

## Key Issues

### **CMI has observed the following key issues arising out of the paper on ‘A Case for Urban Policing in Pakistan’**

- The policing policy of the State plays a critical role in ensuring peace and stability throughout the society. Police force, under the Police Act of 1861 (the “1861 Act”), was primarily introduced as a coercive arm of the British Crown.
- The Punjab Police Rules, 1934 (the “1934 Rules”) made negligible distinction between rural and urban areas, as far as nature and composition of police station was concerned. However, over the past five decades, Pakistan has urbanized at an exponential rate i.e. more than 100 million Pakistanis now live in urban or semi urban centers of the country.
- The governments have failed to modernize and improve the flow of information, police records, and policing techniques, in order to keep pace with uncontrolled migration and population growth. Also, the State has failed to provide basic civic services as well as appropriate town planning and management for the growing population in urban centers, thereby resulting in increased criminal activity and organized crime.
- Inadequate human resource and professional autonomy of the respective provincial police forces has resulted in lack of public confidence and trust.
- Unfortunately, the Police Order, 2002 (2002 Order), despite being a revolutionary step, proposed no material changes in core policing function of prevention and investigation of crime.
- The police force has failed to perform its functions for a host of reasons, including, inter alia, politicized police culture, poor governance, supervision, rampant corruption, absence of accountability, and inadequate finances. As such, restructuring the police stations, in line with requirements of 21st century policing, is recommended.
- Consolidation of human resources in the urban centers is recommended, instead of bifurcating police force on the basis of territorial boundaries.
- The concept of existing police station and that of the SHO should be discarded in urban centers, and officer of the rank of Superintendent of Police with at least 10-12 years of service should head a new basic police unit/division, on functional lines, in a professional manner.
- The existing police stations should be converted into police posts, mainly to facilitate the receiving of complaints, performing watch and ward duties, and collecting intelligence/information within their respective territorial jurisdictions.

- Each urban police unit/division be comprised of five sections i.e. administrative, operations, law and order, investigation, and community relations sections, serving no more than 500,000 citizens.
- The underlying philosophy of the proposed design for urban districts and police divisions is 'functional specialization' at the city level. However, the model cannot be fully implemented without specialized trainings and inclusion of relevant stakeholders.

## **A case for Urban Policing in Pakistan**

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## Introduction

The model of policing laws, as well as functioning and structure of the police station, in Pakistan, conceived under the Police Act of 1861, is a colonial remnant, akin to a plethora of other laws and systems. The post-independence constitutional arrangement of Pakistan, which drew upon the India Act of 1935, policing remained a provincial subject<sup>1</sup>, but the legislation enshrined in the Constitution allowed the federal government to extend its influence over this essentially provincial matter. The overarching law regulating the procedure of criminal trial and crime investigation is the Code of Criminal Procedure, 1898 (CrPC). Moreover, the Pakistan Penal Code, 1860 (PPC), Qanoon-e-Shahdat Ordinance, 1984, Anti-Terrorism Act, 1997 (ATA), and other statutes form the basis of Pakistan's criminal justice system, of which the police are an integral part and the first entry point.

Within this framework, Punjab Police Rules, 1934 (1934 Rules) formed the basis of administration for police force across the country. The structure of the police station designed under, elaborate and detailed, 1934 Rules, was based on territorial jurisdiction, which worked well for a while despite the transition impelled by independence, in 1947. However, the structure of police and its functioning prior to the independence had two fundamental flaws; firstly, it was designed for a colony wherein, maintenance of order and stability rather than dispensation of justice was the underlying motive; secondly, the police station structure and composition perfectly conspired and colluded with the 'land tenure system' headed by the 'executive magistracy', thereby supporting the landed aristocracy rather than the urban middle class.

Despite Pakistan's transformation from a colony to an independent democratic state, growth of cities in size, revolutionary changes in technology and communication, the police station structure has been impacted little in terms of organizational design, business processes, human resource or technology.

<sup>1</sup> (List II of the Provincial Legislative List to Seventh Schedule on Legislative Lists of India Act, 1935)

## Policing Policy under Police Act 1861

A critical factor in ensuring peace and order in any society is the **policing policy** of the State. The basic principles of policing in India, particularly since the time of the East India Company and the British Empire were; i) collective responsibility, ii) village watchman-ship, iii) espionage and iv) deterrence. The main objective of the East India Company followed by the British Crown was to collect land revenue. With the aim of achieving the aforementioned objectives; different experiments were conducted in the first half of the 18th century. “From 1720 to 1751 ‘Zamindars’ were appointed as ‘Faujdar’ and ‘Kotwals’ and had under their control a body of men working as the police force”<sup>2</sup>. Subsequently, in 1765, the East India Company obtained a royal ‘farman’ of Diwan for revenue collection from the local land owners. The said order of Diwan, introduced for the first time, a force in uniform to assist the revenue collection officials, in performing their duties. Furthermore, the East India Company abolished the traditional office of the ‘Faujdar’ in 1770 and instead placed the ‘Darogha’ under the ‘Supervisor’, later known as the ‘Collector’ by Lord Hastings in 1773. The ‘Zamindars’ (local loyalists) were allotted big tracts of land by the East India Company and in each village a landholder was appointed as the ‘Numberdar’ by the Collector for collection of land revenue for that village/revenue estate.

The general scheme of the CrPC and the 1934 Rules, drafted under the Police Act, 1861 spelled out a policy on collective responsibility. Specifically, Chapter 21.1 of the 1934 Rules, states the following:

*“The criminal law in Pakistan and the police organization based upon it, are both founded on the principle that public order depends essentially upon the responsibility of every member of the community within the law to prevent offences and to arrest offenders. The magisterial and police organization is set up to enforce, control and assist this general responsibility”*

It is to be noted that under the Land Revenue Act, 1887, welfare of community in a district was vested in the ‘Numberdar’, appointed by the Land Revenue Collector of the said district. Section 45 of CrPC required the ‘Numberdar’ to report a few cases (not all) to either the police officials or the Magistrate, and it further required the Magistrate to enforce and uphold the general responsibility of the community. The police, effectively

<sup>2</sup> Politics of Police Reforms in Pakistan by Ehsan Sadiq (page 15), published by Pakistan Forum for Democratic Policing.

disempowered to investigate all non-cognizable offences, was only to assist the ‘Numberdar’ and the Magistrate in resolving the cases. The intention behind the legislation was to enable the ‘Zamindar’ to keep peace in his domain without the interference of police. As such, the police were required to forward a report to the Magistrate who was legally empowered to decide the case/settle the issue. However, in regards to cognizable cases, police had the power to make arrests and forward the suspects to the Magistrate.

