

THE SINDH (REPEAL OF THE POLICE ACT, 1861 AND
REVIVAL OF POLICE ORDER, 2002) (AMENDMENT) ACT, 2019.

SINDH ACT NO. XI OF 2019

AN
ACT

to repeal Police Act 1861 and revive Police Order 2002 as it stood on 13th July, 2011 with amendments.

WHEREAS the police has an obligation and duty to function according to the Preamble Constitution, law, and democratic aspiration 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 police role, its duties and responsibilities;

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

It is hereby proposed as follows:

1. (1) This Act may be called the Sindh (Repeal of the Police Act, Short title, extent, & 1861 and Revival of Police Order, 2002) (Amendment) Act 2019. commencement

(2) It extends to the whole of the Province of Sindh

(3) It shall come into force at once.

1A. The Police Order 2002 shall stand revived on and from 13th day of July, 2011,

as if it had never been repealed and shall be revived as amended to the extent and Revival

in the manner hereinafter appearing.

CHAPTER I
PRELIMINARY

2. Definitions. - (1) In this Order, unless the context otherwise requires, -

(i) 'Administration' includes management of administrative, operational and financial functions;

(ii) 'Chairman' means Chairman/Chairperson of District Council and District Municipal Corporation as established in the Sindh Local Government Act 2013

(iii) 'Code' means the Code of Criminal Procedure, 1898 (Act V of 1898);

(iv) 'Cognizance' means taking notice by an authority legally empowered to take action on its decision regarding a matter relating to neglect, excess or misconduct by, or any omission or commission deemed illegal, committed by, a Police Officer for remedial and corrective measures under the provisions of this Order;

(v) 'Commission' means the Provincial Public Safety & Police Complaints Commission and District Public Safety & Police Complaints Commission established under this Order;

(v-a) "direct" means a written order or instruction to a Police Officer issued by an authority empowered to direct under this Order and such directing authority shall be deemed to be an officer authorized under clause (2) of *section 155;

(v-b) 'Council' means District Municipal Corporation / District Council;

(vi) 'District' means the district as defined in Sindh Land Revenue Act 1967;

*[(vi-a) "Deceased" means a person failing within the definition of " Police or Police Establishment" who dies while in service but does not include Shaheed;];

(vii-a) "ex-officio Secretary" means Inspector General of Police who shall exercise administrative and financial powers of the Secretary to the Provincial Government with operational, administrative and financial autonomy in matters pertaining to Police subject to the policy, oversight and guidance given by the Chief Minister through the Chief Secretary and the Provincial Home Department;

* The word "Article" wherever appearing throughout the act substituted by word "section" by Sindh Act No. XVIII of 2021, dated 09-07-2021.

? New "clause (vi-a)" inserted, ibid.

(vii-b) "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; and

(vii-c) "fact finding inquiry" means an inquiry into the allegations contained in a complaint against a Police Officer, including the factual incidents, relating to neglect, excess or omission or commission of any act constituting an offence and the outcome of such inquiry shall be admissible in evidence before a court, tribunal or an authority;

(viii) 'Federal Law Enforcement Agencies' include Federal Investigation Agency, Pakistan Railway Police, Anti-narcotics Force, Pakistan Motorway and Highway Police, Islamabad Police, Frontier Constabulary, and any other Federal or Provincial organization notified as such by the Government from time to time;

(ix) "General Police Area" means a district, a part of a province, or any territory for which separate police is established under *section 6;

() "Government" means the Government of Sindh;

(xi) "Head of District Police" means a Police Officer not below the rank of Senior Superintendent of Police posted under Article 15;

(ai) 'junior ranks' means members of the police of and below the rank of Inspector as set out in the First Schedule;

[(xii-a) "permanently invalidated or incapacitated" means a person failing within the definition of "Police or Police Establishment" who is declared invalidated or incapacitated by the Medical Board;];

(xiii) 'person' includes a natural person, community, company, or corporation;

(xiv) 'Place' includes.—

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

(xv) "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;

(xvi) '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;

(xvii) 'Inspector General of Police' means head of the police of a general police area posted under *section 11;

(xviii) 'Police Officer' means a member of the police who is subject to this Order;

(xix) 'Police or Police Establishment' means the police referred to in *section 6 and includes—

(a) all persons appointed as special police officers or additional police officers under this Order; and

(b) all other employees of the police.

(xx) 'prescribed' means prescribed by rules made under this Order;

(xxi) 'property' means any moveable property, money or valuable security;

(xxii) 'public place' means any place to which the public may have access;

(xxii-a) 'responsible' means a Police Officer who is answerable and accountable, for effective and efficient performance of assigned duties and functions, and for implementation of all lawful orders and instructions issued by an officer or an authority to whom he is responsible under this Order and non-compliance of such orders, directions and instructions which he is bound to observe or obey for action shall be liable under paragraph (c) of clause (1) of *section 155;

(xxiii) 'rules' means rules made under this Order;

(xxiv) 'schedule' means a schedule to this Order;

(xxv) 'senior ranks' means members of the police above the rank of Inspector as set out in the First Schedule;

*[(xxv-a) "Shaheed" shall have the same meaning as assigned to it under the Sindh Shaheed Recognition and Compensation Act, 2014 (Sindh Act No. XVI of 2014);];

(xxvi) '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;

¹ New "clause (xii-a)" inserted, by Sindh Act No. XVIII of 2021, dated 09-07-2021.

² New "clause (xxv-a)" inserted, ibid.

(xxvi-a) 'superintendence' means supervision of Police by the Chief Minister through the Chief Secretary and Home Department while ensuring total autonomy of the Inspector General of Police in operational and financial matters

(xxvii) '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.

3. Attitude and responsibilities of police towards the public. - It shall be the duty of every police officer to —

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

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

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

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

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

(b) preserve and promote public peace;

(c) ensure that the rights and privileges, under the law, of a person taken in custody, are protected;
(d) prevent the commission of offences and public nuisance;

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

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

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

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

(i) detect and bring offenders to justice;

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

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

(l) enter and inspect without a warrant on reliable information any public place, shop or

gaming-house where alcoholic drinks or narcotics are sold or weapons are illegally stored and other public places of resort of loose and disorderly characters;

(m) obey and promptly execute all lawful orders;

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

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

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

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

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

(4)

(2) Police officer shall make every effort to -

- (a) afford relief to people in distress situations, particularly in respect of women and children;
- (b) provide assistance to victims of road accidents;
- (c) assist accident victims or their heirs or their dependents, where applicable, with such information and documents as would facilitate their compensation claims; and
- (d) cause awareness among the victims of road accidents of their rights and privileges.

