

A COMPARATIVE STUDY OF POLICE LAWS

(POLICE ACT NO. 5 OF 1861 AND
POLICE ORDER NO. 22 OF 2002)

By

MUSTAFA HUSAIN

LL.M (Final) 2004

FEDERAL GOVERNMENT URDU COLLEGE
KARACHI .

UNIVERSITY OF KARACHI .

CERTIFICATE

This is to certify that Mr. **MUSTAFA HUSAIN** S/o **MUHAMMAD MITHAL Khan** student of **LL.M (Final)** of Federal Government Urdu College, Karachi, has prepared his Thesis after obtaining my approval on the Topic of Thesis i.e. **A COMPARATIVE STUDY OF POLICE LAWS** (Act No. 5 of 1861 and Order No. 22 of 2002) under my supervision and guidance.

The topic of the Thesis relates to the subject of **CRIMINOLOGY**, which is one of the subjects of LL.M. (Final) course.

The Thesis is based on his own personal research work carried under my supervision and is not copied from any thesis written earlier on the subject.

Signature: _____

&

Name of Director: **Mr. Justice S. Ali Aslam Jafri.**

Enrolment # Law/ FIC/ 5098/ 2002.

Karachi.

Dated: . 8. 2004

CONTENTS

ACKNOWLEDGEMENT

PRELUDE

CHAPTER ONE

7-9

INTRODUCTION

- Introduction of Police
- Definition of Police
- Word 'Police'
- Short title and commencement of Police Laws
- Justification

CHAPTER TWO

10-28

ORGANIZATION

- POLICE ORGANIZATIONAL STRUCTURE
- HIERARCHY
- Key concepts

CHAPTER THREE

29-32

APPOINTMENT AND RESIGNATION

- Appointment and Dismissal of inferior officers
- Certificate to Police Officers
- Police Officer not to resign

CHAPTER FOUR

33-51

POSTING AND POWERS

- Posting of Police Officers
- Powers of Police Officers

CHAPTER FIVE

52-57

DUTIES OF POLICE

- Responsibilities and duties of Police
- Police Officer may lay information etc.
- Police Officer always on duty
- Police Officer not engage in other employment

CHAPTER SIX

58-83

PUBLIC SAFETY COMMISSION

- Relationship of District Police with Zila Nazim
- District Public Safety Commission
- Capital City District Public Safety Commission

CHAPTER SEVEN

84-86

OFFENCES BY AND PUNISHMENTS FOR POLICE OFFICERS

- Penalty for neglect of duty
- Penalty for misconduct
- Penalty for vexation entry, search
- Penalty for unnecessary delay

CHAPTER EIGHT

87-93

OFFENCES BY AND PUNISHMENTS FOR PUBLIC

- Powers to make rules regarding use of streets and Punishments.
- Punishment for certain offences on roads etc.
- Defiling water in public wells, etc.
- False alarm of fire, etc.
- Penalty for unauthorized use of police uniform.
- Penalty for frivolous or vexatious complaint.

- Penalty for contravention of orders made under Article 124.

CHAPTER NINE

94-99

OTHER RESPONSIBILITIES OF POLICE

- Police Officer to keep diary
- Police to keep order in Public roads
- Police Officer to take charge of unclaimed property
- Plea that act was done under warrant

CHAPTER TEN

100-140

MISCELLANEOUS

- Appointment of experts
- Islamabad District Public Safety Commission
- The Provincial Public Safety Commission
- The National Public Safety Commission
- Police Complaints Authorities
- Criminal Justice Coordination Committee
- National Police Bureau
- Constitution of Promotion Board
- Citizen Police Liaison Committee
- Warning to first offender

Conclusion

141-144

Suggestions

145-147

(For Police Personnel/ Officers and Department)

Bibliography.

148-150

ACKNOWLEDGEMENT

Initially I am very grateful to Almighty ALLAH who provided me an opportunity to work on this topic, then I am extremely thankful to my Director Mr. Justice S. Ali Aslam Jafri who encouraged me to work on this topic and spared their precious time to provide me all the necessary guidance and assistance for integrating this task.

I would like to ventilate my heartfelt thanks to Inspectors Saleem Fareedi, Masroor Agha Naqvi and Constable Sajjid Ali for all the assistance they provided me.

In fine long, I would like to express my special gratitude to my brother Manzoor Husain Abbasi, who assisted me ethically and financially at any time.

MUSTAFA HUSAIN
LL.M (FINAL) 2004
F.G.URDU COLLEGE

KARACHI.

DATED: 17. 8. 2004

PRELUDE

It is a matter of great honour for me to write a dissertation on the topic of "A Comparative Study of Police Laws (Police Act no. 5 of 1861 and Police Order no. 22 of 2002)" It is very significant symphony.

Comparatively I have studied various books and visited many websites related to the topic.

My this collection contains ten chapters on different topics.

Chapter one, contains introduction, definition of Police and mentioning of word 'POLICE' in public relation and also extension and commencement of both Police Act no. 5 of 1861 and Police Order no.22 of 2002.

Chapter two contains Police organizational structure and hierarchy comparatively in Police Act no. 5 of 1861 and Police Order no. 22 of 2002.

Moreover, this chapter contains the Key concepts/ terminology of Police, which general public not understand, hence I have endeavored to ventilate the terminology of Police that general public may understand easily.

Chapter three contains appointment, dismissal and resignation of inferior/ junior Police officers.

Chapter four contains Posting and Powers of Police Officers.

Chapter five contains Responsibilities, Duties, Dimension of duty and also restrictions for Police Officers regarding other employment.

Chapter six contains relationship of District Police with Zila Nazim and District and Capital City District Public Safety Commissions.

Chapter seven contains Penalties for Police Officers for neglect of duty, misconduct, vexation entry and unnecessary delay to produce apprehended person before H'ble Court.

Chapter eight contains Penalties/ Punishments for Public for certain offences just as Defiling of water, False alarm of fire etc.

Chapter nine contains some other responsibilities of Police just as to keep order on public roads and to take charge of unclaimed property etc.

Chapter ten contains miscellaneous headings just as appointment of experts, Islamabad, the Provincial and the National Public Safety Commissions. Moreover, Criminal Justice Coordination Committee, Constitution of Promotion Board, Police Complaints Authority and Citizen Police Liaison Committee etc.

In fine long, Conclusion and Suggestions for Police Personnel are furnished.

MUSTAFA HUSAIN

CHAPTER NO.1

INTRODUCTION

INTRODUCTION

The organization of police is internationally recognized as a law enforcement department responsible for execution of laws upholding of peace and order, eradication of crimes and criminals and service of the society or community. Police being an executive organ of the state is main stay of the public. International motto of police is 'to serve and protect'.

Just we are going to compare the Police Laws from every angle to know their merits and demerits.

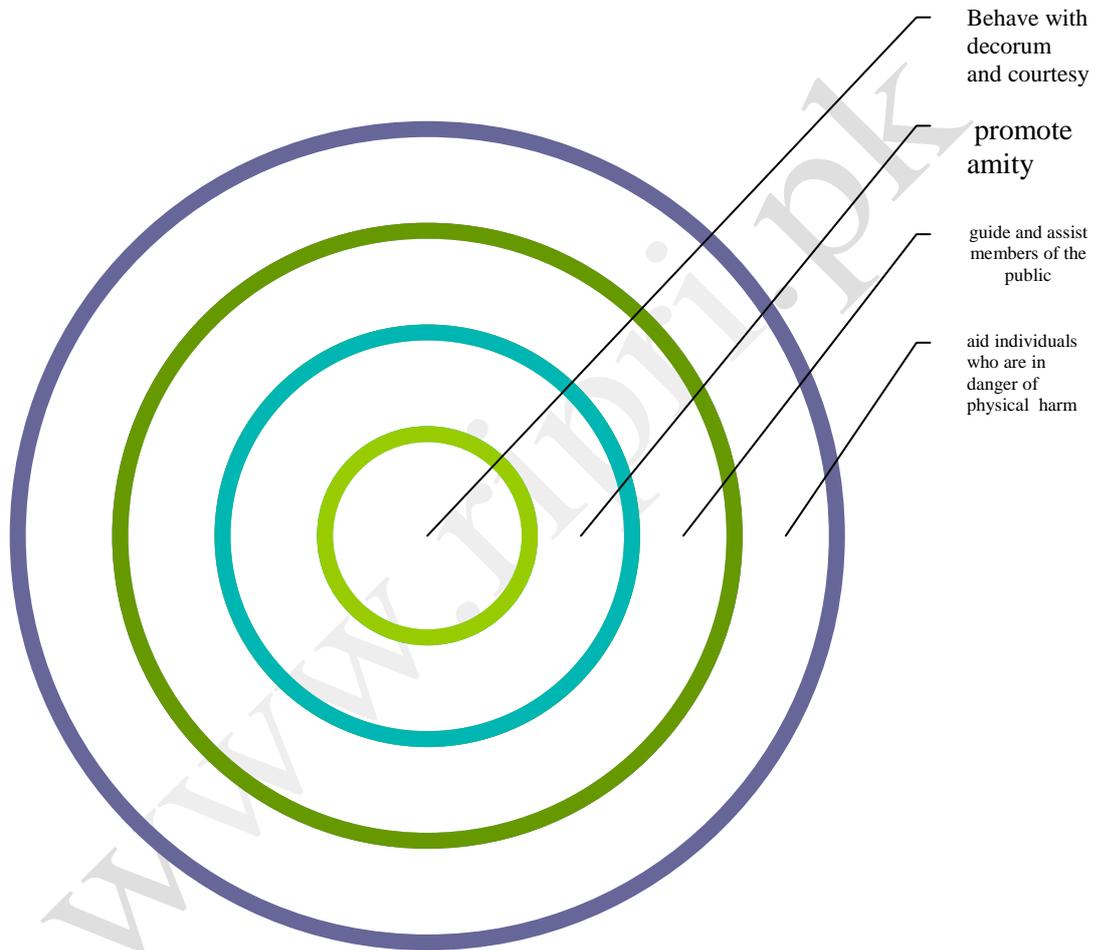
DEFINATION of POLICE

Police is a law enforcement organization/ department. It provides service and protection.

IN PUBLIC RELATIONING 'POLICE' STANDS FOR:

1. P OLITE in all situations
2. O RGANIZED in performance
3. L AW and ORDER maintenance
4. I NVESTIGATES Order
5. C ONTROL deviancy
6. E NSURE Justice of Peace

RESPONSIBILITIES OF POLICE



**Short title, commencement
Of Police Act no. v of 1861**

(1) This Act may be called Police ACT no.5 of 1861
It shall come into force on 22nd March, 1861

**Short title and commencement
Of Police Order no.22 of 2002**

(1) This Order may be called the Police Order, 2002.
(2) It shall come into force at once i.e 14th August, 2002.

JUSTIFICATION

The Police are an executive organ of the country. It is assigned the broad responsibility of preventing and detecting crime. As Karachi is the biggest Metropolis of Pakistan. Its police organization is known as Capital City Police. It consists near about 35000 police personnel. There is only one police training college Saeedabad for departmental training courses not for Seminars and Workshops on Police Laws. And there in Sindh province especially in Karachi are no other arrangements to mention the newly passed/ notified Police Laws (Act or Order).

Hence, it is special need of Police (and Public) to understand the meaning and mentioning of newly passed/ notified Police Laws (Act or Order) comparatively, to play the main role in the building of the society to prevent the crime, maintain the law and order situation, make ambushes and raids, apprehend the offenders and absconders, detect the crime, collect the evidences, lift the fingerprints, operate the electronic devices, pursue the prosecution of the cases in the H'ble courts and to serve the Public.

