

Mutilated police reforms

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Protecting life, honour, property and provision of law and order is the primary responsibility of the state. Creation of a people friendly efficient and corruption free police force capable of enforcing the writ of the state, strengthening rule of law and restoring the badly shattered trust of the public in the criminal justice system has to be the top priority of the government.

The problems affecting the police are administratively multi-dimensional, institutional and political. The roots of the decay lie in the faulty infrastructure, poor quality of the intake, poor training, lack of modern equipment, lack of facilities, poor working conditions and meager wages. The Police Order 2002 was drafted with great hue and cry that was later promulgated on 14th August 2002.

The Police Order 2002 was an attempt to introduce a modern police system and contain provisions to check the arbitrary authority of the executive and political interference and measures that ensured depoliticization of police. To make matters worse, the Federal Government was not only unable to ensure its implementation but, in order to appease various power groups of the inept ruling elite, it has now proposed amendments that make the Police Order 2002 un-recognizable. The Order stands compromised with the following amendments:

- Annual Confidential Reports of the District Police Officer will be written by the Zila Nazim

- Investigation wing has been placed under the SHO once again.

- The Police Complaint authorities at the national and the provincial levels have been abolished and the task has been entrusted to the relevant safety commissions

- Two MPAs and one MNA will be included in the District Public Safety Commissions.

- In the National and the Provincial Public Safety Commissions the number of opposition MNAs and MPAs have been reduced from three to two and those of treasury benches increased from three to four.

These proposed amendments will negate the fundamental principles of reforms that were conceptualized in the Police Order 2004. It is obvious that any force used for political ends will be incapable of maintaining law and order or winning the confidence of the masses. With the announced changes in the structure of the Public

nal Police Order, the government should have addressed the question as to who would be policing the police and what measures, laws and safeguards are going to be enacted to ensure that the police is brought under tighter control.

Presently, the citizens are extremely unprotected lack a position to provide any effective input in monitoring the police. The absolute powers of the police in matters of detention search, arrests, illegal custody, use of third degree, and harassment of family members of suspects and other such oppressive activities have to be curtailed.

By first abolishing the old system and then amending their own Police Order beyond recognition an obvious attempt has been made by the vested interests to create an almighty police establishment independent from the judiciary and magistracy. Whereas, the requirement in Pakistan is to bring about changes in the existing laws to heavily empower the public against misuse of authority by the law enforcing agencies and granting access to prompt delivery of justice.

There was nothing wrong with the administration of justice before this disastrous exercise of introducing police reforms was initiated with fervour. The old police system possessed ample capacity and strength to ensure expeditious enforcement. The system was time-tested, fully understood by the masses and enjoyed its confidence. The only grievance the masses had was about the delay. Justice delayed is justice denied. By doing away with the tried role of the district magistrate the government has opened up a hornet's nest.

Crucial issues of public peace, security, law and order have to be controlled now. The police cannot be permitted to function in a vacuum and independently. Ever since Emperor Augustus 1 organized the first police force in Rome in 7 BC and placed it under the prefect (Magistrate) all police forces of the world have followed this arrangement. The police must remain a part of the magistracy. This could easily have been done by amending the Criminal Procedure Code; the Police Act 1861 and relevant portions of the Pakistan Penal Code.

Personal liberty is of paramount importance to human dignity and happiness. Enactment of new laws to control the excessive powers of

Safety Commissions the purpose of the law has changed drastically. Furthermore, inclusion of members of the assemblies into the District Public Safety Commissions will institutionalize political interference in policing that will have serious repercussions on law enforcement. The public interest has been flagrantly compromised at the altar of political expediency and the chance of misuse of police by the politicians has been greatly enhanced. Having more Treasury members in the national and the provincial commissions not only disturbs the balance but compromises the neutrality of these bodies.

There is no justification of placing the police under the Nazims. Passing control of police to local bodies has proven counter-productive often spelling disaster even in the most developed countries. Recording of the Annual Confidential Report of District Police Officer by the Nazim will have very serious consequences on the working of the police as the police officers will have accommodate requirements of the Zila Nazim. The approved amendment to the Police Order hardly augurs well for depoliticization and effective and impartial monitoring of the police force at all levels. In fact, the political and elitist nature of the proposed composition will greatly facilitate politicization.

Our destructive national morals and attitudes have moulded the nature of our police and are responsible for the prevalent "Thana Culture". Our successive governments have all displayed a remarkable genius for doing nothing to improve the pitiable conditions of the police department. Outside the gross violation of the rules, direct interference in the chain of command, recruitment, postings, promotions, rewards etc have been flagrantly perpetuated on this inherently under paid, under staffed, overworked, badly equipped, neglected and abused body. The police has become a natural and convenient whipping boy for the general public thereby hiding the myriad incompetence of the graft ridden ruling class and the long succession of greedy rulers.

The force has produced a great number of very dedicated and honest officers. Conversely, there are a large number of corrupt people in the force giving a bad name to the rest. To make the reforms a success, simultaneous reformation of the police force must take place from within. One cannot legislate for virtue. It must come about voluntarily from within.

Before approving the amendments and before implementing the origi-

nal police while at the same time strengthening and empowering fundamental rights of the individual and of the judiciary merit paramount consideration of a government. If laws are weak they are seldom obeyed and if they are too harsh they are hardly ever executed. The police must ensure the liberty, basic fundamental rights, dignity, safety and respect of all law-abiding citizens. It is always better that nine guilty escape than one innocent suffers.

Power of the police to be lasting, effective and beneficial has to be legitimate. Injustice begins where the rule of law begins. It is a universal truth that brute force has never achieved anything lasting or worthwhile. Justice is the foremost condition of any society and the state exists to uphold the cause of law above all else. The government has to produce an efficient and impartial force that must also be provided with better facilities, and support to do its duty.

The amendments contemplated in the Police Order 2002 carry all the risks of exacerbating the condition of our police rather than healing it. Unless the ailment is correctly diagnosed no amount of medication can possibly cure the disease. In the case of our police force the symptoms are clear but as in the past the cure because it is seen through the vested interests jaundiced eyes remains elusive. Military regimes invariably leave more problems than they solve. Quasi-military governments are worse. For them, change is always a double-edged sword. It contains the germs of both creation and destruction. Police was far too important a subject to be tampered with by anything less than a truly democratically elected and representative government. However now that the blunder has been committed and the exercise has ended in a complete fiasco. There are only two options left.

The first is to scrap the ill-fated Police Order 2002 all together. The second is to fall back on the original Police Order 2002 and enforce it in the proper spirit. The government must immediately stop reinforcing failure. It never pays. Going ahead with the proposed amendments will lead to grave and irreversible consequences and repercussions leaving the nation and its people helpless in a state dominated by unbridled police in the hands of the inept elite.

If a police state is going to be General Musharraf's legacy to the nation, then one may be forced to agree with the majority of the people when they insist that he neither had nor has any legal right or moral justification to rule.