as well as the need for digitalization in policing through effective tools.

The parliamentarians strongly voiced their lack of control over the planning and mechanics of such reforms but presented actionable suggestions for implementation at all tiers. They were of the view that crimes against women and children, already on the rise, must be dealt with in a more sensitive and victim-friendly fashion.

Syed Kausar Abbas, Executive Director SSDO, emphasized the important role of parliamentarians in reforming the police department across the country and assured the addition of their suggestions in the evaluation of the existing laws, police reforms, and research methodologies under the project 'Police and Public Side By Side'.

The session was attended by MPAs from various political parties including Pakistan Tehreek-e-Insaf and Mutahida Majlis-e-Amal Pakistan (MMAP). These legislators include Ayesha Bano, Rehana Ismail, and Sajida Hanif.

#### Participants of the Consultative Meeting:

Sr #	Name	Designation
1	Ayesha Bano-PTI	Member Provincial Assembly
2	Rehana Ismail-MMAP	Member Provincial Assembly
3	Sajida Hanif-PTI	Member Provincial Assembly
4	Naeema Kishwar-JUI	Member Provincial Assembly
5	Shafique Afridi-PTI	Member Provincial Assembly



**Sustainable Social Development Organisation (SSDO)** is a non-governmental organization founded and registered under Societies Registration Act 1860 in 2015. SSDO is working to contribute to the well-being of society for establishing an institutionalized system of social development through emphasizing a responsible citizenship. SSDO was formed with the vision of contributing towards the sustainable and inclusive development of underprivileged communities of marginalized areas of Pakistan. SSDO thematic areas include governance, human rights, peace, education and health. SSDO has practiced different development methodologies including advocacy, campaigning, capacity development of various development stakeholders, community mobilization and sensitization and public policy improvement.

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