



PROSPECTS AND BARRIERS OF POLICE REFORMS IN PAKISTAN

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Abstract

Pakistan inherited an outdated police apparatus from the British in 1947. In the past, poor law and order management has frequently been mentioned as a significant justification for military takeovers. In Pakistan, the Police Order 2002 superseded the almost 141-year-old 1861 Police Act. There is a deliberate misperception that the Police Order 2002 has been repealed following the 18th Amendment. There are no scientifically validated productivity standards or suitable parameters for meaningful work task analysis. The promotion policy, determined by seniority and cumulative fitness, is not intended to select the very best. Accountability measures for substandard performance are almost non-existent. The issue required fundamentally altering police operations, cultivating a subculture of professionalism, bringing forward educated and prepared individuals to respect the rule of law, and transitioning away from repressive policing techniques that date back more than a century to community policing.

Keywords: CJS, hierarchy, police, reforms, Pakistan.



Introduction

Pakistan's law and order issue has gotten worse over the years (Abbasi, 2021; Ahmad, 2021; PILDAT, 2015; Raza, 2021). Unfortunately, Pakistan's primary law enforcement agency has been regarded as increasingly unable to meet its expanding responsibilities, particularly in tackling severe crimes and terrorism (Abbas, 2011; Adil, 2021; Babakhel, 2020; Dawn, 2021b). Pakistan's police face widespread criticism for their ineptitude and public dealing (Abbas, 2012, Business Recorder, 2021) and are frequently accused of corruption and politicization (Dawn, 2021a; Javed, 2021).

Since 1947, no significant progress has been made at reforming and restructuring the colonial-era police system (Ali, 2021, Jamshed, 2018). Just a few reform initiatives have been launched, all of which have been criticized as antiquated and ineffectual on the ground (Ali, 2015, Tariq, 2020; UNODC, 2021). For instance, on 14 August 2002, the Police Order of 2002 was promulgated, superseding Pakistan's more than century-old Police Act of 1861 in all four provinces. However, it does not include ICT, GB, or AJK.

In Pakistan, NGOs' limited civil society activities in police reform and stigma reduction have helped increase public knowledge of policing methods and performance, exposing wrongdoing and advocating for police transparency and accountability (Tariq, 2020; World Justice Project, 2017). Despite all efforts, desirable changes can only be implemented at the policy level via a focused reform plan that takes crucial elements into account (Ali, 2015; Jamshed, 2018). For example, federal and provincial governments structure and balance of power as well as provincial and municipal governments' structure and balance of power; the role of institutions like political parties, military, the judiciary in the administration of the country; and public prosecutors and defense attorneys role (Ali, 2021; Khan & Khan, 2020).

The principle of 'putting the customer first' would undoubtedly increase public trust and demonstrate a clear commitment to enhancing public safety and police accountability standards (Tariq, 2020). It would necessitate the police leadership leading and managing to accomplish, at a minimum, the following important objectives:

1. Tenure security for important police appointment holders.
2. Police de-politicization.
3. Sufficient police funding
4. Adequate funding for police strategic capacity building.
5. A substantial change in the police work environment, particularly for lower levels.



6. Police transformation from a force that terrorizes the people to a favorable service organization to the public.

This institution must be reorganized to become politically neutral, non-authoritarian, accountable to and approachable by the community, well-organized, and, ultimately, a successful instrument of the rule of law. Political will and strong police leadership are required for resolving it.

Historical Context

Pakistan gained an eighty-six-year-old police system from the British in 1947. The overriding goal of those who founded the police organization in 1861 was to establish an instrument in the hands of the colonial administration for controlling the natives. It was not in any form a politically neutral agency charged with enforcing the law fairly and justly. Police was established to inspire terror among the populace, not to provide a service to the populace (Ali, 2021).

This design has no intention of serving the public. It was designed in response to current social and political conditions as perceived through the prism of the British Raj (Khan & Khan, 2020). The primary objectives were to collect land revenue and maintain peace and order. These contradictory tasks were delegated to a European officer referred to variably as District Magistrate (DM), Deputy Commissioner (DC), District Officer (DO), and Collector (PILDAT, 2015).