(3) It shall be the duty of a police officer to lay information before a competent court and to apply for a summon, 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 Home Department, may, in an emergency, by notification in the Official Gazette, declare any specified service to be an essential service to the community.

(2) Upon a declaration being made under clause (1) and so long as it remains in force, it shall be the duty of every police officer to obey any lawful order given by a senior police officer in relation to the declaration.

6. Separate Police establishment for each general police area.- The Government shall maintain a separate police establishment for every general police area.

7. Constitution of police. - (1) The police establishment for each general police area shall consist of such numbers in the senior and junior ranks and have such organization as the Government may from time to time determine.

(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 prescribe.

'[(3) The direct recruitment in the police other than Ministerial and Specialist Cadres shall be in the ranks of Constable, Assistant Sub-Inspector, Inspector and Deputy Superintendent:

Provided that the selection for direct recruitment in the rank of Assistant, Sub-Inspector and Deputy Superintendent shall be as per quota and manner notified by the Government from time to time through Sindh Public Service Commission except against Shaheed, deceased, permanently invalidated or incapacitated quota in the rank of Assistant Sub-Inspector:

Provided further that the recruitment in the rank of Shaheed, deceased permanently invalidated or incapacitated quota in the rank of Assistant Sub-Inspector shall be done expeditiously through a competitive process as may be prescribed.].

The appointment against the posts of senior ranks below the rank of Inspector General of Police shall be made in accordance with the respective recruitment rules made under the Sindh Civil Servants Act, 1973, in the manner as may be prescribed.

(5) Every police officer while on police duty shall have all the powers and privileges of a police officer throughout Pakistan and be liable to serve at any time in any branch, division, bureau and section.

8. Police to be organized on functional basis. - (1) The police establishment constituted under

*section 7 shall, as far as practicable, be organised on functional basis into branches, divisions, bureaus and sections.

(2) The branches, divisions, bureaus and *section referred to in clause (1) may include-

(a) Investigation;

(b) Intelligence;

(c) Watch and Ward;

(d) Reserve Police;

' Subs for the "sub-sec (3)" of sec-7, by Sindh Act No. XVIII of 2021, dated 09-07-2021.

- (e) Counter-Terrorism and Rapid Response;
- (f) Personnel Management;
- (g) Education and Training;
- (h) Finance, Accounts, Procurement and Internal Audit;
- (i) Crime Prevention;
- (j) Crime against women, children, minorities and vulnerable sections;
- (k) Traffic Planning and Management;
- (l) Criminal Identification;
- (m) Telecommunication and Information Technology;
- (n) Transport;
- (o) Research and Development;
- (p) Legal Affairs; and
- (q) Welfare.

(3) The specialist investigators shall be operationally responsible to the officer in-charge of the investigation branch.

(4) Every police officer shall be liable for posting to any branch, division, bureau and section, or anywhere in or outside the police:

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

9. Superintendence of police. - (1) The superintendence of police throughout a general police area shall vest in the Government.

(2) The power of superintendence under clause (1) shall be so exercised as to ensure that police performs its duties efficiently and strictly in accordance with law.

10. Administration of the police. - (1) Administration of police in a general police area shall vest in the Inspector General of Police, Additional Inspector General of Police, Deputy Inspector General of Police and Senior Superintendent of Police as the case may be.

(2) The Inspector General of Police, Additional Inspector General of Police, Deputy Inspector General of Police and Senior Superintendent of Police, as the case may be, shall exercise such powers and perform such functions and duties and shall have such responsibilities as may be provided by or under this Order and any other law for the time being in force.

(3) The police officers mentioned in clause (1) may for direction and control issue standing orders not inconsistent with the Order or rules made hereunder for the efficient functioning of the police.

(4) Inspector General of Police shall prepare a provincial annual policing plan for review by the Provincial Public Safety and Police Complaints Commission. The plan shall include

- (a) objectives of policing;
- (b) financial resources likely to be available during the year;
- (c) targets;
- (d) mechanism for achieving these targets; and
- (e) key performance indicators and performance measurement criteria.

11. Posting of Inspector General of Police. - (1) The Government shall post the Inspector General of Police out of a panel of three police officers recommended by the Federal Government.

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

(2) The Inspector General of Police posted under Clause (1) shall have administrative and financial powers as ex-officio Secretary to the Government and other power under the Order or any other law forth e time being in force.

12. Term of office of Inspector General of Police. - (1) The term of office of Inspector General of Police posted under *section 11 shall be three years from the date of his posting.

(2) The Provincial Government or the Federal Government may for compelling reasons, in consultation with each other, repatriate, or recall, the Inspector General of Police, as the case may be.

(3) The Provincial Public Safety and Police Complaints Commission may, for reasons to be recorded in writing, recommend to the Provincial Government for repatriation of the Inspector General of Police before the expiry of his term of office and the Government may repatriate in accordance with clause (2).

Provided that before initiating such transfer, the Provincial Public Safety and Police Complaints Commission shall give the concerned officer and opportunity of being heard in person

13. Posting of Additional Inspectors General of Police or Deputy Inspector General of Police. - The Government may post such number of Additional Inspectors General of Police and Deputy Inspectors General of Police to assist the, Inspector General of Police and Additional Inspector General of Police, as the case may be, in the efficient performance of duties as it may deem fit, in consultation with the Inspector General of Police or Additional Inspector General of Police, as the case may be.

14. Appointment of experts. — (1) The Government may, on recommendation of the Sindh Public Service Commission, appoint one or more experts to assist the Inspector General of Police or Additional Inspector General of Police or Deputy Inspector General of Police.

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

15. Posting of Deputy Inspector General of Police and Senior Superintendent of Police. - (1) The Inspector General shall in consultation with the Chief Minister post a Deputy Inspector General of Police of a Range or Senior Superintendent of Police of a District, as the case may be.

Provided that in case the Chief Minister and Inspector General, after a process of meaningful consultation do not reach any consensus, the Inspector General shall propose three names to the Chief Minister who shall approve one of them for posting as Deputy Inspector

General of Police of a Range or Senior Superintendent of Police of a District, as the case may be.

(2) The term of office of Deputy Inspector General of Police and Senior Superintendent of Police shall be in the manner as may be prescribed.

(3) Under exceptional circumstances, due to exigency of service or on grounds of misconduct and inefficiency which warrant major penalty under the relevant rules, the Deputy Inspector General of Police and Senior Superintendent of Police may be transferred, with the approval of the Government, before completion of the term of office.

