

THE DRAFT

SINDH POLICE ACT 2014



**Legal
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THE DRAFT SINDH POLICE ACT 2014

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The Sindh Police Act, 2014

An **ACT** to constitute and regulate the police in Sindh;

WHEREAS respect for and promotion and protection of the fundamental rights of the people is the primary concern of the Provincial;

AND WHEREAS the police has an obligation and duty to function according to the Constitution, law, and democratic aspirations of the people;

AND WHEREAS such functioning of the police requires it to be professional, service-oriented, and accountable to the people;

AND WHEREAS it is expedient to redefine the role of the police, its duties and responsibilities, by taking into account the emerging challenges of policing and security, the imperatives of good governance, and respect for human rights;

AND WHEREAS it is essential to appropriately empower the police to enable it to function as an efficient, effective, people-friendly and responsive service;

AND WHEREAS it is necessary to reconstruct the police for efficient prevention and detection of crime, and maintenance of public order;

NOW, THEREFORE since it is necessary for this purpose to enact a new law relating to the establishment, management, oversight and accountability of the Police in the province of the Sindh, it is hereby enacted as follows:

CHAPTER I PRELIMINARY

1. Short title, extent and commencement:

- (1) This Act may be called the Sindh Police Act, 2013.
- (2) It extends to the entire Sindh unless otherwise notified by the Government.
- (3) It shall come into force at once.

2. Definitions:

- (1) In this Act, unless the context otherwise requires,
 - a. 'Act' means the Sindh Police Act, 2013;
 - b. 'Administration' includes management of administrative, operational and financial functions;
 - c. 'Code' means the Code of Criminal Procedure, 1898 (Act V of 1898);
 - d. 'Committee' means the District Police Oversight Committee or the Provincial Police Oversight Committee established under this Act
 - e. 'District Police Officer' means the head of district police who is posted under section 15;
 - f. 'Division' means a police jurisdiction comprising one or more sub-divisions in a district established under section 18;
 - g. 'Exigency of service', in relation to posting and transfer, means an urgent or unforeseen situation which, for the reasons to be recorded in writing, requires premature transfer of a Police Officer for performance of specific tasks or duties but not as a replacement for what should be rightly treated as an efficiency and discipline matter;
 - h. 'Federal Law Enforcement Agencies' include Federal Investigation Agency, Pakistan Railway Police, Anti-Narcotics Force, National Highways and Motorways Police, Islamabad Police, Frontier Constabulary, and any other Federal and Provincial organization notified as such by the Government from time to time;
 - i. 'Government' means the Government of the Sindh unless otherwise specified;
 - j. 'Junior ranks' means members of the police of and below the rank of Inspector as set out in the First Schedule;

k. 'Place' includes:

- i. any building, tent, booth or other structure, whether permanent or temporary; and
- ii. any area, whether enclosed or open.

l. 'Place of public amusement' means any place where music, singing, dancing or game or any other amusement, diversion, or recreation or the means of carrying on the same is provided etc. to which the public are admitted either on payment of money or with the intention that money may be collected from those admitted;

m. 'Place of public entertainment' means any place of boarding and lodging to which public are admitted by any person owning, or having any interest in, or managing, such place;

n. 'Provincial Police Officer' means an officer of the rank of Inspector General of Police posted under section 11 as the head of Sindh Police

o. 'Police Officer' means a member of the police who is subject to this Act;

p. 'Police or Sindh Police' means the Police Department referred to in section 6 and includes

- i. all persons appointed as special police officers or additional police officers under this Act; and

- ii. all other employees of the police.

q. 'Prescribed' means prescribed by rules made under this Act;

r. 'Property' means any moveable property, money or valuable security;

s. 'Public place' means any place to which the public may have access;

t. 'Public nuisance' is an act or omission that causes injury, loss or damage to or obstructs or inconveniences the rights of the community as a whole or its members.

u. 'Rules' means rules made under this Act;

v. 'Schedule' means a schedule to this Act;

w. 'Senior ranks' means members of the police above the rank of Inspector as set out in the First Schedule;

x. 'Specialist cadre' means a group of members of Sindh Police recruited and trained for a specific branch, unit or bureau performing technical or specialised functions

requiring skills and competencies of an advanced degree relevant to the tasks assigned to the branch, unit or bureau;

y. 'Street' includes any highway, bridge, way, causeway, arch, road, lane, footway, square, alley or passage, whether or not it is a thoroughfare and to which the public have access, whether permanently or temporarily;

z. 'Sub-division' means a jurisdiction comprising one or more police stations and headed by an Assistant or Deputy Superintendent of Police

aa. 'Transfer of investigation' takes place when a head of district police, a Regional Police Officer or the Provincial Police Officer takes the investigation of a case away from one officer and hands it over to another officer or a team of officers with in jurisdiction of that officer by an express order in accordance with section 22;

bb. 'Vehicle' includes any conveyance of any description mechanically propelled or otherwise.

(2) All references in respect of District Superintendent of Police in any law in force shall mean head of district police posted under section 15 of this Act.

(3) Words and expressions used in this Act but not defined specifically shall have the same meaning as provided in the General Clauses Act 1897, the Code of Criminal Procedure 1898, and the Pakistan Penal Code 1860.

CHAPTER II
RESPONSIBILITIES AND DUTIES OF THE POLICE

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 harmony in the community;
- (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.

4. Duties of police:

(1) Subject to and in addition to those conferred by any other law in force, it shall be the duty of every police officer to;

- a. protect life, property and liberty of citizens;
- b. maintain law and order and security;
- 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. detect and bring offenders to justice;
- f. collect intelligence relating to matters affecting public peace, and all kind of crimes including social offences, extremism, terrorism and other matters relating to national security, and disseminate the same to all concerned agencies, besides acting, as appropriate on it themselves.
- g. 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;
- h. regulate and control traffic on public roads and streets;
- i. take charge of all unclaimed property and to prepare its inventory;
- j. apprehend all persons whom the police officer 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 pointed out by the aforesaid person;
- l. enter and inspect without a warrant on reliable information any public place, shop or gaming-house where weapons are illegally stored
- m. obey and promptly execute all lawful orders;
- n. perform other duties and exercise powers as are conferred by this Act, the Code or any other law for the time being in force;
- o. provide all possible help to people in situations arising out of natural or man-made disasters, and to provide active assistance to other agencies in relief and rehabilitation measures and aid and co-operate with other agencies for the prevention of destruction of public property by violence, fire, or natural calamities
- p. take charge of the mentally disabled persons at large to prevent them from causing harm to themselves or other members of the public and their property; and
- q. prevent harassment and abuse of women and children.
- r. aid individuals, who are in danger of physical harm to their person or property, and to provide necessary help and afford relief to people in distress situations and victims of road accidents and their dependents; and
- s. create and maintain a feeling of security in the community, prevent conflicts and promote amity by obtaining cooperation of community and supporting alternative dispute resolution mechanisms.

(2) 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.

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

(1) The Provincial Government may, by notification in the official Gazette, declare any specified service to be an essential service to the community:

Provided that such notification shall remain in force for one month in the first instance, but may be extended, from time to time, by a similar notification.

(2) Upon a declaration being made under sub-section (1) and so long as it remains in force, it shall be the duty of every Police officer to obey any order given by any superior officer in

relation to employment upon or in connection with the service specified in the declaration; and every such order shall be deemed to be a lawful order within the meaning and for the purposes of this Act.

CHAPTER III

CONSTITUTION AND ORGANIZATION OF THE POLICE

(6) There shall be one unified Police Service for the Province of Sindh named the “The Sindh Police ” and it may be divided into as many Sub-units, Units, Branches or Wings on the basis of geographical convenience or functional efficiency or any special purpose as may be decided by the Government from time to time.

(8) The government may, by general or special order, specify that any other phrases used to denote any Police rank either in the Sindh Police or any other Provincial or Federal Government shall be deemed to be equivalent to any one among the above ranks.

Nothing contained in sub-section (2), shall be deemed to prevent the power of the Government in creating a new rank or in giving a new designation to a rank specified therein.

(9) **Government to specify Police Structure.**

(1) Subject to the provisions of this Act, the Police Service shall consist of such numbers in each rank and have such structure, form, offices, jurisdictional patterns, chain of command and such administrative powers, duties and functions as may be fixed by the Government by general or special order.

In metropolitan areas having more population and complex law and order problems ,a Metropolitan Police system having more expertise, unitary nature, lawful power and responsibility should be established.

(2) Government shall by notification constitute a special police structure for metropolitan areas sufficient to deal with the problems in such areas.

(3) In a metropolitan area for the administration of the police a Police Officer not below the rank of a Deputy Inspector General of Police shall be appointed as Commissioner.

(4) The Commissioner and such other officers under the Commissioner shall have such powers and responsibilities as may be fixed by the Government:

Provided that the Commissioner and other officers shall function under the control of the Inspector General.

(5) In areas having Metropolitan police system the Commissioner may exercise all or any of the powers vested under this Act or the Code of Criminal Procedure, 1898, or any other laws subject to the terms and conditions as may be fixed by the Government.

1. **Police District.**-The Government may, by notification, declare from such date as may be specified in the notification, any area in the Province as a Police District for the purposes of this Act:

Provided that in one Police District areas of more than one revenue District shall not be included.

District Police Chief

(1) The police and the police stations of a Police District shall, subject to such orders as may be issued by the Government and subject to the supervision and lawful command of the Inspector General, function under the supervision and control of a District Police Chief of such rank as may be fixed by the Government and such police officers of such rank as may be fixed by the Government shall assist in the matter.

(2) The District Police Chief shall not be an officer lower in rank than a Superintendent of Police.

Inspector General.

(1) The administration, supervision, direction and control of the Police throughout the Province of Sindh shall, subject to the control of the Government, be vested in an officer designated as the Inspector General of Police.

(2) The Inspector General shall be appointed by the Government from among those officers of the Cadre of the Pakistan Police Service who have already been promoted to the rank of Deputy Inspector Generals of Police, taking into accountability to lead the Police Force of the Province of Sindh, the overall history of service, professional knowledge and experience:

Provided that where in a case or disciplinary proceedings, for and on behalf of the Government a charge has been given or is pending against an officer before any Court or Tribunal or departmental agency, that officer shall not be appointed as the Inspector General.

(3) Any person who performs any functions of the police in Sindh in exercise of the powers under this Act shall be officers subordinate to the State Police Chief.

(4) Such number of officers of different ranks as may be decided by the Government from time to time shall assist the Inspector General.

(5) No officer senior to the Inspector General shall be appointed in the Sindh Police.

4. Police service for Sindh:

The Government shall maintain a police service for the province of the Sindh. The service shall constitute the Police Department with the Provincial Police Officer being ex officio Secretary to the Government of the Sindh with full financial and administrative powers.