CHAPTER TWO

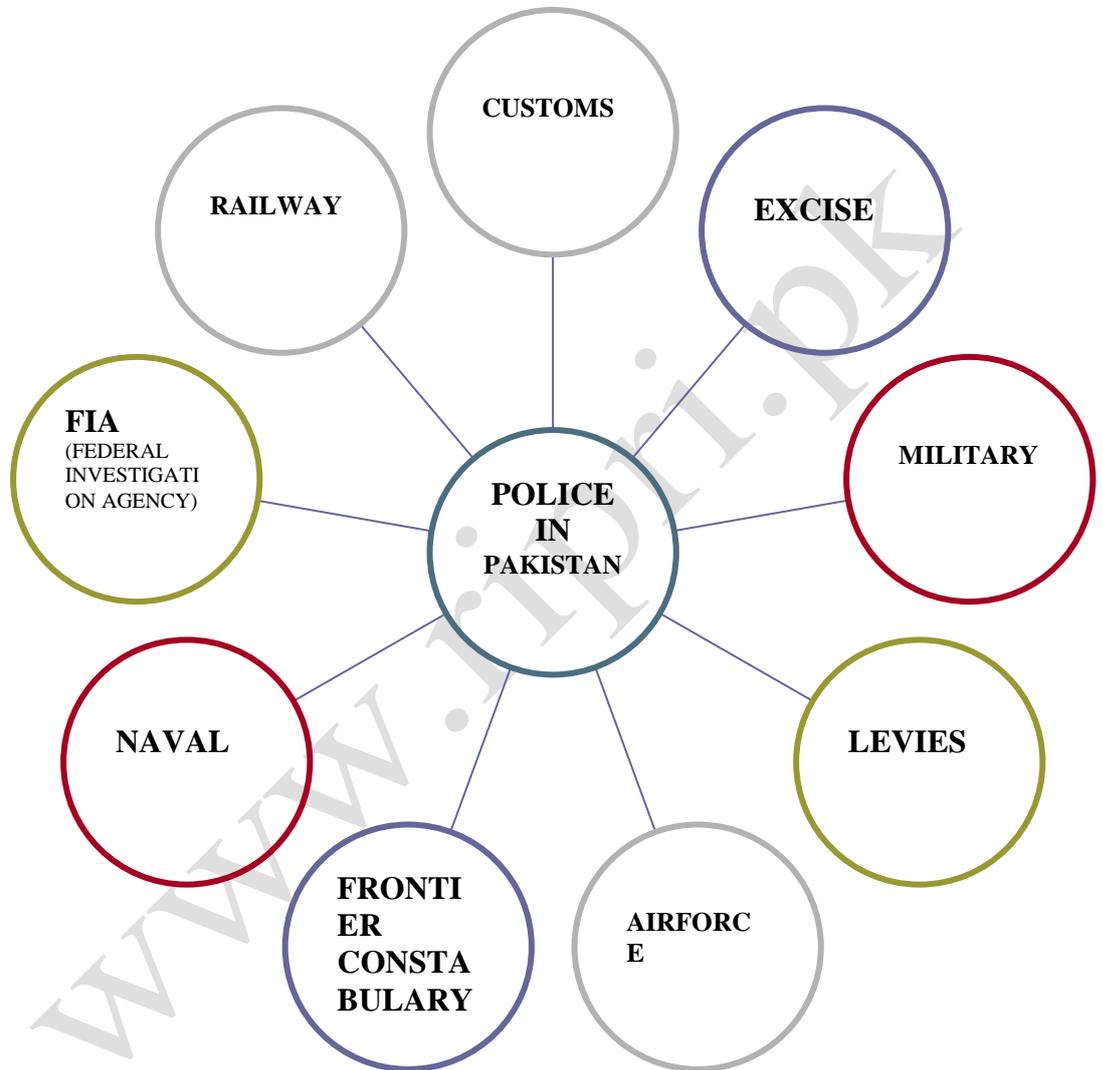
ORGANIZATION

POLICE ORGANIZATIONAL STRUCTURE

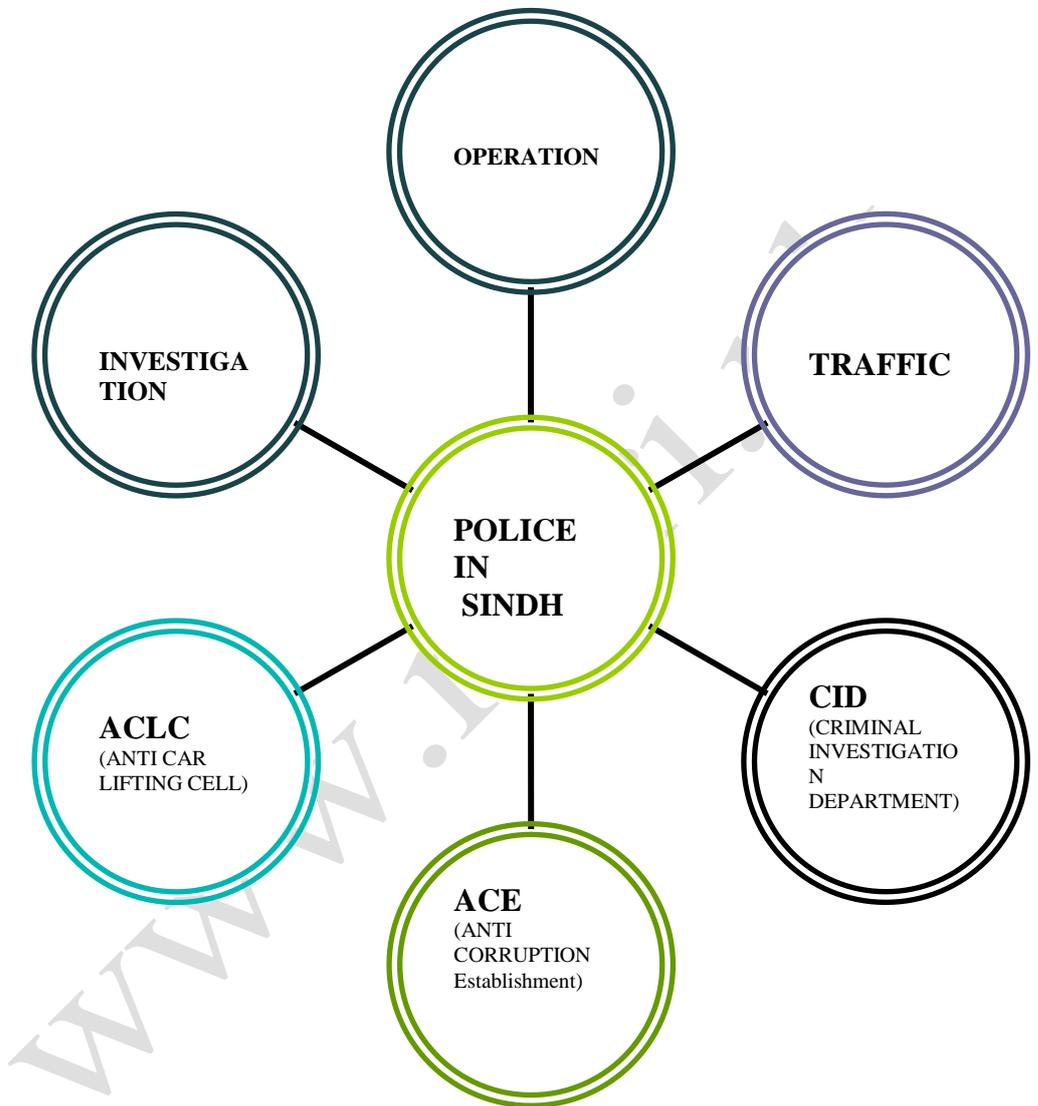
There exists various kinds of police establishments in Pakistan such as Conventional or General police, Railway police, Excise police, Customs police, Federal Investigation Agency (FIA), Air force police, Military police, Naval police, Anti Corruption, Frontier Constabulary and Levies. The main law-enforcing agency is General police while the rest, which use some of the powers of police, work under specific parameters. General police works under two jurisdictions i.e. Federal and provincial, under Federal Ministry of Interior and provincial Home Ministries respectively.

In all five Inspectors General are the heads of one federal and four provincial police departments excluding Azad Kashmir. The organizational structure of federal or Islamabad police is somehow different from provincial police departments whereas all four provinces have same system or structure of policing. The IGP Islamabad is answerable to Federal Ministry of Interior directly or through Interior Secretary and IsGP/ PPOs provinces to the concerned Chief Ministers or in their absence to the Governors directly or through Chief Secretaries.

POLICE IN PAKISTAN



POLICE IN SINDH



HIERARCHY :

CLASSIFICATION OF RANKS:

Sindh is the one of the four provinces of Pakistan having its own organization headed by Inspector General of Police the senior most police officer in the province. Before the introduction of Police Order 2002, police used to work under the supervision of District Management Group. The DMG vested in with administrative and some magisterial jurisdiction was responsible for law and order and execution of certain operations therefore. The exercise of specific powers by Deputy Inspector General of Police of particular police range was subject to orders or approval of concerned Commissioner of the division. The Senior Superintendents of police of the districts and Sub divisional Police Officers had to follow same rule at their levels with Deputy Commissioners and Sub divisional Magistrates had the jurisdiction for trial of specific cases.

According to Police Rules and Police Act 1861, General police in Pakistan maintained two categories of officers, gazetted officers and non-gazetted or subordinate officers. The gazetted on the descending order range from Inspector General of police to Assistant Superintendent of police or Deputy Superintendent of police whereas non gazetted are further classified into two groups i.e. Inspectors, Sub Inspectors and Assistant Sub Inspectors are called upper subordinates while Head

Constables and Constables are lower subordinates. The gazetted officers supervise administrative and operational activities while non gazetted are supposed to execute such activities. The non gazetted upper subordinates act as middle management officers between gazetted officers and lower subordinates. The responsibilities of upper subordinates include running of police stations both administratively and operationally as officer in charge or otherwise, response, investigation of cognizable offences, duty officers and other assignments. The lower subordinates help upper subordinates in the implementation of above-mentioned tasks.

As regards police structure there have been no specific terms for various ranks and they were identified mostly by the rank with name of the area branch as suffix such as IGP Sindh, DIGP Karachi, DIGP Crimes, etc. DIGP Karachi used to be the Chief of Karachi Police having 5 SSsP under his command as the commanders of districts' police and one as in charge of former Criminal Investigation Agency (CIA). There used to be two ADIsGP of the rank of SSP or SP under DIGP Karachi looking after establishment and crime related matters of Karachi Police, District Police would run its function through two or three Additional SsP, SDPOs and SHOs of police stations.

As per Police Act no. 5 of 1861

HIERARCHY :

CLASSIFICATION OF RANKS :

According to police order 2002, General police in Pakistan maintains two categories of officers, senior officers and junior officers. The seniors on the descending order range from Inspector General of police to Assistant Superintendent of police or Deputy Superintendent of police whereas juniors from Inspector of police to Constable, The senior officers supervise administrative and operational activities while juniors are supposed to execute such activities.

Reforms in the police through Police Order 2002 brought about changes in policing system and organization of the department as compare to former one. Some new branches have emerged simultaneously eliminating a few such as Operation, Administration and Investigation which used to work under DIGP Karachi have got independent status under CCPO. With the establishment of Capital City Police Officer as the chief of Karachi Police in the new system the office of DIGP Karachi ceased to exist. Criminal Investigation Department has been introduced with the winding up of Crimes Branch. Instead of 05 policing districts in Karachi, 19 police towns have been established.

At the Sindh province level the current organizational tree descends from top in the following order.

1. Provincial Police officer (PPO) -

According to Police Order 2002, Inspector General of Police is the incumbent of the office of PPO and chief of Sindh Police by virtue of such incumbency.

2. Additional Provincial Police Officer -

Police Order 2002 confers this post to Additional Inspector General of Police. APPO performs various duties on behalf of PPO and in the absence of PPO officiates as Acting PPO.

3. Capital City Police Officer (CCPO) -

Officer of the rank of Additional Inspector General of Police holds the office of CCPO is the chief of Karachi Police.

4. Regional Police Officer (RPO) -

RPOs are the chiefs of regional police. RPOs have to have the rank of Inspector General of Police. There are three policing regions in Sindh; Karachi, Hyderabad and Sukkur. Head of Karachi Police is called CCPO due to Karachi's being Capital City.

5. Deputy Inspector General of Police Training and Inspection -

DIGP T&I is the in charge of all training institutions in Sindh and also empowered for inspection on behalf of PPO Sindh.

6. Deputy Inspector General of Police Technical and Transport_

DIGP T&T is the supervisor of police telecommunication and transport branches in Sindh.

7. Deputy Inspector General of Police Headquarters -

DIGP HQs is the In charge of all headquarters in Sindh.

8. Deputy Inspector General of Police Establishment

-
DIGP Establishment is the In charge of all establishment affairs in Sindh.

9. Deputy Inspector General of Police Special Branch-

DIGP Special Branch is the chief of all Special Branch establishments in Sindh.

10. Deputy Inspector General of Sindh Reserve Police-

DIGP SRP is the supervisor of Sindh Reserve Police in Sindh.

11. Deputy Inspector General of Police Criminal Investigation Department -

DIGP CID is the chief of all CID establishments in Sindh.

12. Assistant Inspector General of Police Welfare -

AIGP Welfare looks after the welfare matters of Sindh Police officials on behalf of PPO Sindh.

13. **Assistant Inspector General of Police General** -
AIGP General deals with general matters of interest of Sindh Police officials on behalf of PPO Sindh.

14. **Assistant Inspector General of Police Finance** -
AIGP Finance is responsible for preparation of internal budget of Sindh Police on behalf of PPO Sindh.

15. **Assistant Inspector General of Police Criminalistic-**

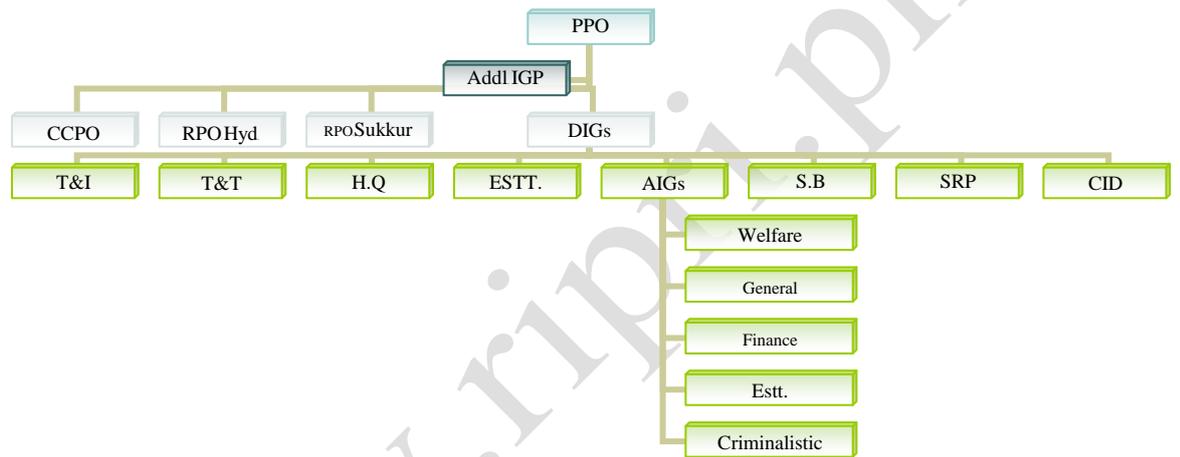
AIGP Criminalistic is the In charge of various Criminalistic branches such as Finger Print Bureau, Explosives and Ballistic, Bomb Disposal Squad and Forensic Science Laboratory.

16. **Assistant Inspector General of Police Establishment-**

AIGP Establishment looks after the service-related matters of Sindh Police on behalf of PPO Sindh.

As per Police Order no.22 of 2002.

HIERARCHY OF SINDH POLICE



KEY CONCEPTS

"In the course of any particular observation or study each science develops its own terms for communicating its findings these are called concepts".

(Goode and Hatt; 1956:41)

CID: (CRIMINAL INVESTIGATION DEPARTMENT)

Criminal Investigation Department/ establishments.

It is branch of Sindh Police.

SRP: (SINDH RESERVE POLICE)

It is branch of Sindh Police.

RPC: (RECRUIT POLICE CONSTABLE)

It shows the constable who has not qualified the Recruit training course.

