

THE NEWS

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Friday, December 3, 1999

Police reforms to relieve common man soon: Moeen

ISLAMABAD: Interior Minister Lt-Gen (Rtd) Moeen-ud-din Haider has said that the government is engaged in the task of preparing police reforms in the light of various reports compiled during the earlier regimes to purge the system of wrongs and corruption to relieve the common man.

The minister expressed these views at a meeting with JI Secretary General Syed Munawar Hassan who called on him in his office Thursday. He said that reports on reforms would be received within a week and serious work on changing the system rampant with corruption and inefficiency would start soon. The initiative would be taken to reform the centuries-old rotten system which was the root-cause of the problems being faced by the poor and down-trodden masses, he said.

He categorically declared that no more commission would be appointed to throw people's grievances into the cold storage as had been the practice by the previous regimes. He said that reports compiled during the previous regimes would be sufficient material to take remedial measures. The present Thinktank would too use its own wisdom to pinpoint the solution in the light of the material and the homework already completed.

He asserted that the poor people would feel a change as police system was one of the root-causes of theills in the society. He said that terrorism based on Bhatta system and high-handedness would be rooted out from the society with full might. Haider said that the government was tightening its grip over the system causing problems for the masses. He announced that they were very much concerned about the common man and the problems he was facing. He elaborated that the culture of ignoring merit in all spheres of national life was prevalent. The government was resolved to change this sick thinking and attitude.

As far as the Local Bodies elections were concerned, Haider said that instead of imposing their own system, the experience of the past in Local Bodies system was being studied. A system would be evolved to transfer the powers to the representatives of the masses at the grassroot level by removing all bottlenecks, he said. With regard to national and the provincial assemblies elections, he said that it would be provided in the electoral laws that casting of vote would be compulsory.

Haider pointed out that in the past, it had been the practice that constituencies had been delimited in such a manner that these were based on small areas to facilitate the success of Wadras and other local tyrants in the elections. He ruled out this possibility in future in clear terms. He made it clear that the election campaign on the basis of Bihari system and other such factors likely to influence the voters would be totally ruled out.

Haider explaining at length the wheat supplies to Afghanistan said that steps were been taken to export wheat to the brotherly country on comparatively cheaper rates.

Later, JI Secretary General Syed Munawar Hassan in an interview with APP, said that he had apprised the interior minister of the expectations attached to the government by the people. He explained that the ruthless way of governance of the previous regime, as a result of which a virtual hell was created in Pakistan for the common man reducing him to sub-human level. APP

IN THE LAHORE HIGH COURT, LAHORE.

W. P. NO.

22.589

199

Insaaf Society through Mr. Fayyaz Mansoor its chairman, 916 Canalview
Housing Society, Lahore. (Presently Fatima House basement, 13 Fane Road,
Lahore.

Petitioner.

Versus

1. Government of Pakistan through Ministry of Law and parliamentary affairs and Justice, Islamabad
2. Govt. of Punjab through Ministry of Law and Parliamentary affairs.
3. Secretary Ministry of Home department, Civil secretariat, Lahore.
4. Inspector General of Police, Punjab, Lahore.

ATTESTED
Copy kept on file
Lahore High Court Registry

RECEIVED COPY

Regd. No. 98
Date 11/12/89
Lahore High Court Registry

Respectfully Sheweth:

1. That the Petitioner Society is created for charitable purposes, providing free services to the down trodden people and other welfare works. The petitioner is registered with Government of Punjab and Mr. Fayyaz Mansoor is its Chairman who is competent to file the present petition on behalf of the Society. Copy of registration is annexed as Annexure-A.
2. That at the very outset, it is submitted that the present petition is in the shape of pro bono publico as well as on the basis of rights of the petitioner as a society registered and existing under the laws of Islamic Republic of Pakistan as well as rights of its members including Mr. Fayyaz Mansoor through whom the present petition is being filed.
3. That the petitioner wants to bring a very important matter of public interest before the Hon'ble court relating to the present police system which has caused an alarm in general public because of the increasing number of innocent people detained in prisons. These people are not investigated professionally with proper methods under competent supervision. They are booked in different type of cases or in abetment. The prevailing system is defective and has enhanced injustice in society setting a number of dangerous and habitual criminals free who have come to know the deficiencies in police system and flaws in the law which help them to escape punishment from the court of law and on the other hand the innocent remain in

jails for years under trial due to incomplete challans. In consequence of it, the jails are full of innocent people.