16. Administration of police in a district.- (1) Subject to this Order, the administration of police throughout a district, shall vest in a Senior Superintendent of Police posted under *section 15.

(2) The Senior Superintendent of Police may delegate any of his powers and functions to a Superintendent of Police, Assistant or Deputy Superintendent of Police posted in the District.

17. Posting of Superintendent, Assistant Superintendent, Deputy Superintendent.— (1) The Inspector General shall post Superintendent of Police and Assistant or Deputy Superintendent of Police.

(2) The term of office of Superintendent of Police and Assistant or Deputy Superintendent of Police shall be as may be prescribed.

(3) Under exceptional circumstances, due to exigency of service or on grounds of misconduct and inefficiency which warrant major penalty under the relevant rules, the Superintendent and Assistant or Deputy Superintendent may be transferred before completion of the term of office.

18. Posting of head of investigation. - (1) The head of investigation in the province shall be an officer of the rank of Deputy Inspector General of Police and the head of investigation in a district shall be an officer of the rank of the Superintendent of Police.

Provided that the Investigation Wing shall be located within the Police Station and shall be responsible to its own hierarchy in the District under the general control of Officer-in-charge of the Police Station.

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

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

(3) The Senior Superintendent of Police shall not interfere with the process of investigation. The head of investigation shall however keep the Deputy Inspector General of Police (concerned) informed of the progress of all cases which have a bearing on public order. The Senior Superintendent of Police shall provide full support to the Head of investigation in the performance of his duties.

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

Provided that the order for the change of investigation shall be passed by Provincial head of investigation who shall record reasons for change of such investigation:

Provided further that the second change of investigation may only be allowed with the approval of the Inspector General of Police.

Explanation.- For the purpose of this *section, "general control" means the relationship between the authority of the officer-in-charge of Investigation in a District or a Police Station and the Senior Superintendent of Police and officer-in-charge of the Police Station, as the case may be. This relationship requires full support to the officer-in-charge of Investigation in the performance of his duties and officer-in-charge of Investigation shall coordinate with the Senior Superintendent of Police or officer-in-charge of the police station, as the case may be, and provide information to him on all matters which have a bearing on watch and ward and public order functions. Any directions in this regard by the officer vested with general control shall not explicitly or impliedly interfere in the conduct of investigation or transfer of investigation and diversion of manpower or resources of Investigation to other police functions.

19. Posting of Director of Police Communications etc. — the Director of Police communication shall be posted by the Inspector General of Police in the manner as may be prescribed.

Provided that the officer so posted shall have expertise in the field.

20. Posting of heads of police training institutions. - Inspector General of Police in consultation with the Chief Minister may post an officer not below the rank of Deputy Inspector General of Police as Commandant of the police training college and an officer not below the rank of Senior Superintendent of Police as Principal of each police training school within the general police area under his charge.

21. Constitution of regions and divisions etc. - (1) The Inspector General of Police may with the approval of the Chief Minister constitute police regions.

(2) The Inspector General of Police may, with the approval of the Chief Minister,-

- ° divide districts into police divisions, sub-divisions and police stations
- ° sub-divide police stations into police posts; and
- . define the limits and extent of such divisions, sub-divisions, police stations

and police posts:

Provided that the limits and extent of such divisions, police stations and police posts shall, as far as practicable, be coterminous with Revenue and Local Councils' limit Ss.

(3) A police region under clause (1) shall be headed by a police officer not below the rank of Deputy Inspector General of Police:

Provided that where the size of police establishment is more than ten thousand, the region shall be headed by a police officer not below the rank of Additional Inspector General of Police.

(4) A police division shall be under an officer not below the rank of a Superintendent of Police; a police sub-division under an officer not below the rank of an Assistant or Deputy Superintendent of Police; and a police station shall be under an officer of the rank of Inspector of Police:

Provided that an officer of the rank of Assistant Superintendent of Police may be posted as head of a police station, assisted by Inspectors as officer incharge in selected police stations;

Provided further that the term of office of an officer under whom a police division, sub-division or police station respectively is placed shall be the same as that of Head of District Police from the date of posting and any transfer before completion of his term of office will only take place due to exigency of service or misconduct warranting major penalty.

22. Transfer to other police establishment. —

23. Appointment of junior ranks. - The junior ranks officials shall be appointed having qualifications, eligibility conditions and such examination and tests including physical, academic and psychological / psychometric tests in the manner as may be Prescribed.

24, Oath or affirmation by members of police. —Every member of the police shall on appointment make and subscribe before the Inspector General of Police orA dditional Inspector General of Police or Deputy Inspector General ofPo lice or head of a training institution, an oath or affirmation according to the form set out in the Second Schedule in English, Urdu or Sindhi language.

25. 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 Inspector General of Police or Additional InspectorGen eralofPolice or Senior Superintendent of Police as the case may be, by general or special order.

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

26. Suspension of police officer. - (1) Subject to rules, the authority or an officer authorized in this behalf by the authority shall have power to suspend a member of police.

Provided that such suspension shall not exceed the period as specified in the rules.

(2) The powers and functions vested in a member of police shall remain suspended while such officer is under suspension:

Provided that notwithstanding his suspension such member shall not cease to be a member of police and shall continue to be subject to the control of the same authorities to which he would have been, but for his suspension.

27. General powers of Inspector General of Police & Senior Superintendent of Police etc. - Subject to this Order and rules made there-under, Inspector General ofP olic e and Senior Superintendent of Police as the case may be, shall within their respective spheres of authority, direct and regulate all matters of recruitment, training, postings, transfers, promotions, arms, drill, discipline, clothing, distribution of duties, and any other matter concerning the efficient fulfilment of duties by the police under his control.

28. Powers of Inspector General of Police, Additional Inspector General of Police and Deputy Inspector General of Police concerning policeaccounts.

- (1) Inspector General of Police, Additional Inspector General ofPolice and Deputy Inspector General of Police shall have authority toinvestigate and regulate all matters of accounts connected with the police and all persons

concerned shall be bound to give reasonable aid and facilities in conducting such investigation and to conform to his orders consequent thereto.

(2) The power of Inspector General of Police, Additional Inspector General of Police and Deputy Inspector General of Police to regulate accounts under clause (1) shall be without prejudice to the Auditor General's authority to audit police accounts.

29. Appointment of special police officers. - (1) Subject to rules, Senior Superintendent of Police may appoint special police officers for special purposes or occasions when the police available to him is not sufficient to assist the police under his command.

(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.

