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ETHICAL REFORMATION: SUGGESTIONS FOR BETTER POLICING IN PUNJAB

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Keywords: Public Service
Reforms, Ethical Reforms, Police
Reforms, Better Policing, Punjab
Police

Received: 14th February, 2022**Accepted:** 18th March, 2022**Published:** 31st March, 2022

Abstract: For any state, police is an important institution comprised of competent workforce legitimated by the state to uphold the rule of law, guaranteeing security, wellbeing of people and protection of property of citizens. It forestalls wrongdoings and prevents civil agitations, chaos and riots in the society. For the purpose of this study, a systematic case study of Bahawalpur region of the Punjab province of Pakistan was conducted. This involved interviews of twenty (20) people from all the three districts of Bahawalpur Division i.e., Bahawalpur, Bahawalnagar and Rahimyar Khan, and a survey involving sixty (60) people. The participants of this study included a former Judge, Lawyers, Social and Political workers (who have remained part of citizens Police arbitration committees and citizens from different walks of life who have been involved in some process with police in one way or the other. Along with this, literature related to previous suggestions and criticism regarding the performance of the police was reviewed. Based on the research already conducted on this area, this a set of suggestions are proposed in this article for better policing in the Punjab province of Pakistan.



INTRODUCTION

Many of the problems associated with Pakistani police service today can be traced back to the mid-nineteenth century, when Pakistan was part of British colonial rule in India. Like other arms of civil bureaucracy (Kalia, 2013), police loyalties were with the British and their job was to control and suppress the general public instead of safeguarding them (Siddiqi et al., 2014). The prime job of the pre-partition police was not only to serve their foreign masters also to use their energies and resources to protect the majesty instead of providing protection general public of the Indian sub-continent against the crime. Accordingly, they were trained and groomed as elites of the society and were not among the typical masses. Police was oriented in a rigid hierarchical structure with the belief to serve the foreign masters at any cost and even at the cost of the law (*Public perceptions of trust in the police in Abuja, Nigeria*, 2019). The only law of the land was to protect the vested interests of the rulers by all means. Ullah and others argue that Police was used as a tool to control and victimize people who refused to obey to their foreign masters and local rulers. To perform this task, police was free to do anything, right or wrong during the British Rule in the Indian sub-continent. A police officer was the symbol of fear and terror and s/he was considered as one of the elites of the society with the power to turn anyone's future dark (Ullah et al., 2016). The concept of policing in Pakistan has not changed even after the gaining independence from the British. Even as of today, a policeman is considered loyal to the political and feudal elites instead of a service provider to the general

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public and the society. Likewise Malik and Qureshi argue that the British have ruled the Indian sub-continent by suppressing the will of the people and supported monarchs and local state rulers to strengthen their reign (Malik & Qureshi, 2020). Although, over the years the conduct of police has reformed significantly, a lot still needs to be done.

Need to Reshape the Conduct of Police Officers in Punjab Police

To form close ties with the public and to win their confidence, the conduct of police officers should be much different than that of the prevailing one. The first thing the officer needs to understand is that that he is one among the people, not superior to them by any means. S/he should consider him/herself a member of public rather than someone who has an authority over them. The officer must be having a well developed civic sense as well. A good police officer should be open minded and compassionate and must have a flexible attitude towards handling the problems of sensitive nature. He must be able to work independently according to the situation, employing his thinking and imagination. The officer must also show empathy and he must be well aware of the socio-cultural values of the community as not to act insensitive to it. It's always better to employ an educated officer who can do his job not just on impulse but also on pre-acquired or situation-based knowledge. (What Makes a Good Police Officer? 2020). The job of police officers is very complex in nature. They have to deal with everything from confronting criminals to making negotiations. One day an officer might be involved in a search and rescue operation, the very next s/he might be required to investigate a murder. So it is essentially important for an officer to be aware of the social, cultural, political and economic dynamics of his/her area of duty while also having knowledge of the terrain and geographical factors. Defined guidelines and operating procedures can only take one to a certain extent in this field while rest depends on the commitment level, dedication and ability of the officer to office to make decisions in the spur of the movement that are driven by reason rather than impulse. Also, communicating in the right and an appropriate manner can make the difference between trust and mistrust, being welcoming or intimidating and can either pacify a conflict or ignite it further. (What Makes a Good Police Officer? 2020). Financial integrity is also crucial. The biggest stigma attached with police in Pakistan is corruption. All the training, reformation can go in vain if only the officer can still be bought off. This area needs special attention of the relevant policy making authorities.

