

**The Failure of Police Reform in Pakistan: What Police Order 2002 reveals about the challenges confronting democratic consolidation**

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# **Griffith Business School**

Submitted in fulfilment of the requirement of the degree of

## **Doctor of Philosophy**

by

**Huma Shazia Siddiqi**

January 2020

# **The Failure of Police Reform in Pakistan:**

What Police Order 2002 reveals about the  
challenges confronting democratic consolidation

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MPhil (Government and Public Policy)

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The thesis is submitted in fulfilment of the requirements of the degree  
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## Synopsis

This thesis studies a 2002 attempt to fundamentally reform the Pakistan Police Service (PSP) through the promulgation of Police Order 2002. This reform was aimed at converting the PSP from an instrument of coercive government to a force responsive to and protective of the citizenry. It constituted, as its introduction explicitly stated, a significant move toward democratic consolidation in Pakistan.

PO 2002 was introduced nationwide on 14 August 2002 with wide support from Pakistani elites and under the direction of the autocratic but reform-oriented government of General Pervez Musharraf. Yet PO 2002 failed. It was amended in 2004 and annulled in 2010. Understanding why it failed is important for understanding the challenges confronting democratising developing states, like Pakistan. Existing accounts attribute PO 2002 failure either to 'loss of political will' or to 'bureaucratic politics'. The present research inclined toward the latter explanation until evidence gathered in the field pointed in quite another direction.

The thesis employed a combination of process-tracing of the history of PO 2002 and the analytical framework of advocacy coalition developed by Sabatier and Jenkins-Smith. The use of Advocacy Coalition framework (ACF) directed research toward the most important factors before the actors involved. Semi-structured interviews with these revealed their beliefs and various aims regarding the initiation, progress and fate of PO 2002. ACF also alerted the research to the impact on the policy domain of external perturbations, internal shocks and changes in socio-political conditions.

Interviews with key personnel of the Musharraf regime and relevant political and civil parties revealed considerable unanimity of opinion: the demand for police reform originated in the 1990s when simultaneous strategies of democratic transition and neoliberal transformation conflicted, aggravating chaos and distributional conflicts in multi-ethnic urban centres of Pakistan. Governments used police in an attempt to control the situation but brutal, highly politicised policing failed, prompting widespread acceptance of the need for police reform.

ACF analysis found that the policy design phase of the resulting PO 2002 was monopolised by a material coalition of PSP that identified the problem as control of police by central executive power. It recommended transfer of control to local communities. Absent an epistemic community capable of analysing this proposal's merits, and in an atmosphere of general public distrust of elected politicians, it was

approved by a military government pursuing community empowerment and by liberal elites who saw it as *the* pathway to democratic policing. But research revealed a contradiction in PO 2002's stated objectives – first, to improve police performance and, second, to make police autonomous. Increased autonomy worked against performance by serving the motives of PSP officers more interested in removing bottlenecks from their careers than in effective policing. Moreover, the transfer of control to divided, often mutually hostile communities, in the times of market liberalisation merely fragmented politicisation and led to intercommunal violence.

Exacerbating the situation was the fact that, even before PO 2002 was implemented, the aftermath of 9/11 caused unprecedented anti-American sentiment in Pakistan. Given popular perceptions of the US as anti-Islam, President Musharraf's assistance to George W. Bush in his 'war on terror' cost him public support. Meanwhile, thanks to PO 2002, his government could not employ police to fight terrorists hiding in local communities. Belated recognition of the need to align police with the policies of the central executive led to the 2004 amendment of PO 2002. Control of provincial heads of police was acquired by the state via the intermediary home secretary, while control of ancillary police agencies was left with local actors and communities. But problems once again re-emerged when the Pakistan People's Party (PPP) came to power after Musharraf's resignation in 2008. Strong evidence against the lower ranks of police force victimising the accused of blasphemy came forward, creating a scandalous national crisis. PPP government and state institutions were blamed for neglecting their responsibility and not protecting the rights of the accused. Further inquiry identified both the internal and external structures of PO 2002 as problem parameters. The additional internal structures introduced by PO 2002 had introduced procedural delays which significantly increased the risks for the blasphemy accused. These procedural delays further increased the probability of exploitation of police force by the local political actors, business groups and the extremist factions in some communities. Lower level police constables inspired by the extremist ideology or overtaken by their own sentiments even killed the accused of blasphemy, especially in Punjab. One, such incident also led to the murder of the governor of Punjab in 2010. The strong evidence before the PPP government left little choice but to repeal PO 2002 in 2011, and revert back to PO 1861, but it was not without incremental changes.

PO 2002 failed because of its own internal weaknesses. Removing central executive control created serious security issues and singular focus of the PSP material coalitions

on removing career bottle neck in their careers introduced procedural delays between reporting of the crime and initiation of its investigation. This delay increased the risk of victimisation of already vulnerable blasphemy accused. Devolving policing responsibility to local communities may seem democratic, but in a multi-ethnic country it is a recipe for conflict. The study concludes by exploring models aimed at reconciling control of police with democratic imperatives but argues that the lack of political trust in the executive, which began with Pakistan's transformation to a neoliberal regime, remains the biggest challenge for democratic consolidation in Pakistan and perhaps in other developing countries.

## **Statement of Originality**

*This work has not previously been submitted for a degree or diploma in any university. To the best of my knowledge and belief, the thesis contains no material previously published or written by another person except where due reference is made in the thesis itself.*

**Huma S Siddiqi**

## **Disclosure**

The research was undertaken under the human ethical clearance  
GU REF NO: 2018/630.



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## List of Acronyms

<b>AIML</b>	<b>All India Muslim League</b>
<b>ANP</b>	<b>Awami National Party</b>
<b>APS</b>	<b>Army Public School</b>
<b>ASI</b>	<b>Assistant Sub Inspector</b>
<b>ASP</b>	<b>Assistant Superintendent Police</b>
<b>ATA</b>	<b>Anti-Terrorist Law</b>
<b>ATC</b>	<b>Anti -Terrorist Court</b>
<b>BB</b>	<b>Benazir Bhutto</b>
<b>CDA</b>	<b>Capital Development Authority</b>
<b>COAS</b>	<b>Chief of Army Staff</b>
<b>CPDI</b>	<b>Centre for Peace and Development Initiatives</b>
<b>CPPG</b>	<b>Centre for Public Policy and Governance</b>
<b>CTP</b>	<b>Common Training Programme</b>
<b>CSS</b>	<b>Central Superior Services</b>
<b>DC</b>	<b>Deputy Commissioner</b>
<b>DCO</b>	<b>District Coordination Officer</b>
<b>DG-ISPR</b>	<b>Director General -Inter Services Public Relations</b>
<b>DIR</b>	<b>Deputy Inspector General</b>
<b>DPO</b>	<b>District Police Officer</b>
<b>DM</b>	<b>District Magistrate</b>
<b>DMG</b>	<b>District Management Group</b>
<b>DSP</b>	<b>District Superintendent Police</b>
<b>EUPM</b>	<b>European Union Police Mission</b>
<b>FIR</b>	<b>First Information Report</b>
<b>FSC</b>	<b>Federal Sharia(t) Court</b>
<b>FPB</b>	<b>Federal Placement Bureau</b>
<b>HoD</b>	<b>Head of Department</b>
<b>ICJ</b>	<b>International Commission of Jurists</b>
<b>ICP</b>	<b>International Commission for Policing</b>
<b>ICCPR</b>	<b>International Covenant on Civil and Political Rights.</b>
<b>IJI</b>	<b>Islami Jhamori Ittehad</b>

<b>ISI</b>	<b>Inter-Services Intelligence Agency</b>
<b>JUI</b>	<b>Jamiat Ullma-e-Islam</b>
<b>JI</b>	<b>Jamaat-e-Islami</b>
<b>MMA</b>	<b>Muthahida Majlis-e-Ammal</b>
<b>MNA</b>	<b>Member of National Assembly</b>
<b>MPA</b>	<b>Members of Provincial Assembly</b>
<b>MQM</b>	<b>Muttahida Quami Movement</b>
<b>NA</b>	<b>National Assembly</b>
<b>NDU</b>	<b>National Defence University</b>
<b>NI</b>	<b>Northern Ireland</b>
<b>NPA</b>	<b>National Police Academy</b>
<b>PAS</b>	<b>Pakistan Administrative Service</b>
<b>PAT</b>	<b>Pakistan Awami Tahreek</b>
<b>PBS</b>	<b>Pakistan Bureau of Statistics</b>
<b>PIDC</b>	<b>Pakistan Industrial Development Corporation</b>
<b>PILDAT</b>	<b>Pakistan Institute of Legislative Development and Transparency</b>
<b>PML</b>	<b>Pakistan Muslim League</b>
<b>PML-N</b>	<b>Pakistan Muslim League Nawaz Group</b>
<b>PML-Q</b>	<b>Pakistan Muslim League Quaid-e-Azam Group</b>
<b>PPP</b>	<b>Pakistan People's Party</b>
<b>PSP</b>	<b>Pakistan Police Services</b>
<b>RTI</b>	<b>Right to Information</b>
<b>SHO</b>	<b>Station House Master</b>
<b>SOE</b>	<b>State Owned Enterprise</b>
<b>SP</b>	<b>Superintendent Police</b>
<b>UN</b>	<b>United Nations</b>
<b>UNHCR</b>	<b>United Nations Higher Commission for Refugees.</b>
<b>WAPDA</b>	<b>Water and Power Development Authority</b>
<b>ZAB</b>	<b>Zulfiqar Ali Bhutto</b>



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many more added value and authenticity to this research which I gratefully acknowledge.

The research also resulted in the production of multiple academic papers, including:

- Role of Domestic NGOs in Policy Transfer and Policy Diffusion: A Case Study of PO 2002 in Pakistan.
- Blasphemy Law and the Annulment of 2002 Police Reforms in Pakistan: Using Advocacy Coalition Framework.
- Consolidating Democracy with Neoliberal Transformation: An Alternative Perspective of Pakistan's Turbulent Democratization.

The first paper is accepted for publication in the South Asian Survey Journal and the other two papers are presently under blind peer review for publication in various other academic journals.

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# Chapter 1

## INTRODUCTION

This research is a case study of a police law in Pakistan known as Police Order 2002 (PO-2002), which faltered during implementation, was amended in 2004, and was finally withdrawn in 2010-2011. The study is undertaken to clarify the unresolved issue of ‘political control’ over state police and the problems it poses for the democratic consolidation of fragile and troubled states, like Pakistan.

The importance of the link between police and democracy is affirmed by various scholars including Juan Linz and Alfred Stepan, who write: ‘A democratic government needs to be able to exercise effectively its claim to the monopoly of the legitimate use of force in the territory’ (Linz and Stepan, 1996, p. 11). But the democratic legitimacy of a police force is undermined when it is abused by those in power to advance political and partisan goals (Covey and Walsh, 2011; Haller, 1975; Fogelson, 1977; Williams, 2003; Goldstein, 1977, p. 5). It is thus imperative to distinguish between legitimate political control of police and undesirable political interference or ‘politicisation’. Political control on police is akin to the control of the executive over the state machinery necessary for smooth functioning of a democratic state and required for police accountability (Finnane, 1994; Covey and Walsh, 2011; Stenning, 2011; Bayley, 2017). Its purpose is to impart democratic direction to police operations, avoiding policing that is either too heavy-handed or intentionally deployed for partisan or individual political gains (Covey and Walsh, 2011).

The politicisation of police implies precisely the transformation of a 'neutral' force into a political instrument, with police officers willing to comply and submit to the political and partisan demands of government. A high level of politicisation of police contributes to policing failure and creates challenges for democratic consolidation.<sup>1</sup> Linz and Stepan (1996) argue that: 'modern democracy needs the effective capacity to command, regulate and extract'.<sup>2</sup> For this it needs a functioning state and state bureaucracy considered 'usable' by the new democratic government (p. 11). The usability of police as a nonpartisan and neutral body ready to serve the next elected government, under clear political control by the executive but not subject to political interference by those in power, is thus a necessary condition for democratic consolidation.

Accordingly, democratic policing occurs: 'when elected political leaders are able to effectively use police for upholding rule of law and when police as public servants respond to all citizen complaints, respect human rights and the notion of justice and equality, use minimal levels of coercion and are accountable for their actions' (Bayley, 2008, p. 18; Linz and Stepan, 1996; Jones et al., 1996, p. 190; Holsten and Caldiera, 1998, p. 282; Manning, 2010; Bayley, 2006, p. 19). Such a definition was expected to

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<sup>1</sup> There are two proposed criteria of democratic consolidation available in the scholarship on democratisation. One is the two-turnover test provided by Samuel Huntington (1991) which states that a democracy is consolidated when two sequential changes of government occur in peaceful elections. But real consolidation imply the 'attitudinal, behavioural and constitutional' changes described by Linz and Stephan (1996). Attitudinal change means, 'when a strong majority of public opinion holds the belief that democratic procedures and institutions are the most appropriate way to govern the collective life in a society. Support for antisystem alternatives is quite small or more or less isolated from pro-democratic forces'. Behavioural change is implied, 'When no significant national, social, political, or institutional actors spend significant resources attempting to achieve their objectives by creating a non-democratic regime or turning to violence or foreign intervention to secede from the state'. Constitutional change means, 'When government and nongovernment forces alike, throughout the territory of the state, become subjected to, and habituated to, the resolution of conflict within the specific laws, procedures and institutions sanctioned by the new democratic processes'. In other words, 'when it becomes the only game in town'(Linz & Stephan,1996, p. 6).

<sup>2</sup> Taxes to pay the salaries of state machinery and keep them operational.

inform police reform in Pakistan, but there was also a tendency to identify democratic policing with community control, thus eliminating the probability of political control by the central executive power. However, as Linz and Stepan (1996) have observed, democracies are seldom or never homogeneous, more often a mix of nations or ethnicities, making it unlikely that community control of police would be without political connotations or consequences.

The dilemma here comes from perceiving the problem of police politicisation as simply an issue of police being under direct executive control and therefore subject to untoward political direction and pressure. Given such a perception, the solution that readily presents itself is institutional autonomy, unequivocally demanding removal of political control from police. But removing political control runs the risk of ‘insulating the police from democratic direction and accountability’ and ‘will only lay the foundation for the worst excesses of a police state’ (Walsh and Conway, 2011, p. 71). Following such logic can thus easily lead from one undesirable outcome to another. And this was the exact problem faced by the emerging and fragile democracy of Pakistan, as this case study reveals.

## **1.1 Statement of Problem and Research Question**

Pakistan is known for its repeated failed attempts at democratisation, a failure usually attributed to the heightened presence of the military in the decisions of the state (Alvi, 1990; Jalal, 1995; Ziring, 1997; Shafqat, 1997; Diamond, 2000; Rashid, 2001, p. 210; Siddiqua, 2007). However, there are many other less-discussed but equally important factors that contribute to the problem, for example, the extreme diversity of the country. According to the Census Report of Pakistan (2017), there are six large ethnic groups in Pakistan – the Punjabi (44.15 per cent of the population), Pashtuns (15.42

per cent), Sindhi (14.1 per cent), Saraiki (10.53 per cent), Muhajir (7.57 per cent), Balochi (3.57 per cent) — as well as many others (4.66 per cent). Within each of the major ethnic group there further exist multiple small groups of distinct ethnic identity including: Kashmiris, Pahari, Hindko, Potohari, Hazara, Shina, Wakhi, Khowar, Brahui, Kohistani, Pamiri, Burushaski, Balti, Bengali, Sheedi, Kalash, Uyghurs, Tajik, Gujratis, Kutchi Memons, Marwaris and Haryanwis, Rangars and Rajistanis and many more (there are around 60 languages spoken in Pakistan) (Javaid and Hashmi, 2012). Marvin Weinbaum (1996) writes that ‘these groups appear to be primordial, but they are hardly feeble and contest with varying degrees of success against the state’ (p. 639). Javaid & Hashmi (2012) also argue that the presence of diverse ethnic groups and the animosity between them is ‘not only a constant dilemma for the national security issues but proved a constant hold-up for the prosperity of the nation and progress of the state’ (Javaid and Hashmi, 2012, p 57). In 1971, this problem led to the separation of East Pakistan (now Bangladesh), and governments ever since have been acutely sensitive to ethnic conflicts. In addition to this, Pakistan is also home to 96.28 percent Muslims, 1.59 percent Christian, 1.6 Hindu, 0.22 Ahmadi and 0.32 percent others (PBS, 2019).

Linz and Stepan (1996) stress that too much diversity within a nation-state makes democratic policy making, which must ‘emphasize a broad and inclusive citizenship and that equally satisfies all the constituent groups’, very difficult (Linz and Stepan, 1996, p. 25). If an elected government ‘consciously or unconsciously’ follows a ‘particular nation’ building policies or practices, focused on one group only instead of an all-inclusive democratic policy, ‘it sends the message that the state should be “of and for” that nation only’ (Linz and Stepan, 1996, p. 27). Moreover, ‘If a significant group of people do not agree to obey such a policy, this presents a serious problem for

democratic transition but even more serious problems to democratic consolidation’ (Linz and Stepan, 1996, p. 27; Brubaker, 1994). Designing successful and inclusive policies has indeed been a challenge for Pakistan and it is for this reason, according to one informant interviewed for this study, that policy making in Pakistan is usually done behind closed doors and at times force was needed to implement it.<sup>3</sup>

As to the recurring intrusion of the military into Pakistani politics, that is more a consequence than a cause of the failure to democratise fully. A number of surveys conducted by various domestic and international agencies revealed that, compared to other institutions of the state, the people of Pakistan show a high degree of trust in their military (Yosuf and Nauman, 2015, p.5). The scholarship of institutional imbalance theory in Pakistan also acknowledged, as discussed in detail in the literature review, the strange charismatic value the Pakistan military holds for the people of the country (Alvi 1990). In a recent book, *Pakistan Paradox*, Christophe Jaffrelot writes that whenever in crisis it is the politicians who ‘invite the military’ to take over (Jaffrelot, 2014, p. 239). Conversely, public trust levels in other institutions like Pakistan police, an institution responsible for maintaining law & order on daily basis and is an integral part of the criminal justice system, are shockingly low. Another nation-wide survey conducted in 2017 by Gallup showed that 82 per cent of Pakistanis held a strong trust in the Pakistan military, much higher than for politicians (26 per cent) and police (23 per cent) (Elahi and Haider, 2017). Interviews conducted with members of academia, media and active citizen groups for this survey highlighted that public trust in the military is due to the latter working hard to keep this relationship alive by showing much quicker responsiveness to public calls of distress than other

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<sup>3</sup> Dr Ansari interviewed in 2018.

institutions. ‘In times of natural disaster and during law and order crises, when the police fail, it is the military that is called to restore peace and normalise life.’<sup>4</sup> As a result, people see the military as their ‘saviours’ and when distressed by political decisions often call it to resolve their problems (Farooq, 2014).

Yet while people show low trust in politicians, they do not in the main want military dictatorship. The same Gallup survey showed a high preference for electoral democracy (68 per cent) over military dictatorship (32 per cent). As prominent human rights lawyer Asma Jahangir in her speech at the human rights commission Oslo, Norway, stated; ‘a democratic state is not just the constitutional requirement but it is also the desire of the people of Pakistan’ (Jahangir, 2017). From these surveys we can infer that public reliance on the military is a response to the bad performance of the political and administrative institutions of the country. Pakistan’s police is one institution that has always suffered low levels of public trust.<sup>5</sup>

When this research began, two elected governments had managed to complete full terms in Pakistan, meaning that the country had passed Samuel Huntington’s (1991) prescribed ‘two-turnover test’ for democratic consolidation. However, just after the 2013 elections there was a major event that shocked the country. Brutal police force was used by the elected government of Pakistan Muslim League- Nawaz Group (PML-N) against the unarmed party workers of ‘Pakistan Awami Tehreek’ (PAT), in Model Town, a suburb of Lahore. As a result of direct police fire, 14 innocent workers of PAT were killed and many were seriously injured. Those killed included elderly,

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<sup>4</sup> Human Rights activist interviewed in 2019.

<sup>5</sup> See Transparency International (TI) perception survey reports 2013, 2014, 2015.



women, youngsters and a pregnant woman.<sup>6</sup> The horrific incidents were telecast ‘live’ by domestic channels. The nation was shocked to see uniformed officers of police chatting and laughing with the culprits who vandalized private property right before their eyes. This provoked a march on the capital city, Islamabad, by a million people demanding justice and accountability of those responsible, including police officers. Again, police used force on the protestors, killing seven people and injuring many more. This led to another public call for the military to take over (Fruman, 2014).

The ‘Model Town Massacre’ and the events that followed it signalled that Pakistan’s fragile democracy was far from consolidation and still under threat of reversing. These incidents of 2014/ 2015 showed that unabated use of coercive police force by the elected government was part of the problem and police officers’ own willingness to comply was aggravating the feeling of hopelessness in the public. It began to seem imperative that proper laws be put in place to prevent Pakistani police from being used as an instrument of political victimisation and abuse, and to restrain Police Service of Pakistan (PSP) officers from behaving in partial and unnecessarily violent ways. But such reform meant overturning a policy that had been in place for a century and a half.

Since independence, Pakistani police have been operating under the legal framework police order of 1861 (PO 1861) provided by a colonial rule. Many commentators regard the colonial laws as the root cause of most of the country’s problems (Yousaf, 2019; Brown, 2008; Sharkey 2003; Cohen, 2012; Wilder, 2010; Bezhan and Khattak, 2017), including that of policing (Suddle, 2003; Abbas, 2011; Shigri, 2012). It was PO 1861 that placed police under strict state control, making the force strictly subservient

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<sup>6</sup> <https://www.youtube.com/watch?v=EEo-Usj5Zb8>

to the political government and an effectual instrument, not of rule of law, but of colonial control and repression. Article 5 of PO 1861 stated:

The superintendence of the police throughout a general police district shall vest in, and shall be exercised by, the state government to which such district is subordinate; and except as authorised under the provisions of this Act, no person, office or court shall be empowered by the state government to supersede or control any police functionary.