30. Appointment of additional police. - (1) The Additional Inspector General of Police, Deputy Inspector General of Police and Senior Superintendent of Police subject to the approval of the Inspector General of Police and Additional Inspector General of Police may temporarily appoint additional police officers of such rank for such time period as he may deem fit for the purposes stated in their employment orders.

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

(a) receive a certificate in a form approved by Inspector General of Police or Additional Inspector General of Police or Deputy Inspector General of Police as the case may be;
(b) be vested with all or any of the powers, privileges and duties of a police officer;
(c) be subject to orders of the Additional Inspector General of Police, Deputy Inspector General of Police and Senior Superintendent of 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 Order or rules made there under.

31. Ministerial staff etc. - (1) Subject to rules, Inspector General of Police or Additional Inspector General of Police or Deputy Inspector General of Police as the case may be, may appoint ministerial staff and other employees in accordance with recruitment rules to assist the police.

(2) Any person employed under clause (1) shall be under the direction and control of Inspector General of Police or Additional Inspector General of Police or Deputy Inspector General of Police, as the case may be.

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

(4) Subject to rules, Inspector General of Police, Additional Inspector General of Police and Deputy Inspector General of Police as the case may be, may delegate his powers and authority under this section to an officer of appropriate rank.

32. District Annual Policing Plan. - (1) Senior Superintendent of Police shall prepare an annual Policing Plan consistent with Provincial Policing Plan in coordination with the Chairman, Mayor and Deputy Commissioner of the District.

(2) The Policing Plan shall include: -

- (a) objectives of policing;
- (b) financial resources likely to be available during the year;
- (c) targets;
- (d) mechanism for achieving these targets;
- (e) Key performance Indicators and Performance Measurement Criteria.

(3) Senior Superintendent of Police shall obtain the approval of the plan from the concerned Commission at the District level and send copies of the approved plan to Chairman/Mayor as the case maybe and Deputy Commissioner, Government, Provincial Public Safety and Police Complaints Commission and Inspector General of Police.

(4) Senior Superintendent of Police shall prepare a report on the policing of the district during the year and send it to the concerned Commission at the District level by end of August.

33. Relationship of Senior Superintendent of Police with Chairman, Mayor and Deputy Commissioner.- (1) Subject to the provisions of this Order, Senior Superintendent of Police shall coordinate with Chairman, Mayor and Deputy Commissioner for effective functioning of the police as per district policing plan but shall not include administration of the district police, investigation of criminal cases and police functions relating to prosecution, which shall rest with the police:

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

34. Police assistance to Government functionaries, etc. - Any functionary of the Federal Government, Provincial Government, any statutory body or any body or corporation owned, set up or controlled by any such Government or in which such Government has a controlling share or interest, or Cantonment Board may for the discharge of its official duties which in its opinion require police assistance, ask for police support from the concerned police authority of the area and such authority shall provide the requisite support:

Provided that, if for any reason, the police authority is unable to provide the police support requested under this clause it shall forthwith bring the matter through its channel of command to the notice of Senior Superintendent of Police who shall make arrangement for provision of police support and, where he is unable to provide such support, he shall inform the requesting authority.

35. Responsibility on complaints of a and excesses by police. —

36. Reference to Public Safety and Police Complaints Commission . - Senior Superintendent of Police shall inform the District Public Safety and Police Complaints Commission, of any incident or a complaint of rape, death, torture or serious injury to any person in police custody.

CHAPTER V

DISTRICT POLICE OVERSIGHT AND COMPLAINT REDRESSAL MECHANISM

37. Establishment of District Public Safety and Police Complaints Commission- (1) There shall be a District Public Safety and Police Complaints Commission in every District for police oversight and public complaint redressal, consisting of nine members one of whom shall be the Chairperson.

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

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

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

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

(b) one-third members, of whom one shall be a woman, shall be appointed as independent members by the Government from a list of names recommended by the Selection Panel; and

(c) the remaining one-third members, out of whom one shall be a woman, shall be elected by the District Council or District Municipal Corporation as the case may be from amongst its members on the basis of each member casting only one vote in favour of any contesting candidate through secret ballot.

Explanation.- For the purpose of this *section; (i) the "District concerned" for women members of the Provincial Assembly and National Assembly shall, as far as possible, be on the basis of the District where they are registered as voters.

(ii) in each of the above category there shall be one member from the municipal corporation of that districts

(iii) in each of the above category there shall be one member from the area falling within District Council Karachi in District Public Safety and Police Complaints Commission of District Malir and West Karachi.

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

(3) | The names of the members of the Commission shall be notified in the Official Gazette.

39. Appointment of Chairperson.- (1) The Chairperson of the District Public Safety and Police

Complaints Commission shall be elected by the members from amongst themselves every three years:

(2) The Chairperson of the District Public Safety and Police Complaints Commission shall be eligible for re-election not exceeding two terms.

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

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

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

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

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

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

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

(4) Independent members shall be of impeccable integrity and proven professional

competence in such fields as social work, law, administration, education, corporate sector, and other professional fields and has to be permanent resident of that district.

42. Functions of the Selection Panel.- The Selection Panel shall identify suitable candidates by inviting applications through widely circulated newspapers and after scrutiny forward to the Government the names of persons twice the number of appointments to be made.

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

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

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

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

(d) is not a citizen of Pakistan;

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

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

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

(h) is convicted of a criminal offence;

(i) has any conflict of interest; or

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

44, Powers and Functions of the District Public Safety and Police Complaints

Commission.- (1) The District Public Safety and Police Complaints Commission shall exercise the powers and perform the following functions including those relating to complaints against the police officers serving in the District, except the Senior Superintendent of Police, namely:-

(a) approve an annual District Annual Policing Plan prepared by the Senior Superintendent of Police in coordination with the Chairman/Mayor as the case may be and Deputy Commissioner setting out the arrangements for policing during the year;

Provided that such Policing Plan shall include-

- (i) a statement of financial resources expected to be made available; and
- (ii) performance targets for the year and their delivery mechanism;

(b) the District Public Safety and Police Complaints Commission shall submit an annual report to the Chief Minister through the Provincial Public Safety and Police Complaints Commission, *inter alia*, containing-

(i) an abstract relating to performance of the District Public Safety and Police Complaints Commission during the year;

(ii) a report on the functioning of the District Police;

(iii) a report on matters connected with the law and order in the District; and

(iv) a report on the implementation of the District Policing Plan;

(c) encourage police-public cooperation;

(d) evaluate the service delivery in terms of key performance indicators and targets contained in the Local Policing Plan on quarterly basis and send half-yearly reports to the Chief Minister , Provincial Public Safety and Police Complaints Commission, Inspector General of Police;

