

EXTERNAL POLICE ACCOUNTABILITY :
DREAM OR REALITY?

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A. Introduction:

The accountability of state actors is a subject that is close to the heart of anyone with a regard for the rights of citizens. Police accountability assumes special significance because of the policing powers of police. Police have the power to take away the liberty of citizens subject to the law. It is therefore of the paramount importance that police accountability mechanisms are effective and ensure that the powers of police are not abused. The counterbalance to this consideration is the need for ensuring independent professional police working that is free of extraneous considerations. These considerations form the basis for any accountability mechanism for police.

Accountability can be internal as well as external i.e. from within the organization or from without. Traditional models of police accountability emphasize internal accountability on the premise that any external accountability would weaken the internal 'chain of command' in a disciplined force and the autonomy of police is affected thus weakening its capacity to perform its functions effectively. However there is now an increasing recognition that such internal mechanisms make the police organization insular to many legitimate concerns of the citizens due to a lack of citizen input. These mechanisms also fail in effectively protecting the rights of the citizens due to a tendency to protect 'brothers-in-arms' within police. This recognition, coupled with a need for ensuring protection to professional police working, has given rise to mechanisms for external police accountability throughout the world.

Public Safety Commissions were first formed in Japan during the reorganization of the police force after the Second World War. These commissions perform the function of setting the policy direction of the police while making sure that the police remain safe from interference in their working. The Safety Commissions are composed of eminent, bipartisan citizens ensuring that there are no political biases while setting the direction of police. The performance of police is also judged against pre-determined standards to ensure that there is police accountability. In UK the police complaints authorities and local councils perform the functions of police accountability and direction-setting respectively. Police complaints authorities take cognizance of complaints of police excesses or abuses. Local councils have extensive input in policing priorities because of the control over funding that local councils have over police budgets. In the US the elected mayors are heads of the police department and accountability is ensured through regular elections.

External accountability is a new concept in policing in Pakistan where the traditional mode of internal accountability has held sway. The Police Act 1861 did not envisage any accountability other than the internal type. The concepts of public safety commissions and

police complaints authorities have been introduced in Pakistan through the Police Order 2002. The idea was that public safety commissions would act as bodies that would provide citizen focus through the process of approval of policing plans. They were to protect police against political and other interference through provision of recourse to police against illegal orders. Police complaints authorities were to act as bodies that would check abuse of police powers through investigations into police excesses and through action against such excesses. However through recent amendments in the Police Order the scheme has now been changed and these two bodies have been merged into one 'public safety and complaints commission' at the district and province levels.

This Brief aims at studying the functionality and effectiveness of the public safety commissions in the country since their establishment in late 2002. The first section after introduction looks at the problems in the old system and the rationale for the establishment of these commissions. The second part looks at the functioning, impact and effectiveness of these bodies through empirical data and interviews with stake holders. The third portion looks at the factors promoting success of these commissions as well as the problems and challenges facing the commissions. The final part gives recommendations for overcoming these problems in order to achieve the goals of the establishment of these commissions.

B. Historical overview:

The old police system did not envisage any system of external accountability, citizen input or regard for human rights of citizens. This police system was introduced by the British colonial rulers in the aftermath of the war of Independence 1857. The model followed was that of the Irish Constabulary instead of the more humane London Metropolitan Police. The Irish model was primarily a paramilitary model with emphasis on use of force, disregard for rights of people and no accountability. Before the War of Independence the police model that was under consideration for introduction in India was that of the London police, introduced by Robert Peele in London. This model was essentially what would in today's language be called a 'community policing' model. There was minimal use of (or show of) force and the community's rights were the foremost concern of the police. The advocates of this model wanted it to be implemented in the big cities and envisaged a separate police force for each metropolitan area like the Madras and Calcutta Presidencies. Part of the reason was of course the presence of a large European population in these cities.

The London model was however scrapped in favor of the Irish Model after the Independence war of 1857 gave rise to fears of such an uprising in the future. The perpetuation

of the Raj was the paramount consideration and coercive force was thought to be the most appropriate tool for this. This arrangement was formalized in the shape of the Police Act 1861. This act governed the police administrative structure in India and police rules were formulated in pursuance to this Act in 1934. The emphasis was on use of force and there was no mention of human rights anywhere in the scheme of things. There was no concept of specialization in professional matters, no accountability other than the departmental type and no input from any one besides the official hierarchy.

C. Accountability in the previous system:

The system of accountability that was put in place was a completely executive one and was therefore a very weak one if the government wanted a certain outcome even at the cost of human rights. The Deputy Commissioner/Collector was the head of the law and order machinery in the district (the basic unit of administration in the country) as well as the head of the criminal courts. He was also the representative of the Crown and the head of the revenue collection machinery in the district. The Collector was supposed to be the head of the accountability regime through the executive magistracy. However, since the interests of the government were synonymous with the interests of the state and there was no consideration for any citizen rights therefore there was no accountability of police except on operational or government policy matters. All law and order situations were jointly handled by the district administration/magistracy and police.

Weaknesses in the system:

This system of accountability proved to be very ineffective and weak. There were wide spread complaints of excesses as well as abuse of power at the hand of the executive which essentially meant the magistracy and the police. Governments used the executive to arm-twist their political foes and there was scant regard for rule of law. Historically, there was no legal protection for rights of citizens. Even with the introduction of the rights under the constitutional arrangements in Pakistan, the administrative culture and the institutional arrangement remained the same. There were several serious consequences of this arrangement. There was little or *no accountability* of police. The police was deeply *politicized* as was the executive since they had to carry out the dictates of the government and their protections as civil servants were increasingly whittled down. There was *no citizen input in policing priorities* and there was *no regard for human rights* as a goal for policing.

The reasons for this weak accountability are several but the biggest are structural in nature. Police itself was weak at internal accountability because of a lack of autonomy in professional matters and a motivation to protect fellow police officials within the force. Almost all

important postings of police officers were done through outside influence, political or executive. In many cases accountability of corrupt and inefficient police officials could not be done because of the protection they enjoyed from quarters outside the police force. Magisterial accountability did not work for the reason that the magistracy was dependent on the police in all law and order related situations and could not afford to antagonize them through too strict an accountability regime. In many cases there was collusion between the police and magistracy either to share the spoils or to further a government direction. Since there was no protection to the police or magistracy against political interference, there was little incentive for them to act in a proper and impartial manner. The system did not formally recognize protection of rights of citizens as a consideration let alone a priority.

D. The New Accountability Regime:

The **Police Order 2002** (PO) replaced this outdated system and put in place a new system of police accountability based on public participation and community input. Two separate bodies were set up for this purpose viz., the Public Safety Commissions and the Police Complaints Authorities. The Safety Commissions were meant to determine the direction of police through approving policing plans, monitoring police performance on the basis of the police plans, role in appointment of senior police officers and send reports to the government regarding the performance of the police and the Safety Commissions' role during the year. These commissions were established at the district, provincial and federal level with different spheres of responsibility. These commissions were meant as a conduit for communicating citizen concerns to the police and getting these concerns translated into policing operational priorities. The membership of these commissions was composed of elected and independent members and was meant to strike a balance between local priorities and a need to maintain impartiality in police working. The commissions would also provide a measure of protection to the police officers against illegal orders by the political authorities through a right of recourse.

The Police Complaints Authorities were established at the federal and the provincial level only. These were composed of independent non-political members selected by the relevant public service commission. These Authorities were to take cognizance of and get inquiries conducted into complaints of police excesses and dereliction from duty. These inquiries could be got conducted through police officers as well as members of judiciary (judicial enquiries). The Authority could also direct any action to be taken against the delinquent officials as thought fit by it.

Changes, however, have been brought about in this scheme of things recently through a presidential ordinance. After these amendments, the complaints authority has been merged into the public safety commission at the provincial level. The district public safety commissions have been renamed as the district public safety and complaints commissions with a mandate to look into complaints also. The composition of the commissions has been changed and parliamentarians have been made members of the safety commissions at all levels. The functions of these commissions have also been changed and now the appointment of provincial police officer has been taken out of the mandate of the national public safety commission.

These changes are still subject to approval by the parliament after which they would become permanent.

E. Composition and Functions of Public Safety Commissions:

There are three levels of the Public Safety Commissions i.e. national, provincial and district (including Capital Cities). The composition and functioning of all three levels is given below. Text of the Police Order 2002 (as amended in 2004) has been placed as **Annex E** below for reference.

i) Composition of NPSC:

The National Public Safety Commission consists of twelve members and the ex officio chairperson which is the federal Interior Minister. Half of the members of the commission are members of the national assembly who are nominated by the Speaker of National Assembly, three each from the treasury and opposition. They are to be nominated after consultation with the leader of the house and the leader of the opposition. The other half comprising independent members is appointed by the President from a list of names recommended by the national selection panel. There have to be two women representatives in both the elected as well as the independent categories bringing the total to four women in the national public safety commission. Each category has to have one member each from each province and Islamabad Capital Territory. The term of office of members is the same as that of the National Assembly unless removed earlier or resigns himself earlier. No member is eligible for a second term and the members can be removed on the grounds of misconduct, incapacity, criminal conviction, bankruptcy, activities prejudicial to ideology or interests of Pakistan and failure to attend three consecutive meetings of the commission.

Independent members have to be persons of impeccable integrity and professional competence in fields such as social work, law, administration, education and corporate sector etc. There is a list of disqualifying factors for the Independent members (like holding office of profit in service of Pakistan, being member of a political party, incapacity, bankruptcy, having

been removed from service, being a criminal or having a conflict of interest etc) which is meant to ensure that partisan interests do not make it to the safety commission. The selection panel for independent members consists of a judge of the Supreme Court and one nominee each of the Prime Minister and President.

ii) Functions of NPSC:

The functions of National Public Safety Commission are regarding the *oversight of federal law enforcement agencies* like Federal Investigation Agency, National Highways and Motorway police, Pakistan Railways police, Frontier Constabulary, Anti Narcotics Force and any other federal Law Enforcement Agency (LEA) having police powers. The commission oversees the *implementation of the annual plans* prepared by the heads of these agencies. These plans include a statement of financial resources available to the agency during the year along with performance targets and implementation mechanisms. The commission also evaluates the performance of these agencies against targets on a quarterly basis.

The heads of these agencies have to submit an annual report before the commission on the format prescribed by the commission which report shall be published. The commission shall submit an *annual report* to the federal government and the parliament giving an overview of the performance of the commission itself as well as the working of the federal LEAs. The commission is also supposed to *recommend reforms* for modernization of laws and procedure in respect of police, prosecution, prisons and probation services. Another important function is the *recommendation (to the federal government) of panels* of three police officers for appointment as head of Islamabad Capital Territory police and all the Federal LEAs. The commission can also recommend pre-mature transfer of Capital City Police Officer Islamabad or a head of a federal LEA. It has an important role as the *coordinator* of all the provincial public safety commissions and in that respect is at the apex of the entire system of public safety commissions in the country. In this coordination role it also represents the interests of the public safety commissions as an organizational entity and can speak on their behalf.

The commission also evaluates the working of the Islamabad district public safety commission on an annual basis. If the performance of the Islamabad commission is found unsatisfactory, the government can dissolve and reconstitute the Islamabad district public safety commission. During the period of suspension of the Islamabad commission, the national safety commission shall act as the Islamabad public safety commission. The proposals of the National Police Management Board are considered by the NPSC which can give its own recommendations to the government on the subject. The government can assign any functions

relating to public safety especially regarding prosecution, prisons and probation services under any law to the commission.

iii) Federal Police Complaints Authority:

There is a federal police complaints authority which deals with serious complaints against members of federal LEAs. The authority consists of a chairman and six members with the chairman being appointed by the President and the members appointed by the government on recommendation of the Federal Public Service Commission. These members have to be eminent yet independent people with integrity, skills, knowledge and experience in fields that are specified by the government. The term of office of a member of the federal police complaints authority is a maximum of three years and no member or chairman is eligible for a second term.

The authority deals with serious complaints including those of excesses, violation of rights and misconduct etc. These complaints can be against any member of a federal LEA or Islamabad Capital territory police. The authority receives complaints from the public safety commission or any aggrieved person and processes them. This process can include referring the matter to the appropriate authority concerned or take action on its own. This action can include getting an enquiry conducted by a senior officer of the LEA concerned under its own supervision or requesting the Chief justice to get a judicial enquiry conducted. It can then send the report to the appropriate authority for disciplinary action or even registration of a criminal case where warranted by the circumstances of the case. Where the complaints authority is not satisfied with the action taken in a case, it can refer the matter to the next higher authority for revision of the orders until the matter has been considered by the highest authority. The complaints authority shall prepare and send an annual report to the government regarding its performance and any other matter that it considers needs to be brought to the attention of the government.

iv) Composition of Provincial PSCs :

The provincial public safety commissions are composed of twelve members and the ex-officio chairman. Half of the members of the commission are members of the provincial assembly and the remaining half is independent members. The provincial home minister is the ex-officio chairman of the commission. The Members of the Provincial Assembly (MPAs) are to be nominated by the speaker with four being from the treasury while two being from the opposition. The term of office of members is the same as that of the provincial assembly unless a member resigns or is removed earlier. No member is eligible for a second term. Independent

members are to be selected by a Selection Panel consisting of the Provincial Ombudsman and a representative each of the Governor and the Chief Minister.

The list of disqualifications for the independent members is similar to the one for the federal independent members including holding office of profit in service of Pakistan, being member of a political party, incapacity, bankruptcy, having been removed from service, being a criminal or having a conflict of interest. There is a mandatory female representation on the same pattern as in the federal public safety commission which means that there are four women in the commission. Any member can be removed on the grounds of misconduct, incapacity, criminal conviction, bankruptcy, activities prejudicial to ideology or interests of Pakistan and failure to attend three consecutive meetings of the commission.

v) Functions of Provincial PSC:

The functions of the provincial public safety commission are a mix of the functions of the safety commission and the complaints authority as the provincial complaints authority has been merged into the provincial public safety commission. Its main functions are related to the oversight over provincial police through approval of its annual policing plans, evaluating its performance against the laid down indicators in the plan, preparing a report on the performance of the police in light of this evaluation and helping the police in reform through initiatives and additional grants. It takes cognizance of all complaints made before it of police excesses, misconduct etc and can take necessary action on the basis of these complaints after enquiry. It can recommend to the government any steps necessary for promoting integrity and efficiency of police and can take steps to prevent police from engaging in any illegal activities arising out of unlawful orders. It has a coordination as well as oversight function regarding all the DPSCs in the province and it can assist police in securing assistance from other police establishments and law enforcement agencies. It can recommend essential criminal justice reforms to the government as well as recommend actions on the proposals of the National Police Management Board.

vi) Composition of DPSC:

The district public safety and complaints commission consists of nine members including the chairman. The chairman is elected by the members of the commission from amongst themselves for a period of three years. The composition of the commission is divided into three categories i.e. MNAs/MPAs, elected members of Zila Council and independent members in the ratio of one third each. MNAs/MPAs have been introduced in the safety commissions through recent amendments in the police order. They are to be nominated by the

government out of the MNAs/MPAs of the district. Members of the Zila Council elect from amongst themselves representatives who are to be members of the district public safety commission. Independent members are to be selected by the selection panel. The selection panel for independent members consists of the District and Sessions Judge as the Chairman and one nominee each of the government and the provincial public safety and complaints commission. The term of office of a member is three years unless he resigns or ceases to be a member of the assembly earlier.

