**Police**

In the world, every society has a mechanism for controlling the behavior of people for the purpose to maintain peace in society and protect the rights of individuals. This mechanism is known as social control. Though most of the societies rely heavily on informal means of social control however, the application of formal means of social control becomes indispensable when rate of offences in society is increased. In such situations, the society need measures to counter the threat of offences for which a devised mechanism, comprised of codified laws, agencies to implement these laws and punishments, is used. One among the law enforcement agencies is the police force. Police force is a body of persons established for preventing and detecting of crime and to maintain law and order in society.

**Brief history**

The history of law enforcement agencies is traced back to 13th century. The British established police force in their colonies to maintain peace and threaten the civilians who revolt against the colonial governments. However, modern police system is traced back to 1829 when the first London Metropolitan Police is established.

Pakistan inherited police law from British and there was a need to change it according the requirements of the new state. A number of committees and commissions were formed to reform the police but their recommendations could not be implemented. Military government of Pervez Musharraf took it on itself to bring reform in policing and promulgated Police Order 2002 replacing the colonial Police Act 1861 after 55 years of the independence with an aim to make police a truly professional, service oriented, operationally autonomous and democratically accountable organization. The new law introduced some new institutions of public oversight and accountability of police at district, provincial and national levels. These include Public Safety Commissions and Police Complaint Authorities. Members of these institutions are to be taken from law makers and civil society. Through these institutions a system of accountability of police by independent bodies was introduced on the one hand and the police was insulated from political interference on the other. Some objections were raised on the Police Order by provinces and civil society members. Under the pressure from the provinces, some basic amendments were made in the law in 2004 which diluted the authority of oversight bodies and increased the role of executive bureaucracy and politicians in key police appointments.

**Salient features of police order 2002**

The Police Order 2002, in its preamble, acknowledges the necessity to redefine the police role, its duties and responsibilities for efficient prevention and detection of crime and maintenance of public order. To attain the stated goals, the authors of new legal framework tried to add some special features to the law that introduced some essentially new mechanism regarding law enforcement in Pakistan. The salient features of Police Order 2002 are given below.

**1. Separation of Police and Magistracy**

In the old law, the District Magistrate was head of police in the district. The new law envisaged separation of police from magistracy and practically and clearly separated it. District Magistrate is no more responsible for law and order in the district. It was a clear departure from the previous system which was based on the idea of concentration of powers in a single office in the district for effective control over a hostile population.

**2. Public accountability of Police**

The authors of the new law tried to make the police answerable to the public representatives. The public accountability of police is based on “Japanese Model” of community policing to transform the police as a service-oriented and people friendly body to help the public and not merely to control them. For this purpose, the institution of Public Safety and Police Complaints Commission was constituted. The law made provisions for setting up of such bodies at district, provincial and national levels. The different tiers of the police administration were made responsible to different public bodies/institutions. The District Police Officer has been made, in general, responsible to the Zila Nazim, except for the internal administration of the police force. He has been made responsible to provide assistance to all government functionaries and obey the directions of Zila Nazim in respect to complaints against police excesses, neglect or failure. In the repealed Police Act 1861, there was no concept of responsibility of police towards and its accountability by public institutions or public representatives. Through these institutions citizenry has been given an important role in the affairs of Police. The Police Order envisages the creation of citizen police liaison committees to establish an effective liaison between the Police and citizens. The main objective of the law is to create a people friendly Police that is more responsive to the aspirations of the public at large.

**3. Reduction of Political Influence**

One of the main purposes of replacing Police Act 1861 with Police Order 2002 was to increase the efficiency of the police by minimizing the political influence in Police department. An effort was made to attain this through Police Order 2002. However, the situation was somehow changed by inducting politicians in District Public Safety and Police Complaints Commission, and merging Police Complaint Authority with the Commission through amendments made in the law in 2004. It was further politically tinged by giving the column which was earlier reserved for DC in Performance Evaluation Reports (PER) of Head of District Police to Zila Nazim. It was argued that nazims come from non-political circles and their control of DPO would not have any political repercussions. Contrary to the argument, the strong political affiliations of the nazims are very clear in almost all districts.

**4. Separate Police Establishments**

The Police Act of 1861 declared whole of the province as a ‘general police area’ for which a single police force was established. However, the new law provided that the Capital City District, the City District and the remaining province may be declared as separate ‘general police areas’ and for each of them separate police establishment would be setup. It means that within a province, the Capital City District and City Districts would be ‘general police areas’ with a separate police force other than that of the remaining province.

**5. Organization of Police on functional basis**

The new police law made provisions for the organization of Police on functional basis into branches, divisions, bureaus and sections to improve its efficiency and to inculcate professionalism in the service. Separation of investigation from watch and ward is the major initiative to achieve this objective. The former law was not specific on the functional separation of the police. The branches, divisions, bureaus and sections may include Investigation Branch, Intelligence or Special Branch, Watch and Ward, Reserve Police, Training Branch, Crime Prevention Branch, Traffic Planning and Management Branch, Legal Affairs Branch, Welfare Branch, Research and Development Bureau, Information Technology Section etc.