PC: (POLICE CONSTABLE)

It shows the constable who has qualified the Recruit training course.

HC: (HEAD CONSTABLE)

It shows the police personnel who have qualified the Lower school course.

P/ASI: (PROBATIONER ASSISTANT SUB INSPECTOR)

This term shows those police personnel who are appointed directly and have not completed their probationer period of 03years as per PR rule no.19.25 (3)

SIP: (SUB INSPECTOR POLICE)

This term shows those police personnel who are born on 'E' list.

ASP (ASSISTANT SUPERINTENDENT O F POLICE)

This is direct appointed gazetted rank through Police Services of Pakistan, This rank is below the Superintendent of Police and above the Police Inspector.

DSP (DEPUTY SUPERINTENDENT OF POLICE)

This is gazetted rank , This rank is below the Superintendent of Police and above the Police Inspector.

I/O (INVESTIGATION OFFICER)

Any Police Officer who is Investigating any case is called I/O.

SHO (STATION HOUSE OFFICER)

In charge Officer of Police Station not below the rank of Constable.

TPO (TOWN POLICE OFFICER)

In charge of Town/ Police Town is called TPO.

DPO (DISTRICT POLICE OFFICER)

In charge of District is called DPO.

PS (POLICE STATION)

A jurisdiction notified by provincial government as a Police Station.

RTC: (RECRUIT TRAINING COURSE)

It shows the training course in which only recruit constables are getting training.

PROBATIONER COURSE

It shows the training course in which only the direct appointed junior officers i-e P/ ASIs, PSIs and PIs are getting training.

LSC: (LOWER SCHOOL COURSE)

In this training course only those constables are getting training who are most senior constables under 33years age and are already born on list B-1.

ISC: (INTERMEDIATE SCHOOL COURSE)

In this training course only those Head constables are getting training who are under 43years age and are already born on list C-1.

USC: (UPPER SCHOOL COURSE)

This in formality course for those Sub Inspectors who are already born on list 'E'.

PR: (POLICE RULES)

It shows the police rules of 1861 along with amendment.

PPC: (PAKISTAN PENAL CODE)

It shows the Pakistan penal code of 1860.

PPW: (POLICE PRACTICAL WORK)

It is the practical work of Police.

FP: (FINGER PRINT)

It shows the study of finger prints.

Cr.PC: (CRIMINAL PROCEDURE CODE)

It shows the criminal procedure code of 1898 with amendments.

LSL: (LOCAL & SPECIAL LAWS)

It contains all local laws and special laws.

Roll Call:

After completion of all the corporeal functions a roll call is called by evening to check the presence of the Police personnel and announce schedule and convey instructions given by higher authorities.

SPG: (Special Protection Group) .

It is a type of training to protect the VVIPs and VIPs.

ATS: (Anti Terrorist Squad) .

It is a type of training to control on the terrorism.

Elite:

It is a training to control on riot and other disorders.

Barracks:

It is an accommodation for soldiers.

Regimental shop:

It is a police departmental shop where all relevant things of police are available.

G.3 Rifle.

It is a kind of rifle. Its Bore is 7.62mm. Its 'G' stands for German because initially it was manufactured by German with the name of G-1, later on it was made by India with the name of G-2, subsequently it was made by Pakistan with the sign of G-3. It is automatic one.

China Rifle.

It is a kind of rifle. Its Bore is 7.62mm. It is a semi-automatic made in Pakistan.

Rifle 303 Single Shot.

It is a kind of rifle. Its Bore is 303 and operates single shot. It is an old one too.

SMG: (Sub Machine Gun)

It is a kind of automatic rifle, famous as Kilashan Cove and its Bore is 7.62mm. It is manufacturing in Pakistan.

LMG: (Light Machine Gun).

It is a Light Machine gun. It's Bore is 7.62mm. It is difficult to move or operate. It is a war weapon.

Gas Gun.

It is a kind of gun that is used to throw the gas shells.

MP5: (Machine Pistol -5).

It is a kind of automatic pistol. It is Mark-5. It's Bore is 9mm. It is short in structure so it is usually used in alleys and streets. It is easy to move and operate.

Pistol 9 mm.

It is a kind of Pistol with 9mm Bore.

Revolver .38 Bore Special..

It is a Revolver with .38 special Bore.

HE-36 Hand grenade.

It is a small bomb that is used against enemies.

Lathi/ Baton.

It is a stick that is used as an anti-riot weapon.

Bullet Proof Jacket.

It is a Jacket that protects from hitting of bullets.

www.ripri.pk

CHAPTER NO. 03

Appointment and Resignation

Appointment and Dismissal of inferior officers

Subject to such rules as the Provincial Government may from time to time make under this Act the Inspector-General, [Additional Inspector-General], Deputy Inspector-General Assistant Inspector-General and District Superintendents of Police may at any time dismiss, compulsorily retiree suspend or reduce [either in rank or within a time-scale] any police-officer of the subordinate ranks] whom they shall think remiss or negligent in the discharge of his duty, or unfit for the same;

[or may award any one or more of the following punishments to any police-officer "[of the subordinate ranks] who shall discharge his duty in a careless or negligent manner, or who by any act of his own shall render himself unfit for the discharge thereof namely :

- (a) fine to any amount not exceeding one month's pay;
- (b) confinement to quarters for a term not exceeding fifteen days, with or without punishment drill, extra guard, fatigue or other duty;
- (c) deprivation of good-conduct pay;
- (d) removal from any office of distinction or special emolument;
- (e) [stoppage of increments].

Article No.7 of Police Act 1861.

Subject to rules, Head of District Police shall be the appointing authority for junior ranks.

Article No. 23 of Police Order 2002

• **Certificate to Police Officers**

Certificates to police-officers..

[Every police-officer appointed to the police-force other than an officer mentioned in section 4 shall receive on his appointment a certificate in the form annexed to this Act, under the seal of the Inspector-General or such other officer as the Inspector-General shall appoint, by virtue of which the person holding such certificate shall be vested with the powers, functions and privileges of a police-officer.]

Surrender of certificate.-«['Such certificate shall cease to have effect whenever the person named in it ceases for any reason to be a police-officer, and on his ceasing to be such an officer, shall be forthwith surrendered by him to any officer empowered to receive the same.]

A police-officer shall not by reason of being suspended from office cease to be a police-officer. During the term of such suspension the powers, functions and privileges vested in him as a police-officer shall be in abeyance, but he shall continue subject to the same responsibilities, discipline and penalties and to the same authorities, as if he had not been suspended.]

Article No.8 of Police Act 1861.

Certificate of appointment. -

(1) Officers of junior ranks shall on appointment receive a certificate in the form provided in the Third Schedule. The certificate shall be issued under the seal of such officer as Provincial Police Officer or Capital City Police Officer or City Police Officer may by general or special order direct.

(2) A certificate of appointment shall become null and void whenever the police officer named therein ceases to belong to the police.

Article No. 25 of Police Order 2002

• Police Officer not to resign

Police-officer not to resign without leave or two months' notice.. No police-officer shall be at liberty to withdraw himself from the duties of his office, unless expressly allowed to do so by the District Superintendent or by some other officer authorized to grant such permission, or, without the leave of the District Superintendent, to resign his office, "(unless he shall have given to his superior officer notice in writing, for a period of not less than two months, of his intention to resign].

Article No.9 of Police Act 1861.

Withdrawal from duty and resignation, etc. -

(1) No Police officer shall withdraw from the duties of his office unless expressly allowed to do so in writing by Head of district Police or by some other officer authorised to grant such permission

Explanation: A police officer who being absent on leave fails without reasonable cause to report for duty on the expiration of such leave shall be deemed within the meaning of this Article to withdraw himself from the duties of his office.

(2) No police officer shall resign his office unless he has given to his superior officer notice in writing for a period of not less than two months of his intention to resign.

Article No. 116 of Police Order 2002

www.ripnibok

CHAPTER NO. 04

Posting and Powers

• Posting of Police Officers

Inspector-General of Police, etc..

The administration of the police throughout a general police-district shall be vested in an officer to be styled the Inspector-General of Police, and in such [Additional Inspector-General], Deputy Inspector-General and Assistant Inspector-General as the [Provincial Government] shall seem fit. The administration of the police [in a district shall vest] in a District Superintendent and such Assistant District Superintendents as the [Provincial Government] shall consider necessary.

Article No.4 of Police Act 1861.

Posting of Provincial Police Officer, Capital City Police Officer and Head of Federal Law Enforcement Agency. -

(1) The Provincial Government shall, out of a panel of three police officers recommended by the National Public Safety Commission from a list provided by the Federal Government, post a police officer of the rank of Inspector General of Police as Provincial Police Officer of the Province:

Provided that before a police officer is posted as Provincial Police Officer under clause (1) the Federal Government shall place his services at the disposal of the Provincial Government.

(2) The Federal Government in the case of Islamabad Capital Territory and the Provincial Government in the case of Capital City District shall post a police officer not below the rank of Additional Inspector General of Police as Capital City Police officer out of three officers recommended by the National Public Safety Commission, or on the recommendation of the Provincial Police Officer, as the case may be.

(3) The Federal Government shall, out of a panel of three suitable police officers recommended by the National Public Safety Commission post head of a Federal Investigation Agency, Pakistan Railway Police, Pakistan Motorway and Highway Police and Frontier Constabulary.

Article No.11 of Police Order 2002

Posting of Additional Inspectors General of Police.

The Government may post such number of Additional Inspectors General of Police to assist the, Provincial Police Officer, or Capital City Police Officer, as the case may be, in the efficient performance of his duties as it may deem fit, in consultation with the Provincial Police Officer, or Capital City Police Officer, as the case may be.

Article No. 13 of Police Order 2002

Posting of City Police Officer and District Police Officer. -

(1) The Provincial Police Officer may post a City Police Officer for a city district notified as a general police area and the District Police Officer in a district within a general police area in consultation with the Government.

(2) The term of office of City Police Officer or District Police Officer, as the case may be, shall be three years from the date of his posting.

(3) The City Police Officer or District Police Officer may be transferred before completion of normal tenure of three years on specific grounds such as inefficiency and ineffectiveness with the concurrence both of the Zila Nazim and the District Public Safety Commission, after he has been heard in person by the District Public Safety Commission.

Article No. 15 of Police Order 2002

Posting of Deputy Inspector General, Senior Superintendent, Superintendent, Assistant Superintendent, Deputy Superintendent. -

(1) Subject to this Order, the Government shall post in consultation with Provincial Police Officer, or Capital City Police Officer, as the case may be, for any part of a general police area or for police headquarters, such number of Deputy Inspector General of Police as it may deem fit.

(2) Provincial Police Officer or the Capital City Police Officer shall post Senior Superintendents, Superintendents, Assistant and Deputy Superintendents of Police in the general police area.

(3) Every officer posted under clause (1) and clause (2) shall exercise and perform such powers, functions and duties, as assigned to him under this Order, or any other law for the time being in force.

Article No. 17 of Police Order 2002

Posting of Head of Investigation. -

(1) The head of investigation in a general Police area other than the Capital City District or the City District shall be of the rank of Additional Inspector General of Police.

(2) The head of investigation in a Capital City District or City District shall not be below the rank of Senior Superintendent of Police.

(3) The head of investigation in a District shall not be below the rank of Superintendent of Police and shall be responsible to his own hierarchy subject to general control of the District Police Officer.

(4) All registered cases shall be investigated by the investigation staff in the district under the supervision of the head of investigation:

Provided that the Government may, by a special or general order, may entrust investigation of offences under Local and Special Laws as defined in the Pakistan Penal Code and punishable with imprisonment for a term not exceeding three years with or without any other punishment, to the police station staff.

(5) The District Police Officer shall not interfere with the process of investigation. The head of investigation shall however keep the District Police Officer informed of the progress of all cases which have a bearing on public order. The District Police Officer shall provide full support to the Head of investigation in the performance of his duties.

(6) Investigation shall not be changed except after due deliberations and recommendations by a board headed by an officer not below the rank of Senior Superintendent of Police and two Superintendents of Police, one being in-charge of the investigation of the concerned district:

Provided that the final order for the change of investigation shall be passed by head of investigation in the general police area who shall record reasons for change of such investigation:

Provided further that the second change of investigation may only be allowed with the approval of the Provincial Police Officer, or the Capital City Police Officer, as the case may be.

Article No. 18 of Police Order 2002

Posting of heads of police training institutions. -

(1) The Federal Government shall post a police officer of the rank of Inspector General of Police as Commandant of the National Police Academy.

(2) Provincial Police Officer or Capital City Police Officer may post an officer not below the rank of Deputy Inspector General of Police as Commandant of the police training college and an officer not below the rank of Senior Superintendent of Police as Principal of each police training school within the general police area under his charge.

Article No. 20 of Police Order 2002

• Powers of Police Officers

Power of Inspector-General to make rules..

The Inspector-General of Police may, from time to time, subject to the approval of the [Provincial Government], frame such orders and rules as he shall deem expedient relative to the organisation, classification and distribution of the police force, the places at which the members of the force shall reside, and the particular services to be performed by them; their inspection, the description of arms, accoutrements and other necessaries to be furnished to them; the collecting and communicating by them of intelligence and information; and all such other orders and rules relative to the police force as the Inspector-General, shall, from time to time, deem expedient for preventing abuse or neglect of duty, and for rendering such force efficient in the discharge of its duties.

Article No.12 of Police Act 1861.

Investigation and regulation of Police accounts..

The Inspector-General shall, subject of the orders of the Provincial Government, have authority to investigate and regulate all matters of accounts connected with the police force subject to his authority and all persons concerned shall be bound to give him reasonable aid and facilities in conducting such investigations, and to comply with his lawful orders in that behalf].

Article No. 12-A of Police Act 1861.

Powers of special police-officers.

Every special officer so appointed shall have the same powers, privileges and the protection, and shall be liable to perform, the same duties and shall be amenable to the same penalties, and be subordinate to the same authorities, as the ordinary officer of police.

Article No. 18 of Police Act 1861.

