

# Police: friend or foe?

The old question of whether the police are friend or foe lingers on in the minds of the people

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**T**he rise of random crime is taking on alarming proportions virtually all over the country. I am not talking of terrorist activities, organised criminal cartels or politically driven violence; I am talking of the eerie sense of personal insecurity that bites into daily existence of people in rural and urban areas. I don't know of anyone who hasn't a gory tale of a robbery or car-snatching to tell from within their close social circles. One of our ex-finance ministers was deprived of his new car at gunpoint in broad daylight from the most prestigious residential areas of Lahore a couple of months ago. I know of at least ten other such incidents within the past year. The busy traffic junction of Kalima Chowk in Lahore is a popular place for car snatching and many cars are stolen from Defence, the ultimate sanctum of officialdom. Mobile phone snatching is as common as minor traffic violations.

The dynamics of crime is a complex issue with a multitude of social, economic and political vectors. Keeping aside all the indirect influences that affect crime rate in a given society at a given time, the police is a government limb that deals with crime directly. Its efficiency in crime deterrence, investigation and prosecution has a significant bearing on how safe people feel in their daily lives. This is not to say that a highly efficient police force would guarantee a crime free society or con-

versely, that every crime-free society has a strong police force. As in other matters of governance, governments have an obligation to create and maintain an effective crime deterrence system, of which the police is a frontline agency.

Awareness of the weaknesses in police efficiency has motivated reforms in this area. The Police Order 2002 is an attempt to improve police working but does it have the teeth to deliver a substantial improvement? Time will tell but apparently it fails to address fundamental issues.

We inherited our judicial system and the police structure from the British colonial rule-Police Act 1861. In its present form it suffers from three defects. First, the process of Law enforcement follows the sequence of information, apprehension, investigation, trial and punishment. The first three are in police jurisdiction whereas the latter two are the responsibility of the courts of law. Police functions are thus interminably fused with the judiciary. The seamless integration of the police with the judiciary was one of major achievements of the British rule, which has been lost. After independence, the complex systems of law enforcement came into our own hands. The laws and the institutions were left intact but the ideologically homogeneous pool of the ruling British elite left suddenly, leaving behind a vacuum of a cognizant and consistent administrative philosophy.



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**The Police Order 2002 is an attempt at improving governance of the police. Does it have the teeth to deliver a substantial improvement? Time will tell but apparently it fails to address fundamental issues**

The inheritors of the system were well-trained functionaries, adept at following the letter of the law but devoid of the advanced enlightenment required for legislative adjustments that are a part of the evolutionary process of every institution. At the apex of the power pyramid and at the upper tiers of bureaucratic control, contentious factions began to scuffle for control; the functionaries were left bereft of a coherent sense of social objectives. They were soon to form their little chiefdoms, as complete ends in themselves for the provision of employment (and

the benefits that accrued therefrom) to their kith and kin. Departments wrapped themselves into airtight capsules, which were all kept in one basket next to the ultimate seat of power. The collaborative interdependence of different limbs of the government ceased to exist and the rulers began to use departments with the joy of a child playing with marbles.

Second, the fatal dissonance in the process of criminal law does not end at the functional dichotomy between the police and the courts. Within the police service cadre a marked distinction exists between the higher officials and the lower functionaries. This distinction, which was inherited from the colonial rule — where there were white man posts and brown man posts should have naturally disappeared after independence, but the class conscious, rigid mindset of the ruling elites preserved it zealously. In terms of social background, education and service grades the upper and the lower officials of the police department are like chalk and cheese. They do not speak the same language or understand law on the same wavelength. This heterogeneous mix of personnel types is not conducive to producing an efficient police force. It can deliver law and order through a show of naked force on the streets — something which is only a short-term emergency measure — but it cannot apprehend criminals, investigate professionally and deliver factual evidence to the courts of law.

Third, the police has three primary functions: 1) Maintaining law and order; 2) Crime prevention and detection; 3) Protocol duties for protecting VIPs. All three functions are specialised fields of work requiring different logistics and personnel skills. Our police is a general purpose force deputised with all three functions without specialised equipment or training for either. For this organisational deficiency, it is ill prepared to conduct any of the functions assigned to it efficiently.

The Police Order 2002, apart from the resistance of the provinces to implement it, does not address these fundamental weaknesses. Along with platitudes about police conduct and behaviour, there is administrative restructuring of authority and procedures but the redundant elements of Criminal Procedure Code (CrPC) statutes of 1898 are left unaltered. The division of the Force into no less than 18 departments is more for administrative convenience rather than developing core competencies in the three areas mentioned above.

As crime waves continue to ravish social fabric, the old question of whether police is perceived as a friend or a foe will linger on in the minds of the people even after the Police Order 2002 is fully implemented in its essence.

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