

AN ORDINANCE

further to amend the Police Order, 2002

WHEREAS in pursuance of deliberations and agreement amongst the Federal Government and Provincial Governments it is expedient further to amend the Police Order, 2002 (C.E. Order No. 22 of 2002), for the purposes hereinafter appearing;

AND WHEREAS the President of Pakistan has accorded sanction to the aforesaid amendments, in terms of clause (2) of Article 268 of the Constitution;

AND WHEREAS the National Assembly is not in session and the President is satisfied that the circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President is pleased to make and promulgate the following Ordinance:-

1. Short title and commencement.- (1) This Ordinance may be called the Police Order (Amendment) Ordinance, 2004.

(2) It shall come into force at once.

2. Amendment of Article 2, CEO 22 of 2002.- In the Police Order, 2002 (Chief Executive's Order No. 22 of 2002), hereinafter to be called the said Order, in Article 2, in clause (1),-

(a) after paragraph (i), the following new paragraph shall be inserted, namely:-

(i-a) "Capital City District" means the Islamabad City District, the Federal Capital; City District of Quetta, City District of Peshawar, City District of Lahore or City District of Karachi being the metropolis of the Provinces of Baluchistan, North-West Frontier, Punjab and Sind respectively;"

(b) after paragraph (iv), the following new paragraph shall be inserted, namely:-

- “(iv-a) “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;”;
- (c) for paragraph (v) the following shall be substituted, namely:-
- “(v) “Commission” means National Public Safety Commission, Provincial Public Safety and Police Complaints Commission, Islamabad District Public Safety Commission and District Public Safety and Police Complaints Commission established under this Order;”;
- (d) after paragraph (v), the following new paragraph shall be inserted, namely:-
- “(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 Article 155;”;
- (e) after paragraph (vii), the following new paragraphs shall be inserted, namely:-
- “(vii-a) “ex-officio Secretary” means Provincial Police Officer who shall exercise administrative and financial powers of the Secretary to the Provincial Government with total autonomy in operational, administrative and financial matters subject to the policy, oversight and guidance given by the Chief Minister through the Chief Secretary and the Provincial Home Department;
- (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;”;

- (f) after paragraph (xxii), the following new paragraph shall be inserted, namely:-

“(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 Article 155;”;

- (g) in paragraph (xxvi), the word “and”, at the end, shall be omitted; and

- (h) after paragraph (xxvi), the following new paragraph shall be inserted, namely:-

“(xxvi-a) “superintendence” means supervision of Police by the appropriate Government through policy, oversight and guidance and, in case of a Province, it shall be exercised by the Chief Minister through the Chief Secretary and the Provincial Home Department, while ensuring total autonomy of the Provincial Police Officer in operational, administrative and financial matters and, in case of Federal Capital, such supervision shall be exercised by the Ministry of Interior, Government of Pakistan; and”.

3. Amendment of Article 10, CEO 22 of 2002.- In the said Order, in Article 10, in clause (4), after the word “Safety”, the words “and Police Complaints” shall be inserted.

4. Amendment of Article 11, CEO 22 of 2002.- In the said Order, in Article 11, in clause (1), the words “by the National Public Safety Commission from a list provided” shall be omitted.

5. Amendment of Article 12, CEO 22 of 2002.- In the said Order, in Article 12,-

- (a) for clauses (2) and (3) the following shall be substituted, namely:-

“(2) The Provincial Government may, with the approval of the Federal Government, repatriate, or the Federal Government may, on its own accord, recall, a Provincial Police Officer.

(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 Provincial Police Officer before the expiry of his term of office and the Provincial Government may thereupon move the Federal Government for his repatriation in accordance with clause (2).”;

- (b) in clause (5), for the proviso the following shall be substituted, namely:-

“Provided that before initiating such transfer, the Commission shall give the concerned officer an opportunity of being heard in person.”; and

- (c) clause (6) shall be omitted.

6. Amendment of Article 15, CEO 22 of 2002.- In the said Order, in Article 15,-

- (a) in clause (1), for the words “in consultation with” the words “with the approval of” shall be substituted; and
- (b) for clause (3) the following shall be substituted, namely:-

“(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 City Police Officer or District Police Officer may be transferred, with the approval of the Government, before completion of the term of office.”.