(e) take steps to prevent the Police from engaging in any unlawful activity arising out of compliance with unlawful or mala fide orders;

(f) refer the matter in writing to the Home Minister for appropriate action where the District Public Safety and Police Complaints Commission is satisfied that a collusive relationship detrimental to the interest of the people exists between the Chairman / Mayor, Deputy Commissioner and Senior Superintendent of Police;

(g) direct the Senior Superintendent of Police under clause (4) of *section 135 for disposal of unclaimed property in accordance with law;

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

(i) direct the Senior Superintendent of Police in writing to enquire into a complaint of neglect in general or by a functionary of a District Police in particular, and take appropriate action and report within the specified period;

(j) require, on a complaint of excess committed by any member of Federal Law Enforcement Agency or civil armed forces acting in aid of the district police, the appropriate authority of the concerned department in writing to take remedial action and report within a specified period and if no action is taken by the concerned authority, a reference may be made by the District Public Safety and Police Complaints Commission to the head of concerned organization for appropriate action;

(k) receive from an aggrieved person a complaint in writing supported by an affidavit, of neglect, excess or misconduct against a Police Officer;

(l) take cognizance of such complaints as may fall within its competence and forward other complaints to the Provincial Public Safety and Police Complaints Commission; and

(m) in cases falling within the competence of the District Public Safety and Police Complaints Commission, it may:

(i) direct the Senior Superintendent of Police in writing or through mail to take appropriate action and submit a report within a specified period; or

(ii) conduct a fact finding inquiry on its own by two or more of its members or through an officer serving in the District, not below the rank of Basic Pay Scale 18 and, in case the complaint is found correct, send the inquiry report to the Senior Superintendent of Police and direct him to take legal action against the delinquent Police Officer;

(iii) report the matter to the Government through the Provincial Public Safety and Police Complaints Commission for action under the appropriate law, where the Senior Superintendent of Police does not submit a report or take action on the directions given by the District Public Safety and Police Complaints Commission;

(iv) inform the complainant of the outcome of the inquiry in writing as soon as possible; and

(v) direct the appropriate authority, in case of any frivolous, or vexatious complaint, to initiate action under the law against the complainant.

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

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) compelling the production of documents;

(c) receiving evidence on affidavits; and

(d) issuing commission for the examination of witnesses.]

45. Terms of members of the District Public Safety and Police Complaints Commission. -

(1) The term of office of a member shall be three years unless he resigns at any time before the expiry of his term or ceases to be a member of the National Assembly or Provincial Assembly or District Council or Municipal Corporation, as the case may be;

Provided that in case, the National Assembly or Provincial Assembly or District Council or Municipal Corporation has ceased to exist or function as a matter of law, in such a situation, the exiting members shall continue till the new Assembly / Council / Corporation comes into existence

and new members are appointed therefrom.

(2) | An independent member shall not be eligible for appointment as such member for a third term.

(3) Members shall be paid TA and DA for attending meetings, as per rules.

(4) Independent members may be paid honoraria as per rules.

46. Removal of members. - The Government on the recommendation of the District Public Safety and Police Complaints Commission may remove a member from office if he:

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

Gj) violates any of the conditions mentioned under *section 43

47. Meetings and conduct of business of the District Public Safety and Police Complaints Commission.- (1) The business of the District Public Safety and Police Complaints Commission

shall be conducted by the Commission in a meeting.

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

(3) Quorum for a meeting of the District Public Safety and Police Complaints Commission shall be fifty percent of its total membership.

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

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

(6) Senior Superintendent of Police or, in his absence his deputy may be invited to attend a meeting, which he shall attend.

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

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

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

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

(3) The Secretariat shall consist of such number of officers and members of the staff as the

Government may, in consultation with the Commission, determine from time to time.

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

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

CHAPTER VI
CAPITAL CITY DISTRICT PUBLIC SAFETY COMMISSION
*section 49-60
DELETED

CHAPTER VII
ISLAMABAD DISTRICT PUBLIC SAFETY COMMISSION
*section 61-72
DELETED

CHAPTER VIII
THE PROVINCIAL POLICE OVERSIGHT AND COMPLAINT
REDRESSAL MECHANISM

73. Establishment. - There shall be a Provincial Public Safety and Police Complaints Commission for police oversight and public complaint redressal, consisting of twelve members and the ex officio Chairperson.

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

Provided that at least two members shall be women;

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

Provided further that in case the Provincial Assembly has ceased to exist or function as a matter of law, in such a situation, the existing members shall continue till the new Provincial

Assembly comes into existence and new members are appointed therefrom.

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

Provided that at least two members shall be women.

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

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

75. Appointment of Chairperson. -(1) The Home Minister shall be the Chairperson of the Provincial Public Safety and Police Complaints Commission.

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

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

77. Selection of independent members. — (1) There shall be a Selection Panel for independent members consisting of the Chief Secretary, who shall be its Chairperson and a nominee of the Chief Minister and a nominee of the leader of opposition in Sindh Assembly as its members:

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

(3) The selection process shall be completed in a period not exceeding sixty days from the occurrence of a vacancy.

(4) Independent members shall be of impeccable integrity and proven professional competence in such fields as social work, law, administration, education, corporate sector and other professional fields and has to be resident of the province.

78. Functions of the Selection Panel. - The Selection Panel shall identify suitable candidates by inviting applications through widely circulated newspapers and after scrutiny forward to the Government the names of persons twice the number of appointments to be made.

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

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

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

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

(d) is not a citizen of Pakistan;

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

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

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

(h) is convicted of a criminal offence;

(i) has any conflict of interest; or

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

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

(a) make recommendations to the Chief Minister for promoting integrity, efficiency and effectiveness of Police;

(b) take steps to prevent the Police from engaging in any unlawful activity arising out of compliance with unlawful or mala fide orders; and

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

(2) Without prejudice to functions under clause (1), the Commission shall perform the following;

(a) co-ordinate the functioning of District Public Safety and Police Complaints Commissions within the Province;

(b) recommend to the Government repatriation of Inspector General of Police before completion of tenure of three years for unsatisfactory performance of duties.

(c) recommend to the Chief Minister for grants to various police establishments within the province, for enhancing their capability to handle public order;

(d) assist the Provincial police in securing assistance from police of other provinces and law enforcement agencies by approaching appropriate authorities.

