

Power to people or the police?

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THOUGH its prodigious brainchild, the National Reconstruction Bureau, the government started with the notion of empowering the people. It seems to be resulting in all power to the police.

The new police ordinance weaves an extensive cobweb of safety commissions, complaint authorities, coordination committees, ombudsmen, selection panels, and also sets out the powers, ranks and grades of the officials in detail but dismisses the police station — the fulcrum of crime control, the bane and yet the necessity of the people — in half a line.

An anecdote which for centuries has been a part of the rural folklore views a police station in a light wholly different from the NRB experts and authors of the police ordinance do: a deputy commissioner (or may be a superintendent of police) visiting his ancestral village informed his childhood nanny that he had become a deputy commissioner. She said she would pray for him soon to become a thanedar.

The village woman in the story is close to the harsh reality of life. The authors of the new law, cloistered in the capital of the country which, as the diplomats say, is some miles outside it, are divorced from reality. She is illiterate, yet she knows who matters. The experts, though possessing university degrees and high ranks, do not. The old woman articulates the misfortune of the 99 per cent of the population; the experts represent only the vested interests.

Now, from the village woman to the prime minister. Any lawyer would tell you that whatever the driving force of General Ziaul Haq or the alleged bias of the judges, Zulfikar Ali Bhutto could never have been sentenced to death had Lahore's Race Course police station not registered the FIR incriminating him. And it lay in the discretion of the SHO not to register the FIR or, at least, not to mention Mr Bhutto because his role in the crime was based on the conjecture of the complaint and not his observation.

deputy superintendent at the head of a police station the important consideration should be not the pay but his outlook, education and training. The image of an SHO now associated with petty bribe, invective and torture would not change unless his pay and prestige in the police force and in society itself are raised.

Ignoring the police station thus, the ordinance goes on to prescribe layer upon layer of a complex control structure involving the president, the prime minister, governors, chief ministers, judges, nazims, parliamentarians and public figures who must not be "activists of any political party" (a vague journalistic term made a legal disqualification). Even the Chief Justice of Pakistan is not spared. Associating the judges with the police administration and politics of law and order may give rise to many questions of personal and legal propriety. Quite a few provisions of the ordinance also appear to negate whatever little autonomy in public affairs is left to the provinces. The chief executive of the province, for instance, will not be free to choose the head of the police force nor will he be able to transfer him.

All these questions of law and jurisdiction may be left to be contested by the legal experts and in courts. What should really worry the people is the drastic changes being made in the administrative structure in the midst of unending and aggravating crises where the writ of the state is being challenged in organized forums by the peaceful citizens and by the armed bandits in the streets and hills. Even a positive measure intended to modernize a system applied in such a state of flux as the country is in now can do more harm than good.

A lot of reservations, some in the nature of grave apprehensions, are being expressed all around about the possible outcome of the reforms contained

The new police ordinance sets out the powers, ranks

Let me reinforce the pivotal position a police station occupies in the law and order set-up by a personal experience as well. Some years ago when I fell victim to two successive robberies, many senior officials — the inspector-general of police and chief secretary included — commiserated and issued special directions to the police because of the past service affiliation. The outcome of the investigation and trial after six long years was however determined by the attitude and exertions of the investigating SHO and the trial judge alone.

The only provision in the ordinance's 185 sections and many schedules which, to my mind, could have led to better crime control and less harassment of the people relates to a higher status (grade 17) for the incharge of a police station. That has been totally diluted by a rider that it would be "subject to restructuring and provision of adequate resources." When the ordinance seeks to restructure the entire police force costing billions, it is difficult to comprehend what more restructuring or resources would be needed to increase the pay of the incharge of a police station by a few hundred rupees.

On the other hand, the ordinance lists nine senior ranks at the inspection or supervisory level: inspector-general, additional IG, deputy IG, assistant IG, senior superintendent, superintendent, additional superintendent, assistant superintendent and deputy superintendent. The basic and essential function of all these ranking officers is none other than inspecting the police stations and supporting them in controlling crime and maintaining law and order. Some of these officials, despite their seniority and experience, actually perform light and inconsequential functions. Why the lowest ranking officer (DSP or ASP) in this staggeringly long hierarchy cannot be made to head a police station defies understanding.

The police may keep its long promotion ladder but must not condemn its pivotal unit, the police station, to a grovelling, low-level official who is the real local lord or tyrant, and represents the face of the force to the people.

In putting an assistant or

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in the local government and police ordinances. Whatever their ultimate effect on the administration of justice and social stability, there is bound to be an interregnum of upheaval which may leave lasting scars.

The cardinal feature of the administration in the subcontinent has been separate but closely coordinated cadres of magistrates and judges, general administrators, police and other services. Through this arrangement law and order was maintained in a vast, diverse and turbulent land for 300 years (from mid-17th century to the mid-20th) to the envy of the world. That arrangement has deteriorated only because of corruption, political interference, disregard of merit in selection and neglect of training. The other successor nations to the Indian empire — India, Sri Lanka and Bangladesh — are still adhering to it. The deterioration in Pakistan, perhaps, has been sharper than in the other three countries but the trend can still be reversed with much less expense and risk than by avoiding going down a cul de sac.

Going by the bad experience of the reforms in the past, it is safer to be a pessimist conservative than a radical reformer. Yet if the regime is convinced that its reforms will promote both national harmony and public safety, let the drafts of the two ordinances be published to gauge the public reaction. There is no reason why the new system must take effect from August 14 now that General Musharraf is going to remain president for five years. It is a period long enough for him to see his plans flourish or crumble.