7. Amendment of Article 18, CEO No. 22 of 2002.- In the said Order, in Article 18,-

- (a) in clause (3), for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:-

“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.”; and

- (b) after clause (6), the following explanation shall be added, namely:-

“Explanation.- For the purpose of this Article, “general control” means the relationship between the authority of the officer-in-charge of Investigation in a District or a Police Station and the District Police Officer 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 District Police Officer 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.”.

8. Amendment of Article 21, CEO 22 of 2002.- In the said Order, in Article 21-

(a) for clause (2) the following shall be substituted, namely:-

“(2) The Provincial Police Officer, Capital City Police Officer or the City Police Officer may, with the approval of the Government,-

- (i) divide districts into police divisions, sub-divisions and police stations;
- (ii) sub-divide police stations into police posts; and
- (iii) define the limits and extent of such divisions, sub-divisions, police stations and police posts.”; and

(b) in clause (4), in the proviso, for the full stop at the end a colon shall be substituted and thereafter the following further proviso shall be added, namely:-

“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.”.

9. Amendment of Article 32, CEO 22 of 2002.- In the said Order, in Article 32,-

(a) in clause (1), for the word “consultation” the word “coordination” shall be substituted;

- (b) in clause (3),
 - (i) for the words “appropriate Public Safety Commission”, the words “concerned Commission at the District level” shall be substituted; and
 - (ii) after the words “Provincial Public Safety”, the words “and Police Complaints” shall be inserted; and
- (c) in clause (4), for the words “District Public Safety Commission”, the words “concerned Commission at the District level” shall be substituted.

10. Amendment of Article 33, CEO 22 of 2002.- In the said Order, in Article 33,-

- (a) in clause (2), the word “Provincial”, occurring twice, shall be omitted; and
- (b) after clause (2), the following new clause shall be added, namely:-

“(3) In the normal channel of writing the Performance Evaluation Report of the Head of District Police, the Zila Nazim shall write the manuscript report of the Head of District Police in the specified Part of the Form of Performance Evaluation Report provided in the Fourth Schedule, which shall be taken into consideration at the time of promotion of the Officer.”.

11. Amendment of Article 34, CEO 22 of 2002.- In the said Order, in Article 34,-

- (a) in clause (1), in the second proviso, for the colon a full stop shall be substituted and thereafter the third proviso shall be omitted; and
- (b) clause (3) shall be omitted.

12. Amendment of Article 35, CEO 22 of 2002.- In the said Order, in Article 35,-

- (a) in clause (1), for the words “appropriate Public Safety Commission”, the words “concerned Commission at the District level” shall be substituted; and
- (b) in clause (3), for the words “appropriate Public Safety Commission”, the words “concerned Commission at the District level” shall be substituted.

13. Amendment of Article 36, CEO 22 of 2002.- In the said Order, in Article 36, for the words “Provincial Police Complaints Authority or” the words and comma “Provincial Public Safety and Police Complaints Commission or,” shall be substituted.

14. Amendment of Title of Chapter V, CEO 22 of 2002.- In the said Order, the title of Chapter V, after the word “SAFETY”, the words “AND POLICE COMPLAINTS” shall be inserted.

15. Substitution of Article 37, CEO 22 of 2002.- In the said Order, for Article 37 the following shall be substituted, namely:-

“37. Establishment of District Public Safety and Police Complaints Commission.- (1) The Provincial Government shall establish a District Public Safety and Police Complaints Commission in every District, including Capital City District, 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. ”.

16. Substitution of Article 38, CEO 22 of 2002.- In the said Order, for Article 38, the following shall be substituted, namely:-

“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 where in a District, members of the Provincial Assembly or National Assembly fall short of the required number of such members, the vacant seat shall be allocated to independent members:

Provided further 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 Zila Council 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 Article, 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.

(2) In place of the members referred to in paragraphs (b) and (c) of clause (1), the elected or appointed members of the erstwhile District Public Safety Commission in the respective numbers holding office on the commencement of the Police Order (Amendment) Ordinance, 2004, shall continue to hold their offices till completion of their term of office as member of the District Public Safety and Police Complaints Commission.

(3) 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 Article 39 and paragraph (c) of clause (1) of this Article.

(4) The names of the members of the Commission shall be notified in the Official Gazette.”.

17. Substitution of Article 39, CEO 22 of 2002.- In the said Order, for Article 39 the following shall be substituted, namely:-

“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:

Provided that the Chairperson of the District Public Safety Commission at the commencement of the Police Order (Amendment) Ordinance, 2004, shall continue to hold such office till completion of his term of office as Chairperson of the District Public Safety and Police Complaints Commission.

