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# **Long-Overdue Police Reforms in Pakistan**

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By

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### Introduction

The sovereign authority of any state hinges on its ability to ensure security throughout the length and breadth of its territory. An established military complex, no matter how potent, cannot on its own suffice continued protection to its people without the essential support of the police force. Indubitably, the police are described as the first line of defense for the citizenry and an indispensable building block of a state's security edifice. However, in the case of Pakistan, the police force continues to run the gauntlet due to persistent flaws within its ecosystem.

A host of deficiencies, inter alia, fragmenting meritocracy and rampant corruption, insufficient resources, unwarranted highhandedness have made performance and perception of the force untenable. The common denizen has to bear the brunt of these systemic flaws especially in the shape of *thana* culture endemic the most. This is the reason why great sacrifices of the police to rein in terrorism comes with an asterisk due to public distrust and estrangement between the two. The dire need to reform the aforementioned arm of the security system is demonstrated by how mainstream political parties have made it part of their manifestos and electoral campaigns, despite the dearth of political will to follow it through. Nonetheless, a dynamic and accountable police force ensured through reforms will function as a stability multiplier for the crisis-ridden Pakistan.

## Deficiencies in the police system

The police structure in Pakistan is a hydra of flaws that requires immediate and tenacious policy action. The force generally operates within an environment which does not effectively guarantee accountability of neither the top tier officers nor the rank and file. Such a subculture also fails to uphold meritocracy; even scrupulous officers are forced to bend the rules in order to survive and climb up the institutional ladder. Public Safety Commissions and Police Compliant Authorities are in a comatose state. To make matters worse, a status-quo where the force is subject to manipulation by the political elite is preserved especially through political patronage. This in turn hamstrings the process of nationally generating a much-needed competent leadership within the force. Moreover, the findings of the National Corruption Perception Survey 2022 by Transparency International, reveal that police are the most corrupt institution in the country.<sup>1</sup> In other words the police have become synonymous with bribery and extortion. There is also a virtual absence of an impartial and independent evaluation system for expedited promotion or career advancement, that rewards integrity and meritorious conduct, while demote those who are underperforming and misusing authority. Most officers bribe their way to top ranks rather than through acing in-service training.

Apart from this, like several branches of the state, the police monumentally lack human resource development. Adherence to antediluvian training methods, attitudinal blind spots vis-à-vis gender/minority sensitivity, lacunae in technology assimilation, peripheral emphasis on human rights, hinder a more responsive and efficient force. Moreover, the *thana* (police station) described as a pivot in the police system are in a derelict state, gravely in need of personnel and fare poorly in operational efficiency. Station House Officers (SHOs) are reported to be non-complaint in First Information Report (FIR) registration as their performance is parochially assessed based on the number of unattended FIRs in their remit. In other words, *thanas* are a textbook example of a decaying organization that seems to be insular to citizens' grievances. Additionally, police despite their significance for the state functioning and legitimacy, have a scarcity of funding and state-of-the-art equipment/weaponry. While, in tandem transnational

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<sup>1</sup> "National Corruption Perception Survey," Transparency International, accessed August 10, 2023, <https://transparency.org.pk/ncps-2022/>

terrorist and criminal networks continue to outpace the force. A recent case in point is the operation conducted in the infamous *kacha* region that stripped dire straits of the capacity issues layer after layer. There are also sticking points in inter-agency coordination, such as tensions between the Baluchistan police which only controls 10% of the province known as “A areas” and Levies.<sup>2</sup> Even worse, the country’s counter-terrorism regime is monopolized by the military establishment, the police are virtual bystanders in actual decision-making.

Furthermore, the Police Order 2002 which aimed to reform the police, has not been implemented in letter and spirit. In order to increase the vires of the executive, the aforementioned order has been subject to a number of amendments including the Amendments Ordinance 2004 – from 2004 to 2017, Punjab alone amended it twice ignoring Article 240 of the Constitution.<sup>3</sup> The implementation of the Police Order has also hit roadblocks owing to 18<sup>th</sup> Amendment, as the provinces enacted their own police law or reverting to the colonial era Police Act of 1861 and bypassing Articles 142(b) and 143.<sup>4</sup> The high courts along with the apex court have taken up this matter especially in Sindh and Baluchistan, but complete implementation is yet to materialize. This also points to a larger issue of how politicians have not taken full ownership of this order, especially owing to the fact that it was promulgated during General Musharraf’s regime, ergo deemed a dictator’s vestige. Another argument is that the absence of political will is conspicuous, which is substantiated by how the last National Assembly Standing Committee on Interior with Police reforms on its agenda, convened a year ago (November 17, 2022), chaired by Malik Ahmad Hussain Deharr.<sup>5</sup>

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<sup>2</sup> “About Us,” Balochistan Levies Force, accessed August 10, 2023, <https://balochistanleviesforce.gob.pk/about/>

<sup>3</sup> Constitution of Islamic Republic of Pakistan, art. 240, part. 12.