(f) oversee the implementation of the Provincial Annual Policing Plan prepared by InspectorGeneralofPoliceand approved and published by the Provincial Government. The plan shall include:

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

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

(g) evaluate the service delivery in terms of key performance indicators and targets contained in the annual plan on quarterly basis;

(h) require the Inspector General of Police to submit by end of August each year a general report in a manner prescribed by the Provincial Public Safety Commission which shall be published;

(i) submit an annual report to the Government and the Provincial Assembly that shall include the following;

(i) an abstract concerning performance of the Provincial Public Safety Commission during the year;

(ii) a report on the functioning of the Police Establishments;

(iii) a report on matters connected with general law and order in the Province.

G) recommend reforms for modernization of laws and procedure in respect of police, prosecution, prisons and probation service;

(k) evaluate the performance of the District Public Safety and Police Complaints Commissions on annual basis. If on the basis of the evaluation conducted by the Provincial Public Safety and Police Complaints Commission, the performance of the Commission is found unsatisfactory, it may recommend the dissolution of such Commission and _ on dissolution of the Commission the government shall reconstitute the same in accordance with the provisions of this Order within forty five days of such decision;

(l) conduct enquiry or take appropriate action on the recommendation of a District Public Safety and Police Complaints Commission in the manner to be prescribed by the Commission.

(m) perform functions of the relevant Public Safety and Police Complaints Commission during the period it stands dissolved;

(n) consider the proposals made by InspectorGeneralofPoliceand give its recommendations to the Chief Minister;

(o) recommend essential criminal justice reforms;

(p) perform such other functions with regard to public order and safeguarding public interest,

as may be assigned by the government to it for the purpose under any law for the time being in force including Prosecution, Prisons and Probation services;

(q) take cognizance of cases of Police neglect, excess, abuse of authority and conduct prejudicial to public interest against Senior Superintendent of Police and police officers not serving in a District-

(i) on a complaint from an aggrieved person in writing supported by an affidavit; or

(ii) on a report from a District Public Safety and Police Complaints Commission; or

(iii) on a reference received through Home Department from any of the authority or body working under the Government; or

(iv) on its own accord;

(1) inquire into the complaint either by itself or through any Government officer not below the Basic Pay Scale 19 and on the basis of findings of the inquiry-

(i) file the complaint, if the charges are not proved; or refer the matter to the concerned Head of General Police Area for departmental action and report back; or order the registration of a criminal case under the relevant provisions of Pakistan Penal Code (Act V of 1860), this Order or any other law for the time being in force;

(ii) report, to the Chief Minister, where the Commission is not satisfied with the action taken by the Head of General Police Area in cases referred to in sub-paragraph (i) and make appropriate recommendations in this behalf;

(iii) recommend disciplinary action against an inquiry officer for willful neglect or mishandling of an inquiry;

(iv) inform the complainant of the outcome of the inquiry in writing as soon as possible; and

(v) direct the appropriate authority, in case of any frivolous, or vexatious complaint, to initiate action under the law against the complainant; and

(s) delegate any of its powers to its Chairperson.

81. Terms of members of the Provincial Public Safety and Police Complaints Commission.-

(1) The term of office of a member shall be for a period of three years unless he resigns at any time before the expiry of his term, or ceases to be a member of the Provincial Assembly.

(2) An independent member shall not be eligible for a third term.

(3) Members shall be paid TA and DA for attending meetings, as per rules.

(4) Independent members may be paid honoraria as per rules.

82. Removal of members. — The Government on the recommendations of the Provincial Public Safety and Police Complaints Commission may remove a member from office if he —

(a) ceases to be a citizen of Pakistan;

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

(c) is guilty of misconduct;

(d) is found to have dealt with any matter in which he had a conflict of interest;

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

G) violates any of the conditions mentioned under *section 79

83. Meetings and conduct of business of the Provincial Public Safety and Police

Complaints Commission.- (1) The business of the Provincial Public Safety and Police Complaints Commission shall be conducted by the Commission in a meeting.

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

(3) Quorum for the meeting of the Commission shall be one-half of its membership.

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

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

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

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

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

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

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

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

(2) The Secretariat shall be headed by Secretary of BS 20 or 19 who shall be appointed by the Chief Minister in consultation with the Commission.

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

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

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

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

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

CHAPTER IX
THE NATIONAL PUBLIC SAFETY COMMISSION
*section 85-96

]

CHAPTER X
POLICE COMPLAINTS AUTHORITY
*section 97-108

]
CHAPTER XI
CRIMINAL POLICE COORDINATION COMMITTEE

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

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

(a) District and Sessions Judge (Chairperson)

(b) Deputy Commissioner

(c) Senior Superintendent of Police

(d) District Public Prosecutor

(e) District Superintendent Jail

(f) District Probation Officer

(g) District Parole Officer

(h) Head of Investigation (Secretary)

(i) President of District Bar Association

(j) District Social Welfare Officer

(k) District Women Development Officer

(l) District Health Officer

(m) Secretary District Public Safety and Police Complaint Commission

111. Functions of the Criminal Justice Coordination Committee.— (1) The Criminal Justice

Coordination Committee shall -

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

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

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

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

(e) raise relevant issues with the appropriate authorities;

(f) promote the spread of good practices; and

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

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

CHAPTER XII

*section 112-117

REGULATION, CONTROL AND DISCIPLINE OF THE POLICE

112. Framing of Rules. — Inspector General of Police in consultation with Home Department may make Rules for carrying into effect the provisions of this Order. subject to the approval of Government;

113. Punishments. - Subject to the rules, a member of the police may at any time be suspended, dismissed, compulsorily retired, reduced in rank or pay, within a time scale, fined, censured or awarded any other punishment in the prescribed manner.

114. Code of Conduct. - (1) Inspector General of Police shall issue Code of Conduct to regulate police practices in respect of —

- (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 punishments provided under *section 113.

115. Police officer at any time liable to be called for duty. —In case of emergency,a police officer when off-duty, on leave or under suspension shall be liable to be called for duty.

116. Withdrawal from duty and resignation, etc. — (1) No Police officer shall withdraw from the duties of his office unless expressly allowed to do so in writing by Head of district Police or by some other officer authorized to grant such permission.

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

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

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

CHAPTER XIII

*section 118-125

POWERS TO ISSUE ORDERS

118. Power to issue orders. - The Deputy Commissioner on the advice of Senior Superintendent of 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 or any other relevant law rules or bye-laws for the time being in force.

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

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

(b) prevent obstructions —

° on the occasion of processions and assemblies;
° in the neighbourhood of places of worship during the time of worship; and
° 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.