Under the provisions of PO 1861, this authority was exercised by the District Magistrate or Deputy Commissioner (DC), a post occupied only by members of the British colonial civil services during colonial rule (Sharkey, 2003, p. 68).

Preliminary research showed that since 1947 a number of commissions were set up by governments to look into the problems of Pakistan police but their recommendations were ignored. However, it is important to note that, as one informant stressed, ‘the changes recommended by the commissions were general and incremental and always within the parameters of 1861, recommending only peripheral changes in procedures’.<sup>7</sup>

Preliminary research also indicated that the police order known as PO 2002, which dealt specifically with the issue of ‘political control of police’, was implemented nation-wide on 14 August 2002, completely replacing PO 1861. The most salient features of PO 2002 were that it secured the tenure of the Inspector General (IG) of police to three years as a measure to protect them from political pressures and save

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<sup>7</sup> Retired IG police T. Aly Khan interviewed in 2018.

them from easily falling into politicisation. It also removed Pakistan police from political control of the executive instead it increased the external control of local political actors and local communities on local level police. The democratic intent of the order was clear in its opening statement (see Appendix A):

*An Order to reconstruct and regulate the police;*

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

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

PO 2002 introduced new external structures like ‘Public Safety Commissions’ and ‘Citizen Committees’ at all tier of government for police external accountability and citizen oversight. The reform was openly welcomed by all classes who hoped it would indeed enable the police force to ‘function according to the Constitution, law, and democratic aspirations of the people of Pakistan’ (PILDAT Report, 2015; Civil Petition No.1282 of 2014). Control of police by local communities through the Citizen Committees and Public Safety Commissions was seen as the most democratic feature, and was expected to direct the PSP toward democratic policing (CPDI Report, 2015).

PO 2002 failed during its implementation and was repealed in 2011 after an 18th constitutional amendment which declared law and order a provincial subject, giving each province the autonomy to make its own police arrangements. After this all provinces reverted to PO 1861 immediately. It seems important to understand why such an explicitly democratising policy, one in which many people placed great hopes, failed. That is the object of this study. Existing explanations are sparse. The thin literature on PO 2002, mostly written by institutional actors and domestic Non-

government Organisations (NGOs), does not provide a trajectory for the Musharraf regime's reform or details of the socio-political dynamics of Pakistan that underpinned it. It tells us that amendments were made to PO 2002 in 2004 but is silent on why changes were perceived as needed and on how the policy performed thereafter. It concludes, however, that ultimate policy failure was the result of 'lack of political will' (Suddle, 2012; Abbas, 2011) and/or bureaucratic politics (Manzoor et al., 2014).

It seemed to the present author at the start of this research that the vicissitudes and conflicts of bureaucratic politics was the more probable explanation, though this assumption was refuted in the process of investigation. But preliminary inquiry at least yielded the central research question:

### **Why did PO 2002 fail?**

This seemed an important question to address because its answer carries significance for the struggling democracy of Pakistan and, by extension, other transitional regimes. Absent understanding of the causes of PO 2002's failure, it is hard to evaluate what a good policy for Pakistan police respecting democratic consolidation might be.

## **1.2 Research Procedure and Summary of Results**

To address the central question, this thesis consulted theories of public policy including those of bureaucratic politics, and decided to employ the theories of policy process and methods developed by Sabatier and Jenkins-Smith in their work on advocacy coalition frameworks (ACF). ACF focus on identifying and mapping all the actors and coalitions involved, their various beliefs and the objectives they wanted to achieve through the policy. Documenting each actor's beliefs and behaviour allows us to see policy change as either the function of competition between various policy

coalitions, or of policy learning resulting from events outside or inside the policy system. Taking into consideration the impact of external perturbations and internal shock events in addition to the role of superior jurisdiction and policy coalition gives ACF an added advantage of using it simultaneously for both top-down and bottom-up analysis. By closely mapping the beliefs of policy elites and the impact of events beyond the policy domain, ACF analysis uncovers the dynamics of decision making, the politics of policy making and, importantly, the role of policy learning.

It is important to note at the outset that in Pakistan a culture of secrecy regarding policy and policy issues exists and no proper right to information (RTI) laws are on ground that could help overcome this obstacle. This makes collecting authentic data for empirical research very difficult. It was therefore decided that semi-structured interviews with key informants, selected through purposive sampling, would be the best method for this research. Since PO 2002 was promulgated by the Musharraf regime, it was imperative to contact General Musharraf or members of his regime for interviews. On my request General Rashid Qureshi, who had served as personal secretary to General Musharraf, contacted him regarding interviews for academic research. However General Musharraf was seriously ill and hospitalised at the time, but on his own instructions his personal secretary General Rashid Qureshi requested the Chief of Army Staff (COAS), who had served with Musharraf, to act as a substitute.

Formal interviews began in November 2018 and lasted till August 2019. Long and detailed interviews with the retired COAS and with General Qureshi, who also served as the Director General of 'Inter Services Public Relations' (ISPR) and later as private secretary to General Musharraf, were conducted. Later, another member of the Musharraf regime, a retired DG Military Intelligence (MI), offered of his own volition

to provide information. The research greatly benefitted from the information shared by these actors, which helped to remove the bias in existing research and to understand the causal factors that led to the changes in PO 2002 in 2004. Other informants interviewed included key actors from Pakistan police who were directly involved in the design and implementation of PO 2002, including IG Shoaib Suddle and IG Ali Shigri to whom most of the published work on police reform is attributed. Others were a retired director of Pakistan Police Academy and a retired IG police, the later had also filed a case in the High Court for the restoration of PO 2002. In order to avoid potential bias care was taken to include both IG police who supported the PO 2002 and those who opposed it for a more balanced understanding of the issue. Others informants included official members of Pakistan political parties, a legal advisor to the Musharraf regime, a Justice of the High Court and a prominent lawyer Naeem Bukhari who fought the Panama case against Nawaz Sharif and worked in the advisory capacity to the Musharraf regime. He is also expected to be appointed as Pakistan's next Attorney General. A senior member of PPP was also interviewed in Islamabad, who gave useful information about the critical link between a national crisis related to the blasphemy law and the PO 2002 which led to the subsequent rejection of PO 2002 by all the provinces and the centre in 2011.

To test one of the alternate hypotheses that is, if PO 2002 had failed due to bureaucratic politics, two senior in-service civil servants were also interviewed during November, 2018. Neither of them wanted to disclose their names or posts. Domestic NGOs active in the policy domain were also selected through purposive sampling, and interviews were also conducted with members of Pakistan's academia, the media, and informed members of civil society. Almost all interviews were conducted face to face in Islamabad. Only four interviews were conducted on the phone and this was because

the domestic NGO members were not willing to give time for face to face interviews. One of the domestic NGOs was stationed in Karachi, and the university did not give me permission to visit Karachi. During the telephonic call the programme director of this NGO asked me to send him the questions through email and promised that the organisation would reply via email. It took a number of reminders to finally get a reply from them in August, 2019. Only one interview, out of the four conducted with IG Suddle, was conducted from Brisbane, Australia through Skype. Other methods used included archival research, available public documents, verdicts of higher courts on blasphemy cases, reports of various national and international organisations, reports of domestic NGOs on the subject and other authentic data.

Although almost all of the interviewees gave lengthy and candid interviews lasting for three to four hours, it is accepted that even key informants tend to conceal a lot of relevant and necessary information. Their input had to be cross-checked with inputs from other informants and placed in the proper political context of the time. Furthermore, the role of various coalitions and interest groups that came together to influence the policy process could not be ignored. These coalitions further introduced methodological challenges in assessing causal influence. While ACF helps in overcoming many difficulties, empirical scientists recommend that process tracing serves as a good methodology when faced with similar complex causation. ‘Process Tracing is very much case centred and focuses on temporal unfolding and dense interactions of causal factors in specific cases’ (Blatter and Blume, 2008, p. 316). It adopts sequencing of auxiliary information (cause and effect) and uses various tests to carry out a process of elimination which finally helps in determining causality (George and Bennett, 2005; Collier, 2011; Mahoney, 2012, 2015).

The research revealed that acute problem of politicisation of police started in the 1990s during the regimes of Nawaz Sharif and Benazir Bhutto. These regimes not only launched the neoliberal transformation of Pakistan but also implemented policies that favoured only one ethnic group over others. The dislocations and instabilities caused by neoliberal policies, combined with ethno-nationalistic favouritism, resulted in ethnic conflicts on distributional issues, in some metropolitan urban centres of Pakistan. Both these governments used excessive force of the police and the military to crush angry ethnic groups and political opponents. A factor adding to the already complex problems of the time was the presence of a career bureaucrat, Ishaq Khan, as President of Pakistan who resisted the state's neoliberal transformation as designed by the politicians. Ishaq Khan enjoyed extraordinary powers under the Eighth Constitutional Amendment, allowing him to dissolve the legislative assemblies and send any elected prime minister home at the stroke of the pen. Conflict of bureaucratic elites with the executive and frequent changes of government led to a deep politicisation of state institutions, including Pakistan police (Khossa, 2012, p. 31). In this milieu, 'the culture of PSP officers seeking political patronage to protect their posts developed' (Suddle, 2012, p. 36).

This period of ethnic conflict, political and institutional instability finally ended with the bloodless 1999 coup d'état that led to the Pervez Musharraf regime, under which police reform (along with a number of other significant reforms) was launched. This research finds that the PO 2002 design process (details in Chapter 6) was dominated by institutional actors who availed themselves of the window of opportunity to make material gains and remove career bottlenecks. One Inspector General, Shoaib Suddle, used the opportunity to make a disruptive change. He proposed removing police from central executive control and placing it under the control of local political actors and



communities. The general distrust of politicians and the absence of an effective epistemic community led to ready acceptance of his proposal.

In 2001, before the new policy could be implemented, the 9/11 event occurred in the US, resulting in an unprecedented change in the national mood in Pakistan. Musharraf lost support as the public disowned the 'US-led war on terror' to which he had committed Pakistan. He now faced a dilemma. Further, thanks to PO 2002 he could not use Pakistan police to fight local terrorism because local communities, which now held the control of police, had no ownership of the war on terror and strongly resented his decision to join it. Meanwhile the military insisted that fighting domestic terrorism was the responsibility of the police. In order to ensure that police followed the direction set by the state, changes were made to PO 2002, reinstating soft control of the state over provincial heads of police and heads of the intelligence agency (Chapter 7). District PSP officers and Station House Masters (of police stations), however, continued to operate under the control of local political actors and communities.

After the end of the Musharraf regime and the elections, the Pakistan People's Party (PPP) government witnessed a sudden surge of violence in some areas of the country, with local communities sometimes using police to victimise minorities and vulnerable groups. The most well-known case is of a Christian woman, Asia Bibi. She was arrested under community pressure by police inspector on charges of blasphemy prior to proper police investigation. She was later sentenced to death by a session court. This incident and many other similar incidents brought to open the unnecessary and problematic procedural delays introduced by the internal structures of PO 2002. In the backdrop of the national blasphemy crisis, the external structures of police-community interface in PO 2002, meant to increase the influence of local communities

on the local police stations, also came to be identified as problem parameters. Various national and international organisations, human rights activists, journalists etc exerted their force on the PPP third government to ensure safety of the accused and revise the blasphemy law. The initial efforts of the PPP government directed at creating public support for revision of the blasphemy law cost it the life of the governor of Punjab, Salman Taseer. After this the government changed its strategy and committed itself to taking all necessary measures to ensure the safety of the accused. It was this core belief that finally led to the repeal of PO 2002 in 2011.

The research concludes that PO 2002 failed, not because of lack of political will or bureaucratic resistance, but because it was not a suitable policy for Pakistan. It was made by PSP material coalitions with the core belief of removing the bottle-neck from their careers, without any consideration of the socio-political realities of Pakistan. Its main feature of putting control of police in the hands of local political actors and local communities, a supposedly democratic initiative, proved a recipe for fragmentation and conflict in a heterogeneous nation. It also meant loss of control by the government for achieving significant policy objectives (e.g. combatting terrorism). As a result of policy learning, it was perceived in 2004 that some form of soft state control of police was necessary. PO 2002 failed because it impeded the executive's ability to command and implement decisions and the material objectives of PSP officers it served impaired it from helping to de-politicise the police force. Instead it became an instrument of politicisation across fragmented ethnic communities with deleterious results.

Overall the dilemma that PO 2002 aimed to resolve remained. Neither the depoliticization of police and security nor the accountability of Pakistan police could be ensured. Distrust of elected politicians which had led to the making of PO 2002 and

its wide acceptance by the public, still remains the main impediment to consolidating the fragile electoral democracy of Pakistan. This thesis therefore contributes to the literature on democratic transition and consolidation in diverse multiethnic states by highlighting the issue of political trust in the executive. It concludes by canvassing models of policing that may address the problem of maintaining adequate democratic control of police while avoiding undemocratic politicisation of the force.

### **1.3 Thesis Structure**

The thesis is divided into three parts and comprises seven chapters in total. In the first part, **Chapter 2** reviews the relevant literature and examines the problems of policing in transitional democracies. **Chapter 3** covers the theoretical and analytical framework that was used in this empirical research, including theories of policy change and policy learning. It explains details of the ‘advocacy coalition framework’ (ACF) developed by Sabatier and Jenkins-Smith (1999) which is adopted for policy analysis. ACF was preferred over other approaches because it allows us to dig deeper and uncover the beliefs and objectives of various policy actors vis-à-vis the policy, monitoring any changes in beliefs that take place and why. And the single framework can be used to unveil top-down and bottom-up approach to policy change.

In Part Two, **Chapter 4** presents the historical background of Pakistan which helps us understand the evolution of Pakistan police post-1947 and especially post-1971. It gives reasons for the political turbulence of the 1990s and the factors that led to the extreme politicisation of police and controversial police performance during the decade.

Part Three is informed by fieldwork and interviews and consist of three chapters

focusing exclusively on the policy design, the policy implementation and the policy annulment phase of PO 2002. **Chapter 5** identifies the various policy actors and coalitions involved in the policy design phase and gives details of the beliefs and objectives of each. It also gives details of various policy sub-systems that influenced the policy outcomes. **Chapter 6** discusses the external events impacting the policy arena, which ACF calls ‘external perturbations’. In this case it was 9/11 and the subsequent war on terror that initiated changes in the socio-political conditions in Pakistan, a change in public mood, loss of public support for Musharraf and public backlash against minorities. All these factors created conditions which led to the decision of revising PO-2002. **Chapter 7** gives details of the shock event linked to blasphemy law and the role of PO 2002 in aggravating the already complex situation. As a result of which PO 2002 was withdrawn completely.

The last chapter, **Chapter 8**, is a conclusion which comprehensively rejects the two existing alternative hypotheses in the existing literature, one, that PO 2002 failed because of loss of political will and, two, that PO 2002 was a victim of bureaucratic politics. Also included is a section on testing the alternative theory of institutional imbalance confronting democratic consolidation in Pakistan. It concludes that the central problem lay with PO 2002 itself, which proved an entirely unsuitable policy for attaining democratic policing in Pakistan.

# **PART I**

**Literature Review**

**Theoretical Framework and Methodology**

# **Chapter 2**

## **Literature Review**

This literature review attempts to summarise the vast and dispersed literature on police reform. The chapter begins with the review of the literature that links police and democracy and elaborates on the importance of policing in democratic consolidation. The second section shares the literature on the problems of police reforms in troubled democracies mainly of Latin America, Bosnia Herzegovina and Ireland. The next section focuses on the difference between ‘political control’ of police and politicisation of police in modern democracies. Most closely consulted was the literature on police and police reform on Peel’s Police Model used in Britain and other common law countries like Australia, Canada, and USA. This is important because the link between PO 1861 and Peel’s police model was established by David Bayley (1986, 2017), who argued that civilian control of police force was the salient feature of both Peel’s police in UK and the police force in the Indian sub-continent. The latter was a civilian force administered by the British civil bureaucracy and not the military, whereas police in other British-occupied land like Burma and South Africa were military controlled. And the last section is dedicated to police reforms in Pakistan and the scholarship looking into the problem of democratic consolidation in Pakistan.

### **2.1 Police and Democratic Consolidation**

There is general agreement that an effective, professional, un-politicised and accountable police force helps stabilise and strengthen democracies. This is because

such a force plays an instrumental role in a democratic government's commitment to implementing its policies. If citizens feel confident to exercise their freedoms and preferences without any fear of reprimand or victimisation, this in turn helps develop their trust in the political institutions and political processes, hence in democracy (Linz and Stepan, 1996; Bayley, 2006; Pino and Wiatrowski, 2006; Light et al, 2015; Pardo et al, 2012; Ellison, 2007; Goldsmith, 2005; Davis, 2007; Jackson, 2001; Heymann, 1995; Sklansky, 2005). Police is one institution that helps in building this trust and stabilising democracies (Banton, 1964; Smith, 1983). Linz and Stepan's (1996) case studies of democratic transition and consolidation in Southern Europe, South America and Post-Communist Europe highlighted certain further aspects of the police-democracy interface facilitated democratic consolidation. They listed three arenas, which they called the 'definitional prerequisites', necessary for the democratic consolidation. One, an autonomous political society that arranges itself to contest 'the legitimate right to exercise control over' public power and state apparatus. Two, a robust civic society with the capacity to generate political alternatives and to monitor government: 'To achieve a consolidated democracy a necessary degree of autonomy and independence of civil and political society must be embedded in and supported by the rule of law' (Linz and Stepan, 1996, p. 10). Three, a clear hierarchy of laws to ensure legal guarantees for citizens' freedoms, interpreted by an independent judiciary and supported by a strong legal culture in civil society. This indicated that police should refrain from unnecessary use of force and use only minimal force if required.

Thus, the political control of police by the elected government falls under the 'definitional prerequisite' for democratic consolidation. Linz and Stepan insist that the state's bureaucracy should be 'usable' by the elected government (executive) so that they can easily deliver basic services to the citizens. Any politicised state

institution, for example that of police, is likely to impede service delivery and impact democratic consolidation. They give the case of Chile, where officials were appointed to key positions by rival politicians, the usability of the bureaucracy was made difficult for the next elected governments, impeding democratic consolidation (Liz and Stepan, 1996, p. 250). Various other scholars have also linked the ill-effects of partisan dominance to increased corruption in state institutions (Fukuyama, 2014; Holt and Manning, 2014; Bersch et al, 2016). In short, a politically controlled and un-politicised police force helping the executive and working to promote rule of law, is a necessary requirement for democratic consolidation. These are the key attributes that any police reform aimed at augmenting democratic consolidation should seek.

Considering the partisan traditions of modern democracies, many scholars believe that political control on police is best managed through an intermediary acting as a buffer between executive and police. This is mainly to reduce, if not completely eliminate, political interference in police functions, to remove the problem of politicisation and to ensure the usability of police for successive elected governments. Police should continue to enjoy functional autonomy necessary for effective operations under any government (Porta and Reiter, 1998; Stenning, 2007; 2011; Walsh and Convey, 2011; O'Donnell, 1993; Jobard, 2015; Reiner, 1992; Finnane, 1994; Stenning, 2011; Bayley, 2017; Bowling et al., 2019).

Designing a police reform to tackle all these diverse challenges is a daunting exercise, but empirical research shows that successful implementation of well-designed reforms is even more difficult (Ellison, 2007; Bayley, 2008). Scholars who take a sociological and anthropological perspective highlight the impact of unwritten societal and cultural rules in the implementation of police reforms (Goldsmith, 2005; MacDonald and



Stokes, 2006; McMahon, 2007; Fogelson, 1977; Demirkol and Nalla, 2019; Marat, 2018). Researchers using the lens of public administration tend to see pervasive corruption and institutional incapacity as the main reasons for police reform failure (Hope, 2016; Chanin, 2017; Mendel, 2017; Abbas, 2011; Uildriks, 2010; Ashby et al., 2007). Those who take a public policy perspective note the role of various policy actors, institutional actors and the impact of external socio-political factors and events on the successful implementation of the reforms (Bayley, 2017; Ellison, 2007).

## **2.2 Transitional Democracies of the 1990s and the Causes of Failure of Police Reforms.**

Despite an understanding of what the police reform should include, there is disagreement on what reform processes actually manage to achieve (Ellison, 2007; Stenning and Shearing, 2005, p. 169). The causes of failure in the transitional democracies of Latin America, Africa, Asia and Eastern Europe are frequently studied. Factors noted include broad changes in the socio-economic environment and lack of trust in the police due to its misuse by previous authoritarian regimes. Nathan Pino and Michael Wiatrowski in their book 'Democratic Policing in Transitional Democracies' share case studies of democratic transition in countries of Africa, South America, Asia and Europe. They argue that police reforms cannot be implemented successfully in isolation, but must 'run in concert' with socio-economic developments, modernisation, efforts to improve human rights, judicial independence and other government reforms (Pino and Wiatrowski, 2018). Diane E. Davis (2007) focused on the transitional democracies of Latin America where the demand for police reforms was linked to high rates of crime, organised crime, human trafficking, violence etc.. These factors caused

public unrest and political instability in countries like Brazil, Mexico, Colombia and Chile. Davis urged the need to look beyond the simple democracy and development nexus to understand the causes of the failure of police reforms. Based on her case study of Mexico, she argued that the problem of policing and police reform in Mexico and in most Latin American countries is not just limited to the presence of a criminal mafia. The daily conflicts and violence in these societies are the direct result of insecurities caused by market liberalisation, social injustice and fears that had become commonplace, permeating the daily routines of citizens. 'Citizens are pushed to take matters in their hands' as a result of police ineffectiveness (Davis, 2007, p. 5). Kent Eaton (2008), looking at the case of Argentina, highlights the conflict between the demand for democratic policing and the simultaneous demand by conservative segments of civil society for 'heavy handed' responses, which end up derailing reforms. Mercedes Hinton (2006) looks at the failure of police reforms in Argentina and Brazil. The reform process ostensibly wanted to address: one, corruption at all levels of police; two, the issue of political interference; three, lack of vertical and horizontal accountability; and, four, fierce political party competition. But Hinton found that the reform game was nothing more than 'public-political theatre'. She saw intense social and economic stratification and a long history of social inequalities as the main causes that had weakened the citizen's capacity to be heard (Hinton, 2006, p. 80). Huggins (1997) examines the socio-organisational roots of formal police systems during the post 1985 transition period in Latin America. She finds that the decentralisation of policing resulted in loss of state control and encouraged privatising of policing as a response to state failure. Brogden (2005) in 'Horses for Courses and Thin Blue Lines' argues that the community policing models are characterised by rising crime rates and challenges the motives behind implementing community policing in Latin American transitional democracies.