Moreover, Chapter X. of CrPC specifies the procedure of managing and resolving the non-cognizable offences such as public nuisance. To this end, police was only required to send (through the Station House Officer) a report to the Magistrate, who followed the procedure stipulated in Chapter X. It is pertinent to mention that the law did not empower the police to resolve disputes, but only to refer the matter to the Magistrate. This magisterial control over policing was meant to ensure that the police did not intrude into the domain of the ‘Zamindar’. The 1861 policing policy, especially dispute resolution was dependant on an informal system for prevention of crime through ‘Numberdar’ and since 1959, the Union Council.

Whereas, in regards to commission of cognizable offences, police till date, is empowered to investigate such cases without seeking direction of the Magistrate. Nonetheless, police are required to make an initial report of the offense to the Magistrate, who is empowered to inquire into the case and give directions. Magistrate, in such cases, has authority to record statements of confession and identification parades. It is clear from these provisions of law that even though the police are empowered to investigate cognizable offenses, the magistrate has a very important role in the investigation process. It is to be noted that Magistrate’s assumption of jurisdiction and influence over the investigation process is a contradiction to the orders of the superior courts, which dictates that a Magistrate cannot interfere in the investigation process in anyway.

The policing policy under 1861 law recognized only the SHO to perform policing duties: investigation of cognizable offenses, dealing with unlawful assemblies, reports to the Magistrate regarding disputes, public nuisances and matters relating to investigation of cases. The subordinates performed their functions according to the directions of the SHO.

According to this scheme, the police station dealt primarily with criminals as

it dealt only with offences of a serious nature while non-cognizable offences and public nuisance were in the domain of the 'Numberdar' and Magistrate. They dealt with the community and were assisted by one or more village watchmen ('Chowkidar'). This hierarchy collectively formed the core policing system in the sub-continent.

The period from 1800 to 1861 witnessed various experiments including the Napier model which was preferred after the Annexation of India in 1861. Within the Napier model, the Irish Constabulary model was adapted for the "general direction and control of the District Magistrate". However, it may be emphasized that even under the East India Company rule, policing in the "Presidency Towns" of Madras, Calcutta and Bombay, which were major urban towns in India, was structured on the London Metropolitan Police model between 1856 and 1859.<sup>3</sup>

Police force, per the 1861 Act, was primarily introduced as a coercive arm of the British Crown, which was under complete sway of the District Magistrate. According to the 1934 Rules (1.15);

*"The District Magistrate is the head of the criminal administration of the district and the **police force is the instrument** provided by the Government to enable him to enforce his authority and fulfil his responsibility for the maintenance of law and order".*

Again, the Police Rule 1.17 states, *"All postings, removals and transfers of officers in charge of police stations within a district shall be made by the Superintendent with the approval of the District Magistrate. If the District Magistrate considers the presence of a police officer of or below the rank of Sub Inspector prejudicial to the welfare of the locality in which he is posted, he may direct his transfer elsewhere within the district."*

Legal framework of the 1861 Act preferred police officials to interact with the locals only through 'Numberdar', 'Zamindar' and the Magistrate. The police were trained and employed to act as a quasi-military body. All over the world, States are investing in the capacity building of individual policemen to serve their communities rather than depending solely on their 'Officers-in-Charge'. Arguably, supremacy of 'rule of law' cannot be achieved,

<sup>3</sup> Madras Metropolitan Police Act, 1856  
Calcutta Metropolitan Police Act, 1858  
Bombay Metropolitan Police Act, 1859

if disputes amongst citizens are settled through local politicians and executive Magistrates, controlled by a politically motivated government. In such a case, a Police Station seems to be more of a coercive arm of the sitting government, than a "service delivery point".

## Police Station Structure under Police Rules (1934)

According to the organizational design of the Police Station, established under the 1934 Rules, a Sub-Inspector was ordinarily the Officer-in-Charge of a Police Station as well as the designated SHO. Essentially, Sub-Inspector was responsible for effective case management, good conduct and discipline, preservation of peace, and prevention as well as detection of crime. By the 1970s and 1980s, the rank for the position of the SHO was elevated to that of Inspector Police. Nonetheless, no such substantial amendment was introduced to the 1934 Rules, which could have improved delivery of service to the ordinary citizens.

Under the 1934 Rules, SHO of a police station, ordinarily of the rank of Inspector (BS 16) or Sub-Inspector (BS 14), is expected to acquire detailed and accurate local knowledge, secure whole-hearted cooperation of the public and encourage them to provide information of any suspicious activity. Additionally, SHO must keep a secret watch over people with criminal background and communicate such information to the seniors. The SHO is the chief investigating officer of a Police Station, per the 1934 rules, therefore, he is expected, as far as possible, to conduct all investigations personally. For this reason, the SHO is:

*“Primarily responsible for the effective working, management, good conduct and discipline of the local police, for the preservation of peace and the prevention and detection of crime. The due performance of all police duties, the exercise by the police of the powers granted them by law, the correctness of all registers, records and reports prepared by them, and the direction, instruction and efficiency of all police subordinates in the station jurisdiction are matters for which the officer-in-charge of a police station is essentially answerable”<sup>4</sup>.*

Furthermore, the SHO is also responsible for maintenance of public order and security of life, property and honour of the citizens.

The Punjab Police Rules, 1934 made negligible distinction between rural and urban areas as far as the nature and composition of a Police Station was concerned. The only reference to urban policing can be found in Police Rule 21.35 that says that *“in each district, the Superintendent of Police shall issue standing orders regulating the point and beat duty to be carried out in each*

<sup>4</sup> Rule 1 of Chapter 22 of the Punjab Police Rules, 1934

*town and cantonment for which police establishment is provided”*. This reference was limited only to the beat and patrol functions which fall within the domain of Watch and Ward. The Police Station design, conceived for an almost static rural society, was considered equally appropriate for fast-growing urban cities.

Over the past five decades, Pakistan has urbanized at an exponential speed. More than 40%, approximately 100 million Pakistanis now live in the urban or semi urban centres<sup>6</sup>. Owing to fast-paced development in the country, all metropolises, in addition to the social, cultural, economic, environmental and civic challenges, are loaded with law and order issues. Crime and public order is mostly a function of any one of these factors or in some cases a combination of the same. People in Pakistan are moving from countryside to urban areas, however, a complete failure in providing civic services and lack of appropriate town planning, to accommodate the influx of population, has resulted in the growing dominance of the anti-social and criminal elements. Lack of opportunity has caused a surge in criminal activity and organised crime, in the sprawling mix of our cities.

Despite all this, hardly any meaningful effort has been made to modernize and improve the information flow, police records and policing techniques to keep pace with uncontrolled migration and population growth. In its stead, political and police leaders alike have sought recourse to the approach they are most familiar with; increasing the number of Police Stations and manpower. However, not much has been accomplished, notwithstanding the increase in number of Police Stations in urban centres of Pakistan, such as Karachi (over 100) and Lahore (88) which continue to work on the 1934 model of policing.