120. Regulation of public assemblies and processions and licensing of same. - (1) Senior Superintendent of Police or Assistant or Deputy Superintendent of Police in consultation with Deputy Commissioner, may as occasion require, 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) Deputy Commissioner may, 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 his 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 license.

(3) On such application being made, he may on the report of Senior Superintendent of Police issue a license 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 license.

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

(1) Senior Superintendent of Police or Assistant or Deputy Superintendent of Police or Inspector of police or an officer in-charge of a police station may stop any procession which violates the conditions of a license granted under the last foregoing *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.

122. Power to prohibit certain acts for prevention of disorder. - (1) The Deputy

Commissioner on advice of Senior Superintendent of Police may, whenever and for such time as he may consider necessary but not exceeding two days by notification publicly promulgated or addressed to individuals prohibit in any urban or rural area, the carrying of arms, cudgels, swords, spears, bludgeons, guns, knives, sticks, lathis or any other *section, 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 *section as is referred to in clause (1), such *section shall be liable to be seized from him by a police officer.

123. 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 the maintaining of the public safety, at such place of amusement or such assembly or meeting as he thinks necessary and all persons shall be bound to conform to every such reasonable direction.

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

124. 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.

125. 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 *section unlawfully obtained or possessed or likely to be used in the commission of an offence, he may search such person or vehicle; and if the account given by such person or possessor of the vehicle appears to be false or suspicious, he may detain such *section 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 XIV

*section 126-133

SPECIAL MEASURES FOR MAINTENANCE OF PUBLIC ORDER AND SECURITY

126. Employment of additional police to keep peace. - Additional Inspector General of Police or Deputy Inspector General of Police and Senior Superintendent of Police subject to approval of Inspector General of Police may on application of any person depute any additional number of police to keep the peace, to preserve order, to enforce any provisions of this Order, or any other law, in respect of any particular class or classes of offences or to perform any other duties assigned to the police.

131. Banning of use of dress resembling uniform, Logo & vehicle of Sindh police or armed forces. - (1) On the report of Inspector General of Police that the wearing in public, by any member of any body, association or organization, of any dress or *section 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 state or the maintenance of public order, the Home Department may by a special order prohibit or restrict the wearing or display, in public of any such dress or *section of apparel by any member of such body or association or organization.

(2) On the report of Inspector General of Police that the use in public, by any member of any body, association or organization, of any logo or vehicle with colour, design or inscription closely resembling with that under use of police or 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 state or the maintenance of public order, the Home Department may by a special order prohibit or restrict the use or display, in public of any such logo or vehicle by any such body or association or organization.

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

Explanation: For the purpose of clause (1) a dress or *section 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.

132. Control of camps, parades, etc. On the report of Senior Superintendent of Police suggesting that it is necessary in the interest of maintenance of public order, the Deputy Commissioner 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.

133. Authority of Senior Superintendent of Police over the village police— Senior Superintendent of Police shall for the purpose of carrying this Order into effect, exercise authority and control over village watchmen or village police officers.

CHAPTER XV

*section 134-137

RESPONSIBILITIES OF POLICE IN RELATION TO UNCLAIMED PROPERTY

134. Police to make inventory of unclaimed property, etc.- It shall be the duty of every police officer to take charge and make inventory of any unclaimed property found by, or made over to him, and furnish a copy of the inventory to Senior Superintendent of Police within 24 hours, who shall send a copy of the same to concerned Commission at the District level.

135. Procedure for disposal of unclaimed property. - (1) Where any property has been taken charge of under *section 134, Senior Superintendent of Police shall issue a proclamation within seven days in the prescribed manner specifying the *sections of which such property consists and requiring that any person who may have a claim thereto shall appear before him or some other officer not below the rank of Assistant Superintendent of Police or Deputy Superintendent of Police especially authorized in this behalf and establish his claim within three months from the date of such proclamation.

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

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

(4) Senior Superintendent of Police shall follow the directions of the concerned Commission at the District level and the concerned commission at the district level in disposal of property under clause (3).

136. Delivery of property to person entitled. — (1) Senior Superintendent of Police on being satisfied of the title of any claimant to the possession or administration of the property specified in the proclamation issued under clause (1) of *section 135 order the same to be delivered to him.

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

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

CHAPTER XVI

*section 138-154

OFFENCES AND PUNISHMENTS

CHAPTER XVII

*section 155-157

OFFENCES BY AND PUNISHMENTS FOR POLICE OFFICERS

155. Penalty for certain types of misconduct by police officers. — (1) Any police officer who-

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

- (b) is guilty of cowardice, or being a police officer of junior rank, resigns his office or withdraws himself from duties without permission;
- (c) is guilty of any willful breach or neglect of any provision of law or of any rule or regulation or any order which he is bound to observe or obey;
- (d) is guilty of any violation of duty;
- (e) is found in a state of intoxication, while on duty;
- (f) malingers or feigns or voluntarily causes hurt to himself with the intention to render himself unfit for duty;
- (g) is grossly insubordinate to his superior officer or uses criminal force against a superior officer; or
- (h) engages himself or participates in any demonstration, procession or strike or resorts to or in any way abets any form of strike or coercion or physical duress to force any authority to concede anything, shall, on conviction, for every such offence be punished with imprisonment for a term which may extend to three years and with fine.

(2) Prosecution under this *section shall require a report in writing by an officer authorized in this behalf under the rules to be made by the Government.

156. Penalty for vexatious entry, search, arrest, seizure of property, torture, etc.
Whoever, being a police officer —

- (a) without lawful authority, or reasonable cause, enters or searches or causes to be entered or searched any building, vessel, tent or place;
- (b) vexatiously and unnecessarily seizes the property of any person;
- (c) vexatiously and unnecessarily detains, searches or arrests any person; or
- (d) inflicts torture or violence to any person in his custody; shall, for every such offence, on conviction, be punished with imprisonment for a term, which may extend to five years and with fine.

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

CHAPTER XVIII
NATIONAL POLICE MANAGEMENT BOARD
*section 158-162

]

CHAPTER XIX
*section 163-190
MISCELLANEOUS

163. Provision of advice and assistance to International Organizations etc. - The Police may provide advice and assistance to an International Organization or to any other person or body

engaged in investigation of criminal cases outside Pakistan with the permission of the Government.

165. Constitution of Promotion Committees and Boards etc. - Subject to rules, promotion of police officers of the provincial police shall be made on the recommendations of the departmental promotion committees or promotion boards as prescribed.

166. Criminal Statistics and reports. - (1) The Home Department shall at such times and in such form as the Federal Government may require, transmit statistics and reports to the Federal Government with respect to officers, offenders, criminal proceedings and the state of law and order in the Province as the Federal Government may require.