Researchers using historical institutionalism explain the failure of police reforms in Latin American countries as a direct result of institutional inertia, path dependency, and the continuation of previous regime members in the bureaucratic hierarchy of police (Pereira & Ungar, 2004; Dammert, 2007a; Fruehling, 2009; Uildriks, 2009; Unger, 2011; Macaulay, 2012). Because of the latter, the oppressive and malfeasance culture abusing the powerless and poor continued in the police force even after the end of the oppressive regimes (Pereira and Ungar, 2004; Hinton, 2006). Some researchers observed that the ‘strongest resistance to police reform in most of the Latin American countries came from within the police’ (Gonzalez, 2017). In Argentina, for example, police officials successfully managed to dismantle a system of neighbourhood security forums that allowed citizens to conduct oversight of police (Gonzalez, 2017). Andrew Goldsmith (2005) highlighted the importance of trust in implementing police reforms. He argued that police reforms are mostly undertaken in post-authoritarian regimes in developing countries where there is a lack of public trust in police. He highlighted the need to ‘deinstitutionalise distrust’ to build and ‘maintain’ trust by looking beyond the structural and procedural changes within police, and at the wider environment in which policing occurs to develop general trust in governance and institutions.

The other group of countries that face problems of police reform are ethnically diverse and ethno-politically conflict-prone states like Northern Ireland, Bosnia-Herzegovina, Macedonia, Georgia and Croatia ( Celedor, 2008; Donais, 2006; Muchlmann, 2007; Ellison, 2007; Light, 2014; Koneska, 2014). In these countries, the police and justice systems were both seen to be part of the problem (Ellison, 2007). These states faced what scholars of democracy called ‘polis and demos incongruence,’ that seriously challenged democratic transition and consolidation (Dahl, 1989, p. 207; Brubaker,

1994; Linz and Stepan, 1996, p. 26). Chandler (2006) argue that in constructing or reconstructing institutions of governance capable of providing citizen with physical and economic security there were more concerns from failing states than from conquering states. In 1990 police reform had become the essential pre-requisite for Bosnia- Herzegovina because, not only were police themselves showing lack of respect for human rights and inefficiency in ensuring security of all citizens, but control of police by the state was seen as especially problematic due to no consensus on power sharing between various communities (Koneska, 2014). The much-needed police reforms could only be managed under international supervision. Although peace was restored after long international efforts, the success of police reforms is highly debated. Cvete Koneska's (2016) research on Bosnia- Herzegovina looked at the reasons behind the failure of the 'European Union Police Mission' (EUPM) that supervised the police reforms from 2004 to 2008. Her findings showed that failure was due to the two political elites, 'Serbs' and 'Bosniaks', continued unwillingness to accommodate one another. And of these two, Koneska states, it was the Serbs that showed more resistance to police reform. T. Muchlmann (2007) and Celedor (2008) argued that EUPM-introduced police reforms in fact further politicised the police force against local stakeholders.

Similarly, police reforms in Northern Ireland were also implemented under the supervision of an International Commission for Policing (ICP) as a part of conflict resolution. The case of Northern Ireland is of special importance for this study because preliminary research showed that the Royal Irish Constabulary Model, under the Constabulary (Ireland) Act of 1836 - which was identified by researchers as 'part of the problem' in Ireland - was the same as that implemented in the sub-continent as Police Order 1861 (Brogden, 1987; Suddle, 2003; Ellison, 2007, Light, 2014). The

police reforms implemented in Northern Ireland under international supervision have had mixed reactions from political scientists. Bayley (2010) appreciated them for the ‘sustainability factor’, but this is debateable as they are monitored and run by ICP not by local political actors. Ellison (2007), on the basis of the evidence he collected, remained sceptical. He argued that while power-sharing in the Northern Ireland Assembly was re-established, the policing and justice power remained under the control of the Westminster Parliament, which resulted in lack of ownership of police reform by local political actors. His research also indicated that there was a lack of evidence of support for cross-community involvement in the new policing structure. Similarly, there was a lack of evidence of accountability against officers who were actually found committing human rights abuses. Maurice Punch (2009) had also called attention to the complex issues of accountability in the Northern Ireland police, observing that most corrupt police officers could not be held accountable because of their ‘connections,’ indicating high politicisation in NI police. He also stressed the need to locate the problem of police reforms and policing in the wider context of the organisation and the nature of politics in Northern Ireland (Punch, 2009).

Michael D. Wiatrowski (2016), in his book ‘Democratic Policing in Transitional and Developing Countries’, studied policing in Iraq, South Africa, Northern Ireland and Kazakhstan. He Rejected a ‘one size fits all’ approach, arguing that policing models and practices promoted by the West are often inadequate for countries making a democratic transition. He stressed the need for tailoring local democratic policing strategy to socio-economic development and citizen capacity for successful police reforms.

Some comparative research linking police and democracy has also been undertaken. Salih Can, Izzat Lofca and Bradley Chilton (2002) conducted a cross-national study in Turkey and 14 other countries to see which specific polices practices were correlated to the level of democracy and human rights. They used the Freedom House Index to analyse a very diverse group of countries including Australia, Brazil, China, Cambodia, France, Netherlands, Russia and Saudi Arabia. Their statistical analysis showed that decentralised police organisation was more likely than centralised organisation to promote democracy. Matthew Light, Mariana Prado, and Yuhua Wang (2015) studied the impact of external oversight institutions in reforming police and policing in a comparative study of policing in the transitional democratic or authoritarian regimes of Russia, Brazil and China. They observed that China, although an authoritarian regime, had external oversight institutions which reflected a conscious effort by the Chinese Communist Party to improve policing. These structures, they claimed, directly contributed to increasing the ‘repressiveness’ of Chinese Police. On the other hand, they explained the abusiveness observed in Brazilian police as a result of the *failure* of oversight mechanisms in the post-transition era. In between these two cases they placed the Russian police which appear less systematically repressive than the Chinese police and less violent than the Brazilian police. They concluded that this showed Russia’s partial recovery since the Soviet collapse.

### **2.3 Issue of Political Control, Democratic Policing and Community Policing in Western Democracies.**

Understanding the causes of failure of police reforms does not tell us what constitutes good police reform. To evaluate the merits of PO 2002 it was also imperative to look

at how the main issue of political control, democratic policing and community policing has been addressed in mature democracies. Literature on police in countries that shared the same root with Pakistan of Peel's police model was especially studied.

Most literature of interest fell under the category of police governance or political control of police. Walsh and Conway (2011, p. 46) state that 'governance of police is related to its interaction with government, determining the priorities and strategies, deployment choices and maintenance of standards and the formal accountability process'. The main significance of police governance is that it can be used either to promote values of transparency, responsiveness and the maintenance of professional and ethical and human rights standards, or to deploy police as a tool of repression and a facilitator of a police state (Walsh and Conway, 2011). Some express concern that removal of political control from police is likely to result in 'insulating police from democratic direction and accountability' (Walsh and Conway, 2011, p. 15). Yet the question is not *whether* police should be under political control – after all, police resources, nominations, promotions, working conditions, and policies are always defined by some central, regional or local political authorities (Reiner, 1985; Stenning, 2011; Bayley, 2017). The real question is *whose* control they should be under and for what purposes.

Anthony Pereira argues that politicisation of police has two variants. When control on police is driven by political competition it is a threat to democracy, but control by the executive branch without partisan favour helps democracy (Pereira, 2014). Removing police from executive control by central government is expected to introduce diverse standards of policing (Bobb, 2006). Yet how is the wicked version of politicisation to be prevented when control remains with the centre? Robert Peel, when he founded the

first London Metropolitan Police Force, attempted to reduce partisan political interference through the use of police commissioners as a buffer between government and police (Bayley and Stenning, 2017). However, researchers do not agree that these commissioners, as was once generally believed, ever enjoyed true autonomy. The nineteenth century legislation that established police services in the UK and common law countries ‘made it obligatory’ for the police commissioners and police chiefs to follow the direction set by the police ministers (Stenning, 1982; Bayley and Stenning, 2017, p. 22; Bayley, 2017, p. 5).

Philip Stenning carried out a detailed study of the governance of police in common law jurisdiction countries, for example, Australia, Canada and South Africa. He stated: ‘I have not found any common law jurisdictions in which police are not politically accountable, for their law enforcement activities and their decisions are accepted in practice’ (Stenning, 2011, p. 256). In all these countries police commissioners are directly accountable to the government through the minister in charge. He argues that their job description does not provide space for operational independence. Using job description documents issued to police commissioners Stenning (2011, p. 263) showed that in Australia it was obligatory for the police commissioner to align with government policies and preferences. In South Africa he notes: ‘The idea of police independence has its place in discussions around the new constitution and the New South African Police Services Act, 1995. But the concept is not reflected in the provisions of the constitution concerning the police services’ (Stenning, 2011, p. 187). The Act obligates: ‘The National Commissioner must exercise control over and manage the police service in accordance with the national policing policy and the directions of the cabinet member responsible for policing’ (Stenning, 2011, p. 259). The job security of the police chiefs is also on shaky ground for, although the term in



office is fixed, an official can still be removed on issues of efficiency. Dupont (2003) argues that in England, Wales and Australia, the New Public Management Model shifted the tenures of commissioners from 'life term' to 'fixed-term', effectively curtailing their freedom and placing them more surely under political control:

'Commissioners who want to pursue a career in policing will try to avoid at all costs a quarrel with their ministers. Governments have also embedded in their contracts of employment very detailed performance clauses..... Each operational responsibility of the commissioner is therefore delineated in objectives and strategies to be implemented, which correspond to the priorities determined by the government' (Dupont, 2003, p. 22).

In continental countries like France, executive control on police is achieved through separating law enforcement from other branches. For example, central government handles police operations on riots, protest and collective violence through their local representative, the 'prefect' (Stenning, 2011). 'The government prefect gives the orders and the police commissioner receives the orders and implements them' (Chapman, 1954, p. 505). Overall, in both common law and continental countries, when the focus is on maintaining law and order, governments favour strict control over police matters (Stenning, 2011; Bayley, 2017).

There is some division regarding which *level* of government should hold authority over police. Most scholars maintain that the governance or control of police should be the responsibility of the executive. Mark Finnane (1994) argues that police are part of state bureaucracy and of the basic machinery by which the executive controls the affairs of the state. 'If police belongs anywhere in the triumvirate it belongs with the

executive' (Finnane, 1994, p. 33). This position is supported by others like Stenning (2011), Bayley (2017) and Walsh and Conway (2011).

Laurence Lustgarten (1986), on the other hand uses the constitutional theory to argue that the principal political responsibility for control of policing should rest in the hands of the 'locally elected authorities'. He reduces the role of the central government to ensuring that local authorities maintain a minimum standard of technical competence, respect for civil liberties and fundamental human rights. Central government he believes must hear and dispose of public complaints of the police by establishing genuinely independent and effective bodies (Lustgarten, 1986). This model is mostly followed in the USA where political control of police rests with the states or local political actors like mayors. But such a solution does not reduce the problem of political interference in police and in fact further introduces a problem of standardisation. Goldstein's (1977) states that as a result of local control, over the years US police departments had become among the most autonomous public organisations in the urban governments of the USA (Goldstein, 1977, p. 5). Bobb (2012) states that USA police has become increasingly aloof and unaccountable. Jobard (2015) also linked the problem of USA police accountability to the political control of police . He finds that the problematic police behaviour is a function of organisational culture and collective identities which determine police response to minority groups, racial groups, weak groups etc. (Jobard, 2015, p. 2). Overall scholars agree that political control of police is inherent to the police. Most authors would agree that, 'as long as political control of police does not carry partisan, corporate or individual interests it is considered fair, legitimate and just' (Bowling, 2019, p. xiii). Concern remains, however, that partisan governments may use police force to crush political opponents, endangering democracy. The open-ended challenge 'is to devise methods [of police

governance] which strike a reasonable accommodation between these conflicting tensions' (Walsh and Conway, 2011). Stenning (2011) insists that the best method of controlling politicisation of police is through accountability, not just that of the police officials but also that of the politicians.

The literature highlights two approaches to resolving the tensions: community policing and democratic policing. Community policing is understood as some form of civilian oversight that involves partnering with or delegation to the community (Kahan, 2002; Meares, 2002). 'The idea is to find ways of enhancing informal social control so that the need for political intervention can be minimised' (Bittner, 1970, p. 40). Bayley identified four basic elements of a community policing programme: one, community based crime prevention; two, proactive servicing rather than emergency response; three, public participation in the planning and supervision of police operations; and four, shifting command responsibility to lower rank levels (Bayley, 1988). Some researchers have approved this as a democratic alternative and labelled it international best practice (Sklansky, 2008, p. 82; Muller, 2010, p. 22; Arias and Ungar, 2009). Bayley (1991) writes that in the 1990s community was the only resources available to police, thus, police was advised to use it. It was believed it could also counter the fear of collective violence by disadvantage group in the urban communities.

David Bayley conducted a comparative analysis of community policing in various countries and noted that problems with community policing included a decline in public safety, loss of capacity of police to maintain public order, an increase in the power of police relative to other government agencies and a weakening of the rule of law as a direct result. According to Bayley, 'it [community policing] seems less a program than a set of aspirations wrapped in a slogan' (Bayley, 1988, p. 225). It also

runs the danger of making policing subject to the local standards of communities which may be an equally or more compelling form of partisan control (Kelling, Wasserman and Williams, 1988; Kelling and Moore, 1988, p.41; Jordon, 2000; Bonner, 2019). Overall, most empirical researchers agree that community policing had failed to deliver the desired result.

Democratic policing on the other hand involves a set of procedural regularities and practices prescribed for police to ensure that they respect human rights and use force only when necessary and within the boundaries of democratic principles. Bayley (2005) proposed four minimal requirements: 1) police be accountable to law and not to the government; 2) police protect human rights and political rights (those related to political participation); 3) the policing priority is protection, not of the state, but of citizens as individuals and private groups; and 4) constraints on the use of force are enforced by institutions external to the police force. A number of scholars, argued that policing is democratic 'when elected political leaders are able to effectively use police for upholding rule of law and police as public servants respond to citizen complaints, respect human rights and the notion of justice and equality, use minimal level of coercion and are accountable for their actions' (Manning, 2010; Bayley, 2008, p. 19; Holsten and Caldiera, 1998, p. 282; Linz and Stepan, 1996; Jones et al., 1996, p. 190). For Sklansky (2005) democratic policing is a method of making police accountable to external and societal standards. Democratic policing should be about striking a right balance between letting police do their job effectively and preserving democratic liberties of the people (Sklansky, 2005). Overall, like community policing, democratic policing also appear more of a slogan, with very little impact on the core issues of police governance.

Researchers have also traced the origin for the demand of police autonomy or removal of political control from police. There are two broad groups; One trace it to the political restructuring of the nineteenth century and the changes in policy making practices. Both state that the demand originated from within police. For example, researchers like Marshal (1965, 1978) and Stenning (2011) trace a history for the demand for police autonomy to the idea of independence of the judiciary during the nineteenth century radical parliamentary reforms.

The fact that the ‘new police’ were no longer governed by the judiciary and could not therefore benefit from the newly emerging concept of ‘judicial independence’, and that they were increasingly subject to political governance and accountability, posed a challenge to which the gradual emergence of a doctrine of ‘police independence’ was the response (Stenning, 2011, p. 9).

Finnane, in his study of Australian police, traces the demand for police autonomy to the increased role and influence of police in both policy making and law reforms from the 1890s. His research showed that police administrators working as ‘very active agents in the political process’ attempted to affect the conditions of their work (Finnane, 1990, p. 219). Peter Sallman ( 1989, p. 209) also linked the demand to the desire to ‘exercise political power by individual police and policing organisations’.

The other group comprise of scholars who link the demand of removal of political control from police to the broader socio-economic transformations and changing perceptions about crime (Reiner, 2000; Bowling et al, 2019; Goldstein, 1977).

All these recurring issues and dilemmas arose with a vengeance in attempts by Pakistani governments to reform Pakistan’s police, as we shall see.

## 2.4 Police Reforms in the Fragile Democracy of Pakistan

There is no research that looks at the problems of Pakistan police reform in light of the multifaceted and complex issues faced by the country. Police reform is important for Pakistan because the sheer size of the police network, spreading to all corners of the districts, tehsils and localities of the country, gives it a certain functional advantage second only to that of the Pakistan military. Thus, it is a valid concern that the weak politicians of the neoliberal era may be tempted to use the force to exert domination. At the same time the liberated market forces, industrialists, bureaucrats, terrorist groups, powerful communities, and majority groups may also attempt to exploit it to their advantage.

It is mostly highlighted that Pakistan police had worked under a Colonial Law of 1861 since 1947 (Suddle, 2003; Shah et al, 2008; Khossa, 2008). Some have noted the link between this old colonial police order, PO 1861, and the Royal Irish Constabulary Model [under the Constabulary (Ireland) Act of 1836] and also the policing model used by Governor Charles Napier of Sindh in the 1840s (Suddle, 2005). Bayley (1985), as noted above, had highlighted Article 4 of PO 1861 and linked PO 1861 to Robert Peel's London model of police.<sup>8</sup> It stated;

The administration of the police throughout the local jurisdiction of the Magistrate of the district shall, under the general control and direction of such

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<sup>8</sup> Police Act, 1861 (Act No. V of 1861)

Magistrate, be vested in a District Superintendent and such Assistant District Superintendents as the Government shall consider necessary.

During the colonial rule DC was always a member of the British bureaucracy and a civilian (Bayley, 1985). His responsibilities included to discourage dissent and suppress popular uprising. After the independence of the South Asian sub-continent, PO 1861 was adopted by Pakistan, India and Bangladesh.

A number of scholars from South Asia, including from Pakistan, India and Bangladesh,<sup>9</sup> have proclaimed PO 1861 an oppressive tool. The DC, even after the independence of these countries, was criticised for serving the political interests of the ruling elites only (Brogden, 1987; Manzoor et al., 2014; Abbas, 2011; Suddle, 2003). Shoaib Suddle (2003) called DC oversight a mechanism of ‘dual control’ on Pakistan police, arguing that because of PO 1861 police officers at once experience the control of the institutional hierarchy and that of the external DC oversight. Suddle hence demanded the removal of DC oversight. A number of NGOs have also repeatedly demanded its removal, linking external oversight of DC as an oppressive mechanism (Abbas, 2011; CPDI, 2006; PILDAT, 2005; Asia Society, 2012).. However, it is important to note that in Pakistan, DC oversight of police is at the district level only. The Inspector Generals (IGs) of police, who are the main decision makers, are not

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<sup>9</sup> Most commentators in India and Bangladesh have linked the policing problems faced in these individual countries to PO 1861 (Khalidi, 2003, p. 126; Das & Verma, 1998; Umraniyar, 2009). Scholars from Bangladesh also follow a similar rhetoric and argue that the service quality of Bangladesh police cannot be improved while it is operating under PO 1861 (Odhikar, 2003; Islam and Ali, 2008; Ghias ud din, 2011; Mehtab and Rahman, 2015). Police reforms have failed in these countries, but empirical studies fail to explain why. Most studies focus on policy analysis. Gias ud din (2011) looked at the politics of police reform in Bangladesh and stated that failure to implement reform was due to the ‘complex politics’ that sits behind policing. Bayley (1983) carried out a detailed study of politics and police in India, highlighting the problem of politicisation within Indian police.

impacted by DC oversight. Thus, calling it a mechanism of ‘dual control’ on Pakistan police does not seem right.

The original ‘academic research’ on the problems of police reform is very limited. The most striking feature of the existing literature on police reform in Pakistan is that it is written mostly by IG police or domestic and international NGOs. As a result, this non-academic literature appears one-dimensional and seems to hide more than it reveals. NGO reports by PILDAT and CDPI share a detailed policy analysis of PO 2002.<sup>10</sup> The NGO reports give no information on the events or conditions that led to the demand for police reform in Pakistan. Most of them, as noted in their acknowledgment sections, are written in consultation with IG police. Manzoor et al. (2014) do provide a detailed history of Pakistan police, they do not discuss the reasons for problematic policing during the 1990s. They see PO 2002 as ‘the’ best model for democratic policing and pronounce ‘bureaucratic politics’ as the cause of its failure but do not provide any further information on the issue.

Most institutional actors in their various articles have pointed to the problem of frequent transfers of IG police – ‘an insecure police officer cannot perform effectively’ (Abbas, 2011). Fixing the tenures of IG police is considered a good step towards depoliticising police, which was provided in PO 2002 (Suddle, 2005; Khosa, 2008). They argue that ‘a number of police commission were made which recommended police reforms in Pakistan but their recommendations were ignored by the government’ (Shigri, 2012; Suddle, 2003). However, there is no consensus on the number of police reforms. Some say 20 police reforms committees were made

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<sup>10</sup> Police Order 2002: Critical Analysis and Constitutional debate by PILDAT, 2005.