(2) The Chairperson of the District Public Safety and Police Complaints Commission shall be eligible for re-election for the second term.

(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.”.

18. Amendment of Article 40, CEO 22 of 2002.- In the said Order, in Article 40, after the word "Safety", the words "and Police Complaints" shall be inserted.

19. Amendment of Article 41, CEO 22 of 2002.- In the said Order, in Article 41,-

- (a) in clause (1), for the words "District Government" the words "Provincial Public Safety and Police Complaints Commission" shall be substituted;
- (b) in clause (2), for the word "consensus" the words and comma "majority vote, one of whom shall be the Chairperson of the Selection Panel" shall be substituted; and
- (c) in clause (3), for the words "commencement of the selection process" the words "occurrence of the vacancy" shall be substituted.

20. Substitution of Article 42, CEO 22 of 2002.- In the said Order, for Article 42 the following shall be substituted, namely :-

"42. Functions of the Selection Panel.- The Selection Panel shall identify suitable candidates as well as invite applications and after scrutiny forward to the Government the names of persons twice the number of appointments to be made."

21. Amendment of Article 43, CEO 22 of 2002.- In the said Order, in Article 43, after the word "Safety", the words "and Police Complaints" shall be inserted.

22. Substitution of Article 44, CEO 22 of 2002.- In the said Order, for Article 44 the following shall be substituted, namely :-

"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 Head of District Police, namely:-

- (a) approve an annual Local Policing Plan prepared by the Head of District Police in coordination with the Zila Nazim 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 Government 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 delivery of performance targets contained in the Local Policing Plan on quarterly basis and send half-yearly reports to the Provincial Government, Provincial Public Safety and Police Complaints Commission, Provincial Police Officer, Zila Nazim, Tehsil (Taulka) Nazim and Town Nazim;
- (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 Provincial Government 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 Zila Nazim and Head of District Police;
- (g) direct the Head of District Police under clause (4) of Article 135 for disposal of unclaimed property in accordance with law;
- (h) direct the Head of District 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 the action taken by him;

- (i) direct the Head of District 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 or the Federal Police Complaints Authority 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 Head of District Police in writing 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 Head of District Police and direct him to take legal action against the delinquent Police Officer;
 - (iii) report the matter to the Provincial Government through the Provincial Public Safety and Police Complaints Commission for action under the appropriate law, where the Head of District 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.”.

23. Amendment of Article 45, CEO 22 of 2002.- In the said Order, in Article 45,-

- (a) in the marginal note, after the word “Safety”, the words “and Police Complaints” shall be inserted;
- (b) in clause (1), after the words “member of”, the words and commas “the Provincial Assembly or National Assembly or, as the case may be,” shall be inserted;
- (c) for clause (2) the following shall be substituted, namely:-
 - “(2) An independent member shall not be eligible for appointment as such member for a third term.”; and
- (d) clause (5) shall be omitted.

24. Amendment of Article 46, CEO 22 of 2002.- In the said Order, in Article 46,-

- (a) for the words “Governor on his” the words “Government on its” shall be substituted;
- (b) after the word “Safety”, the words “and Police Complaints” shall be inserted; and
- (c) in paragraph (h), after the word “Safety”, the words “and Police Complaints” shall be inserted.

25. Amendment of Article 47, CEO 22 of 2002.- In the said Order, in Article 47,-

- (a) in the marginal note, after the word "Safety", the words "and Police Complaints" shall be inserted;
- (b) in clause (1), after the word "Safety", the words "and Police Complaints" shall be inserted;
- (c) in clause (3), after the word "Safety", the words "and Police Complaints" shall be inserted;
- (d) in clause (6), for the word "District Police Officer or City Police Officer or in their absence their" the words and comma "Head of District Police or, in his absence his" shall be substituted; and
- (e) for clause (8) the following shall be substituted, namely:-

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

26. Amendment of Article 48, CEO 22 of 2002.- In the said Order, in Article 48,-

- (a) in clause (1), after the word "Safety", the words "and Police Complaints" shall be inserted; and
- (b) for clauses (2) and (3) the following shall be substituted, namely;-

“(2) The Secretariat shall be headed by an officer not below Basic Pay Scale 18 who shall be appointed by the Provincial 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 shall, with the approval of the Government, engage the services of a legal advisor on full-time basis.”.