The list of disqualifications for independent members of the district public safety commission is substantially the same as that for the provincial and the national level independent members. These members have to be non-partisan, apolitical, independent members who can represent the interests of the community in the commission. The members can be removed from their office for misconduct, incapacity, criminal conviction, bankruptcy, activities prejudicial to ideology or interests of Pakistan and failure to attend three consecutive meetings of the commission without reasonable cause.

vii) Functions of DPSC:

The functions of the district public safety and police complaints commission are several including approval of the annual policing plan which has been prepared by the district police officer in consultation with the district Nazim, quarterly evaluation of the performance of district police on the basis of the targets given in the plan, preparation of an annual report regarding the performance of the district police which is submitted annually to the government, taking action on complaints against police including recommending any disciplinary or other action against delinquent officials and making recommendations for additional grants for district police. The commission can also direct the DPO to dispose off unclaimed property or to register a case where it was warranted but was not registered. It can refer the appropriate matters to the provincial government or provincial public safety commission where action needs to be taken. The commission has the powers of a civil court regarding summoning of witnesses and documents as well as documents for purposes of the police order.

F. Status of establishment :

The status of establishment of the public safety commissions at all three levels is discussed hereunder:

i) Establishment of NPSC and PPSCs:

The National Commission has not been formed yet due to problems with the composition of the selection panels. The Punjab, NWFP and Sindh provincial safety

commissions have also not been formed due to the same reason. The original composition included the Chief Justice of the Supreme Court for the Federal Selection Panel and the Chief Justice of the High Court for the provincial Selection Panel. The Chief Justices considered it to be against the spirit of independence of judiciary and also a burden in terms of time. The Police Order has now been amended accordingly and the composition of the panel has now been changed with a Judge from the Supreme Court as the representative of the Chief Justice on the federal selection panel. At the provincial level the Provincial Ombudsman has been made the chairman of the selection panel with a nominee each from the Governor and the Chief Minister as members. The selection of the independent members is now in process and would be finalized in due course. The establishment of the Commissions at the national and provincial levels would provide the much needed focus at these levels. These fora would also provide a platform for coordination of the district safety commissions and help in making them more effective.

The Islamabad District Public Safety Commission is provided for in the Police Order but has not yet been established. The reason for this is that the new system of administration established by the Local Government Ordinance and the Police Order has not yet been implemented in Islamabad. The selection Panel for Islamabad also had the name of Chief Justice of the High Court in it and needed to be changed. It has now been changed in the recent amendments to the PO and the District and Sessions Judge has been now made the Chairman of the Selection Panel as in all other districts.

ii) Establishment of DPSCs:

At the district level most of the districts now have a district public safety and police complaints commission although our study shows that the composition is not yet complete in terms of the revisions in the Police Order. Only in Punjab have the new members (MNAs/MPAs) been nominated to the commissions while in Sindh and NWFP these have not yet been nominated. The composition of the commissions thus, legally speaking, remains incomplete in these provinces. However, the elected members of the Zila Council and the independent members are already working and the commissions are functioning in these districts.

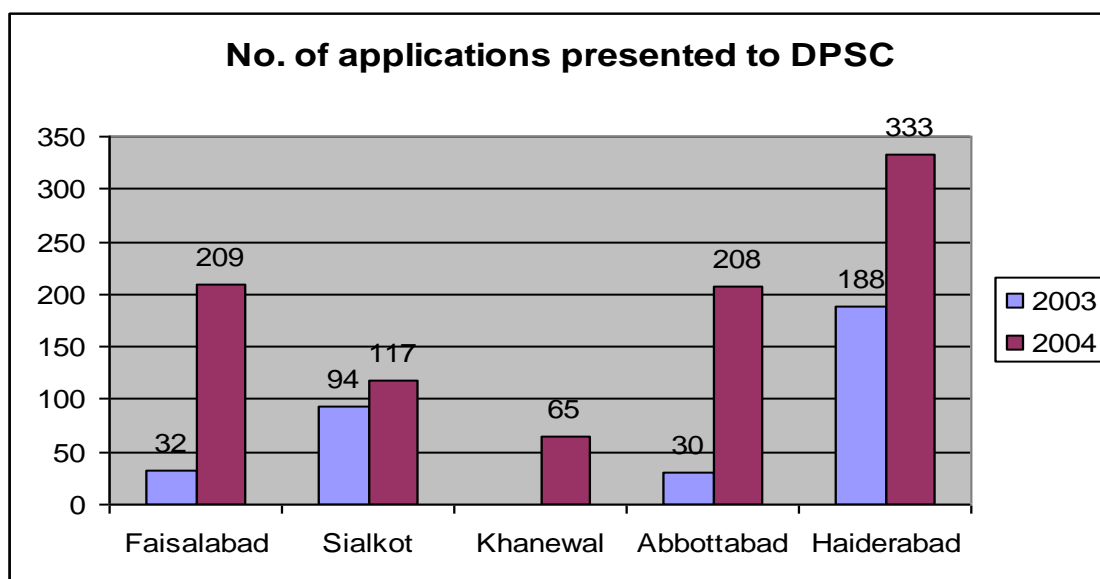
In Punjab **two** DPSCs, i.e. commissions in Lahore and Okara have not been established. In Sindh, **eleven** districts (including the Capital City District of Karachi) are without a DPSC. In NWFP, **two** districts including the Capital City District of Peshawar and the district of Malakand are without a DPSC. In Balochistan, **seven** districts are without a DPSC. A summary of the status of establishment of DPSCs and a complete list of the districts in which DPSCs have been established and districts in which these have not established is placed as **Annexes**

A, B and C below. The lists above show that there are still **22** districts out of a total of 108 districts in Pakistan where district public safety commissions have not been established. The National and provincial PSCs are in addition to these DPSCs. In percentage terms, in 80% districts the DPSCs have been established whereas in **20%** of the districts DPSCs **have not been established** despite a lapse of three years.

G. Service Delivery:

The findings based on personal interviews and sample data reveal the following points regarding service delivery through the commissions:

a) There is **increasing acceptability** of the role of the DPSCs especially in the realm of **complaints handling** even though in terms of total complaints handled the numbers are still low. The number of complaints to the DPSCs has an increasing trend in almost all the commissions for which the data has been collected. As an example, the number of total applications presented to the commissions in Faisalabad has increased from 32 in 2003 to 209 in 2004, in Sialkot they have gone up from 94 to 117, in Abbottabad from 30 to 208 and in Haiderabad from 188 to 333. This shows that people now are more aware of the complaint handling role of the DPSC and are resorting to it much more. There are also ‘learning curve effects’ as the members also learn how to handle complaints and manage situations that require their attention.



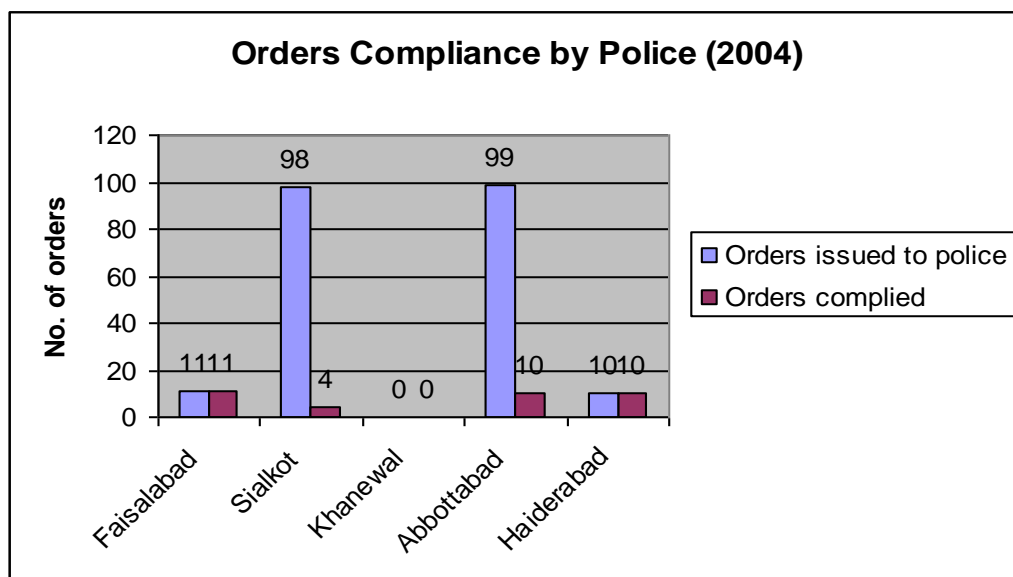
The question of quality of handling of complaints and the implementation of required actions is however a different story and is discussed later in this report.

b) There is a clear sense within the DPSCs that they are an institution that provides relief to people against the vagaries of the formal criminal justice system by providing an **informal and inexpensive forum** for alternative dispute resolution. This point was invariably made at all the interviews with DPSCs. The commissions take their role as guardians against police abuses and excesses very seriously although this gives rise to problems in their relationship with the police itself. This gives rise to the different kind of handling of the complaints against police in different places.

c) The **accountability** of police in terms of **setting and supervising the policing operational targets** is totally dormant all over the country. Nowhere in the focus districts and nowhere in general have police plans been finalized with the result that there can be no accountability and citizen input in police operational priorities. Even in places like Faisalabad where the DPO had prepared a rudimentary policing plan on the basis of his own priorities of policing, it was not finalized or approved as the process of consultation with the Zila Nazim had not taken place. In the case of Faisalabad, the plan had been lying with Nazim for his input. At most places the policing plans were not prepared and were not approved. The DPSCs were not very keen about this role as it did not have the glamour or clout involved in complaint handling and required the input of several stake holders. They were also not very clear about the importance of this role.

d) There is a big problem in terms of **role clarity and the mutual relationship** between the police and the DPSCs. Since the law is not clear about the specific role of the DPSCs regarding the mechanisms for handling different situations and their sphere of operations, there are problems in the relationships. DPSCs think that police intentionally try to avoid implementation of their orders since it is against their interests. Police consider the role of DPSCs as being intrusive and many a time consider the DPSC to be stepping into their area of jurisdiction. It was mentioned by a police officer that members of the DPSCs try to elicit favors from the lower level functionaries of the department and try to blackmail police. The commissions take the view that the DPOs do not take them seriously. In places like Faisalabad or Haiderabad where the relationship between the commission chairman and the DPO is good, the working of the commission is better and many complaints are handled informally at a personal level. However there is a clear problem at the institutional level which spills over in cases where the personal relationship does not work. This is also reflected in the number of

orders implemented by the police. In districts like Sialkot where there is a problematic relationship, the ratio of implementation of orders is very low. However there is an obviously personal angle to the relationship. Where the DPO or the chairman of the commission is changed, the relationship may change giving rise to a change in the ratio of orders implemented. The numbers of orders issued itself may be deceptive. In places where there is a good relationship, the number of formal orders issued is very low since most of the complaints are handled at an informal level by both parties. However the larger point of a lack of institutional arrangements is still valid.



e) **Resourcing** has been consistently cited by all DPSCs as a major constraint for effectiveness of these institutions. All DPSCs cited the problems they have a complete lack of resources for their day-to-day running. The total budget is low even though it is higher in Punjab compared to other provinces. In NWFP and Sindh the budget allocation for a DPSC is almost half that of the Punjab ones. In Haiderabad the budget has actually been halved from the previous year. Even an analysis of the Punjab budgets shows the low allocation to the DPSCs. **Tables A to C** below show the analysis of the resourcing in Punjab. The Justice Sector allocation for financial year 2003-04 in Punjab was Rs. 19645.11 million. The Home Department Budget of Rs. 573.893 million is 2.92% of this budget. Out of the Home Department Budget, the allocation for DPSCs was Rs. 39.713 million which is 6.92% of the Home Department budget. As a percentage of the Justice Sector allocation, the DPSCs get a share of 0.02%. Even out of this paltry allocation, a major chunk of the budget goes to salaries which are 73% of the total budget and only 27% remains for non-salary budgets. This non-salary budget is the money

available for repair and maintenance as well as telephone, postage, electricity, stationery and running of office. The salary budget is not always utilized. In fact in most places it is going un-utilized because the staff has not been hired for lack of administrative approvals and processes. In Punjab and NWFP almost all the Secretaries are on additional-charge basis i.e. they work in addition to their normal duties as Deputy District Officers. In Sindh also, only seven DPSCs have permanent secretaries whereas the remaining are additional charge basis. This means that the salary of officers goes un-utilized. Staffing at the lower level has been a constant issue as in many places there was no staff available and the commissions were making do with temporary staff borrowed from other offices. As an example there is no staff available in Sialkot with the result that all the pay and allowances budget is going un-utilized in Sialkot and Khanewal. In Abbottabad there were two employees on the pay roll of the commission whereas two employees have been borrowed from the DCO office. In Haiderabad only a driver is permanent and the remaining staff is all temporary. **Annex D** gives details of the working and budgets of all the commissions.

f) Recent **changes in composition** giving a role to MNAs/MPAs are being **adversely viewed** by the existing members and chairmen, thus having implications for their future role. The independent members have especially voiced a concern that the bi-partisan and impartial character of the commissions has been changed and they would now become political organs. One chairman, in fact, candidly said that he would not be interested in continuing after his current term as it was bringing a bad name to the impartial character of the commission.

g) There is a clear lack of comprehension of the role of these institutions within as well as outside the DPSCs pointing towards a need for **training and capacity building within and communication** with outside audiences. The members and chairmen of DPSCs are not or are vaguely aware of the jobs they are supposed to be performing aside from complaint handling. The full gamut of their duties and the modalities for accomplishing these jobs are not clear to them.

h) There is a lack of comprehension regarding the **rules and process** to be followed during fact-finding enquiries to prevent it from becoming a 'Jirga'. Given that the commissions are primarily involved in complaint handling and that they have started giving their findings on the basis of enquiries, it is amazing that no rules of evidence are being followed and the procedures being followed smacks too much of a 'Punchayat' or 'Jirga'. The rules for fact finding enquiries, evidence collection and making expert advice available need to be laid down. There is a clear **need for laying down rules and training** in this area of critical importance for people as well as the commissions themselves.

H. Impediments in service delivery:

There are several impediments in service delivery of the public safety commissions. These impediments are given below.

- **Commitment of government:** There is a clear feeling among all the stakeholders that the provincial governments are not committed to these new institutions. This is partly because of political reasons but much more clearly because of the limits these institutions place on the executive authority of the government. The scope of abuse of the police for political purposes was the most obvious reason for having these commissions and the provincial governments are not enthusiastic about these limits. This has been the reason for non-establishment of commissions even where they could be established, for under-resourcing and for the recent changes in the composition and functions of the commissions. The independent members and chairmen clearly stated that the government does not want an autonomous police which could not be used for ensuring politically motivated actions.

