

POLICING THE POLICE: A DEMOCRATIC EXIGUITY IN PAKISTAN

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Abstract

Proficient policing mirrors democratic governance through the role played by citizens in their policing. The public participation in their policing plans contributes towards the transparency as well as autonomy of the police. It is a fundamental societal obligation towards the marginalized communities who are the most affected by police misconduct. This paper explores the policing regime in Pakistan, adopting the theoretical framework of Kempe Hope for police oversight. It reviews police reform initiatives by various governments in Pakistan from the democratic perspective. It discovers that public role in policing has remained insignificant and the implementation of policies of democratic oversight disregarded. The paper concludes that the police preserves colonial structure and remains unresponsive to the societal needs. The ingress of democracy in policing continues to be exiguous in Pakistan. Some policy recommendations are provided for an operationally autonomous and popularly accountable police.

Keywords: Policing, Governance, Implementation, Democracy, Accountability

Introduction

The death of Gorge Floyd in Minneapolis and abrupt eruption of protests globally, has further accentuated demands for public oversight against police brutality, racism and lack of accountability.¹ People around the world are clamoring that police should treat them fairly and with respect. To achieve that, governments must institute effective mechanisms to enable citizens to influence their policing plans, powers to arrest, interrogate and use of force by the police. Democracies recognize the philosophy of legitimate policing as crucial to the modern governance. The existence of public control is a true expression of the efficacy of police accountability. In Pakistan, the imperious application of power by police from the Model Town Lahore to Sahiwal and beyond portrays police incompetence, brutality and corruption.² Consequently, public demand for police accountability occasionally becomes

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vociferous because the inherited colonial structure of the police is not responsive to public needs. Police was a tool in the hands of the empire for subjugation of the population. The system was created to serve the empire whose targets were transitory with no obligation to native people. The irony, however, is that the repressive system was retained³ in the new republic which espoused a democratic dispensation and the sovereignty of people.

Police, like any other institution of a government, has to be accountable to people for its performance. More so, because it has the legal authority to use its coercive powers to resolve awkward situations.⁴ It can become a tool for the rulers to turn a democracy into a tyranny. A responsive and goal-oriented mechanism is hence must for the performance as well as credibility of police. In a democracy, it means the involvement of stakeholders from different layers of the society to form oversight bodies. Pakistan promulgated the Police Order 2002 to infuse a semblance of police autonomy and accountability. It remains questionable, however, if this law was meant to establish democratic oversight or was merely a gesture of public appeasement. Government could not implement even its meekest accountability provisions due to political as well as bureaucratic resistance. Police accountability appears to be shelved since any further progress has faltered. The battle for power in Pakistan continues, and control of police reflects its pivot and the benchmark. This paper takes a 'Governance' perspective of the policing with its focus on the citizens' participation; and where the 'state' is not the sole but just one of its actors. It begins with a discussion on the notion of police accountability, examines worldwide experiences for the policy learning and then turns to the discussion on the policing milieu in Pakistan. It proffers governance insights for overcoming the democratic deficit in the policing system. It concludes with the call for a conceptual overhaul in the policing ideology in Pakistan, anchoring its logic on the academic insights from comparative policing systems. This paper is however not an exposé of police problems and reform initiatives in Pakistan.

Policing in a Democracy

Democratic policing is a multidimensional, multilevel and a challenging concept, rooted in philosophies of 'governance'. Its theoretical underpinnings are hence not singular or neutral but are situated in the ideologies of Right, Center-Right, Left and Center-Left (i.e. Neo-Populism, Conservatism, Social Democratic/Liberal Socialism, and Populism, respectively).⁵ Many scholars now endorse that policing in a democracy cannot survive without transparency and its accountability to public.⁶ Even the United Nations has called for establishing accountable police systems replete with checks and balances to thwart misuse of powers and to stimulate public trust and the legitimacy in policing.⁷ There are two prominent concerns about the police in a democracy. The first being how to hold police responsible for its services i.e. crime control etc and the

second, how to hold individual police officials liable for trampling human rights/dignity⁸ and discriminatory/disrespectful behavior towards citizens.⁹ Police in a democracy therefore must account for what they do and how they go about doing it. Conclusively, it is the public control of the police conduct, operations and activities.¹⁰