Another key reason for the significance of effective and strict control over the administration of CJS was to safeguard the right of the Western middle class in India, which was responsible for trade and administration. Personnel responsible for criminal investigations and prosecutions were virtually subordinated to the District Officer (Khan & Khan, 2020).

This fusion of separate government tasks into a single government functionary is erroneous in theory and terrible in reality. However, it defied pre-British and ancient Indian customs that mandated a virtual separation of the government's executive and judicial branches (Ali, 2015; PILDAT, 2015). Many Britons were critical of this - unsustainable - position of District Officer, but it was deemed "necessary" to continue British authority in India (Khan & Khan, 2020).

Research Methodology



A systematic review method was used to conduct this research. This technique establishes the research objectives and thoroughly examines the subject's literature (Komba & Lwoga, 2020). The research conclusions are categorized according to the subject's substance (Petticrew & Roberts, 2006). The study incorporates classified data by categorizing it into topics (Pawson et al., 2005). The study's flow is determined by evaluating classified material and titles (Rahi, 2017). Thus, integrity is assured by comparing the research subject to its contents (Victor, 2008).

Police Force Hierarchy in Pakistan

According to RS (2021), because police law is a provincial matter in Pakistan, policing is the provinces' and territories' duty. Pakistan's major police forces include the following:

1. Balochistan Police
2. Islamabad Capital Police
3. Khyber Pakhtunkhwa Police
4. Punjab Police
5. Sindh Police

These Pakistani police forces have comparable organizational structures, roles, features, and training & recruitment processes.

Ranks of the Pakistani Police Force

The following is a list of the Pakistani police force's ranks, in increasing order, with the last rows signifying the highest posts. In Pakistan, police positions are often classified into two types: junior and senior. Additionally, similar to the levels of the Pakistani armed services, each police rank does have its specific insignia. It is often worn on the shoulders of service personnel's uniforms. The following is a quick explanation of the police ranks in Pakistan.

1. Pakistan's Junior Police Force Ranks

A district is considered the fundamental geographical division in Pakistan. Following that, each district is subdivided into subdivisions, which are further subdivided into police stations. After that, each police station is separated into distinct beats. Junior officers, such as Assistant Sub-Inspectors, Constables, and Head Constables, are assigned patrolling, surveillance, and information collecting



responsibilities. In smaller districts and rural regions, the Sub-Inspector of Police is sometimes known as the SHO (i.e., Station House Officer). The Inspector is appointed as the SHO in more significant and more densely populated districts.

Additionally, if a police station serves a high-crime region, it is divided into police outposts. Additionally, it is critical to note that SHO is a position, not a rank. It implies that officials with lesser police levels may simultaneously hold higher positions in Pakistan in certain instances.

i. Constable

A constable is a member of the police station's subordinate personnel. This position requires applicants to be between the ages of 18 and 26. Constables' essential pay scales or grades range from BPS 5 to 7, depending on the jurisdiction. Matriculation is the minimum qualification for it.

ii. Head Constable

A Head Constable holds a higher position than a constable. In Pakistan Police, head constables are paid on a BPS or grade ranging from 7 to 9.

iii. Assistant Sub-Inspector of Police

The ASI is superior to the constable and a head constable. This level in the police force has a civil service grade ranging from BPS 9 to BPS 11.

iv. Sub-Inspector of Police

A sub-inspector may command a small police station in a rural or suburban region or work as a staff member in a larger town or city police station. In Pakistan, the base pay grade for this police officer position is BPS 14.

v. Inspector of Police

Police inspectors are designated as SHOs to lead police stations. This level is assigned the civil service grade BPS 16.