- **Ownership within important stakeholders:** A corollary of the lack of commitment of government is that there is no ownership of the commissions in important institutions like home department and police. Since the traditional notion of independence of departments is affected by this new concept of external accountability, there has been resistance and lack of ownership among key institutions for these fledgling institutions. The non-establishment of the apex bodies like Provincial and National PSCs has affected the ability of the commissions to garner support for this new concept as they do not have the institutional clout to manage the necessary resources or acceptability at this early stage. Another important result of this non-establishment of institutions has been that the DPSCs have no recourse if their directions are not heeded to or they want to raise an institutional issue that they consider important for themselves. This lack of a collective voice and platform for raising issues that are bound to beset new institutions is a major reason for undermining the working of these institutions. There is no leadership and no vision of where they want to be in future as the apex bodies are not working.

- **Structural issues** are besetting these new institutions that need to be addressed. The first one is the reporting arrangement of the commissions. There is no clear line of whom should they report to and when there is non-implementation of their orders, what are they supposed to do. This is because of a lack of clear rules regulating the conduct of their business.

- The issue of **politicization** of the commissions is one that needs to be addressed. The changes in composition of the commissions have compromised the impartial character of the commissions and now there is a clear case to be made for institutionalization of politicization especially with regard to police working. Not only is this affecting the impartial character of the commissions and is reducing their credibility but this is also adversely affecting independent people's willingness to serve in these commissions. This is especially ironical in institutions that were supposed to be bulwarks against politicization of police operations. Another result of the recent amendments in the Police Order is that there is now no protection to police officers against arbitrary and illegal orders. It was one clear objective of the recent reform effort that police operations would be made immune to the politically motivated orders of the executive. This has now been changed and this is affecting the acceptability of these institutions within the police.

- **Merger with complaints authority** at the provincial and district level in the recent amendments has serious implications for the working of the commissions. Complaints handling and citizen participation in the working of police are two separate functions that need separate handling. There are several problems with this merger as there can be no specialization in functions. There is a clear case of conflict of interest as the commission sets the policy and supervises the functioning of police on the one hand and entertains complaints against the working of police on the other hand. It cannot impartially supervise the operations and hear complaints against the same organization at the same time. There is also a clear lack of capacity and institutional arrangements to investigate complaints at the level of the districts and even at the provincial level. The regulations governing the complaints handling procedure ought to be very stringent as there is a question of rights of people involved. However in this arrangement it seems unlikely that this arrangement can be followed strictly. There is also a larger credibility issue related to investigation of complaints. The question of who investigates and how becomes critically important in charged situations. The International practice is to get complaints investigated from non-police people. However since the commissions lack the capacity as well as the legal and institutional support to get this done through independent investigators, this choice would not be available.

- **Legal and statutory issues** also need to be addressed. Many eventualities are not addressed in the rules and law that govern now. For instance, no recourse has been expressly provided for if the commission's legal orders are not implemented without reason. Similarly, what happens if the policing plan is not presented or remains pending with DPO or ZN for too long? How would the preparation of policing plan be made a more participatory process instead

of an administrative-oriented one even though there is a need to strengthen the planning process for citizen participation in policing priorities. There is also a lack of rules of business to govern the running of the commissions. The question of the accountability of DPSCs themselves is also unclear. Who monitors their functioning and how is an important issue. All this indicates a lack of rules for the functioning of the commissions.

- **Capacity issues** have already been touched upon but need to be re-emphasized. The question of proper resourcing needs to be addressed as there are no buildings, not enough budget, staff, equipment or running expense. The issue of the sufficiency of allocation is an important one. Training of members in complaint handling, basic precepts of law regarding impartiality & evidence taking and of staff in administrative training for record keeping, computerization, financial regulation, budgetary and financial procedures of govt. is critical for the success of these institutions.

- **Communication and awareness issues** are hampering the progress of the commissions as people are not coming to DPSCs with complaints & suggestions. This is partly due to a lack of trust in the ability of these institutions to redress the grievances of people but is also partly due to a lack of knowledge about this forum. There is a need to increase the acceptability of these institutions through more awareness.

I. INTERNATIONAL BEST PRACTICE.

Following is a brief examination of the best practice in commonwealth countries in the area of police complaints handling and citizen oversight.

i) United Kingdom:

The relevant law is the '*Police Reform Act 2002*' read with '*The Police Complaints and Misconduct Regulations 2004*' and '*The Police Conduct regulations 2004*'.

There are two separate mechanisms dealing with the two components of complaint handling (IPCC) and citizen participation in policing priorities(citizen community boards)

a) *Police Complaints System:*

- 1) The complaints system is headed by the Independent Police Complaints Commission (IPCC)

- 2) IPCC can:

- a. Investigate complaints itself through its own investigators with police powers and access to all police premises as well as evidence
 - b. Get complaints investigated by any police force under the supervision of IPCC
 - c. Get complaints investigated by any police force under its own management
- 3) IPCC has complete powers to take any action or give direction to any police authority who are bound to act on the direction
 - 4) Detailed regulations and procedures for implementation of its mandate and conduct of business are given in the law and Regulations
 - 5) Is an independent body responsible to parliament and decisions cannot be overruled by any administrative body

b) *Citizen Participation:*

- 1) Citizen participation in police planning is ensured through local councilors representation on the police supervisory boards
- 2) Part of local police's budget is provided by local government giving them control over policing priorities

ii) *New Zealand*

The relevant law is the 'Police Act 1958' and the 'Police Complaints Authority Act 1988'. There is a separate mechanism for police complaint handling but there is no provision for citizen participation except through public representatives in parliament.

a) *Police Complaints System:*

- 1) The Police Complaints Authority is a single person who holds a warrant from the Governor-General and is responsible to Parliament.
- 2) The Authority was established by an Act of Parliament for the purpose of providing an independent civilian body, outside the Police service, available to receive complaints against Police conduct and to make decisions on complaints. It is entirely independent of the Police service.
- 3) The funding for the Authority comes from the Justice Department. The office of the Authority is to provide an *independent civilian body* to receive complaints from citizens if they think you have been unfairly or unreasonably treated by a Police officer.
- 4) The Authority examines all complaints when made and decides whether to ask the Police in the district where the complaint arose to investigate it in the first place; or for the

personnel of the Authority either to supervise a Police investigation, or to carry out an investigation using only Authority staff.

5) The authority can:

a) Make any recommendation to the commissioner of police who implements (the implementation is mandatory). If the Commissioner does not implement, a reference can be made by the authority to the Attorney General, Minister of police or the House of representatives.

b) Agree or disagree with any part of investigation and the finding of the authority holds

c) Order re-investigation in part or whole

d) Can order for prosecution in any court or tribunal

e) Can order any disciplinary proceedings against any official

There is no formal system of citizen supervision or participation in police operations except through the government or the Parliament to whom the police is answerable in their working.

iii) Canada.

The relevant law is the '*Police Services Act*'.

There are two separate mechanisms for dealing with complaints and citizen participation in police working. The citizen boards composed of eminent citizens, appointed by the Governor General, are responsible for oversight of police as well as the system of complaint redress. Metropolitan areas have civilian commissions whereas smaller areas have civilian boards as the oversight and supervisory bodies for police forces.

a) *Police Complaints system:*

1) Complaints system is headed by the civilian commission

2) Police force normally investigates under supervision of the citizen board or civilian commission but complaints can be investigated by independent investigators on direction of the board or commission

3) The respective commission or board has complete power of action including any disciplinary proceeding and action against police officers. This power is so extensive as to include the power of disbanding an entire police force if their performance is completely unsatisfactory.

4) Complaints have to be finalized within sixty days

b) *Citizen Participation:*

1) There is complete citizen control over the police force through :

a. Civilian Commission on police services in metropolitan areas

b. Municipal Police Services Boards in all municipalities

2) These citizen bodies determine the policing priorities for the year in

consultation with the police. There is complete control over policing priorities given through these boards with powers up to suspension of all police officers if need be

3) There is however a protection to police operational matters. There is a bar on giving directions by individual members of the commission or board to any police officer. No one besides the entire board or commission can give any direction to anyone except the commissioner. There can be no directions in operational matters.

iv) Japan:

The Japanese police system is described hereunder in some detail since the term 'public safety commission' has been borrowed from the Japanese system of policing.

a) *Evolution of the system:*

During the period extending from 1874, when the "Keihoryo" (Police Bureau) was created within the Ministry of Home Affairs, to 1945, when World War II ended, the Japanese police had the centralized organization throughout the country under the Ministry of Home Affairs, which supervised and directed all police in the country.

After the war, in 1948, a new Police Law was enforced. This law aimed at carrying out a drastic change of Japan's prewar police system. This law espoused the ideas of democratization and decentralization of the police force. The salient points of the reform were as follows:

- The responsibilities of the police were limited to "protecting the life, person and property of the nation, investigating crimes, arresting suspects and maintaining public peace and order in the country." As a result, firefighting, health and sanitation services, and other functions were regarded as non-police functions and assigned to other administrative agencies. On the other hand, the jurisdiction of criminal investigation, which had been considered basically as under the authority of public prosecutors, was vested upon the police.

- The Public Safety Commission system was introduced at both national and prefectural levels as a democratic system to control the police and to ensure their political neutrality.

- The police organization was divided into two. Each municipality with a population over 5,000 had its own police organization (municipal police) and all other areas were integrated under the framework of the National Rural Police Force.

This Police Law which took the American police system as a model, however, had several **problems** in implementation.

The geographical segmentation of police units under the municipal police system was not suitable for ensuring the efficient operation of the police force and imposed a heavy financial burden on each municipal government. The dual system of the National Rural Police and the municipal police was irrational from the standpoint that police work has both national and municipal aspects. - Because municipal police forces were independent of the central government, the responsibility of the State or of the national government with respect to maintain public peace and order was not clear.

In order to solve these institutional problems, the current Police Law was promulgated on June 8, 1954 and became effective in July 1 of the same year. The 1954 law was designed to correct the defects of the previous system appeared in the process of its implementation while retaining intact democratic character of the system.

The 1954 law affected the following reforms:

- While the Public Safety Commission system was preserved to ensure the democratic control of the police and its political neutrality, the responsibility of the national government for the maintenance of public peace and order made clear by assigning a Minister of State to the chairmanship of the National Public Safety Commission.

- The dual system of the national rural police and the municipal police was abolished, and all police forces were integrated into the prefectural police system.

It was from the standpoint of making the operation of the police forces efficient and economical, also enabling the prefectural police to meet national needs while retaining the

merits of the municipal police. As a result, the enactment of the existing Police Law gave birth to a police system suitable for the actual conditions of the country.

b) *Role and composition of the National Public Safety Commission:*

An administrative commission operating on the basis of liaison and coordination with the Cabinet, the National Public Safety Commission is a government body responsible for the administrative supervision of the police. Although the National Public Safety Commission is under his jurisdiction, the **Prime Minister is not empowered to direct and give orders** to the Commission. This arrangement is intended to ensure the independence of the National Public Safety Commission and to guarantee the neutrality of the police in politics.

The National Public Safety Commission is **responsible** for the administration of the police in matters relating to:

- public peace and order in the country
- for the administration of matters concerning police education
- police communication, criminal identification, criminal statistics
- police equipment and
- coordination concerning police administration.

In order to execute these duties, the National Public Safety Commission controls the National Police Agency. "To control" in this context means laying down basic policy and making the National Police Agency conduct police affairs accordingly. Supervision of the prefectural police in regard to these police affairs is conducted solely through the National Police Agency, and the National Public Safety Commission is in no position to supervise the prefectural police directly. The National Public Safety Commission may establish National Public Safety Commission regulations with respect to matters within its competence as specifically authorized by law.

The National Public Safety Commission is composed of the Chairman and five members. A minister in the Cabinet is appointed as the chairman of the Commission. The chairman presides over Commission meetings and also supervises matters relating to the operation of the Commission.

The Commission members are picked from among persons who have not been in the public service related to police or public prosecution in the preceding five years, and are **named by the Prime Minister with the consent of the House of Representatives and the House of Councilors**. Their term of office is five years. In order to insulate the Commission

from political pressure, it is **forbidden** to appoint more than three members who are affiliated with the same political party.

It becomes clear from the discussion above that the role of the public safety commission in Japan is to insulate police against interference from outside agencies and especially pressures from the government. It does not have a role as a complaint handling mechanism but is essentially an oversight body that determines the standards and priorities for policing in Japan.

J. Lessons from best practice:

There are a few lessons to be learnt from best practice around the world. These lessons are given below:

- 1) The two separate functions of complaint handling and citizen oversight should be provided for separately (through safety commissions and complaints authorities)
- 2) Resourcing of the new institutions and commitment of important stake holders like the government and political leadership is vital for the success of these new mechanisms
- 3) Non-police personnel should handle serious complaints against police
- 4) Comprehensive procedure has to be laid down for all eventualities in complaint handling (including rules for evidence, handling complaints, conducting complaints etc)
- 5) Full powers (including power for summoning witnesses, examining evidence, summoning police personnel and ancillary powers) for effective complaint handling as well as citizen oversight and participation are necessary
- 6) Some time frames for complaint handling are necessary for credibility of the process e.g. sixty days' limit for finalizing complaints with a requirement of information being given to the complainant about the fate of the complaint
- 7) There have to be express protections against the possibility of interference in the operational matters of police. This can be done through institutional communication only without the possibility of an individual member being able to communicate with police authorities like in Ontario or through express bars against orders to police as in the case of Japan
- 8) Some control over police funding and resourcing (for instance bonuses for good work or funds for development works at the police station level) needs to be given to citizen bodies like safety commissions for them to become effective.

K. Future course of action:

Following are the policy recommendations based on our discussion above.

- 1) There is a need to establish the national and provincial public safety commissions. Not only is this a legal imperative but is important from the organizational point of view. The accountability system of the commissions can be fashioned in a pyramidal fashion with the NPSC at the top and the DPSCs at the bottom with provinces performing the intermediation and coordination role.
- 2) This pyramidal structure has to be totally independent of all executive interference on the pattern of the British Independent Police Complaints Commission. This organization can be placed as an independent, separate body within the government instead of being placed in an administrative department or ministry.
- 3) There is need for a monitoring and evaluation system that works not just for the commissions from the inside but also acts as an outside system of evaluation of the functioning of the entire system of police accountability.
- 4) The complaint handling and citizen participation functions of the safety commissions need to be separated at all levels. There has to be specialization in these functions with minimal chances for conflict of interest.
- 5) The complaints authorities have to be given the legal authority to do their job properly with all necessary resources. The investigations should be done either through the police or through independent investigators working directly for the complaints authority. The complaints authority has to be composed of independent, non-police citizens with an independent status.
- 6) Safety Commissions have to be resourced sufficiently to ensure that they perform their function properly. One way of doing it could be to peg their budgets with the police budgets and costs of monitoring. Whenever one rises there should be rise in the budget of the commissions. For this purpose independent benchmarks need to be developed for determining the requirements of monitoring.
- 7) Administrative procedures have to be expedited to ensure that the staffing requirements of the commissions are met with on a fast-track basis.
- 8) There is a need for revisiting the proposed amendments in the Police Order. The number of independent members has to be at least equal to the number of politically elected members to ensure the impartiality and independence of the commissions.