A cursory review of Rule 35 of Chapter 21, indicates that it is essential for a SHO of a Police Station to have functional, administrative/disciplinary and financial powers as well as some degree of professional autonomy without which he cannot perform his duties. Unfortunately, in the current setup, SHO lacks power to transfer or regulate behaviour of his inefficient or corrupt subordinates. He does not have the autonomy over funds except to the extent of spending small amount as “permanent advance”. For all ‘meaningful’ financial help, including inter alia, fuel expenses, maintenance of official vehicle or even for purchase of stationary, the SHO is dependent on the

<sup>5</sup> Rule 34 of Chapter 21 of the Punjab Police Rules, 1934

<sup>6</sup> Ahsen, Saud Bin. "Urbanization in Pakistan." Global Village Space. September 1, 2017. Accessed July 3, 2018. <https://www.globalvillagespace.com/urbanization-in-pakistan/>.

headquarter.

For this reason, it is highly unfair to expect from the Officer-in-Charge to provide, without adequate administrative and financial powers at his disposal, security of life, property and honour, to a complex and diverse urban society.

Apart from inadequate human resource and professional autonomy, Police Force, in general, lacks public confidence and trust. The centuries old culture of oppression and high handedness pays little heed to basic human rights, now enshrined in the Constitution as Fundamental Rights. According to the late Hafiz S.D. Jamy, former Inspector General of Punjab Police, *“the members of the police force at the lower level were often encouraged to use rough methods and create an atmosphere of awe and dread”*. He also observed that *“on the one hand the system of policing was well knit and efficient enough to rise to any occasion; on the other hand, it suffered from a tarnished image which placed it at an initial disadvantage in the eyes of the public”*.<sup>7</sup>

<sup>7</sup> Article titled Police Administration by Late Hafiz S. D. Jamy, former Inspector General of Police, Punjab

## Post-Independence Scenario

Over one dozen Commissions and Committees have been formed since independence to improve the police operations. Recommendations of a vast majority of these Commissions/Committees have not been implemented for one reason or another and blame continues to be apportioned to the police for their inefficiency and corruption. This blame game has continued unabated between the political leadership, police, bureaucracy (DMG/PAS), judiciary, army and the civil society, without any positive outcomes for relief to the general public.

The first serious attempt to improve the police system established under the Police Act, 1861 was the Sindh Assembly Bill on Metropolitan System of Policing in Karachi-1948 and efforts continued with Sir Grace Committee 1951, Justice Constantine Commission 1961, Justice Cornelius Committee 1962, Mitha Commission 1970, Police Committee 1985, M.A.K. Chaudhary Committee 1990 and other commissions and bills till 2002.

The focus of reform after independence revolves around amendments in law, changes in police command structure, external control over the police, operational autonomy, utility or threat thereof from federal or provincial reserves and other peripheral issues. However, there has been no serious attempt to restructure the basic police unit - the Police Station - that has been failing to deliver; particularly in the urban areas of the country. At best, cosmetic changes were proposed, and these too, remained generally unimplemented. One such failure was witnessed when an attempt was made to amend three volumes of the Police Rules dealing with the organization, headquarter establishment, uniform, accounts, appointments, enrolment, inspection, supervision, investigation, and other matters governing the police functioning at the Police Station and the district level.

The last meaningful attempt in this regard was made in Punjab in the late 1970s as a result of which Volume 1 of the Police Rules was amended, published and circulated in the districts. However, bureaucratic vested interests prevailed upon the military government of the time which ordered their “destruction through burning” in 1982<sup>8</sup>. Very little has been subsequently done in this context, even after promulgation of the Police Order 2002.

<sup>8</sup> The author as SP Kasur received these orders in the form of a Telex message from the Home Department, Government of the Punjab in November 1982.

Ironically, it goes to the credit of a military regime, to replace the archaic colonial Police Act of 1861, with a more progressive and democratic Police Order of 2002. It was a historic occasion for the police in Pakistan to meet the public expectations to democratize the police. Nevertheless, this golden opportunity was soon lost for internal and external reasons, and two provinces have reverted to the 1861 law, namely Sindh and Balochistan, whereas Punjab is still struggling with its vision of a new Police Act. KPK however, has recently (in 2017) come up with its new Police Act that is a progressive step but is yet to be tested as far as delivery of criminal justice to the common man is concerned.

The Police Order, 2002 despite being a revolutionary step, made no material difference to the core policing function of prevention and investigation of crime. Police Rules, 1934 under the Police Act, 1861 designated the SHO as chief investigating officer that empowered him to take over any investigation from his subordinates, and in doing so take timely corrective steps towards fair play and justice. The Police Order, 2002 took away the investigative function from the SHO and placed it in the hands of a completely separate structure. The purpose of the same was to make the investigation process independent and neutral, reducing political interference. However, it has adversely impacted the position and role of the SHO as Officer-in-Charge vis-à-vis his subordinates, and the general public. This change that was intended to positively improve the police-community relationship has created more confusion in the justice delivery system designed for the Police Station.

The salient features of the discussion above:

- I. The basic police unit, namely the Police Station has failed miserably to come up to public expectations, particularly in the urban areas;
- II. There has been very little focused effort by the commissions/committees and the police leadership towards correcting grass root level policing;
- III. Cosmetic interventions have been undertaken to improve the notorious “Thana Culture” despite the political sloganeering by all successive political and military governments;
- IV. The police leadership has generally been more concerned about its turf

wars and perks and privileges, and has not focused on any meaningful improvements at the primary public service delivery level;

V. There has been practically no attention on developing sustainable processes and protocols for measurable service delivery.



## Existing Urban Culture

Unfortunately, the police have failed to deliver to the common man for a variety of reasons that include, inter alia, a politicized police culture, bad governance, rampant corruption, 'thana' culture, absence of accountability, poor supervision, and inadequate finances.

A realistic and practical approach strongly makes out a case for restructuring the police station to bring it in line with the requirements of 21st century policing in a democratic Pakistan. This requires consolidation of human and physical resources (in the urban centers to start with), rather than the traditional approach of bifurcation of the territorial boundaries. Such consolidation is not proposed merely to re-group the smaller territories into a bigger unit, but also for the purposes of delegation and exercise of necessary administrative, disciplinary and financial authority to the Officer-in-Charge of a basic urban policing unit.

Before going into the details of what an urban Policing Unit should look like, we need to objectively recognize and identify the urban character of most of our cities and large towns. In the absence of authentic research work, some of the common features of urbanization in Pakistan include, but are not limited to:

- I. The growth of unplanned population clusters, which are mostly in the shape of slums wherein majority of the residents are either unemployed or belong to the labour class;
- II. These areas have very little or no access to municipal services, which gives rise to dissatisfaction, anger and violent outbursts in the form of agitations and serious law order situations that have to be dealt with by the police;
- III. The insufficiency of urban space and inefficiency of provision of services gives birth to 'land mafias' and cartels that are mostly sponsored by those in power; i.e. politicians and bureaucracy including police;
- IV. The absence of municipal facilities contributes to a rise in the organized crime.