5. Constitution of police:

(1) The Police Department shall consist of such numbers in the senior and junior ranks and have such organization as the Government may from time to time determine. While determining the numbers the Government shall maintain a minimum ratio of one constable

to 250 citizens. The number of officers in other ranks shall be determined according to prescribed rules.

(2) The recruitment criteria, pay and allowances and all other conditions of service of the police shall be such as the Government may from time to time determine.

(3) The recruitment in the Sindh Police other than ministerial staff and specialist cadres shall be in the rank of Constable and Sub-Inspector. The recruitment in the rank of Constable shall be on the basis of the district of domicile and that of a Sub-Inspector on the basis of the region in which the district of domicile is located.

(4) Constables shall be recruited on recommendation of a selection board comprising a Deputy Inspector General of Police as its Chairman and two officers not less than the rank of Superintendent of Police as members appointed by the Provincial Police Officer.

(5) Up to 50% posts in the rank of Sub-Inspector shall be filled directly through the Sindh Public Service Commission. The remaining posts shall be filled through promotion as prescribed in the rules.

Gender Representation

(6) The Police Service constituted under the Act shall have a representation of 30% women in Officers Cadres and the Ranks of the whole. The aggregate of 30% shall be calculated as a whole from all the cadres in the Officers and Constable Ranks.

(7) The Government shall appoint a minimum of 10% women by the end of the year this Act comes into force. The representation shall be incrementally increased by at least 10% every year; the process of reaching the optimum level as directed in Sub-Section (6) shall be completed in 3 years.

(8) Members of Sindh Police working in the Telecommunications and Transport Wing, Computer Bureau, Finger Print Bureau and Legal Branch shall constitute a separate Specialist Cadre in each case. The Provincial Police Officer may constitute more Specialist Cadres with such number and ranks of members as required. Seniority of each rank in a cadre shall be maintained at the provincial level. A member of Sindh Police recruited in a specialist cadre and trained for a specialist branch, bureau or section shall not be posted out of that branch, bureau or section.

6. Powers of a police officer:

Every police officer shall have all the powers and privileges a police officer throughout Sindh and be liable to serve at any time in any branch, bureau and section etc.

7. Superintendence of police:

The superintendence of police shall be exercised by the Provincial Government in accordance with the provisions of this Act.

8. Administration of police:

(1) Administration of police in the province of the Sindh shall vest in the Provincial Police Officer.

(2) The Provincial Police Officer shall exercise such powers and perform such functions and duties and shall have such responsibilities as may be provided by or under this Act and any other law for the time being in force.

9. Provincial Police Officer:

(1) The Government shall post a police officer of the rank of Inspector General of Police as Provincial Police Officer of Sindh.

(2) During temporary absence of the Provincial Police Officer, the Government may empower an Additional Inspector General of Police to exercise all or any of the powers, perform all or any of the functions and duties, and discharge all or any of the responsibilities of the Provincial Police Officer.

(3) The Provincial Police Officer may, by a general or special order, empower any officer subordinate to the PPO to exercise and perform all or any of the powers, functions or duties to be exercised or performed under this Act or rules.

10. Term of office of Provincial Police Officer:

(1) The term of office of Provincial Police Officer posted under section 11 shall be at least three years from the date of the said posting.

11. Posting of Additional Inspectors General of Police:

The Provincial Police Officer may, with the approval of the Government, post such number of Additional Inspectors General of Police to assist the PPO in the efficient performance of the PPO duties as the Government may deem fit.

12. Posting of Deputy Inspector General, Senior Superintendent, Superintendent, Assistant Superintendent, and Deputy Superintendent:

(1) The Provincial Police Officer may, with the approval of the Government, may post such number of Deputy Inspectors General of Police as the Government may deem fit.

(2) Provincial Police Officer shall post Senior Superintendents, Superintendents, Assistant and Deputy Superintendents of Police.

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

13. Posting of the head of district police:

(1) The Provincial Police Officer, with the approval of the Government, may post an officer not less than the rank of a Senior Superintendent of Police as the head of district police who shall be called the District Police Officer.

Provided that in a district where the size of police establishment is more than five thousand the head of district police shall be called the City Police Officer who shall be an officer not less than the rank of Deputy Inspector General of Police and posted as provided in section 12.

Provided further that the head of police in the provincial metropolis of Lahore shall be called the Capital City Police Officer who shall be an officer not below the rank of an Additional Inspector- General of Police.

(2) The term of office of the head of district police shall be at least three years from the date of the head of the district said police posting.

(3) Under exceptional circumstances due to promotion or extreme exigency of service (for reasons to be recorded in writing) or on grounds of misconduct and inefficiency that warrant major penalty under the relevant rules, the head of district police may be transferred, with the approval of the Government, before completion of the term of office.

14. Administration of police and its functions in a district:

(1) Subject to this Act, the administration of police throughout a district shall vest in the head of district police posted under section 13.

(2) The head of district police shall be responsible for maintenance of law and order, prevention and detection of crime and performance of other police functions in the district.

(3) The head of district police, with approval of the Regional Police Officer, may delegate any of the powers and functions conferred on the head of the district police officer to any subordinate officer.

15. Posting of heads of police training institutions:

(1) Provincial Police Officer shall post an officer not less than the rank of Additional Inspector General of Police as Commandant of the Police Training College.

(2) The Provincial Police Officer shall post an officer not less than the rank of Senior Superintendent of Police as Principal of each Police Training School.

(2) In training institutions where promotion courses are conducted regularly, the Principal shall be an officer not less than the rank of a Deputy Inspector General of Police.

16. Constitution of regions and posting of Regional Police Officers:

(1) The Provincial Police Officer may with the approval of the Government constitute police regions comprising one or more districts.

(2) A police region shall be headed by a Regional Police Officer not less than the rank of Deputy Inspector General of Police. In a region where the size of police establishment is more than ten thousand the Regional Police Officer shall not be less than the rank of Additional Inspector General of Police.

17. Police jurisdictions in a district:

(1) The Provincial Police Officer may, with the approval of the Government, determine the area of jurisdiction of police divisions, sub-divisions, police stations and police posts in a district.

(2) A police division shall be headed by an officer not less than the rank of a Superintendent of Police, a police sub-division by an officer not less than the rank of an Assistant or Deputy Superintendent of Police, a police station by an officer not less than the rank of an Inspector and a police post by an officer not less than the rank of a Sub-Inspector.

(3) The term of office of an officer in charge of a police division, sub-division or police station shall be a minimum of three years and the police officer may be transferred before completion of the term only due to exigency of service or misconduct warranting major penalty. While making a pre-mature transfer of an officer in charge of a police station the head of district police shall record reasons in the order and communicate it to the Regional and Provincial Police Officer.

18. Police to be organized on functional basis:

(1) The Provincial Police Officer may organise Police Department into any number of branches, bureaus and sections and define the responsibilities, functions and area of responsibility of each.

(2) Every police officer may be posted to any branch, bureau and section, or anywhere in or outside the police.

(3) Posting to any specialist branch, bureau or section shall be subject to necessary training and experience in accordance with the rules.

19. Promotions:

(1) The police officers appointed by the Sindh Government shall be promoted in the following manner.

(a) The Provincial Police Officer shall promote an officer to the rank of Superintendent or Deputy Superintendent of Police, as the case may be, on the recommendation of a promotion board. The Provincial Police Officer shall chair the board and nominate two officers in the rank of Additional and Deputy Inspector General of Police each as members of the board.

(b) The Provincial Police Officer shall promote an officer to the rank of Inspector on recommendation of a promotion board. The Provincial Police Officer shall nominate an officer in the rank of Additional Inspector General of Police as chairperson and two officers in the rank of Deputy Inspector General of Police and Senior Superintendent of Police each as members of the board.

(c) The concerned Regional Police Officer or Deputy Inspector General of Police shall promote an officer to the rank of Assistant Sub-Inspector or Sub-Inspector, as the case may be, on recommendation of a promotion board. The concerned Regional Police Officer or Deputy Inspector General of Police shall chair the board and nominate two officers in the rank of Senior Superintendent and Superintendent of Police each as members.

(d) The concerned head of district police or Senior Superintendent of Police shall promote an officer to the rank of Head Constable on the recommendation of a promotion board. The concerned head of district police or Senior Superintendent of Police shall chair the board and nominate two officers in the rank of Superintendent and Assistant or Deputy Superintendent of Police each as members.

(e) In the case of promotion from junior ranks to senior ranks the concerned head of district police shall recommend for approval by the Provincial Police Chief the name of the promote after clearance of the same by the Selection Board headed by Senior Superintendent of Police two officers in the rank of Superintendent and Assistant or Deputy Superintendent of Police each as members. The Board shall be constituted by the concerned head of district police.

(2) Officers in specialist cadres shall be promoted to higher ranks in the manner prescribed by the Provincial Police Officer.

THE POLICE STATION

20. Establishment of police stations

(1) The Government may, by notification, and subject to the provisions of the Code of Criminal Procedure, 1898 establish police stations for every local area for the purposes of this Act.

(2) The area of jurisdiction of every Police Station and the premises in which it shall function shall be as specified in the notification issued under sub-section (1).

(3) A Police officer of such rank as may be fixed by the Government and designated as the Station House Officer shall supervise the functions of each police station and that officer shall be the officer in charge of the Police Station.

(4) A woman Assistant Sub Inspector and at least one woman Head Constable shall be appointed and remain present in a Police Station for facilitating women, and children.

21. Government to provide sufficient facilities at police stations

(1) The Government shall, subject to the resources available, ensure that every Police Station has adequate manpower and infrastructure facilities to provide basic police services to all who need the same.

(2) The facilities under sub-section (1) shall include sufficient infrastructure for all police personnel attached to the police station to discharge their duties efficiently, reception area for public with adequate facilities, sufficient storage space for the safe keeping of articles in custody, official records and official arms and ammunition, sufficient facilities for the safe custody of the accused and those in custody, proper communication facilities and sufficient mobility and sufficient equipment including security equipment, electronic devices, arms and forensic equipment to discharge adequately the lawful responsibilities entrusted to the officers of the Police Station.

(3) The State Police Chief shall arrange to review every year the adequacy of facilities available in every police station in the State and take steps to establish facilities which conform to proper standards.

22. Citizens have the right to efficient police service

All citizens shall have the right to efficient police services from any Police Station.

23. Rights of the public at a police station

(1) Subject to reasonable practicality, all persons shall have the right to receive lawful services from a police station and for peaceful entry and reception at any time at any Police Station.

(2) Any member of the public shall, subject to reasonable restrictions, have the right to meet the officer in charge of any Police Station and to give information on matters and this right shall not be denied without sufficient reasons.

(3) Every police station shall have the facility for women to submit complaints with privacy in the presence of women police.

(4) Any member of the public shall have the right to receive a receipt acknowledging the complaint given by the concerned individual and to know the stage of the Police action or investigation in respect of the complaint.