The commission have to be protected against overt politicization and there has to be protection to police officers against illegal orders.

- 9) Laws and Rules have to be elaborated to make the working and relationship of the stake holders clear. The rules of business have to be clearly laid out as should the procedure for complaint-handling and preparation of policing plan. There have to be express provisions for catering to eventualities that breach the requirements in law. If, for instance, the policing plan is not prepared in time there should be clear guidelines and provisions for dealing with such a problem
- 10) Powers of the commissions and complaint authorities have to be more clearly laid out. In case of a non-compliance of their directions, there should be sufficient legal powers available to the commissions to ensure that their orders are carried out.
- 11) There has to be an express recognition that politicization of police operations cannot be countenanced. There has to be protection from political interference but there should also be protection against interference from members of public safety commissions. The Canadian and Japanese example can serve as a model where there is not only an express bar on communication between the commission and ordinary members of the commission but only the formal orders of the board given by the chairman to the commissioner of police are considered valid.
- 12) Capacity building and communication requirements of the commissions need to be addressed on an urgent basis.

No. of Districts in which DPS & PCCs have been established
(As in May 2005)

<u>Province</u>	<u>No. of districts</u>
Balochistan	20
NWFP	22
Punjab	23
Sindh*	12
Total	86

No. of Districts in which DPS & PCCs have not been established
(As in May 2005)

<u>Province</u>	<u>No. of districts</u>
Balochistan	7
NWFP	2
Punjab	2
Sindh*	11
Total	22

Number of total districts in Pakistan: 108

Number of districts in which established: 79.63%

Number of districts in which not established: 20.37%

Source: National Reconstruction Bureau, Government of Pakistan

*: Including the seven newly-created districts in Sindh

Names of Districts in which DPS & PCCs have been established
As in May 2005

Balochistan

	<u>Name of district</u>
1	Awaran
2	Bolan
3	Dear Bugti
4	Gwadar
5	Kalat
6	Kech at Turbat
7	Kharan
8	Khuzdar
9	Killa Abdullah
10	Killa Saifullah
11	Kohlu Agency
12	Lasbella
13	Loralai
14	Mastung
15	Panjgur
16	Pishin
17	Quetta
18	Sibi
19	Zhob
20	Ziarat

NWFP

	<u>Name of district</u>
1	Abbottabad
2	Bannu
3	Batagram
4	Bunair
5	Charsadda
6	Chitral
7	Dera Ismail Khan
8	Dir Lower
9	Dir Upper
10	Hangu
11	Haripur
12	Karak
13	Kohat
14	Kohistan
15	Lakki Marwat
16	Mansehra
17	Mardan
18	Nowshera
19	Shangla
20	Swabi
21	Swat
22	Tank

Sindh

	<u>Name of district</u>
1	Badin
2	Hyderabad
3	Jacobabad
4	Khairpur
5	Larkana
6	Mirpur Khas
7	Naushero Feroze
8	Nawabshah
9	Shikarpur
10	Sukkur
11	Tharparkar
12	Thatta

Punjab

	<u>Name of district</u>
1	Attock
2	Bahawalnagar
3	Bahawalpur
4	Bhakkar
5	Chakwal
6	Dera Ghazi Khan
7	Faisalabad
8	Gujranwala
9	Gujrat
10	Hafizabad
11	Jhang
12	Jhelum
13	Kasur
14	Khanewal
15	Khushab
16	Layyah
17	Lodhran
18	Mandi Bahauddin
19	Mianwali
20	Multan
21	Muzaffargarh
22	Narowal
23	Pakpattan
24	Rajanpur
25	Rahimyar Khan
26	Rawalpindi
27	Sahiwal
28	Sargodha
29	Sheikhupura
30	Sialkot
31	Toba Tek Singh
32	Vehari

Names of Districts in which DPS & PCCs have not been established
As in May 2005

Balochistan

	<u>Name of district</u>
1	Barkhan
2	Chagai
3	Jaffarabad
4	Jhalmagsi
5	Musa khel
6	Naseerabad
7	Noshki

Sindh

	<u>Name of district</u>
1	Dadu
2	Ghotki
3	Jamshoro
4	Kambar
5	Kashmore
6	Karachi
7	Matiari
8	Tando Allah Yar
9	Tando Mohammad Khan
10	Sanghar
11	Umer Kot

NWFP

	<u>Name of district</u>
1	Peshawar
2	Malakand

Punjab

	<u>Name of district</u>
1	Lahore
2	Okara

Table A

Punjab Justice Sector Budgetary Allocation (FY 2003-04)

Department	Budgetary Allocation (in Millions of Rs.)
Police	16449.53
Judiciary	1098.409
Solicitors' dept	111.092
Advocate General	60.796
Prisons	1202.999
Probation	16.575
Tribal Forces	73.953
Home Dept	573.893
Law Dept	22.258
Ombudsman	35.608
Total	19645.11

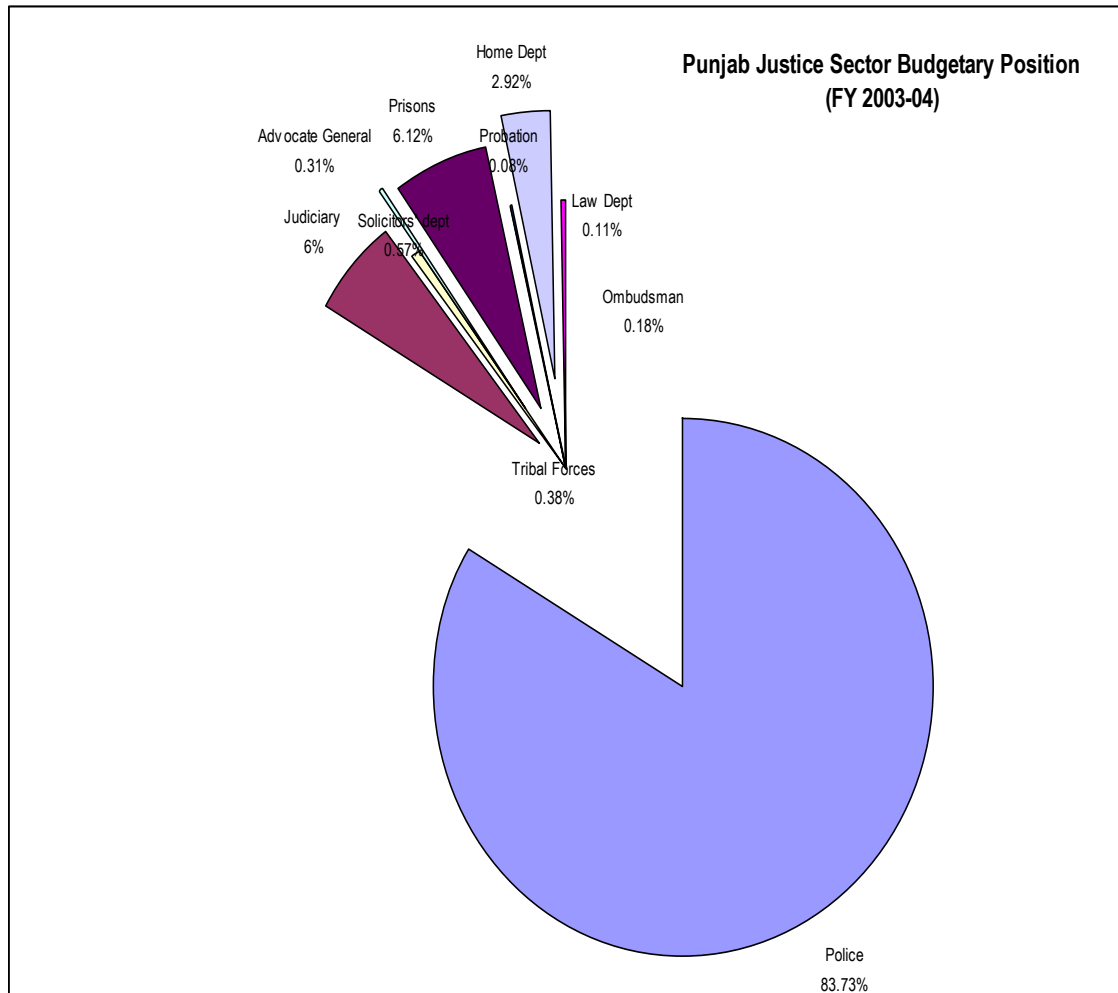
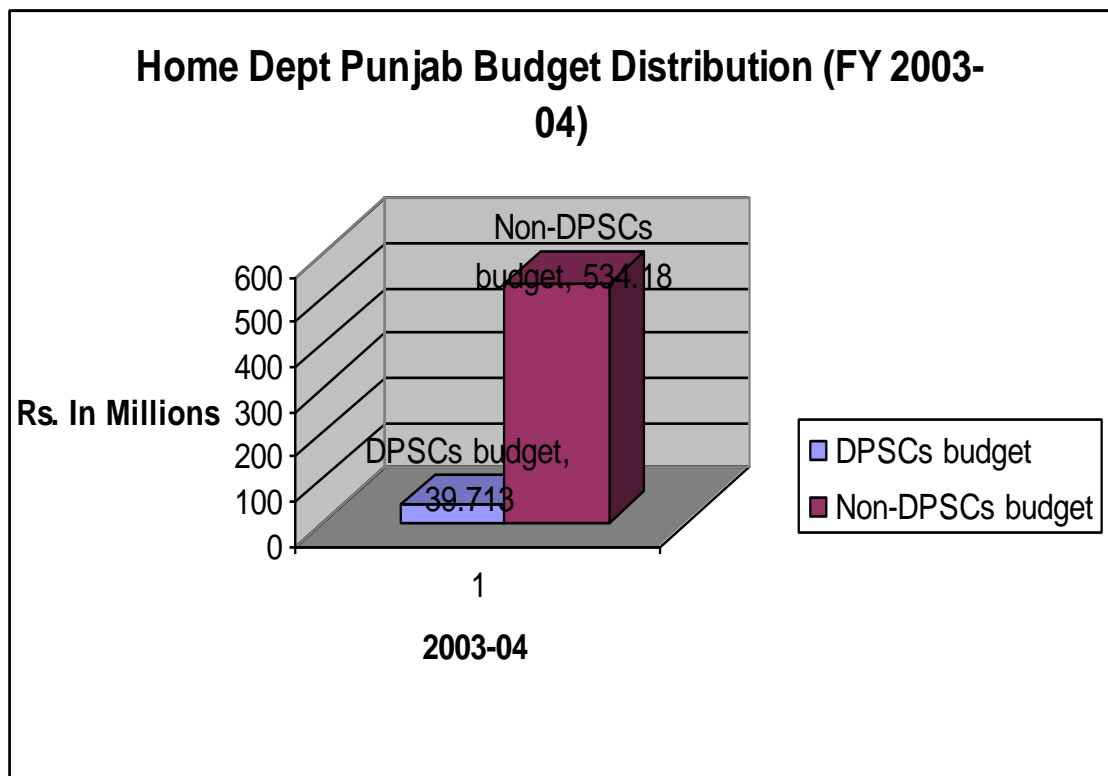


Table B

Home Department Punjab Budget Distribution (FY 2003-04)

	(Millions of Rs.)	% age of total budget
Home Department itself	527.434	91.90%
Anti Corruption Cell Punjab	0	0.00%
Crisis management cell	0.394	0.07%
District Public Safety Commissions	39.713	6.92%
Forensic Science Laboratory	6.352	1.11%
Total	573.893	



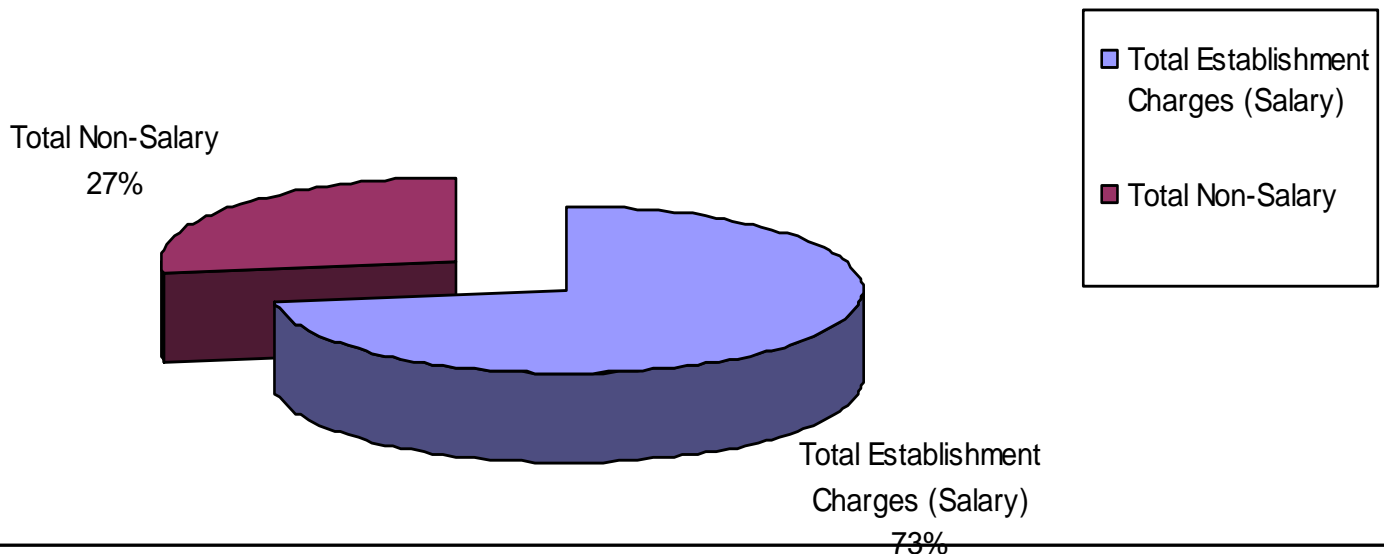
Distribution of Budget of DPSCs in Punjab (FY 2003-04)

	Figures in million Rs.
Total establishment charges (Salary)	28.896
Total Non-establishment charges	10.817
Total Budget	39.713

Non-Salary component Break-up

	Figures in million Rs.
Repair & maintenance of durable goods	0.576
Commodities & services	10.241
Total Non-salary	10.817

Distribution of budget of DPSCs in Punjab (FY 03-04)



Information on Selected District Public Safety and Police Complaints Commissions**A. POLICING**

		Lahore*	Faisalabad	Sialkot	Khanewal	Abbottabad	Haiderabad
Whether policing plan sent to DPSC	2003	NA	No	No	No	No	No
	2004	NA	Pending with ZN	No	No	Pending with ZN	No
Whether any report sent to DN or Govt.	2003	NA	No	Yes	No	No	No
	2004	NA	No	Yes	No	No	No
Whether direction issued to DPO to dispose off unclaimed property	2003	NA	No	No	No	No	No
	2004	NA	Yes	Yes	Yes	Yes	No
Total No. of Meetings held	2003	NA	2	6	Nil	4	10
	2004	NA	23	8	4	12	3
No. of meetings attended by DPO	2003	NA	2	2	Nil	2	1
	2004	NA	15	2	Nil	3	Nil
No. of meetings attended by Rep of DPO	2003	NA	Nil	4	Nil	2	Nil
	2004	NA	8	6	04	5	2
General attitude of police towards Commission	2003	NA	Cooperative	Lukewarm	Satisfactory	Cooperative	Non-cooperative
	2004	NA	Cooperative	Lukewarm	Satisfactory	Cooperative	Non-cooperative

