

## **Editorial**

### **Towards Community Policing: An Institutional Approach**

The idea of institutional community policing in Pakistan goes back to the Police Reforms of 2002, introduced by the then President General Pervez Musharraf. The present Police Ordinance 2016 of Khyber-Pakhtunkhwa (K-P) province is a continuum of the same process. In the general election of 2013, the incumbent government of KP campaigned and promised to reform the police system on democratic lines once they are in power. Subsequently, after winning the election in Khyber-Pakhtunkhwa (K-P) province the political elites introduced certain basic changes in that direction. For instance, it introduced an Online FIR registration service, a mobile phone-based information and local help service, and local dispute resolution councils. However, the party introduced a comprehensive reform package only recently with present Ordinance on August 1<sup>st</sup>, 2016. For this belated reform Ordinance the ruling party put the blame on certain sections of bureaucracy and politicians for obstructing the legislative process.

The avowed aims of the Ordinance are to provide the police a degree of functional and financial autonomy, along with making it democratically accountable, and to increase community participation in the policing efforts. In order to achieve these aims, the Ordinance claims to “reconstruct and regulate the Police.” Here we would highlight certain key features of the Ordinance to illustrate how the above-mentioned aims and claims are going to be realized. First, the Ordinance provides for creating a Police Establishment purportedly for ensuring a uniform and coherent hierarchical organization. All present and future departments, bureaus, specialized branches and training centers of police will come under one Police Establishment. The Police Establishment will be under the Provincial Police Officer (PPO), who will be accountable to the people through Provincial Safety Commission as well as through the elected provincial government. In order to ensure institutional autonomy the powers of the PPO have been increased. He is now an ex-officio secretary and enjoys autonomous powers in matters of administration and finance. He makes all posting and transfers up to the rank of Additional Inspector General (AIG). Earlier the Chief Minister made these appointments. He also has the power to divide the police jurisdiction into one or more territorial regions with their own commanding officers. His term of office has, however, been decreased from three to two years. Moreover, the PPO can be prematurely removed by provincial government after hearing his defense in person. On the district level the Ordinance provides for a District Police Officer (DPO) who will be responsible to the elected district government rather to the district administration as was the case earlier. He is supposed to prepare police performance report every six months and present it to the district government.

Second, the Ordinance makes all the initial recruitment to the Police force through competitive examinations, conducted through an independent testing service. Similarly, service promotions will take place on both competitive and recommendation-based procedure. A quota of 25% is set for promotions based on competitive examination, and the rest for departmental recommendations. The Ordinance also provides tenure to police officers, while their transfers are based on public accountability procedure.

Third, the Ordinance provides for restructuring the Public Safety Commissions. The idea of creating Public Safety Commissions originally came in the Police Order 2002. Under the present Ordinance, 2016, these Commissions will be set up on provincial and district levels and they will also be able to maintain a Public Safety Fund. The Provincial Commission will be the highest body of police's public accountability in the province. It will have a diverse composition of membership: there will be 13 members in total, which will include elected members of Provincial Assembly, senior retired professionals having experience in different branches of government, and reputed individuals from civil society at large. The Commission will take cognizance of police excesses, but it is not supposed to probe into complaints against regional police officers. It is also interesting to notice that in the earlier Police Order of 2002 the commission could take cognizance of misconduct of a District Police Officer as well (even on its own volition). However, now it can do so only after a resolution is passed by the District Council. The Provincial Commission is tasked to prepare a police performance report every six months, oversee performance of District Public Safety Commission and Regional Complaints Authority, approve annual policing plan, and make recommendations for modernization of the policing system. It also acts as an observer in departmental procurement process to ensure transparency. Moreover, it oversees police stations and incarceration centers to ensure improved conditions. The Public Safety Commissions, although a commendable democratic idea, will depend for their success, on an efficient working relationship of cooperation and coordination among the government, bureaucracy, and the people.

Apart from the Public Safety Commissions, the Ordinance has introduced a Regional Complaints Authority (RCA) to enhance the accountability mechanism of the police. One of the primary functions of the RCA is to inquire into complaints referred to it against the police officers up to the rank of ASP and DSP. Earlier the Public Safety Commissions addressed these complaints. The RCA will consist of three members, which include a retired judge, a retired civil servant, and a professional individual with a long experience in administration and management. Like Public Safety Commissions it will also have a permanent secretariat.

Lastly, the Ordinance proposes to establish three local district level quasi-democratic institutions—Dispute Resolution Councils, Criminal Justice Coordination Committees, and Public Liaison Councils. The Dispute Resolution Councils are established with the aim to enhance the “amicable” way of resolving petty issues or complaints relating to crime and the local police. Similarly, Criminal Justice Coordination Committees will be set up at local levels inside districts and will be headed by a district and session judge. The committees will be tasked to review the operation of criminal justice system and make recommendations for its improvements. The Public Liaison Councils will be put together by the head of district police. These councils will include members of local government on village and neighborhood levels. The councils will have the function to assist the local police in public matters relating to maintaining law and order. Obviously, these committees are expected to bridge the gap between judiciary and the police, as well as create a forum for an engaged-working with the people.

Professionally speaking, the police have gotten a number of different schools for specialized police training and education. These are some of the best institutions that the Inspector General of Police of K-P, Mr. Nasir Khan Durrani has introduced. In fact, a number of community policing steps were initiated by IGP, Mr. Durrani, which when proved effective and fruitful, were institutionalized under the present Police Ordinance, 2016. However, broadly speaking, these reforms are the overall result of the wisdom, critical thinking, and lessons learnt from practical applications of the K-P Police. A generation of police leadership has invested its time and energy in improving the conditions of community policing. Brought through a legal codification after a long process of deliberation and practical application, the Police Ordinance 2016 is an interesting case of study for future researchers.

The Ordinance has yet to face the test of political debate before Provincial Assembly can pass it into an Act. Moreover, it needs to be kept on mind that even though the current reforms were introduced with a view to ensure democratic accountability in the police, the implementation was done through an ordinance (and not through an Act passed by the legislative assembly) makes the democratic intent of the government questionable. Hence it will be a challenge for the ruling party to invest much democratic energies to defend its reform package in the public political debate and especially on the legislative floor soon.

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