Various mechanisms have been adopted by the democracies in the world¹¹ having internal and external controls to ensure that police performs effectively and is castigated if it falls short.¹² Policing is steered by government institutions and monitored by a vigilant civil society to ensure that it is not held hostage to the whims and desires of powerful leaders or political parties. The overall governing system maintains the policing integrity, prevents police misconduct and creates a public trust.¹³ It espouses the laws and values of humanism to restrain police officials from abusing their powers, rights and privileges.¹⁴ Different nations have adopted diverse mechanisms for public oversight. These comprise external as well as some internal agencies for investigation and control of the police excesses.¹⁵ In Pakistan one finds independent commissions, regulators and ombudsman for the external control.¹⁶ The internal controls of police are mainly departmental or judicial. These deal with different dimensions of policing, like human rights violations, police corruption and complaints against individual officers. But it is the mechanism employing citizens' control of police which embodies ideals of 'governance' i.e. operational transparency and utmost regard to the protection of human life and dignity.¹⁷ Police has to be highly skilled to deliver such outcomes efficiently and respond to the community respectfully.¹⁸ Conclusively, democratic police is a moralistic and sophisticated form of policing.¹⁹

Public Oversight and Control

Police is a disciplined service fundamentally organized on a military model.²⁰ It is uniformed, hierarchical and a rule-based bureaucracy²¹ which employs military tactics in its routine duties.²² In Pakistan, police is now an integral component of the security sector actors (military, paramilitary and police) that uses lethal force. It is a necessity to control such a legitimate coercive power to encumber its excessive and indiscriminate application.²³ Its public supervision is hence paramount. The supervising public body should have access to the internal and classified police documentation of the plans, policies, processes, actions, and their utilization in the investigations. It should ensure that police acts inside the laws, uses its assets proficiently and accomplishes its tasks professionally with autonomy, transparency and integrity.²⁴ Ideally, public body mandate should also include on-scene monitoring and investigation of critical incidents of police misconduct.

Public accountability and control as narrated above, is contemporarily

being accomplished through independent external public agencies.²⁵ These agencies should not have a majority representation of government servants. Their procedures to provide checks and balances should be built on democratic principles of crime prevention, investigation, transparency, discipline, and autonomy of policing.²⁶ It must be realized that public oversight organization is a 'public good'. That highlights a discrepancy with the potential to frustrate accountability because police may rationalize their role as protectors of democracy.²⁷ Filing a complaint against the police misconduct to the police or judiciary is now considered insufficient to meet the demands of natural justice.²⁸

Public control of police has twin aims. First is to ensure police accountability democratically and promptly; the second is to uphold the rule of law.²⁹ The public control may cause aspersion in the police department for losing their monopoly on the manner of being held accountable to public.³⁰ This entails a massive cultural shift in the police to accept public supremacy.³¹ Public supervision of the police will incur many benefits, some of which are given below.³² The actual benefits will depend on the model adopted and as to how well the stakeholders work collectively.

- Complainants can voice concerns outside of the police department for their accountability
- Provides better quality of investigations of misconduct
- Public gets reassurance of the transparency of the disciplinary process
- Vindicates either the complainant or the police officer
- Improves community-police relations and communication
- Reduces public indignation about controversial incidents
- Improves public confidence of the policing procedures
- Helps police to identify/rectify their weaknesses in policing. Police can better understand how their behaviors affect public perceptions
- Reduces costly litigation by proposing alternative solutions
- Agency mediation provides solutions and satisfaction in a neutral environment
- Increases police accountability and elimination of misconduct

Police Frameworks in a Democracy

In a democracy, public oversight can operate under a wide range of frameworks. Sharon Fairley's framework has been the most generalized and robust model supported by a sound empirical research.³³ The framework

consists of seven elements i.e. Investigative, Review, Audit, Adjudicative, Appeals, Supervisory, and Advisory. This study however suggests another influential framework which identifies five models practiced in countries with diverse cultures.³⁴ This framework is preferred being contemporary and applied in Kenya, a country where police structure has colonial legacy like Pakistan. The model is summarized below:

- **Independent Investigation Model.** The independent or external investigation model is the most acclaimed model. It is robust and credible but is expensive.³⁵ It is primarily focused on investigations of allegations against police officials. Because, it operates outside police department, it inhibits the risk of sabotage and manipulation of investigations by the police. The complaints are handled by professional civilian investigators. Accountability body enjoys unfettered powers to substitute or duplicate internal investigations of the police. On the flip side, it carries the potential of departmental resistance to investigation and can prove a disincentive for police to create or strengthen their internal accountability structure. Police can also use it for tossing the blame of its inefficiency to the public body.³⁶
- **Review Model.** This model reviews and in some cases evaluates and monitors the output quality of investigations conducted by the police internally. The public body receives complaints and reviews completed police investigations. If the complaint is factual, it will recommend its redress to the police department. It receives public input about police performance through public hearings. The oversight body holds joint community-police meetings for mutual collaboration and communication. If dissatisfied with the internal police investigations, it can ask police for reinvestigations. The members of this authority are volunteers. It is therefore the least expensive model. However, volunteers may become an efficiency handicap with their limited authority and resources. They may also lack the requisite skills for accountability, which can consequence into a softer accountability regime.³⁷
- **Appeals Model.** This model provides the mandate to handle appeals of the public on the outcomes of their complaints to police. Complaints are initially received, investigated and redressed by the police. As the entire process is managed by the police, the complainant if dissatisfied with the outcome may submit an appeal to this body. The body may comprise of both civil persons and police officers.³⁸ After scrutinizing it, the authority can either uphold the old proceedings or can make different recommendations on the appeal and send it back to the police leadership for action. The processes under this model consume longer

time comparatively. Since this model bestows only limited powers to the accountability body, it can diminish the public trust on the accountability.

- **Auditor/Monitor Model.** This model is entrusted to identify systemic failures in police service delivery. It endeavors to discover existence of any patterns in the police practices and misconduct. The model provides full access to previous investigations to facilitate their reviews and assess their outcomes. The accountability body scrutinizes and analyzes investigations quality, fairness, accuracy and police policies to recommend reforms and organizational changes for improvement. Its officials possess considerable expertise to meet their mandate.³⁹ It is less expensive than the investigation model but more expensive than the review and appeal models. Due to cumbersome and technical procedures, this is time intensive model. Consequently, only a few cases get monitored or audited.
- **Hybrid Model.** This model is unique in its approach as it visualizes the combination of two or more of the above mentioned models, taken as a whole or some of their elements. It allows the development and application of desired powers considered appropriate for a given political jurisdiction or a country.⁴⁰ Its goal is police governance through effective accountability mechanisms that satisfy public concerns about policing. The expansive nature of this authority may make it overwhelmed by the volume of work and the lack of the appropriate expertise to handle such workload.

Democratic Policing: The Case of Pakistan

A skilled and ingenious police service is critical for Pakistan since it has endured extreme periods of security instability for decades. The security threats come in all shades like limited/hybrid war, terrorism and insurgency. Pakistan police therefore has to be a vibrant force to address multidimensional fallout of societal violence. This comes over and above usual police functions i.e. battling crime and maintaining law and order in the society. The capacity of the police to perform efficiently on all these issues has grossly diminished because of various reasons, of which the major is its political manipulation and the rulers' control. Other limitations of Pakistan police include the inadequate training, lack of forensic skills, and corruption.

The institution of police has its legacy in the colonial history of Pakistan which dates back to Police Act of 1861. This Act emerged from the sociopolitical milieu of India, after the failed attempt to restore Mughal rule. It objectified enforcement of political and executive orders, laws to maintain foreign rule and "keep the natives on tight leash"⁴¹ rather than public service delivery. On its

creation, Pakistan did not replace this Act with some service oriented legislation despite the loss of rationale behind this Act. The colonially designed police continues to tighten the 'leash' in the new republic, further strengthening its bite with additional regulations to become the supreme administrative power of the country. Police service has been expediently divided into a privileged elite 'gazetted' corps of officers as decision-makers and an illiterate, ill trained class of lower ranks subordinated and beholden to the orders of officers.⁴² While the police leadership seeks out political patronage, the lower ranked police work at the behest of local rich instead of the poor people.⁴³ The ideals of independence, welfare of the people and democracy were hence forgotten and evaded during the governing history. People, somehow continue(d) to clamour for their constitutional rights to life, liberty and dignity. Multiple attempts to reform Police through various commissions and committees have failed to change the colonial legislation.⁴⁴ Similar fate has so far been also met by the incumbent government.⁴⁵