(5) The substance of any complaint made orally or in writing by any member of the public in a police station shall be entered in a chronologically and contemporaneously maintained permanent register kept at the police station.

(6) Any citizen shall have the right to know whether any particular person is in custody at the police station.

24. Expenses for persons in custody

The State Government shall provide with each police station a sum proportionate to the number of persons in custody every month and the period of their custody at the existing Government rate of half the minimum daily wages for unskilled labour for giving food, water and other primary needs of every person in custody.

25. Police stations to be always functional

Every police station shall always be functional for the performance of Police duty and alert for those who need police services.

26. Special Police Station

(1) Government may establish Special Police Stations in any area for any particular period or for any particular purpose or for enforcement of any particular law or laws in addition to the police stations notified for any area under section 5.

(2) The buildings in which such special police stations are located, their area, jurisdiction, purpose, period etc shall be notified in the manner specified

(3) Nothing contained in sub- sections (1) and (2) shall be deemed to prevent the Government from establishing a special police station in a mobile vehicle or in any temporary office.

(4) Any action taken by a regular police station shall not be invalidated on the ground that it was a matter which could have been entrusted with a special police station.

(5) Each special police station shall be so named as to denote its special purpose and special nature.

(6) The Provincial Police Officer may, by special order, exempt the Station House Officer of a special police station from any responsibility associated with a regular police station and may also entrust the concerned Station House Officer additional or special responsibilities or that are not assigned to the Station House Officer of a regular police station.

27. Police Station Diary

Every police station shall keep a General Diary in such form as may be fixed by the Government from time to time and record therein the substance of all complaints made, First Information Reports, charges, the names and details of complainants, opposite parties and all arrested persons, the details in respect of the offences charged against them and the properties including weapons that may have been seized from their possession or otherwise.

28. Separation of Investigation from other Functions:

(1) All registered cases shall be investigated by the investigation staff in a police station under the supervision of the Officer in Charge of the police station. The investigation staff shall not be employed for duties other than investigation except with prior approval of the head of district police.

(2) The head of district police and the officers in charge of a police station, sub-division and division shall supervise all cases under investigation in their jurisdiction. During investigation any of them may summon the investigation officer, review the case file, evaluate the evidence

and issue instructions to the investigation officer in the form of a case diary. Upon completion of an investigation each of them may verify its correctness by taking into account all evidence collected by the investigation officer and recording a case diary on the case file containing the head of the district police opinion.

(3) Supervision and verification of an investigation by the supervisory officers mentioned in sub-section (2) above shall not be deemed a transfer of investigation.

(4) For reasons to be recorded in writing, the head of district police may order a first transfer of an investigation from an officer to any other officer or a team of officers of a rank higher than the rank of the previous investigation officer within the said jurisdiction.

(5) For reasons to be recorded in writing, the Regional Police Officer may order a second transfer of an investigation, after it has been transferred once by the head of district police, to another officer or a team of officers of a rank higher than the rank of the previous investigation officer within the said jurisdiction or to the Regional Investigation Branch.

(6) The Provincial Police Officer may order a third and final transfer of investigation to an officer or a team of officers of a rank higher than the rank of the previous investigation officer. The PPO may seek the opinion of a standing review board that shall be constituted for the purpose. The board shall be headed by a Deputy Inspector General of Police and have two officers not less than the rank of Superintendent of Police as members.

29. Criminal Investigation Agency:

(1) In each district a Criminal Investigation Agency (CIA) shall investigate ab-initio all cases of terrorism, kidnapping for ransom, vehicle theft or snatching, cyber-crime and crimes against minorities. The Provincial Police Officer may revise this list from time to time.

(2) The CIA in a district shall be headed by an officer not less than rank of a Superintendent of Police and comprise such ranks, numbers, and organization as the Provincial Police Officer may determine from time to time. So far as possible, the CIA shall comprise of several specialised Wings each being responsible for investigation of cases of one or more types of offences mentioned in sub-section (1) above.

(3) The supervisory officers in CIA may verify an investigation being carried out by a subordinate officer in the manner provided in this Act.

(4) In a district where the size of police establishment is more than five thousand the head of CIA shall be an officer not less than the rank of a Senior Superintendent of Police. In the

provincial metropolis of Lahore the head of CIA shall be an officer not less than the rank of a Deputy Inspector General of Police.

(5) The head of CIA shall be directly responsible to the head of district police.

(6) During investigation if a case is found to be of a nature that is beyond the purview of CIA, the head of CIA shall, with the approval of the head of district police, remand the case to the concerned police station where it shall be investigated further. Such remanding of a case shall not be deemed a transfer of investigation. Similarly, if an officer in charge of a police station believes that a case under investigation at the police station falls in purview of CIA the officer shall hand over the investigation to CIA with the approval of the head of district police and this handing over shall not be deemed a transfer of investigation.

(7) Cases investigated by CIA shall only be transferred to another officer of a higher rank in CIA, the Regional Investigation Branch, or the Provincial Investigation Branch in accordance with section 22 above.

30. Appointment of junior ranks and followers:

(1) Subject to rules, head of district police shall be the appointing Authority for junior ranks and followers in a district.

(2) Apart from district police, a Senior Superintendent of Police or an officer of equivalent rank or pay scale working in a position in Sindh Police shall be the appointing authority for junior ranks, followers and positions of BS 16 and below in specialist cadres.

(3) In case of provincial metropolis of Lahore, an officer in the rank of Senior Superintendent of Police shall be deemed the appointing authority for Junior ranks and followers. Subject to rules, the appeals against decisions of Senior Superintendents of Police in Lahore shall lie with the CCPO.

31. Oath or affirmation by members of police:

Every member of the police shall on appointment make and subscribe before Provincial Police Officer or head of a training institution, an oath or affirmation according to the form set out in the Second Schedule.

32. 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 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.

33. Appointment of special police officers:

(1) Subject to rules, head of district police may appoint special police officers for special purposes or occasions when the police available to the head of the district police is not sufficient to assist the police under the command of the district police officer.

(2) Every special police officer so appointed shall, on appointment

(a) receive a certificate in the prescribed form;

(b) have the same powers and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as a regular police officer.

34. Appointment of additional police:

(1) The head of district police, subject to the approval of the Provincial Police Officer, may appoint additional police officers of such rank and for such time as the head of the district police may deem fit for the purposes in their employment orders.

(2) Every additional police officer so appointed shall on appointment

(a) receive a certificate in a form approved by Provincial Police Officer;

(b) be vested with all or any of the powers, privileges and duties of a police officer;

(c) be subject to orders of the head of district police.

(3) The employment of additional police may be made at the request of any person reasonably requiring such police and the cost of such employment shall be recovered in such manner as provided under this Act or rules made there under.

35. Ministerial staff etc:

(1) Subject to rules, Provincial Police Officer or Regional Police Officer may appoint ministerial staff and other employees to assist the police.

(2) Any person employed under clause (1) shall be under the direction and control of Provincial Police Officer or Regional Police Officer as the case may be.

(3) The powers of direction and control referred to in clause (2) shall include the powers of discipline.

(4) Subject to rules, Provincial Police Officer may delegate the powers and authority under this section to an officer of appropriate rank.

36. Appointment of experts:

(1) The Provincial Police Officer may, with the approval of the Government, appoint one or more experts to assist the Sindh Police.

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

CHAPTER V

REGULATION, CONTROL AND DISCIPLINE

37. Rule-making by Provincial Police Officer:

(1) The Provincial Police Officer may, with prior approval of the Government, by notification in the official gazette, make rules for carrying into effect the provisions of this Act.

(2) While exercising powers to regulate and control contained in section 38 below, the Provincial Police Officer may issue standing orders not inconsistent with the Act or rules made hereunder for the efficient functioning of the police.

38. Powers of Provincial Police Officer to regulate and control:

Subject to this Act and rules made there-under, Provincial Police Officer shall direct and regulate all matters related to:

- (a) maintenance of law and order;
- (b) prevention and investigation of crime;
- (c) organisation and deployment of members of Sindh Police and distribution of their work;
- (d) recruitment, training, postings, transfers, performance evaluation, career planning, promotions and other aspects of management of human resource of Sindh Police;
- (e) arms, clothing, drill and any other matter concerning discipline;
- (f) structures, buildings and other premises used by the Sindh Police;
- (g) procurement, logistics and other aspects of the Sindh Police supply chain;
- (h) finance, budget, accounts and audit;
- (i) regulation and inspection of the organisation,
- (j) internal accountability and vigilance;

- (k) manner and form of records and returns;
- (l) working of police stations, offices and units;
- (m) administration of welfare projects and funds;
- (n) and any other matter concerning the efficient fulfilment of duties by the police under the Provincial Police Officer's control.

39. Conduct and Discipline:

Notwithstanding anything contained in any law, rules or regulations in force concerning conduct and discipline of Government servants, the members of Sindh Police shall be subject only to Sindh Police Efficiency and Discipline Rules, 2013 contained in the Fourth Schedule of this Act.

40. Code of Conduct:

(1) Provincial Police Officer shall issue Code of Conduct to regulate police practices, particularly -

- (a) the exercise by police officers of statutory powers of stop and search;
- (b) the searching of premises by police officers and the seizure of property found by police officers on persons or premises;
- (c) the detention, treatment and questioning of persons by police officers; and
- (d) the identification of persons by police officers.

(2) Subject to rules, a police officer contravening the Code of Conduct may be awarded one or more penalties provided under law and rules.

41. Police officer considered to always be on duty:

(1) Every police officer shall be considered to be always on duty and be liable to the same responsibilities, privileges and protections.

(2) For the purposes of this Act a police officer, notwithstanding, sub-section (1) no police officer shall be ordered to be physically on duty for more than one shift of 6 hours. The police officer may after a rest of 6 hours be relocated physically to duty.

(3) To meet the purpose of Section 41, amendments shall accordingly be made for creating schedules of duty hours for the different categories of duty performances.

42. Withdrawal from duty:

No police officer shall withdraw from the duties of the office held by such officer unless expressly allowed to do so in writing by the controlling officer.

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 section to withdraw himself from the duties of the said office.

43. Police officer not to engage in any other employment.

No police officer shall engage in any private employment while such police officer is a member of Sindh Police.

CHAPTER V

POWERS TO ISSUE ORDERS

44. Power to issue orders:

(1) The head of district police shall issue orders under section 144 of the Code of Criminal Procedure as and when required. Each order shall be presented to the District Police Committee for its consent. If no consent has been granted within forty-eight hours under signature of the Chairman of the Committee the concerned order shall cease to have effect.

(2) 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.

43. Penalty for contravening orders under section 38(2):

Whoever contravenes or abets the contravention of any order made under **section 38(2)** or any of the conditions of a licence issued under such municipal law, rules or bye-laws shall, on conviction, be fined up to fifty thousand rupees.