B. Complaints

		Lahore*	Faisalabad	Sialkot	Khanewal	Abbottabad	Haiderabad
Total applications presented to Commission	2003	NA	32	94		30	188
	2004	NA	209	117	65	208	333
Applications found beyond Jurisdiction	2003	NA	Nil	10		Nil	80
	2004	NA	10	12	Nil	Nil	150
Applications sent to Police for Report	2003	NA	Nil	84		29	108
	2004	NA	5	105	32	100	183
Applications referred for fact finding enquiry	2003	NA	Nil	3		1	6
	2004	NA	11	7	65	108	8
No of orders issued to police	2003	NA	Nil	81		29	8
	2004	NA	11	98	Nil	99	10
No of orders implemented by police	2003	NA	Nil	3		22	8
	2004	NA	11	4	Nil	10	10
No of orders not implemented by police	2003	NA	Nil	78		7	Nil
	2004	NA	Nil	94	Nil	90	Nil

C. Budget

		Lahore*	Faisalabad	Sialkot	Khanewal	Abbottabad	Haiderabad
Total Budget	2003	NA	1297000	1297000	1297000	453,390	600,000
	2004	1414000	1297000	1297000	1297000	547,730	354133
Pay and allowances	2003	NA	29747	331000 (None utilized)	NR	416,710	208957
	2004	NA	382725	331000 (None utilized)	Nil (none utilized)	416,710	148957
Commodities and Services	2003	NA	6258	174748	NR	36,680	351543
	2004	NA	48741	439252	61849	51,020	175136
Furniture and Fixtures	2003	NA	Nil	48760	NR	Nil	75000
	2004	NA	50050	Nil	Nil	30,000	30000
TA/DA of Members	2003	NA	210000	279030	NR	Nil	20000
	2004	NA	420000	300000	480000	10,000	9000
Expenditure made at local level	2003	NA	Nil	Nil	NR	10000	245000
	2004	NA	Nil	Nil	541849	40,000	55000
Machinery/ equipment provided by the Government	2003	NA	Suzuki Car, M/cycle, computer with printer, air conditioner, photocopying machine	Suzuki Car, M/cycle, computer with printer, air conditioner, photocopying machine	Suzuki Car, M/cycle, computer with printer, air conditioner, photocopying machine	Nil	Car, Photocopying machine, Computer P-IV, Manual Typewriter, Fax Machine, Air Conditioner
	2004	NA	Nil	Nil	Nil	computer, printer and furniture purchased by the DPSC	Nil

SELECTED SECTIONS FROM 'THE POLICE ORDER' 2002 AS AMENDED IN 2004, REGARDING PUBLIC SAFETY COMMISSIONS IN PAKISTAN.

CHAPTER V

**DISTRICT PUBLIC SAFETY ⁶[AND
POLICE COMPLAINTS] COMMISSION**

⁷**37. Establishment of District Public Safety and Police Complaints Commission.** – (1) The Provincial Government shall establish a District Public Safety and Police Complaints Commission in every district, including Capital City District, consisting of nine members one of whom shall be the Chairperson.

(2) The Commission shall have its independent budget under a separate budgetary head of account, Drawing and Disbursing Officer and the Chairperson of the Commission shall be its Principal Accounting Officer.]

1. Subs. for the colon vide Ordinance No. V of 2004, dt. 25-12-2004

2. Omitted vide Ordinance No. V of 2004, dt. 25-12-2004 third proviso reads “provided also that where any police officer is of the opinion that the request for the police support is unnecessary, unlawful or mala fide or, he shall, through his channel of command, report to Head of District Police who may seek recourse to the appropriate Public Safety Commission and in that case the decision of the Public Safety Commission shall prevail.”

3. Omitted vide Ordinance No. V of 2004, dt. 25-12-2004 for “(3) In case of an unlawful or mala fide order issued by any authority, the Head of District Police shall seek recourse to the appropriate Public Safety Commission whose decision shall prevail.”

4. Substituted for the words “appropriate Public Safety Commission” vide Ordinance No. V of 2004, dt. 25-12-2004

5. Substituted for the words “Provincial Police Complaints authority or” vide Ordinance No. V of 2004, dt. 25-12-2004

6. Inst. Vide Ordinance No. V of 2004, dt. 25-12-2004

7. Substituted vide Ordinance No. V of 2004, dt. 25-12-2004 for “**37. Establishment.** - The Provincial Government shall establish a District Police Safety Commission in each District consisting of 8, 10 or 12 members depending upon the area and population of the district.”

¹**38. Composition.** - (1) The composition of the District Public Safety and Police Complaints Commission shall be as follows:-

- (a) one-third members shall be appointed by the Government from amongst the Members of the Provincial Assembly and National Assembly of the District concerned as ex-officio members, including a woman member:

Provided that where in a District, members of the Provincial Assembly or National Assembly fall short of the required number of such members, the vacant seat shall be allocated to independent members:

Provided further that in case of non-availability of a woman member of the Provincial Assembly or National Assembly in a District, the seat shall be allocated to a woman independent member;

- (b) one-third members, of whom one shall be a woman, shall be appointed as independent members by the Government from a list of names recommended by the Selection Panel; and
- (c) the remaining one-third members, out of whom one shall be a woman, shall be elected by the Zila Council from amongst its members on the basis of each member casting only one vote in favor of any contesting candidate through secret ballot.

“Explanation” For the purpose of this Article, the “District concerned” for women members of the Provincial Assembly and National Assembly shall, as far as possible, be on the basis of the District where they are registered as voters.

(2) In place of the members referred to in paragraphs (b) and (c) of clause (1), the elected or appointed members of the erstwhile District Public Safety Commission in the respective numbers holding office on the commencement of the Police Order (Amendment) Ordinance 2004, shall continue to hold their offices till completion of their term of office as member of the District Public Safety and Police Complaints Commission.

(3) The Chairperson of the District Selection Panel shall conduct the election of the Chairman and members of the District Public Safety and Police Complaints Commission referred to in clause (1) of Article 39 and paragraph (c) of clause (1) of this Article.

(4) The names of the members of the Commission shall be notified in the Official Gazette.]

2[39. Appointment of Chairperson. - (1) The Chairperson of the District Public Safety and Police Complaints Commission shall be elected by the members from amongst themselves every three years:

Provided that the Chairperson of the District Public Safety Commission at the commencement of the Police Order (Amendment) Ordinance, 2004, shall continue to hold such office till completion of his term of office as Chairperson of the District Public Safety and Police Complaints Commission.

(2) The Chairperson of the District Public Safety and Police Complaints Commission shall be eligible for re-election for the second term.

(3) The Chairperson of the District Public Safety and Police Complaints Commission shall not be removed from his office save as provided for removal of a member of the Commission.

(4) The Chairperson shall be entitled to honoraria and privileges as may be determined by the Government.]

1. Subs. vide Ordinance No. V of 2004, dt. 25-12-2004 for "38. **Composition.** - (1) Half of the members of the District Public Safety Commission shall be elected by the Zila Council, from amongst its councilors in the basis of each member casting only one vote in favour of any contesting candidate through secret ballot.

(2) The other half comprising independent members shall be appointed by the Governor from the list of names recommended by the District Selection Panel.

(3) One third of both the elected and the independent members of the District Public Safety Commission shall be women.

(4) The Naib Zila Nazim shall request the chairperson of the District Selection Panel to conduct the election of the member as the District Public Safety Commission referred to in clause (1).

(5) The appointment of the members shall be notified in the official gazette."

2. Subs. vide Ordinance No. V of 2004, dt. 25-12-2004 for "39. **Appointment of chairperson.** - (1) The chairperson shall be elected by the member from amongst themselves annually alternatively between independent and elected members.

(2) The chairperson shall preside over the meeting of the commission."

40. Meeting in the absence of the Chairperson. - In the absence of the Chairperson the District Public Safety ¹[and Police Complaints] Commission shall elect one of its member to preside over a meeting.

41. Selection of independent members. - (1) There shall be a Selection Panel for independent members consisting of District and Sessions Judge who shall be its Chairperson and one nominee each of the Provincial Government and the ²[Provincial Public Safety and Police Complaints Commission]:

Provided that such nominee shall not be elected representative or public servant.

(2) The selection of independent members shall be by ³[majority vote, one of whom shall be the Chairperson of the Selection Panel.]

(3) The selection process shall be completed within thirty days from the ⁴[occurrence of the vacancy.]

(4) Independent members shall be of impeccable integrity and proven professional competence in such fields as social work, law, administration, education, corporate sector, etc

⁵[**42. Functions of the Selection Panel.** - The Selection Panel shall identify suitable candidates as well as invite applications and after scrutiny forward to the Government the names of persons twice the number of appointments to be made.]

43. Selection criteria of independent members. - A person shall be disqualified from becoming a member of District Public Safety ¹[and Police Complaints] Commission if he –

- (a) is an activist of any political party or has held any representative office or has remained a public servant in the six months immediately preceding such appointment;
- (b) is found suffering from physical or mental incapacity or illness;
- (c) is declared a bankrupt, loan defaulter or tax evader;
- (d) is not a citizen of Pakistan;
- (e) holds an office of profit in the service of Pakistan;
- (f) is in the service of any statutory body or any other body which is owned or controlled by the Government or in which the Government has a controlling share or interest;
- (g) has been dismissed, removed or compulsorily retired from the service of Pakistan on grounds of corruption or any other form of misconduct;
- (h) is convicted of a criminal offence;
- (i) has any conflict of interest; or
- (j) is involved in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people, and the good order and harmony of society.

1. Inst. vide Ordinance No.V of 2004, dt. 25-12-2004

2. Subs. for the words "District Government" vide Ordinance No. V of 2004, dt. 25-12-2004

3. Subs. for the words "consensus" vide Ordinance No. V of 2004, dt. 25-12-2004

4. Subs. for the words "commencement of the selection process" vide Ordinance No. V of 2004, dt. 25-12-2004

5. Subs. vide Ordinance No. V of 2004, dt. 25-12-2004 for "**42. Functions of selection penal.** - The selection penal shall invite applications or nominations from the public for selection of independent members, and after interviewing eligible and willing candidates, forwards names of persons twice the number of appointments to be made to the governor of the province."

¹[**44. Power and Functions of the District Public Safety and Police Complaints Commission.** – (1) The District Public Safety and Police Complaints Commission shall exercise the powers and perform the following functions including those relating to complaints against the police officers serving in the District, except the head of the District Police, namely:-

- (a) approve an annual Local Policing Plan prepared by the Head of District Police in coordination with the Zila Nazim setting out the arrangements for the policing during the year:

Provided that such Policing Plan shall include –

- (i) a statement of the financial resources expected to be made available; and

1. Subs. vide Ordinance No. V of 2004, dt. 25-12-2004 for "**44. Functions of the District Public Safety Commission.**- The District Public Safety Commission shall perform the following functions including those related to complaints against the police:-

- (a) approve an annual Local Policing Plan prepared by the District Police Officer in consultation with the Zila Nazim setting out the arrangements for the policing during the year:

Provided that such Policing Plan shall include:-

- (i) a statement of the financial resources expected to be made available by the Provincial Government; and
 - (ii) performance targets for the year and their delivery mechanism;
- (b) evaluate the delivery of performance targets contained in the Local Policing Plan on quarterly basis and send half- yearly reports to Zila Nazim, Tehsil Nazim, Provincial Government, Provincial Public Safety Commission and Provincial Officer;

- (a) encourage police-public cooperation;

- (b) provide recourse to District Police Officer or City Police Officer for reporting against any unlawful or malafide order or request for police support from any authority received by him or any officer subordinate to him and give an decision thereon which shall prevail;

- (c) refer the matter in writing to the Provincial Government for appropriate action where the District Public Safety Commission is satisfied that a collusive relationship detrimental to the interest of the people exist between the Zila Nazim and District Police Officer or City Police Officer.

Provided that before making such report the District Police Officer or City Police Officer and the Zila Nazim shall be given an opportunity to be heard in person to explain their respective positions;

- (d) direct the District Police Officer or City Police Officer as to disposal of unclaimed property under clause (4) of Article 135.

- (e) Direct the District Police Officer or City Police Officer in writing, where the District Public Safety Commission has reasons to believe that the head of the police station has unjustifiably refused or avoided to register any First Information Report, to conduct an inquiry into the matter and cause the registration of the First Information Report, under section 154 of the Code, if any cognizable case is made out from the allegations of the complainant and report to the District Public Safety Commission within forty-eight hours the action taken by him;

- (f) Or receipt of a complaint of excess by a police officer;

- (i) direct the District Police Officer or City Police Officer in writing to take appropriate action and submit a report within a specified period; or

- (ii) conduct a fact finding inquiry through two or more of its members, and in case the complaint is found correct, send its report and direct District Police Officer to suspend the defaulting police officer and take departmental action against him in accordance with the rules;

- (iii) report the matter to the Provincial Police Officer, Provincial Government or the Police Complaints Authority for appropriate action if the District Police Officer doesn't submit a report or take action on the direction given by the District Public Safety Commission;

- (g) direct the District Police officer in writing to inquire into a complaint of neglect in general or by a functionary or a district police and take appropriate action and report within specified period.

- (h) On a complaint of excess committed by any member of Federal Law Enforcement Agency and civil armed forces acting in support of the district police require the appropriate authority of the concerned department in writing to take remedial action and report within a specified period. If no action is taken by the concerned authority, a reference may be made by District Public Safety Commission to the head of concerned organization or the Federal Complaints Authority for appropriate action."