The inherited laws provided a window for redressal of public grievances (no accountability or oversight) against the police through recourse to judiciary, the Justice of Peace. This external mechanism also has a colonial philosophy and heritage. Its antiquity originated from the England's concept of 'King's Peace' in 12th century and 'Justice of Peace' in year 1361. Despite being a judge, Justice of Peace is an administrative officer. People could approach this office for their grievances against police pertaining to registration of FIRs, investigations and any other excesses. The office has remained dormant or underutilized due to lack of public awareness and access issues. Even the process and procedures of this office are complicated, expensive and hence painful for the masses. Rationalizing on the public disenchantment for police, the first ever change in the colonial law was introduced in the shape of Police Order 2002. The succeeding discussion in this paper is not a commentary on the new law. It is delimited to democratic policing and the role of 'demos' in their 'kratos'.

The Police Order 2002 was promulgated on 14 August 2002. The change was in the backdrop of following concerns about the Police Act 1861:⁴⁶

- It was preambled to create police as an instrument for the prevention and detection of crime. It left a very thin space for modern policing.
- It vested police "Superintendence" to the government i.e. political executives. Government then was of the England. Police in Pakistan became subservient to rulers' "superintendence", who extensively exploited police power to perpetuate their rule and suppress dissent.
- Functionally the "superintendence" of the police in Pakistan was transformed into the police of/by/for the District Magistracy (Deputy Commissioner), a legacy of the powers and ethos of Indian Civil

Service, designed to serve a ruler ported outside the country.

- It diluted public confidence in police as there was no institutional arrangement for public say in policing.
- It mired the professionalism in police.

The Police Order 2002⁴⁷ redesigned the police roles and responsibilities to instill professionalism in the maintenance of public order. It was an important step towards transformation of a dysfunctional police undertaken with the input from police leadership, senior serving and retired. The Order introduced new ideas of law enforcement. It separated police from the magistracy and provided autonomy in its functions. The envisaged accountability system was a semblance of community policing models drawn mainly from the experiences of Japan, USA and UK. The Order projected to reinvigorate the police as an institution and purge their traditional ruling attitude. Public accountability was instituted through the Public Safety and Police Complaint Commissions. These commissions were to be created all the way up to national level, starting from the districts. But, the implementation of this law was also expediently kept selective or abandoned. A number of amendments were made in this Order to remove or dilute its provisions related to public accountability. The core institution of democratic control, the public safety commissions, were not completely established or made functional.⁴⁸

The Justice of Peace was retained by the Order. However, an amendment was made through Criminal Procedure Ordinance in November 2002, which extended the power of Justice of Peace to issue suitable orders to register criminal cases against the police officials for their neglects, failures or excesses. This amendment was primarily not for public appeasement but was intended to lessen the burden of writ petitions on similar issues in the High Courts.⁴⁹ However through an interesting turn in 2019, Justice of Peace was almost turned dysfunctional. This happened as a consequence of decisions taken in the National Judicial Policy Making Committee in March 2019, wherein the Chief Justice of Pakistan rolled back the office of Justice of Peace, thereby overturning an earlier Supreme Court judgment.⁵⁰ The rationale of the decision was based on three factors. Firstly that engagement of judges in such functions has burdened the district judiciary and hindered the dispensation of justice. Secondly and crucially, the involvement of the judiciary in executive functions is against the constitution. Thirdly, the Police Order 2002 provides such remedies through various commissions and Justice of Peace is merely a duplication.