44. Power to give direction to the public:

(1) 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.

(2) Whoever contravenes, disobeys, opposes or fails to conform to any order given by a police officer under

this section shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to fifty thousand rupees or with both.

45. Regulation of public assemblies and processions and licensing of same:

(1) The head of district police, a Superintendent of Police, or an Assistant or Deputy Superintendent of Police may as the occasion requires, direct the conduct of assemblies and processions on public roads, or in public streets or thoroughfares and prescribe the routes by which and the times at which, such processions may pass.

(2) The officer may also, on being satisfied that it is intended by any persons or class of persons to convene or collect any assembly in any such road, street or thoroughfare, or to form a procession which would, in the said officer's judgment, if uncontrolled, be likely to cause a breach of the peace, require by general or special notice that the persons convening or collecting such assembly or directing or promoting such processions shall apply for a licence.

(3) On such application being made, the said officer may issue a licence specifying the names of the licensees and defining the conditions on which alone such assembly or such procession is to be permitted to take place and otherwise giving effect to this section.

Provided that no fee shall be charged on the application for, or grant of any such licence.

46. Licences and written permissions to specify conditions, etc:

Any licence or written permission granted under the provisions of this Act shall specify the period, locality, conditions and restrictions subject to which the same is granted and shall be given under the signature of the competent authority.

47. Revocation of licence or permission:

Any licence or written permission granted under this Act may at any time be suspended or revoked by the competent authority after due notice if any of its conditions or restrictions is infringed or evaded by the person to whom it has been granted, or if such person is convicted of any offence in any matter to which such licence or permission relates.

48. When license or permission is revoked, the grantee would be deemed to be without license:

When any such license or written permission is suspended or revoked, or when the period for which the same was granted has expired, the person to whom the same was granted shall, for all purposes of this Act, be deemed to be without a license or written permission, until the order for suspending or revoking the same is cancelled, or until the same is renewed, as the case may be.

49. Licensee to produce license and written permission when required:

Every person to whom any such license or written permission has been granted, shall, while the same remains in force, at all reasonable times, produce the same if so required by a police officer.

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

(1) The head of district police, a Superintendent of Police, Assistant or Deputy Superintendent of Police, Inspector of police or an officer in-charge of a police station may stop any

procession which violates the conditions of a license granted under the last forgoing section, 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.

51. Powers to regulate events at public places:

The organiser of a circus, fair, exhibition or any event, excluding events for and open to families only, in a hall, park, playland, club or another public place shall seek permission from the head of district police for holding the event.

52. Power to prohibit certain acts for prevention of disorder:

(1) The head of district police may, whenever and for such time as the officer may consider necessary 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 clause (1), such article shall be liable to be seized by a police officer.

53. Power to give directions against serious 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 maintaining the public safety, at such place of amusement or such assembly or meeting as the said police officer thinks necessary and all persons shall be bound to obey 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

54. Penalties for contravention of order, etc. under sections 47 to 49:

(1) Whoever contravenes, disobeys, opposes or fails to conform to any order given by a police officer under sections 47 to 49 shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to fifty thousand rupees or with both.

(2) Whoever contravenes a notification or an order made under clause (1) of section 48 shall be punished with imprisonment for a term which shall not be less than three months but may extend to two years and with fine up to one hundred thousand rupees.

55. 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.

56. Penalty for contravention of orders made under section 51:

Whoever contravenes, or abets the contravention of any order made under section 51 shall, on conviction, be punished with imprisonment which may extend to three months, or with fine which may extend to one hundred thousand rupees or with both.

57. 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, the officer 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, the said officer 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.

CHAPTER VI

SPECIAL MEASURES FOR MAINTENANCE OF PUBLIC ORDER AND SECURITY

58. Employment of additional police to keep peace:

(1) The head of district police, 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 Act, 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 month's notice for the withdrawal of the said police, the said person 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.

59. Employment of additional police at the cost of organizers, etc.:

(1) Whenever it appears to head of district police that (a) any large work which is being carried on, or any public amusement, or event at any place is likely to impede the traffic or to attract a large number of people; or (b) the behaviour or a reasonable apprehension of the behaviour of the persons employed on any railway, canal or other public work, or in or upon any manufactory or other commercial concern under construction or in operation at any place, necessitates the employment of additional police at such place; the head of the district police may depute such number of additional police to the said place for so long as the necessity to employ the additional police shall appear to be expedient.

(2) Subject to rules, the cost of such additional police shall be borne by the organisers of such events or employers of such works or concerns, as the case may be, at rates approved by the appropriate government from time to time.

60. Compensation for injury caused by unlawful assembly:

When any loss or damage is caused to any property or when death or grievous hurt is caused to any person or persons, by anything done in furtherance of the common object of an unlawful assembly, the trial court may determine the amount of compensation which, in its opinion should be paid by members of the unlawful assembly to any person or persons in

respect of the loss or damage or death or grievous hurt caused in addition to the penalty awarded under any other law.

61. Recovery of amount payable under sections 55 and 56:

Any amount payable under sections 55 and 56 shall be recovered in the same manner as if it were arrears of land revenue.

62. Recovered amount to go to treasury:

Amounts payable under section 55 and 56 shall be credited to the treasury.

63. Banning of use of dress resembling uniform of police or armed forces:

(1) If Provincial Police Officer is satisfied that the wearing in public, by any member of any body, association or organization, of any dress or article of apparel resembling the uniform worn by police or members of the Armed Forces or any uniformed force constituted by or under any law for the time being in force, is likely to prejudice the security of the Provincial or the maintenance of public order, the PPO may by a special order prohibit or restrict the wearing or display, in public of any such dress or article of apparel by any member of such body or association or organization.

(2) Every order under clause (1) shall be published in the Official Gazette.

Explanation: For the purpose of clause (1) a dress or article of apparel shall be deemed to have been worn or displayed in public if it is worn or displayed in any place to which the public have access.

64. Control of camps, parades, etc.:

If the head of district police is satisfied that it is necessary in the interest of maintenance of public order, the head of the district police may by a special order prohibit or restrict throughout the district or any part thereof all meetings and assemblies of persons for the purpose of training in the use of arms or taking part in any such camp, parade or procession.

65. Penalty for contravention of orders under sections 59 and 60:

Whoever contravenes any order made under section 59 and 60 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. 62. Authority of head of district police over the village police. The head of district police shall for the purpose of carrying this Act into effect, exercise authority and control over village watchmen or village police officers if appointed.

CHAPTER VII
OFFENCES AND PUNISHMENTS

66. 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 unwieldy articles through a street or public place contrary to any regulation.

67. 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 unloaded, 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.

68. Wilful or negligent conduct in respect of dogs:

No person shall in any street or public place -

(a) let loose any dog wilfully 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.

69. Penalty for offences under sections 63 to 65:

Any person who contravenes any of the provisions of sections 63 to 65 shall, on conviction, be punished with fine, which may extend to ten thousand rupees, or, in default of payment, with imprisonment for a term not exceeding thirty days.

70. Suffering disorderly conduct:

Whoever being the keeper of any place of public amusement or public entertainment, knowingly permits or suffers disorderly behaviour or any gambling or any other criminal act,

whatsoever, in such place, shall, on conviction be punished with fine which may extend to ten thousand rupees.

71. Penalty for obtaining employment as a police officer through fraudulent means:

Any person who makes a false statement or a statement which is misleading in material particulars or uses a false document for the purpose of obtaining employment as a police officer shall on conviction be punished with imprisonment for a term which may extend to one year, or with fine up to fifty thousand rupees, or with both.

72. Warning to first offender:

It shall be lawful for head of district police or any other authorized officer not less than 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 sections 63 to 65.

Provided that for any subsequent offence mentioned in this section the offender on conviction will be awarded at least half of the prescribed punishment.

73. 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.

74. False alarm of crime, fire or another emergency:

Whoever knowingly gives or causes to be given a false alarm of a crime, fire or another emergency to a police officer or an officer in an emergency service shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to fifty thousand rupees, or with both.

75. Penalty for unauthorized use of police uniform:

If any person not being a member of the police wears without authorization and with fraudulent or mala fide intent, the uniform of police or any dress having the appearance or bearing any of the distinctive marks of police uniform, the offender 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.

76. Penalty for frivolous or vexatious complaint.

Any person who files a complaint against a police officer, which on enquiry made on instance of the Provincial or District Police Committee is held frivolous or vexatious, shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine up to fifty thousand rupees, or with both.

76. Certain offences to be cognizable:

Notwithstanding anything contained in the Code, offences falling under sections 40, 47, 48, 49, 59, 60, 68, 70, 71, 72, and 73 shall be cognizable.

CHAPTER VIII
POLICE ACCOUNTABILITY AND OVERSIGHT
Part I
DISTRICT POLICE COMMITTEE

77. Establishment:

(1) There shall be a District Police Oversight Committee (DPOC) in each district.

78. Composition:

(1) The District Police Committee shall have eleven (11) members including

(a) Three MPAs from the concerned district to be nominated by the Chief Minister at least one of whom shall be from the opposition;

(b) Chairman of the District Committee;

(c) Head of the municipal body of the districts largest urban center;

(d) President of the District Bar Association; and

(e) Members of Academia, legal experts, CSOs/NGOs three members where of shall be women

(e) Head of District Police as the Committee's secretary.

(2) If an opposition MPA has not been elected in the district, then all three may be from the treasury benches.

(3) Each member shall have right to cast a vote in the matters of the Committee except the head of district police.

79. Chairperson:

(1) The Chief Minister shall appoint the Chairperson from among the voting members of the Committee. In case the office of the Chairperson becomes vacant, another Chairperson shall be appointed within thirty days.

(2) The Chairman shall continue to hold office for two years from the date of the said appointment.

(3) The Chairman may be removed from office by a majority vote of the total voting members of the Committee if the member

(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 the said officer had a conflict of interest;
- (e) is convicted of a criminal offence;
- (f) is declared a bankrupt, loan defaulter or tax evader;
- (g) brings the District Police Committee into disrepute;
- (h) fails to attend its three consecutive meetings without any reasonable cause.

80. Meeting in the absence of the Chairperson:

In the absence of the Chairperson the Committee shall elect one of its members to preside over a meeting.

81. Powers and Functions of the District Police Committee:

(1) The Committee shall perform the following oversight functions:

- (a) to aid and guide the district police in discharge of its functions and responsibilities under this Act
- (b) to redress grievances against police
- (c) to identify shortcomings regarding infrastructure and equipment in police; and
- (d) to promote citizen-police cooperation
- (e) any other item with the permission of the chair.