(Shigri, 2007) other report 25 commissions (Shah et al, 2008; Abbas, 2011). Mansoor et al (2014) in their book police in Pakistan show even lesser number of Police Commissions. The list of the Police Commission given by IG Aly Khan for this research showed only 11 commissions. Zaigham Sarfraz (2018) in his 'Critical Analysis of Police reforms in Pakistan' had added one more G Ahmed's Commission made in 1972, to the list. Zaigham states that this commission was important as it reintroduced DC oversight on police which had lapsed over the years since 1947. When the police foundation in G 6/2, Islamabad was contacted for a list of commissions they did not reply. Compiling the information from various sources in existing literature this research finds that at best 16 formal Commissions were made by various political governments for the purpose of police reforms ( see Table 2.1).

A review of the commission highlighted a tendency among the institutional actors to show 'police reports' and 'foreign delegation reports' as Police Commissions to stress the point that 'Pakistan police is the most ignored institution in the country'.<sup>11</sup> For example, a Japanese delegation that visited Pakistan police recommended introduction of 'community policing' in Pakistan. It was not a formal recommendation made by any Police Commission of Pakistan. Similarly, the Law and Order Commission of 2010 highlighted by some commentators was the personal initiative of Chief Justice of Supreme Court it was not made by the political government and did not include even a single legislative assembly members. A review of their recommendations showed that they mostly recommended general and incremental changes within the

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<sup>11</sup> In 'Policing a Free Society', a study of police reforms in USA, Goldstein (1977) had stated that the commissions are usually the outcome of some public anxiety. As public anxiety fades the support to implement those recommendations also fade. It is the institutional actors that bring out the actual change. He highlights the example of August Vollmer, Bruce Smith and O.W Wilson from Chicago police department who, according to Goldstein (1977), played the key role in transforming the police force.

framework of PO 1861, which included demands like increments in pay structures, a procedural changes in recruitment procedures etc. Manzoor et al ( 2014, p. 65) also write that commissions also pressed the need for ‘police’ to adopt a non-discretionary approach and for government to develop police on specialised lines for effective crime control.

#	Year	Name of Police Reform Committees
1	1948	Passage of Bill to introduce a Metropolitan System of Policing in Karachi
2	1951	Recommendation of Sir Oliver Gilbert Grace, IG police NWFP to remove DC oversight
3	1961	Police Commission headed by Justice J. B. Constantine
4	1962	Pay and Service Reorganisation Committee headed by Justice Cornelius
5	1970	Police Commission headed by Major General A. O. Mitha
6	1972	Police Organisation and Reforms Committee under G. Ahmed
7	1976	Police Station Enquiry Committee headed by IG M.A.K Chaudhry
8	1976	Law and Order Sub Committee headed by Chaudhry Fazal Haque
9	1976	Police Reform Committee headed by Rafi Raza
10	1981	Orakzai Committee on Police Welfare, Promotion and Seniority Rules.
11	1982	Cabinet Committee of the Emoluments of SHOs
12	1983	Cabinet Committee on Determining the Status of SHOs
13	1983	Shahibzada Rauf Ali Committee
14	1985	Aslam Hayat Committee
15	1987	Reports of two members delegation’s visit to Bangladesh and India
16	1989	Report of seven member delegation’s visit to Bangladesh and India
17	1990	Police Reforms Implementation Committee M.A.K Chaudhry
18	1995	Report of the UN Mission on Organised Crime in Pakistan
19	1996	Reports of the Japanese Police delegation on the Police System in Pakistan
20	1997	Committee on Police Reforms under the Chairmanship of Interior Minister
21	1998	Report of the Good Governance Group on Police Reforms: Committee Vision
22	2000	Report of the Focal Group on Police Reforms: NRB Draft 2000.

Table 2.1: List of Police Commission and Foreign Mission Reports in Pakistan .

Source: Compiled results from various sources on Police Reforms in Pakistan .

Some commentators have called PO 2002 a perfect policy for democratic policing in Pakistan (Suddle, 2003; PILDAT, 2005; Abbas, 2011; Saeed 2014). Bilal Saeed (2014) of the CPDI, conducted interviews with ‘retired and serving police officials’, especially recommends ‘community policing’ as the best option for Pakistan. And sees putting control of police in the hands of a commission of good citizens as a democratic step. He is convinced that community policing is ‘a complete philosophy’ and sees it as a creative and out-of-the-box approach to curb crime and social disorder. Understanding the difficulty of converting the idea of community policing into a concrete programme, he argues the need for a guidance manual or an implementation framework to help the district policing officer (DPO) in successful implementation. Saeed (2014) has published ‘Community Policing in Pakistan, an Assessment’ and a manual for ‘Community Policing in Pakistan’.

A paper by Haroon Rafique (2004) was among the few academic research papers, discussing the merits of community policing for Pakistan. Building his argument around the ‘nature of state, society and governance in Pakistan,’ Rafique looked at the research question; ‘It is ideal, but can community really control police in Pakistan?’ Like other authors he had accepted community policing as an ideal, but had remained apprehensive as to whether Pakistan, with its many communal divisions, would serve as a good ground for controlling Pakistan’s rather notorious police. Jackson et al. (2014) used a perception survey in Lahore, the provincial capital of Punjab, to see how police legitimacy impacted police effectiveness. Their findings showed that legitimacy in the eye of citizens is determined by how well police demonstrate their ability to control crime and avoid corruption.

Hassan Abbas (2011) reports commissioned by the United States Institute of Peace, focused on improving police and law enforcement infrastructure for counter terrorism for the greater peace in the region. Abbas (2011, p.2) notes that ‘terrorists understand that military and the police are their most important enemies’ and increasingly target them as symbols of the state. He also writes that the police to population ratio in Pakistan of 1: 287 is quite satisfactory by the international standards set by the UN at 1: 450. This led him to infer that the issues faced by the police were not entirely about insufficient numbers but rather the lack of specialised training of ordinary police, ‘sepahi’, and the absence of an ‘advanced counter terrorism strategy’. Abbas has mostly discussed police capacity with reference to counter-terrorism. He supports PO 2002 as an ideal policy in this respect though without saying what advantages local community control of police might confer to counter terrorism efforts. On reviewing the fate of PO 2002 he concludes that ‘lack of political will’ was the main reason behind its defeat. Abbas’ work lacks critical perspective and carries a bias against the military that impedes constructive evaluation.

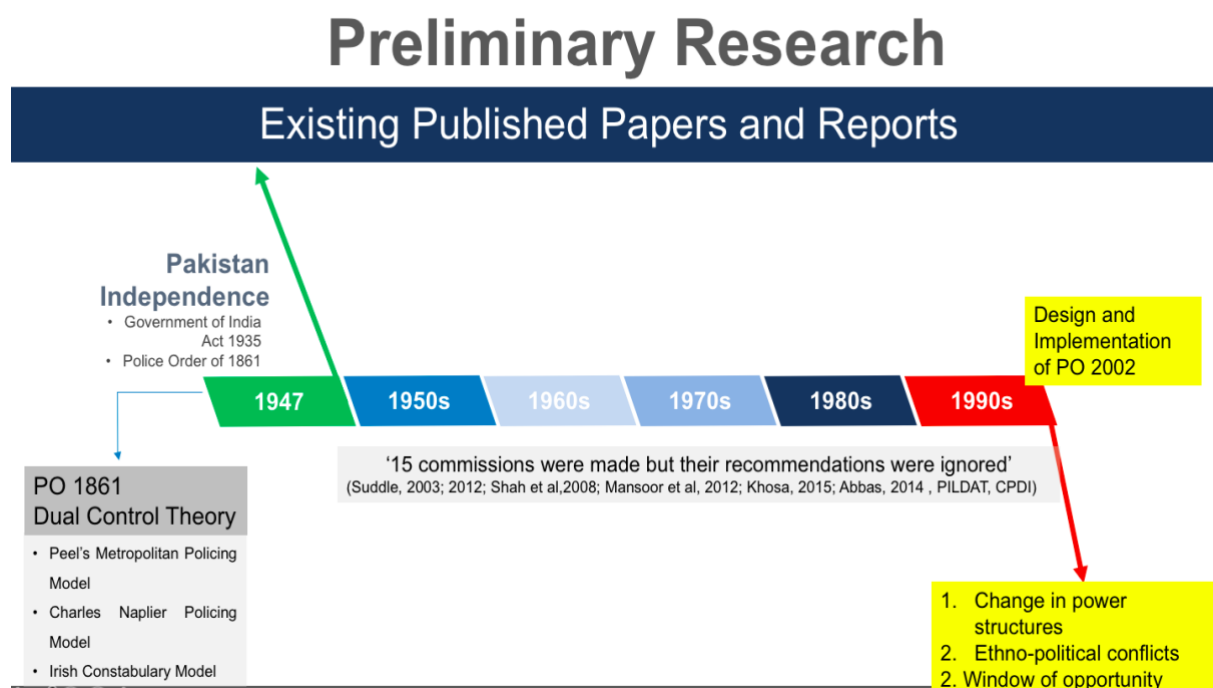


Figure 2.1: Activity in Policy Domain as given in the existing literature on PO 2002

The literature review showed a huge gap in literature , it does not discuss the evolution of Pakistan police post-1947 and post-1971. It is well accepted that after the separation of Bangladesh in 1971 the state was completely transformed geographically, demographically, politically and administratively. The available work on PO 2002 completely ignores the impact of 1971 conjuncture on Pakistan police. The present author also could not locate a detailed empirical study that methodologically explored the PO 2002 policy process and documented all the objectives of the key policy actors in initiating this reform. Without knowing the objectives for police reform, it is hard to evaluate whether and how PO 2002 actually failed, or if the failure was due to lack of political will or some other reason. There was no account of the implementation problems of PO 2002.

## **2.5 Causes of Democratic Consolidation Failure in Pakistan.**

Broadly speaking the literature looking into the problems of democratisation in Pakistan follows three different trajectories. One group of scholars uses the institutional imbalance paradigm (Alvi,1990; Jalal,1995; Waseem, 2006; Wilder, 2010); second highlight the political deficit and leadership gap (Ziring, 1993; Shafqat, 1997; Rizvi, 2012); and the third uses an extension of the institutional imbalance theory but only focuses on the US investment in Pakistan's military that further engraved institutional imbalance and undermined democracy in Pakistan (Siddiqua 2007; Jalal, 2014).

Hamza Alvi's seminal (1975) work 'The state in post-colonial societies' provided the foundation on which the institutional imbalance theory was developed, in Africa by John Saul (1974) and Colin Leys (1976) and for south Asia and Pakistan by Waseem

(2006), Siddiqua (2007) and Jalal (2015). The theory targeted the civil-military bureaucracy for exploiting civil society and other public goods, thus impeding the development and growth of other institutions in post-colonial states. Post-1990 the institutional imbalance theory provided a sound explanation for the problem of democratization in Pakistan. Hamza Alvi's (1990) chapter 'Authoritarianism and Legitimation of State Power' took an actor-centred historical institutionalism approach to explain the institutional imbalance in Pakistan post-1947. Factors like Jinnah's illness, absence of a voting bank of the members of the constituent assembly in the newly created Pakistan, and the 'incompetence of the political leadership' led to the postponement of elections and a continuation of colonial policies and constitution. A very ill Jinnah, as the first Governor General, created the post of secretary general to aid him with the affairs of the state. Chaudhry Muhammad Ali, the first secretary general, manipulated Jinnah's moral authority to make a 'planning committee' of bureaucrats that started functioning as a 'parallel cabinet' and made it a matter of routine to take political and administrative decisions largely bypassing the 'diminutive and weak political leadership' (Alvi, 1990, p 35). Decisions such as allocation of resources, administrative reorganisation, revenue and police administration, posting and transfers of civil bureaucracy and appointment of services chiefs, judges in higher courts and diplomats abroad were taken by the bureaucrats.<sup>12</sup> The civil bureaucracy ignored ministerial orders and the ministers had no power to take action against the recalcitrant officers (Alavi, 1990). He also compares this situation to the diarchy of the

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<sup>12</sup> Alavi (1990) and Jalal (2015) identifies it as a Punjabi bureaucracy which eagerly grabbed power. Waseem (2006), however, had identified it as a Punjabi-Muhajir bureaucracy. Jalal (2015) argues that it had undermined national unity and led to the provincial, linguistic and ethnic tensions in the country and to the impermanence of democracy in the country.

1920s and states that by the time Jinnah died on 11<sup>th</sup> September 1948 'bureaucracy had already consolidated its power' in Pakistan (Alvi, 1990, p. 45).

Transformation into a bureaucracy-military oligarchy was consolidated under Pakistan's highly unpopular third governor general Ghulam Muhammed. Ghulam Muhammad abolished the post of secretary general and the planning committee, and also the constituent assembly when it attempted to pass a resolution to remove the post of the governor general. Without popular support or that of the civil bureaucracy, Ghulam Muhammed had little choice but to invite the military to take over. The military, Alvi states, has 'always held a certain charismatic authority for the people of Pakistan' which was used by various unpopular political actors like Zia ul Haq, Ghulam Hussain and Iskandar Mirza to gain much needed legitimacy (Alvi, 1990). This is a significant point for this research as it highlights the deep trust and respect for the military institution in the hearts of the people of Pakistan.

In the early 1950s a cabinet of key bureaucratic and military actors was made by Ghulam Muhammed that is taken as the beginning of the military bureaucracy oligarchy in Pakistan. Alvi (1990) states that even when, in the October 1958, the power was seized in the name of the military, it was Iskander Mirza the 'senior partner in the military coup who shaped the civilian charter of the post-coup establishment and appointed civil bureaucrats at key positions (Alvi, 1990, p 50).

Alvi identifies the Zia-ul Haq regime, which came to power in 1978, the first true military dictatorship in Pakistan. After taking control, Zia-ul Haq appointed military men to all key administrative posts. The role of the military was further strengthened by direct investment received from the USA for fighting its proxy war against the

USSR in Afghanistan. Alvi calls it the era of military dominance in Pakistan. The crux of the institutional imbalance theory is that in Pakistan, due to the weaknesses of the political leadership, a few power-hungry non-parliamentary actors from state institutions acquired control of decision making. They made changes in the constitution and laws which in the long run resulted in institutional imbalance in Pakistan.

Scholarship on institutional imbalance theory also includes the comparative research of the south Asian democracies of Pakistan and India by Ayesha Jalal (1995). She argued that both Pakistan and India shared a common British legacy, discouraged politics on issues in favour of politics of identity, and displayed an obsession with centralisation of power at the cost of provincial autonomy. But the 'pre-existing central apparatus' in cities like Delhi, Bombay and Calcutta had fostered civilian supremacy in India. These structures were absent in Pakistan, which comprised of peripheral provinces, explaining Pakistan's inability to establish itself as a democracy in the early years (Jalal, 1995). In her later book, focusing on developments in Pakistan post-1971, Jalal interwove the impact of the international events like the global cold war and the threats of the Afghan wars, which resulted in the USA purposely investing in Pakistan's military thus skewing power towards the latter.

Post-1990 theory does not take an actor-centric perspective like Alvi's (1990) work but is built on retrospective rationality, as a result of which a path dependency explanation emerges. It remains blinded to any other rationality driving decision making than the singular desire to assume power on the part of institutional actors. Ayesha Siddiqua (2007), for example, has focused exclusively on the military and how it gained power in Pakistan post-1971. This singular focus on the military tends, one,



to undermine the complex decision making of a transforming state and, two, to project all political leaders as incompetent, thus underestimating their learning and evolution post-1971 and 1990.

Waseem (2006) used institutional imbalance theory to explain the transformation of Pakistan's judiciary over time. He writes that, during colonial rule, the politico-administrative units acted as the locus of power and the constitution was especially enacted to provide them with the required legitimacy (Waseem, 2006, p. 103). Post-1947 'constitutionalism remained a consistent, latent, all pervasive and morally superior source of legitimacy' for all non-parliamentary political actors in Pakistan (Waseem, 2006; p. 105). These non-parliamentary actors, including the bureaucracy and the military, made numerous covert and overt attempts to modify the constitution to their own advantage. In this adventurism Pakistan's judiciary, which was always called to play 'referee', acquired the status of 'ultimate supremacy' and started rewriting the constitution instead of interpreting it. Waseem's main argument is that a constitution ideally represents the way a nation wants to live its collective life, but in Pakistan it was engineered and re-engineered by various non-parliamentary actors to earn or preserve their own legitimacy. He called these attempts 'constitutional terrorism', a reshaping that manifested as the crisis of democracy in Pakistan (Waseem, 2006). Shabbir Khan (2012) highlights the conflicts between the executive and the judiciary which opened the door for military intervention. He states that Pakistan has a mixed form of government which is neither presidential, where the constitution is taken as sacred, nor it is parliamentary, where the parliament holds the authority to write and rewrite the constitution. The desire of political actors to extend their domain and acquire legitimacy through the constitution gives rise to conflicts. As a result, frequent conflict between executive and judiciary is commonplace in Pakistan.

Khan argues that, when the institutional conflicts generated by a mixed form of government are not resolved, a space is created for the military to take over. Aqil Shah (2014) argues that, while inherent political structures direct states in different directions, social structures also matter. Giving the example of Pakistan in 1971 he writes that, in a fragmented multi-class state like that of Pakistan, the pursuit of developmental and political goals gets trumped by populist concerns.

Scholars and researchers have also linked the failure of democratisation in Pakistan to weak political leadership, to the poor performance of the civilian elected governments, and to weak and poorly integrated political institutions and political parties (Alvi, 1990; Kennedy, 1991; Ziring, 1993; Shah, 2012; Rizvi, 2012). Even the institutional imbalance theory highlights these factors as the root cause of imbalance (Alvi, 1990). Alvi (1990) identified the initial members of the constituent assembly as belonging to the middle class or the '*salariat*', who came from Muslim minority provinces of India. They not only lacked popular support but they were, according to Alvi, incompetent and willingly gave power to the bureaucrats. Discussing the expected challenges in Pakistan's democratic transition during the 1990s, Lawrence Ziring (1993) also pointed to the need for strong leadership to replace or neutralise the 'vice-regalism' of the bureaucratic actors that predated Pakistan. Ziring believed weak politicians of limited vision, wholly dependent on the civil bureaucracy, could not achieve the required change (Ziring, 1993, p. 1176).

Hassan Askari Rizvi (2012) highlighted the brinkmanship and continuous exchange of unpleasant words between political rivals as a reason for democratic failure in Pakistan. He argued that the key political parties are constantly engaged in attempts to delegitimise one another with charges of corruption, nepotism and malpractice. This

practice had alienated the people of Pakistan from the political institutions and fractured democracy (Rizvi, 2012). Other commentators also pointed out that political leaders frequently called to other state institutions, like the military or the judiciary, to settle scores, ignoring the danger of bringing non-parliamentary actors onto the political stage (Waseem, 2012; Jalal, 2018; Jaffrelot, 2014).

## **Summary**

Alvi describes in great detail various regimes and their key actors, but he fails to acknowledge the back-door entry of industrialists and businessmen like Nawaz Shariff into the Zia cabinet, or the impact they had on the formal political institutions of the country. He also ignores the great free-market transformation then taking place in Pakistan. In winding up the chapter that served as the foundation of the ‘institutional imbalance’ theory in Pakistan, Alvi acknowledges that Pakistan is transforming and there were other pressing problems that ‘the government needed to get grip on’, but ‘we have no space to discuss them here’ (Alvi, 1990; p. 77). Subsequent writers also ignored this important dimension.

A separate literature on political economy provides some information on Pakistan’s transformation to a new market economy (Munir and Naqvi, 2018; Brown, 2016; Mallick, 2014; Samad, 1995; Shaikh and Ehsaan, 2013; Kalim, 2012) but fails to integrate its impact on the democratic transition and institutional transformation in the country. The present research takes into full account ‘the coincidence’ of democratic transition and neoliberal transformation in Pakistan and is thus equipped with a better lens to fill this gap.

# Chapter 3

## Theoretical Framework and Methodology

### 3.1 Theoretical Framework

Policies change or fail for a number of reasons; politics, learning, or changes in the external environment that make a policy unsuitable. *Politics* in policy refers to the processes by which various actors negotiate and compete in the process of making shared, collective decisions. A political approach to policy change is considered a realistic and nuanced attempt to achieve understanding (Asiskovitch, 2017). Methodologically, it requires examining the relationship between actors involved in policy processes. Traditionally the two main sets of actors at the heart of this line of inquiry are politicians and bureaucrats, and the decisions made as a result of their interactions impinge on many other groups and individuals and on the wider public. At times also called the ‘conflict resolution approach to policy change’, the politics of policy change presumes that elected politicians represent (or formulate) public choices and, since their prime desire is to get re-elected, they remain committed to these choices in the policy process. Expert bureaucrats or technocrats, on the other hand, are presumed to focus on the objectives and long-term goals of their particular disciplinary base while being aware of the ‘workability’ of the ideas under consideration. The role of the bureaucrat in the policy process helps in the ‘rationalisation of policy and depersonalisation of political power’ (Heazle et al., 2015, p. 4; Ezrahi, 1990; Hisschemoller, 2005, p. 93). The politics that results from conflicting ideas and objectives between these two actors drives policy change and policy reform or can even cause policy reversal (Welch, 1992; Kuhn, 1996; Derthick and Quirk, 1985;

Hood and Lodge, 2007; Edward and Hughes, 2012). An agreement between the two can result in swift policy formation (Lundqvist, 1980, Green-Pedersen and Wolfe, 2009). Occasionally political actors may be willing to cede control and discretion to bureaucratic actors (Hood and Lodge, 2007, p. 7), but if these two key actors do not form a consensus on a policy agenda the result may be conflict. Any policy change in such a case will reflect a resolution of this conflict (Lasswell, 1936; Allison, 1971; Haas, 1990; Heazle et al., 2015; Zohlnhofer, 2009).