V. The entire structure of governance; municipal, city, provincial and federal promotes corrupt practices in all sectors including police, leading to corruption becoming the norm, rather than the exception.

VI. Near absence of a Police-Community relationship-based mechanism to promote a culture of information sharing and Dispute Resolution.

VII. The urban criminal is generally unidentifiable due to a collapse of collation, collection and maintenance of criminal records, as provided under the mechanism laid down in Police Rules, 1934 of a rural police station.

Under the existing police station structure (Police Rule 22.1), an officer of the rank of Sub Inspector (BS 14), who is in-charge of a Police Station, or even a BS 16 Inspector, does not have any inherent administrative, disciplinary or financial authority over his subordinates or the functioning of the Police Station and finds it almost impossible to deal with the consequences of such urbanization. In view of an insecure tenure (4 months at an average in 83 police stations of Lahore in 5 years between 2008 to 2013), the SHO finds it convenient to go along with the forces of status quo, and resultantly fails to fulfil his obligations to the public. Due to the lack of operational autonomy at the police station level, and a host of other issues, the local police are generally perceived to be inefficient, corrupt and agents of the influential strata of the society.

The Local Government Ordinance of 2001 and the Police Order of 2002 provided the first meaningful change in the **policing policy** of the State. Article 4, Sub-articles (b) & (d) of the Police Order, 2002 provides that the police is to "*preserve and promote public peace*" and "*prevent the commission of offenses and public nuisance*". However, Section 149 of the CrPC clearly stipulates that police can only prevent cognizable offences. Chapter X of the CrPC merely requires the SHO to report a public nuisance to the Magistrate.<sup>9</sup> Section 155 of CrPC further says that the police are not empowered to investigate non-cognizable offenses or to resolve disputes. Unless these laws are amended, the duties laid down in the Police Order cannot be performed. Despite these limitations emerging from the existing criminal procedural law, the Police Order envisages a completely new policing policy. The 'collective responsibility of the community to prevent crime and preserve public peace rests with the State, acting through the police. However, the role

<sup>9</sup> Article titled Police Administration by Late Hafiz S. D. Jamy, former Inspector General of Police, Punjab

of Magistrates in the investigation of cognizable cases, handling of public nuisances and dealing of non-cognizable cases by the 'informal sector', remains a source of discontent of the public from the police.

Another shortfall in the ability of the police to fulfil public expectation is due to the legacy left behind by the pre-independence bureaucratic structure. In 1858, the colonized Indian State was structured around the unitary model, with the provinces envisaged to be local governments. Hence, it was the provincial governments that levied local government taxes and fees. The powers of these local governments (provinces), including policing and justice, were delegated to and exercised through the DM/Deputy Commissioner. Even after 1882, when local councils were established, the Deputy Commissioners exercised authority over the local councils within the districts. The power to collect local government taxes, however, remained with the government at the provincial level and was not transferred to the Local Councils. This scheme still exists and local governments continue to financially rely on provincial governments.

## Possible Urban Policing Models

What should be the structure of an urban policing unit? There is a wide range of possible answers to this question. However, those who matter are the political, bureaucratic, superior judiciary and police leadership on the supply side, and the common man and civil society at the demand side. There is no denying that reform in Pakistan is almost always driven from the supply side, and as a result, the consensus on supply side has more influence than the demand side. Having said that, any urban policing model should have the following basic features:

- The concept of existing police station and that of the SHO should be completely discarded in all major urban areas. The territorial jurisdiction of an urban policing unit may vary according to the peculiarities of the city and includes factors such as population density, ethnicity, industry, commercial, and trading centers etc. However, a major guiding principle is that some of the existing police stations should be regrouped on the basis of its strength i.e. in the range of 400 to 600 personnel.
- An officer of the rank Superintendent of Police with at least 10-12 years of service should head this new basic police unit/Police Division. The rank of the commanding officer is being suggested to enable the structuring of the Police Division on functional lines in a professional manner.
- The existing police stations be converted into Police Posts, mainly for the purposes of receiving complaints, performing watch and ward duties and collecting intelligence/information within their territorial jurisdiction.
- The aforementioned arrangement has the fundamentals to improve internal accountability, which is a major cause of concern in the existing policing structure.

### Territorial Model

1. Police Order 2002 already provides for, all major cities to be classified as separate "general police areas" and categorized as 'City Police District or Capital City Police Districts' under the PPO/IGP, depending upon their population and other urban peculiarities.

2. Each division shall be a 'stand-alone' unit similar to the existing police station, reporting directly to the City Police Chief.
3. There shall be no intermediary officer like that of current Sub Divisional Police Officer (SDPO).
4. More importantly, every police division shall have a dedicated budget of its own. The divisional SP, being a BS 18 officer, can also be notified as a Drawing & Disbursing Officer (DDO) under the financial rules of the government. This will address the constant issue of paucity of funds at the police station, which is often used as a justification for fleecing money from the complainant or the suspect by the current SHO or staff members of the police station.
5. The proposed model is based on the principle that all policing activity in the jurisdiction of the police division must flow from the division. This means that all existing and proposed "special squads" like Eagles, Falcons, SSUs and Dolphins etc. must be under the charge and control of the divisional SP. All such special squads created at the city level actually damage the very concept of "integrated policing" and dilute the responsibility and principle of unity of command. These units and their activity are targeted towards the prevention of crime, thus providing a sense of security to the common man, which is also the fundamental responsibility of the Divisional SP.
6. The divisional SP shall be assisted by at least five officers of the rank of Addl. SP/ASP/DSP; each heading the investigation, operations, community relations, law & order and administration which will include finances, discipline, human resource, and infrastructural issues. The organogram of the proposed police division is provided in Table B.

While this model will improve the existing setup, its downside is that it still proposes a 'stand-alone' territorial concept for each division and there will be no functional division at the city level. There is every possibility that the divisions will function in silos and there will be no coordinated policing through specialized functions.

Another apprehension is that the mid-career officers (BS 18) are likely to be averse to the proposed system. These officers are not prepared to

"come down" to the operational level of policing, as it entails direct responsibility towards the public, courts, media, and the government. The age-old concept is linked to the prestige of being a supervisory officer. Working as a divisional SP under the new model, requires a change in the mind-set, which will take time.

There is no place for the office of the SDPO in this model, hence strong resistance is expected from officers of the rank of DSP/ASP as they will merely be heads of the functional wings.

Similarly, the officers of the rank of inspector will consider the proposed change detrimental to their interests and position in society. Currently, they work as SHOs whereas in the new system they will simply be investigating officers or in-charge of police posts as Inspectors.