(2) With respect to sub-section (1)(b) above the Committee shall perform the following functions:

- (a) receive from an aggrieved person a complaint, in writing of neglect, excess or misconduct by a Police Officer;
- (b) Prior to referring the grievance the Committee, where its find the grievance to be an offence under any law for the time being in force, may conduct an inquiry on the grievance, suo moto
- (b) The Committee or their representatives, specially authorized in this behalf by the Committee, may enter any building or place including a police station or an office of a police officer where the Commission has reason to believe that any document

relating to the subject matter of the inquiry may be found, and may seize any such document or take extracts or copies there from subject to the provisions of the Code of Criminal Procedure, 1898, in so far as it may be applicable.

(c) refer it to the concerned District or Regional Police Officer to take action under the Sindh Police Efficiency and Discipline Rules, 2014 and to register an FIR against the delinquent officer for criminal proceedings to be taken up against such officer; and furnish a report of findings of the enquiry and any action taken;

(d) inform the complainant of the outcome of the matter in writing as soon as possible;

(e) in case of any frivolous, false or vexatious complaint, initiate legal action against the complainant under section 73 of this Act;

(f) report the matter to the Provincial Police Officer where the appropriate authority does not submit a report.

82. Terms of members of the District Police Committee:

An elected person among the members shall continue to hold office till the expiry of the said term unless the member resigns at any time before the expiry of the term of office or ceases to be a member of the concerned body.

83. Removal of Members:

On grounds contained in section 77 above the Chief Minister may terminate the Committee's membership of any of the nominees except the Chairperson.

84. Meetings and conduct of business of the District Police Committee:

(1) The business of the District Police Committee shall be conducted by the Committee in a meeting.

(2) The meeting may be convened either by the Chairperson suo moto or by the Secretary on the requisition of one-third of total members.

(3) Quorum for a meeting of the District Police Committee shall be a half of its total membership.

(4) Members shall attend meetings of the Committee as and when required for which at least a weeks' notice, with agenda, shall be given. The Committee shall meet at least once a month. An emergency meeting may be held at a short notice of not less than twenty-four hours.

(5) Decisions of the Committee shall be by a simple majority vote of voting members present unless provided otherwise.

(6) The Committee may frame rules of procedure for conduct of its business.

85. Secretarial services:

(1) The head of district police shall provide secretarial support to the Committee from the resources at the disposal of the district police.

Part II
PROVINCIAL POLICE COMMITTEE

86. Establishment:

(1) There shall be a Provincial Police Oversight Committee (PPOC) in the province.

87. Composition.

(1) The Provincial Police Committee shall have eleven members, including:

(a) A Former Judge of the High Court to be nominated by the Chief Justice of the Sindh High Court;

(b) Law Minister

(c) Two members of the Provincial Assembly nominated by the Chief Minister at least one of whom shall be from the opposition;

(d) Three independent persons of proven reputation for integrity and competence from the fields of academia, law, public administration, media, human rights or other relevant fields to be appointed by the Chief Minister;

(e) Chief Secretary of the Sindh;

(f) Secretary to the Government of the Sindh, Prosecution Department;

(g) Secretary to the Government of the Sindh, Home Department; and

(h) Provincial Police Officer as the Committees secretary.

(2) Any vacancy in the Committee shall be filled up as soon as practicable, but not later than one month of occurrence of the vacancy.

(3) Each member shall have a right to cast a vote in the matters of the Committee except those mentioned at (e) to (h) in sub-section (1) above.

88. Gender Representation:

There shall be at least three women among the members nominated by the Chief Minister.

89. Meeting in the absence of the Chairperson:

In the absence of the Chairperson the Law Minister shall preside over a meeting.

90. Powers and Functions of the Provincial Police Committee.

(1) The Committee may

(a) frame policy guidelines for promoting efficient, effective, responsive and accountable policing, in accordance with the law;

(b) identify performance indicators to evaluate the functioning of the Sindh Police. Such indicators shall, inter alia, include: operational efficiency, public satisfaction, victim satisfaction vis-vis police investigation and response, accountability, optimum utilization of resources, and observance of human rights standards;

(c) direct Provincial Police Officer to evaluate performance of the Sindh Police using performance indicators identified by the Committee and submit to the Committee by the end of August this evaluation in an annual report for each completed financial year;

(d) review performance of the police in the Sindh as a whole as well as district-wise in the light of the annual report from the Provincial Police Officer keeping in view the resources available with and constraints of the police;

(e) Refer a complaint to a District Police Committee for action under section 35.

(2) The report mentioned in sub-section (1)(c) above shall deemed to be the annual administration report of the Police Department as required by rules or any other law.

90. Terms of members of the Provincial Police Committee:

(1) A Member of the Provincial Assembly shall continue to be a member of the Committee till the expiry of elected term unless the said member ceases to be a Member of the Provincial Assembly.

(2) The term of an independent member shall be three years unless the member resigns or is removed under section 90 below.

91. Removal of Members:

(1) On grounds contained in section 77 above the Chief Minister may terminate the Committees membership of any of the MPAs.

(2) An independent member may be removed by a majority vote of the total voting membership of the Committee on grounds contained in section 77 above.

92. Meetings and conduct of business of the Provincial Police Committee:

(1) The business of the Provincial Police Committee shall be conducted by the Committee in a meeting.

(2) The meeting may be convened either by the Chairperson suo moto or by the Secretary on the requisition of one-third of total members.

(3) Quorum for a meeting of the Provincial Police Committee shall be a half of its total membership.

(4) Members shall attend meetings of the Committee as and when required for which at least a weeks' notice, with agenda, shall be given. The Committee shall meet at least once a month. An emergency meeting may be held at a short notice of not less than twenty-four hours.

(5) The Committee may frame rules of procedure for conduct of its business.

93. Secretarial services:

(1) The Provincial Police Officer shall provide secretarial support to the Committee.

CHAPTER IX
CRIMINAL JUSTICE COMMITTEE

94. Establishment:

There shall be a Criminal Justice Committee in a district.

95. Composition:

The Criminal Justice Committee shall consist of –

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

96. Functions of the Criminal Justice Committee:

(1) The Criminal Justice 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-coordinated 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 District Criminal Justice Committee.

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

CHAPTER X

Police Outreach and Community Policing

Community participation in policing

- 88.** (1) The Commissioner of Police shall ensure involvement of the community in policing by constituting a Citizens' Policing Committee, every two years, for each locality or a group of localities or colonies, including slums. These Citizens' Policing Committees, aimed at promoting people's participation in safeguarding their own life and property, should consist of an appropriate number of local residents of the area with unquestionable character, integrity and antecedents, and having commitment to public safety and security. The Citizens' Policing Committees shall have a fair representation from all strata and professions of the society in the area, as also due gender representation.
- (2) The police will take the assistance of the Citizens' Policing Committees in identifying the existing and emerging needs and priorities of policing in the area, besides involving them in working out and implementing policing strategies and action plans, and in the performance of such other functions as prescribed.
- (3) The police will provide to the public, through the Citizens' Policing Committees, at regular intervals, a feedback on the action taken on the identified policing needs, and will also endeavour to create public awareness on policing issues by promoting two-way communication through these Committees.
- (4) The meetings of these Committees will be convened, as frequently as deemed necessary, but at least once in every three months. The concerned Assistant Commissioner of Police, besides the officer in charge of the Police Station, shall attend the meetings of the Committee.

89. Police to be associated in urban planning

While planning for any major developmental activity including development of new colonies, in any area notified under Section 87, the concerned agency shall consult the Commissioner of Police to assess the likely impact of the proposed developmental activity on the safety and security needs of the citizens or any other policing requirements, and the suggestions based on such assessment shall be given due consideration in finalizing the plan.

90. Liaison and coordination with other government agencies

In order to ensure proper liaison, consultation and coordination between the police, the municipal authorities, the district administration and such other departments of the government, whose functioning impacts the working of the police, the State Government by notification, will constitute appropriate coordination machinery and lay down procedures. The structure of the machinery will be as notified.

97. Citizen Police Liaison Committees:

(1) Citizens in a locality, village, town, or district may establish a Citizen Police Liaison Committee as a voluntary, self-financing and autonomous body to

- (a) create and maintain effective contact with the police;
- (b) help police improve delivery of its services;
- (c) increase awareness in the community with respect to crime and anti-social activity
- (d) facilitate flow of information between the community and the police;
- (e) check domestic violence and help improve access of vulnerable members of community to police services;
- (f) assist in traffic education

(2) The members shall be concerned citizens and persons of proven reputation for integrity and competence from the fields of academia, law, media, human rights or other fields.

(3) The head of district police and other police officers concerned shall extend assistance to the members of the citizen police liaison committees.

98. Provision of advice and assistance to International Organizations etc:

The Sindh Police, with the permission of the Government, may provide advice and assistance to an international organization or to any other person or body engaged in investigation of criminal cases.

99. Provision of assistance to Federal and Provincial Governments:

The Sindh Police, with the permission of the Government, shall provide assistance to the Federal and other Provincial Governments.

100. Police support to Government functionaries, etc:

Any functionary of the Federal Government, the Provincial Government, any statutory body or anybody or corporation owned, set up or controlled by any such Government or in which such Government has a controlling share or interest, municipal body or Cantonment Board may for the discharge of official duties which in opinion require police assistance, ask for police support from the concerned head of district police who shall provide the requisite support.

101. Assistance to other Law Enforcement Agencies:

(1) The Sindh Police may transmit statistics and reports to other law enforcement agencies in the country with respect to offenders, criminal proceedings and the Provincial of law and order in the province.

102. 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 the said police officer by any provision of this Act or any other law for the time being in force or any rule, order or direction made or given therein.

103. 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 the said police officer or by any act done under colour of duty or in exercise of any such duty or authority of this Act 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.

104. Notice of suit to be given with sufficient description of wrong complained of:

(1) In the case of an intended suit on account of an alleged wrong referred to in section 106 by a police officer, the person intending to sue shall give two months' notice as prescribed in section 80 of Civil Procedure Code 1908, of the intended suit with sufficient description of the wrong complained of.

(2) The provisions of section 80 of the Civil Procedure Code, 1908, shall mutatis mutandis apply to the notice referred to in clause (1).

105. Public notices how to be given:

Any public notice required to be given under any of the provisions of this Act shall be in writing under the signature of a competent authority and shall be published in the locality to be affected thereby, by affixing copies thereof in conspicuous public places, or by proclaiming the same with beat of drums, or by advertising the same in local newspapers in regional languages and English or Urdu, as the said authority may deem fit, or by electronic media, or by any two or more of these means and by any other means it may think suitable.

106. Consent of competent authority how to be proved:

Whenever under this Act, the doing or the omitting to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of a competent authority, a written document signed by the competent authority purporting to convey or set forth such consent, approval, declaration, opinion or satisfaction shall be evidence thereof.

107. Signature on notices may be stamped:

Every license, written permission, notice or other document, not being a summons or warrant or search warrant, required by this Act, or by any rule hereunder, to bear the stamp and the signature of head of district police and it shall be deemed to be properly signed if it is a facsimile of the document bearing the signatures of the competent authority.