Police Order 2002 came under strong criticism from political parties across the divide, as they feared loss of influence on a tool of their coercive powers. The political hostility came in the garb of criticism on the legitimacy of this law highlighting its despotic roots. The antagonists blamed that it usurped the

provincial autonomy and hence was a violation of the constitution. The political confrontation led to many amendments in this law in 2004 and 2006, which diluted whatever autonomy was provided to the police. The amendments also distorted the structure of democratic policing visualized in the Police Order 2002.⁵¹ A counter factual argument projected by the political parties was that military government wanted to abrogate constitution and deprive people of their constitutional democratic rights by detaching legislators from the oversight and accountability of the police. In an intriguing observation the International Crises Group concluded that the promulgators of this law (the military government) never meant to implement it.⁵²

The Commissions under this law at all levels comprised a mix of government nominees from provincial and national assemblies and some independent members including a share for women. Democratic policing was envisaged in a provision of this law which required that police must prepare an annual policing plan with the approval of these commissions. Such plan must include their objectives/targets and evaluation methodology of the targets. The commissions were empowered to issue directions to the police for taking action against poor performers or those alleged for misconduct. The Order also provided for promoting Citizen-Police Liaison Committees (CPLC) to encourage police-public cooperation and to protect the people from the exploitation by the police.

The Commissions could initiate measures to stop unlawful activities of police and simultaneously shield it from the pressures of their superior authorities from obeying unlawful or mala fide orders. They could receive and process the public complaints against the police and direct police authorities to conduct investigations. They had the powers for enforcing the attendance of witnesses, obtaining of documents and the examination of witnesses. If police official is found culpable, the Commission could direct higher police authority to take action and submit compliance within a specified period. Failure by police to comply the directions of the Commission could be reported to next higher police authority for the remedy. If the complaint redressal involved a department other than police, Commission was empowered to ask that department for remedy. If the complaint was found vexatious or frivolous, the Commission could direct action against the complainant, including the filing of criminal proceedings. The investigation portfolio was kept internal to the police procedures.

The Police Order 2002 created a Federal Complaint Authority on police matters. Its members were picked from diverse backgrounds having relevant knowledge, skills, experience and integrity. Its functional procedures, roles and powers were similar to those adopted by the lower level police commissions, except that its jurisdiction was federal. It acted as an umbrella organization of

police accountability at national level. It was endowed with an additional power to initiate a judicial inquiry on the complaint. It could recommend disciplinary action against negligent enquiry officers for any mishandling or malaise in the inquiry and seek government assistance on the matters of grave nature. The Authority was accountable to parliament where it presented its annual performance report. In the nutshell, the Police Order 2002 provided sufficient tools and powers for public the oversight of the police. Its implementation however remained quiescent. Federal Complaint Authority was later dissolved and merged with Provincial Public Safety Commissions in 2006. These Commissions are now staffed by the members of provincial assemblies. This change has conclusively sabotaged the police accountability as it is tantamount to police working under the influence of politicians because they would shield it from public accountability.⁵³ Police subservience was amply exposed in the case of desecration of Quaid-e-Azam mausoleum and the ensuing hype of the “abduction” of Inspector General and mutiny by the Sindh Police.⁵⁴

Beyond Police Order 2002

Police Order 2002 was promulgated in all provinces, repealing the Police Act 1861. It was a paradigm shift in the police system towards the creation of a democratically accountable police that enjoys public trust. Its implementation however did not reflect its legislative intent. Conversely, the law was exploited and skimmed to enlarge police ‘empire’, perks and privileges. The number of elite officers’ corps at various government tiers multiplied, utilizing its establishment friendly provisions, while provisions related to public emancipation were ignored or diluted. With a few public safety commissions on ground and that too dysfunctional, law was molded towards aggrandizement of jobs and blurring of accountability and oversight.

The exit of Musharraf regime and provincially focused 18th constitutional amendment led to the demise of Police Order 2002. Khyber Pakhtunkhwa, Balochistan and Sindh have since repealed the Order and enacted their own laws. The thrust of new laws was not towards public accountability, but towards enhancing powers of the rulers. Interestingly, the preambles of even the new laws claim to make police function according to the constitution, law, and democratic aspiration of the people and make police professional, service-oriented, and accountable. The claims in preamble are nowhere to be found in the enacted laws.