“Police Order 2002: Critical Analysis and Constitutional Debate,” PILDAT, December 2015.

Kamran Adil, “Criminal Law after 18<sup>th</sup> Constitutional Amendment: A Critical Review,” LUMS, accessed August 10, 2023, <https://sahsol.lums.edu.pk/node/12929#:~:text=Police%20Laws,first%20province%20to%20do%20so.>

<sup>4</sup> Constitution of Islamic Republic of Pakistan, art. 142(b) - 143, part. 5.

<sup>5</sup> Muhammad Afzal, “Press Release,” National Assembly Secretariat, November 17, 2022.



## Policy Recommendations:

Reforms in the police system are long overdue, and confronted with the slew of persistent challenges, however policy action in this regard has become inevitable. Whole-hearted implementation of Police Order 2002 should be done in the entirety of the country.

- ***Measures for Internal Accountability/ Competence***

- a. Departmental and even precinct policy/value statements need to be elucidated through pronounced values without room for ambiguity. If a value translates to “camaraderie” amongst the force, it could create a culture of turning a blind eye to a fellow officer’s corruption. Likewise, absence of value statements on matters like use of deadly force, create blind spots for an officer who will be exercising discretionary vires especially in the field; extra-judicial killings by the police are an unfortunately recurrent practice. Therefore, particularly in Pakistan’s case, accountability to the citizenry/community needs to be the cornerstone of such value formation, as values will function as a manual for self-regulation of an officer in addition of the rules.
- b. Articles 11 and 12 of the Police order 2002 should be fully implemented to ensure that the selection, tenure and posting of the Inspector General Police (IGP) are grounded in merit. Structurally, the police are deemed as a centralized organization, where order issuance is characteristically a top-down stream, preserving the conventional command and control modus operandi. Although due to the unpredictable nature of the job, a patrol officer does come across situations where application of discretionary judgments/skillset to redress a problem is required or warranted. The legitimacy and meritocracy at the top especially through implementation of the aforementioned articles, need to be a precursor to guarantee accountability translates all the way down to the basis unit (thanas).
- c. Similarly, amendment to the said order to make institutional decision-making more transparent, need to be considered such as through formation of Police boards entailing senior officials of the force to assist the IGP in matters related to transfers, promotions and postings.

- d. Performance of an officer can be amplified through the use of performance contracts, stipulating career progression and collegial reviews. In the case of the former, a supervising officer or a specific department can provide goals that are intertwined with needs of the community and the objectives/values of the police department, hence accomplishment of the goals will result in rewards et cetera. While the latter suggestion, engulfs a system where fellow officers evaluate each other's performance, through lateral review, it can be designed to include peer control as well, further ensuring internal accountability.
  - e. Given the nature of police work where real life circumstances could warrant situational decision-making/ diagnosis, and risk-taking while their individual as well as departmental reputation is on the line, discipline as an instrument of accountability also needs to be properly understood and exercised. Where an officer is found responsible of incompetent or irresponsible conduct, subsequently, disciplinary action must come into effect. However, where mistakes transpire despite the use of prescribed methods and adherence to department values, discipline is not the remedy. In this scenario, the said officer, who actually needs guidance or support, will become too risk averse if they are disciplined, clashing with requirements of this line of work. The aforementioned pigeonholing by the force needs to be hashed out to determine the disciplinary action threshold.
  - f. Internal accountability can also be exercised through performance audits. If designed robustly, they can critically appraise conduct of both the individual officer and the department. An audit is a post-conduct/action instrument of accountability conducted within the police that ought to prioritize quality over quantity. If a police station projects number of arrests as a testimony of competent or effective policing, the legitimacy of such an operation/activity needs to be determined through an exhaustive audit to highlight possible manipulation by the force.
- ***Measures for External Accountability/competence***
    - a. To make the police system more accountable and democratic, the proper functioning of Police Complaint Authorities under Articles 103- 104 of Police

Order 2002 as well as Public Safety Commissions under Articles 73 - 74 needs to be prioritized to enhance accountability and oversight respectively. Articles 77 and 89 could be amended to add Leader of the Opposition in the nomination process vis-à-vis selection of independent members of both Federal and Provincial Public Safety Commissions.