4. That the police has to do both the functions itself (Watch & Ward and investigation). The current police system in force is inefficient, incapable of proper investigation and lacks professional supervision which results in legal lacunas in compiling the challans of the criminals whereas innocent and poor persons remain lying in the jails due to incomplete, defective and confused system of investigation. This system is not suitable for our country which has an Islamic culture and ideology. It does not fulfil the requirement of such a thickly populated country with a literacy rate of only 40 percent. Most of the police officers are not law knowing. They can neither prove themselves perfect, professional and efficient in investigation nor can provide justice to the people.
5. That the prevailing system of Pakistan was made by non muslim persons during the colonial regime and there is always a powerful influence of the religion in drafting any legal system and most of the fundamental principle of the police and legal systems of the sub-continent was the sovereignty of British Queen, whereas no such sovereignty is acceptable in any Islamic country while it is still in force in Islamic Republic of Pakistan. So there is a great need of change of law and systems in Pakistan as the social, economic, religious, and political attitudes have changed after fifty years of independence.
6. That the police department is full of corrupt employees who take advantage of the loopholes in the law and the system. They welcome people with false FIR's involving innocent persons in false cases. Such persons are later declared not guilty in investigation after accepting heavy gratification. Alternatively, if no bribe is offered, they are sent to jail. In most of the cases, police officers ask the plaintiff to write down the names of the whole family or relatives or friends of the accused in the FIR. Such relatives are then persecuted, creating injustice in the society which results in an increase of not guilty persons in jails and promoting corruption.
7. That all the discrepancies, loopholes, misuse of powers are created due to more and more powers in the hand of one agency. So the system of investigation by the same police officers who are doing watch and ward duty, have proved that the prevailing system is defective, ineffective, inhuman, contrary to the provision of fundamental rights conferred in the constitution of Pakistan.
8. That deputy commissioner is chief prosecuting officer in every district of Pakistan and all district attorneys are working under the control and guidelines of deputy commissioners of the districts whereas the deputy commissioners belong to civil or provincial services of Pakistan. Neither are they law graduates nor do they belong to the law department. Thus the functioning of the prosecution department has become ineffective.
9. That according to article 4 (1), (2a) of the constitution of Islamic Republic of Pakistan
“(1) To enjoy the protection of law and to be treated in accordance with law is the inalienable right of every citizen, wherever he may be, and of

every other person for the time being within Pakistan.

2(a) In particular- no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law."

According to Article 9 "No person shall be deprived of life or liberty save in accordance with law"

According to article 12.1 (a & b) "No law shall authorize the punishment of a person:-

- (a) for an act or omission that was not punishable by law at the time of the act or omission; or
- (b) for an offence by a penalty greater than, or of a kind different from, the penalty prescribed by law for that offence at the time the offence was committed.

According to article 14

- (1) The dignity of man and, subject to law, the privacy of home, shall be inviolable.
- (2) No person shall be subjected to torture for the purpose of extracting evidence.

10. That in all developing or developed countries watch & ward and investigation are separate departments. Investigation is under the supervision and guidelines of the district attorney in most of the countries. This system has proved very successful and competent in those countries.

11. That high officials of the police department are occupied most of the time in hearing the complaints of investigating officers and in transferring the investigations from one to the other officer. The complainants are not satisfied with the system and doubt the honesty of the police officers. Hence they ask for the transfer of the investigation from one officer to the other. Thus, the high officials do not have enough time to do constructive work, make new policies and to have a vigilant eye on the subordinates. The Public does not get justice and becomes the victim of corruption and a defective system of investigation.

12. That the petitioner is a non-official visitor of the jails appointed by the Government of Punjab. He has been surveying jails for last four years and came to a conclusion that the police investigation system is defective and has caused many people to be unjustly imprisoned.

13. That the petitioner has no other adequate remedy available to him except to invoke the constitutional jurisdiction of the Honourable court.

It is therefore respectfully prayed that an order may kindly be made declaring the police investigation system is inconsistent with and in derogation of fundamental rights as provided in Article No, 4, 9, 12 and 14 of the constitution of Islamic Republic of Pakistan and the investigation powers may be withdrawn from the police department holding the watch & ward duties and be given to a separate section of police consisting of law graduate officers under the control of prosecution department under the control of district attorneys.

It is further prayed that the respondents may also be directed to split the police department into two distinct watch & ward and investigation sections.

It is further prayed that respondents may also be directed to withdraw the powers of chief prosecution officer from the deputy commissioners and create new posts of divisional attorneys at divisional level and powers of chief prosecution officers may be transferred to them.

It is further prayed that respondents may also be directed to bring the system of investigation in conformity with the provisions of the constitution of Islamic Republic of Pakistan and streamline the system to provide justice to the common man.

Any other relief to which the petitioner is found entitled may also be granted.

TRUE COPY
Fayyaz Mansoor
11/2/89

Petitioner

(Fayyaz Mansoor)

Through

Lisan Ullah Khan (C.C.No.13222)
Alam Beg Chughtai(C.C.No.11099)

Zafar Abbas(C.C.No.)

Advocates High Court, Lahore
13 Fane Road Lahore.

Certificate. It is certified that this is a first
written petition in this practice as instruction given
by the client.

2
8/1/89

ORDER SHEET

LAHORE HIGH COURT, LAHORE

LAW 22 of 1999

APPEAL/REVISION NO. 19

In the matter of
versus

APPELLANT

PETITIONER

RESPONDENT

Appeal/Revision against the decree or order (as the case may be) of

No. of order of Proceeding	Date of order of proceeding	Order with signature of Judge, and that of parties or counsel, where necessary
1	2	3
1.	7.12.1999	<p>Mr. Lisan Ullah Khan, Advocate.</p> <p>Let a copy of the petition be sent to each of the respondent who shall submit their detailed parawise comments and report so as to reach this Court within a month.</p> <p>Case to be re-listed hereafter.</p> <p>SI (BIAZ KAYANI), JUDGE</p> <p>17/12/99</p> <p>Mustafa/</p> <p>Authorised Copy Supply General-Subordinate Order</p>

IN THE LAHORE HIGH COURT

LAHORE.

W.P. NO. 22889/99.

PRESENT MR. JUSTICE RIAZ KAYANI.

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION
OF ISLAMIC REPUBLIC OF PAKISTAN 1973.

PRAYED & FULL PARTY NAME ATTACHED
ORDER ATTACHED P. 2.

RECEIVED

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11/12/99
High Court Lahore

31689

13/12/99

Date of P.
Date of R.
No.
C.G.
A.C.
Court
Name

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Lahore High Court, Lahore