Suggestions for Better Policing

This paper suggests a set of suggestions to the relevant authorities in order to bring ethical reforms in the conduct of police officers in Pakistan. As mentioned above, Pakistan has inherited its police setup from the colonial masters who used "Police Force" to control and manipulate people. It was their tool to control and exploit their subjects and to fulfill their interest. A modern police officer should consider police as a service rather than a force. True that due to prevailing nature and extent of crime and terrorist activities a police officer should be mentally and physically capable of tackling any challenge, he must understand that being empathetic, understanding and soft spoken is more important for the job then being a warrior.

There is a dire need to replace the prevailing image of a police officer to that of a community service member. The model proposes division of existing police force into fragments on the basics of their roles and they should be trained according to their roles. There is a need to make it clear that police officers are from within the people and are only appointed to serve them. They are to work for the community with the assistance of the community. Unlike military, there is to be no demarcation between serving police officer and the "civilians". The colonial and dictatorship legacies are required to be subsided in order to transform police service into a social service. Initially, several transformational steps may be taken up including but not limited to: (I) initiating character building program for the police officers; (II) working on improving communication skills of the police force; (III) introducing courses of public policy and public administration into initial training of officers of ranks of Assistant Sub-Inspector (ASI) and; (V) making it compulsory for officers across the ranks to attend quarterly workshops on community relations related affairs.

1. Bringing Financial Stability to the Employees

Undoubtedly the greatest stigma plagues the police department(s) in Pakistan is corruption. Mismanagement, lack of financial resources due to insufficient salary, absence of reliable social services for the family and lack of job security forces the officers to acquire money through unlawful means (Malik & Qureshi, 2020). Time and again, attempts have been made to tackle this issue but to no avail. It is either due to the severity and deep-rooted nature of the problem or due to lack of interest and will of the senior management or relevant authorities. Bribery is prevalent not only in dealing with the citizens but also within the department itself. In order to curb these vices, the police employees need to financially sustain in a lawful manner. This can be done by increasing their salary and providing them will services like health and educational facilities for them and their children so they may not

have to worry about spending too much of their income on these basic necessities that many other organizations of similar nature provide for free. As the aim is to reform police in given resources this research proposes budget cuts on unnecessary and extravagant disbursements. Unjustified allowances for the higher officials should be checked and pay raise policy should may be uniformly applied to the whole department regardless of the rank. It has often been observed that additional financial initiatives are usually reserved for the senior officers i.e., BPS-17 and above. Often time's shortage of funds leads to delay of provision of salaries. This is another reason behind failure to regularly and gradually increase salary. The Police have established welfare funds for the employees but they aren't often functioning properly. Again, mismanagement and biasness on part of officials is often the cause. These welfare funds are mostly founded to provide scholarships for the children of the employees and cover their medical expenses. It might also be used for provision of interest free loans on easy installments. Though not wide spread, the Police department does operate some schools and hospitals. The existing facilities should be rejuvenated and enhanced and new should be formed upon availability of sufficient funds.

Children of the police employees may also be provided free education at least till Higher Secondary School level. In places where the schools are non-existent, children should be accommodated in good quality local schools so they may get good education. There should be a quota for the children in universities and their education should be assisted by means of scholarships, partial or complete fee waiver. Pension system also needs to be revamped as it has many major shortcomings. Upon retirement or death of an officer, s/he or his/her heirs have to go through the whole process of issuance of pension which is a tedious process with many layers of approvals involved. This unorganized and lengthy process also has potential of bribery and corruption. Moreover, the amount of pension paid is also quite meagre to help the retired officer and/or his family to sustain a dignified life after retirement. The pension system should be reviewed and improved.