108. Persons interested may apply to annul, reverse or alter any rule or order:

In the case of any rule or order made under an authority conferred by this Act and requiring the public or a particular class of persons to perform some duty or act, or to conduct or order themselves or those under their control in a manner therein described, it shall be competent for any interested person to apply to the authority issuing such rule or order to annul, reverse or alter the rule or order aforesaid on the ground of its being unlawful, oppressive or unreasonable.

109. Powers to prosecute under any other law not affected:

Nothing contained in this Act shall be construed to prevent any person from being prosecuted under any other law for the time being in force for any offence made punishable under this Act.

110. Repeal and savings:

(1) The Police Act 1861 hereinafter referred to as the said Act 1861, is hereby repealed.

Provided that

(a) all rules prescribed, appointments made, powers conferred, orders made or passed, consent, permit, permission of licences given, summons or warrants issued or served, persons, arrested or detained or discharged on bail or bond, search warrants issued, bond forfeited, penalty incurred under the said Act 1861 shall, so far as they are consistent with this Act, be deemed to have been respectively prescribed, made, conferred, given, passed, served, arrested, detained, discharged, forfeited and incurred hereunder;

(b) all references made to the said Act 1861 or in any law or instrument shall be construed as references to the corresponding provisions of this Act.

(2) Notwithstanding the repeal of the said Act 1861, the repeal shall not

(a) affect the validity, invalidity, effect or consequence of anything duly done or suffered under the said Act 1861;

(b) affect any right, privilege, obligation or liability acquired, accrued or incurred under the said Act 1861;

(c) affect any penalty, forfeiture or punishment incurred or inflicted in respect of any Order or offence committed against the said Order;

(d) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or penalty may be imposed, as if the said Act 1861 has not been repealed; and

(e) affect any proceeding pending in any court or before any authority under the said Act 1861, and any such proceeding and any appeal or revision arising out of such proceeding shall be continued, instituted or disposed of, as if the said Act 1861 had not been repealed.

111. Existing police deemed to be constituted under this Act:

Without prejudice to the provisions contained in section 112, the police functioning in Sindh immediately before the enactment of this Act shall on such enactment be deemed to be police constituted under this Act.

112. Power to remove difficulties:

(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by notification in the Official Gazette, make such provisions as appear to be necessary or expedient for removing the difficulty:

Provided that no such notification shall be issued after the expiry of two years from the commencement of this Act.

(2) Every notification issued under this section shall be laid before the Sindh Assembly.

FIRST SCHEDULE
SENIOR AND JUNIOR RANKS

1. Senior Police Ranks

- (i) Inspector-General
- (ii) Additional Inspector General
- (iii) Deputy Inspector General
- (iv) Assistant Inspector General/Senior Superintendent
- (v) Superintendent
- (vi) Assistant Superintendent/Deputy Superintendent

2. Junior Police Ranks

- (i) Inspector
- (ii) Sub-Inspector
- (iii) Assistant Sub-Inspector
- (iv) Head Constable
- (v) Constable

SECOND SCHEDULE

FORM OF OATH OR AFFIRMATION BY MEMBERS OF POLICE

I _____ do hereby swear/solemnly affirm that I shall be faithful and bear true allegiance to Pakistan and to the Constitution of the Islamic Republic of Pakistan; that as member of the Police I shall honestly, impartially and truly serve the people without fear, favour or affection, malice or ill-will; that I will to the best of my ability, skill and knowledge discharge, according to law, such functions and duties as may be entrusted to me as a member of the police and in such a manner as to uphold and protect the dignity and rights of the citizens; that I shall abide by the principles contained in the Code of Conduct for police officers.

THIRD SCHEDULE
CERTIFICATE OF APPOINTMENT

SEAL

No _____ Certificate of appointment issued under section 26 of the Police Act, 2013

Mr./Ms. _____ has been appointed _____ and is invested with the powers, functions and privileges of a police officer under section 8 of Police Act, 2013, in the District Police/ Area _____ under the charge of Provincial Police Officer on this day of _____.

Signature _____

Designation _____

FOURTH SCHEDULE
SINDH POLICE EFFICIENCY AND DISCIPLINE RULES, 2013

1. Short title and commencement:

- (1) These rules shall be called the Sindh Police Efficiency and Discipline Rules, 2013.
- (2) They shall come into force at once.

2. Application:

- (1) These rules shall apply to all members of Sindh Police. No member of Sindh Police shall be departmentally proceeded against otherwise than as provided in these rules.
- (2) For the purpose of disciplinary proceedings the members shall be deemed to include
 - (a) all members of Sindh Police appointed by the Sindh Government;
 - (b) members of Sindh Police lent to other governments and organizations; and
 - (c) officers borrowed by Sindh Police from other government departments and organisations.

3. Definitions:

In these Rules, unless the context otherwise requires;

- (a) accused means a member of Sindh Police who is to be proceeded against departmentally under the Act and the rules;
- (b) act means the Sindh Police Act, 2013;
- (c) tribunal or appeals tribunal means the Sindh Services Tribunal established under the Constitution of the Islamic Republic of Pakistan and any other law in force by the Sindh Government in relation to members of the Sindh Police;
- (d) Authority means the Government or an officer or authority empowered to exercise the powers of the Authority under rule 23 below;
- (e) inquiry officer means a police officer appointed by the Authority to carry out an inquiry under the act;
- (f) inquiry committee means a group of police officers (headed by a convener) appointed by the Authority to carry out an inquiry under these rules; Explanation. The inquiry committee shall have similar authority, exercise the same powers and perform the same

functions as an inquiry officer wherever the latter is mentioned in these Rules. While awarding a penalty, the committee shall be deemed to have the same powers as its convener.

(g) misconduct includes

(i) conduct prejudicial to good order or discipline of the police,

(ii) conduct unbecoming of a police officer and a gentleman,

(iii) any commission or omission which violates any provisions of law, rules or standing orders regulating the functions and duties of a member of Sindh

Police,

(iv) bringing or attempting to bring political or other extraneous influence directly or indirectly in respect of any matter relating to the appointment, promotion, transfer, award, punishment, leave, retirement, or other conditions of service;

(v) deliberate and uncalled for acts or attempts to delay or frustrate any departmental proceedings;

(vi) negligence in performance of duties and acts covered under sections 3, 4 and 8 of the act;

(h) Penalty means any punishment which may be imposed under the act or these rules;

(i) Supervisory officer means an officer in a senior rank responsible for supervision of a particular officer.

4. Grounds for penalties:

A member of Sindh Police, who

(a) is inefficient or has ceased to be efficient;

(b) is guilty of misconduct;

(c) is corrupt, or may reasonably be considered to be corrupt because;

(i) the member is, or any of the member's dependents is, in possession of pecuniary resources for which cannot reasonably be accounted for or of property disproportionate to the person's known sources of income;

(ii) the member has assumed a style of living beyond the concerned member's ostensible means;

(iii) the member has a reputation of being corrupt;

(d) is engaged, or is reasonably suspected of being engaged in subversive activities, or is reasonably suspected of being associated with others engaged in subversive activities or is guilty of disclosure of official secrets to any unauthorized person, and such retention in service is therefore prejudicial to national security; shall liable to be proceeded against under this Act and these rules and one or more of the penalties hereinafter mentioned may be imposed on the member.

5. Penalties:

(1) Subject to these rules the Authority or the inquiry officer may award one or more of the following penalties in any proceedings under these rules.

(2) Minor penalties:

(a) Censure;

(b) Forfeiture of approved service up to two years;

(c) Withholding of promotion up to two years;

(d) Stoppage of increment for a period not exceeding two years without cumulative effect; (e) Fine not exceeding one month's pay;

(f) In case of constables and head constables

(i) confinement to quarter guard for a period not exceeding 15 days, and

(ii) extra drill for a period not exceeding 30 days; and

(g) recovery of any loss caused to the Government.

(3) Major penalties:

(e) reduction in pay;

(f) reduction in rank;

(g) compulsory retirement;

(h) removal from service; and

(i) dismissal from service.

(4) Reversion from an officiating rank as a consequence to an administrative order shall not be deemed a penalty under these rules.

(5) Removal from service does not, but dismissal from service does, disqualify for future employment;

(6) Removal or dismissal from service does not include discharge of a person:

- (a) appointed on probation, during the period of probation, or in accordance with the probation or the applicable training rules;
- (b) appointed otherwise than under a contract to hold a temporary appointment, on the expiration of the period of appointment;
- (c) engaged under a contract, in accordance with the terms of the contract.

6. Suspension.

(1) An officer or Authority mentioned in rule 7 below may place a member of Sindh Police under suspension if it deems fit.

(2) An officer while under suspension shall; unless the officer is especially allowed in writing in this regard, deposit the official weapons, ammunition and belt with the officer tasked to issue such items;

- (a) in case the officer is of junior rank, attend all roll-calls;
- (b) perform such duties as may be lawfully assigned to the officer by senior officers;
- (c) continue to be responsible to the next higher officer in respect of discipline as if the said officer had not been suspended;
- (d) be entitled to such emoluments and allowances as may be admissible, from time to time, to other government servants in similar situation;
- (e) be put under surveillance, subject to orders of the Authority, with or without escort, or the officer's movements confined to the place of the officer's duty.

(3) An officer while under suspension shall not be

- (a) issued any arms or ammunition during the period of the said officer's suspension;
- (b) assigned duties that involve the exercise of any power or Authority by the officer;
- or
- (c) subjected to any undue hardship.

(4) An officer while under suspension shall, if the allegations against the said officer are not proved or when the officer is acquitted, be paid all emoluments as per entitlement, if not already paid, less the amount already drawn by the said officer for the period of suspension.

7. Power to suspend an officer

(1) An officer or Authority empowered to punish a police officer working under the supervision of such officer or Authority may suspend the said police officer when the officer is guilty or is reasonably suspected of misconduct. The officer under suspension shall be reinstated only by the Authority competent to award major penalty to that officer as prescribed in these rules. Each suspension shall be reported immediately to the head of district police, the concerned Senior Superintendent of Police, or a supervisory officer in BS-19.

(2) Only the Provincial Police Officer may suspend an officer in the rank of a Deputy Superintendent or Superintendent of Police.

(3) No officer shall remain suspended for more than three months unless the said suspension is extended by an officer not less than the rank of Deputy Inspector General for junior ranks and by the Authority for senior ranks. The officer extending the suspension shall record the reasons for such extension.

8. Suspension in judicial cases:

A police officer accused of a criminal offence may be placed under suspension from the date of the officer's nomination as an accused in the case. Suspension is compulsory during any period in which a police officer is committed to prison. A police officer arrested by order of a civil court in execution of a decree or otherwise shall be considered as under suspension from the date of arrest till the officer's release from custody.