27. Omission of Chapter VI, CEO 22 of 2002.- In the said Order, Chapter VI relating to Capital City District Public Safety Commission, including Articles 49 to 60 shall be omitted.

28. Amendment of Article 65, CEO 22 of 2002.- In the said order, in Article 65, in clause (1), for the words "Chief Justice of High Court" the words "District and Sessions Judge" shall be substituted.

29. Amendment of Chapter VIII, CEO 22 of 2002.- In the said Order, in Chapter VIII, in the title, after the word "SAFETY", the words "AND POLICE COMPLAINTS" shall be inserted.

30. Amendment of Article 73, CEO 22 of 2002.- In the said Order, in Article 73, in clause (1), after the word "Safety", the words "and Police Complaints" shall be inserted.

31. Amendment of Article 74, CEO 22 of 2002.- In the said Order, in Article 74,-

(a) in clause (1),-

- (i) after the word "Safety", the words "and Police Complaints" shall be inserted; and
- (ii) for the words "three each from the Treasury and" the words "four from the Treasury and two from the" shall be substituted; and
- (iii) in the proviso, for the full stop at the end a colon shall be substituted and thereafter the following further proviso shall be added, namely:-

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

(b) for clause (2) the following shall be substituted, namely:-

"(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."; and

(c) in clause (3), after the word "Safety", the words "and Police Complaints" shall be inserted.

32. Amendment of Article 75, CEO 22 of 2002.- In the said Order, in Article 75,-

- (a) in clause (1), after the word "Safety", the words "and Police Complaints" shall be inserted; and
- (b) in clause (2), after the word "Safety", the words "and Police Complaints" shall be inserted.

33. Amendment of Article 76, CEO 22 of 2002.- In the said Order, in Article 76, after the word "Safety", the words "and Police Complaints" shall be inserted.

34. Amendment of Article 77, CEO 22 of 2002.- In the said Order, in Article 77,-

- (a) for clause (1) the following shall be substituted, namely:-

“(1) There shall be a Selection Panel for independent members consisting of the Provincial Ombudsman who shall be its Chairperson and the Chairman of the Provincial Public Service Commission and a nominee of the Chief Minister as its members:

Provided that, where in a Province, the Provincial Ombudsman has not been appointed, a retired Judge of the High Court nominated by the Chief Justice of the High Court shall act as Chairperson of the Selection Panel:

Provided further that the nominee of the Chief Minister shall not be an elected representative or a person in the service of Pakistan.”; and

- (b) in clause (3), for the words "commencement of the selection process" the words "occurrence of a vacancy" shall be substituted.

35. Amendment of Article 78, CEO 22 of 2002.- In the said Order, for Article 78 the following shall be substituted, namely:-

“78. Functions of the Selection Panel.- The Selection Panel shall identify suitable candidates as well as invite applications and after scrutiny forward to the Government the names of persons twice the number of appointments to be made.”.

36. Amendment of Article 79, CEO 22 of 2002.- In the said Order, in Article 79, for the words “a member of Provincial Public Safety”, the words “an independent member of the Provincial Public Safety and Police Complaints” shall be substituted.

37. Amendment of Article 80, CEO 22 of 2002.- In the said Order, in Article 80,-

- (a) in the marginal note, after the word “Safety”, the words “and Police Complaints” shall be inserted;
- (b) in clause (1),-
 - (i) after the word “Safety”, the words “and Police Complaints” shall be inserted;
 - (ii) for paragraph (a) the following shall be substituted, namely:-
 - “(a) make recommendations to the Government for promoting integrity, efficiency and effectiveness of Police;” and
 - (iii) for paragraph (b) the following shall be substituted, namely:-
 - “(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) in clause (2),-
 - (i) for the words, brackets and figure “sub-section (1) the Commission shall perform the following specific responsibilities” the words, brackets, figure and comma “clause (1), the Commission shall perform the following specific functions” shall be substituted;
 - (ii) in paragraph (a), for the words “Public Safety” the words “District Public Safety and Police Complaints” shall be substituted;
 - (iii) in paragraph (b),-
 - (i) for the words “pre-mature transfer” the word “repatriation” shall be substituted; and
 - (ii) the colon and proviso shall be omitted;