2. Accountability

The system of accountability should be institutionalized in the police department in its true sense. There should be internal accountability mechanism as well as an open access to relevant accountability departments. All employees must possess National Tax Number (NTN) and should declare their assets on annual basis. The system of fund dispersal should be automated to maximum feasible extent and all expenditures must be transferred after fully logging them first in order to prevent unauthorized allocation of funds. Internal audit must be enhanced. The Audit reports of the department should be made public so people may be aware where the funds are being spent. The department should either acquire all the weapons, vehicles, equipment, accessories etc. directly from the source in the prescribed manner or if a middle man or organization is involved proper money trail is to be given. Police departments are often provided aid in the shape of funds and equipment by national or international organizations, charities or by the community itself. Whatever the source might be, the funds and equipment should be handed over through proper channels so it may be accounted for. This accountability would not improve the working of police while improving its image, it will also encourage citizens and organizations to come forward and assist police as they would know that the financial or material assistance they provide will not be misused.

3. Checks and Balances

For a peaceful society, checks and balances are pivotal between public departments and the citizens. This offers assurance that everyone will remain within their limits as they would be aware that their actions and conduct make them answerable to someone else. Just as the citizens are to abide by the rules implemented upon them by law and enforced upon them by police, the Police is answerable to the people so they may also only work under the domain of law which has been approved by the will of the people. The best mean for the citizens to keep a check on police proceedings and police personal is through the means of a robust and formal complaint system. The proposed complaint system would be universal in nature throughout the state and will be both online and manual in nature. Though in one form or another complaint cell do exist, they are not formalized or regulated. They are either initiated by higher police officials or some political figure in authority and are subject to change or termination upon the transfer, end of tenure or service or the concerned person.

Also, even if the complaint is heard and enquired, usually there is no documented record of the proceeding and the outcome. In this model, it is proposed that a compliant cell on the lines of the citizen portal as initiated by the federal government of Pakistan may be opened to accommodate complaints related to police only. Complaints can also be transferred through the channel of proposed arbitration committees as union council, tehsil and district level. All of the complaints submitted to the proposed cells are to be documented formally and the response is to be given within a pre-defined period of time depending on the nature of complaint which is to be drafted by the police department and make it public. The action taken upon the compliant is to conveyed to the complainant

within due time. Even if no action is taken, it must be conveyed in a satisfying manner as why no action was taken. The relevant department should also draw up list of complaints of serious nature that entitle the complainant to apply for review of his complaint by a higher authority. If the complaint is related to a police station's proceedings or is against an official of rank up to an Inspector, the matter may be referred to the Sub-District Police Officer (SDPO) of the tehsil. If the complaint is levelled against the SDPO, then the matter may be referred to the District Police Officer (DPO) and if the complaint is against the DPO, it may be referred to the Regional Police Officer (RPO) or the City Police Officer (CPO).

There should also be a monitory committee based at the provincial headquarters of the Police that will keep record of all the proceedings. In case of a very grave matter, RPO may refer the matter to the committee for due consideration even if the accusation is made towards an officer of rank of Inspector or below. But its only to be done if the accusation is serious in nature and the complainant wishes to take the matter to the departmental committee rather than taking the matter to the court straight away. All the responses must be recorded. In case any officer gives a statement in his defense, that statement is to be recorded as well. The concerned citizen must have an access to a copy of his complaint and the police proceedings conducted in connection to that. If the citizen takes the matter to the court, police must justify the facts upon which the complaint of the citizen was not entertained or was not entertained according to his or her aspirations.

4. *Transparency and Merit-based Proceedings*

A malpractice that is quite common throughout Pakistan is that police proceedings are often not well documented or are not documented at all. Especially in the matters concerning dispute resolve through arbitration, no formal record is kept of how the matter was handled or what the outcome was. Sometimes even the settlements or agreements between the parties are not formal in manner even if recorded and can't be produced on a legal forum if need be. Even if everything is well documented, it is usually kept confidential and not made public.