9. Suspension in departmental inquiries:

During a departmental inquiry, the inquiry officer may require an accused officer to proceed on leave or place the accused under suspension with the consent of the Authority for a period not exceeding three months, if such suspension is considered necessary or expedient on the following grounds:

(a) Where the accused officer is facing disciplinary proceedings on charges of misconduct ordinarily warranting award of a major penalty.

(b) Where the accused officer is involved in activities prejudicial to the interest and safety of the Provincial.

(c) Where the accused officer obstructs the course of justice.

Provided that the Authority may suspend, reinstate or extend the period of forced leave or suspension for a period not exceeding another three months.

10. Preliminary inquiry:

(1) On receipt of information of misconduct the concerned supervisory officer of senior rank may forthwith conduct a preliminary inquiry either himself or cause it to be conducted through any other officer.

(2) The Inquiry Officer so appointed shall not be junior in rank to the officer complained against.

(3) The accused officer shall be apprised by the Inquiry Officer of the nature of the alleged misconduct and the substance of the accused officer's explanation shall be recorded.

(4) The Inquiry Officer appointed under sub-rule (1) shall submit the report to the supervisory officer within seven days of the receipt of the order of Inquiry Officer's appointment or initiation of the inquiry, or finalize it within seven days if the inquiry is being conducted by the supervisory officer himself.

11. Action on preliminary inquiry report:

(1) If as a result of the preliminary inquiry, the supervisory officer is satisfied that prima facie no case is made out against the accused officer, the supervisory officer shall close the matter under intimation to the Authority.

(2) If as a result of the preliminary inquiry, the supervisory officer is satisfied that prima facie a case warranting a penalty is made out and the supervisory officer is not competent to award any penalty, the supervisory officer shall refer the matter to the Authority.

(3) If in the opinion of the supervisory officer the misconduct has been such as to warrant minor penalty and the supervisory officer is competent to do so, award one or more minor penalties adopting the summary proceedings under rule 12 and inform the Authority accordingly.

(4) If the Authority for reasons to be recorded in writing finds itself in disagreement with the course taken or recommended, it may appoint a different Inquiry Officer for holding further

inquiry into the matter. The procedure for further inquiry shall be the same as for preliminary inquiry.

(5) If as a result of the preliminary inquiry or further inquiry the misconduct has been such as to warrant major penalty, the Authority shall either award one or more major penalties after summary proceedings under rule 12 or proceed under rule 13 for a regular departmental inquiry.

12. Summary Proceedings:

If, on the basis of the Inquiry Officer's or the Authority's own knowledge or information placed before it as a consequence of preliminary or further inquiry, the Inquiry Officer or the Authority decides that it is not necessary to have a regular departmental inquiry conducted against the accused, the inquiry officer shall

- (i) inform the accused forthwith by an order, in writing, of the action proposed to be taken in regard to the accused and the grounds of the action; and
- (ii) give the accused a reasonable opportunity of showing cause against that action within a period of 14 days from the date of receipt of order under clause (i).
- (iii) The accused may make a representation to the Authority against the summary procedure adopted against the said accused within seven days of the receipt of the orders. In case the representation is preferred, the Authority shall decide the same within seven days and communicate decision to the accused. In case of rejection of the representation, the accused shall be given seven days to show cause against the proposed action. Provided that no such opportunity as is referred to in clauses (ii) & (iii) shall be given where, in the interest of the security of Pakistan or any part thereof, it is not expedient to do so, the Authority may proceed with the case but before denying the opportunity, the Authority shall obtain prior approval of the Provincial Police Officer, where the Authority is not itself the Provincial Police Officer
- (iv) Within seven days of the receipt of the explanation, if any, of the accused, the Authority shall determine whether the charges have been proved. If it is proposed to impose any of the penalties under rule 5, Authority shall, after affording the accused an opportunity of personal hearing against the proposed action, pass orders accordingly.

13. Regular departmental inquiry:

The Authority shall either proceed itself or direct the Inquiry Officer to initiate a regular departmental inquiry if it is of the opinion that sufficient grounds exist for awarding major penalty to the accused on the basis of its own knowledge or information placed before it as

a consequence of preliminary or further inquiry, or where the Anti-Corruption Establishment has, under rule 15 (1) (b) of the Sindh Anti-Corruption Establishment Rules, 1985, recommended departmental action.

(2) In case the regular departmental inquiry is to be initiated at the instance of a borrowing department or office or the Anti-Corruption Establishment, the initiating agency or office shall send the draft charge sheet, list of witnesses and other relevant material to the Authority before initiation of proceedings.

(3) In a case where a police officer or civilian employee is accused of subversion, corruption or misconduct, the said officer may be placed under suspension or required to proceed on leave by the Authority, provided that the continuation of the suspension or grant of any extension in leave shall require the prior approval of the Authority after every 3 months.

(4) If the Authority considers that a regular departmental inquiry is necessary it shall appoint an Inquiry Officer who, or an Inquiry Committee whose, convener shall be of a rank senior to that of the accused or if there are more than one accused senior to all the accused.

(5) Where an Inquiry Officer is appointed, the Authority shall communicate necessary record to the Inquiry Officer enabling the Inquiry Officer to frame a charge and communicate it to the accused along with the list of witnesses and documents, if any, to be taken into consideration and require the accused, within a reasonable time which shall not be less than 7 days or more than 14 days, from the day the charge has been communicated to the accused, to put in a written defence before the Inquiry officer.

(6) The Authority shall, while sending the record, appoint a suitable officer to act as a departmental representative to assist the Inquiry Officer. The departmental representative shall be responsible for the following:

- (i) the officer shall assist the Inquiry Officer on each day of hearing, as may be fixed by the Inquiry Officer. The appointed officer shall be personally present fully prepared with all the relevant material on which the Charge Sheet is based.
- (ii) the officer shall render all other assistance to the Inquiry Officer during the Inquiry proceedings against the accused.
- (iii) the officer shall cross-examine the witnesses produced by the accused and also the prosecution witnesses in the event of their turning hostile, if so permitted by the Inquiry Officer.

(7) On receipt of the explanation of the accused or on the expiry of the stipulated period if there is no explanation or reply from the accused in defence, the Inquiry Officer shall inquire into the charges and may examine such oral or documentary evidence in support of the charge or in defence of the accused as may be considered necessary and where any witness is produced by one party, the other party shall be entitled to cross-examine that witness.

(8) The Inquiry Officer shall proceed in a manner suited to expeditious completion of the inquiry. The proceedings may be adjourned as and when required for reasons recorded in writing.

(9) Where the Inquiry Officer is satisfied that the accused is hampering or attempting to hamper the progress of the Inquiry, the Inquiry Officer shall administer a warning and if, thereafter, on being satisfied that the accused is acting in disregard of the warning, record a finding to that effect shall be recorded and the Inquiry be completed in such manner as the Inquiry Officer thinks best suited to do substantial justice.

(10) If the accused absents himself from the inquiry on medical grounds the accused shall be deemed to have hampered or attempted to hamper the progress of the inquiry, unless medical leave, applied for the said accused, is sanctioned on the recommendation of a Medical Board. Where, in view of the serious condition of the accused, it may not be possible for accused's personal appearance before the Medical Board, the Board shall examine the accused at residence or another place where such accused is being treated of which complete address must always be given in the leave application and at which the accused must be available.

Provided that the Authority may, in its discretion, sanction medical leave up to seven days without the recommendation of the Medical Board.

(11) The Inquiry Officer shall complete the inquiry proceedings within a period of sixty days, commencing from the last date of submission of the written defence by the accused or within such further period as may be allowed by the Authority.

(12) The Inquiry Officer shall, within ten days of the completion of the proceedings, in terms of sub-rule 6 above, determine whether the charge has been proved. Before the expiration of this period Inquiry Officer shall inform the Authority of the finding and send the complete record of the case to the Authority.

(13) If the Inquiry Officer finds the accused officer guilty of misconduct, the Authority may award one or more penalties. A major penalty shall only be awarded after affording the accused an opportunity of showing cause during personal hearing.

(14) In case the Inquiry Officer finds the accused officer not guilty, the Authority may, within a period of thirty days either accept the recommendation of the Inquiry Officer or order initiation of a regular departmental inquiry de novo by passing a speaking order. In case the Authority does not pass an order within thirty days the recommendation of the Inquiry Officer shall be deemed to have been accepted by the Authority.

(15) In cases where in the opinion of the Inquiry Officer an accused officer less than the rank of a Sub-Inspector cannot put up the defence properly, or on the request of an officer less than the rank of a Sub-Inspector, the Inquiry Officer shall appoint a friend to appear along with the accused to assist and advise the accused but not to represent the said accused. The friend so appointed shall be a serving officer of not less than the rank of Sub-Inspector.

Provided that no officer appointed as friend shall appear as such in more than two departmental proceedings in a calendar year.

14. Powers of inquiry Officer:

(1) For the purpose of a regular departmental inquiry under these Rules the Inquiry Officer shall have the powers of a court trying a suit under the Code of Civil Procedure 1908 in the following matters:

- (i) summoning and enforcing attendance of any person
- (ii) requiring the discovery and production of documents
- (iii) Issuing commission for the examination of witnesses or documents.

(2) The proceedings under these rules shall deemed to be judicial proceedings within the meaning of section 193 and 228 of the Pakistan Penal Code.

(3) Witnesses summoned in departmental proceedings shall be entitled to traveling and other expenses as admissible to the court witnesses.

15. When show cause notice to be given to the accused officer:

In case the Authority decides to act on the recommendation of an officer made under rule 13, sub-rules (13, 14 and 15) the accused officer shall be issued a show cause notice with a copy of the Inquiry report, and asked to appear before the Authority on a date specified in the order.

At least seven days shall be allowed to the accused officer prior to appearing before the Authority.

16. Representation by advocates not allowed:

No advocate shall represent the accused officer in any proceedings under these rules.

17. Effect of acquittal or conviction by court:

(1) Acquittal by the court in a criminal case on the same issue as is the cause of departmental proceedings shall not affect any minor or major penalties that may have been awarded or may be awarded to the accused officer under these rules.

(2) Conviction by the court for a period exceeding one month shall entail dismissal from service, unless it is set-aside in appeal.

18. Appeal:

(1) An appeal shall lie to the Appellate Authority within 15 days of the receipt of order to be appealed against except when reasonable cause is shown for the delay, a grace period of another 15 days may be allowed to the appellant.

(2) There shall be only one appeal to the Appellate Authority against the award of a minor or major penalty. No senior officer or forum has the authority to entertain any mercy petition, review petition, or appeal in this regard.

(3) The appeal shall be submitted through proper channel.

(4) The Authority may uphold, set aside or vary or modify the order appealed against. In case of enhancement of penalty, the Authority shall serve a show cause notice to the appellant.