[District Superintendent] may detain property and issue proclamation..

(1) The [District Superintendent] may detain the property and issue a proclamation, specifying the articles of which it consists, and requiring any person who has any claim thereto to appear and establish his right to the Same within six months words "one month" for "six months" vide Ordinance III of 1948 from the date of such proclamation.

(2) The Provision of section 525 of the Code of Criminal Procedure, 1882, shall be applicable to property referred to in this section.

Article No. 26 of Police Act 1861.

Powers with regard to assemblies and processions violating conditions of license.

(1) Where an assembly is convened- or a procession is formed without applying for and obtaining a licence under the last foregoing section, or, where an assembly, or procession violates the conditions of a licence issued under the last foregoing section, [a] District Superintendent of Police or Assistant Superintendent of Police or Inspector of Police or police officer in charge of a station may stop such procession and order such assembly or procession, as the case may be, to disperse ; and

(ii) in the marginal note between the words "procession" and "violating" the words and figures "contravening the provisions of section 30 and" shall be inserted.

(2) Any procession or assembly which neglects or refuses to obey any order given under the last preceding subsection shall be deemed to be an unlawful assembly.

Article No. 30 A of Police Act 1861.

Powers to make rules regarding use of streets, etc.-

(1) In any town or other place in which he thinks fit, the District Superintendent may, from time to time and subject to such order as may have been made by a municipal or other authority empowered in that respect, make rules or orders for.

(a) Closing certain streets or places temporarily, in cases of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable ;

(b) for guarding against injury to persons and property in the construction, repair and demolition of buildings, platforms, and other structures from which danger may arise to passengers, neighbours or the public;

(c) regulating the leading, driving, conducting or conveying of any elephant or wild or dangerous animal through or in any street;

(d) prohibiting the hanging or placing of any cord or pole across a street or 'pan thereof, or the making of a projection or structure so as to obstruct traffic or the free access of light and air;

(e) prescribing certain hours of the day during which ordure and offensive matter or objects shall not be taken from or into houses or buildings in certain streets or conveyed through such streets and during which cattle shall not be driven along the streets or along certain specified streets, except subject to such reasonable regulations as he may prescribe in that behalf;

(f) prohibiting the setting fire to or burning any straw or discharging a firearm or air gun, or letting off or throwing a firework, or sending up a fire balloon in or other matter, or lighting a bonfire, or wantonly upon or within fifty feet of a street or building or the butting up of any post or other thing on the side of or across a street for the purpose of affixing thereto lamps or other contrivances for illumination, except subject to such reasonable regulations as he may prescribe in that behalf;

(g) prohibiting, save under such reasonable regulations as the District Superintendent may impose, the making of any excavation the placing of building materials or other articles, or the fastening or detention of any hours or other animal in any street;

(h) prohibiting, save under such regulations as aforesaid, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases and the carcasses of animals or part thereof and the corpses of persons deceased;

(i) setting apart places for the slaughtering of animals, the cleaning of carcasses or hides, the deposit of noxious or offensive matters, and for obeying calls of nature;

(j) in cases of existing or apprehended epidemic or infectious diseases of men or animals, with respect to cleanliness and disinfection of premises by the occupier thereof and residents therein, and as to the segregation and management of the persons or animals diseased or supposed to be diseased, as may have been directed or approved by the Provincial Government with a view to prevent the disease or to check the spreading thereof;

(k) directing the closing or disuse, wholly or for certain purposes, or limiting to certain purposes only the use, of any source, supply or receptacle of water, and providing against pollution of the same or of the water therein;

(L) regulating the hours during which and the manner in which any place for the disposal of the dead, any Sarai, village-gate or other place of public resort may be used so as to secure the equal and appropriate application of its advantages and accommodation and to maintain orderly conduct amongst those who resort thereto;

(m) regulating the movement of persons, animals and vehicles at such times and such places at which, in the opinion of the District Superintendent, special regulations may be necessary for the public safety and convenience; and

(n) prescribing the number or position of lights to be used on vehicles in streets and the hours between which such lights shall be used.

(2) Every rule or order made under clause (h) or clause (i) with respect to the use of a place for the disposal of the dead shall be made with due regard to ordinary and established usages and to the necessities of prompt disposal of the dead in certain cases; and every rule or order made by the District Superintendent under clauses (c), (e), (f), (g), (h); (i) or (n) shall be published by affixing a copy thereof, in the language of district on some public building in the town or place in which the same is to have operation, and a copy, in the language of the district, of every rule or order made under clauses (a), (b), (j), (k) or (1) shall be kept affixed in a conspicuous spot near to the building, structure, work or place to which the same specialty relates.

(3) Every rule promulgated under the authority of clause (j) of subsection (1) shall be forthwith reported to the Zila Nazim and shall remain in force for not more than fifteen days unless extended by the Zila Nazim.

(4) It, shall be the duty of all persons concerned to conform to any order duly made as aforesaid so long as the same shall be in operation.

Article No. 33 A of Police Act 1861.

Punishment for certain offences on roads, etc..
Power of Police Officer..

Any person who, on any road or in any [open place or] street or thoroughfare within the limits of any town to which this section shall be specially extended by the [Provincial Government], commits any of the following offences, to the obstruction, inconvenience, annoyance, risk, danger or damage of the "[residents or passenger shall on conviction before a Magistrate, be liable to a fine not exceeding fifty rupees, or to imprisonment "[with or without hard labour]not exceeding eight days ; and it shall be lawful for any police-officer to take into custody, without a warrant, any person who within his view commits any of such offences, namely :-

First: Slaughtering cattle, furious riding, etc.. Any person who slaughters any cattle or cleans any carcass ; any person who rides or drives any cattle recklessly or furiously, or trains or breaks any horse or other cattle:

Second : Cruelty to animals.. Any person who wantonly or cruelly beats, abuses or tortures any animal :

Third : Obstructing passengers-. Any person who keeps any cattle or conveyance of any kind standing longer than is required for loading or unloading' or for taking up or setting down passengers, or who leaves any conveyance in such a manner as to cause inconvenience or danger to the public:

Fourth ; Exposing goods for sale.. Any person who exposes any goods for sale ;

Fifth : Throwing dirt into street.. Any person who throws or lays down any dirt, filth, rubbish or-only stones or building materials, or who codstructs any coshed, stable, or the like, or who causes any offensive matter to run from any house, factory dung-heap or the like ;

Sixth : Being found drunk or riotous.. Any person who is found drunk or riotous or who is incapable of taking care of himself:

Seventh: Indecent exposure of person.. Any person who willfully and indecently exposes his person, or any offensive deformity or disease, or commits nuisance by easing himself, or by bathing or washing in any tank or reservoir not being a place set apart for that purpose :

Eighth : Neglect to protect dangerous places.. Any person who neglects to fence in or duty to protect any well, tank or other dangerous place or structure.

Article No. 34 of Police Act 1861.

Power to issue orders. -

The Head of District Police may, in an emergency, for the maintenance of public order or preventing public nuisance, issue orders to give effect to the provisions of any Municipal law, rules or bye-laws for the time being in force.

Article No. 118 of Police Order 2002

Power to give direction to the public. -

Subject to rules, a police officer not below the rank of a Sub-Inspector may, give such directions as may be necessary to:

(a) direct the conduct and behaviour or actions of persons constituting processions or assemblies on roads or streets;

(b) prevent obstructions -

(i) on the occasion of processions and assemblies;

(ii) in the neighbourhood of places of worship during the time of worship; and

(iii) when a street or public place or place of public resort may be thronged or liable to be obstructed.

(c) keep order on streets, mosques, churches or other places of worship and places of public resort when these may be thronged or liable to be obstructed.

Article No. 119 of Police Order 2002

General powers of Provincial Police Officer etc. -

Subject to this Order and rules made there-under, Provincial Police Officer and Head of District Police, as the case may be, shall within their respective spheres of authority, direct and regulate all matters of recruitment, training, postings, transfers, promotions, arms, drill, discipline, clothing, distribution of duties, and any other matter concerning the efficient fulfillment of duties by the police under his control.

Article No. 27 of Police Order 2002

Powers with regard to violation of conditions of licence.-

(1) Head of District Police or Assistant or Deputy Superintendent of Police or Inspector of police or an officer in-charge of a police station may stop any procession which violates the conditions of a licence granted under the last foregoing Article, and may order it or any assembly which violates any such conditions as aforesaid to disperse.

(2) Any procession or assembly, which neglects or refuses to obey any order given under clause (1) shall be deemed to be an unlawful assembly.

Article No. 121 of Police Order 2002

Power to prohibit certain acts for prevention of disorder. -

(1) Head of District Police may, whenever and for such time as he may consider necessary but not exceeding two days by notification publicly promulgated or addressed to individuals prohibit in any urban or rural area, the carrying of arms, cudgels, swords, spears, bludgeons, guns, knives, sticks, lathis or any other article, which is capable of being used for causing physical violence and the carrying of any corrosive substance or explosives, the carrying, collection or preparation of stones or other missiles or instruments of means of casting or impelling missiles.

(2) If any person goes armed with any article as is referred to in of clause (1), such article shall be liable to be seized from him by a police officer.

Article No. 122 of Police Order 2002

Power to give directions against disorder at places of amusement, etc. -

(1) For the purpose of preventing serious disorder or breach of the law or imminent danger to those assembled at any place of public amusement or at any assembly or meeting to which the public are invited or which is open to the public, any police officer of the rank of Assistant Sub Inspector or above, present at such place of public amusement, or such assembly or meeting, may subject to such rules, regulations or orders as may have been lawfully made, give such reasonable directions as to the mode of admission of the public to, and lawful conduct of the proceedings and the maintaining of the public safety, at such place of amusement or such assembly or meeting as he thinks necessary and all persons shall be bound to conform to every such reasonable direction.

(2) Every police officer while on duty shall have free access to any place of public amusement, assembly or meeting for the purpose of giving effect to the provisions of clause (1) and to any direction made there under.

Article No. 123 of Police Order 2002

Erecting of barriers in streets, etc. -

Any police officer may in an emergency temporarily close any street or public place through erection of barriers or other means, to prohibit persons or vehicles from entering such area.

Article No. 124 of Police Order 2002

Power to search suspected persons or vehicles in street, etc. -

When in a street or a place of public resort a police officer on reasonable grounds suspects a person or a vehicle to be carrying any article unlawfully obtained or possessed or likely to be used in the commission of an offence, he may search such person or vehicle; and if the account given by such person or possessor of the vehicle appears to be false or suspicious, he may detain such article after recording in writing the grounds of such action and issue a receipt in the prescribed form and report the facts to the officer in-charge of the police station for informing the court for proceeding according to law against the person.

Article No. 125 of Police Order 2002

Police to make inventory of unclaimed property, etc.-

It shall be the duty of every police officer to take charge and make inventory of any unclaimed property found by, or made over to him, and furnish a copy of the inventory to Head of District Police without delay, who shall send a copy of the same to District Public Safety Commission.

Article No. 134 of Police Order 2002

Procedure for disposal of unclaimed property. -

(1) Where any property has been taken charge of under Article 134, Head of District Police shall issue a proclamation within fifteen days in the prescribed manner specifying the articles of which such property consists and requiring that any person who may have a claim thereto shall appear before him or some other officer not below the rank of Assistant Superintendent of Police or Deputy Superintendent of Police especially authorised in this behalf and establish his claim within three months from the date of such proclamation.

(2) If the property, or any part thereof, is subject to speedy and natural decay or if the property appears to be of the value of less than one thousand rupees, it may forthwith be disposed off in the prescribed manner under the orders of Head of District Police and the net proceeds of such sale shall be dealt with in the manner provided in Articles 136 and 137.

(3) Where any person who has a claim to the property is required by the proclamation under clause (1) to appear before an officer authorised by the Head of District Police and establish his claim, such officer shall forward the record of the proceedings to the Head of District Police.

(4) Head of District Police shall follow the directions of the District Public Safety Commission in disposal of property under clause (3).

Article No. 135 of Police Order 2002

Delivery of property to person entitled. -

(1) Head of District Police on being satisfied of the title of any claimant to the possession or administration of the property specified in the proclamation issued under clause (1) of Article 135 order the same to be delivered to him.

(2) In case where there is more than one claimant to the same property the matter shall be referred by the Head of District Police to the competent court.

Article No. 136 of Police Order 2002

Disposal of property, if no claimant appears. -

If no person establishes his claim to such property within the period specified in the proclamation, the property, or such part thereof as has not already been sold under clause (2) of Article 135 shall, with the approval of appropriate Public Safety Commission, be disposed off in the prescribed manner and the proceeds shall be deposited in the treasury.

Article No. 137 of Police Order 2002

Powers of Police Officer

A Police Officer, not below the rank of Sub-Inspector may;

(a) arrest without warrant any person committing offence under section 5 of Gambling Ordinance 1978.

(b) search any person so as to seize instruments of gambling used for committing an offence under section 5 of Gambling Ordinance 1978.

(c) seize and take possession of gaming moneys, securities, articles of value and instruments of gaming reasonably suspected to have been used or intended to be used for the purpose of committing an offence under section 5 of Gambling Ordinance 1978.

Article no. 5-A of Gambling Ordinance 1978.

Penalty for gaming in a public place.

Whoever is found gaming in any public place, street or thoroughfare, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

Article no. 5 of Gambling Ordinance 1978.

CHAPTER NO.05

Duties of Police

- **Responsibilities and duties of Police**

Duties of police-officers. It shall be the duty of every police-officer promptly to obey and execute all [lawful] orders and warrants lawfully issued to him by any competent authority; to collect and communicate intelligence affecting the public peace; to prevent the commission of offences and public nuisances; to detect and bring offenders, to justice and to apprehend all persons whom he is legally authorized to apprehend, and for whose apprehension sufficient ground exists; and it shall be lawful for every police-officer, for any of the purposes mentioned in this section, without a warrant, to enter and inspect any drinking-shop, gaming-house or other place of resort of loose and disorderly characters.

Article Nos. 23 of Police Act 1861.

Police Officer to take charge to unclaimed property.