A basic police unit, be it a police station or a police division, requires a purpose-built facility. In this regard, it is worth mentioning that the critical function of public security cannot be performed from inadequate, unsafe, and dingy rented structures with 2/4 rooms. The safety of the police personnel aside, most of our urban police buildings are highly unsafe for suspects/visitors, weapons/ammunition, '*Maal khana*s' (storage room for court evidence) and other police records.

Therefore, it is recommended that 'purpose built' police buildings be constructed in a phased program over a period of three to five years. The police leadership should revisit their architectural designs for decent public interaction, safety of police records, weapons and suspects. The new design must also cater to the professional and residential needs of the officers working therein. The issues of security of evidence and technological equipment also need to be adequately addressed.

### Integrated Model

This section of the paper proposes the most appropriate model that can be customized, in accordance with the peculiar requirements of each urban city centre.

The peculiar nature of urban policing requires organisation and specialisation of several functions at the city level. Matters pertaining to

crime prevention, investigation, law and order, security and administration necessitate citywide functional jurisdictions that augment and support policing in a territorial jurisdiction. **Table-C** contains a blueprint of a police organisation in a major urban centre.

The proposed model is designed for mega cities, such as, Karachi and Lahore, keeping in view their complexities, but it can also be employed in smaller urban centres like Faisalabad, Rawalpindi, Multan, Peshawar, Hyderabad and Quetta etc. The proposed model has the following features:

### Chief of Police

A Chief of Police of the rank of an additional IGP or DIG, depending upon the nature of the city shall head the city police organization. The nomenclature introduced by Police Order, 2002 i.e. CCPO and CPO may be retained. The Chief of Police shall have the powers and responsibilities defined under the Police Order, 2002 as per instructions of the PPO/IGP.

A staff officer of the rank of an SP/ASP/DSP shall assist the Chief of Police for communication of orders/policy and collection/compilation of reports.

There shall be a Vigilance or Internal Affairs team led by an SSP or SP to deal with matters pertaining to discipline, propriety, professional standards and integrity.

Furthermore, CCPO/CPO, shall be assisted by a Media Management team to manage public relations, create and distribute content to print and electronic media houses, and manage all social media forums. This team shall also be headed by an SSP who will act as the spokesperson for the City Police.

The said teams will report directly to the City Police Chief.

### Administration Wing

The Administration Wing led by a DIG/SSP shall be the secretariat of

Chief of Police: CCPO/CPO. It shall be responsible for matters, relating to finance, human resources, logistics, transport, communication, and buildings. Besides budgeting, accounting and audit, it shall ensure adherence to the latest human resource practices in recruitment, training, performance evaluation, career planning, timely and accurate indenting and procurement and purchase of all items required for smooth functioning of the City Police Force. It shall be responsible for proper storage, distribution and maintenance of all moveable assets. Repair and maintenance of all official buildings and transport shall also be the responsibility of this wing.

### Traffic Wing

Traffic management is one of the foremost indicators of any city's police management. In order to effectively manage the city's ever-growing traffic concerns, the Traffic Wing shall comprise of specialised teams with complete and exclusive authority for traffic management, licensing, regulation and enforcement. The City Traffic Police shall wear a distinctive uniform, and the City Traffic Officer shall be an officer of the rank of DIG or SSP reporting to the CCPO. The wing shall administer the human resources of traffic cadre in the district including its recruitment, training and optimal deployment. It shall be responsible for close coordination with municipal government agencies to improve traffic management in terms of road use, safety, parking and public transport. It shall also operate FM, GSM and internet-based systems for dissemination of traffic information and updates to the citizens.

### Operations Wing

Police Divisions - bigger urban police stations - shall be under the Operations Wing, headed by a DIG/SSP. It shall be primarily responsible for prevention of crime, reported incidents, dealing with local law and order events, regulating and licensing public events (Moharram processions etc.), and taking cognizance of minor offences and crimes related to public peace, and those notified by PPO for investigation by the Operations Wing. It shall regulate thoroughfares and use of public spaces; enforce laws and regulations governing explosive and hazardous substances. It will control special operations elements like Elite Police or Commandos and work closely with Integrated

Communication and Control Centre (IC3) to ensure optimal performance of first responders for effective prevention of crime.

The Operations Wing shall collect and collate all information about law and order events and prepare daily security plans for deployment of resources for the Security and Law and Order Wings in collaboration with their respective police divisions. The Operations Wing shall have an Intelligence Branch to collect and analyse information on political, social, students, labour and other activities in order to keep all wings in the district informed about current and future events or trends.

The Operations Wing shall also be responsible for the arrest of proclaimed offenders, court absconders, military deserters and persons liable to be apprehended under preventive sections of law, maintenance of history sheets of criminals, record of those on Schedule IV of ATA and their surveillance.

### Law & Order Wing

The current practice of dealing with public disorder even in major urban centres like Karachi and Lahore is through ad hoc deployment of SHOs, SDPOs and Constabulary who are hardly trained or equipped to handle such events. Management of law and order has now become a highly specialised function requiring regularly trained and specially equipped units. The volume, frequency and duration of public order events has increased manifold over the past 15-20 years. A much higher degree of specialisation in riot control and public event management is required. As per the record of the Lahore police, 479 events of varying intensity were handled from January 2017 to April 2018, which amounts to one such event every day.

A Law and Order Wing under a DIG/SSP, with dedicated resources, specialised training and well-defined SOPs and rules of engagement is the answer to the law and order situations of our cities.

### Investigation Wing

Investigation of crime is a core police function. It determines the overall police-public relationship and perception of the police. Contrary to the

Police Act, 1861, the Police Order 2002 created a separate hierarchy for this purpose and envisaged purpose-built investigation centres, leaving the police stations without any role in investigation, except the registration of an FIR. This unfortunately could not be enforced, mainly for want of custom-made investigation centres. For a variety of reasons, different provinces and cities have experimented with different combinations, with respect to investigation centres, and/or the reporting hierarchy, but with limited success. Punjab has removed some imperfections from the original Police Order investigation design by amending Article 18 of the Police Order 2002. Yet, there is still a need to refine the design further, and to streamline its processes.

In the proposed model, an Investigation Wing, headed by a DIG/SSP, shall primarily be responsible for investigating all registered cases except those under the Anti-Terrorism Act, 1997 (which are investigated by CTD), offences relating to regulatory matters, local & special laws and those resulting from public order situations that may be investigated by the Operations Wing as notified by PPO.

A separate investigation unit will seek to improve the technical and legal quality of investigation work. Specialised investigation units will be established for offences that are now beyond the capacity of the police station to investigate. They require information, skill, funds and technical capacity that can only be pooled at the city level. Such offences may include homicide, 'dacoity'/robbery, fraud, religious and hate crimes, and offences related to women and children. The Investigation Wing shall act as a second responder to a crime scene. Specialized squads of investigation units may be geographically dispersed, wherever required in the city for public convenience.