Pakistan's Senior Police Force Ranks

Pakistan's provinces are subdivided into regions, which in turn are subdivided into districts. Each district in Pakistan has a District Police Officer who serves as the district's chief of police. The DPO is directly accountable to the Regional or City Police



Officer, who is accountable to the Provincial Police Officer. SHO, DPO, RPO, CPO, and PPO are all posts in Pakistan, not police ranks.

i. Assistant/Deputy Superintendent of Police

Each district in Pakistan is subdivided into two or more sub-divisions. The ASP or DSP is responsible for a district's sub-division. ASPs and DSPs have essentially gazetted officials, as the civil service grade for this position is BPS 17. This position requires a Bachelor's degree (14 years of formal study) from an approved university in Pakistan. Regarding the age restriction, candidates for this post must be between the ages of 21 and 28.

ii. Superintendent of Police

The SP is in charge of a non-field position at police headquarters. In Pakistan, the base pay grade for this police officer post is BPS 18.

iii. Senior Superintendent of Police

The SSP is either the DPO or works at police headquarters in a non-field position. In Pakistan, the civil service grade for the post of SSP is BPS 19.

iv. Deputy Inspector General of Police

The DIG acts as the RPO or CPO and the non-field branch, division, or wing commander. In Pakistani Police, this level is compensated on a primary pay grade of BPS 20.

v. Additional Inspector General of Police

Regions or provincial capital are assigned to Additional Inspector Generals. Their rank in the civil service is BPS 21. Personnel with this rank may also serve as a non-field branch, division, or wing commander.

vi. Inspector-General of Police

In Pakistan, the Inspector General is the highest post in the police service. An IGP is responsible for the local and administrative police establishments and functions as a PPO. This position has a BPS 21 or 22 civil service grade.

Federal Policing in Pakistan

According to HRCP and CHRI (2010), the federal government protects the provinces from external aggression and internal turmoil. For instance, the federal



government commands and controls the armed forces to safeguard the country from outside threats (Article 243 of the Constitution of the Islamic Republic of Pakistan, 1973). Parliament has sole legislative authority over the Federation's armed forces, Intelligence Bureau (IB), and paramilitary forces. As a result, Parliament alone has the right to legislate for the enlisted:

1. The federal public services, which includes the Pakistan Police Service
2. The federal Intelligence Bureau
3. The federal government-run Civil Armed Forces
4. The federal agencies and institutes for research, training, or promotion of science and technology.
5. The federal agencies and institutes for research, training, and promotion of special studies; and allowing the police of one province to assume and exercise jurisdiction in another province (with the latter's permission), and granting permission to any police force to assume and exercise jurisdiction in areas controlled by Pakistan Railways.

The Federal Ministry of the Interior's Function

According to HRCP and CHRI (2010), the Federal Government's 1973 Rules of Business, enacted under Article 99 of the Constitution, provide that the Interior Division is responsible for "coordination of policy concerns about police" (Ministry of Interior) (Item 18, Schedule 3 of the Rules of Business, 1973). Additionally, the Rules of the Business state that the Interior Division is responsible for the "Police Commission and Police Awards." (Item 12, Schedule 3 of the Rules of Business, 1973). The Ministry of Interior is responsible for the country's overall internal security and is tasked with the following responsibilities, among others:

1. To provide technical assistance where required.
2. Advising and assisting provincial governments in dealing with crime and law and order situations.
3. To maintain the National Police Bureau to ensure coordinated planning by police organizations throughout the country.
4. To establish, maintain, and deploy the Civil Armed Forces (i.e., Pakistan Coast Guard, Frontier Corps, and Pakistan Rangers) to assist the civil administration and local police establishments.
5. To operate federal police organizations, like Frontier Constabulary and the Federal Investigation Agency.



Police Order 2002

Democracy is defined as legal liberty (Chan & Adjorlolo, 2021; Miller, 2021; Waldron et al., 2021). It is considered to mean that citizens are equal – without differences – and are free to do whatever they choose within the confines of the law (Pittaro, 2021; Siegel, 2017). Additionally, democracy necessitates that individuals (or organizations) who breach societal standards – which have been established in advance by their elected representatives and are meant to avoid harmful conflicts of interest – face legal consequences (Liebling et al., 2021; Lopez & Pasko, 2021).

The only assurance that man can live in an ordered community is equal treatment under reasonable and fair laws and procedures (Kantorowicz-Reznichenko & Faure, 2021). Equally vital – if not more so – is that the integrity of the law enforcement agencies must be such that no one, regardless of money or power, is exempt from the proverbial long arm of the law - in theory or practice (Greene & Lepore, 2021).