- (ii) performance targets for the year and their delivery mechanism;
- (b) the District Public Safety and Police Complaints Commission shall submit an annual report to the Government through the Provincial Public Safety and Police Complaints Commission, inter-alia, containing:-
 - (i) an abstract relating to performance of the District Public Safety and Police Complaints Commission during the year;
 - (ii) a report on the functioning of District Police;
 - (iii) a report on matters connected with the law and order in the District; and
 - (iv) a report on the implementation of the District Policing Plan;
- (c) encourage police-public cooperation;
- (d) evaluate the delivery of performance targets contained in the Local Policing Plan on quarterly basis and send half-yearly reports to the Provincial Government, Provincial Public Safety and Police Complaints Commission, Provincial Police Officer, Zila Nazim, Tehsil (Taulka) Nazim and Town Nazim;
- (e) take steps to prevent the Police from engaging in any unlawful activity arising out of the compliance with unlawful or mala fide order;
- (f) refer the matter in writing to the Provincial Government for appropriate action where the District Public Safety and Police Complaints Commission is satisfied that a collusive relationship detrimental to the interest of the people exists between the Zila Nazim and Head of District Police;
- (g) direct the Head of District Police under clause (4) of Article 135 for disposal of unclaimed property in accordance with law;
- (h) direct the Head of District Police in writing, where the District Public Safety and Police Complaints Commission has reasons to believe that the in-charge of the police station has unjustifiably refused or avoided to register the First Information Report, to conduct an inquiry into the matter and cause the registration of the First Information Report under section 154 of the Code, if any cognizable case is made out from the allegations of the complainant and report to the District Public Safety and Police Complaints Commission within forty-eight hours the action taken by him;
- (i) direct the Head of District Police in writing to enquire into a complaint of neglect in general or by a functionary of a District Police in particular, and take appropriate action and report within the specified period;
- (j) require, on a complaint of excess committed by any member of Federal Law Enforcement Agency or civil armed forces acting in aid of the district police, the appropriate authority of the concerned department in writing to take remedial action and report within a specified period and if no action is taken by the concerned authority, a reference may be made by the District Public Safety and Police Complaints Commission to the head of concerned organization or the Federal Police Complaints Authority for appropriate action;
- (k) receive from an aggrieved person a complaint, in writing supported by an affidavit, of neglect, excess or misconduct against a Police Officer;
- (l) take cognizance of such complaints as may fall within its competence and forward other complaints to the Provincial Public Safety and Police Complaints Commission; and
- (m) in cases falling within the competence of the District Public Safety and Police Complaints Commission, it may:-

- (i) direct the Head of District Police in writing to take appropriate action and submit a report within a specified period; or
- (ii) conduct a fact finding inquiry on its own by two or more of its members or through an officer serving in the District, not below the rank of Basic Pay Scale 18 and, in case the complaint is found correct, send the inquiry report to the Head of District Police and direct him to take legal action against the delinquent Police Officer;
- (iii) report the matter to the Provincial Government through the Provincial Public Safety and Police Complaints Commission for action under the appropriate law, where the Head of District Police does not submit a report or take action on the directions given by the District Public Safety and Police Complaints Commission;
- (iv) inform the complainant of the outcome of the inquiry in writing as soon as possible; and
- (v) direct the appropriate authority, in case of any frivolous or vexatious complaints, to initiate action under the law against the complainant.

(2) The District Public Safety and Police Complaints Commission shall, for the purpose of this Order, have the same powers as are vested in a civil court under the Code of Civil Procedure (Act V of 1908), in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) compelling the production of documents;
- (c) receiving evidence on affidavits; and
- (d) issuing commission for the examination of witnesses.]

45. Terms of members of the District Public Safety ¹[and Police Complaints] Commission. - (1) The term of office of a member shall be three years unless he resigns at any time before the expiry of his term or ceases to be a member of ¹[the Provincial Assembly or National Assembly or,] as the case may be,

- ²[(2) an independent member shall not be eligible for appointment as such member for a third term;]
- (3) members shall be paid TA and DA for attending meetings, as per rules.
- (4) independent members may be paid honoraria as per rules.
- (5) ³[***]

46. Removal of members. - The ⁴[Government on its] own volition or on the recommendation of the District Public Safety ¹[and Police Complaints] Commission may remove a member from office if he -

- (a) ceases to be a citizen of Pakistan;
- (b) is found suffering from physical or mental incapacity or illness;
- (c) is guilty of misconduct;
- (d) is found to have dealt with any matter in which he had a conflict of interest;

(e) is convicted of a criminal offence;

(f) is declared a bankrupt, loan defaulter or tax evader;

1. Inst. vide Ordinance No. V of 2004, dt. 25-12-2004

2. Subs. vide Ordinance No. V of 2004, dt. 25-12-2004 for "(2) No member shall be eligible for a second term."

3. Omitted vide Ordinance No. V of 2004, dt. 25-12-2004 which reads "(5) members shall be justice of peace within the district in accordance with the code."

4. Subs. for the words "Governor on his" vide Ordinance No. V of 2004, dt. 25-12-2004

- (g) is involved in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people, and the good order and harmony of society;
- (h) brings the District Public Safety ¹[and Police Complaints] Commission into disrepute;
- (i) fails to attend its three consecutive meetings without any reasonable cause.

47. Meetings and conduct of business of the District Public Safety ¹[and Police Complaints] Commission. - (1) The business of the District Public Safety ¹[and Police Complaints] Commission shall be conducted by the Commission in a meeting.

(2) The meeting may be convened by the Chairperson or on the requisition of three members.

(3) Quorum for a meeting of the District Public Safety ¹[and Police Complaints] Commission shall be two third of its total membership.

(4) Members shall attend meetings of the Commission as and when required for which at least a week's notice, with agenda, shall be given. There shall be minimum of one meeting in a month provided an emergency meeting may be held at a short notice not exceeding twenty four hours.

(5) Decisions of the Commission shall be by simple majority.

(6) ²[Head of District Police or, in his] absence ²his deputy may be invited to attend a meeting, which he shall attend.

(7) The Commission may invite any expert for consultations on specific issues.

³(8) The rules of procedure for conduct of business of the Commission shall be made by the Government.]

48. Secretariat. - (1) The Government shall establish a permanent secretariat of the District Public Safety ¹[and Police Complaints] Commission.

⁴(2) The Secretariat shall be headed by an officer not below Basic Pay Scale 18 who shall be appointed by the Provincial Government in consultation with the Chairperson of the Commission.

(3) The Secretariat shall consist of such number of officers and members of the staff as the Government may, in consultation with the Commission, determine from time to time.

(4) The terms and conditions of service of the officers and members of the staff of the District Public Safety and Police Complaints Commission shall be notified by the Government.

(5) The Chairperson of the Commission shall, with the approval of the Government, engage the services of a legal advisor on full-time basis.]

Chapter VI relating to Capital City District Public Safety Commission, including Articles 49 to 60 is omitted
Vide Ordinance V of 2004, dt. 25-12-2004

1. Inst. vide Ordinance No. V of 2004, dt. 25-12-2004

2. Subs. for the words "District Police Officer of City Police Officer or in their absence their" vide Ordinance No. V of 2004, dt. 25-12-2004

3. Subs. vide Ordinance No. V of 2004, dt. 25-12-2004 for "8. The commission may form rules of procedure for the conduct of business"

4. Subs. vide Ordinance No. V of 2004, dt. 25-12-2004 for "(2) The secretariat shall be headed by an officer of BPS-17 who shall appointed in consultation with the commission by provincial government.

(3) The secretariat shall consist of such number of officers and staff as the government may in consultation with the commission, determine from time to time."

CHAPTER VII

ISLAMABAD DISTRICT PUBLIC SAFETY COMMISSION

61. Establishment. - The Federal Government shall establish Islamabad District Public Safety Commission for Islamabad Capital Territory consisting of 12 members.

62. Composition.- (1) Three members of the Islamabad District Public Safety Commission shall be elected by the District Council, from amongst its councilors on the basis of each member casting only one vote in favour of any contesting candidate through secret ballot.

(2) Three members shall be nominated by the Speaker of National Assembly from amongst its members two from the treasury and one from the opposition in consultation with the Leader of the House and the Leader of the Opposition.

(3) The remaining six members shall be independent members and shall be appointed by the President from a list of names recommended by the Islamabad District Selection Panel.

(4) One third of both the elected and independent members of the Islamabad District Public Safety Commission shall be women.

(5) The Naib Zila Nazim shall request the Chairperson of the Islamabad District Selection Panel to conduct the election of the members of the Islamabad District Public Safety Commission referred to in clause (1).

(6) The appointment of members shall be notified in the Official Gazette.

63. Appointment of Chairperson. - (1) The Chairperson shall be elected by the members from amongst themselves annually alternating between independent and elected members.

(2) The Chairperson shall preside over the meetings of the Commission.

64. Meeting in the absence of the Chairperson. - In the absence of the Chairperson Islamabad District Public Safety Commission shall elect one of its members to preside over a meeting.

65. Selection of independent members. - (1) There shall be a Selection Panel for independent members consisting of ¹[District and Sessions Judge] who shall be its Chairperson and one nominee each of the Federal Government and the District Government:

Provided that such nominee shall not be elected representative or public servant.

(2) The selection of independent members shall be by consensus.

(3) The selection process shall be completed within thirty days from the commencement of the selection process.

(4) Independent members shall be of impeccable integrity and proven professional competence in such fields as social work, law, administration, education, corporate sector, etc

66. Functions of the Selection Panel. - The selection panel shall invite applications or nominations from the public for selection of independent members, and after interviewing eligible and willing candidates, forward names of persons twice the number of appointments to be made to the President.

67. Selection criteria of independent members. - A person shall be disqualified from becoming a member of Islamabad District Public Safety Commission if he –

(a) is an activist of any political party or has held any representative office or has remained a public servant in the six months immediately preceding such appointment; or

1. Sub. for the words "Chief Justice of High Court" vide Ordinance No. V of 2004, dt. 25-12-2004

(b) is found suffering from physical or mental incapacity or illness; or

(c) is declared a bankrupt, loan defaulter or tax evader; or

(d) is not a citizen of Pakistan; or

(e) holds an office of profit in the service of Pakistan; or

(f) is in the service of any statutory body or any other body which is owned or controlled by the Government or in which the Government has a controlling share or interest; or

(g) has been dismissed, removed or compulsorily retired from the service of Pakistan on grounds of corruption or any other form of misconduct; or

(h) is convicted of a criminal offence; or

(i) has any conflict of interest; or

(j) is involved in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people, and the good order and harmony of society.

68. Functions of Islamabad District Public Safety Commission. - The Islamabad District Public Safety Commission shall perform the following functions of Public Safety and Complaints Authority:-

(a) approve an annual Local Policing Plan prepared by the Capital City Police Officer in consultation with the Zila Nazim setting out the arrangements for the policing during the year:

Provided that such Policing Plan shall include –

(i) a statement of the financial resources expected to be made available by the Federal Government; and

(ii) performance targets for the year and their delivery mechanism;

(b) evaluate the delivery of performance targets contained in the Local Policing Plan on quarterly basis and send half-yearly reports to Zila Nazim, Tehsil Nazim, Federal Government and National Public Safety Commission;

(c) encourage police-public cooperation;

(d) provide recourse to Capital City Police Officer for reporting against any unlawful or malafide order or request for police support from any authority received by him or any officer subordinate to him and give a decision thereon which shall prevail;

- (e) refer the matter in writing to the Federal Government for appropriate action where the Islamabad District Public Safety Commission is satisfied that a collusive relationship detrimental to the interest of the people exists between the Zila Nazim and Capital City Police Officer:
Provided that before making such report the Capital City Police Officer and the Zila Nazim shall be given an opportunity to be heard in person to explain their respective positions;
- (f) direct the Capital City Police Officer as to disposal of unclaimed property under clause (4) of Article 135.
- (g) direct the Capital City Police Officer in writing, where the Islamabad District Public Safety Commission has reasons to believe that the head of the police station has unjustifiably refused or avoided to register any First Information Report, to conduct an inquiry into the matter and cause the registration of the First Information Report under section 154 of the Code, if any cognizable case is made out from the allegations of the complainant and report to the Islamabad District Public Safety Commission within forty-eight hours the action taken by him;
- (h) on receipt of a complaint of excess by a police officer;
 - (i) direct the Capital City Police Officer in writing to take appropriate action and submit a report within a specified period; or
 - (i) conduct a fact finding enquiry through two or more of its members, and in case the complaint is found correct, send its report and direct Capital City Police Officer to suspend the defaulting police officer and take departmental action against him in accordance with the rules;
 - (ii) report the matter to the Federal government or the Federal Police Complaints authority for appropriate action if the Capital city Police Officer does not submit a report or take action on the direction given by the Islamabad District Public Safety Commission;
- (i) Direct the Capital City Police Officer in writing to enquire into a complaint of neglect in general or by a functionary of a district police and take appropriate action and report within the specified period;
- (j) on a complaint of excess committed by any member of Federal Law Enforcement Agency and civil armed forces acting in support of the Islamabad district police, require the appropriate authority of the concerned department in writing to take remedial action and report within a specified period. If no action is taken by the concerned authority, a reference may be made by the Islamabad District Public Safety Commission to the head of concerned organization or the Federal Complaints Authority for appropriate action.

69. Terms of members of the Islamabad District Public Safety Commission. - (1) The term of office of a member shall be three years unless he resigns at any time before the expiry of his term or ceases to be a member of the National Assembly or the Zila Council.

- (2) No member shall be eligible for a second term.
- (3) Members shall be paid TA and DA for attending meetings, as per rules.
- (4) Independent members may be paid honoraria as per rules.
- (5) Members shall be Justice of Peace within the district in accordance with the Code.

70. Removal of members. - The President on his own volition or on the recommendation of Islamabad District Public Safety Commission may remove a member from office if he -

- (a) ceases to be a citizen of Pakistan;
- (b) is found suffering from physical or mental incapacity or illness;

- (c) is guilty of misconduct;
- (d) is found to have dealt with any matter in which he had a conflict of interest;
- (e) is convicted of a criminal offence;
- (f) is declared a bankrupt, loan defaulter or tax evader;
- (g) is involved in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people, and the good order and harmony of society;
- (h) brings the Islamabad Public Safety Commission into disrepute;
- (i) fails to attend its three consecutive meetings without any reasonable cause.

71. Meetings and conduct of business of the Islamabad District Public Safety Commission. - (1) The business of Islamabad District Public Safety Commission shall be conducted by the Commission in a meeting.

(2) The meeting may be convened by the Chairperson or on the requisition of three members.

(3) Quorum for the meeting of the Commission shall be two-third of its membership.

(4) Members shall attend meetings of the Commission as and when required for which at least a week's notice, with agenda, shall be given. There shall be minimum of one meeting in a month provided an emergency meeting may be held at a short notice not exceeding twenty four hours.

(5) Decisions of the Commission shall be by a simple majority.

(6) Capital City Police Officer or in his absence his deputy may be invited to attend a meeting which he shall attend.

(7) The Commission may invite any expert for consultations on specific issues.

(8) The Commission may frame rules of procedure for the conduct of business.

72. Secretariat. - (1) The Government shall establish a permanent secretariat of Islamabad District Public Safety Commission.

(2) The Secretariat shall be headed by an officer of BPS 17 who shall be appointed in consultation with the Commission by the Government.

(3) The Secretariat shall consist of such number of officers and staff as the Government may in consultation with the Commission, determine from time to time.

CHAPTER VIII

THE PROVINCIAL PUBLIC SAFETY ¹[AND POLICE COMPLAINTS] COMMISSION

73. Establishment. - There shall be a Provincial Public Safety ¹[and Police Complaints] Commission, consisting of twelve members and the *ex officio* Chairperson.

74. Composition. - (1) Half of the members of the Provincial Public Safety ¹[and Police Complaints] Commission shall be nominated by the Speaker of the Provincial Assembly from amongst its members ²[four from the treasury and two from the] opposition in consultation with the Leader of the House and the Leader of the Opposition:

Provided that at least two members shall be women ³[:]

⁴[Provided further that such members shall not be members of the Standing Committee of the Provincial Assembly on Home Affairs.]

⁵[(2) The other half comprising independent members shall be appointed by the Government on the recommendation of the Selection Panel:

Provided that at least two members shall be women;]

(3) Notwithstanding any thing contained in clause (1), independent members appointed under clause (2) shall constitute the Provincial Public Safety ¹[and Police Complaints] Commission when the Provincial Assembly is not in existence.