A centralised databank, of crime and criminals, shall be maintained in the Investigation Wing as Crime Record Office (CRO) which shall include the current crime registers of the police station. Maintenance of crime records and information sharing with other police units and courts is highly professional work for which there are multiple options available in today's advanced technology. Dissemination of criminal intelligence and analysis is an essential requirement that needs to be developed by the Investigation Wing of any urban police organization.

A technical unit is required in the Investigation Wing to deal with forensic evidence, which is now an integral part of police investigations. A 'Forensics Unit' shall be set up for this purpose. There is a variety of technical equipment required for efficient and professional investigative work but unfortunately our police are not making use of it. An improvement in the quality of investigation should be the foremost objective of separation of functions and the officers must be made cognizant of the value and importance of forensic evidence.

The Investigation Wing should have dedicated staff for execution of court processes and conducting 'Pervi' (follow up) of cases in the courts.

Before parting with the subject of investigation, effective redressal of the following issues by the State is crucial, as they impact the investigation work of the police and are directly linked to the police-community relationship:

a) The current arrangement of the procedural law (CrPC) is such that specialized units cannot be established. It empowers only the 'Officer in-Charge of the police station', the SHO, to hear a complaint or register a case. Only he can investigate an offense. When another officer is detailed for investigation, he must submit his report to the SHO and only the SHO can submit a report when the investigation is completed. Unless the law is amended, the investigation procedure will continue to suffer. This paper proposes that the term 'Officer in-Charge of the police station', wherever used in the CrPC should be replaced by the words 'Police Officer.'

b) The law has also created a unique distinction in defining offences as 'cognizable' and 'non-cognizable'. A jurist may find wisdom in this arrangement but the police find it contrary to the established practices of the civilized world, where this distinction does not exist. At best the police can define the offences as 'arrestable' and 'non-arrestable'. The police's responsibility is to take cognizance of all offences and then decide whether the circumstances warrant an arrest or not, which depends on the available evidence. There is no option with the State - police in this case - but not to take cognizance (refuse registration) of an offence on grounds of it being 'non-cognizable'.

The existing distinction in offences invariably ends up as a major complaint against the police; because of non-registration of cases. Access to justice for a victim starts with the registration of a complaint with the police or the court. Where the law permits police to decline registration of a non-cognizable crime, there is a strong possibility that the police, in connivance with the perpetrator or under political influence or corruption, will deny that access to a genuine victim. Faced with this situation, the victim has to; a) go to the senior police officers; b) file a direct complaint in the court (Isteghasa); c) approach the session's court for an order under Section 22-A of CrPC; d) file a writ in the High Court. In either situation it amounts to a voluminous increase in the work of the Criminal Justice System and adds to the 'cost of justice' to the petitioner/victim.

c) The State must show its clear intention of establishing ascendancy of rule of law and a rights-based society. It must revisit the Code of Criminal Procedure (CrPC), particularly Chapter X (Public Nuisances), Chapter XIV (Police Powers to Investigate) and Section 4, pertaining to Definitions.

Here it may be clarified that these amendments are not specific to urban policing; they are required in all areas and territories to make the investigation process fair and accessible to the ordinary citizen.

To address the issues of incorrect or loose interpretation of any policing policy, with special regard to investigative procedure and abuse of police authority, countries like the U.K., have developed codes for each activity. The British Parliament updates these codes every two years. In the spirit of following the best practices in the world, it is proposed that our Parliament also develop such codes for regulating police practices in these critical policing areas. Suggested codes are shown below:

### **Code A - Stop, Search and Recording of interactions with the Community.**

This code shall regulate police powers of stop and search. It shall also require the police to record interactions with members of the community, whenever they interact with them in the process of

performance of police functions.

### **Code B – Code of Practice when exercising Power of Arrest.**

This Code shall set out the criteria the police must observe when exercising their power of arrest under section 54 of Code of Criminal Procedure, 1898.

### **Code C – Code for Searches of Premises and the Seizure of Property Found on Person or Premise.**

This Code shall govern the exercise of powers by the police, with respect to searching of premises and the seizure of property found by the police on persons or premises.

### **Code D – Code of Practice for Detention, Treatment and Questioning of Persons.**

To ensure that all persons suspected of being involved in offences under the Code of Criminal Procedure, 1898 are dealt with fairly and properly in accordance with the law.

### **Code E – Code of Practice for the Identification of Persons.**

This Code shall pertain to the methods used by the police for identifying persons in connection with the investigation of offences under the Code of Criminal Procedure, 1898 and the keeping of accurate and reliable criminal records.

### **Code F – Code of Practice on Audio/Visual Recording of Interviews with Suspects.**

This Code shall deal with the audio/visual recording of interviews of suspects of certain types of offences under the Code of Criminal Procedure, 1898 and govern the way in which audio/visual-recorded interviews are carried out.

## **Security Wing**

An extremely important function in urban policing is the security of heads of State, visiting heads of governments/States and other important foreign and local dignitaries. Along with such individuals, the security of important buildings and those of foreign missions is a critical task. This model proposes that in order to effectively address this policing responsibility, a separate Security Wing should be created in the police of all major cities, based on the pattern followed by the Islamabad Police.

Security of important persons and places will be the responsibility of the Security Wing headed by a DIG or SSP. Security of persons and premises has become a major functional specialisation in the era of militant terrorism. This organisation will have a centralised command for a dedicated security cover across the city and will have 'Close Protection Units' for security of visiting delegates or persons and capacity to develop improvements in security policies and protocols.

## **Community Relations Wing**

Community relations have assumed a central role in policing. Building a police-community relationship is the only way to build public confidence, which the police force in Pakistan presently lacks, and the new urban policing model must strive to restore. A wing, headed by a DIG or SSP, will be responsible for designing and implementing programmes for developing and maintaining relations with the community.

To achieve this end, the beat patrolling duo can help identify the community pulse and the ways to address their security and crime issues. This can be supplemented with holding beat-wise meetings with the community by the DSP/ASP. A variety of community policing programs such as the neighbourhood and commercial watch are available and a perspicacious officer can also develop his own model with the help of his officers and community leaders.

This wing will facilitate the formation and operations of the Citizen-Police Liaison Committees (CPLCs) established under the Police Order,

2002. It will implement Alternative Dispute Resolution Mechanisms (ADRs), as and when provided or required.

Facilitation Unit: an important aspect of policing is to provide service to citizens in areas other than that of crime and law and order. For such services the ordinary man runs from pillar to post under a threat of misbehaviour, wastage of time, money and energy. There is a long list of services like police character certificates, police verification for jobs, driving licenses, lost and found reports, foreigner's registration etc. that can be provided through a facilitation centre placed in the Community Relations Wing.