The police force, as it existed until 2002, was primarily there to serve influential persons but was ill-equipped to enforce laws without fear or favor or to advance the interests of the rule of law. It was not intended to be an unbiased tool of law enforcement or a community-supported public service agency. To a significant part, this new police force was designed in the Police Order 2002, which was published on 14 August 2002. The Police Order 2002 seeks to protect the police's independence and operational autonomy from unwarranted political intervention. The Order envisions increased police responsibility to external agencies. The preamble of Police Order 2002 states, the police are required and obligated to operate under the Constitution, the law, and the democratic aspirations of the people.

The Police Order aspires to provide police officers with the freedom, impartiality, justice, autonomy, and professionalism necessary to carry out their duties. Because the primary function of the police is to uphold the nation's laws impartially and without fear or favor, the Police Order redefines police tasks, police powers, and supervision over the police.

Police Order 2002 empowers police supervisors with stringent internal accountability mechanisms, holding deviant police officers legally accountable for certain forms of wrongdoing. According to Article 155 of the Police Order, a police officer's willful violation or disregard of any provision of law, rule, or regulation is a criminal offense punishable by imprisonment for a term not to exceed three years and a



fine. According to Article 156, any police officer who engages in the vexatious entrance, search, arrest, or seizure of property or tortures any person in custody commits a significant criminal offense punishable by up to five years in prison and a fine.

When implemented in its entirety, the Police Order establishes the organizational framework necessary to address the law and order concerns of the twenty-first century. Its goal is to completely transform the old culture and redeploy the institution to establish and sustain law and order. Indeed, the new police legislation offers a foundation for even more efficient operations, improved decision-making, increased force discipline, and a re-imagining of police internal oversight and external accountability. However, the hastily amended Police Order 2002 weakened the police's operational autonomy, diminished the effectiveness of external monitoring agencies, and ultimately undermined the reform effort's stated objective.

According to HRCP and CHRI (2010), Article 8 of the 2002 Police Order, the police are to be organized as follows:

1. Crime against Women
2. Crime Prevention
3. Criminal Identification
4. Education and Training
5. Estate Management
6. Finance and Internal Audit
7. Information Technology
8. Intelligence
9. Investigation
10. Legal Affairs
11. Personnel Management
12. Police Accountability
13. Research and Development
14. Reserve Police
15. Traffic Planning and Management
16. Transport
17. Watch and Ward
18. Welfare

Police Order (Amendment) Ordinance 2004



The Police Order 2002 envisions a police service that is professional, service-oriented, and responsible. Additionally, it envisions a police force that successfully prevents and detects crime and maintains public order (PILDAT, 2015). It recasts the police officer's employment, duties, and obligations so that the service function takes priority and crime prevention and detection are portrayed as social goals. Seeks public support and assistance, but it also empowers the police to take a proactive role in developing a rule of law culture in Pakistan.

Various autonomous organizations were envisioned to ensure the police's operational impartiality and provide appropriate checks and balances, i.e., Citizen Police Liaison Committees (CPLC), National Police Bureau (NPB), District Criminal Justice Coordination Committees (DCJCC), National Police Management Boards (NPMB), Independent Police Complaints Authorities, National, Provincial, and District Public Safety Commissions.

Rather than ensuring strict compliance with Police Order 2002, the Federal Government revised the two-year-old law in November 2004 in response to pressure from the Punjab Government. The modifications were intended to strengthen the government's influence in appointing senior police officials and determining the membership of public oversight organizations, eroding their independence and autonomy. Provincial Police Complaints Authorities were abolished entirely. The fundamental purpose of the Police Order 2002 was to depoliticize the police, and the hastily enacted changes ended up establishing a formal basis for police politicization (PILDAT, 2015).

The Police Order (Amendment) Ordinance 2004 had the following backward provisions:

1. The merger of the district and provincial public safety commissions and police complaints authorities
2. Reorganization of Public Safety Commissions
3. Zila Nazim's Performance Evaluation Reports for District Police Officers.
4. Modification of the process for selecting independent members of Public Safety Commissions
5. The right to appeal against erroneous policy directives has been eliminated.
6. Modifications to the selection method for Provincial Police Officers
7. Definitions for 'direct,' 'fact-finding investigation,' and 'superintendence' were added.
 8. The 'government' is assigned the responsibility of 'governor' in areas of public safety.