- (iv) in paragraph (d), for the words “and National Public Safety Commissions” the words “Public Safety and Police Complaints Commissions and National Public Safety Commission” shall be substituted;
- (v) paragraph (e) shall be omitted;
- (vi) in paragraph (k), after the word “Safety”, occurring twice, the words “and Police Complaints” shall be inserted;
- (vii) in paragraph (l), after the word “Safety”, occurring thrice, the words “and Police Complaints” shall be inserted;
- (vii) in paragraph (m), after the word “Safety”, the words “and Police Complaints” shall be inserted;
- (ix) in paragraph (o), the word “and” at the end shall be omitted;
and
- (x) after paragraph (p), the following paragraphs shall be added, namely:-
 - “(q) take cognizance of cases of Police neglect, excess, abuse of authority and conduct prejudicial to public interest against Head of District 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 from the Government; or
 - (iv) on its own accord;
 - (r) 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 wilful 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.”.

38. Amendment of Article 81, CEO 22 of 2002.- In the said Order, in Article 81,-

- (a) in the marginal note, after the word “Safety”, the words “and Police Complaints” shall be inserted;
- (b) in clause (1), for the words “the same as that of the Provincial Assembly” the words “for a period of three years” shall be substituted;
- (c) for clause (2) the following shall be substituted, namely:-
“(2) A member shall not be eligible for a third term.”; and
- (d) clause (5) shall be omitted.

39. Amendment of Article 82, CEO 22 of 2002.- In the said Order, in Article 82,-

- (a) for the words “Governor on its own volition or on the recommendation of the Provincial Public Safety” the words “Government may either on its own accord or on the recommendations of the Provincial Public Safety and Police Complaints” shall be substituted; and
- (b) in paragraph (h), after the word “Safety”, the words “and Police Complaints” shall be inserted.

40. Amendment of Article 83, CEO 22 of 2002.- In the said Order, in Article 83,-

- (a) in the marginal note, after the word "Safety", the words "and Police Complaints" shall be inserted;
- (b) in clause (1), after the word "Safety", the words "and Police Complaints" shall be inserted; and
- (c) in clause (3), for the words "two-third" the words "one-half" shall be substituted.

41. Amendment of Article 84, CEO 22 of 2002.- In the said Order, in Article 84,-

- (a) in clause (1), after the word "Safety", the words "and Police Complaints" shall be inserted;
- (b) for clause (2) the following shall be substituted, namely:-

“(2) The Secretariat shall be headed by an officer not below the Basic Pay Scale 20 who shall be appointed by the Chief Minister in consultation with the Chairperson of the Commission.”; and

- (c) for clause (4), the following shall be substituted, namely:-

“(4) The Chairperson of the Commission shall, 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 Services and General Administration Department for the purpose of budget and matters pertaining to the Provincial Assembly.”.

42. Amendment of Article 89, CEO 22 of 2002.- In the said Order, in Article 89, in clause (1), after for the words "Supreme Court of Pakistan", the words "or a Judge of the Supreme Court nominated by the Chief Justice" shall be inserted.

43. Amendment of Article 92, CEO 22 of 2002.- In the said Order, in Article 92, in clause (3),-

- (a) paragraph (b) shall be omitted; and
- (b) in paragraph (i), after the word "Safety", the words "and Police Complaints" shall be inserted.

44. Amendment of title of Chapter X, CEO 22 of 2002.- In the said Order, in Chapter X, in the title, for the word "Authorities" the word "Authority" shall be substituted.

45. Amendment of Article 100, CEO 22 of 2002.- In the said Order, in Article 100,-

- (a) in paragraph (a), for the words "District Public Safety Commission", the words "concerned Commission at the District level" shall be substituted; and
- (b) in paragraph (l), for the words "Provincial Police Complaints Authority or District Public Safety" the words "Provincial Public Safety and Police Complaints Commission or District Public Safety and Police Complaints" shall be substituted.

46. Omission of Articles 103 to 108, CEO 22 of 2002.- In the said Order, Articles 103 to 108 shall be omitted.

47. Amendment of Article 112, CEO 22 of 2002.- In the said Order, in Article 112, the word "prior" shall be omitted.

48. Amendment of Article 134, CEO 22 of 2002.- In the said Order, in Article 134, for the words "District Public Safety Commission" the words "concerned Commission at the District level" shall be substituted.

49. Amendment of Article 135, CEO 22 of 2002.- In the said Order, in Article 135, in clause (4), for the words "District Public Safety Commission" the words "concerned Commission at the District level" shall be substituted.

50. Amendment of Article 152, CEO 22 of 2002.- In the said Order, in Article 152, after the words "enquiry by the", the word "Federal" shall be inserted.