Sindh now has its Police Order 2019 which hits hard on the public role in policing, as it dissolved the powers of the local governments and took control of the police. Balochistan enacted Police Act 2011 which gives more powers to the rulers over the police. The consequence of rulers’ power was exemplified in judicial acquittal of the daylight manslaughter of a traffic police official.⁵⁵ The

KP Government repealed the Police Order 2002 and now has its Police Act 2017. This was the most flaunted achievement of provincial government, which claimed that police has been made apolitical, autonomous and hence professional. This claim is a hoax if compared with the democratic provisions of Police Order 2002. Order 2002 had focused on the public empowerment and devolution at all levels, whereas new Act vests all powers in the person of Inspector General of Police.⁵⁶ KP police has however been fortunate to have financial comfort being a frontline to counter terrorism. With easy inflow of money, it embarked on various development programs funded by the World Bank and the USA. The reforms are of administrative nature that autonomize police operations. From the democratic perspective, there is no corresponding recourse for public grievances. The critics claim that changes are cosmetic for perception management by police whereas the reality remains unaltered and colonial.⁵⁷

Despite the mad race for changing laws to wrest powers, interestingly, Islamabad, Gilgit Baltistan and Azad Jammu and Kashmir are still keeping the Police Act of 1861. Moreover, police in the whole of Pakistan functions under the Police Rules of 1934 which contain its organizational, operational, and procedural systems. While provinces hurried to repeal Police Order 2002, both the police and their political masters remain content with the usefulness of the colonial police rules. Consequently, police continues to protect all types of elites against threats to their supremacy. The public attitude and the role of civil society to assert their rights has been mostly quiescent. Except occasional cries on the incidents of police brutality, people of Pakistan have generally been apathetic to this issue. The media too is selective in projecting police excesses, being the beneficiary of the police powers. The governance of police has thus been captured by the vested interests in the legislature, executive, judiciary, business, and the societal elites. Police Order 2002 has become a textbook case of 'policy implementation' and governance failure.

Policy Recommendations

The policing history of Pakistan expresses the democratic upend that "the safety and security of the public will always be secondary to the safety and security of the ruler or politician".⁵⁸ The policing regime of Pakistan is replete with the abuse of the police by the elites and the abuse of the powers by the police with impunity. The governments' unwillingness or repudiation to reform police portrays an acceptance of policing beyond the law. A comment of senior police official reflects the truth in Pakistan that "police encounters, though inhuman and a clear violation of human rights and law, are the only way to bring heinous crimes under control".⁵⁹ A democratically accountable police is crucial for the liberty, welfare, security and the rights of citizens. It is to the benefit of polity that the police are subjected to supervision by the self-

governing public authorities to provide remedies for the police excesses. Indeed, policing cannot be left to the police only. Regardless of the police model adopted, there will be challenges for the embedding accountability in policing in Pakistan. Following considerations will help in creating a democratic police system in Pakistan;

- **The Legitimacy Bind.** Legitimacy is often dependent on the manner an organization is created. Legitimacy also requires that legislative process of the accountability framework be transparent. This has an effect on police cooperation and influences funding of the body.⁶⁰ All military governments in Pakistan instituted governance reforms, which were disparaged by the deposed political elites as being a gimmick of the unconstitutional rulers. Later governments therefore inverted these institutions to bolster their own power. Laws need legitimacy to function and obeyed. Police is a power which would not present itself for accountability to a weak body. Absence of a broader political support creates a legitimacy deficit. That provides maneuvering space to police to sabotage and ignore public oversight laws. The crafting of any future public oversight mechanism must therefore be built on sound consensus of all stake holders. Ignoring this dimension can be construed by the police that people do not trust the monitoring authority. Legitimacy question will thus be exploited by police to limit its impact.⁶¹
- **Disciplining Police.** Accountability bodies have lacked the power to discipline police officials or modify their policies and practices. They could only recommend such actions or assist the police to identify their problem officials.⁶² The literature provides multiple global experiences as discussed in this paper to handle this insufficiency, but there is no 'one fit all' solution.⁶³ Pakistan being a federation faces jurisdictional and constitutional limitations. It is structured on laws and privileges which cannot be neutralized by any subnational accountability body. Even where the laws are clear, the slack criminal justice system can turn a success into failure. The police functions in a weird legal cocoon which inhibits its disciplining. Police leadership is federally recruited and managed but functionally engaged in autonomous provinces. Provinces have no power to discipline a police officer. Unless this quagmire is resolved, the police officers would continue to savor power and authority without any fear of reproach.
- **Laws of Secrecy.** The Official Secret Act 1923 presents a prodigious challenge to public/authority's access to police documents. It provides a gag privilege to public servants. Secrecy is the foremost shield for the abuse of power and a major source of frustration for the public