**6. Superintendence/Administration of Police**

Similar to the repealed Police Act, the new law stipulates that the overall superintendence of police throughout a general police area shall vest in the appropriate government. However, the law makes it binding on the government to exercise the power of superintendence in such a manner as to ensure that police performs its duties efficiently and strictly in accordance with the law. Police is free not to act upon the unlawful orders passed by the political bosses.

The administration of the police shall be vested in the Provincial Police Officer, Capital City Police Officer or City Police Officer as the case may be in their respective areas of jurisdiction. The PPO will have full administrative and financial powers and will exercise operational control over whole of the police force in the province. The CCPO and CPO will exercise powers of the head of an attached department as regard to their force subject to operational control by the PPO. In the Police Act 1861 the administration of the police at the provincial level was vested with the IGP and at the district level with the Superintendent of Police.

**7. Functional Autonomy to Provincial Police Officer (PPO)**

Unlike the repealed Police Act, the new law gives the powers of ex-officio secretary to the government to the Provincial Police Officer in all administrative and financial matters. The PPO can make postings/transfers of officers up to the rank of Deputy Inspector General of Police in case of City Police Officers and all other officers of the rank of Senior Superintendent of Police and below. He will direct and regulate all the matters of recruitment, training, postings, transfers, arms, drill, discipline, clothing, distribution of duties and any other matter concerning efficient performance of police.

**8. Sanctity to tenure posting**

The Police Order 2002 ensured completion of tenure of posting for various positions of Police Officers. The Police Act of 1981 did not provide any such assurance in explicit terms. Under the new law the terms of the offices of PPO, CCPO, CPO, DPO and heads of federal Law Enforcement Agencies would be three years. However, if the federal government wants it may recall its officer from the province before the expiry of this his term. The provincial government may also repatriate the officer with the approval of federal government.

**9. Separation of Investigation and Watch and Ward**

Fundamental restructuring and reform of Police Stations includes complete separation of prosecution from the police by creating an independent Prosecution Service. Maintenance of public order and investigation of crimes remained the responsibility of the police but these two functions have been separated from each other. This functional separation was intended to achieve continuity of investigations, develop requisite expertise and promote greater efficiency leading to better results. Previously, in Police Stations, there was no functional segregation or separation between the police responsible for maintenance of public order and the police responsible for investigation. The investigation staff was also utilized for maintenance of law and order. The Police Order 2002 made a provision for separate investigation staff at every Police Station which should not be engaged for the performance of law and order duties. The SHO would provide administrative support to these investigators. It was intended that restructured Police Stations be headed by officers of the rank of Assistant Superintendent of Police (ASPs)/ Deputy Superintendent of Police (DSP). The restructuring of Police Stations was planned to be started from City Districts and may eventually cover all Police Stations in the country.

**10. Offences and punishments to police officers**

The Police Order 2002 declared certain types of misconducts and vexatious, delinquent and erroneous acts by Police Officers as criminal acts and specified punishments for these acts. If a police officer fails to do his job properly, involves himself in a specific type of misconduct, submits a false statement before officers or grossly insubordinates to his superior will be punished with imprisonment up to three years and a fine. If he abuses his lawful authority or commits some vexatious acts against citizens, he may be sentenced with an imprisonment up to five years and a fine. If an officer causes unnecessary delay in production of an accused before the court of law, he may be punished with the imprisonment up to one year with fine.

**Duties and responsibilities**

Article 4 of the Police order defines the duties of police as to:

* Protect life, property and liberty of citizens;
* Preserve and promote public peace;
* Ensure that the rights and privileges, under the law, of a person taken in custody, are protected;
* Prevent the commission of offences and public nuisance;
* Collect and communicate intelligence affecting public peace and crime in general;
* Keep order and prevent obstruction on public roads and in the public streets and thoroughfares at fairs and all other places of public resort and in the neighborhood of and at the places of public worship;
* Regulate and control traffic on public roads and streets;
* Take charge of all unclaimed property and to prepare its inventory;
* Detect and bring offenders to justice;
* Apprehend all persons whom he is legally authorized to apprehend and for whose apprehension, sufficient grounds exist;
* Ensure that the information about the arrest of a person is promptly communicated to a person of his choice;
* Enter and inspect without a warrant on reliable information any public place, shop or gaming-house where alcoholic drinks or narcotics are sold or weapons are illegally stored and other public places of resort of loose and disorderly characters;
* Obey and promptly execute all lawful orders;
* Perform other duties and exercise powers as are conferred by this Order, or any other law for the time being in force;
* Aid and co-operate with other agencies for the prevention of destruction of public property by violence, fire, or natural calamities;
* Assist in preventing members of public from exploitation by any person or organized groups;
* Take charge of lunatics at large to prevent them from causing harm to themselves or other members of the public and their property;
* Prevent harassment of women and children in public places.
* Afford relief to people in distress situations, particularly in respect of women and children;
* Provide assistance to victims of road accidents;
* Assist accident victims or their heirs or their defendants, where applicable, with such information and documents as would facilitate their compensation claims;
* Cause awareness among the victims of road accidents of their rights and privileges.