

Need stressed for 'serious overhauling' of police

'Province can't remove IG once appointed with meaningful consultation'

By Imtiaz Ali

KARACHI: Speakers at an interactive session on police reforms jointly organised by the Citizens-Police Liaison Committee and civil society organisations at the CPLC office in Governor House on Monday underlined the importance for "serious overhauling" of the police to turn the force into an "agent of law not an agent of government".

Speaking via video link from Lahore, ex-Sindh police chief Dr Shoaib Suddle tracing the genesis of the Police Act of 1861 said that after "mutiny or first war of independence in 1857", the colonial rulers abandoned the proposed London police model for India and adopted the Irish Constabulary model in order to "strengthen the hands of the rulers to suppress the people". However, there were exceptions, particularly for three

major cities — Calcutta, Madras and Bombay — partly because many Englishmen were living there where the London model was adopted. He said the need for police reforms was felt later but it could not materialise till 1947.

Mr Suddle said that soon after the creation of Pakistan, the Quaid-i-Azam underlined the importance of adopting the Bombay (now Mumbai) police model for Karachi but the bureaucracy of the time did not support his initiative. Subsequently, 25 international and national commissions were formed for police reforms in the country and all such commissions were unanimous that Pakistan needed to get rid of the Act of 1861 as it was "meant for a different purpose that had long ceased to exist".

Police Order 2002

Ultimately, the Police Order 2002 came into being but its implementation could not take place because of political pressure of the then Punjab government as the political leadership wanted to "win elections" and they thought that this could not be achieved if the police were

made "neutral and independent".

Then came the 18th Amendment, which supposedly "empowered" the provinces.

"Sindh ended the Police Order 2002 and reintroduced the Police Act of 1861, Balochistan introduced a "perverted form" of the act while Punjab maintained the order but could not implement it," said Mr Suddle. Khyber Pakhtunkhwa had introduced "relatively better legislation", where supposedly political interference in transfers and postings had ended, but it was yet to be seen as to what extent these reforms would remain sustainable.

He hastened to add that the police and the district administration had historically remained relatively better in KP.

Shoaib Suddle said that a need was felt after 2001 to strengthen the police to cope with "terrorism and serious crimes". Law and order was a provincial subject but the police were not so, he added.

He said the Lahore High Court in 2003 declared on a petition of Zafarullah Khan that the Police Order 2002 was not against the Constitution.

He concluded that the police would serve society only when

recruitments were made transparently and on merit.

Can a province remove an IG?

Answering a question, Mr Suddle said that under an agreement between the provinces and the Centre in the 1990s and after the 18th Amendment, the province and the federal government could appoint an inspector general of police and a chief secretary with "consultation", but later on the Supreme Court declared that such consultation should be "meaningful". Generally, such meaningful consultation was translated that three names each would be proposed for both the posts and one would be selected from each set.

"Once an IG police is appointed, the province has no authority to remove him," said the ex-IG of Sindh.

The province may approach the Centre by citing 'justified reasons' that it no longer needed the services of the police chief as he was creating certain problems for them. But if the police chief was removed on personal whims and wishes then the rule of law would further weaken and the people would suffer. He said laws could be implemented only when civil

society and the media played their role and the judiciary took "stringent notice" of the violations.

Former Karachi police chief Saud Mirza said not only the media and civil society but the police authorities should also expose violations of law and illegalities at "every platform".

He said that when General Sir Charles James Napier introduced the police in Sindh after 1843, it was distinctly different from the police in Madras and other cities. The Sindh police were given powers to even arrest and try army soldiers in case of violation of laws.

He recalled that then SP of Shikarpur, who later on rose to become a second IG in Punjab, had arrested soldiers on charges of felling trees and awarded them three months' imprisonment besides corporal punishment.

The then military authorities challenged the police action and the matter went to the governor general, who passed an order that the police could arrest and try soldiers but they should not be subjected to corporal punishment.

Ex-senior bureaucrat Shahnaz Hamid regretted that "constitutional guarantees" for tenure of officers were ended during "reforms" in the 1970s.

Secretary of the Sindh High

Court Bar Association Kashif Paracha said that when police officers were removed for political reasons, they hardly challenged such a violation of tenure protection before court. He suggested that police rules be made the "crux of the matter about recruitment and transfer and posting".

He said "financial autonomy" was crucial for the police as "no institution could serve properly without being financially autonomous".

Karamat Ali of the Pakistan Institute of Labour Education and Research, co-petitioner of a petition before the SHC, said incidentally Monday was being observed as "Constitutional Day" but "we have to see as to whether we live in a society where rule of law exists".

CPLC chief Zubair Habib said that police, judicial and prison reforms were crucial as they affected most of the citizens.

Former CPLC chief Nazim F. Haji said there were serious constraints undermining the police system in the country such as the outdated legal framework, arbitrary management of the police by the government, a lack of accountability, professionalism and community involvement and widespread corruption.