But policy change can also result as a consequence of learning. Deutsch (1963) observed that governments operate through a constant process of 'feedback' and 'steering' that depends on and enhances governmental 'learning capacity'. Hecló (1974), in his comparative study of British and Swedish policy, argued that politics is not always rooted in conflict and power but can equally be the result of uncertainty. Dealing with uncertainty turns 'policy making into a collective puzzlement taken up by political actors on society's behalf' and what is learnt constitutes the policy (Hecló 1974, p. 305; Lindblom, 1959; 1965; Etheredge, 1981; Hall, 1988; Weiss, 1977a; 1977b; Sabatier, 1987; Rose, 1991; 1974). Policy change as a derivative of learning is also linked to Herbert Simon's (1955) work on 'bounded rationality' and Charles Lindblom's (1977) work on 'incrementalism'. Both these work take into consideration the limits on available information and time as critical factors constraining the cognitive capacity of policy actors.

Broadly stated, the task is to replace the global rationality of economic man with the kind of rational behaviour that is compatible with the access to information and computational capacities that are actually possessed by

organisms, including man, in the kinds of environments in which such organisms exist. ( Simon, 1955, p. 99)

Policies made under such constraints are not always optimal and are prone to change as better information and understanding presents itself (Braybrooke and Lindblom, 1963).

When the present study began, guided by preliminary research only, bureaucratic politics seemed the most probable reason for the trajectory and failure of PO 2002. This made Graham Allison's framework for analysis, as developed in his famous study of the Cuban Missile Crisis of 1962, seem attractive and appropriate. Allison drew on three bodies of theory: rational choice, organisational theory, and bureaucratic politics to change conventional understandings of how decisions were made in the policy process. However, after decades of studies on policy making, scholars argue that, 'the logical structure of Allison's model are beginning to show its age' (Bendor and Hammond, 1992, p. 302). After due study and reflection, it was decided that the Advocacy Coalition Framework devised by Sabatier and Jenkins-Smith (1999) with the modern state in mind was best adapted to the present work.

The Advocacy Coalition Framework (ACF) approach takes into consideration the interactions among various actors from a variety of institutions and levels of government who impact on policy outcomes. In such a policy-making environment the various policy actors 'combine both cognition and emotions to make policy choices, about factors [of which] they have limited knowledge and control' (Cairney, 2019). Including multiple actors other than the traditional ones (politicians and bureaucrats), introduces complexity to the policy process. Hajer and Wagenaar (2003)

note that the complexity introduced by the collaboration of multiple actors of diverse preferences can result in shifts from original policy objectives, creating problems of ownership for institutional actors directly responsible for policy implementation. As a result policy failure can occur.

Preliminary research showed that PO 2002 was in fact devised by the National Reconstruction Bureau (NRB) – set up by President Pervez Mushareff – using collaborative policy-making procedures. The impact of this method of policy-making on the policy outcome remains understated in the existing published work. If a collaborative method was indeed used then all the actors who participated in the process needs to be identified. Abbas (2011) and Suddle (2003) briefly mentioned some non-state actors but did not give details of their role in the policy process. Without knowing what these actors brought to the policy process and how they influenced it, any coherent understanding of the PO 2002 design is not possible. Existing research, as noted, also highlights a long period of inactivity in the policy domain which represents Pakistan police as a passive institution with no agency to defend or expand institutional interests. This hardly conforms with extant theories of bureaucracy. The picture presented is one in which there is no incremental change in the policy domain (which would indicate evolution of Pakistan police post 1947) followed by the sudden appearance of a ‘perfect’ policy that represented a disruption and a complete paradigm shift in police governance in Pakistan. The scholarship looking at policies point to the need to utilize time frames of a complete formulation, implementation and reformation cycle of a policy to understand the factors impacting a policy and a reasonably accurate portrait of its success or failure (Bernstein, 1955; Kirst and Jung, 1982; Mazmanian and Sabatier, 1989).

Furthermore, review of the broader literature – for example the work of Robert Reiner (1984, 1992, 1997, 2007) – showed that any transformation of the state also significantly affects the choices and priorities of institutional actors. The existing literature on PO 2002 ignores the significant transformations over time and their impacts on Pakistan police. A number of ‘shocks’ occurred after the creation of Pakistan in 1947, the most critical conjuncture<sup>13</sup> being the 1971 separation of Bangladesh, which the literature on PO 2002 neglects. Then from 1971 to 2002 Pakistan went through major economic and political transformations (which the next chapter will document) with significant impacts on people, politics, policy and institutions. To comprehend and accommodate all these changes, the ACF approach is judged especially suitable and is extensively employed in this study.

### **3.1.1 Advocacy Coalition Framework – ACF**

ACF analysis emerged as an alternative to the ‘stages heuristic’ approach, which is defined as a rationalistic view of policy-making as a series of logical stages ( Jones, 1977). It came together after critically studying the empirical studies of policy processes in modern states. ACF recognises four primary pathways to policy change; superior jurisdiction, external events, learning and negotiation. At the same time, the

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<sup>13</sup> The theory of critical junctures identifies a crisis, ideational change or a radical policy change (Capoccia and Kelemen, 2007; Wilsford 1994; Baumgartner and Joes, 1993; Hogan and Doyle, 2012). A single critical event can also result in a combination of different kind of complexities as stated by Pierson (2004, p. 19); ‘starting from similar conditions a range of social outcomes is often possible; large consequences may result from relatively ‘small’ or contingent events’. These events create an environment which alters the political resources of various actors or introduces new learning parameters on the basis of which the policy agents can review their earlier choices and contest the extant ideas on which the earlier policy was based (Pierson, 2001; Maron and Shalev, 2017). These short moments of opportunity are eagerly availed by individuals who are ‘willing to invest their time, energy, reputation, money to promote a position for anticipated future gains in the forms of material, purposive or solidary benefits’ (Kingdon, 1995, p. 179; Zahariadia, 2007).



framework also takes into consideration the role of new information (empirical evidence), scandalous internal shocks, national and international organisations, journalists, researchers, policy analysts, human rights activists etc as drivers of policy change. In a modern state in addition to the conflicts of interests and politics, knowledge, new experiences and learning by various actors and institutions, also contribute towards instigating the policy actors to strategically pursue their policy goals. The multi-dimensional ability to look at various causal factors impacting policy help avoid the bias that conventional political analysis sometimes carries. It also provides ACF with an added advantage over other theoretical frameworks, it can be simultaneously used to evaluate both top-down and bottom-up approaches to policy change effectively.

ACF assumes that, when a policy window opens, not only actors from government organisations but also private organisations step forward to influence the policy (Sabatier, 1999). To achieve the desired result these actors find it beneficial to form a 'coalition' that would help them to impact policy decisions within their limited resources. ACF defines a policy coalition as a 'value based' group built around a common belief. Coalition members are instrumentally rational and seek to use information and other resources to achieve desired policy goals (Sabatier and Jenkins-Smith, 1999, p. 118). ACF does not assume that these actors are always driven by economic or political self-interest and does not assume that their preferences are easy to ascertain. Rather it states that their goals are normally complex and need to be ascertained empirically. Any 'individual's ability to perceive the world and to process information is affected by cognitive biases and constraints' (Sabatier and Jenkins-Smith, 1999, p. 130). It also assumes that more than one coalition can exist in a policy

domain and recommends a systematic mapping of coalitions for a more viable, causally grounded methodological approach.

### **Coalition Beliefs and Behaviours**

ACF organises the belief system of each coalition into a ‘hierarchical tripartite structure’ composed of deep core beliefs; a policy core belief; and secondary beliefs.

Deep core beliefs sit at the highest/broadest level and include basic ontological and normative beliefs that operate across virtually all policy domains. They are resistant to change – essentially akin to a religion change. At the next level, policy core beliefs are normative commitments and causal perceptions across a particular policy domain or sub-system. ACF assumes that deep core and policy core beliefs will generally – but not always – be congruent (Sabatier and Jenkins-Smith, 1999, p. 155). Compared to deep core beliefs, policy core beliefs are less rigidly held but ‘provide the principal glue holding a coalition together’. When they are exclusively normative they are difficult to change, but most ‘involve empirical elements that are likely to change over a period of time with the gradual accumulation of evidence’ (Sabatier and Jenkins-Smith, 1999, p. 131; Zafonte and Sabatier, 1998). Warring policy coalitions, differentiated by their policy core belief, when fail to find access to alternative venues for achieving their core objective or preserving their status quo are more likely to go for negotiation ( Weible and Nohrstedt, 2012, p. 132). Finally, secondary beliefs (which are by their nature less significant) are assumed to be more readily adjusted in the light of new data, new experience or changing strategic considerations.

## **Purposive and Material Coalitions**

In their initial framework, Sabatier and Jenkins-Smith (1999) had assumed that consensus on common core beliefs was a sufficient condition for coalition members to act in unison. However, further empirical research revealed additional information that even ‘actors that hold similar beliefs do not always act in concert’ (Schlager, 1995, pp. 261-262; Schlager and Blomquist, 1996, pp. 663- 666; Mintrom and Vergari, 1996; Robyn, 1987). Coalitions can change and also break, but it was observed that those built around some strict, hard-to-change ideology – also called *purposive groups* – were stronger. ‘Members of such coalitions perceive themselves as nothing short of ‘David fighting Goliath’ and are likely to stick together’ (Berry, 1977). Empirical research also showed that when members gained hope for policy benefits they felt sufficiently compensated for the cost incurred and tended to stick with the coalition, giving it strength. ‘These coalition members are more likely to continue with their support for the policy coalitions’ (Sabatier and Jenkins-Smith, 1999, p. 153). Changes in external conditions and more information or evidence collected through experience are more likely to prompt changes in a strong coalition’s ‘secondary beliefs’ than to provoke substantive change in policy.

On the other hand, coalitions formed to promote ‘material self-interests’ are observed to be quite loosely constructed. Members ‘self-consciously seeking to maximise their own material self-interests are likely to more easily fall apart due to distributional conflicts and associated costs’ (Sabatier and Jenkins-Smith, 1999, p. 155). Such coalitions also have a greater number of free-rider problems (Schlager, 1995; Ostrom, 1998, p. 1). Schlager (1995) defines free riders as those who profit from the envisaged policy but do not pursue the same strategy. Overall the group members of a material group are more likely to show both distributional conflict and free rider problems as

policies get implemented or more information comes in (Sabatier and Jenkins-Smith, 1999, p. 138). These members are likely to demand that coalition elites adjust their sails accordingly or they simply leave and join coalitions that support their altered beliefs.

### **Policy Sub-Systems**

The ACF framework also identifies policy sub-systems as groups of people and/or organisations who appear with some regularity in the functional policy domain to influence policy formulation and implementation. The role of policy sub-systems is secondary compared to the coalition that holds ‘core policy beliefs’. The sub-system shares the understanding of the policy coalition about ‘the general seriousness of the problem, its principal cause and the strategies for realising these values’ (Sabatier and Jenkin-Smith, 1999, p. 123). The sub-system’s beliefs on the other hand are readily adjustable in light of new data and experience or changing strategic considerations. These sub-systems can be either nascent (existing for less than ten years) or mature (existing for a decade or more). The significance of the sub-system for the policy core coalition rests in the uncertainty faced by the latter. For example, in a majoritarian system where policies can get easily changed by majority vote, policy coalition groups seek to build a stronger and long-lasting support system for their policy idea with the help of policy sub-systems. Sabatier and Jenkins-Smith (2014) advised to organise the subsystems by organisational affiliations. This helps to remove the dilemma introduced by a number of actors attempting to influence the policy outcome and provides an important insight into the resources and strategies of actors in the policy sub-system.

## **Policy Brokers**

Conflicting strategies from various coalitions may be mediated by a third group of actors that ACF calls 'policy brokers'. The principal concern of a policy broker is to find some reasonable compromise that will reduce intense conflict. It is generally assumed that the policy broker plays a neutral role whereas Sabatier and Jenkins-Smith (1999) write that very few cases of neutral policy brokers can be found. 'Most of the successful negotiations have been led by moderate members of the various coalitions' (Sabatier and Jenkins-Smith, 1999, p. 155). Over time coalition members may also get some new information or gather experience which leads them to 'question the validity of the assumptions made earlier'. As a result, coalition members may even decide to leave their coalition for another one (True et al., 2007, p. 156). These rearrangements in coalitions as well as the external environment can give way to 'new moderators' who may assert their own beliefs resulting in a change in policy.

## **External Perturbations and Internal Shock Events**

ACF advises to look out for 'external perturbations' impacting the policy domain to understand the behaviour of policy actors. The underlying causes and triggers of these perturbations are beyond the influence of the policy subsystems. Such perturbations include changes in socio-economic conditions, regime change, natural disasters which may significantly alter public and political priorities and the initial policy objective (Sabatier and Jenkins-Smith, 1993, p. 213; Sabateir 1999, p. 148). External perturbations are considered the most important causal drivers to explain changes in policy coalitions beliefs and can also be capitalised by the exploitive minor coalition and/ or can result in changing the motivation of the material coalitions. External transformations are considered significant if they 'exert a direct influence on the institutions that guide the coalition behaviour' (Sabatier and Jenkin-Smith, 1999, p

149). Similarly, internal shock events, scandals and failures within the territorial boundaries and / or the topical area of the policy subsystem, affected by policy subsystem actors that confirms the policy core beliefs of the minority coalition and questions the policy core belief of the dominant coalition, may also result in major policy change (Birkland, 2010) .

### **Cross Coalition Exchange and Learning**

One of the most influential aspect of ACF is its contention that policy change is not simply the result of competition among coalitions and their interests but that ‘ policy oriented learning within and between coalitions is an important aspect of policy change (Sabatier and Jenkin-Smith, 1988; 1990; 1999). The policy change and learning framework acknowledges the limits of actors’ abilities to process and analyse information in a given time, but important learning can result from cross-coalition interaction. Within a given coalition there is no problem in exchanging information that facilitates learning, but the absence of cross-coalition exchange and conflict between the coalitions impedes learning. Attributes of the individual learners, dedicated forum for communication and exchange, frequency of meetings, availability of data and an intermediate levels of conflict between policy coalitions facilitate learning (Leach et al., 2013). High level of conflict, which directly threatens a coalition’s policy core belief, can impede learning. Coalitions is led to defend its position and reject information that undermines its core beliefs (Jenkins-Smith, 1990; Weible, 2008; Sabatier and Weible, 2014). The impact of learning depends on the degree of influence that official has to actually change the policy and make the change stick. Attention should also be paid in identifying the conditions that facilitated learning across coalitions (Sabatier and Jenkin-Smith, 1999, p. 145).

## **Major Policy Change**

ACF also helps in determining the magnitude of policy change. Sabatier and Jenkins-Smith (1999; p. 147) state that, 'it is the topic and scope of policy change that determines whether it is major or minor'. Major change is the change in policy core values aspect and minor change is linked to changes in the secondary aspect. Major policy change can be result of multiple and complex causation. Including decisions from hierarchically superior jurisdiction, impact of events whose underlying causes and triggers are beyond the policy subsystems to influence. It may include external perturbations, regime change, changes in the socio-political conditions, crisis and natural disaster. These conditions may significantly alter public and political priorities and the initial policy objective. The fluctuation can also be capitalised by the exploitive minor coalition and/ or can result in changing the motivation of the material coalitions (Sabatier and Jenkins-Smith, 1993, p. 213; Sabatier, 1999, p. 147). Internal shock events, scandals and failures within the territorial boundaries and / or the topical area of the policy subsystem, that confirms the policy core beliefs of the minority coalition and questions the policy core belief of the dominant coalition, may also result in policy change (Birkland, 2006; 2010). When all major coalitions view a continuation of the current situation as unacceptable, they may be willing to enter negotiation in the hope of finding a compromise that is viewed by everyone as superior to the status quo (Sabatier and Jenkin-Smith, 1999, p. 150). ACF also states that if a grand coalition comes about for such a change it would be quite unstable, unless, the arrangement produces a continuously 'fair' distribution of benefits to all coalitions.

## 3.2 Methodology

To simplify the complexity introduced by multiple sources of causation, an institutional approach is usually adopted which adheres to formal structures (Kaufman, 1960; Fenno, 1973) and embedded norms (Riker, 1962; Wilson, 1973). *Historical Institutionalism* (HI) is considered a good methodology for explaining political decisions as a function of constraints on political actors, as well as in terms of their own perceptions and power (North, 1991; Katznelson and Weingast, 2005). It uses both formal and informal institutions for analysis with the underlying assumption that, as formal and informal practices get institutionalised over a period of time, they assume a certain rigidity (structure) that becomes difficult to alter and sets a pattern of conduct from which people are reluctant to deviate or find it hard to deviate from (North, 1991). Historical institutionalism tends to best identify reasons for ‘policy continuities over time within countries and policy variation across countries’ (Thelen and Steinmo, 1992, p. 10). The main limitation of HI is that it uses ‘retrospective rationality’ to explain outcomes. That is, it is an ‘indirect way’ of inferring actors’ motives and preferences through their past actions (Rikker, 1990; March and Olsen, 1984; Pierson, 2004). This makes it difficult to specify ex-ante preferences – situations where decision-makers take into consideration opinions of others but do not solely rely on them. In such a situation the decision maker may appear as simply maximizing her own utility function but may actually be aggregating the utility function of those experts also. Historical institutionalism is also sometimes criticised for upholding the ‘path dependency’ theorem that explains failure of policy as a continuity of political and administrative institutional structures and behaviours from, for example, past colonial rule or authoritarian regimes. Such a methodology may not appeal to someone who is interested in institutional evolution or who wants to draw information from



change(s) that manifest only during a short period of time, no matter how small. Such small episodes may be of critical importance and hold ‘formative value’ in explaining more intricate and ‘sophisticated’ developments (March and Olsen, 1984; Hall and Taylor, 1996).

Peter Johns (2003) argues that the institutional approach uncovers many micro-level processes at work but the ‘heterogeneity of the institutions under study and the complex networks among them precludes sequential sorts of explanation’ (Johns, 2003, p. 484). He advises that the best strategy to understand why policy decisions change is to focus on the distinct stages of the policy process and the decisions made therein. Start by identifying various actors involved in the policy design process and observe the changes in their relationship during the policy cycle. Scholars looking at translating either politics or learning to actual policy change recommend the critical use of case studies: ‘follow the policy process’ – ‘from the signal of intent to the final outcome’ (Cairney, 2019, p. 229 ; John, 2003, p. 9; Bennett and Howlett, 1996). Critically review the policy design and evidence selection phases and understand what evidence was selected and how the agenda was set (Cairney, 2019; Howlett and Tosun, 2018). Still in order to avoid any ambiguity, Bennett and Howlett ( 1996) recommend interviews with key informants as the best method.

### **3.2.1 Process Tracing within Case Study**

As mentioned in the first chapter, public documents are hard to access in Pakistan, meaning this research has had to rely heavily on key informants. However, the danger that key informants may only say what is politically correct and conceal relevant and necessary information. This necessitates that their input be further cross-checked with inputs from other informants and placed in the proper political context of the time.

While ACF helps in overcoming many difficulties, the danger of important causal factors remaining hidden remains. Social scientists recommend a conscious use of process tracing within the case study when faced with such complexities. In qualitative research, if more than one competing explanation is in place and the aim is to explicitly unpack the causal process and identify the intervening causal processes then process tracing within the case study is considered a good methodology (George and Bennett, 2005, p. 206; Trampusch and Palier, 2016). ‘Process Tracing is very much case centred and focuses on temporal unfolding and dense interactions of causal factors in specific cases’ (Blatter and Blume, 2008, p. 316). Bennett (2008) recommends process tracing to assess competing explanations of an individual historical case, where some pieces of evidence are found far more discriminating than others. It adopts sequencing of auxiliary information (cause and effect) and uses prescribed tests to eliminate weak evidences. This procedure aids in removing potential bias and helps in narrowing down on causality (George and Bennett, 2005; Mahoney, 2012; Collier, 2011; Rick and Liu, 2018).

For good process tracing the researchers should ensure three important factors: one, a good prior knowledge of the history of the case highlighting the trajectories of cause and effect. This procedure also provide the required historical background (Mahoney, 2010; p. 125; Mahoney, 2015); two, the research design and empirical analysis for the causal analysis should be theoretically guided (Mahoney, 2015). A good knowledge of relevant pre-existing theories and generalisations enables the researcher to pit one hypothesis against another and to weigh the influence of more than one theory (Bennet and Elman 2006); and three, a strong capacity to carry out sound logical reasoning which could be achieved through systemization of technique and explicitness in execution (Mahoney 2015). George and Bennett (2005) encourages gathering

evidence from ‘diverse sources’ and ‘anticipating and accounting for potential biases’ in these sources. The analyst should juxtapose rival explanations and pit the collected evidence against each to test their validity before drawing conclusion (Mahoney, 2015; George and Bennett, 2005).

Process tracing in case study using sequential analysis, explained below, is preferred when the need is to turn the focus (lightly) away from decision outcomes and toward the way that actors came to those decisions (George and Bennett, 2005; Lakatos, 1970). Process tracing can contribute both to describing political and social phenomena and to evaluating historical causal claims (George and Bennett, 2005). The finer details revealed in unfolding the nature of the socio-political environment of the country and problems encountered by the policy actors also shed light on the real reasons driving the observed behaviour and choices of the policy actor as required in this research of PO 2002. These finer details, also called ‘antecedent tracing’, are critical for checking competing or alternative hypotheses in the literature (Rohlfing, 2013; Mahoney, 2015) as well as in testing alternative theories (Mahoney, 2015). However, it carries with it the danger of ‘infinite regression’ (Mahoney, 2008; p. 417). In ‘Process tracing and historical explanation’ Mahoney (2015) also warns that in following cause and effect the researcher may end up tracing a very long history. To avoid this pitfall the researcher is allowed to decide what auxiliary information is most relevant to the ‘research question’.