- b. Conversely, considering the symbiotic relationship between the political elites and the police force, Safety Commissions or Complaint Authorities could result in a hive mind, due to its composition and selection process. Therefore, an external watchdog body completely independent of the government or the police akin to United Kingdom's Independent Office for Police Conduct (IOPC) can be established with investigative powers to not least address serious allegations against the police. This can change the complexion of the Safety Commissions and the Compliant Authorities for the better, however this require earmarking of adequate funds along with vires such the authority to summon witnesses, police officials et cetera. District Safety Commissions and Complaint Authorities similar to IOPC's nature could help with accountability of the thanas.
- c. Another policy option to address the polycephaly of corruption and police torture, a complaint body spearheaded by a senior judge could be established. Induction or involvement of civil society actors or non-governmental organizations could keep such authorities non-partisan. In the same vein, the Police Order 2002 could be amended to hold the police accountable to the aforementioned problems.
- d. There is need to further craft partnerships between the local police and communities, albeit, a nascent version of this recommendation has been experimented in Nanakhana and Sheikhupura districts of Punjab. Firstly, is the more commonly known, community policing that if utilized profoundly, improves the understanding between the local force and the communities, ensuing a more secure neighborhood. Secondly, is the concept of citizen review boards attached to every constituency/ precinct akin to the US that can be employed to address misconduct or power abuses of local officers. Additionally, these boards can participate in policy-setting process or putting forward an

- issue to be resolved. This close coordination between the police and the communities not only facilitates mutual understanding, but also creates an environment of mutual accountability.
- e. Under Article 168 of the order under discussion, establishment or active role of Citizen Police Liaison Committees (CPLC), nationally akin to the concept of “neighborhood watch”, could also be considered. CPLC was a success in Karachi during the 90s as it helped to reduce crime rates in the city. Similarly, through civilian participation/ representation on supervisory boards of the police, the police can have citizens’ input in planning, ensuring that the process does not resemble an ideological echo chamber.
- ***Better resource allocation and capacity building***
    - a. The prerequisite to amelioration of the *thana* culture, is to guarantee that the most fundamental police unit has the capabilities to deal with soaring criminality in the midst of breakneck population growth. If the staff has the required operational resources at their disposal, they can be held accountable to a greater degree. This would make the pretext that substandard management and poor leadership are a product of police stations being understaffed and underequipped, flimsy. In addition, digital record-keeping need to be implemented in the entire country, while checks need to be automated as opposed to manual.
    - b. To morph into a force abreast with modern standards, investment in technology is inevitable. The creation of a national database of weapons and vehicles along with development of independent facilities for phone interception, cellular data analysis and mobile tracking system need to be looked into. Police’s capacity for Intelligence Based Operations (IBOs) should also be augmented especially considering how terrorism has resurfaced as a spillover effect of US troop withdrawal from Afghanistan. Generation of high-grade intelligence through data triangulation and an algorithm enabled system also needs to be prioritized. Additionally, the potential modus-operandi with neighboring police forces, in order to gather intelligence also needs to be explored.



- c. It is imperative to secure greater international assistance to overhaul the technical and investigative prowess, training method and equipment of the police by making the case for how a competent force can respond to Pakistan's kaleidoscopic internal security challenges. The creation of a separate force to provide security to state officials should be considered to have more police personnel at the service of the citizenry.

- ***Training Upgradation***

- a. Whereas, police academies across the country ought to restructure their curriculum and training method to factor in sensitivity for vulnerable segments of the society, not least minorities, elderly, women and the transgender community. This could bring about attitudinal shift required to address public-police estrangement. In this regard, women need to be encouraged to join the force in droves, to ramp up the overall sensitized approach and to help with the force's besmirched image. Moreover, the force needs to fully capitalize on the organizational relationship with UN, in order to have greater participation in peacekeeping assignments globally, eventually put that exposure to use domestically as well.
- b. Police training, especially of pre-service category needs to go well beyond equipping cadets with understanding of law and discipline. An average officer operates in the phantasmagoria of the real-world, ergo they have to be cognizant of numerous variables. They need to be mentally alert, swift with decision-making and employ the best diagnosis in the given situation, without being micromanaged or overseen by their superiors. In other words, a police trainee needs to be involved in simulations or courses that develop their soft skills and responsiveness to unpredictable as well as quotidian scenarios.

- ***Greater Institutional Autonomy in Counterterrorism***

Following the global precedent, the police needs to run point on counter-extremism/terrorism along with paramilitary force especially in urban centers/populated regions, i.e., they ought to have greater input in crafting policy and strategy. In other words, the monopoly of the security establishment needs to be revisited. In

additional, the police should be heading de-radicalization and reintegration of extremists. With greater police participation in this area, the accountability will also be transpire.

- ***Role of Academia and Think-tanks***

Think-tanks in Pakistan need to expend greater resources to conduct research into policing. While, universities should introduce and encourage students to take up criminology, study of criminal system et cetera. These measures could help generate a pool of experts and original research to appraise as well as reform the police ecosystem.