51. Amendment of Article 155, CEO 22 of 2002.- In the said Order, in Article 155, in clause (2), after the word "rules", the words "to be made by the Government" shall be added.

52. Amendment of Article 168, CEO 22 of 2002.- In the said Order, in Article 168,-

- (a) after the words “Provincial Public Safety”, the words “and Police Complaints” shall be inserted;
- (b) in paragraph (a), for the words “Public Safety” the words “members and staff of the” shall be substituted; and
- (c) in paragraph (c), for the words and comma “Public Safety Commissions,” the words and comma “Commissions, Federal” shall be substituted.

53. Amendment of Article 169, CEO 22 of 2002.- In the said Order, in Article 169, in clause (6), after the word “Safety”, occurring for the second and third time, the words “and Police Complaints” shall be inserted.

54. Addition of Fourth Schedule, CEO 22 of 2002.- In the said Order, after the Third Schedule, the following new Schedule shall be added, namely:-

**“FOURTH SCHEDULE
[See Article 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 _____

For Head of District Police

P.O. 2002
CONFIDENTIAL

GOVERNMENT OF PAKISTAN

Controlling Division Establishment / Interior

District of Posting _____

**PERFORMANCE EVALUATION REPORT
OF THE HEAD OF DISTRICT POLICE**

PART I

(TO BE FILLED IN BY THE OFFICER REPORTED UPON)

1. **Name** (in block letters) _____

2. **Personnel number** _____

3. **Date of birth** _____

4. **Date of entry in service** _____

5. **Post held during the period** (with BPS) _____

6. **Academic qualifications** _____

7. **Knowledge of languages** (Please indicate proficiency in speaking (s), reading (R) and writing (W))

8. **Training received during the evaluation period** (Training courses attended earlier, if any, may please be listed separately on the back page of the report)

Name of courses attended	During with dates	Name of institution and country

9. **Period served**

(i) In present post _____ (ii) Under the reporting Officer _____

PART II

1. **Job description:**

The Head of District Police will-

- (i) administer the Police in the District in accordance with the Police Order, 2002;
- (ii) organize the Police force under his command for the efficient performance of the duties given in Articles 3 and 4 of the Police Order, 2002;
- (iii) prepare local policing plan in coordination with the Zila Nazim and implement the plan as approved by the District Public Safety and Police Complaints Commission;
- (iv) carry out the lawful orders and directions given by the Zila Nazim , the District Public Safety and Police Complaints Commission and the Provincial Government;
- (v) to maintain law and order and public peace in the District;
- (vi) ensure that Police support to the Government functionaries in the District is made available promptly;
- (vii) ensure that provisions of section 62 of the Code are implemented in letter and spirit;
- (viii) adhere to the directions and steps taken by the District or Provincial Public Safety and Police Complaints Commission for preventing the Police from engaging in any unlawful activity arising out of compliance with the unlawful or *mala fide* orders;
- (ix) assist the District Public Safety and Police Complaints Commission in quarterly evaluation of the delivery of performance targets given in the local policing plan;
- (x) ensure that the Investigation and Police functions relating to prosecution are carried out strictly in accordance with the law;
- (xi) keep the Zila Nazim fully informed by the personal contact and by written reports including daily reports of all matters relating to crime and public order as well as his movements in the district;
- (xii) leave the district only after making officiating arrangements and inform the Zila Nazim as well as the District Public Safety and Police Complaint Commission about such arrangements; and
- (xiii) perform other functions as provided in the Police Order 2002.

(TO BE FILLED IN BY THE OFFICER REPORTED UPON)

2. Brief account of achievements during the period supported by statistical data where possible. Targets given in the approved Local Policing Plan and actual performance against such targets should be highlighted. Reasons for shortfall, if any, may also be stated.

PART III

ANNUAL MANUSCRIPT PERFORMANCE REPORT (TO BE FILLED BY ZILA NAZIM)

1. Zila Nazim shall, in the following space, record his assessment about the performance of the Head of District Police relating to police functions, including law and order matters in the District and such assessment shall include his response to the directions issued by the Zila Nazim, targets achieved given in the local policing plan, support to the Government functionaries, behaviour towards public, response to crises, disaster situations, pronounced weaknesses, if any and fitness for promotion.
2. While recording his assessment, the Zila Nazim shall take into consideration the input of concerned Commission at the District level, particularly on the reports of the Commission given in Article 44 (1) (b) and (d).
3. The Annual Manuscript Performance Report must be concluded by definitively recording the performance to be stated as very good, good, average or below average, as the case may be. The final sentence in the assessment will state whether the officer is fit or unfit for promotion.