This research will use process tracing within the case study of PO 2002. It was selected over historical institutionalism to avoid the possible trap of rigid path dependency. There are two important components of process tracing: sequential analysis and causal analysis. Each is explained in detail below.

## Sequential Analysis

Sequential analysis is inherently linked to process tracing as the researcher analyses the flow of events when testing theories of how the event was operationalised through time. For X to translate into Y one should expect to find a particular intervening mechanism, say M, through which X exerts its intervening effect ( see figure 3.1).



Figure 3.1: Sequential Analysis

For sequential analysis Mahoney (2015) insists one must also look for an antecedent condition, say A, which sets the stage for X to causally influence Y. A can be understood as an historical explanation for X. These explanations are usually composed of a sequence of events or a causal chain in which factors located at different points in time contribute to an outcome. In ‘Process Tracing and Historical Explanation’ James Mahoney (2015) writes that not all antecedent factors contribute towards the outcome but they add weight to the causal mechanism explaining the outcome (Mahoney, 2015). This practice helps in building a history of the case which carry the potential to arrive at conclusive evidence. At the same time care should be taken not to let ‘antecedent tracing’ turn into infinite regression (Mahoney, 2008, p. 417). Significant is the ‘fine-graining sequential evidence’ the process reveals. The acquired ‘fine grained knowledge’ of the case, an event or a situation gives process tracing the potential to make a decisive contribution to identifying novel political and social phenomena (Mahoney, 2010).

## **Causal Analysis**

Causal analysis involves gathering data for a particular case and analysing the data to explore the mechanism. 'A cause is something which when counterfactually taken away while holding all else constant, yields a different outcome' ( Mahoney, 2015; p. 201). Causal mechanism are hard to identify and conclusive evidence is hard to come by, to identify evidence as diagnostic or causal the researcher has to heavily rely on thorough knowledge of the particular case, fine grained information and process under analysis. And 'the researcher must be open to mechanism that have not been previously considered' (Mahoney, 2012, p. 50). Mahoney (2012) states that researchers sometimes treat causes as 'contributing conditions', that is, as contributing to an outcome or increasing the probability of an outcome, but on this conceptualisation, removal of the cause will not eliminate the outcome. 'Such a causal factor is not necessary for the outcome' but it can be part of a combination of factors which makes the outcome more likely. 'Combination of within-case analysis and cross-case comparison are required towards assessing complex causation and even in a single case study' (Bennett and Elman, 2006, p. 259)

## **Causal Inference using Diagnostic Evidence**

Process tracing requires finding diagnostic evidence that provides the basis for descriptive and causal inference (Collier, 2011). However, it is imperative, first, to show that a given piece of evidence *is* diagnostic. Van Evera (1997) and Bennett (2010) apply four tests for evidence of causal inference: the straw-in-the wind test; the hoop test; the smoking gun test; and the doubly decisive test. These tests are classified according to whether passing one is necessary and/or sufficient for accepting the inference. For example, 'if a given hypothesis passes a straw-in-the wind test, it only slightly weakens rival hypotheses; with hoop test it somewhat weakens them; with

smoking gun tests it substantially weakens them; and with the doubly decisive test passing eliminates them’ – the definitive elimination of a hypothesis is often hard to achieve in social science (Collier, 2011, p. 825) These tests make reference to important necessary conditions for the hypothesis to be true and passing these tests increases the subjective probability that a hypothesis is correct (Mahoney, 2012; Beach and Pedersen, 2013). That is to say, to assess a hypothesis about whether a known value of X was a cause of a known value of Y we must know the condition whose presence or absence renders the hypothesis true or false.

The four tests are explained below.

### **Straw-in-the-Wind Test**

This test is not decisive. It provides neither a necessary nor a sufficient criterion for the plausibility of a given hypothesis nor raises doubt about it. ‘It only slightly weakens rival hypotheses’. ‘Yet [such tests] provide valuable benchmarks in an investigation by giving an initial assessment of the hypothesis’ (Collier, 2011, p. 826 ).

### **Hoop Test**

If the analyst has good information about the theoretical framework, then by using the ‘hoop test’ she can easily inductively examine a plausible chain of events intervening between X and Y. If no plausible event can be identified connecting the posited cause X to the outcome Y then the hypothesis fails the hoop test and can be rejected. One can also carry out a hoop test by identifying a mechanism M that is known or has been established to be sufficient for the outcome. For example, according to the theoretical framework the presence of ‘conflict between the policy actors’ is considered a sufficient condition for

inferring that politics between actors had some causal significance in policy change. If no such conflict exists, the hypothesis can be rejected. Passing a hoop test, however, does not confirm the hypothesis. ‘It involves a descriptive inference about what actually happened in the history of a given case’ (Mahoney, 2012, p. 416)

### **Smoking Gun Test.**

‘Smoking gun’ evidence strongly supports a hypothesis as true. ‘This is the implicit method that is used to infer the existence of most ‘basic historical facts’ that cannot be directly observed by the investigator. Analysts know that certain events occurred in the past because these events leave behind traces that otherwise could not possibly exist’ (Mahoney, 2012, p. 572). It requires looking for the presence of a mechanism M that explicitly links X to Y. ‘The metaphor smoking gun may convey that a suspect who is caught holding a smoking gun is presumed guilty. However, those with no smoking gun may not be innocent’ (Collier, 2011, p. 827). Passing a smoking gun test lends decisive support in favour of the hypothesis and establishes causality among events or processes that are believed to have occurred within the case (Mahoney, 2012). While smoking gun evidence can be used to confirm a hypothesis, the extent to which failing a smoking gun test should count against a hypothesis will vary depending upon the difficulty of the test (Mahoney, 2015; Goertz, 2006). A strong test is one where no doubt exists about the generalisation used.

### **Doubly Decisive Test**

Doubly decisive tests provide strong inferential leverage that confirms one hypothesis and eliminates all others. Single tests which achieve this are rare in social science but can be achieved by combining multiple tests, which together support one explanation and eliminate all others ( Collier, 2011, p. 828).

If the researcher identify more than one mechanisms explain the effect, the above mentioned tests can be used to eliminate rival and weak causality. If staring causal evidence or mechanism is not present the hypothesis can be safely eliminated. Otherwise a smoking gun can be used to cast doubts on the validity of rival hypothesis. (Mahoney, 2015).

### **Elimination of Rival Hypotheses and Alternative Theories**

Process tracing due to giving attention to causal mechanism and finer details, diagnostic tests and good knowledge of relevant pre-existing theories and generalisations enables the researcher to pit one hypothesis against another (Mahoney, 2012; 2015). The procedure also allows to weigh the influence of more than one alternate theory ( Mahoney, 2015).

## **3.3 Methods and Diversity of Evidence**

In Pakistan, although Right to Information (RTI) laws are in place, the process is very tedious and time-consuming. Furthermore, there is no guarantee that a document will disclose relevant information. Understanding the time constrains it was decided to interview key informants who were directly involved in the design and implementation



of PO 2002, selected through iterative purposeful sampling and resampling. This involved identifying and selecting individuals or groups of individuals who were especially knowledgeable about or experienced with the phenomena of interest (Cresswell and Plano Clark, 2011; Palinkas, 2016). These included high-ranking officials from PSP, military, bureaucracy ( especially from PAS), judiciary, and officials of different political parties directly involved in any phase of the PO 2002 policy cycle. The principle advantage of the key informant technique is that it is helpful in getting quality data in a relatively short period of time. Bennett and Howlett (1992) also recommended interviews with key informants as the best approach to overcome the problems encountered when translating theoretical framework into actual policy change.

### **PSP Officers**

It was decided that both PSP officers who designed PO 2002 and those who opposed it should be equally represented in the research. First the key informants who made up the police reform focal group were contacted. IG Ali Shigri was kind enough to give contact details of the PSP officers who opposed the PO 2002 design and one of them, who was present in Islamabad at that time, agreed to give an interview. PSP officers involved in the implementation of PO 2002 were also interviewed to unveil the factors that led to change in PO 2002. At the sub-national level two in-service senior PSP officers from Punjab police were also interviewed.

### **The Musharraf Regime**

A first attempt was made to contact General Pervaiz Musharraf himself, but he was very ill and hospitalised in Dubai at that time. However, he instructed General Rashid Qureshi, who had also served as his personal secretary, to give all the required

information. On request General Qureshi arranged an interview with the retired COAS. The COAS further arranged an interview with the Justice of the High Court who had also served as legal advisor to the regime. All these key informants were interviewed in Islamabad and Rawalpindi. Efforts were made to contact General Naqvi, chairman of NRB during the Musharraf regime, but he lived in Karachi and the University did not allow me to travel to Karachi.<sup>14</sup> General Naqvi had no plan to come to Islamabad and refused to give an interview on Skype. Other members of the Musharraf regime – DG MI who lived in Lahore and a Group Captain of Pakistan Air force, who had served in Kohat, agreed that if required they would be willing to give required information for academic purposes. Correspondence with them took place via e-mail.

### **Civil Bureaucrats**

Preliminary research gave indication of bureaucratic politics as one of the causes of PO 2002 failure. This is why two members of Pakistan's civil services were contacted. These two senior officials did not give permission to use their names or give any information by which they could be identified.

### **Members of Political Parties**

Auxiliary information that was collected afterwards left many finer details unexplained in the existing research. Preliminary research revealed that ethno-political conflicts during the 1990s were mainly in Karachi and involved Muttahida Quami Movement (MQM), a political party which represented the majority ethnic group

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<sup>14</sup> It is important to clarify that the Griffith University especially instructed the research team not to take unnecessary risks and for those travelling for interviews there were certain restrictions imposed on which cities to travel to. As a result, a few key informants stationed in Karachi were contacted via email, skype or telephone.

residing in the urban centres of Sindh. This is why interviews with party members of MQM were sought. The first choice was to contact some ‘Member of National Assembly’ (MNA) from MQM like Farooq Sattar, but he was very hard to contact. Instead we located an MQM party member who was associated with the party during the 1990s and after differences with party leader Altaf Hussain left the country. He was interviewed because he was expected to have first-hand experience of the situation in Karachi during the 1990s. The information given by him was cross-checked using secondary methods.

Another political party in power during the PO 2002 policy cycle was PPP. Many key party members, including Raza Rabbani, Baber Sattar, Danial Aziz, were contacted but to no avail. One member of PPP Islamabad district finally agreed to give an interview. This research found that the political leadership was the hardest to contact and the least interested to give interviews for academic research. The theoretical framework also required discerning the beliefs, interests and attributes of various actors for which archived speeches and interviews given to press by key political actors were also used.

### **Non State Actors**

Two domestic NGOs who were part of the policy design were also contacted. One had its head office in Islamabad and the other was based in Karachi. The CEO of the Islamabad-based NGO was too busy to meet in person but gave an interview by phone. The Karachi based NGO gave their email address and asked us to send them the questions and promised to reply. After many reminders, reply was received from the president of the organisation in June, 2019.

## Blasphemy Victims.

As the research progressed, indication of police force involvement in the victimisation of those accused of blasphemy, under Pakistan blasphemy law, emerged. Attempts were made to contact victims accused of blasphemy in vulnerable communities. Two informants, one from the Ahmadi community, and one human rights activist working on human rights issues including blasphemy cases, agreed to give interviews on their personal experience of the actions of police towards victims of blasphemy charges. It is important to note that most blasphemy victims find themselves in very vulnerable position and do not agree to give interviews by which they can be identified. The key informant of this category were mainly selected from those who now lived outside Pakistan.

	PSP decision makers	Military Regime	Members of Pakistan Civil Service	Local NGO	Media Rep	Members of Political parties	Active member Civil society/ Academia
1	IG Shoaib Suddle	Press Sec of General Musharraf/ DG ISPR	NO 1 Secretary Grade 21	CEO PILDAT	CEO Awazz Radio Group	Naeem Bukhari ( Lawyer of the Panama Case against Nawaz Shariff)	Tallat Azim Human Rights activist
2	IG Ali Shigri	COAS	No 2 Registrar High Court	CEO CPDI	CEO Saach TV	Senior Vice President PPP	Dr Sarfraz Ansari ( National Defense University, Islamabad)
3	Director Police Academy	DG MI	No 3 Humayun Sandhu. Senior Officer PAS Branch.			Chairman NRB Danyal Aziz	Dr Shahzad ( National Defense University, Islamabad)
4	IG Tamoor Aly Khan	Legal advisors to regime – Justice High Court				Rashid Hussain MQM ( Left Pakistan in the 1990s on ethnio-political conflicts in Karachi)	Baber Ahmed (Ahmedi Community member left on charges of blasphemy)
5	DIG Punjab Sultan Chaudhry	OC Kohat – Tora Bora Operations					Sajjad Hussain (Hazaran Community left Pakistan on target killing threat)

Table 3.1: Table of Key Informants.

In addition to the role of non-state actors and domestic and international NGOs ACF also ask to look for the role of members of academia, journalists, policy analysts, media persons in policy change. This second group of key informants was selected from among people occupying posts of responsibility and influence who, by virtue of their position, observe developments around them much more closely than do marginal people. Sjoberg and Nett (1968) describe such individuals as ‘strategic informants’. The findings were further cross-checked using secondary methods.

The primary method used was interviews with key informants. The interviews were semi-structured, encouraging informants to bring out all the facts pertinent to the research topic. Cues were followed and clarification requested where needed. The interviews were recorded, transcribed and critically analysed for inference. Most interview sessions lasted for two to three hours and some informants also invited me for further discussion on the topic. George and Bennett (2005), Mahoney (2012; 2015) and Collier (2011) had recommended using diversity of methods in process tracing to detect potential bias and for cross-checking the evidence. Therefore, this research had also used other secondary methods such as, archival research, news reports, verdicts of higher courts, government reports, reports of NGOs, secondary data etc for cross checking and evaluating evidence.

Before embarking on an account of the research undertaken, it is necessary to provide some clear idea of the historical context in which policing became perceived as a problem to be addressed in a democratising Pakistan. It is impossible to really appreciate the genesis and fate of PO 2002 without understanding the cause . It requires understanding some of the complex and often chaotic history of modern Pakistan. Therefore, the next chapter will examine this recent history. After a brief look at some

critical events of 1951, we will trace in some detail the events during two crucial periods, that from 1971 to 1988 which covers the Z.A. Bhutto and Zia-al-Huq regimes, and that from 1988-1999 which traces events from Benazir Bhutto's first government to the overthrow by coup of Nawaz Sharif. The latter event made way for the government of General Pervez Musharraf which, though a military autocracy, was nevertheless self-consciously.

## **PART II**

### **History and Politics of Pakistan Police before PO 2002**

## **Chapter 4**

### **History and Politics of Pakistan Police before PO 2002.**

The main aim of this chapter is to provide the historical explanation for the beliefs and behaviours of various policy coalitions involved with the police reforms of 2002. The information was collected using process tracing which investigates the research question(s) using the logic of cause and effect' resulting in generating a historical explanation of the case (George Bennett, 1997; Mahoney, 2008; 2010; 2012; 2015). In such an investigative inquiry, attention is also paid to 'small events' or chance occurrences that intervene between a cause and an outcome, without which the latter cannot be adequately explained (Mahoney, 2015). As stated, before while looking for historical explanation one concern is of 'infinite regress'. Mahoney (2015) advises the researcher to stop elaborating mechanisms when some strong evidence becomes available that sufficiently explains the cause, a cause without which the outcome may have not happened or may have turned out differently. This is the approach followed in this chapter. This chapter is broadly divided into two section. The first section provides the history of Pakistan police Services from 1947 to 1999. Attention is also paid to give the details of the events and fine-grained understanding of the factors that led to the demand for new police reforms. The information is collected from direct interviews from key informants, and multiple other sources of information are also consulted including archival research, media reports, speeches etc. The competing accounts were tested and checked against each other. Detailed discussion of competing hypotheses and theories is however kept for the concluding chapter. The second



section search for the historical clues that impacted the beliefs and behaviours of the PSP decision makers and hence the design of PO 2002.

#### **4.1 History of Pakistan Police post-1947 and the Myth of DC Control.**

In the chaos of 1947, Pakistan adopted already existing colonial laws, like the Government of India Act of 1935 and Police Order of 1861, until such time the constituent Assembly of Pakistan prepared its own laws. As has been noted, the salient feature of PO 1861 was that it placed the police force under the strict control of the state and at the district level through an intermediary District Magistrate.

Preliminary research showed that this oversight mechanism was a point of contention for IG Shoaib Suddle (2003) who proposed that after 1947 Pakistan police operated under the ‘dual control’ of the executive and the bureaucracy, which according to him added to the inefficiency of the police force. Evidence collected from other informants did not support IG Suddle’s claim. For example, the rest of the three IG police interviewed rejected this notion. Furthermore, IG Suddle also said that he once asked his seniors why they did not demand new police reforms to which they replied, ‘they never felt the need’. To resolve these contradictions and understand the factors that led to the demand for new police reform finer details were collected using both primary and secondary methods, which are presented in a sequential form as follows:

After the creation of Pakistan, the responsibility of police oversight was given to the Deputy Commissioner (DC) from the ‘Administrative Branch of Pakistan Civil Service’ (PAS) (previously called the District Management Group – DMG). It is important to note that Pakistan police at that time was not a part of Pakistan Civil

Services but a separate entity. A senior IG of police, Ali Shigri, clearly stated in interview that, unlike in colonial times, Pakistan police did not experience any problem or interference from the DC and worked independently. The reason being that immediately after the creation of Pakistan the issue was informally resolved between the senior decision makers of police and the members of the administrative branch of Pakistan Civil Services.

The background of this negotiated order rests in the 1950 Hindu-Muslim riots of East Pakistan, also known as 'Barisal riots' (Lambert ,1951). These were caused by conflict between Indian industrialists and jute growers of East Pakistan, over increased jute prices following India's devaluation of its currency. The conflict led to a mob attacking Hindu shops in Decca. The mob incident quickly spread to close-by residential areas and other areas of East Pakistan like Barisal Town, Noakhali District, followed by similar incidents in Chittagong, Sylhet and Assam, killing an estimated 400 Hindus (Lambert, 1951). Pakistan's first Prime Minister, Liaquat Ali Khan, immediately formed a commission to look into the issue and make recommendations for improving policing. The commission chaired by IG of the Frontier Province, Sir Oliver Gilbert, recommended removing Pakistan police from under the control of the DC, as had been the arrangement under the colonial police order of 1861 (Manzoor et al., 2014, p. 650). Before any decision could be reached Liaquat Ali Khan was assassinated on October 16, 1951, after which government priorities changed.

However, IGs of Pakistan police effectively used their agency to negotiate an informal deal with the civil service branch that held the post of DC not to interfere in police affairs. Retired IG police stated in interview that, 'although no proper police reform was drafted at that time, an informal arrangement between Pakistan Police Services

and the DMG services took form. According to which the latter agreed to refrain from interfering in the functional authority of IG police and controlling the district level police officers. This arrangement was respected and maintained by both sides.’ IG Shigri also added, ‘if anyone said that they faced problems from DC then it would be about a personal clash between individuals.’ Later the ex-director of Pakistan Police Academy said the same.

To remove any potential bias in the information given secondary methods were also consulted. A research done by Zaigham Sarfraz (2018) on police commissions in Pakistan provided the missing information and substantiated the claim of IG Shigri and other two. Sarfraz (2018) not just shared detailed information on the police commissions in Pakistan but had also added details of a less known ‘G Ahmed Commission’ made in 1972, which was missing from the previous list. G Ahmed commission is significant as it recommended, in 1972, the ‘restoration of DC oversight’ on Police. The commission report stated;

According to the Police Act, 1861 the district police is to be under the control of district magistrate, ... Over a number of years this authority been taken away from the District Magistrate, the commissioner and the home department, resulting in independence and lack of accountability of the police.

(File No 43/ CF/ 72, Govt of Pakistan, Cabinet Secretariat, G Ahmed’s Committee on Police Organisation and Reforms in Pakistan. p. 1-24)

This strong evidence confirmed that DC control was missing prior to 1972 and recommendations were made to restore it, thus the information given by IG Shigri and others was correct. Thus, we can say that despite the provision of PO 1861 there was no DC oversight on Pakistan police post 1947, due to which the Pakistani police

decision-makers enjoyed operational autonomy. This also satisfactorily explain why the IG police never felt the need to change PO 1861 before the 1970s. This freedom went under scrutiny during the 1970s.

#### **4.1.1 Pakistan Police Services post 1971.**

In 1971, a year in which Bangladesh seceded, Zulfiqar Ali Bhutto became the president of Pakistan with a promise to rebuild the nation. Faced with innumerable challenges to stabilise the newly separated Pakistan, he introduced many radical institutional reforms, two of which hold special significance for this research for their direct impact on Pakistan Police: namely the Unified Civil Services Act of 1971 and the Civil Service Reforms of 1973. The unintended result of some much-needed steps taken by Bhutto resulted in Pakistan police losing its separate status and becoming PSP – a cadre of Pakistan civil services - and in the creation of a strong bureaucracy-police nexus.

##### **Creation of PSP and the Birth of Bureaucracy-Police Nexus**

The dynamic of creation of the bureaucracy-police nexus began with the separation of East Pakistan, which also resulted in Pakistan police losing its 100-year-old prestigious training institute to Bangladesh. The Bhutto government made immediate arrangements for the training of police officers above the grade of 17, in the ‘Civil Services Academy of Pakistan’ (NPA, 2016). Bhutto also announced plans for modernisation of Pakistan police on specialised lines and the construction of a new training academy for policemen at Sihala, Rawalpindi (NPA, 2016). Due to economic constraints, however, the academy did not become operational till 1987. The delay adversely impacted the professional training of the police force.