### Communications and Technology Wing (IC3)

Police in Pakistan has been traditionally wary of innovation, particularly when it comes to new technologies. The first automation project of the Punjab Police started in 1984 but the police organization has yet to be fully automated, even after 34 years. However, now things are changing for the better; cities like Lahore and Islamabad are moving towards "Safe City Projects" with the help of international donors. State of the art CCTV cameras, Safe Communication Systems and Command and Control Systems are being introduced in city policing. This is a very encouraging development, but it needs to be linked with beat patrolling, which is at the heart of the proposed urban policing system. Any Command and Control System not deriving benefit from the physical presence of a policeman on the street is likely to fall short of the desired expectations. It is therefore proposed that police command in Lahore, Islamabad and other major cities may consider this aspect and dovetail technology with the urban policing model.

The increasing integration of technology into everyday police functions necessitates the creation of a separate Communications and Technology Wing. From city-wide information and surveillance networks to function-specific applications, this wing will implement and administer technology-based solutions in all their manifestations.

For example, prevention of crime may be organised into an integrated Command and Control system. The IC3 system (Safe City Project) installed in Lahore may serve as a model. At the moment, six cities of

Punjab are developing Safe City Projects and the best practices developed may be implemented across other urban centres in the country. Such a system may have the following features and functions:

- Assist with centralized patrolling and response, controlled by the Operations Wing
- Establish a fully computerized and integrated emergency police response (15).
- Analysis of crime patterns and dissemination of information to local units.
- Assist in traffic monitoring and signal control systems.
- Assist in law and order and security monitoring and response.
- Assist investigation by providing evidence in cases where applicable.
- Provide technical telecommunication and IT services/database to be used by all wings of police.

Similarly, there are other aspects of technology like on-line vehicle checking, the "Verisys" system of NADRA, and "geo-fencing" which can all be utilised for street policing.



## The Urban Police Station (Police Division)

The current police station was designed 150 years ago, primarily for the rural milieu of the 19th century. The police station records, processes, human resource and even the infrastructure were perfectly suited to the work the police station was designed to do. Unfortunately, this rural police station has been caught up in an urban jam. The SHO, the kingpin of this rural system, has barely been able to manage the growing chaos.

The police leaders, in response to urban growth, have sought to address this failure through the constant replication of the same anachronistic police stations, with even smaller jurisdictions. Even the Police Order 2002 did not address this rural-police-station-in-an-urban-centre conundrum. It sought to create a specialised investigation branch at each police station without correcting the fundamental problem with its design. The solution lies in less, and not more, police stations. Organizing police on functional lines is the fundamental requirement of any major city, however, presence of territorial units cannot be ignored. These territorial units are the public face of police who will provide relief and assistance to a citizen who calls at the emergency numbers or visits the police unit in person. Therefore, the city in this arrangement shall have police divisions (bigger police stations) as basic units as already explained. These police divisions shall also be organized on functional lines unlike the present police stations. The police presence in these units shall support the functional division of work at the city level under the CCPO/CPO.

The structure and command of the police divisions is explained below:

Each urban police station should be roughly for 300,000 to 500,000 citizens and may be called a police division. By this arrangement, Lahore may have around 20 police divisions instead of the existing 88 police stations. The jurisdiction of four to five present police stations with the right geographic contiguity shall be merged to form one police division.

A Superintendent of police, with effective administrative and financial powers, shall head each police division. He will have effective authority over his subordinates, whereas the police division more resources, in smaller and more manageable jurisdictions. The police division shall comprise of several functional sections, each headed by an ASP or DSP. The sections shall

perform specialised functions independently under the command of the Superintendent. The following sections are proposed (**Table-D**) for a police division.

### Administration Section

This section shall effectively form the office of the Superintendent of the division. It shall be responsible for accounts, finance, logistics, establishment, infrastructure and services. Accounts and finance require preparation of budget estimates, management of yearly resource allocation and maintaining appropriate records for audit and other scrutiny.

Logistics shall include, maintenance and storage of all moveable property of the government in use of the division. This section shall ensure proper use, maintenance and storage of all items, from body armour and weapons to photocopiers and office supplies.

It shall be the responsibility of this section to ensure optimal use of the human resource in the division. It shall maintain service records, assist with career planning, ensure objective performance evaluation and regulate training. This section shall also be responsible for maintenance of all official buildings in the division.

### Operations Section

This section shall be responsible primarily for prevention of crime and will be the public face of the police division. It shall implement preventive policies and procedures. It shall plan and execute local prevention activity, particularly foot and mobile patrolling. It shall be responsible for effective deployment of first responders e.g.; Dolphin Squad in Lahore. It shall operate the 'Malkhana' (safe room) and lockup of the division.

This section shall perform all regulatory functions pertaining to use of thoroughfares and public spaces. It shall regulate and monitor the use of explosive and dangerous substances as required by the Explosives Act and other laws and government regulations. It shall administer the front desks for a pleasant and professional interaction with citizens. The front desks shall issue certificates and reports to citizens where required and

exchange any other useful information with them.

The operations section shall also be responsible for the arrest of proclaimed offenders, court absconders, military deserters and persons liable to be apprehended under preventive sections of the CrPC. Maintenance of history sheets of criminals, record of those on Schedule IV of ATA and their surveillance shall also be the responsibility of Operations Section.

### **Investigation Section**

It shall carry out the investigation of all cases registered for offences arising from regulatory functions of police, and offences related to local law and order. The PPO may determine the type of offences that shall be investigated by the investigation section of the police division.

The Investigation Section staff shall act as second responders to the scene of a crime, and a case shall be registered on a complaint/'istaghasa' despatched from the scene by these second responders to the respective police division. They shall also maintain police station records, and set up a close liaison and continuous exchange of information with the Investigation Wing.

The officers posted to the investigation section shall be specially trained and certified investigation officers. They shall not be employed to perform a duty other than investigation.

### **Law & Order Section**

This section shall deal with local matters of law and order like minor gatherings, social events and impromptu protests of a small scale. It shall gather and maintain information on local issues and persons that may impact law and order. It shall collaborate closely with the Law and Order Wing of the City district to exchange information about on-going and expected events. It shall maintain anti-riot equipment to ensure timely response to an emerging situation.

### **Community Relations Section**

This section shall maintain liaison with all citizen bodies, associations and

unions etc. in residential and commercial areas. It shall work to design and implement community policing initiatives and implement the policies and programmes designed by the Community Relations Wing of the district. It shall have the primary responsibility for implementing neighbourhood and commercial watch programmes. It shall support ADR initiatives and Citizen Police Liaison Committees in their operation.