1. Inst. vide Ordinance No. V of 2004, dt. 25-12-2004

2. Subs. for the words "three each from the treasury and" vide Ordinance No. V of 2004, dt. 25-12-2004

3. Subt. for the full stop vide Ordinance No. V of 2004, dt. 25-12-2004

4. Added vide Ordinance No. V of 2004, dt. 25-12-2004

5. Subst. vide Ordinance No. V of 2004, dt. 25-12-2004 for "(2) The other half comprising independent members shall be appointed by the Governor from a list of names recommended by the Provincial Selection Panel:

Provided that at least two members shall be women;"

(4) The appointment of members shall be notified in the Official Gazette.

75. Appointment of Chairperson. - (1) The Provincial Home Minister will be the *ex-officio* Chairperson of the Provincial Public Safety ¹[and Police Complaints] Commission.

(2) The Chairperson shall preside over the meetings of the Provincial Public Safety ¹[and Police Complaints] Commission.

76. Meeting in the absence of the Chairperson. - In the absence of the Chairperson the Provincial Public Safety ¹[and Police Complaints] Commission shall elect one of its member to preside over a meeting.

77. Selection of independent members. - ²[(1) There shall be a Selection Panel for independent members consisting of the Provincial Ombudsman who shall be its Chairperson and the Chairman of the Provincial Public Service Commission and a nominee of the Chief Minister as its members:

Provided that, where in a Province, the Provincial Ombudsman has not been appointed, a retired Judge of the High Court nominated by the Chief Justice of the High Court shall act as Chairperson of the Selection Panel:

Provided further that the nominee of the Chief Minister shall not be an elected representative or a person in the service of Pakistan;]

(2) The selection of independent members shall be by consensus.

(3) The selection process shall be completed within thirty days from the ³[occurrence of a vacancy.]

(4) Independent members shall be of impeccable integrity and proven professional competence in such fields as social work, law, administration, education, corporate sector, etc.

⁴**78. Functions of the Selection Panel.** - The Selection Panel shall identify suitable candidates as well as invite applications and after scrutiny forward to the Government the names of persons twice the number of appointments to be made.]

79. Selection criteria of independent members. - A person shall be disqualified from becoming ⁵[an independent member of the Provincial Public Safety and Police Complaints] Commission if he –

- (a) is an activist of any political party or has held any representative office or has remained a public servant in the six months immediately preceding such appointment;
- (b) is found suffering from physical or mental incapacity or illness;
- (c) is declared a bankrupt, loan defaulter or tax evader;
- (d) is not a citizen of Pakistan;

1. Inst. vide Ordinance No. V of 2004, dt. 25-12-2004

2. Subs. vide Ordinance No. V of 2004, dt. 25-12-2004 for "(1) There shall be a Selection Panel for independent members consisting of Chief Justice of High Court who shall be its Chairperson and one nominee each of the Governor and the Chief Minister: provided that such nominee shall not be elected representative or public servant."

3. Subst. for the words "commencement of the selection process" vide Ordinance No. V of 2004, dt. 25-12-2004

4. Subst. vide Ordinance No. V of 2004, dt. 25-12-2004 for "**78. Functions of the Selection Panel.** - The Selection Panel shall invite applications or nominations from the public for selection of independent members, and after interviewing eligible and willing candidates, forward names of persons twice the number of appointments to be made to the governor."

5. Subst. for the words " a member of Provincial Public Safety" vide Ordinance No. V of 2004, dt. 25-12-2004

- (e) holds an office of profit in the service of Pakistan;
- (f) is in the service of any statutory body or any other body which is owned or controlled by the Government or in which the Government has a controlling share or interest;
- (g) has been dismissed, removed or compulsorily retired from the service of Pakistan on grounds of corruption or any other form of misconduct; or
- (h) is convicted of a criminal offence;
- (i) has any conflict of interest; or
- (j) is involved in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people, and the good order and harmony of society.

80. Functions of the Provincial Public Safety ¹[and Police Complaints] Commission.- (1) Subject to this Order, the Provincial Public Safety ¹[and Police Complaints] Commission shall -

- ²[(a) make recommendations to the Government for promoting integrity, efficiency and effectiveness of Police;]
- ³[(b) take steps to prevent the Police from engaging in any unlawful activity arising out of compliance with unlawful or mala fide orders;]
- (c) facilitate the establishment and functioning of Citizen Police Liaison Committees in accordance with Article 168.
- (2) Without prejudice to its role under ⁴[clause (1), the Commission shall perform the following specific functions -]
 - (a) co-ordinate the functioning of ⁵[District Public Safety and Police Complaints] Commission within the Province;
 - (b) recommend to the Government ⁶[repatriation] of Provincial Police Officer before completion of normal tenure of three years for unsatisfactory performance of duties ⁷[***]
 - ⁸[***] ;
 - (c) recommend to the government for grants to various police establishments within the province, for enhancing their capability to handle public order;
 - (d) assist the police establishment in securing assistance from other police establishments and law enforcement agencies by approaching the other Provincial ⁹[Public Safety and Police Complaints Commissions and National Public Safety Commission;]

1. Inst. vide Ordinance No. V of 2004, dt. 25-12-2004

2. Subst. vide Ordinance No. V of 2004, dt. 25-12-2004 for “(a) Provide guide lines on the policies of the government to Provincial Police Officer and Capital City Police Officers for promoting integrity, efficiency and effectiveness of police;”

3. Subst. vide Ordinance No. V of 2004, dt. 25-12-2004 for “(b) take steps to prevent the police from carrying out any unlawful or mala fide order or direction from any authority to any functionary of the police through out the Province and in case such order are brought to the notice of the commission it shall have the powers to intervene and its decision shall prevail; and”

4. Subst. for the words “sub-section (1) the commission shall perform the following specific responsibilities” vide Ordinance No. V of 2004, dt. 25-12-2004

5. Subst. for the words “Public Safety” vide Ordinance No. V of 2004, dt. 25-12-2004

6. Subst. for the words “premature transfer” vide Ordinance No. V of 2004, dt. 25-12-2004

7. Omitted the colon vide Ordinance No. V of 2004, dt. 25-12-2004

8. Omitted vide Ordinance No. V of 2004, dt. 25-12-2004 which reads “Provided that before making such recommendations the Provincial Public Safety Commission shall give the concern police officer an opportunity to be heard in person”

9. Subst. for the words “and National Public Safety Commissions” vide Ordinance No. V of 2004, dt. 25-12-2004

- (e) ¹[***]
- (f) oversee the implementation of the Provincial Policing Plan prepared by Provincial Police Officer and approved and published by the Provincial Government. The plan shall include:
 - (i) a statement of the financial resources expected to be made available by the Government; and
 - (ii) performance targets for the year and their delivery mechanism.
- (g) evaluate the delivery of performance targets on quarterly basis;
- (h) require the Provincial Police Officer to submit by end of August each year a general report in a manner prescribed by the Provincial Public Safety Commission which shall be published;
- (i) submit an annual report to the Government and the Provincial Assembly that shall include the following:
 - (i) an abstract concerning performance of the Provincial Public Safety Commission during the year;
 - (ii) a report on the functioning of the Police Establishments;
 - (iii) a report on matters connected with general law and order in the Province.
- (j) recommend reforms for modernization of laws and procedure in respect of police, prosecution, prisons and probation service;
- (k) evaluate the performance of the District and Capital City Public Safety ²[and Police Complaints] Commissions on annual basis. If on the basis of the evaluation conducted by the Provincial Public Safety ²[and Police Complaints] Commission, the performance of the Commission is found unsatisfactory, it may recommend the dissolution of such Commission and on dissolution of the Commission the government shall reconstitute the same in accordance with the provisions of this Order within forty five days of such decision;
- (l) conduct enquiry on the recommendation of a Zila Council through a resolution passed by two third majority of its total membership for the dissolution of the relevant Public Safety ²[and Police Complaints] Commission on grounds of unsatisfactory performance of the said commission, establish veracity or otherwise of the grounds of recommendation for rejection or onward transmission to the Provincial Government for the dissolution of the said Public Safety and Police Complaints Commission. Where the government dissolves the relevant Public Safety and Police Complaints Commission it will reconstitute the same in accordance with the provisions of this Order within forty five days of such decision;
- (m) perform functions of the relevant Public Safety ²[and Police Complaints] Commission during the period it stands dissolved;
- (n) consider the proposals made by Provincial Police Officer or National Police Management Board and give its recommendations to the government;
- (o) recommend essential criminal justice reforms; ³[***]
- (p) perform such other functions with regard to public order and safeguarding public interest, as may be assigned by the government to it for the purpose under any law for the time being in force including Prosecution, Prisons and Probation services;

-
1. Omitted vide Ordinance No. V of 2004, dt. 25-12-2004 which reads "(e) determine in consultation with the Provincial Police Officer objectives for the Policing of the Province for each financial year"
 2. Inst. vide Ordinance No. V of 2004, dt. 25-12-2004
 3. Omitted the word "and" vide Ordinance No. V of 2004, dt. 25-12-2004

- ¹ [(q) take cognizance of cases of Police neglect, excess, abuse of authority and conduct prejudicial to public interest against Head of District Police and police officers not serving in a District:-
- (i) on a complaint from an aggrieved person in writing supported by an affidavit; or
 - (ii) on a report from a District Public Safety and Police Complaints Commission; or
 - (iii) on a reference from the Government; or
 - (iv) on its own accord;
- (r) inquire into the complaint either by itself or through any Government officer not below the Basic Pay Scale 19 and on the basis of findings of the inquiry:-
- (i) file the complaint, if the charges are not proved; or refer the matter to the concerned Head of General Police Area for departmental action and report back; or order the registration of a criminal case under the relevant provisions of Pakistan Penal Code (Act V of 1860), this Order or any other law for the time being in force;
 - (ii) report, to the Chief Minister, where the Commission is not satisfied with the action taken by the Head of General Police Area in cases referred to in sub-paragraph (i) and make appropriate recommendations in this behalf;
 - (iii) recommend disciplinary action against an inquiry officer for willful neglect or mishandling of an inquiry;
 - (iv) inform the complainant of the outcome of the inquiry in writing as soon as possible; and
 - (v) direct the appropriate authority, in case of any frivolous, or vexatious complaint, to initiate action under the law against the complainant; and
- (s) delegate any of its powers to its Chairperson.]

81. Terms of members of the Provincial Public Safety ²[and Police Complaints] Commission. - (1) The term of office of a member shall be ³[for a period of three years] unless he resigns at any time before the expiry of his term, or ceases to be a member of the Provincial Assembly.

- ⁴[(2) A member shall not be eligible for a third term.]
- (3) Members shall be paid TA and DA for attending meetings, as per rules.
- (4) Independent members may be paid honoraria as per rules.
- (5) ⁵[***]

1. Added vide Ordinance No. V of 2004, dt. 25-12-2004

2. Inst. vide Ordinance No. V of 2004, dt. 25-12-2004

3. Subst. for the words "the same as that of the Provincial Assembly" vide Ordinance No. V of 2004, dt. 25-12-2004

4. Subst. vide Ordinance No. V of 2004, dt. 25-12-2004 for "(2) No member shall be eligible for a second term"

5. Omitted vide Ordinance No. V of 2004, dt. 25-12-2004 which reads "(5) Members shall be justice of peace in accordance with the Code"

82. Removal of members. - The ¹[Government may either on its own accord or on the recommendations of the Provincial Public Safety and Police Complaints] Commission may remove a member from office if he -

- (a) ceases to be a citizen of Pakistan;
- (b) is found suffering from physical or mental incapacity or illness;
- (c) is guilty of misconduct;
- (d) is found to have dealt with any matter in which he had a conflict of interest;
- (e) is convicted of a criminal offence;
- (f) is declared a bankrupt, loan defaulter or tax evader;
- (g) is involved in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people, and the good order and harmony of society;
- (h) brings the Provincial Public Safety ²[and Police Complaints] Commission into disrepute;
- (i) fails to attend its three consecutive meetings without any reasonable cause;

83. Meetings and conduct of business of the Provincial Public Safety ²[and Police Complaints] Commission.- (1) The business of the Provincial Public Safety ²[and Police Complaints] Commission shall be conducted by the Commission in a meeting.

- (2) The meeting may be convened by the chairperson or on the requisition of three members
- (3) Quorum for the meeting of the Commission shall be ³[one-half] of its membership.

(4) Members shall attend meetings of the Commission as and when required for which at least a week's notice, with agenda, shall be given. There shall be minimum of one meeting in a month, provided an emergency meeting may be held at a short notice not exceeding twenty four hours.

- (5) The *ex officio* Chairperson shall not have the right of vote, except in case of a tie.
- (6) Decisions of the Commission shall be by simple majority.
- (7) The Commission may hold public consultations as and when required.

(8) The Provincial Police Officer and heads of prosecution service, prison and probation departments shall attend meetings of the Commission as non-voting members, when invited.

- (9) The Commission may invite any expert for consultations on specific issues.
- (10) The Commission may frame rules of procedure for the conduct of business.

84. Secretariat. - (1) The Government shall establish a permanent secretariat of the Provincial Public Safety ²[and Police Complaints] Commission.

⁴[(2) The Secretariat shall be headed by an officer not below the Basic Pay Scale 20 who shall be appointed by the Chief Minister in consultation with the Chairperson of the Commission.]

1. Subst. for the words "Governor on its own volition or on the recommendations of the Provincial Public Safety "vide Ordinance No. V of 2004, dt. 25-12-2004
2. Inst. vide Ordinance No. V of 2004, dt. 25-12-2004

3.Subst. for the word "two-third" vide Ordinance No. V of 2004, dt. 25-12-2004

4.Subst. vide Ordinance No. V of 2004, dt. 25-12-2004 for " (2) The Secretariat shall be headed by a Director of the rank of Senior Superintendent of Police which shall be appointed by the Provincial Government in consultation with the commission."

(3) The Secretariat shall consist of such number of officers and staff as the Government may in consultation with the Commission, determine from time to time.

¹(4) The Chairperson of the Commission shall, with the approval of the Government, engage the services of a legal advisor on full-time basis.

(5) The terms and conditions of service of the members of staff of the Commission shall be determined by the Government in consultation with the Commission.

(6) The functions of the officers and members of staff shall be determined by the Commission].

(7) The Secretariat shall be attached to the Services and General Administration Department for the purpose of budget and matters pertaining to the Provincial Assembly.

CHAPTER IX

THE NATIONAL PUBLIC SAFETY COMMISSION

85. Establishment. - There shall be a National Public Safety Commission consisting of twelve members and the *ex officio* Chairperson.

86. Composition. - (1) Half of the members of the National Public Safety Commission shall be nominated by the Speaker of the National Assembly from amongst its members three each from the treasury and the opposition in consultation with the Leader of the House and the Leader of the Opposition:

Provided that at least one member shall belong to each Province, and to Islamabad Capital Territory:

Provided further that at least two members shall be women.

(2) The other half comprising independent members shall be appointed by the President from a list of names recommended by the National Selection Panel:

Provided that at least one member shall belong to each Province, and to Islamabad Capital Territory:

Provided further that at least two members shall be women.