The only legal document considered to be public is the First Information Report (FIR) which usually only contains the details of the occurrence of the offence or crime and does not give any indication of how the issue transpired and culminated. This lack of and poor documentation also means that evidence can be tempered or destroyed altogether. To this policing model, it is suggested that all the police proceedings should be made public except those concerning the matters that are very sensitive or personal in nature like the matters of national security or those concerning internal family disputes. The victim may also request the police to refrain from making the matter related to him/her public or the police may do it itself if they feel that exposing the facts may threaten the victim's life, integrity, character and property. Such transparency, rather than weakening the police, would make the department stronger as through strengthening people's trust and confidence upon police as it will give them the assurance that police will not exploit them and do wrong to them as if they do, they can easily hold them accountable. This will bring the people and police ever closer and remove their differences. When proceedings are not well documented or made public, it kills the merit and enables officers to solve matters according to personal preference and will or as a favor to someone. These favors are given either when the concerned citizen is an influential and powerful individual or he has bribed the officer. Not only are such practices wrong on their own, they are often done by people who are on the wrong side of the law and are looking for some type of loophole or bypass to avoid legitimate legal proceedings. When a Police officer would be aware that all actions concerning the case are to eventually be recorded and made public, he would surely be careful not to give any undue favors as eventually they may create problem for him or herself. The officer may only do a favor and go up and beyond the call of duty if its in a legit manner and for a good cause, usually intended to assist a victim which by no means and offence but rather a virtue of good police officer and the goal of community policing. If this system is applied in the proposed manner, the Police personal will be much more vigilant and careful in performing in their duties as they would know that they can be formally held accountable for their actions now and in case they try to falsify their claims, physical record of their conduct will be available. It will make citizens and Officers equal in a way as just the way a complaint can be registered against a citizen, a citizen can lodge a formal complaint against an officer which is bound to be addressed.

5. *Depoliticizing the Police*

The Police in Pakistan is often dubbed as the force that serves the rich and powerful and crushes the weak and the poor. And the major fragment of the society that exploits police the most and uses it for its personal gains are the political elites. The political elite have excessive control over Police both legitimately and illegitimately. The law makers the direct access to the police high command and can approach them to either modify the system to serve their purpose or can ask them to do it directly by bypassing the law. Its a matter of common knowledge that in Pakistan, especially in Punjab and Sindh, transfers of police officers are done according to the will of the MPA or

MNA of the region rather than the basics of their performance. The officers know that if they don't abide by the will of the political elite of the region they may get transferred or may even get suspended without any reason. So, the officers feel bound to serve the political elite as they command. This usually leads to unjustified conduct of the police where citizens might be locked up, tortured physically or mentally, forced to sign agreements or deals against their will or suffer even a worse fate. There have been incidents where Political elite have employed police to kill opponents in staged encounters. Even if the whole police structure is reformed and just, the element of politicization is left, it will undo all the positive progress made.

Under the Police Order of 2002, the police were to be a full non-political institution with no interference with constitutionally unconcerned political figure. But a series of amendments made under pressure from different segments of the society erased these clauses and replaced them with the ones that gave politicians even mere legislators direct access to police matters and a great degree of control over them. The proposed community Policing model suggested reverting those amendments in the favor of the original ones in order to make police non-political in true sense. Though it still maintained buy the top brass of the Police that it's a non-political institution, but the reality is far from it. In order to depoliticize police, the first step is that the discretion to appoint, transfer, promote, suspend or dismiss an officer should be made a purely departmental affair.

The officer's performance and the subsequent reward or punishment should be on the basis of his performance or the feedback of the public (through the complaint cell or by the means of citizen police arbitration committees), rather than according to the will of the local politician. The police officers should not be subjected to any penalty or insult if he refuses to abide by the order of a politician which are unlawful and exploitative. If the Police officer would know that he doesn't depend upon the political elite for the growth and perseverance of his carrier, he or she won't feel obliged to assist the powerful in the pursuance of their sinister interests. This step would not only uproot many of social vices while erasing many obsolete malpractices, it would redeem police in the eyes of the general Public. The citizens would start viewing police as a force serving the ruled rather than the rulers. And as for the officers, when they would know that their fate doesn't rest in the hands of an individual but depends on their own conduct and performance, it will make them braver and more confident in their abilities and a brave and confident officer is an honest and dedicated officer.

CONCLUSION

This study examined the efforts to reform the police and analyzed the strength and weaknesses of those reforms and ponders to what extent those reforms achieved their intended objectives. It was hypothesized that there have been various attempts to introduce reforms in police in Pakistan that seemingly failed to achieve the focused objectives of making police efficient, upright and better performer. It is hoped that the suggestions proposed in this study may help the relevant authorities in developing police departments efficient, trusted and reliable public service providers in Pakistan.

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