(1) It shall be the duty of every police officer to take charge of all unclaimed property and to furnish an inventory to the District Superintendent of Police who shall send a copy of the inventory to the District Public Safety Commission.

(2) The District Superintendent shall be guided as to the disposal of unclaimed property by the orders of the District Public Safety Commission as may be given by it in this behalf.

Article Nos. 25 of Police Act 1861.

3. Attitude and responsibilities of police towards the public. -

It shall be the duty of every police officer to -

(a) behave with the members of the public with due decorum and courtesy;

(b) promote amity;

(c) guide and assist members of the public particularly the poor, disabled or physically weak and children who are either lost or find themselves helpless on the streets or other public places; and

(d) aid individuals who are in danger of physical harm particularly women and children.

Article Nos. 3 of Police Order 2002

Attitude of police towards the public. -

Every Police Officer shall control on his temper and perform his duty with moral and will not change his temper on others' behave.

Rule no. 14-4 of Police Rules 1861 (1934)

Duties of police. - (1) Subject to law, it shall be the duty of every police officer to -

(a) protect life, property and liberty of citizens;

(b) preserve and promote public peace;

(c) ensure that the rights and privileges, under the law, of a person taken in custody, are protected;

(d) prevent the commission of offences and public nuisance;

(e) collect and communicate intelligence affecting public peace and crime in general;

(f) keep order and prevent obstruction on public roads and in the public streets and thoroughfares at fairs and all other places of public resort and in the neighbourhood of and at the places of public worship;

(g) regulate and control traffic on public roads and streets;

(h) take charge of all unclaimed property and to prepare its inventory;

(i) detect and bring offenders to justice;

(j) apprehend all persons whom he is legally authorised to apprehend and for whose apprehension, sufficient grounds exist;

(k) ensure that the information about the arrest of a person is promptly communicated to a person of his choice;

(l) enter and inspect without a warrant on reliable information any public place, shop or gaming-house where alcoholic drinks or narcotics are sold or weapons are illegally stored and other public places of resort of loose and disorderly characters;

(m) obey and promptly execute all lawful orders;

(n) perform other duties and exercise powers as are conferred by this Order, the Code or any other law for the time being in force;

(o) aid and co-operate with other agencies for the prevention of destruction of public property by violence, fire, or natural calamities;

(p) assist in preventing members of public from exploitation by any person or organized groups;

(q) take charge of lunatics at large to prevent them from causing harm to themselves or other members of the public and their property; and

(r) prevent harassment of women and children in public places.

- (2) Police officer shall make every effort to -
- (a) afford relief to people in distress situations, particularly in respect of women and children;
 - (b) provide assistance to victims of road accidents;
 - (c) assist accident victims or their heirs or their dependants, where applicable, with such information and documents as would facilitate their compensation claims; and
 - (d) cause awareness among the victims of road accidents of their rights and privileges.
- (3) It shall be the duty of a police officer to lay information before a competent court and to apply for a summons, warrant, search warrant or such other legal process as may, by law, be issued against any person suspected of committing an offence.

Article No. 4 of Police Order 2002

5. Emergency duties of police with regard to essential services. -

- (1) The Government may, in an emergency, by notification in the Official Gazette, declare any specified service to be an essential service to the community.
- (2) upon a declaration being made under clause (1) and so long as it remains in force, it shall be the duty of every police officer to obey any lawful order given by a senior police officer in relation to the declaration.

Article No. 5 of Police Order 2002

- **Police Officer always on duty**

Police-officer always on duty and may be employed in any part of district. Every police-officer shall, for all purposes in this Act contained, be considered to be always on duty, and may at any time be employed as a police-officer in any part of the general police district.

Article No. 22 of Police Act 1861.

Police officer at any time liable to be called for duty. - A police officer when off duty, on leave or under suspension shall be liable to be called for duty.

Article No.115 of Police Order 2002

- **Police Officer not engage in other employment**

Police-officer not to engage in other employment..
No Police-officer shall engage in any employment or office whatever other than his duties under-this Act, unless expressly permitted to do so in writing by the Inspector-General.

Article No.10 of Police Act 1861.

Police officer not to engage in any other employment. - No police officer shall engage in any private employment while he is a member of the police establishment.

Article No.117 of Police Order 2002

- **Police Officer may lay information etc.**

Police-Officers may lay informations, etc.-

It shall lawful for any police-officer to lay any information before a Magistrate, and to apply for a summons warrant, search warrant or such other legal process as may by law issue against any person committing an offence.

Article No.24 of Police Act 1861.

Penalty for unnecessary delay in producing arrested persons in courts. -

Any police officer who vexatiously and unnecessarily delays the forwarding to a court or to any other authority to whom he is legally bound to forward any arrested person, shall, on conviction, be punished with imprisonment for a term which may extend to one year and with fine.

Article No.157 of Police Order 2002

CHAPTER NO. 06

- **Relationship of District Police with Zila Nazim**

Relationship of District Superintendent of Police with Zila Nazim.-

- (1) The District Superintendent of Police shall be responsible to the Zila Nazim for all matters concerning implementation of the law for the maintenance of public order in the district and in carrying out this responsibility, the District Superintendent shall keep the Zila Nazim informed of all major developments" or events affecting or likely to affect, the public order and shall consult him in such matters for his support for coordination with and assistance by offices of the District Government.
- (2) In case of an unlawful or motivated order issued by any authority, the "District Superintendent shall seek recourse to the District Police Safety Commission whose decision shall prevail.
- (3) In case of difference of opinion between the Zila Nazim and the Provincial Government on matters concerning public order, the decision of the Provincial Government shall prevail.
- (4) The responsibility for administration of force, conduct of individual operations and investigations of criminal cases shall rest with the police hierarchy.

Article No.5 of Police Act 1861.

Relationship of District Police with Zila Nazim etc.-

(1) Subject to the provisions of this Order, Head of District Police shall be responsible to the Zila Nazim for police functions under this Order but shall not include administration of the district police, investigation of criminal cases and police functions relating to prosecution, which shall rest with the police:

Provided that Zila Nazim may visit a police station to find out if any person is under unlawful detention and in appropriate cases may also direct action in accordance with law having regard to the facts and circumstances of the case.

(2) In case of a difference of opinion between the Zila Nazim and the Provincial Government on any matter concerning the district police, the decision of the Provincial Government shall prevail.

Article No.33 of Police Order 2002

• **District Public Safety Commission**

District Public Safety Commission, its establishment, composition etc.-

(1) In every district, the Provincial government shall, by a notification in the official Gazette establish a District Public Safety Commission consisting of eight, ten or twelve members depending upon the size of the district.

(2) Half of the members of the Commission shall be elected the Zila Council from amongst its councilors in the manner as may be prescribed, while the other half of the members hereinafter to be called independent members shall be appointed by the Chief Executive of the Province from a list of persons recommended by The District Selection Panel.

(3) As far as practicable, one-third of both the elected and the independent members of the Commission shall be women.

(4) The members of the Commission shall, from amongst themselves, elect a Chairperson.

Provided that until the appointment of independent members, those elected by the Zila Council under sub-section (3) shall constitute the Commission.

Article No. 48 of Police Act 1861.

District Selection Panel for the appointment of Independent members.

(1) There shall be a District Selection Panel for the independent members consisting of District and Sessions Judge who shall be its Chair-person, and one nominee each of the Chief Executive of the Province and Zila Nazim who shall not be holder of any elective office nor shall be a public servant.

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

(3) The selection process shall be completed within thirty days.

Article No. 49 of Police Act 1861.

Procedure for selection of independent members..

(1) The District Selection Panel shall invite applications or nomination from organizations for selection of independent members.

(2) The eligible and willing candidates shall be called for interview.

(3) The District Selection Panel shall select double the member of persons than the number of independent members to be appointed as members of the Commission. (4) The list of the persons referred to in sub-section (3) shall, accompanied by complete particulars of such persons, be forwarded to the Chief Executive of the Province for appointment of the independent members under section.

Article No. 50 of Police Act 1861.

Selection criteria.-

(1) No person shall be selected or appointed as independent member who is activist of any political party, holds or has held any representative office or has remained public Servant in the last two years immediately preceding his appointment or who is otherwise disqualified under the provisions of sub-section (2).

(2) A person shall be disqualified from becoming a member if:--

(a) he is of unsound mind and has been so declared by a competent Court; or

(b) he is or has been declared as bankrupt, loan defaulter or tax evader; or

(c) he ceases to be citizen of Pakistan; or

(d) he hold as office of profit in the service of Pakistan; or

(e) he is in the service of an'/ statutory body or any establishment or corporation which has been established or is owned or controlled by the Government or in which the Government has a controlling share or interest; or

(f) he has been dismissed, removed or compulsorily retired from the service of Pakistan on grounds of misconduct; or

(g) he has been convicted for any offence; or

(h) he is not of impeccable integrity and proven professional competence in such fields is social work, law, administration, education, corporate sector, etc.

Article No. 51 of Police Act 1861.

Functions of the District Public Safety Commission.-

(1) The functions of the District and Capital City District Public Safety Commission shall be to:-

(a) provide recourse to the District Superintendent of Police for reporting against any unlawful or motivated order from any authority received by him or any officer subordinate to him;

(b) determine in consultation with the District Superintendent, objectives for the policing of the district for each financial year;

(c) approve a local policing plan prepared by the District Superintendent in consultation with the Zila Nazim setting out the arrangements for the policing of the district during the year; Provided that the local policing plan prepared in consultation with the District Superintendent shall include:-

(i) a statement of the financial resources expected to be made available by the provincial/local Governments; and

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

(d) evaluate the delivery of performance targets on quarterly basis and send half-yearly reports to all relevant authorities;

(e) publish the local policing plan by end of June every year for the next financial year;

(f) publish an annual report of the policing of the district by the 30th September each year, including targets achieved during the year;

(g) forward copies of the local policing plan and annual reports to the Inspector General of Police;

(h) - receive from the District Superintendent, before end August each year, a general report on the policing of the district during the previous year; and (1) seek to enhance police-public co-operation, by facilitating the creation of Citizen Police Liaison Committees.

(2) The Commission may recommend financial incentives for good work done by any police officer.

(3) The Commission may, subject to rules establish independent reporting centres for registration of First Information Reports.

Article No. 55 of Police Act 1861.

District Public Safety Commission in view of Police Order

Establishment. -

The Provincial Government shall establish a District Public Safety Commission in each district consisting of 8,10 or 12 members depending upon the area and population of the district.

Article No.37 of Police Order 2002.

Composition. -

(1) Half of the members of the District Public Safety Commission shall be elected by the Zila Council, from amongst its councillors on 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 a 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 members of the District Public Safety Commission referred to in clause (1).

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

Article No.38 of Police Order 2002.

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.

Article No.39 of Police Order 2002.

Meeting in the absence of the Chairperson. -

In the absence of the Chairperson the District Public Safety Commission shall elect one of its member to preside over a meeting.

Article No.40 of Police Order 2002.

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 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

Article No.41 of Police Order 2002.

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 of the Province.

Article No.42 of Police Order 2002.

Selection criteria of independent members. -

A person shall be disqualified from becoming a member of 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;

(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.

Article No. 43 of Police Order 2002.

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 Police Officer;

(c) encourage police-public cooperation;

(d) 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 a decision thereon which shall prevail;

(e) 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 exists 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;

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

(g) 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;

(h) on 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 enquiry 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 does not submit a report or take action on the direction given by the District Public Safety Commission;

(i) direct the District 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 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 District Public Safety Commissions to the head of concerned organization or the Federal Complaints Authority for appropriate action.

Article No.44 of Police Order 2002.

Terms of members of the 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 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 Justices of Peace within the district in accordance with the Code.

Article No.45 of Police Order 2002.

Removal of members. -

The Governor on his own volition or on the recommendation of the 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 District Public Safety Commission into disrepute;

(i) fails to attend its three consecutive meetings without any reasonable cause.

Article No.46 of Police Order 2002.

Meetings and conduct of business of the District Public Safety Commission. -

(1) The business of the 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 a meeting of the District Public Safety 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) District Police Officer or City police Officer or in their absence their 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.

Article No.47 of Police Order 2002.

Secretariat. -

(1) The Government shall establish a permanent secretariat of the 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 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.

Article No. 48 of Police Order 2002.

• Capital City District Public Safety Commission

Establishment of Capital City District Public Safety Commission.-

(1) Every provincial Government shall establish a Capital City District Public Safety Commission for Provincial headquarters consisting of twelve members each.

(2) Three members of the commission referred to in sub-section (1) shall be elected by the respective Zila Council from amongst its members in the manner as may be prescribed by rules and three members shall be elected by each Provincial Assembly from amongst its members, as far as practicable, in proportion to the strength of the political parties in the Assembly.

(3) The remaining six members shall be independent members to be appointed by the Chief Executive of the Province from a list of persons recommended by the Capital City District Selection Panel.

(4) as far as practicable, one-third of both the elected and the independent members of the Commission shall be women. members of the Commission shall, from amongst themselves, elect a Chairperson:

Provided that until elections to the Provincial Assembly are held, the members under sub-section (3) shall be appointed by the Chief Executive of the Province: Provided further that until appointment of independent members is made, the members elected by the Zila Council under sub-section (2) and those appointed by the Chief Executive of the Province under proviso to sub-section (5) shall constitute the Commission.

Article No. 52 of Police Act 1861.

Capital City District Selection Panel for the appointment of independent members.-

(1) there shall be a Capital City District Selection Panel for the preparation of the list Of the persons for appointment as independent members consisting Of Chief Justice of the High Court who shall be its Chairperson, And one nominee each of the Chief Executive of the Province and Zila Nazim who shall not be holder of any elective office nor shall be a public servants.

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

(3) The selection process shall be completed within thirty days.

Article No. 53 of Police Act 1861.

Procedure for selection of independent members.—

The procedure provided under sections 50 and 51 shall be applicable for selection of the names of the independent members of the Capital City District Public Safety Commission.

Article No. 54 of Police Act 1861.

Capital City District Public Safety Commission in view of Police Order 2002.