(3) Notwithstanding any-thing contained in clause (1), independent members appointed under clause (2) shall constitute the National Public Safety Commission when the National Assembly is not in existence.

(4) The appointment of members shall be notified in the Official Gazette.

87. Appointment of Chairperson. - (1) The Federal Interior Minister will be *ex-officio* Chairperson of the National Public Safety Commission.

(2) The Chairperson shall preside over the meetings.

1. Subs. vide Ordinance No. V of 2004 dated 25-11-2004 for "(4) the secretariat shall be attached to the Provincial Law department for purposes of budget and for matters pertaining to the Provincial Assembly."

88. Meeting in the absence of the Chairperson. - In the absence of the Chairperson the National Public Safety Commission shall elect one of its members to preside over a meeting.

89. Selection of independent members. - (1) There shall be a Selection Panel for independent members consisting of Chief Justice of Supreme Court of Pakistan ¹[or a Judge of the Supreme Court nominated by the Chief Justice] who shall be its Chairperson and one nominee each of President and Prime Minister:

Provided that such nominee shall not be elected representative or public servant.

- (2) The selection of independent members shall be by consensus.
- (3) The selection process shall be completed within thirty days from the commencement of the selection process.
- (4) Independent members shall be of impeccable integrity and proven professional competence in such fields as social work, law, administration, education, corporate sector, etc.

90. Functions of the Selection Panel. - The selection panel shall invite applications or nominations from the public for selection of independent members, and after interviewing eligible and willing candidates, forward names of persons twice the number of appointments to be made to the President of Pakistan.

91. Selection criteria of independent members. - A person shall be disqualified from becoming a member of National Public Safety Commission if he –

- (a) is an activist of any political party or has held any representative office or has remained a public servant in the six months immediately preceding such appointment; or
- (b) is found suffering from physical or mental incapacity or illness; or
- (c) is declared a bankrupt, loan defaulter or tax evader;
- (d) is not a citizen of Pakistan;
- (e) holds an office of profit in the service of Pakistan;
- (f) is in the service of any statutory body or any other body which is owned or controlled by the Government or in which the Government has a controlling share or interest;
- (g) has been dismissed, removed or compulsorily retired from the service of Pakistan on grounds of corruption or any other form of misconduct;
- (h) is convicted of a criminal offence;
- (i) has any conflict of interest; or
- (j) is involved in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people, and the good order and harmony of society.

92. Functions of the National Public Safety Commission. - (1) In the performance of its duties the National Public Safety Commission shall oversee the functioning of the Federal Investigation Agency, Pakistan

1. Ins. vide Ordinance No. V of 2004 dated 25-11-2004

Railways Police, Anti-narcotics Force, Frontier Constabulary Pakistan Motorway and Highway Police, any other Federal Law Enforcement Agency and Anti-smuggling Wing of Customs exercising police powers.

(2) Facilitate the establishment and functioning of Citizen Police Liaison Committees in accordance with Article 168.

(3) Without prejudice to its role under clause (1), the National Public Safety Commission shall perform the following functions: -

- (a) recommend to the Federal Government panels of three police officers for the appointment of Capital City Police Officer for Islamabad and for the appointment of head of Federal Investigation Agency, Pakistan Railways Police, Pakistan Motorway and Highway Police and Frontier Constabulary;
- (b) ¹ [***]
- (c) recommend to the Federal Government premature transfer of Capital City Police Officer for Islamabad and head of a Federal Law Enforcement Agency before completion of normal tenure of three years for unsatisfactory performance of duties; provided that before making such recommendation the National Public Safety Commission shall give the concerned officer an opportunity to be heard in person;
- (d) oversee implementation of plans prepared by heads of the respective law enforcement agencies and approved and published by the government, setting out arrangements for achieving objectives during the year. The plans shall include. -
 - (i) a statement of financial resources expected to be made available by the Government; and
 - (ii) performance targets for the year and their delivery mechanism.
- (e) evaluate the delivery of performance targets on quarterly basis;
- (f) require heads of the relevant Federal Law Enforcement agency to submit to the National Public Safety Commission, by end of August each year, a general report in a manner prescribed by the National Public Safety Commission, which shall be published;
- (g) submit an annual report to the Government and the Parliament that shall include the following;
 - (i) an abstract concerning performance of the National Public Safety Commission during the year;
 - (ii) a report on the functioning of the Federal Law Enforcement Agencies; and
 - (iii) a report on matters connected with general law and order in the country.
- (h) recommend reforms for modernization of laws and procedure in respect of police, prosecution, prisons and probation services;

- (i) facilitate coordination among the Provincial Public Safety ²[and Police Complaints] Commission;

1. Omitted vide Ordinance No. V of 2004 dated 25-11-2004. which reads "(b) recommended to the Provincial Government penal of three police officer for the appointment of a Provincial Police Officer;"

2. Ins. vide Ordinance No. V of 2004 dated 25-11-2004

- (j) evaluate the performance of the Islamabad District Public Safety Commission on annual basis. If on the basis of the evaluation conducted by the National Public Safety Commission, the performance of the Commission is found unsatisfactory, the government may dissolve the Islamabad District Public Safety Commission and reconstitute the commission in accordance with the provisions of this Order within forty five days of such decision;
- (k) conduct enquiry on the recommendation of Islamabad Zila Council through a resolution passed by two third majority of its total membership for the dissolution of the Islamabad District Public Safety Commission on grounds of unsatisfactory performance of the said Commission, establish veracity or otherwise of the grounds of recommendation for rejection or onward transmission to the Federal Government for the dissolution of the said Public Safety Commission;
- (l) perform functions of the Islamabad District Public Safety Commission during the period it stands dissolved;
- (m) consider the proposals of the National Police Management Board and give its recommendations to the government; and
- (n) perform such other functions with regard to public safety and safeguarding interest of the people, as may be assigned by the government to it for the purpose under any law for the time being in force in particular pertaining to the Prosecution, Prisons and Probation services.

93. Terms of members of the National Public Safety Commission. - (1) The term of office of a member shall be the same as that of the National Assembly unless he resigns or is removed from office at any time before the expiry of his term or ceases to be a member of the National Assembly.

- (2) No member shall be eligible for a second term.
- (3) Members shall be paid TA and DA for attending meetings, as per rules.
- (4) Independent members may be paid honoraria as per rules.
- (5) Members shall be Justices of Peace in accordance with the Code.

94. Removal of members. - The President on his own volition or on the recommendation of the National Public Safety Commission may remove a member from office if he -

- (a) ceases to be a citizen of Pakistan;
- (b) is found suffering from physical or mental incapacity or illness;
- (c) is guilty of misconduct;
- (d) is found to have dealt with any matter in which he had a conflict of interest;

- (e) is convicted of a criminal offence;
- (f) is declared a bankrupt, loan defaulter or tax evader;
- (g) is involved in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people, and the good order and harmony of society;
- (h) brings the National Public Safety Commission into disrepute;
- (i) fails to attend its three consecutive meetings without any reasonable cause;

95. Meetings and conduct of business of the National Public Safety Commission. - (1) The business of the National Public Safety Commission shall be conducted by the Commission in a meeting.

(2) The meeting may be convened by the Chairperson or on the requisition of three members.

(3) Quorum for the meeting of the Commission shall be two-third of its membership.

(4) Members shall attend meetings of the National Public Safety Commission as and when required for which at least a week's notice, with agenda, shall be given. There shall be minimum of one meeting in a month, provided an emergency meeting may be held at a short notice not exceeding twenty four hours.

(5) The *ex officio* Chairperson will not have the right of vote, except in case of a tie.

(6) Decisions of the Commission shall be by simple majority.

(7) The Commission may hold public consultations as and when required.

(8) Heads of law enforcement agencies, prosecution service, prison and probation services will attend meetings of the Commission as non-voting members, when invited.

(9) The Commission may invite any expert for consultations on specific issues.

(10) The Commission may frame rules of procedure for the conduct of the business.

96. Secretariat. - National Police Bureau referred to in Article 162 shall function as the secretariat of the National Public Safety Commission.

CHAPTER X

POLICE COMPLAINTS ¹[AUTHORITY]

97. Establishment of Federal Police Complaints Authority. - The Government shall establish a Federal Police Complaints Authority for enquiring into serious complaints against the members of Federal Law Enforcement Agencies.

98. Composition. - (1) The Federal Police Complaints Authority shall consist of a Chairperson and six members.

(2) The President shall appoint the Chairperson of the Federal Police Complaints Authority.

(3) The Government shall appoint the members of the Federal Police Complaints Authority on the recommendation of the Federal Public Service Commission.

99. Criteria and terms of the members. - (1) The members of the Federal Police Complaints Authority shall be eminent persons of impeccable integrity with skills, knowledge and experience in such fields as may be specified by the Government.

- (2) Persons may be appointed as whole-time or part-time members of the Authority.
- (3) A person shall not be appointed for a period of more than three years.
- (4) No member or the Chairperson shall be eligible for a second term.

100. Functions of the Federal Police Complaints Authority. - The Federal Police Complaints Authority shall perform the following functions -

- (a) receive from ²[concerned Commission at the District Level] or an aggrieved person in writing on an affidavit complaint of neglect, excess or misconduct against Islamabad Capital Territory Police Officer or any member of any Federal Law Enforcement Agency;
- (b) process the complaint and refer the ordinary cases to an appropriate authority for action and report and in serious cases initiate action on its own;

1. Subs. for the word "Authorities" vide Ordinance No. V of 2004 dated 25-11-2004

2. Subs. for the words "District Public Safety Commission" vide Ordinance No. V of 2004 dated 25-11-2004

- (c) receive from the Islamabad District Public Safety Commission or the Capital City District Police Officer or Head of a Federal Law Enforcement Agency any report of death, rape or serious injury to any person in police custody and take steps to preserve evidence relating to such incident;
- (d) request the Chief Justice of the High Court, in serious cases, to appoint a District and Sessions Judge for a judicial enquiry;
- (e) appoint in appropriate cases a police officer belonging to the Federal Law Enforcement Agencies who is senior in rank to the officer complained against as an inquiry officer, and supervise the inquiry proceedings;
- (f) send a copy of the report to the competent authority and direct him for departmental action based on the findings of the enquiry or registration of a criminal case as appropriate and direct the competent authority to submit a report about the action taken on the findings of the report;
- (g) inform the complainant of the outcome of the enquiry in writing as soon as possible;
- (h) where the Federal Police Complaints Authority is not satisfied with the order in cases referred under clause (f), it may send a report to the next higher authority for revision of the order by the awarding officer and the process be repeated till it is considered by the final authority;
- (i) in case of any frivolous, false or vexatious complaint, initiate legal action against the complainant;
- (j) recommend disciplinary action against an enquiry officer for willful neglect or mishandling of an enquiry;
- (k) prepare and send to the Government an annual report on matters relating generally to its functions, including any matter to which it considers attention of the Government may be drawn by reason of gravity or other exceptional circumstances, for laying the report before Parliament;
- (l) establish when necessary in consultation with the Federal Government, regional offices anywhere in the country or with the agreement of the Provincial Government designate ¹[Provincial Public Safety and Police Complaints Commission or District Public Safety and Police Complaints] Commission to deal with the complaints of excess or neglect.

101. Secretariat. - (1) The Government shall establish a permanent secretariat of the Authority.

(2) The Secretariat shall be headed by an officer not below BS 19 who shall be appointed in consultation with the Authority.

(3) The organization of the secretariat and functions of officers and staff shall be determined by the Authority.

(4) The secretariat shall consist of such number of officers and staff as the Government may in consultation with the Authority determine from time to time.

(5) The terms and conditions of service of the staff of the Authority shall be determined by the Government in consultation with the Authority.

102. Removal of the members. - The procedure of the removal of the Chairperson and members of the Federal Police Complaints Authority shall be the same as for the members of the Federal Public Service Commission.

1. Subs. for the words "Provincial Police complaints Authority or District Public Safety" vide Ordinance No. V 2004 dated 25-11-2004

[Articles 103 to 108 are omitted vide Ordinance V 2004 dated 25-11-2004.]

COMPOSITION OF SELECTED PUBLIC SAFETY COMMISSIONS

A. LAHORE

Independent Members.

None elected since the Chief Justice of Pakistan had wanted an amendment in Article 89 of Police Order to exclude the Chief justice from the Selection Panel. The change has now been brought through the recent amendments in PO and Independent members would now be selected soon.

Elected Members.

None elected

Parliamentarians nominated by the Chief Minister.

- 1) Ch. Muhammad Akram Gujjar, MPA/PP-144
- 2) Begum Rehana Jameel, MPA/PP-145
- 3) Mrs. Mehnaz Rafi, MNA/NA 273

B. FAISALABAD

Independent Members

- 1) Mian Maqbool Ahmed
- 2) Mr. Amanullah Khan
- 3) Mian Muhammad Latif
- 4) Mian Muhammad Hanif
- 5) Prof. Dr. Agha Sajjad Haider (late)

Elected Members

- 1) Rana Muhammad Idrees
- 2) Rana Mehmood Akhter Khan
- 3) M. Afzal Ch
- 4) Malik Ashfaq Ahmed
- 5) Mrs. Sakeena Chaudhry

Parliamentarians nominated by the Chief Minister

- 1) Malik Raza Shahid Waseem, MPA/PP 53
- 2) Mrs. Irshad Safdar Shabbir, MPA/W 321
- 3) Lt. Col. (Rtd) Ghulam Rasool Sahi, MNA/ NA-75

C. SIALKOT

Independent Members

- 1) Ch. Anwar Ali
- 2) Sh. Asif Mehmood Soni

Elected Members

- 1) Rana Zafar Iqbal
- 2) Malik Jamil Akhtar
- 3) Ch. Muhammad Ishaq
- 4) Mrs. Naseem Akhtar Khawaja

Parliamentarians nominated by the Chief Minister

- 1) Mr. Muhammad Rizwan, MPA/ PP 128
- 2) Ch. Ansir Iqbal Baryar, MPA/ PP-129
- 3) Mrs. Shehla Rathore, MPA/ W-314

D. ABBOTTABAD

Independent Members

- 1) Azmat Ali
- 2) Ms. Naheed Akhtar Advocate
- 3) Sardar Shakeel
- 4) Sardar Hafeez-ur-rehman Abbassi

Elected Members

- 1) Hajji Ahmad Nawaz Khan Jadoon
- 2) Mr. Shaukat Haroon Khan
- 3) Raja Mumtaz-ur-Rehman Abbassi
- 4) Ms. Sajida Mehmood Advocate

Parliamentarians : None nominated yet

E. Haiderabad

Independent Members

- 1) Mr. Masood Pervez
- 2) Prof. Muhammad Akhlaque
- 3) Mr. Abdul Hadi Memon
- 4) Miss Shaheen Bhatti
- 5) Miss Umbreen Griffin

Elected Members

- 1) Syed Jahangir Adil Hussain Shah Rizvi
- 2) Mr. Abdul Qadeer Qazi
- 3) Mr. Q. Muhammad Hakim
- 4) Mr. Syed Nasir Abbas Shah
- 5) Mr. Khalil Memon

Parliamentarians : None nominated yet