Code of Conduct for Law Enforcement Officials of the United Nations

Article 1: Law enforcement officers shall always uphold their legal responsibilities by serving the public and protecting all citizens from criminal behavior in a manner appropriate with the highest level of responsibility required of their profession.

Article 2: Law enforcement officials must protect human dignity and human rights in performing the tasks.

Article 3: Law enforcement officers may use coercion only as a last option and to the extent required to carry out their responsibilities.

Article 4: Confidential information given to law enforcement employees should be kept private until the performance of a task or the interests of justice requires otherwise.

Article 5: No law enforcement official may inflict, initiate, or tolerate torture or other cruel, inhuman, or degrading treatment or punishment, nor may he or she invoke superior orders or exceptional circumstances such as a state of war or threat of war, a threat to national security, internal political instability, or any other public emergency to justify torture or other cruel, inhuman, or degrading treatment or punishment.

Article 6: Law enforcement officials are accountable for the absolute protection of the health of those entrusted to their care, including taking fast action to get medical aid when necessary.

Article 7: No law enforcement official shall commit an act of dishonesty. Additionally, they will reject and resist any such acts vigorously.

Article 8: Law enforcement officials must follow the law and this Code's requirements. Additionally, they shall do all possible to avoid and actively fight their violations.

If a law enforcement officer has reason to believe that a breach of the current Code has occurred or is likely to occur, he or she should promptly alert their higher authorities and, if necessary, any competent authorities or organs vested with reviewing or corrective jurisdiction.

Democratic Policing Principles

According to Travis (2000), during the Bosnia Herzegovina conflict, the warring factions, European Union and United Nations officials, and other stakeholders convened in Youngstown, Ohio (USA) to assess the viability of establishing a new police force for the country. Seven principles were incorporated into the final deal, termed the



"Youngstown Accord," to control police in established and emerging democracies. These are known as democratic policing principles:

1. Police officers must uphold democratic principles.
2. Police officers should be considered professionals who must adhere to a professional code of behavior as recipients of public confidence.
3. The police must place a premium on human life protection.
4. The police must defend and be responsible to the community.
5. The public must understand that the primary function of police actions is to protect life and property.
6. Police activities should be conducted in a way that is respectful of human decency and fundamental human rights.
7. Police officers are sworn to act impartially in the performance of their duties.

Human Rights Watch Perspective on Constraints Faced by Police

Growing pressure on the policemen has made maintaining the rule of law and protecting citizens in Pakistan increasingly challenging. Along with conventional policing duties, the government has charged the police with addressing threats and violence posed by radical groups and organized crime involved with weapons and drugs markets, as well as land grabs. Institutional constraints that have damaged the police for decades—inadequate workforce and financial resources, insufficient infrastructure, problems with the CJS, and intervention and influence from internal and foreign sources—have primarily stayed constant. These issues jeopardize Pakistan's police force's ability to maintain law and order in a manner that is human rights compliant and incorruptible and undue influence. Pakistan's privileged factions — whether parliamentarians, landlords, or government representatives - military bureaucracies — have excessive and disproportionate influence over law enforcement. Independent specialists and law enforcement professionals concur that nominations for desirable positions, even those at the station level, are frequently made based on political ties (Human Rights Watch, 2016).

Attempts at Reforming the Police

Numerous problems were faced by Pakistan's police force and it can be traced back to the mid-nineteenth century when Pakistan was a British territory in India (Imam, 2011; Petzschmann, 2010). British India's crime control system was governed by the belief that the colonial government's policy would keep indigenous people on a leash and that the police were not a politically neutral agency charged with enforcing the law



fairly and justly (International Crisis Group, 2008; Suddle, 2001; USAID, 2008). Despite the broad acknowledgment of this fundamental problem and an acceptance of the necessity for change among successive Pakistani governments, the process of overhauling the police system has been extraordinarily sluggish.