(2) The Federal Government may require the Government to submit reports on such matters as may be specified in the requirements on matters connected with performance of the police officers of the Police Service of Pakistan.

(3) A requirement under clause (2) may specify the form in which a report is to be submitted.

(4) The Home Department may direct the submission of such reports and returns by the Inspector General of Police and other police officers as it may deem proper and may prescribe the form in which such returns shall be made.

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

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

168. Citizen Police Liaison Committees. - The Government may establish Citizen Police Liaison Committees with the composition, TORs, duties, responsibilities and functions as may be prescribed.

169. Public Safety Fund. - (1) The Government may, by notification in the Official Gazette, constitute Public Safety Fund at the Provincial and District levels consisting of-

(a) Grants made by the Federal Government, the Provincial Government and the Local Governments to the police.

(b) Contributions made in cash or kind by the public for the improvement of police service delivery to be credited to District Public Safety Fund.

(2) The Provincial Government may credit one-half of the sums of the traffic fines to the Provincial Public Safety Fund.

(3) All receipts mentioned in sub-clauses (a) and (b) of clause (1) and clause (2) maybe credited to the Provincial or District Public Safety Fund as the case may be under a Head of Account in the Public Account duly authorized by the Controller General of Accounts.

(4) The Fund shall be non-lapsable.

(5) Accounts shall be kept of payments made into or out of this fund, which shall be audited by the Auditor General at the end of each financial year.

(6) The Public Safety Fund at Provincial level shall be operated by the Provincial Public Safety and Police Complaints Commission and at the district level by the District Public Safety and Police Complaints Commission subject to any rules and regulations made under this Order.

(7) The Public Safety Fund shall be applied for the purpose of:-

(a) improving facilities for public and service delivery at police stations.

(b) improving traffic police; and

(c) rewarding police officers for good performance.

(d) grant in aid to Citizen Police Liaison Committee.

170. Officers holding charge of or succeeding to vacancies competent to exercise powers. -

Wherever in consequence of the office Additional Inspector General of Police, Deputy Inspector General of Police or Senior Superintendent of Police becoming vacant, any officer who holds charge of such post or succeeds either temporarily or permanently to his office under the orders of the competent appointing authority, such officer shall be competent to exercise all the powers and perform all the duties respectively conferred and imposed by this Order on Additional Inspector General of Police, Deputy Inspector General of Police or Senior Superintendent of Police as the case may be.

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

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

173. 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 172 by a police officer, the person intending to sue shall give two month's 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).

174. Licences and written permissions to specify conditions, etc. - Any licence or written permission granted under the provisions of this Order 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.

175. Revocation of licence or permission. - Any licence or written permission granted under this Order 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.

176. When licence or permission is revoked, the grantee would be deemed to be without licence. - When any such licence 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 Order, deemed to be without a licence 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.

177. Grantee to produce licence and written permission when required. - Every person to whom any such licence or written permission has been granted, shall, while the same remains in force, at all reasonable time, produce the same if so required by a police officer.

178. Public notices how to be given. - Any public notice required to be given under any of the provisions of this Order 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.

179. Consent of competent authority how to be proved. - Whenever under this Order, 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.

180. Signature on notices may be stamped. - Every licence, written permission, notice or other document, not being a summons or warrant or search warrant, required by this Order, or by any rule hereunder, to bear the dairy number, stamp and the signature of concerned authority and it shall be deemed to be properly signed if it is a facsimile of the document bearing his signature.

181. 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 Order 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 it being unlawful, oppressive or unreasonable:

Provided that the Government shall exercise jurisdiction for revision against such orders.

182. Notification of rules and regulations in the Official Gazette.- Every rule and regulation made under this Order shall be made by notification in the Official Gazette.

183. Powers to prosecute under any other law not affected.- Nothing contained in this Order 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 Order.

184. Power to amend. -[D E L E T E D]

185. Repeal and savings. - (1) The Police Act, 1861, (V of 1861), hereinafter referred to as the said Act, 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 shall, so far as they are consistent with this Order, 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 or in any law or instrument shall be construed as references to the corresponding provisions of this Order.

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

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

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

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

(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 punishment may be imposed, as if the said Act has not been repealed; and

(e) affect any proceeding pending in any court or before any authority under the said Act, 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 had not been repealed.

186. Existing police deemed to be constituted under this Order. - Without prejudice to the provisions contained in *section 185, the police functioning in the Province immediately before the commencement of this Order shall on such commencement be deemed to be police constituted under this Order.

186-A. Power to amend the Schedules. The Government may, by notification in the official Gazette, amend any Schedule.

187. Power to remove difficulties. - (1) If any difficulty arises in giving effect to the provisions of this Order, 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 Order.

188. Overriding effect. — the provisions of this Act shall have an overriding effect, notwithstanding anything contained in any other law on the subject, for the time being in force.

189. Application of this Act. — the provision of this Act shall apply in so far as they are not inconsistent with the provision of the Code of Criminal Procedure, 1898.

190. Correspondence by Inspector General of Police. — All correspondence by the Inspector General of Police with the Federal or Provincial Government shall be made in accordance with the Sindh Government Rules of Business 1986.

FIRST SCHEDULE

SENIOR AND JUNIOR RANKS

[*section 2 (xii) and “section 2 (xxv)】

1. Senior Police Ranks

@ 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
(*section 24)

FORM OF OATH OR AFFIRMATION BY MEMBERS OF POLICE (In English / Urdu / Sindhi Language)

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

(*section 25) CERTIFICATE OF APPOINTMENT SEAL

No.

Certificate of appointment issued under *section 25 of the Police Order, 2002, Mr. has been appointed and is invested with the powers, functions, duties and privileges of a police officer under *section of Police Order, 2002, the Capital City District ___/ City District / District Police/ Area under the charge of Provincial Police Officer / Capital City Police Officer ___/ City Police Officer on this day of

Signature:

Designation

FOURTH SCHEDULE

[See "section 33 (3)"]

CERTIFICATE

Certified that I

(Name of Head of District Police) Personal Number (if allotted)

have on

Submitted by (Service) (BPS) (Date)

Performance Evaluation Report for the period

to.

(Name of the Zila Nazim, District)

My Countersigning officer is

(Name of the Provincial Police Officer)

Signature:

District:

BY ORDER OF THE SPEAKER
PROVINCIAL ASSEMBLY OF SINDH

G.M.UMAR FAROOQ
SECRETARY
PROVINCIAL ASSEMBLY OF SINDH