

Police, State and Society: Challenges and Opportunities

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Globally, police and policing face multifarious challenges; often these challenges have political dimensions. They defy proper restatement and measurement due to various reasons. Essentially, these challenges can be categorized as functional, societal, state related and of international import. From the US to China, two extremes are visible based on the political and legal systems that shape them for policing and internal security. Pakistan is generally designed towards Common Law approach of the UK and the US, but in practice it does not follow the design. Its challenges are of acute nature as the country's population, governance structures, security considerations, geography, colonial past and politics directly affect them. In this piece, some of the chief challenges have been stated for consideration by all and sundry:

First, the colonial past of police and policing in Pakistan has a strong hold on its organization, functionality, perception, relations with public and service delivery. The deep rooted colonial linkage is pegged into colonial legal system, authoritarian approach of colonial masters to use police as 'an instrument' and general disregard to human rights of the 'ruled'. The mentality has been challenged by many in public sector, but the overwhelming control is preserving and reinforcing the status quo. The colonial Police Act, 1861 was repealed by the Police Order, 2002, but after the Eighteenth Constitutional Amendment, in the garb of provincial legislative competence, the subject of 'police' was provincialized by introducing provincial legislations in utter violation of articles 142, 143 and 240 of the Constitution. Interestingly, despite a clear cut declaration of the Supreme Court of Pakistan that 'police', as a subject of legislation, is 'concurrent' in nature, the centrifugal proclivities have continued. The Police Reforms Committee Report 2019, in its Volume I, has clearly articulated the constitutionality of police laws in the country, but constitutional stance is not appreciated by public policy makers.

Secondly, Pakistan's public sector is often dominated by national security discourse. The national security discourse is pre-dominantly outward and has yet to consider police and policing as integral part of a federation's security policy. For those who craft and influence the national security, police, policing, human rights and the rule of law are local issues; this 'localization' of constitutional considerations vis-à-vis protection of life and property of citizens of Pakistan has delinked the citizens from the national security discourse. The earlier this is recognized, the better it is. The legal coercive power through police is the best way to deal with internal security challenges and once it is recognized, the police

and policing will get due attention and will start attracting more resources, voice of police leadership and due regard by governance structures. From cybercrimes to investigations and prosecutions of money laundering and Financial Action Task Force (FATF) related benchmarked legislation, the role of federal and provincial police organizations cannot be discounted. The crimes against children and women that inform public opinion on state's relationship with public at large must be taken as seriously as any national threat. The societal aspects of these crimes are getting aggravated due to limited state response to these important forms of crimes. Likewise, hate crimes that deter commission of extremism have not been properly registered, investigated and prosecuted. The misinformation and false propaganda against the state and its important institutions is a continuous and increasing problem that must be addressed through civil, criminal and administrative legal strategies that have to be linked to the national security discourse to ensure that the trend is reversed. Illegal response to these elements only provides them legitimization and weakens the narrative of the state against such elements. Strengthening the police means strengthening the state and all its institutions.

Thirdly, basic tools of management must be applied to police working in the country. One tool of management is measurement. It is axiomatic to state that what is not measured is not managed. Crime must be properly measured to be responded effectively. At the moment, the measurement of crime is arcane. For example, there are five types of murder/qatal, but all are being counted at par. Such faulty accounting is likely to affect the decisions of police leadership and will also colour negatively the perception of public about police performance. Professor Lawrence Sherman of the Cambridge University has been advocating for Evidence-Based Policing (EBP) since long. His viewpoint is very relevant to a country like Pakistan which has an increasing population and very limited resources. The resources can only best be utilized if evidence is collected in form of data to make administrative and professional decisions. Another management principle that does not get credence is residing authority and responsibility at one place. In case of police, the authority is not with its leadership, but the responsibility is with it. For example, the authority to grant arms licences is not with police, but it is expected that police will minimize proliferation of small arms in the society. The authority must square with responsibility to bring desired results.

Fourthly, IT-based Policing is the way forward. Pakistan is moving in this direction, but the pace is very slow and lot has to be done to move from digitization (only converting manual data to digital) to digitalization (use of information technology as a tool to add efficiency and effectiveness). Pakistan has

eight main policing organizations (four provinces, three territories of AJK, GB and ICT and one federal police i.e. Federal Investigation Agency), which show uneven progress in use of IT. The inter-operability of technology and sharing of data is a big challenge. Besides, these core internal security organizations have not been integrated with border management para-military police organizations like rangers, costal guards, airport security force etc. The optimal use of IT-based policing can increase the efficiency and coordination of these organizations. The challenge is, however, whether the federal government will treat police as a concurrent subject or not in its public policy decisions. If police is used as a concurrent subject of legislation, the federal government will be able to play more effective role as intended by the Constitution of Pakistan. It has already done this in the domain of counter-terrorism to meet FATF challenges, but it must be mainstreamed to deal with all types of internal security challenges. The integration and leverage of central database of National Database and Registration Authority, which collects civil-grade data must also be linked with IT-based Policing initiatives to economize the whole effort. Likewise, the safe city authorities and the police response units must also be brought to act symmetrically by minimizing the coordination and interface levels. All IT-based Policing initiatives should be provided legal cover to entitle these to budgetary allocations and these must be compatible to human and fundamental rights like the right to privacy as enshrined in the Constitution.

Lastly, the dual challenges of urban policing and protection of women and children must get attention of police leadership, society and state. Urbanization is on the increase, but the police, as an organization, is rurally organized. This must be redesigned to reassure public about their safety and security. Likewise, due to urbanization, the society is changing and children and women deserve better and more protection by state, which can only be provided through a fair justice system and a pro-active police response. The justice sector response to these two segments of society is often limited and the dimension of restorative justice is almost totally absent. It is often said that Pakistan is an over-legislated country when it comes to the protection of women and children. This statement is partially correct as most often than not the legislation is limited to abstract ideas of substantive laws that do not provide procedural details that enable the street cops to attend to obtaining circumstances. The gaps between procedures, resources and penal regimes often hollow the impact of legislation on these subjects.

The above stated list is by no means exhaustive. Organized crime and international cooperation on fighting it are not discussed as these are very specialized policing challenges. Likewise, financial, corporate, environmental and white-collar crime often throw up local challenges for policing, which seldom get

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media and policy makers' attention. Nonetheless, the state and society can respond to these challenges by joining hands and by moving in one direction instead of working at cross-purposes; Pakistan has the potential to surmount all these challenges and will definitely prove it to the world.