## Conclusion

A sustainable change in a deep-rooted archaic system, of which the powerful vested interests of the society happen to be the main beneficiaries, is an uphill task. Across the political and administrative spectrum of our country, police are the most prominent institution that powerful forces of the status quo want to control for obvious reasons. If Pakistan's 70 years history is any evidence, arguably the misuse of police by successive political and military governments is one of the most important factors contributing towards the current state of bad governance. None of the ruling forces; be that the politicians, the army or the bureaucracy wants police to be politically neutral, operationally independent and professional organization that performs its functions under a strict regime of rule of law.

It is now internationally recognized that maintenance of public peace and security is a pre-requisite of any development in a country. However, our political and economic managers have always considered any 'investment in police' as non-developmental expenditure this indirectly encourages police to 'live off the land'. This mind set and policy of the past many decades, have rendered our police into a body of men who lag behind the modern best practices and are resistant to change. We are grounded in the 19th century laws, rules and practices.

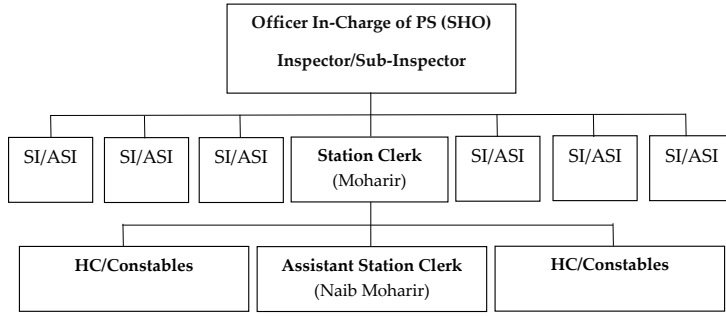
In order to make any headway towards a meaningful change that satisfies the aspirations of a democratic and progressive society, it is essential to redefine the structure of our basic policing unit; the police station and bring it in line with the requirements of modern times. This grass root change is required all across the country but it is a monumental task, which needs huge resources. In view of the enormity of the task, this paper proposes to take a start from the urban centres of the country.

The underlying philosophy of the proposed design for the urban districts and the police divisions is: functional specialization at the city level, which is a major departure from the existing policing paradigm. It will certainly have its teething problems but has the potential to mature over time to provide an efficient and adaptive service delivery mechanism.

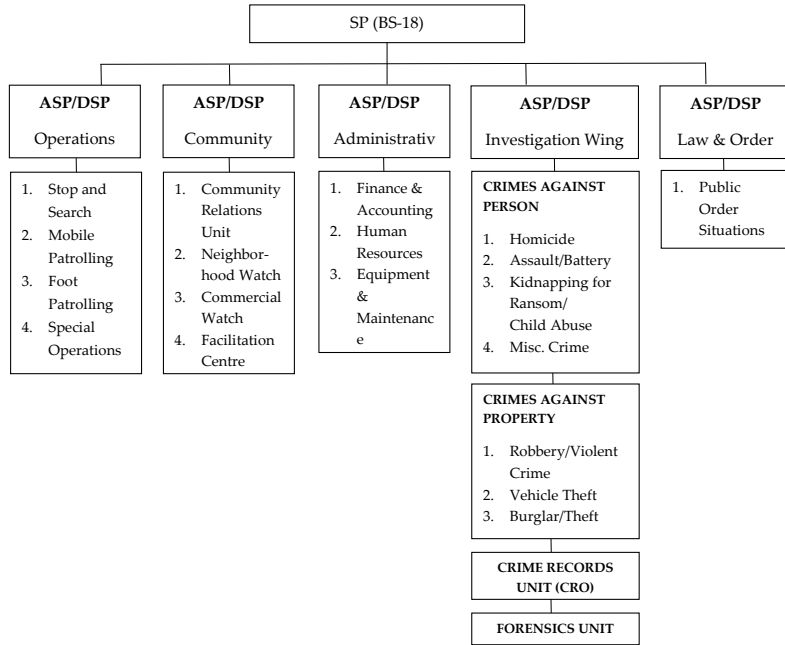
Training and stakeholder's inclusion is key for any change in management. This model will not be easy to implement as it suggests radical changes in the

system, roles and functions of the police. It will require planning and excellent communication strategy within the police and among the public to avoid risk of reaction from the proponents of the status quo.

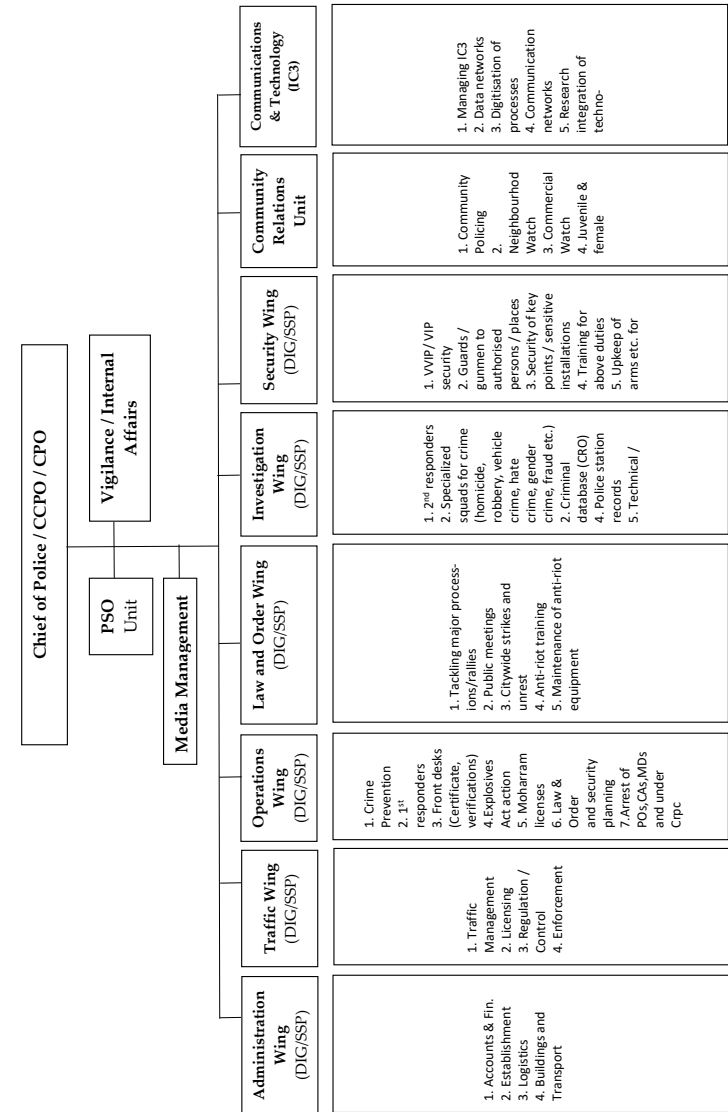
**Table A: Police Station under 1934 Police Rules**



**Table B: Territorial Model**



**Table C: Police Station in Major Urban Centre**



**Table D: Police Divisions in Integrated Model**