Core Issues

Among the significant obstacles weakening Pakistan's police system are the following:

1. Legal and institutional frameworks that are out of date.
2. An insufficient level of responsibility.
3. The state's executive power's arbitrary and capricious mismanagement of the police at all levels, in cooperation with poor and subservient police leadership.
4. Inadequate incentive mechanisms.
5. Corruption on a large scale.
6. Severe resource deficiency.
7. Police are neither community-based nor sensitive to social issues.
8. Inadequate training, particularly in dealing with vulnerable members of society.
9. Outdated colonial organization in which the police have historically been utilized as the executive's repressive arm.
10. The police are not politically impartial.
11. The upkeep of law and order is a shared duty.
12. Political considerations prompt recruitment, postings, and promotions.
13. Police brutality.
14. Low levels of integrity.
15. Rank and file members place a lower premium on community-oriented roles.
16. Professionalism is lacking.
17. Minimal community engagement in policing.

Conclusion

The Police Order 2002 increased the police's subservience to politicians. To save unnecessary expenditures and efficiently maintain peace and order, the British prominently placed police under the jurisdiction of local magistrates. As colonial masters, the British adopted rules and regulations that benefited their vested interests, and these policies were detrimental to the subcontinent's prosperity. However, even then, their policies were much superior to those implemented by Pakistan's governing



elite since the police institution, in particular, degraded quickly due to significant political influence. By examining police reforms holistically and comparing the 1861 Police Act to the 2002 Police Order, it is clear that the 2002 Police Order wreaked havoc on the police's organizational and professional independence in the guise of devolution of power.

Police reform has long been seen as a high issue for Pakistan's rule of law consolidation. Despite multiple earlier reform attempts, Pakistan has struggled to prioritize police reform as a critical developmental priority. Reform is prompted by irrefutable evidence that an equitable, responsible, conscientious, and practical CJS is vital for economic and social growth, as well as human security in society.

Pakistan's CJS and law enforcement institutions are far from impregnable. Additionally, there is an apparent incentive to improve performance, at least inside the police department. Pakistani police personnel and subordinate officials' exceptional performance while participating in several UN peacekeeping operations demonstrates potential. Numerous police officers around Pakistan have demonstrated bravery in the face of suicide bomber assaults.

Recommendations

1. Public Understanding of the changes brought about by the 2002 revisions was relatively low. As a result, the new procedures for guaranteeing police independence and redressing concerns against excessive police force have generally remained unimplemented. Recently, Pakistan's independent broadcast media have begun to expose police brutality and influence the country. Pakistan's leadership must grasp that a competent and autonomous police force would bolster democratic governance's credibility. A public awareness campaign emphasizing people's rights and police accountability might aid in this aim.
2. All 2004 amendments to the 2002 Police Act should be abolished, and the 2010 Punjab Police Act's new concepts, which improve police accountability and encourage community policing, should be included in the original 2002 Police Act. The Federally Administered Tribal Areas, AJK, and GB should all be governed by unified police legislation.
3. Pakistan has a dismal track record when it comes to utilizing international assistance, particularly cash giveaways. Corruption among Pakistani authorities and foreign private



contractors from donor nations sometimes profit the most from such assistance. More effective will support investigative training and assistance in acquiring current equipment (small guns, scanners, bulletproof jackets, and armored vehicles).

4. While junior ranks perform most investigative fieldwork, most overseas training opportunities are now reserved for senior supervisory officers. This tendency must be reversed to provide significant training opportunities for junior officers.
5. National Counter Terrorism Authority needs both internally and externally assistance to attract qualified professionals and analysts who can conduct scientific and statistical investigations on crime trends and construct terrorist databases. For counter-terrorism and counterinsurgency operations to be effective, the law enforcement paradigm must also incorporate non-policing countermeasures, such as increasing public awareness about the threat through the media and infusing counter-extremist rhetoric into public school curricula. Demobilizing militant and terrorist brigades will need well-funded and well-designed de-radicalization initiatives. NACTA can lead such efforts if provided with sufficient funding and autonomy from bureaucratic processes.
6. Additionally, international funders frequently ignore police training academies, an omission that must be corrected. Finally, foreign donors should avoid framing all support in counter-terrorism since Pakistani public opinion is likely to be more amenable to international assistance in this area if it focuses on enhancing police skills to combat crime. Donors should also include their police forces rather than depending entirely on the private sector.



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