(5) The Appellate Authority, while hearing an appeal, may obtain comments of the punishing Authority. The decision on an appeal shall contain detailed reasons in the order deciding the appeal in case the penalty is set aside, modified or reduced, against each of the points raised by the punishing Authority.

19. Bar of appeal:

No appeal to any court or tribunal exercising any jurisdiction, whatsoever, shall lie against any decision of an authorized officer or Authority, save as provided in these Rules.

20. Previous record of the accused to be considered:

While awarding a minor or major penalty, the Inquiry Officer shall peruse the entire record of the accused officer and make it a part of the proceedings. No penalty shall be awarded otherwise.

21. Disciplinary proceeding pending under other rules:

All disciplinary proceedings pending against members of the Sindh Police before the commencement of these rules shall be completed under the relevant rules.

22. Proceedings under these rules no bar to any civil or criminal procedure:

Proceedings under these rules shall not be a bar to any civil or criminal proceedings that may be instituted against the accused officer in an ordinary court of law, and vice versa.

24. Dismissal:

(1) Dismissal shall be awarded only for the gravest acts of misconduct or as the cumulative effect of continued misconduct proving incorrigibility and complete unfitness for police service. In making such an award regard shall be given to the length of service of the accused officer and to the accused's claim to pension.

(2) A police officer sentenced to rigorous imprisonment exceeding one month shall, if such sentence is not quashed on appeal or revision, be dismissed from service.

(3) When a police officer is convicted judicially and dismissed, or dismissed as a result of a departmental Inquiry, the facts of the conviction and dismissal and its cause shall be published in the Police Gazette. In other cases of dismissal when it is desired to ensure that the officer dismissed shall not be re-employed elsewhere, a full descriptive roll, with particulars of the penalties, shall be sent for publication in the Police Gazette.

25. Confinement to quarters:

A Constable and Head Constable confined to quarters shall be confined in the lock-up attached to the police guard in the district police lines. While so confined the said Constable shall perform extra drill or may be employed instead on an authorized fatigue duty. The Constable shall not leave the lock-up during the period of the confinement, except under escort of one or more Constables in uniform, and in accordance with order, general or specific, of the Lines Officer or the concerned supervisory officers at the headquarters.

26. Extra drill:

(1) Extra drill shall consist of drill with a rifle for not more than six or less than four hours in any one day, with an interval of at least 30 minutes between each hour. Only such days shall

be counted towards the completion of an award of extra drill on which such drill is actually carried out.

(2) An officer awarding extra drill may direct that the constable or head constable so punished, if attached to the reserve, shall not leave the lines, except on duty during the days on which such penalty is to be carried out.

27. Proceedings against an officer officiating in higher rank:

The misconduct of a police officer shall be judged in relation to the position the said police officer occupied at a time when such misconduct allegedly took place. For award of penalty, therefore, an accused officer officiating in a higher rank shall be considered to be of that rank.

28. Record of penalties:

(1) A penalty register shall be maintained in each district or unit in a manner prescribed by the Provincial Police Officer.

(2) Every award of departmental penalty shall be entered therein.

29. Penalties Returns:

Penalties returns shall be made in a manner prescribed by the Provincial Police Officer.

30. Records in departmental cases:

(1) In all departmental cases in which the alleged offence is such as to merit a major penalty, if proved, a record shall be kept, which shall contain:

- (i) the charge;
- (ii) the evidence supporting the charge;
- (iii) the defence of the accused officer;
- (iv) the commission of the defence witnesses, if any;
- (v) the finding of the Inquiry Officer/Inquiry Committee;
- (vi) the final order.

(2) In all cases against the junior ranks the record shall be in English or Urdu, but the finding, and the final order shall be in English.

(3) The record shall be paged like an ordinary file, and an index shall be attached to the first page.

(4) The record, together with any orders passed in revision or appeal, after the necessary entry has been made in the character roll, be filed with the Urdu personal file of the officer concerned. If the record concerns more than one officer, an attested copy of the final order in the case shall be attached to the Urdu personal file of each officer concerned.

(5) Each record shall bear the annual serial number of the entry in the penalty register relating to the case and a reference to this number shall be made in the remarks column of the Long Roll.

31. Removal from promotion lists:

Removal of a name from a promotion list may follow the award of a penalty. No formal charge be framed nor evidence recorded, but an order shall be recorded in writing and given effect through an entry in the Order Book. The Authority shall consider previous record of the accused while passing such an order. The original order of the Authority ordering removal shall be read out to the officer concerned. No appeal shall lie against it.

32. Stricture passed by a court against an officer:

(1) Whenever a court passes a stricture on the professional conduct of an officer, it shall send a copy of the judgment to the head of district police or the concerned supervisory officer not less than the rank of Senior Superintendent of Police. In case of the Lahore High Court the copies will be forwarded to the Provincial Police Officer.

(2) In case a stricture is passed on the conduct of police by a Sessions Court or by a Judicial Magistrates court and no specific recommendation is made by the court passing such a stricture about an inquiry should be made, the head of district police will decide whether an inquiry into the matter is necessary.

b) IMPLEMENTATION PLAN

<p>ROCCIPI Categories</p>	<p>Scope for Implementation</p>
<p>RULE</p>	<ul style="list-style-type: none"> • Anti-Terrorism Act 1997 should be revised to clarify the definitions of the crimes that it covers and to create categories for crimes that are currently outside the Act’s scope. • Modification of the Evidence Act and High Court Rules is essential for convening incognito trials, maintaining the protection of the identity of witnesses, and facilitating a simpler procedure for the admissibility of modern types of evidence (e.g., cell phone call data) in terrorism cases. • New categories of offenses should be prescribed covering crimes that are currently out of scope of the Act but are inexorably linked to the terrorist problem and thus should be prosecuted under the Act. These include the following: – Federal offenses for both the interprovincial transportation of explosives and arms
<p>OPPORTUNITY</p>	<ul style="list-style-type: none"> • As part of its de-radicalization approach, the police should pursue a behavioural reform program when dealing with inmates. This includes the better treatment of inmates and improved conditions in police stations and prisons.

<p>CAPACITY</p>	<ul style="list-style-type: none"> • Capacity building within the Intelligence Bureau should be made a priority to cater to the needs of intelligence-led policing operations in selected areas of the country. • Greater coordination between international donors and local law enforcement stakeholders is crucial for better results on ground. • The private sector should be encouraged to contribute to enhancing coordination between the public and police through institutions such as the Citizen-Police Liaison Centre (CPLC) in Karachi. • Police must be provided with the technology needed to combat
	<ul style="list-style-type: none"> • Introduce modern methods of investigation into the legal regime. The concepts of plea bargains, poly-graph testing, and relative guilt have been suggested, and they are positive ideas for reform. Police also need effective forensic support, and the legal regime must provide for forensic evidence admissibility in cases of terrorism.
<p>COMMUNICATION</p>	<ul style="list-style-type: none"> • At present, information collected by the country’s intelligence agencies during interrogations cannot be used against suspects in legal cases. Legal provisions to make this information permissible, provided that arrests are made by law enforcement agencies and due process of law is followed. • The establishment of special units at central police office would serve to facilitate rapid coordination with private cellular companies to get direct access to cell phone data of suspected terrorists as soon as the police acquire information on phone numbers • Strengthened cooperation between the military and police would better enable Pakistan’s civilian law enforcement bodies to take responsibility for internal security. Special training exchanges and the induction of soldiers into the police service at junior levels can benefit police readiness in field operations. • The Pakistan Army should assist at the strategic and operational levels. • Army counterterrorism experts should be provided to educate police officers on the dynamics of the internal security threats facing Pakistan. • Efforts should be made to bolster cooperation among the Intelligence Bureau, police investigators, and Inter-Services Intelligence in the pursuit of terrorist groups. Pakistan should consider setting up a formal intelligence sharing mechanism similar to fusion centers in the United States.

<p>PROCESS</p>	<ul style="list-style-type: none"> • Women should be encouraged to join the police. Equally as important, however, are more woman- friendly laws and gender-sensitized law enforcement personnel. • Women and children represent a disadvantaged and vulnerable section of society. No woman or child under 18 years old should be arrested without prior approval of a superintendent or assistant superintendent of police. Women police officers should handle their custody. • A woman counsellor or legal advisor should be made available in or around police stations for women complainants and abused women. • The Provincial government should take responsibility for the provision of legal and financial support to woman victims/ complainants. Those women should have access to free legal aid, the immediate provision of services of a public prosecutor/attorney, and financial support to pursue their case in the courts if needed. • Shelters should be established to provide protection for women victims whose lives are in danger, especially in cases of honour-related threats • When an individual reports a crime, that person should not be called into the police station; the police should travel to the incident site and fill out complaint forms, sending a copy of the First Information Report or daily diary report (used to formally initiate investigations) by post or by hand. Investigating officers should visit and record evidence at the shops, offices, and houses of witnesses rather than summoning the interested parties to their offices and stations. • Policies based on intuition and opinions are not dependable. Rather, policies, practices, and thinking should be based on statistical evidence. A systematic
	<ul style="list-style-type: none"> • analysis of crime data can provide vital insights into the nature and dynamics of the phenomenon, and the conclusions drawn will be critical for theory, policy, and practice. These research projects must be promoted by the government.

<p>INTEREST</p>	<ul style="list-style-type: none"> • Increased oversight by international donors is needed. These donors must revisit the quality of their interventions in Pakistan’s justice system. • Appointments to key police positions must be executed through a transparent procedure that is free of political interference. • An improvement in working conditions and salaries and changes to organizational culture would help to create a force that is respected by the people and thus is more effective in maintaining security and stability. • Course books should be written in the standard style of contemporary training manuals, rather than in the dense, non-user-friendly style currently being employed. Additionally, the passive lecture format should be abandoned in favour of training that employs a mixture of interactive methodologies, including role-playing, group work, and problem solving. • Training and curriculum throughout the police academies should address the needs of vulnerable groups, including women, children, and minorities. This can help increase their sensitivity, and strengthen the relationship between the police and the community.
<p>IDEOLOGY</p>	<ul style="list-style-type: none"> • Practitioners should be trained in conflict resolution and management so that these techniques can be employed before resorting to force. Conflict resolution approaches should be adopted over purely law enforcement approaches. • Training must emphasize service and the rule of law. Courses should contain case studies of instances in which human rights violations have brought suffering not only to victims, but also to perpetrators who blindly carry out illegal orders. • A de-radicalization program must be cultivated and strengthened, giving the police a lead role. Post-release monitoring of reintegration should be conducted to ensure the program’s success, and standardized procedures should be introduced at police departments across the country. • The role, duties, and responsibilities of the police must be oriented in a manner in which the service function is prioritized and the prevention and detection of crime is viewed as having a social purpose. The reform strategy should also seek to solicit the support and cooperation of the people.