

THE NEWS

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Why is 1861 police law still in place in Sindh?

Former police officials stress need for police reforms in province

By our correspondent

Former Sindh police and Federal Investigation Agency chief Dr Shoaib Suddle called upon the civil society, media and lawyers on Monday to jointly struggle for the implementation of the Police Order 2002, the law chalked out to reform the police department.

Speaking as the keynote speaker at an interactive session on police reforms organised jointly by the Pakistan Institute of Labour Education and Research (Piler) and the Citizens Trust against Crimes at the office of Citizens-Police Liaison Committee Karachi, Dr Suddle said the de-politicisation of police was necessary for the effective functioning of the criminal justice system in the country.

"Rights are not given, they are taken" he remarked. "Citizens activism through courts is an encouraging sign to ensure the protection of rights granted under the Constitution," he added.

"The Police Order 2002 is much better than the police laws in many other countries."

Tracing back the formation of the policing system in the

unified India by British rulers Dr Suddle said in 1856 the Indian Board of Governors of the East India Company had already decided to make a police law similar to that in London. But because of the 1857 mutiny, the British rulers framed the law in 1861 on the Irish model. They implemented the London model police law in only three major cities of India, Calcutta, Madras and Bombay.

After independence, Quaid-e-Azam Mohammad Ali Jinnah had pledged to introduce the Bombay Model police law in Karachi, but bureaucracy failed to fulfill that promise. Later, different commissions were formed to make a new police that gave their recommendations and finally the 2002 law was passed.

Before its complete implementation, the law was resisted by politicians who needed SHOs to win elections in their areas. Over 100 amendments have made in the Police Order since its passage.

Dr Suddle said the Article 143 of the Constitution allowed provinces to amend federal laws, but with certain conditions. In Sindh the federal police law has been repealed and

1861 police law has been reintroduced.

So now there is virtually a disorder in all provinces as the Police Order has been implemented in Punjab only.

He said law and order has always been a provincial subject, but police laws have remained a federal domain. In 2003, the Lahore High Court had given a verdict that the Police Order would be implemented in all provinces.

Giving example of other countries, he said Malaysia had a federal system and their police law. Similarly, Nepal's parliament passed a new Constitution in 2015 after more than two years of debate and it has clearly stated in it that the crimes of terrorism or inter-provinces and international nature would be investigated by the federal government.

He pointed out that Police Order allowed independent recruitment in police and provided an accountability procedure.

Dr Suddle said the Khyber Pakhtunkhwa police law was much better as its government had de-politicised police and it played no role in posting and transfer of police officers.

He said the police order had constitutional validity as the parliament under the 17th and 18th Amendments had declared it a valid law.

Under the existing system, the federal and provincial governments had to consult on the appointment of the IGP and the chief secretary and once a police chief was appointed the province could not remove them by itself before the expiry of their three-year term.

Kashif Paracha, the general secretary of the Sindh High Court Bar Association, said there was a judgement of the SHC that the fundamental rights be taught in curriculum but it had not been implemented yet.

He added that the implementation of laws was a major challenge in Pakistan

Besides operational and administrative autonomy, financial autonomy is also essential for police. An internal accountability system within the police department is important," Paracha added.

Saud Mirza, former Sindh police chief, said before Pakistan there was a strong police system in Sindh. He said during the British period, police were

under the control of their officers.

Charles Napier had passed an order that even if an army officer violated a law, police could arrest him.

Back then, a police officer in Shikarpur, Young Husband, had punished two army personnel, who were later handed down the corporal punishment.

"You have to make police independent and depoliticise and humanise it," Mirza added.

Former CPLC chief Nazim F. Haji spoke about the constraints of the police system in Pakistan. He said it was outdated, arbitrary and whimsical with inadequate accountability, poor incentives and widespread corruption.

In his opening remarks, Piler's Karamat Ali said police needed to be non-political. He added that there was a need to overhaul the entire system. "The police system needs to work under the Constitution and laws. We hope that fundamental rights, based on equality-based citizenship, are provided to all people irrespective of any difference of sex, religion and sect."

CPLC chief Zubair Ibrahim also spoke on the occasion.