(Additional sheets may be added as required with proper numbering and the number of sheets to be recorded in this box.)

Signature: _____
Name: _____

Seal

Date & Place: _____

Signature: _____
Name of Zila Nazim: _____ *(In Block Capital Letters)*

Date: _____

PART IV

FIRST COUNTERSIGNING OFFICER'S EVALUATION

(PROVINCIAL POLICE OFFICER / SECRETARY INTERIOR FOR ISLAMABAD)

1. **Please comment on the officer's performance on the job as given in Part II (2) with special reference to his knowledge of work, ability to plan, organize and supervise, analytical skills, competence to take decisions and quality and quantity of output. How far was the officer able to achieve the targets? Comment on the officer's contribution, with the help of statistical data, if any, in the overall performance of the organization, Do you agree with what has been stated in Part II (2)?**

2. **If you have any additional points to what has been reported by the Zila Nazim, please give reasons for each remark especially if it relates to any adverse remark.**

3. **Integrity** (Morality, uprightness and honesty)

4. **Pen picture including the officer's strengths and weaknesses with focus on emotional stability, ability to work under pressure, communication skills and interpersonal effectiveness** (weakness will not be considered as adverse entry unless intended to be treated as adverse)

5. **Area and level of professional expertise with suggestions for future posting**

6. **Training and development needs**

7. **Overall grading**

Very Good	Good	Average	Below Average
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8. **Comparative Grading**

Compared to other officers of his rank, the officer falls in

Top 10%	Next 20%	Next 70%
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9. **Fitness for promotion**

Comment on the officer's potential for holding a higher position and additional responsibilities

Name of the reporting officer _____
(Capital letters) _____

Signature _____

Designation _____

Date _____

PART V

REMARKS OF THE SECOND COUNTERSIGNING OFFICER

(CHIEF EXECUTIVE OF THE PROVINCE / MINISTER FOR INTERIOR FOR ISLAMABAD)

Name _____

Signature _____

Designation _____

Date _____

GUIDELINES FOR FILLING UP THE PER

- After initiation of his PER, the Head of District Police should immediately fill up the detachable '**certificate**' giving names of the **Zila Nazim / Provincial Police Officer** and forward the same to the Officer Incharge of his respective confidential records. This exercise will ensure proper follow-up of the pending performance evaluation reports.
 - Form should be filled in duplicate. Parts I and II are to be filled by the officer under report and should be typed. Part III will be filled by the Zila Nazim while the **Provincial Police Officer / Chief Executive of the Province** will fill Parts IV and V respectively.
 - The officer under report should fill Part II (2) of the form as objectively as possible and short term and long term targets should be determined / assigned with utmost care.
 - Assessment by the Zila Nazim should cover all points mentioned in Part III. He should avoid giving a biased or evasive assessment of the officer under report. His opinions should represent the result of careful consideration and objective assessment so that, if called upon, he could justify the remarks / comments. He may maintain a record of the achievements / failures of the Head of District Police.
 - The Provincial Police Officer should weigh the remarks of the Zila Nazim against his personal knowledge of the Head of District Police, compare him with other Heads of District Police, and then give his overall assessment of the Head of District Police. In case of disagreement with the assessment done by the Zila Nazim, specific reasons should be recorded by the Provincial Police Officer in each case in Part IV.
 - The Provincial Police Officer should underline, in red ink, remarks which in his opinion are adverse and should be communicated to the Head of District Police. All adverse remarks should be communicated to the Officer, with a copy of communication placed in the **CR dossier**. Zila Nazim should ensure that he properly counsels the Head of District Police before adverse remarks are recorded.
 - The Zila Nazim and Provincial Police Officer should be clear, direct, objective and unambiguous in their remarks. Vague impressions based on inadequate knowledge or isolated incidents should be avoided.
 - Reports should be consistent with the pen picture, overall grading and comparative grading.
 - While taking into consideration the assessment reported by Zila Nazim for the promotion of the Officer reported on, the promotion board will ensure that the assessment given by Zila Nazim is considered as the integral part of the overall rating and ensure that it is part of the normal channel.”.
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**General,
PERVEZ MUSHARRAF,
President of the
Islamic Republic of Pakistan.**