In this nation rebuilding phase Bhutto also implemented the 'All Pakistan Unified Grade Act'. This was because after the assassination of Liaquat Ali Khan and in the absence of any strong political leadership, some cadres of the civil service started calling themselves the 'elite service' of Pakistan bureaucracy (Hussain and Kokab, 2013, p. 174; Chowdhury, 1964, p. 100; Mazari, 2001, p. 56). Wilder (2010, p. 28) focusing on the bureaucratic politics in Pakistan stated that, 'the elite civil servants maintained control over policy making, the selection, training and posting of its members and were able to retain institutional autonomy'. The scholarship on the democratisation problems in Pakistan and the key scholars of the institutional imbalance theory had also confirmed that even during the military regime of Ayub Khan, a close symbiotic relationship had existed between the military and civil bureaucracy as a result of which these civil servants were appointed at key positions, afforded protection from reduction in rank, compulsory retirement and dismissal, causing an institutional imbalance that favoured bureaucracy as much as it favoured military, maybe more (Alvi, 1990). 'Pakistan bureaucracy was powerful enough to keep the military at bay even during the martial law regimes' (Alvi, 1990, p. 242).

When Bhutto was elected, he openly criticised this arrangement. On April 12, 1972, in his address to the nation announcing police reforms, he said:

No institution in the country has so lowered the quality of our national life as what is called 'Naukar-e-Shahi' [servant to the royals]. It has done so by imposing a caste system on our society. It had created an elite class of 'Brahmins', unrivalled in its snobbery and arrogance, insulated from life of the people and incapable of identifying itself with them.

Bhutto, therefore, implemented the 'All Pakistan Unified Grade Act' which unified the grades of the civil services cadre and removed the self-acquired 'elite status' of some cadre. The aim was to end the culture of elitism which Pakistan's bureaucracy had partly inherited from the Indian Civil Service and partly created for itself through the authority of Jinnah, the founding father of Pakistan, and other Governor Generals of Pakistan who were mainly bureaucrats. The act resulted the abolishment of the separate status of Pakistan police, which became Pakistan Police Services (PSP). This change is also highlighted by Jaffrelot (2015). Jaffrelot (2015) however believes it was intended to weaken the PSP and strength Bhutto's own political control over police. However, without evidence and considering the major transformation taking place in the country post 1971 and the anger some informant showed against Bhutto's reforms it is hard to reject that Z.A Bhutto intended anything other than to end the power of elite cadre of Pakistan bureaucracy.

Bhutto also transformed the Civil Services Academy into an 'Academy for Administrative Training' in which young recruits for all the branches of the civil service, including PSP, recruited for the post of Assistant Superintendent Police (ASP), started their training. These recruits took their 'initial training' under a Common Training Programme' (CTP) before leaving for specialised units and further training (CSA, 2017). As a result of the long time spent together, a strong collegiality developed between young police officers and recruits of other Central Superior Services (CSS) branches, which was further enhanced over time in various postings. Furthermore, this research finds the combined training also resulted in a shift in PSP officers' behaviour from the very beginning. A review of the curriculum taught during the CTP showed that it focused less on policing programs commonly taught in the academies of other countries and more on 'attitudinal training' aimed at developing a

bureaucratic mindset in young police officers at the very beginning of their careers. Scholars acknowledge the intense interface of police with citizen demand and needs specialised training to override natural inclinations, biases or reservation encounter during the performance of the duty (Barton, 2004; Smith and Flanagan, 2000). In Pakistan, the events and reforms of 1971-1973 and their training in civil services academy instead transformed the police force of Pakistan into a PSP cadre with a bureaucratic mindset which, like the rest of the civil service, started to resent the idea of being directed or held accountable by elected politicians. Together the Unified Civil Services Act combined with the common training of PSP recruits and officers in the Civil Services Academy resulted in the creation of a bureaucracy-police nexus, post 1971 which flourished during Zia regime.

In February 1972, when Pakistan was still going through reconstruction and reformation, police officers in various cities in the province of Punjab – Lahore, Faisalabad and Sahiwal – went on strike demanding revision of their pay and benefits (Brown, 1972). At that time police, like the employees of other state agencies and enterprises, were allowed to form unions, though strikes were forbidden. Bhutto accepted their demands and on April 12, 1972 announced police reforms which included improvement in pay and allowance packages to allow policemen to perform their duties without undue economic burdens. At the same time, the Bhutto government took measures to prevent police and other civil servants from using any form of political influence. The, Civil Services Reforms, enacted in 1973<sup>15</sup> established the terms and conditions of state institutional actors, barring them from forming

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<sup>15</sup> A detailed discussion of the impact of civil services reform and its impact on police can be found in books by Charles H. Kennedy (1983, 1987), Andrew Wilder (2010) and Christophe Jaffrelot (2015).

unions, drawing up their constitutions and rules or organising collective activities like strikes. From the civil bureaucracy perspective ‘the aim was to undermine the independence of the civil service by making it accountable to the political government’.<sup>16</sup> Key informant from PSP like the ex-director of National Police Academy in the interviews also shared his opinion of the various downside of Bhutto’s rearrangement of the administrative structures of the country and praised the colonial arrangements. The comments highlighted a deep-rooted contention of the civil bureaucracy, which immediately after 1947 had acquired the monopoly on decision making, over and above any elected government, against the Bhutto government. And is also highlighted by other researchers like Wilder (2010) and Alvi (1990). The key informant from PPP, however, said ‘the civil service reforms implemented by Bhutto were his attempts to remove the imperial privileges acquired by Pakistan’s bureaucrats that they had successfully safeguarded since 1947 and even under the military rule of Ayub Khan’.<sup>17</sup>

The information collected showed that post 1971 a certain contention between the political and bureaucrat actors, including PSP, existed in Pakistan

### **End of Bhutto’s Era and the Ascent of Bureaucracy-Police Nexus**

Bhutto also implemented a nationalisation policy aimed at improving the economy and creating employment (Gustafson, 1976, p. 364). Rehman (1999) gives details of the impact of Bhutto’s nationalisation scheme on the industrialists. He writes, initially it was just ten industrial units that Bhutto announced for nationalisation but Bhutto kept expanding his nationalisation agenda which ‘increased the number of his adversaries’ – this time from among industrialists and business groups – and also earned him the title

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<sup>16</sup> Senior Civil Servant interviewed in 2018.

<sup>17</sup> PPP senior vice president interviewed in 2019.



of a 'socialist' (Rehman, 1999). Bhutto's elected government came to an end on July 4, 1977 following a coup d'état by General Zia-ul-Haq. 'And it was an industrialist that took the pen out of his pocket and gave it to General Zia to sign Bhutto's death sentence'.<sup>18</sup>

The primary and secondary sources consulted for this research reveal that Zia wanted to remove Bhutto from the very outset. 'This was because Bhutto had threatened Zia with the death penalty that goes with the abrogation of the constitution'.<sup>19</sup> Zia needed to implicate Bhutto in some serious allegation to save himself. He first contacted Baluch nationalist leader Atta Ullah Mengal, but Mengal refused' (Naqvi, 2014). Other accounts state that Zia asked Pakistan Television Corporation (PTV) to interview Yahya Khan and on national TV and name Bhutto for the 1971 Decca fall. Yahya Khan, however, refused to give interview (Hassan, 2000). On 3rd September 1977 Zia managed to arrest Bhutto for the murder of Ahmed Raza Kasuri who was killed in 1974 by the firing of unknown people. According to the prominent lawyer Naeem Bukhari, an eyewitness to the Bhutto trial, 'Investigation done into the murder case at that time could not find any credible evidence to link it with then prime minister. Zia ul Haq reopened the case just two months after taking over the control of the country'. The key informant reported that even then in the first trial a Lahore high court judge, K.M. Samdani, found the evidence contradictory and incomplete, and ordered the release of Bhutto on September 13, 1977. Bhutto was arrested again and a trial this time was run under Justice Maulvi Mushtaq. Bukhari noted that 'The evidence against Bhutto was very weak and under no law could a death sentence be given to a person who had not committed the crime. No one thought all this would be enough to

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<sup>18</sup> Lawyer Naeem Bukhari interviewed in 2019.

<sup>19</sup> *ibid.*

send a statesman like Z.A. Bhutto to the gallows. But Zia used it to do just the same'. The prominent lawyer also said the final judgment implicating Bhutto was also a 'split judgment'. In 1977 the International Jurist conference held at Knightsbridge, London UK, also called Bhutto's trial a 'judicial murder'.

Zia led Pakistan's most controversial and despised military regime but managed to survive for eleven years by creating a leadership vacuum and keeping the overall environment apolitical (Kennedy, 1990; Baxter, 1985), using the charisma of the military over the people of Pakistan (Alvi 1990). A dysfunctional parliament diminished political parties and non-existent space for public discourse characterised the domestic political landscape during the Zia regime. 'Zia cemented his control through various constitutional amendments, issued as decrees.'<sup>20</sup> Most significant was the eighth amendment giving the President of Pakistan, normally a purely ceremonial role in a parliamentary system, power to dissolve the national assembly virtually at will. For example, Article 58 (2) of 8<sup>th</sup> Constitutional Amendment especially gave rights to the unelected President to dissolve the elected National Assembly:

- 58 (2)** Notwithstanding anything contained in clause (2) of Article 48, the President may also dissolve the National Assembly in his discretion where, in his opinion,
- (a)** a vote of no-confidence having been passed against the Prime Minister, no other member of the National Assembly is likely to command the confidence of the majority of the members of the National Assembly in

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<sup>20</sup> Ibid.

accordance with the provisions of the Constitution, as ascertained in a session of the National Assembly summoned for the purpose; or

(b) a situation has arisen in which the Government of the Federation cannot be carried on in accordance with the provisions of the Constitution and an appeal to the electorate is necessary.

Another ignored, but this research believes an important, feature of Zia regime is Pakistan's covert transformation to neoliberal regime. Neoliberalism is a diverse set of policies in which the demand for minimal government has become the corner stones of neoliberalism movement (Ong, 2007). Neoliberalism attempts to 'disables the state from interfering with the established order of the market' (Unger, 1999, p. 58) Not only government intervention is considered undesirable but any social or political organization if it transgresses rationality of the market is forcefully rejected. 'Pure neoliberal regimes' advocate complete market liberalisation, state roll-back and minimal government (Giddens 1996). Linz and Stepan (1996, p. 11) had argued that: 'There has never been and almost certainly there never will be a modern consolidated democracy in a pure market economy'. In Pakistan, during Zia regime state roll back did not become a threat to the powerful bureaucracy. This was because it was undertaken by the elite bureaucrats and the bureaucracy-police nexus. That is, they planned their own transformation as well as that of Pakistan. 'Bhutto's socialist economy and the number of SOE he created through nationalisation were used by Zia regime to transform Pakistan into a free market economy and earn political support.'<sup>21</sup> This transformation was undertaken with the help of the bureaucracy-police nexus under the patronage of IMF and Ishaq Khan. Ishaq Khan is generally taken as the

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<sup>21</sup> Dr Shahzad interviewed in 2018.

President, empowered by the 8<sup>th</sup> constitutional amendment, which is not sufficient to understand his ‘behaviour’ and its adverse impact on the future democratic transition of Pakistan. Ishaq Khan was a distinguished career bureaucrat who joined the Indian Civil Service in 1947. After the creation of Pakistan, he opted to join Pakistan’s Civil Service. His prestigious career as a civil bureaucrat included his appointment as the first Chairman of Pakistan’s Water and Power Authority (WAPDA) in 1961, and a posting as the Federal Finance Secretary in East Pakistan from 1970 to 1971. After the secession of Bangladesh, he became the Governor of the State Bank of Pakistan (1971 to 1975). Later he developed differences with Bhutto, for which he was transferred to the Ministry of Defence (Huggler, 2006). This transfer became the gateway for forming cordial relationships with many military generals, including General Zia (Huggler, 2006). Zia, later appointed Khan the minister for ‘Economic and Finance Affairs’ and Minister for ‘Commerce Planning and Development’(see Appendix A). Khan became known as the ‘economic apparatchik’ of the Zia regime, the person who dealt with international monetary agencies and designed the state’s covert structural transformation towards neoliberalisation under the so-called ‘Washington Consensus’ (Munir and Qavi, 2017; Saifullah and Majeed, 2014).

The broader scholarship on neoliberalisation of developing countries has noted that agencies like the IMF and World Bank<sup>22</sup> purposely directed the neoliberal structural change program in developing countries towards the state bureaucracy in order to insulate and shield the market liberalisation agenda from public opposition or political debate (Ngugi, 2005, p. 514; Jaysuria, 2001, p. 71; Griffith, 2006). Ngugi’s (2005)

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<sup>22</sup> Details on Washington Consensus that led to the implementation of the neoliberal agenda in developing world are discussed by Griffith, (2006) in ‘The Paradox of Neoliberalism: A Critique of Washington Consensus in the Age of Globalisation’.

argument is of interest as it also highlights the role of police in the frequent clash between the 'rule of law' and the individual and social freedoms in such arrangements towards neoliberalism. Ngugi (2005) states that these agencies carried a predetermined template of 'rule of law' for neoliberalism, which they wanted to implement in developing countries. In their desire to discourage any political debate on the institutionalisation of neoliberal agenda in these countries, the 'bureaucratic-police nexus' was particularly helpful because it helped stop the anticipated clash between democratic forces preferences (Ngugi, 2005, p 186). Thus, in developing countries they purposefully directed the neoliberalisation programme towards 'technocrats', who are believed to be less responsive to popular demands and politics. And unlike the politicians, they were not expected to come under pressure in response to the anticipated clash. In Pakistan, during Zia regime which also wanted to preserve the overall apolitical environment in the country, it was Ishaq Khan helped by the bureaucracy-police nexus which provided the ideal conditions to launch neoliberalisation of Pakistan. Ishaq Khan also 'handpicked the bureaucrats' to help him in the transition to help him with the process (Maitra, 1993). The importance of all this for the present thesis is that it was not just Ishaq Khan but also the bureaucracy-police nexus, that came into being during the 1970 and survived post Ishaq Khan, that became the covert architects of its own transformation as well as that of the state during Zia apolitical regime. One retired IG and ex-director of Pakistan Police Academy in the interview identified the Zia regime as the 'ideal time'. IG Suddle also mentioned in the interview, his seniors [PSP officer] were content and had no issue working under PO 1861, that provided police interface with the bureaucracy. And 'political control' of police by the DC or the elite cadre of PAS, was not seen as a problem.

Ngugi (2005) concludes that institutionalising any notion of societal good through technocrats alone and without letting it reach the arenas of political debate is contrary to the ideals of democratising political and economic decision making in any democracy. It ‘conflates the procedural, substantive, descriptive and prescriptive aspects of the rule of law to imbue the distinctive political choices of the society’ (Ngugi, 2005, p. 187). Furthermore, this backdoor approach is likely to create conflicts and public uproar as soon as the public gets aware of the changes, requiring some law enforcement from police. And this is exactly what was witnessed in Pakistan during the coincidence of democratic transition and neoliberal transformation of Pakistan after the Zia Regime.

#### **4.2 Impact of Ishaq Khan- Bureaucracy-Police Nexus on Pakistan Democratic Transition.**

As the main architect of Pakistan’s transformation Ishaq Khan, supported by the bureaucracy-police nexus, also made decisions that resulted in major transformations in the elite structure of the country. As a result he became the central man to appease for the newly inducted industrialists in Zia’s regime and came to be known as ‘the most established man of the establishment’ (Haider, 2012). After Ishaq Khan’s retirement, in 1985, Zia appointed him as Chairman Senate, a post that constitutionally enabled him to become interim president in August 1988 due to Zia-ul-Haq’s death in a mysterious plane crash, and then the 7th President of Pakistan in November, 1988. The 8th constitutional amendment further gave the bureaucrat [president] extraordinary power over the pure neoliberal regimes.

When democratic transition restarted in Pakistan in 1988 Benazir Bhutto (BB) won the 1988 election but with a small margin. Data shared by the Election Commission of Pakistan show she won only 93 out of 207 National Assembly seats. Ishaq Khan even delayed calling her to make the government till she agreed to allow him to continue as the President and to abide by the agreements Ishaq Khan had made with IMF during the interim government (Shafqat, 1996, p. 659). BB, unlike her father, accepted the logic of market liberalisation and within four months of taking the oath of office in December 1988 contracted an independent expert, N.M. Rothschild and Sons, to prepare a privatisation plan for her government. A move which according to some commentators was not welcomed by Ishaq Khan or the bureaucracy-police nexus, who previously held the monopoly over this. (Shafqat, 1996; Rizvi, 2000). Although, BB revealed a certain caution and decided to go ahead with privatisation of only seven units, by 22 May 1989, against the company's identified 50 units (Shaikh & Ehsan, 2013; Tahir, 2014; Bartleby, 2012). Yet this modest move (borrowing from Saeed Shafqat) '*irritated the bureaucracy*' and Ishaq Khan abruptly ended her government in August 1990.<sup>23</sup> A critical review of his televised speech reveal that he in addition to pointing to her inability to control 'law & order' in her home province of Sindh categorically accused the executive for 'interfering in the working of bureaucratic institutions'.

The ensuing 1990 elections were won by a coalition led by industrialist Nawaz Sharif, who had gained political experience as finance minister and then Chief Minister of Punjab during the Zia regime. The Election Commission of Pakistan data show Sharif secured 106 seats and formed a government of the centre (as well as in the province of

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<sup>23</sup> Dr Shahzad interviewed in 2018.

Punjab). As a member of Zia regime Sharif had better terms with Ishaq Khan, but as an industrialist and a businessman, Sharif's plans for the implementation of neoliberal policies in Pakistan were far more aggressive, for the bureaucrat's taste. Sharif launched his privatisation program as early as January 22, 1991 and marked a staggering 115 State Owned Enterprises (SOEs) for privatisation (Yasmin, 1994; Samad, 1993). Sharif also launched an immediate roll-back of the state which included removal of the requirement for government approval of businesses, including those owned by foreign investors, as well the restriction on obtaining 'permits' for foreign technical personnel to work in Pakistan and placed a ban on worker unions (Munir and Naqvi, 2018; Rahman, 2005; Ghauri, 2013). 'Because of these policies government ability to monitor and regulate the private sector was greatly hampered' (Samad, 1991). Sharif's attempt to minimise the role of the bureaucracy-police nexus in the transformation of the state resulted in his clash with the president. Differences between Shariff and Ishaq Khan coalition started arising. 'The power struggle between Sharif and Ishaq Khan became visible in 1992 when Ishaq Khan sought a second five-year term in office and Shariff refused'.<sup>24</sup> Imprudently offended, Ishaq Khan ousted Sharif with his overbearing constitutional power. In a long televised speech among the many reasons Khan offered as an explanation for his action, he also accused Shariff [executive]of interfering in 'the routine working of the civil service institutions', for 'not duly consulting the state bureaucratic institutions in decision making hence 'subverting the *traditional structures of authority*.'<sup>25</sup>

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<sup>24</sup> Lawyer Naeem Bukhari interviewed in 2019.

<sup>25</sup> Ghulam Ishaq Khan, govt (18-4-1993) Part 1.wmv, speech given at the time of dissolving the Nawaz Sharif's government.



Sharif [the industrialist] did not go quietly and immediately challenged the dissolution of his government under Article 184 (3) of the Constitution which guaranteed the fundamental political rights of Pakistanis and elected politicians.<sup>26</sup> Chief Justice, Naseem Hassan Shah, of the Supreme Court reversed the president's decision and held that 'the party winning a majority of the seats has the right to control the government' (Iqbal, 1993). Interviews with key informants and cross-checked by secondary methods confirmed that the judiciary's decision did not end the power struggle between the septuagenarian bureaucrat and the determined industrialist. 'The whole state apparatus came to a standstill. Ishaq Khan then dissolved the Punjab Provincial Assembly and later KP Provincial Assembly.'<sup>27</sup> Archived reports from across the border also confirmed the conflict between Sharif and Ishaq Khan lasted for two weeks. 'It brought both central and provincial governments to a virtual halt' (Maluka, 1995). 'It was the army chief General Kakar who finally intervened and requested Ishaq Khan that "Sir, it is now time for you to resign". It still took ten days or more of intense negotiation after which Ishaq Khan finally agreed to resign on condition that new elections would be held and Moeen Qureshi will be the interim Prime Minister.' Moeen Qureshi again was not any random politician, he was an ex-civil servant and senior official of the World Bank, and at that time very ill but he agreed to assume the responsibility of the caretaker prime minister till the new elections.

Centrally at issue, during the 1990s, was a power struggle between the bureaucratic establishment represented by Ishaq Khan and the political establishment represented by parliament and prime ministers over the control of neoliberal blue-print of Pakistan. Ishaq Khan and the bureaucracy-police nexus singular desire to control Pakistan's

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<sup>26</sup> Nawaz Sharif vs Federation PLD 1993 SC 473

<sup>27</sup> Lawyer Naeem Bukhari interviewed in 2019.

neoliberal transformation, greatly exacerbated by the imbalance of power, sabotaged the country's two attempts towards democratic consolidation. Empowered by the extraordinary powers of 8<sup>th</sup> amendment the bureaucrat Ishaq Khan intentionally made what Linz and Stepan (1996, p 22) had called the 'usability of bureaucracy' for the elected government, if not impossible, then extremely difficult.

#### **4.3 Law & Order Crisis Generating a Demand for Police Reforms.**

Khan's charge against BB and Shariff pure neoliberal regimes regarding the law and order situation in Sindh was not, however, without foundation and plays crucially into the demand for new police reform in Pakistan.