Establishment. -

The Provincial Government shall establish a Capital City District Public Safety Commission in each district consisting 12 members depending upon the area and population of the district.

Article No. 49 of Police Order 2002.

Composition. -

(1) Three members of the Capital City District Public Safety Commission shall be elected by the Zila Council, from amongst its councillors 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 the Provincial 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 Governor from a list of names recommended by the Capital City District Selection Panel.

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

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

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

Article No. 50 of Police Order 2002.

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.

Article No. 51 of Police Order 2002.

Meeting in the absence of the Chairperson. -

In the absence of the Chairperson the Capital City District Public Safety Commission shall elect one of its member to preside over a meeting.

Article No. 52 of Police Order 2002.

Selection of independent members. -

(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 Provincial 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

Article No. 53 of Police Order 2002.

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 of the Province.

Article No. 54 of Police Order 2002.

Selection criteria of independent members. -

A person shall be disqualified from becoming a member of 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

(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.

Article No. 55 of Police Order 2002.

Functions of the Capital City District Public Safety Commission. -

The Capital City 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 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 Police Officer;

(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 Provincial Government for appropriate action where the Capital City 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 Capital City 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 Capital City 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 District Police Officer in writing to take appropriate action and submit a report within a specified period; or

(ii) 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 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 Government or the Police Complaints Authority for appropriate action if the Capital City District Police Officer does not submit a report or take action on the direction given by the Capital City Public Safety Commission;

(i) direct the Capital City District 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 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 Capital City District Public Safety Commission to the head of concerned organization or the Federal Complaints Authority for appropriate action.

Article No. 56 of Police Order 2002.

Terms of members of the Capital City 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 Provincial 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 Justices of Peace within the district in accordance with the Code.

Article No. 57 of Police Order 2002.

Removal of members. -

The Governor on his own volition or on the recommendation of the Capital City 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 Capital City District Public Safety Commission into disrepute;
- (i) fails to attend its three consecutive meetings without any reasonable cause.

Article No. 58 of Police Order 2002.

Meetings and conduct of business of the Capital City District Public Safety Commission. -

(1) The business of the Capital City 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 Capital City District 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 simple majority.

(6) Capital City Police Officer and 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 procedures for the conduct of business.

Article No. 59 of Police Order 2002.

Secretariat.

(1) The Government shall establish a permanent secretariat of the Capital City 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 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.

Article No. 60 of Police Order 2002.

www.ripri.com

CHAPTER No. 7

(OFFENCES BY AND PUNISHMENTS FOR POLICE OFFICERS)

- **Penalty for neglect of duty etc.**

Penalties for neglect of duty, etc. Every police-officer who shall be guilty of any violation of duty of willful breach or neglect of any rule or regulation or lawful order made by competent authority, or who shall withdraw from the duties of his office without permission, "[or without having given previous notice for a period of two months], "[or who, being absent on leave, shall fail, without reasonable cause, to report himself for duty on the expiration of such leave] or who shall engage without authority in any employment other than his police-duty or who shall be guilty of cowardice or who shall offer any unwarrantable personal violence to any person in his custody, shall be liable, on conviction before a Magistrate, to a penalty not exceeding three months, pay, or to imprisonment with or without hard labour, for a period not exceeding three months or to both

Article No.29 of Police Act 1861.

Penalty for certain types of misconduct by police officers. -

(1) Any police officer who-

(a) makes for obtaining release from service as police officer, a false statement or a statement which is misleading in material particulars or uses a false document for the purpose;

(b) is guilty of cowardice, or being a police officer of junior rank, resigns his office or withdraws himself from duties without permission;

(c) is guilty of any willful breach or neglect of any provision of law or of any rule or regulation or any order which he is bound to observe or obey;

(d) is guilty of any violation of duty;

(e) is found in a state of intoxication, while on duty;

(f) malingers or feigns or voluntarily causes hurt to himself with the intention to render himself unfit for duty;

(g) is grossly insubordinate to his superior officer or uses criminal force against a superior officer; or

(h) engages himself or participates in any demonstration, procession or strike or resorts to or in any way abets any form of strike or coercion or physical duress to force any authority to concede anything, shall, on conviction, for every such offence be punished with imprisonment for a term which may extend to three years and with fine.

(2) Prosecution under this Article shall require a report on writing by an officer authorized in this behalf under the rules.

Article No. 155 of Police Order 2002

Penalty for vexatious entry, search, arrest, seizure of property, torture, etc.

Whoever, being a police officer -

(a) without lawful authority, or reasonable cause, enters or searches or causes to be entered or searched any building, vessel, tent or place;

(b) vexatiously and unnecessarily seizes the property of any person;

(c) vexatiously and unnecessarily detains, searches or arrests any person; or

(d) inflicts torture or violence to any person in his custody; shall, for every such offence, on conviction, be punished with imprisonment for a term, which may extend to five years and with fine.

Article No. 156 of Police Order 2002

Penalty for unnecessary delay in producing arrested persons in courts.

Any police officer who vexatiously and unnecessarily delays the forwarding to a court or to any other authority to whom he is legally bound to forward any arrested person, shall, on conviction, be punished with imprisonment for a term which may extend to one year and with fine.

Article No. 157 of Police Order 2002

CHAPTER No. 8

(OFFENCES BY AND PUNISHMENTS FOR PUBLIC)

Powers to make rules regarding use of streets, etc.-

(1) In any town or other place in which he thinks fit, the District Superintendent may, from time to time and subject to such order as may have been made by a municipal or other authority empowered in that respect, make rules or orders for.

(a) Closing certain streets or places temporarily, in cases of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable ;

(b) for guarding against injury to persons and property in the construction, repair and demolition of buildings, platforms, and other structures from which danger may arise to passengers, neighbours or the public;

(c) regulating the leading, driving, conducting or conveying of any elephant or wild or dangerous animal through or in any street;

(d) prohibiting the hanging or placing of any cord or pole across a street or 'pan thereof, or the making of a projection or structure so as to obstruct traffic or the free access of light and air;

(e) prescribing certain hours of the day during which ordure and offensive matter or objects shall not be taken from or into houses or buildings in certain streets or conveyed through such streets and during which cattle shall not be driven along the streets or along certain specified streets, except subject to such reasonable regulations as he may prescribe in that behalf;

(f) prohibiting the setting fire to or burning any straw or discharging a firearm or air gun, or letting off or throwing a firework, or sending up a fire balloon in or other matter, or lighting a bonfire, or wantonly upon or within fifty feet of a street or building or the butting up of any post or other thing on the side of or across a street for the purpose of affixing thereto lamps or other contrivances for illumination, except subject to such reasonable regulations as he may prescribed in that behalf;

(g) prohibiting, save under such reasonable regulations as the District Superintendent may impose, the making of any excavation the placing of building materials or other articles, or the fastening or detention of any hours or other animal in any street;

(h) prohibiting, save under such regulations as aforesaid, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases and the carcasses of animals or part thereof and the corpses of persons deceased;

(i) setting apart places for the slaughtering of animals, the cleaning of carcasses or hides, the deposit of noxious or offensive matters, and for obeying calls of nature;

(j) in cases of existing or apprehended epidemic or infectious diseases of men or animals, with respect to cleanliness and disinfection of premises by the occupier thereof and residents therein, and as to the segregation and management of the persons or animals diseased or supposed to be diseased, as may have been directed or approved by the Provincial Government with a view to prevent the disease or to check the spreading thereof;

(k) directing the closing or disuse, wholly or for certain purposes, or limiting to certain purposes only the use, of any source, supply or receptacle of water, and providing against pollution of the same or of the water therein;

(L) regulating the hours during which and the manner in which any place for the disposal of the dead, any Sarai, village-gate or other place of public resort may be used so as to secure the equal and appropriate application of its advantages and accommodation and to maintain orderly conduct amongst those who resort thereto;

(m) regulating the movement of persons, animals and vehicles at such times and such places at which, in the opinion of the District Superintendent, special regulations may be necessary for the public safety and convenience; and

(n) prescribing the number or position of lights to be used on vehicles in streets and the hours between which such lights shall be used.

(2) Every rule or order made under clause (h) or clause (i) with respect to the use of a place for the disposal of the dead shall be made with due regard to ordinary and established usages and to the necessities of prompt disposal of the dead in certain cases; and every rule or order made by the District Superintendent under clauses (c), (e), (f), (g), (h); (i) or (n) shall be published by affixing a copy thereof, in the language of district on some public building in the town or place in which the same is to have operation, and a copy, in the language of the district, of every rule or order made under clauses (a), (b), (j), (k) or (1) shall be kept affixed in a conspicuous spot near to the building, structure, work or place to which the same specialty relates.

(3) Every rule promulgated under the authority of clause (j) of subsection (1) shall be forthwith reported to the Zila Nazim and shall remain in force for not more than fifteen days unless extended by the Zila Nazim.

(4) It, shall be the duty of all persons concerned to conform to any order duly made as aforesaid so long as the same shall be in operation.

Article No.33-A of Police Act 1861.

Penalty for contravention of any rule or order made under section 33-A.

Whoever contravenes any rule or order made under section 33A or abets the commission of any such offence shall be punished with fine which may extend to two hundred rupees].

Article No.34-A of Police Act 1861.

Punishment for certain offences on roads, etc..

Any person who, on any road or in any [open place or] street or thoroughfare within the limits of any town to which this section shall be specially extended by the [Provincial Government], commits any of the following offences, to the obstruction, inconvenience, annoyance, risk, danger or damage of the "[residents or passenger shall on conviction before a Magistrate, be liable to a fine not exceeding fifty rupees, or to imprisonment "[with or without hard labour]not exceeding eight days ; and it shall be lawful for any police-officer to take into custody, without a warrant, any person who within his view commits any of such offences, namely :-

First: Slaughtering cattle, furious riding, etc.. Any person who slaughters any cattle or cleans any carcass ; any person who rides or drives any cattle recklessly or furiously, or trains or breaks any horse or other cattle:

Second : Cruelty to animals.. Any person who wantonly or cruelly beats, abuses or tortures any animal :

Third : Obstructing passengers-. Any person who keeps any cattle or conveyance of any kind standing longer than is required for loading or unloading' or for taking up or setting down passengers, or who leaves any conveyance in such a manner as to cause inconvenience or danger to the public:

Fourth ; Exposing goods for sale.. Any person who exposes any goods for sale;

Fifth : Throwing dirt into street.. Any person who throws or lays down any dirt, filth, rubbish or-only stones or building materials, or who constructs any co shed, stable, or the like, or who causes any offensive matter to run from any house, factory dung-heap or the like ;

Sixth : Being found drunk or riotous.. Any person who is found drunk or riotous or who is incapable of taking care of himself:

Seventh: Indecent exposure of person.. Any person who willfully and indecently exposes his person, or any offensive deformity or disease, or commits nuisance by easing himself, or by bathing or washing in any tank or reservoir not being a place set apart for that purpose :

Eighth : Neglect to protect dangerous places.. Any person who neglects to fence in or duty to protect any well, tank or other dangerous place or structure.

Article No.34 of Police Act 1861.

Defiling water in public wells, etc. -

Whoever shall defile or cause to be defiled water in any public well, tank, reservoir, pond, pool, aqueduct or part of a river, stream, nullah or other source or means of water supply, so as to render the same unfit for the purpose for which it is set apart, shall on conviction be punished with imprisonment for a term which may extend to six months or with fine which may extend to thirty thousand rupees, or with both.

Article No.148 of Police Order 2002

False alarm of fire, etc. -

Whoever knowingly gives or causes to be given a false alarm of fire to the fire brigade or to any officer or fireman thereof shall on conviction be punished with imprisonment for a term which may extend to three months or with fine which may extend to fifteen thousand rupees, or with both.

Article No.149 of Police Order 2002

Penalty for unauthorized use of police uniform.

If any person not being a member of the police wears without authorisation, the uniform of police or any dress having the appearance or bearing any of the distinctive marks of police uniform, he shall, on conviction, be punished with imprisonment for a term which may extend to three years, or with fine up to one hundred thousand rupees, or with both.

Article No.151 of Police Order 2002

Penalty for frivolous or vexatious complaint.

Any person who files a complaint against the police, which on enquiry by the Police Complaints Authority is held frivolous or vexatious, shall be punished on conviction with imprisonment for six months, or with fine, which may extend to fifty thousand rupees, or with both.

Article No.152 of Police Order 2002

Penalty for contravention of orders made under Article 124. -

Whoever contravenes, or abets the contravention of any order made under Article 124 shall, on conviction, be punished with imprisonment which may extend to three months, or with fine which may extend to ten thousand rupees or with both.

Article No.150 of Police Order 2002

Erecting of barriers in streets, etc. -

Any police officer may in an emergency temporarily close any street or public place through erection of barriers or other means, to prohibit persons or vehicles from entering such area.

Article No.124 of Police Order 2002

CHAPTER No. 9

○ Police Officer to keep diary

Police officers to keep diary. it shall be the duty of every officer in charge of a police station to keep a general diary such form as shall, from time to time, be prescribed by the [Provincial Government] and to record therein all complaint and charges preferred, the names of all persons arrested, the names of the complainants, the offences charged against them, the weapons or property that shall have been taken from their possession or Otherwise, and the names of the witnesses who shall have been examined.

Article No. 44 of Police Act 1861.

Maintenance of Daily Diary at a police station. -

(1) A register of Daily Diary shall be maintained at every police station in such form as shall, from time to time, be prescribed and to record therein the names of all complainants, persons arrested, the offences charged against them, the weapons or property that shall have been taken from their possession or otherwise, and the names of the witnesses who shall have been examined.

(2) The District and Sessions Judge of the district may call for and inspect such Diary.

Article No.167 of Police Order 2002

- **Police to keep order in Public roads, etc..**

Police to keep order in public roads, It shall be the duty of the police to keep order on the public roads, and in the public streets, thoroughfares, gnats and landing-places, and at all other places of public resort, and to prevent obstructions on the occasions of assemblies and processions on the public roads and in the public streets, or in the neighbour-hood of places of worship, during the time of public worship, and in any case when any road, Street, thoroughfare, ghat or landing-place may be thronged or may be liable to be obstructed.