accountability bodies. Documents are critical for investigations and judicial evidence, and this need has temporal dimensions. Lack of information and cooperation from the police can ultimately make the accountability ineffective, lengthy and may lead to its abandonment. Instead of any legal remedy, this warrants a cultural transformation in the bureaucracy to become sensitive to democratic values and rights of the citizens. Ethically sensitized police may become accountability friendly. The legitimacy of the system plays an important role here as well. Police officials, who perceive public oversight as legitimate, are significantly more likely to accept and support it.⁶⁴ The domination of accountability narrative internationally may trickledown to Pakistan, if the police training institutions play their part. The laws in Pakistan should make it mandatory for the police to cooperate with such bodies. People should also not endure indignity as they have national and international agencies in their support to empower public for policing the police.⁶⁵ Pakistan can get priority for such assistance due to its 'post-authoritarian and post-conflict contexts'⁶⁶ which can also harness the next challenge.

- **Financial Sustainability.** Pakistan has mostly been confronted with the economic disorder which has worsened due to COVID-19. Any resource starved public body will have lower probability of its objectives being met, will make it ineffective or disintegrate.⁶⁷ Limited resources can consequence in political manipulation, recruitment and retention issues for the professional staff.⁶⁸ Political patronage and legitimacy also pay a great deal in generating and allocating funds for such bodies. Pakistan must proceed carefully because politicians envy 'police capture' and collaboration to engage even in criminal activities.⁶⁹
- **Investigation Powers.** The public body should be given essential powers to investigative and coerce police for cooperation. It should be able to compel both police and civilian witnesses to provide information. It must get the needed documents, wherever such documents may lie, whether in a government or private agency. Evidence is essential for the investigatory process, review and appeals. Conversely, the authority will be unable to make informed judgments regarding the police conduct or misconduct.
- **Planning and Staffing.** The public body must be adequately and professionally staffed with the employees having relevant skills to fulfill their mandate. The experienced and competent human resource lends credibility to their findings, reports and other outputs. Similarly, strategic planning is a management tool to set objectives and take

initiatives linked to outcomes. It lays priorities and programs commensurate with resources and assures that employees/stakeholders work towards common goals to achieve intended outcomes. The plan has to be responsive to changing political, legal or financial environments. It is through the plan that authority will determine what it intends to do now and in the future, and how will it get there in pursuit of its mandate.

- **Public awareness and Outreach.** Most people of Pakistan are hardly aware about the existence of police oversight bodies. Being uninformed, they cannot conceive of complaining against the police to some external agency. At best they are aware about internal remedy with the police and judiciary. To be meaningful, accountability bodies must therefore be appropriately visible and accessible to public.⁷⁰ Outreach is a significant element in building trust and to improve police legitimacy.⁷¹ The government should educate its citizens about the procedure for filing complaints about the police misconduct. The communication link between the police and the public will shape community confidence that their grievances will be heard. The police needs to be seen as legitimate not only by citizens but the surrounding agencies and governments as well.

Conclusion

Policing the police is imperative for democratic governance and the protection, security, welfare and freedom of citizens. The ideal policing should mirror democracy wherein citizens participate in their policing plans. The existence of electoral democracy alone does not reflect the values of democratic policing. Minority and marginalized communities are typically the most affected by police misconduct and hence deserve an effective antidote to the police abuse. Public oversight of the police promotes transparency and independence of police work.⁷² Some significant examples have been set across the globe and mentioned in this paper to develop democratic policing framework in Pakistan. The initiatives taken under the umbrella of governance reforms so far have failed to bring police in the public jurisdiction. Police would continue to resist and detest their oversight. But the same is necessary for the institutionalization of democratic culture and practices. The existing police system is ill reputed and appropriate to serve the rulers only. Reforms process is likely to be cumbersome and protracted but its disregard will be a peril. Government must comprehend that safety of its citizens and its own, can best come from a democratically run police which is operationally autonomous but democratically accountable.

Endnotes

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