Article No.31 of Police Act 1861.

- **Employment of additional police to keep peace. -**

(1) Capital City Police Officer or City Police officer and District Police Officer subject to approval of Provincial Police Officer may on application of any person depute any additional number of police to keep the peace, to preserve order, to enforce any provisions of this Order, or any other law, in respect of any particular class or classes of offences or to perform any other duties imposed on the police.

(2) Subject to rules, such additional police shall be employed at the cost of the person making the application.

(3) If the person upon whose application such additional police are employed gives one week's notice for the withdrawal of the said police, he shall be relieved from the cost thereof at the expiration of such notice.

(4) If there is any dispute on payment, Head of District Police on an application by the aggrieved party may refer the matter to the Government for final decision.

Article No.126 of Police Order 2002

○ **Police Officer to take charge of unclaimed property**

(1) It shall be the duty of every police officer to take charge of all unclaimed property and to furnish an inventory to the District Superintendent of Police who shall send a copy of the inventory to the District Public Safety Commission.

(2) The District Superintendent shall be guided as to the disposal of unclaimed property by the orders of the District Public Safety Commission as may be given by it in this behalf.

Article No.25 of Police Act 1861.

Police to make inventory of unclaimed property, etc.-

It shall be the duty of every police officer to take charge and make inventory of any unclaimed property found by, or made over to him, and furnish a copy of the inventory to Head of District Police without delay, who shall send a copy of the same to District Public Safety Commission.

Article No.134 of Police Order 2002

Procedure for disposal of unclaimed property. -

(1) Where any property has been taken charge of under Article 134, Head of District Police shall issue a proclamation within fifteen days in the prescribed manner specifying the articles of which such property consists and requiring that any person who may have a claim thereto shall appear before him or some other officer not below the rank of Assistant Superintendent of Police or Deputy Superintendent of Police especially authorised in this behalf and establish his claim within three months from the date of such proclamation.

(2) If the property, or any part thereof, is subject to speedy and natural decay or if the property appears to be of the value of less than one thousand rupees, it may forthwith be disposed off in the prescribed manner under the orders of Head of District Police and the net proceeds of such sale shall be dealt with in the manner provided in Articles 136 and 137.

(3) Where any person who has a claim to the property is required by the proclamation under clause (1) to appear before an officer authorised by the Head of District Police and establish his claim, such officer shall forward the record of the proceedings to the Head of District Police.

(4) Head of District Police shall follow the directions of the District Public Safety Commission in disposal of property under clause (3).

Article No.135 of Police Order 2002

Delivery of property to person entitled. -

(1) Head of District Police on being satisfied of the title of any claimant to the possession or administration of the property specified in the proclamation issued under clause (1) of Article 135 order the same to be delivered to him.

(2) In case where there is more than one claimant to the same property the matter shall be referred by the Head of District Police to the competent court.

Article No.136 of Police Order 2002

Disposal of property, if no claimant appears. -

If no person establishes his claim to such property within the period specified in the proclamation, the property, or such part thereof as has not already been sold under clause (2) of Article 135 shall, with the approval of appropriate Public Safety Commission, be disposed off in the prescribed manner and the proceeds shall be deposited in the treasury.

Article No.137 of Police Order 2002

○ **Plea that act was done under warrant**

Plea that act was done under warrant, When any action or prosecution shall be brought or any proceedings held against any police-officer for any act done by him in such capacity it shall be lawful for him to plead that such act was done by him under the authority of a warrant issued by a Magistrate.

Such plea shall be proved by the production, of the warrant directing the act and purporting to be signed by such Magistrate and the defendant shall thereupon be entitled to a decree in his favour, notwithstanding any defect of jurisdiction in such Magistrate. No proof of the signature of such Magistrate shall be necessary, unless the Court shall see reason to doubt its being genuine :

Proviso. Provided always that any remedy which the party may have against the authority issuing such warrant shall not be affected by anything contained in this section.

A plea under S. 43 does not fortify a police-officer against acts which constitute contempt of Court.

Article No.43 of Police Act 1861.

No police officer to be liable to any penalty or payment of damages on account of acts done in good faith in pursuance of duty. -

No police officer shall be liable to any penalty or to payment of damages on account of an act done in good faith in pursuance or intended pursuance of any duty imposed or any authority conferred on him by any provision of this Order or any other law for the time being in force or any rule, order or direction made or given therein.

Article No.171 of Police Order 2002

Suits or prosecutions in respect of acts done under colour of duty not to be entertained if not instituted within the prescribed period. -

In case of an alleged offence by a police officer, or a wrong alleged to have been done by him or by any act done under colour of duty or in exercise of any such duty or authority of this Order or when it shall appear to the Court that the offence or wrong if committed or done was of the character aforesaid, the prosecution or suit shall not be entertained, or shall be dismissed, if instituted after more than six months from the date of the action complained of.

Article No.172 of Police Order 2002

CHAPTER No. 10

MISCELLANEOUS

• Appointment of experts

(1) The Government may, on recommendation of the appropriate Public Service Commission, appoint one or more experts to assist the Provincial Police Officer and Capital City Police Officer or City Police Officer.

(2) The qualifications, eligibility, terms and conditions of service of experts shall be as prescribed.

Article No.14 of Police Order 2002

• ISLAMABAD DISTRICT PUBLIC SAFETY COMMISSION

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

Article No. 61 of Police Order 2002

Composition.- (1) Three members of the Islamabad District Public Safety Commission shall be elected by the District Council, from amongst its councillors 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.

Article No. 62 of Police Order 2002

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.

Article No. 63 of Police Order 2002

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

Article No. 64 of Police Order 2002

Selection of independent members. - (1) There shall be a Selection Panel for independent members consisting of Chief Justice of the High Court 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

Article No. 65 of Police Order 2002

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.

Article No. 66 of Police Order 2002

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

(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.

Article No. 67 of Police Order 2002

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

(ii) 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;

(iii) 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.

Article No. 68 of Police Order 2002

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.

Article No. 69 of Police Order 2002

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.

Article No. 70 of Police Order 2002

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.

Article No. 71 of Police Order 2002

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.

Article No. 72 of Police Order 2002

• **The Provincial Public Safety Commission**

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

Article No. 73 of Police Order 2002

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

Provided that at least two members shall be women.

(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.

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

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

Article No. 74 of Police Order 2002

Appointment of Chairperson. - (1) The Provincial Home Minister will be the *ex officio* Chairperson of the Provincial Public Safety Commission.

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

Article No. 75 of Police Order 2002

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

Article No. 76 of Police Order 2002

Selection of independent members. - (1) There shall be a Selection Panel for independent members consisting of Chief Justice of the 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.

(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.

Article No. 77 of Police Order 2002

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.

Article No. 78 of Police Order 2002

Selection criteria of independent members. - A person shall be disqualified from becoming a member of Provincial 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;

(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; 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.

Article No. 79 of Police Order 2002

Functions of the Provincial Public Safety Commission.- (1) Subject to this Order, the Provincial Public Safety Commission shall -

(a) provide guidelines on the policy of the government to Provincial Police Officer and Capital City Police Officers for promoting integrity, efficiency and effectiveness of police;

(b) take steps to prevent the police from carrying out any unlawful or malafide orders or directions from any authority to any functionary of the police through-out the Province and in case such orders are brought to the notice of the commission it shall have the powers to intervene and its decision shall prevail; and

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

(2) Without prejudice to its role under sub-section (1) the Commission shall perform the following specific responsibilities -

(a) co-ordinate the functioning of Public Safety Commissions within the Province;

(b) recommend to the Government premature transfer of Provincial Police Officer before completion of normal tenure of three years for unsatisfactory performance of duties:

Provided that before making such recommendation the Provincial Public Safety Commission shall give the concerned police officer an opportunity to be heard in person;

(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 and National Public Safety Commissions;

(e) determine in consultation with the Provincial Police Officer objectives for the policing of the Province for each financial year;

(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 Commissions on annual basis. If on the basis of the evaluation conducted by the Provincial Public Safety 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 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 Commission. Where the government dissolves the relevant Public Safety 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 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;
and

(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;

Article No. 80 of Police Order 2002

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

Article No. 81 of Police Order 2002

Removal of members. - The Governor on his own volition or on the recommendation of the Provincial 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 Provincial Public Safety Commission into disrepute;

(i) fails to attend its three consecutive meetings without any reasonable cause;

Article No. 82 of Police Order 2002

Meetings and conduct of business of the Provincial Public Safety Commission.-

(1) The business of the Provincial 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) 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.

Article No. 83 of Police Order 2002

Secretariat. - (1) The Government shall establish a permanent secretariat of the Provincial Public Safety Commission.

(2) The Secretariat shall be headed by a Director of the rank of Senior Superintendent of Police who 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.

(4) The secretariat shall be attached to the Provincial Law Department for purposes of budget and for matters pertaining to the Provincial Assembly.

Article No. 84 of Police Order 2002

• **The National Public Safety Commission**

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

Article No. 85 of Police Order 2002

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.

Article No. 86 of Police Order 2002

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.

Article No. 87 of Police Order 2002

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

Article No. 88 of Police Order 2002

Selection of independent members. - (1) There shall be a Selection Panel for independent members consisting of Chief Justice of Supreme Court of Pakistan 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.

Article No. 89 of Police Order 2002

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.

Article No. 90 of Police Order 2002

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.

Article No. 91 of Police Order 2002

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 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) recommend to the Provincial Government panels of three police officers for the appointment of a Provincial Police Officer;

(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 Commissions;

(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.

Article No. 92 of Police Order 2002

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.

Article No. 93 of Police Order 2002

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;

Article No. 94 of Police Order 2002

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.

Article No. 95 of Police Order 2002

Secretariat.-

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

Article No. 96 of Police Order 2002

• **Police Complaints Authorities**

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.

Article No. 97 of Police Order 2002

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.

Article No. 98 of Police Order 2002

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.

Article No. 99 of Police Order 2002

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

(a) receive from District Public Safety Commission 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;

(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 Provincial Police Complaints Authority or District Public Safety Commission to deal with the complaints of excess or neglect.

Article No. 100 of Police Order 2002

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.

Article No. 101 of Police Order 2002

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.

Article No. 102 of Police Order 2002

Establishment of Provincial Police Complaints Authority. The Government shall establish a Provincial Police Complaints Authority for enquiring into serious complaints against the police.

Article No. 103 of Police Order 2002

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

(2) The Governor shall appoint the Chairperson of the Provincial Police Complaints Authority.

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

Article No. 104 of Police Order 2002

Criteria and terms of the members. - (1) The members of the Provincial 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.

Article No. 105 of Police Order 2002

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

(a) receive from District Public Safety Commission or an aggrieved person in writing on an affidavit, complaint of neglect, excess or misconduct against a Police Officer;

(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;

(c) receive from the District Public Safety Commission or Head of District Police any report of death, rape or serious injury to any person in police custody and take steps to preserve evidence relating to such incident and request the Chief Justice of the High Court under intimation to the Government to appoint a Judge not below the District and Sessions Judge for a judicial enquiry;

(d) may appoint in appropriate cases a police officer of the same district or of a different district who is senior in rank to the officer complained against as an inquiry officer, and supervise the inquiry proceedings;

(e) 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;

(f) inform the complainant of the outcome of the enquiry in writing as soon as possible;

(g) where the Provincial Police Complaints Authority is not satisfied with the order in cases referred under clause (e), 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;

(h) in case of any frivolous, or vexatious complaint, initiate legal action against the complainant;

(i) may recommend disciplinary action against an enquiry officer for willful neglect or mishandling of an enquiry;

(j) 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 Provincial Assembly;

(k) may in consultation with the Provincial Government establish regional offices anywhere in the Province.

Article No. 106 of Police Order 2002

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.

Article No. 107 of Police Order 2002

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

Article No. 108 of Police Order 2002

• **Criminal Justice Coordination Committee**

Establishment. - There shall be a Criminal Justice Coordination Committee in a district.

Article No. 109 of Police Order 2002

Composition. - The Criminal Justice Coordination Committee shall consist of -

- (a) District and Sessions Judge (Chairperson)
- (b) Head of District Police
- (c) District Public Prosecutor
- (d) District Superintendent Jail
- (e) District Probation Officer
- (f) District Parole Officer
- (g) Head of Investigation (Secretary)

Article No. 110 of Police Order 2002

Functions of the Criminal Justice Coordination Committee. (1) The Criminal Justice Coordination Committee shall -

(a) keep under review the operation of the criminal justice system and work towards the improvement of the system as a whole;

(b) promote understanding, co-operation and coordination in the administration of the criminal justice system;

(c) exchange information and give advance notice of local developments, which may affect other parts of the system;

(d) formulate co-ordinated priorities and plans to give effect to locally agreed policies;

(e) raise relevant issues with the appropriate authorities;

(f) promote the spread of good practices; and

(g) review the implementation of any decisions taken by the Criminal Justice Coordination Committee.

(2) The meeting of the Criminal Justice Coordination Committee shall be held at least once a month. The secretary of the committee shall record the minutes of the meetings.

Article No. 111 of Police Order 2002

• **National Police Bureau**

National Police Bureau. - (1) A National Police Bureau headed by a Director General not below the rank of Additional Inspector General of Police shall be established.

(2) The National Police Bureau shall function as permanent secretariat of the National Public Safety Commission and the National Police Management Board.

(3) The Government shall determine the organization of the National Police Bureau and provide such number of staff as it may determine from time to time.

(4) The National Police Bureau shall perform research and development functions as assigned to it by the National Police Management Board and the National Public Safety Commission.

(5) Perform such other functions as may be assigned to it by the Government.

(6) The National Police Bureau as secretariat to the National Public Safety Commission shall function independently but for all other functions the Bureau shall be under the Interior Division.

Article No. 162 of Police Order 2002

• **Constitution of Promotion Board**

Constitution of Promotion Boards etc. - Subject to rules, promotion of police officers of the provincial police shall be made on the recommendations of the departmental promotion committees/promotion boards:

Provided that the departmental promotion committees/promotion boards shall be headed by an officers not below the rank of-

(a) Assistant Superintendent of Police or Deputy Superintendent of Police for promotion to the rank of Head Constable;

(b) Superintendent of Police for promotion to the rank of Assistant Sub-Inspector and Sub-Inspector;

(c) Deputy Inspector General of Police for promotion to the rank of Inspector.

(d) Additional Inspector General of Police for promotion to the rank of Deputy Superintendent of Police; and

(e) Inspector General for promotion to the rank of Superintendent of Police.

Article No. 165 of Police Order 2002

- **Citizen Police Liaison Committee**

Citizen Police Liaison Committees. - The Government may establish Citizen Police Liaison Committees as voluntary, self financing and autonomous bodies, in consultation with National Public Safety Commission or Provincial Public Safety Commission, as the case may be, for -

(a) training and capacity building of Public Safety Commission;

(b) developing mechanism for liaison between aggrieved citizens and police for providing relief; and

(c) assistance to Public Safety Commissions, Police Complaints Authority and the police for the expeditious and judicious discharge of their duties.

Article No. 168 of Police Order 2002

• **Warning to first offender**

Warning to first offender.- It shall be lawful for Head of District Police or any other officer authorized by him not below the rank of Inspector, to request the relevant court to issue in lieu of prosecution, a warning in writing to the accused in relation to first commission of any offence mentioned in Articles 138 to 140:

Article No. 147 of Police Order 2002

Causing mischief in street by animal or vehicle.-

No person shall cause damage, injury, danger, alarm or mischief in any street or public place by negligent or reckless driving or by driving any vehicle or animal laden with timber, poles or other un wieldy articles through a street or public place contrary to any regulation.

Article No. 138 of Police Order 2002

Causing obstruction in a street.-

No person shall cause obstruction in any street or public place-

- (a) by allowing any animal or vehicle, which has to be loaded or un loaded, or take up or set down passengers, to remain or stand in the street or the public place longer than may be necessary for such purpose; or
- (b) by leaving any vehicle standing or fastening any cattle in the street or the public place; or
- (c) by using any part of a street or public place as a halting place for vehicles or cattle; or
- (d) by causing obstruction in any other manner.

Article No. 139 of Police Order 2002

Wilful or negligent conduct in respect of dogs. - No person shall in any street or public place -

(a) let loose any dog willfully or negligently so as to cause danger, injury, alarm or annoyance; or

(b) suffer a ferocious dog to be at large without a muzzle; or

(c) set on a dog to attack any person or horse or other animal.

Article No. 140 of Police Order 2002

www.ripri.pk

CONCLUSION

In the conclusion, I on level best have endeavored to compare between two various Police Laws i, e. Police Act No.05 of 1861 and Police Order No.22 of 2002.

I have also tried to compare each and every thing chapter wise and topic heading wise. In opening introductory chapter, I have prescribed the short title and commencement of both laws Police Act No.05 of 1861 and Police Order No.22 of 2002. Comparative hierarchy is confided to know what is the basic difference between both old and new hierarchies.

In this hierarchy one thing I want to ventilate that as per old practice, provincial In-charge of Police was called only Inspector General of Police (I.G.P) who were wearing a cross sword on his shoulders and in same province other officers of the same rank who were not on any posting were in anonymous status.

But Police Order 2002 is mentioning that all the officers who wear cross sword on their shoulders are and would be called Inspector Generals of Police (IGsP) and the officer In-charge of any province would be called Provincial Police Officer (PPO). Same example of superintendent of Police, as per old practice the In-charge of District was known as S.P/SSP. But in Police Order 2002 the In-charge of District Police would be called District Police Officer (DPO) and all other officers of same rank would be known as SP/SSP etc.

In new system Police organization was split into two main braches of Operation and Investigation. On account of this separation General Public faces intricacy just as when a complainant approach to Police Station (PS) and get register his case at the office of the Operation branch subsequently it swings to Investigation branch. So, Complainant (Victim) faces two various branches and various Police Officers of various demeanour, temper, nature and experience.

More over, if in case of apprehension of many accused what happens that Investigation staff which is forth coming at Police Station in not sufficient to do so. So it implore to Operation branch staff for assistance. In Consequence Victim could not get redress from grievances or from their enemies / brutal opponents etc.

The posting of District Police Officer as per old practice they were posted by Head of Provincial Government just as Chief Minister or as the case may be.

In
Police Order 2002 authority/ power of posting of District Police Officers (DPOs) is given to Provincial Police Officer (PPO).

As the case of duty / responsibilities as per Police Order 2002 duties/ responsibilities of Police is imposed in accordance with the standards/ values of Human Rights (especially Universal Declaration of Human Rights (UDHR);

"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood".

(Article 1 of UDHR)

"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment".

(Article 5 of UDHR)

So that, a Police Personnel/ Officer on duty should dole out, to protect Human Rights of general public.

The establishment of Public Safety Commission is being proved a fruitful to redress the grievances of victims especially police victims on initial level.

Nazim system has been introduced in place of Deputy Commissioner (DC/ DM).

In old system District Superintendents of Police were under the Command of Deputy Commissioners on District level, who were mostly Commissioned Officers or at least graduate. But in the new system District Police Officers (DPOs) are under the District Nazims who are mostly Matriculate when the least qualification for Police Constables is Matriculation. So how District Police Officers who are mostly Central Superior Services (CSS) qualified, will fine-tune with matriculate District Nazim.

In Police act 1861 the maximum punishment for Police personnel was 03 months when in Police Order 2002 the maximum punishment for Police personnel is 05 years on various acts / omissions

just as Police without lawful authority, or reasonable cause, enters or searches or causes to be entered or searched any building, vessel, tent or place or

vexatiously and unnecessarily detains, searches or arrests any person or seizes the property of any person or

inflicts torture or violence to any person in his custody; shall, for every such offence, on conviction, be punished with imprisonment for a term, which may extend to five years and with fine.

Due to these penalties public has got much relief from Police aggressions.

After Police Order 2002, Police personnel/ Officers who infringed these rules, in consequence, many cases were set out against them.

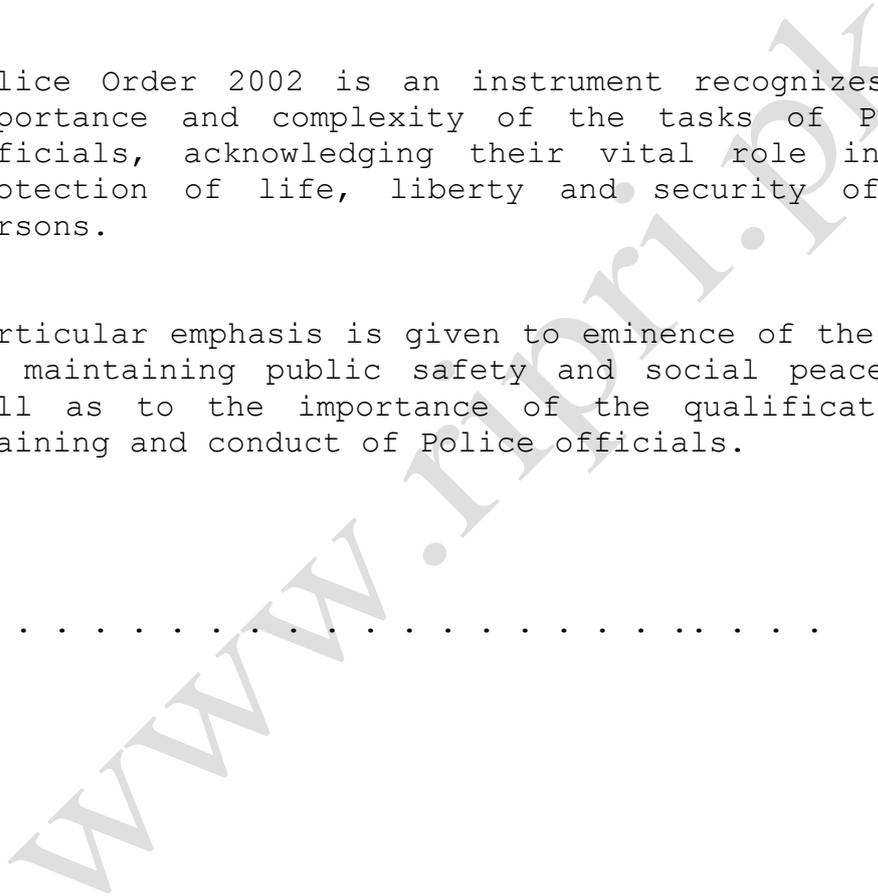
Police Order 2002 is mostly in accordance with modern needs, just as appointment of Experts, Criminal Justice Co-ordination Committee, National Police Bureau, Constitution of Promotion Board and warning to first offender.

More over, some-things were already in practice just as Police Complaints Authority (PCA) and Citizen Police Liaison Committee (CPLC) but they were not properly veiled with Police laws, Now in Police Order 2002 these are legalized, which was acute need of time.

Police Order 2002 is an instrument recognizes the importance and complexity of the tasks of Police Officials, acknowledging their vital role in the protection of life, liberty and security of all persons.

Particular emphasis is given to eminence of the task of maintaining public safety and social peace; as well as to the importance of the qualifications, training and conduct of Police officials.

.....



SUGGESTIONS

(for Police Personnel/ Officers and Department)

1. All the Police officials should be selected by proper screening procedures.
2. Police should receive continuous and thorough professional training; and are subject to periodic review of their fitness to perform their functions.
3. Police should be trained and tested in accordance with appropriate proficiency standards in the use of force; and only authorised to carry a firearm when specially trained;
and use the force and fire arms as per infra 03 basic principles.
 - a. Legality
 - b. Necessity
 - c. Proportionality
4. Police officer should be a symbol of
 - o Integrity
 - o Stability
 - o Authority
5. Police should develop personal attitudes and behaviour to a level that will enable them to perform their Tasks in a correct manner.
6. Police should work to cultivate and to preserve an image of the real organisation that instills trust and confidence in the society they are serving and protecting.
7. A Police official should be guided by Professional Ethics.

8. Police should have appropriate moral, psychological and physical qualities.
9. Police Personnel/Officers, in the performance of their duty, shall respect and protect human dignity and maintain and uphold the human rights of all persons.
10. Matters of a confidential nature in the possession of Police Personnel/Officers should be kept confidential.
11. Police Personnel/Officers, should care and protect the health of person deprived of their liberty/ arrested person.
12. Police Personnel/Officers, should forbid to commit any act of corruption, as well as rigorously oppose and combat any such act.
13. Police Personnel/Officers, should not infract the Law or the Code himself.
14. Police Personnel/Officers, should not participate in illegal activities.
15. Police Personnel/Officers, should not involve in immoral activities.
16. Police Personnel/Officers, should use appropriate language in public.
17. Police Personnel/Officers, should Demonstrate responsible behaviour.
18. Police Personnel/Officers, should be calm and patient when dealing with the members of the public.

19. Police Personnel/Officers, should maintain their uniform in good condition.
20. Police Personnel/Officers, should have an objective attitude, displaying tact and impartiality.
21. Police Personnel/Officers, should keep a polite demeanor combined with a firm, but flexible and honest approach.
22. Police Personnel/Officers, should be friendly, open approach to all human being and a ready sense of humour.
23. Police Personnel/Officers, should have an ability to influence others, through the use of imagination and persuasiveness.
24. Police Personnel/Officers, should always demonstrate credibility and leadership skills.
25. Police Personnel/Officers, should treat the People as they want to be treated by People.

Bibliography.

1. Government, 1861, Police Act No. 5 .
2. Government, 2002, Police Order No. 22.
3. Government, 1860, Pakistan Penal Code.
4. Government, 1898, Criminal Procedure Code.
5. Government, 1978, Sindh Prevention of Gambling Ordinance.
6. Government, 1965, Motor Vehicle Ordinance.
7. Government, 1965, Pakistan Arms Ordinance.
8. Government, 1861, Police rules, Lahore, Qanooni Kitab Ghar.
9. Ainsworth, Peter B, 1987, Police work, London, British psychological society and Methuen.
10. Aleem, Shamim, 1991, Woman Police and Social change, NewDelhi, Ashish publishing House.
11. Mathur, Dr.K.M, 1987, Administration of Police Training in India, Delhi, Gian publishing House.

12. Arora, Ramesh K, 1979, Training and Administrative development, Jaipur, The H.C.M.state institute of Public Administration.
13. Banton, Michael, 1964, The Police man in the community, New Delhi, Basic Books Inc.
14. Chaturvedi, T.N, 1961, Public service and Modern challenges, New Delhi, Training division.
15. Tandon, Shrawan, 1977, Importance of Research and Development in modernizing police force, New Delhi, Police research and development journal quarterly.
16. Doig, James w, 1968, Police problems proposals and strategies for change, New Delhi, Public Administrative review symposium on police in a democratic society.
17. Muhammad, Mahmood bin, 1972, Areas for Research and further study in police administration, Hyderabad, Osmania University.
18. Police Committee Report, 1985 (Islamabad: Government of Pakistan)
19. Police Reforms Implementation Committee Report, 1990 (Islamabad: Government of Pakistan)

World wide websites

- 1) www.forensic-training.police.uk
- 2) www.met.police.uk
- 3) www.police.uk
- 4) www.delhipolice.nic
- 5) www.hyderabadtrafficpolice.com
- 6) www.google.com
- 7) www.questia.com
- 8) www.police.nsw.gov.au
- 9) www.police.go.th
- 10) www.police-information.co.uk
- 11) www.police.online.fr
- 12) www.policeguide.com
- 13) www.officer.com
- 14) www.police-shop.co.uk
- 15) www.policetrainingnetwork.com
- 16) www.policesalary.com
- 17) www.policestandards.org

E-mail addresses

1. info@hub.nic.in
2. delpol@del2.vsnl.net.in
3. dcptdlh@satyam.net.in
4. dcptvip@delhi123.com
5. info@delhitrafficpolice.nic.in
6. apd@abilenetx.com

-THE END-