The clash of public and private interests also led to general public outcry, amplified when BB, in her short 18-month first government, pursued undemocratic pro-Sindhi nationalistic policies. She said, 'she wanted to reward the segment of society that suffered the most during the Zia regime' (Kennedy, 1991, p. 383). But these resulted in ethno-political conflicts in her home province and in the urban centres of Sindh, particularly in the metropolitan multiethnic and multicultural city of Karachi. According to the census of 1981, the native Sindh's constituted only 3.8 percent of the population of Karachi at that time. Whereas, 'Muhajirs', largely immigrant group that came and settled in Karachi after 1947, made the largest segment of 64.1 percent. The percent of the Muhajirs in urban centres of Sindh and especially in Karachi is explained as Karachi was the first capital of Pakistan and the 'salariat', as Alvi (1990) liked to

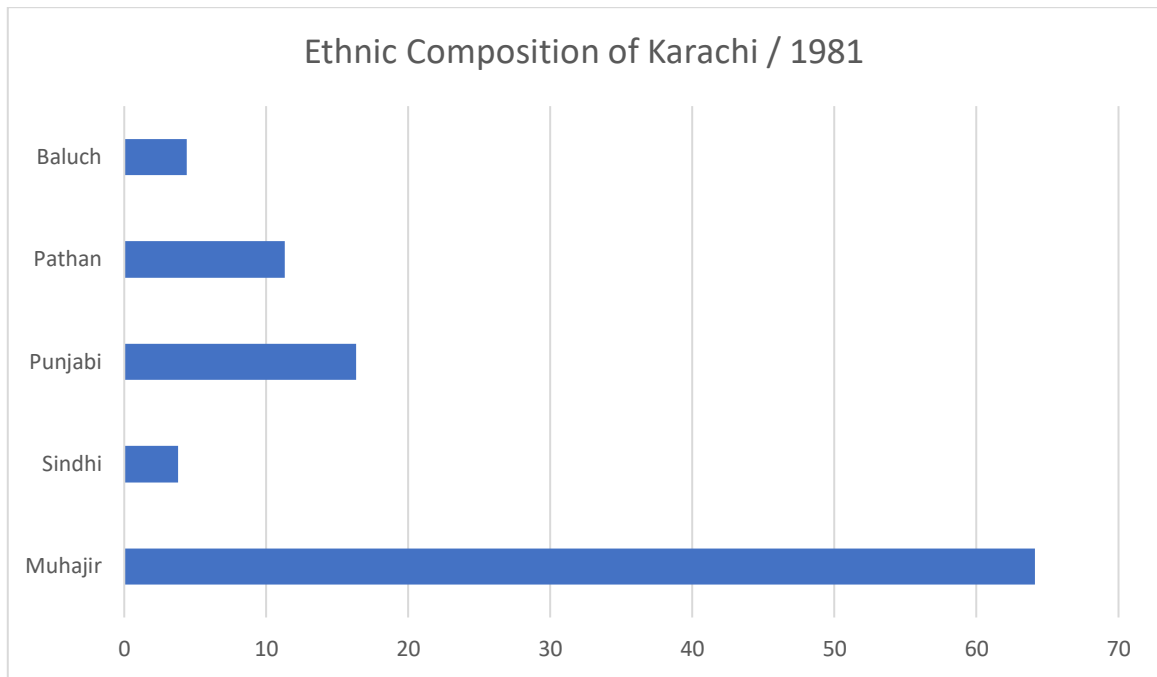


Figure 4.1: The Ethnic Composition of Karachi according to 1981 census.

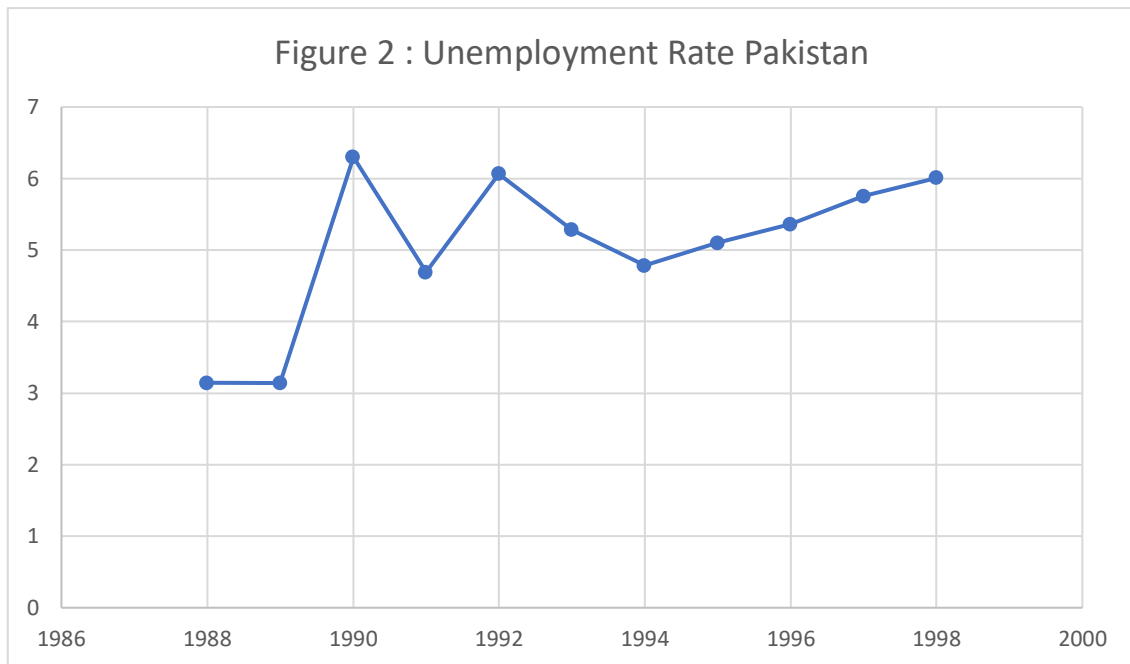


Figure 4.2: Unemployment<sup>28</sup> in Pakistan

Source: International Monetary Fund Data.

<sup>28</sup> Unemployed workers are those who are currently not working but are willing and able to work for pay, currently available to work, and have actively searched for work.

call them, settled in the state's capital. Also, Karachi being a seaport and a major business centre, attracted more immigrant like the Gujrat business community and Bengali community from East Pakistan who also came and settled in Karachi.

'BB's support for one ethnic group (Sindhi) over all others was unmerited and unfair'.<sup>29</sup> BB's pro-Sindhi rhetoric was vehemently rejected by other ethnic groups and especially by the muhajirs, who 'were also feeling the 'uncertainties and risks' of the neoliberal transformation of the state (Ahmar, 1996). Multiple primary and secondary sources including interviews with key informants from PSP and military, archived research, news reports confirm that ethnic conflicts broke out in all the urban centres of Sindh, but the densely populated Karachi was the most severely hit. Instead of trying to negotiate with the political leaders of other ethnic groups to ameliorate the tensions, BB resorted to the use of coercive force to crush opposition. Commenting on the role of police in the crisis the informant from MQM said: 'In the Karachi crisis, the conflicts were mostly between the militant groups of political parties, police mostly remained aloof, but some PSP officers, like SSP Akram Chaudhry took onto themselves to target and kill the Muhajirs. They were projected as heroes.'<sup>30</sup> Secondary methods also supported the information regarding politicisation of policing during this time. In a 2012 report by Asia Society IG Shigri, who served as the IG Sindh police from November 1993 to August 1995 stated, 'command level officers were often chosen on the basis of "their willingness" to comply with the political governments and their readiness to victimise political opponents' (Shigri, 2012, p. 25). In the same report another PSP officer, who had served as IG Baluchistan province,

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<sup>29</sup> Ex-party member of MQM interviewed in 2018.

<sup>30</sup> MQM party member interviewed in 2018.

wrote, 'It (1990s) was the time when the culture of politicisation and clientelism got institutionalised in Pakistan police' (Khossa, 2012, p. 31).

Politicisation of PSP command level did not help in controlling the law & order. As the situation aggravated BB was led to call in the military, the latter responded only reluctantly. Shoaib Suddle, who worked as DIG Sindh police at that time, informed; 'the military simply refused because it did not want to involve itself in the ethnic and politically motivated situation'. Top personnel from Pakistan's military interviewed for this research also said that 'they were appalled by the nature of ethnic segregation of the time'<sup>31</sup> and they firmly believed that 'law & order maintenance was the responsibility of police and not the military.'<sup>32</sup>

'Sharif was no different, he also failed to implement democratic policies'.<sup>33</sup> He launched 'mega-projects' like his Motorway Project in 'Punjab', serving the interests of the industrialists of Punjab only. His projects and investment policies were contested by other provinces. The wave of public uproar against Shariff's pro-Punjab policies also added another layer to the on-going ethno-political conflicts and Sharif, like BB before him, also decided to use blatant state force against those offering the most resistance. The informant from MQM related the most horrific incident of that time. 'These governments tagged the Muhajirs, who raised their voice against their unfair policies, as terrorists'. On June 19, 1992, Nawaz Sharif ordered 'operation clean-up' against the Muhajir community of Karachi. It was an armed military intelligence operation that also deployed 'Sindh police' and the para-military Pakistan Rangers with the assistance of the Pakistan Army. According to the informant the

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<sup>31</sup> Retired COAS interviewed in 2018.

<sup>32</sup> DG MI in an email reply sent in 2019.

<sup>33</sup> Dr Ansari interviewed in 2018.

operation resulted in approximately 24,500 fatalities among Muhajirs. As a result, the 12 MNAs from MQM resigned in protest from Sharif coalition. Sharif later denied he had authorised this operation but his close political ally, Chaudhry Shujaat, in an interview to Herald weekly maintained that the operation was conducted under Sharif's order (Herald, 1994). The military man interviewed for this research also mentioned that Sharif had a habit of disowning his actions and he continuously shifted all blame on the military for his actions. The continuous failure of the PSP to control law & order led to public demand for police reforms.

Members from Pakistan academia and civil society informed that the brinkmanship between prime minister and president that dominated the political scene of the time, the constant state of political instability and the incessant law & order situation led the people to believe; One that martial law was after all better than western democracy. Two, generated a social demand for police reform. The human rights activist in the interview said; 'after the dictatorial Zia regime, what the public was hoping from Pakistan democratic transition was that the elected governments would alleviate social ills and improve human dignity. It will use its authority and state institutions like police for the good of people. But the questionable behaviour of both police and the politicians, throughout the 1990s, was a great disappointment and it also fell ill on the idea of democracy for the people of Pakistan'.

#### **4.4 Politics of the PSP in the Overall Ambivalent Scheme**

The bureaucracy-police nexus coexisted peacefully for eleven years alongside the industrialist during Zia apolitical regime. Post 1988, the nexus managed to have the upper hand mainly due to the imbalance of power skewed in favour of Ishaq Khan.

After Ishaq Khan departure in 1993, suddenly the control of PSP - the source of state coercive force – became significant for the bureaucracy in order to protect the status quo, and for the Pakistan’s pure neoliberal regimes, which had used the political process to come in power, and desperately wanted to implement their own designed blue-print of state’s neoliberal transformation. What were the preferences of PSP decision makers in this overall scheme is not known. However, from 1993 to 1998 three events took place that had a significant impact on the future behaviours and preferences of PSP decision makers with respect to the dynamic of police governance in Pakistan and also impacted the design of future police reform. These events included the secret apportionment formula, murder of Murtaza Bhutto and the implementation of Anti-Terrorism Law. Each is discussed below:

#### **4.4.1 ‘Secret’ Apportionment Formula and distrust of PAS.**

Ishaq Khan left the political scene only after handing over the control in the hands of another bureaucrat Moeen Qureshi. The bureaucracy-police nexus, which had clearly become a threat to Pakistan’s democratic transition and had cost it the simple two turn test, started disintegrating due to some steps taken by Moeen Qureshi’s interim government. Qureshi, an economist, a Fulbright scholar and a technocrat, held a good reputation. All major political actors approved him as caretaker prime minister to ensure a fair election and transfer of power (Molly, 1993). ‘He was considered apolitical. As a caretaker Qureshi was not mandated to make any changes in the existing laws but, he did’! <sup>34</sup> Secondary methods reveal that some of Qureshi’s reforms, for example on the economy and even the most radical reforms for taxing the ‘forbidden’ agriculture sector, were quite transparent. Others were not, for example,

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<sup>34</sup> PPP senior vice president interviewed in 2019.

initiating a \$1.5 billion structural adjustment loan from the IMF for which he held no legitimate authority (Molly, 1993). Similarly, in 1993 Qureshi also secretly approved the ‘Apportionment Formula’ which started cracking the strong bureaucracy– police nexus, and discernibly impacted the future choices of PSP decision makers.

The Apportionment Formula, also known as the IPCC formula, basically reserved a quota for the Pakistan Administrative Service (PAS) group, a cadre that was already considered the most powerful cadre of Pakistan civil service and also held the post of DC in all the districts of Pakistan. The PAS group secretly managed to convince the interim Prime Minister to approve the apportionment formula according to which 100% of the topmost grade 22 appointments, 75% of grade 21 appointments, and 60% of grade 20 appointments were set aside for the PAS group (NEWS, 2018). This apportionment scheme automatically placed a ceiling on the careers of all bureaucrats outside PAS cadre. Furthermore, it also gave PAS officers the sole monopoly to interact with political actors, abolishing the direct link between politicians and civil servants from all other branches of civil service.<sup>35</sup> Archived news reports show that when the news finally got out civil servants even staged protests against the apportionment formula in some cities (Tribune, 2011). This secret act also became the root cause for the institutional elites of PSP. IG Suddle for one, in the third interview, showed a strong dislike for PAS and the way it had acquired unfair authority. Three other IG especially mentioned that the ceiling which senior PSP officers faced in their careers demotivated them. Thus, following the apportionment formula, the PO 1861, which at district level provided PAS with an external oversight over PSP, also became a sore for some PSP officers. It prompted IG Shoaib Suddle (2003) to come up with

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<sup>35</sup> Member Pakistan Civil Services interviewed in 2018.



the ‘dual control’ theory. In which he [unconvincingly] argued that due to PO 1861 PSP experienced a dual control of the executive and the DC [ member of PAS] which was problematic and causing inefficiencies. This finding also gives the hint of the bureaucratic politics from inside police which influenced the design of PO 2002.

Notwithstanding the chaos within Pakistan’s bureaucracy this rift within Pakistan strong bureaucracy-police nexus came as a blessing for Pakistan’s pure neoliberal regimes. The senior vice president of PPP said in interview that, ‘little is known to the public about the apportionment formula and the way it impacted the bureaucrats, but it is that critical development that put cracks in the powerful and unified civil service. It suddenly created a ceiling in their careers and gave way to professional jealousy’.<sup>36</sup> The second PPP government, that came to power after 1993 elections, did not implement many of Moeen Qureshi’s reforms, especially those related to taxes on the agricultural sector, privatisation, action on bank loans defaulters etc., but it did not remove the ‘Apportionment Formula’ (neither did Nawaz Sharif).<sup>37</sup> In 1993, at the time of BB’s re-election, Maliha Lodhi,<sup>38</sup> in her interview to New York Times said: ‘The fundamental difference between today and 1988 is that BB has cobbled together a majority and she no longer faces a hostile establishment. Then she faced “a hostile president, a scheming civilian bureaucracy” that had not come to terms with her party returning to power. This has all changed now’ (Gargan, 1993).

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<sup>36</sup> These sentiments can also be read in the various forms of Pakistan civil services like the CSS forum at: <https://cspdmg.wordpress.com/2011/07/01/pcs-dmg-standoff/>

<sup>37</sup> This may falsely give the impression of the power of PAS over the political leadership but Ambassador Lodhi’s remark that follows ‘now BB government no longer faces a hostile establishment and hence was likely to be more stable’, indicate the decision was made by the politicians to keep the bureaucracy divided and hence political governments stable.

<sup>38</sup> Dr Maliha Lodhi was Pakistan’s former ambassador to the USA and Pakistan’s present ambassador to the UN, who at that time worked as the editor of national newspaper ‘The News’.

#### **4.4.2 PSP involvement in Murtaza Bhutto's Murder.**

The murder of Mir Murtaza Bhutto is a key incident that strongly impacted the politics of Pakistan and made the public and PSP officers to seriously question the feasibility of working under the political control of the executive.

During PPP second government the Prime Minister's brother, her political opponent, was killed by direct police firing right before his own home in Clifton, Karachi. The key informant, senior vice president of the PPP, revealed that from the start of her second government BB clearly gave her husband, Asif Ali Zardari, and his father-in-law, Hakim Ali Zardari, control of the PPP. The Zardaris completely restructured the party and co-opted elements from business groups whose business interests had suffered due to Nawaz Sharif's policies. 'Many of these new entrants were known to have stood against Z.A. Bhutto during the Zia regime. To see them generously accommodated within the party and offered key posts angered everyone, especially the senior members of the party'.<sup>39</sup> The party member also said that from the very beginning the Zardaris had shown an alleged propensity for economic gatekeeping and had shamelessly demanded a certain percentage from all privatisation deals. 'It was because of this that Asif Zardari acquired the title of Mr 10% which was an embarrassment for party members, especially the senior ideological supporters of the party'.<sup>40</sup> BB's own decision to embrace neoliberal policies and abandon her father's social democratic ideology was also not welcomed by party vote bank most of whom came from the working class. 'Because of these steps PPP lost its distinctive character

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<sup>39</sup> Senior Vice President PPP interviewed in 2018

<sup>40</sup> Ibid.

and became very much similar to PML-N. And support for BB within the party started diminishing'.<sup>41</sup>

Secondary methods also confirmed that the changes in PPP resulted in the party losing its worker's support. For example, Nasr (1992, p. 527) identified BB muddled up coalition of groups with conflicting beliefs like the labour unions and industrialist elites; of lower middle class and landed elites as the main cause behind her early fall. Shaun (2007) write, 'despite its historic slogan of "bread, clothes and shelter", PPP is not presenting a credible manifesto for economic redistribution, health and welfare for Pakistan's poor, which is a constant theme of discussion among Pakistan's journalists, intellectuals and party workers'<sup>42</sup>. Numerical data shared by other sources also showed that PPP's vote bank, which was at around 7.5 million during the 1988 and 1991 elections, plummeted to 4.1 million after 1993 (Mehdi, 2013). The evidence convincingly indicates that the legendary PPP under the leadership of BB and Zardari was falling apart and was fast losing its supporters. During this time party co-chairperson Nusrat Bhutto (BB's mother) made arrangements for her son Mir Murtaza Bhutto to return to Pakistan and take control (Bakhtiar and Jafri, 2019; Kamm, 1994).

'Murtaza Bhutto returned and formed a new faction of the PPP with Nusrat Bhutto standing by him, making BB's claim to be the sole heir of Bhutto's political legacy very weak.'<sup>43</sup> The last straw for BB fast-dwindling popularity was the murder of her brother on September 20, 1996 'by police', while she was still the prime minister. The executive was blamed as per PO 1861 the PSP worked under direct executive control.

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<sup>41</sup> *ibid.*

<sup>42</sup> More details of BB controversial policies are discussed in detail in Pakistan's political economy literature (Munir and Naqvi, 2018; Rahman, 2005; Ghauri, 2013) and in the State Bank of Pakistan report (2015).

<sup>43</sup> Dr Ansari. Interviewed in 2019.

‘Senior Vice President of Hyderabad division of Murtaza Bhutto’s political party, Dr Mazhar Memon, who was also accompanying Murtaza Bhutto at the time of the incident and was also shot, blamed the police officers for direct gunfire that killed Murtaza Bhutto on the spot’. The police officers charged included ‘DIG Shoaib Suddle’, SSP Wajid Durrani, ASP Shahid Hayat, ASP Rai Tahir, SHO of the Napier Police Station, ex-director of Intelligence Bureau and many more. ‘Immediately after the incident BB lost her credibility in the eye of the public at large’.<sup>44</sup> In 1996 BB’s husband was arrested for the murder of Mir Murtaza Bhutto and BB’s government was dismissed by her own appointed president, Farooq Khan Leghari, mainly on charges of corruption and for the murder of Murtaza Bhutto. This was the last time BB led a PPP government in Pakistan.

To get more information of the police role in the murder case of Murtaza Bhutto I also tried to contact PSP officers involved in the incident but was informed by my contacts that two of the PSP officers had recently passed away. The contact, who does not want to be named, said that he knew some of the PSP officers implicated in the Murtaza Bhutto murder case and that they held good reputation and their involvement in the case shocked everyone. Another PSP officer charged, Shoaib Suddle, who was later also included in the focal group made for police reforms, was extensively interviewed for this research. I conducted four interviews with Suddle, three face to face interviews were conducted in Pakistan and one from Brisbane, Australia on Skype. <sup>45</sup> IG Suddle did not provide the details of Murtaza Bhutto’s case. Griffith University also does not require the research students to take unnecessary risks, therefore, I also did not press

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<sup>44</sup> Ibid.

<sup>45</sup> In Pakistan policy actors are known to work behind closed doors and rarely agree to give interviews, IG Suddle’s generosity in giving his time for this research over and over again was indeed out of the ordinary.

him for more information. But in the first interview IG Suddle unequivocally blamed the politicians for interfering with the working of police. He called the politicians corrupt and argued that the removal of ‘political control’ of executive from PSP was very necessary for resolving the problem of politicisation of PSP. He also informed that after the incident he was put on OSD - off-duty<sup>46</sup> - and it was during this time he designed the police reforms of his own accord. He said, ‘I used the time of three years to read extensively and draft a police law which I personally presented to General Musharraf after the 1999 coup’. As a result, he was allowed to join the focal group made for designing the police reforms.

Suddle had also written extensively on the issue of politicisation of police. In one report, namely ‘Stabilising Pakistan through Police Reforms’, published by Asia Society (2012), Suddle had linked the problem of politicisation of PSP to the brevity of IG police tenures.<sup>47</sup> In his article Suddle argues that throughout the 1990s PSP faced constant political interference and the IG police were frequently changed. The unpredictability of the IG tenure developed a culture of ‘PSP officers seeking political patronage to protect their posts’ (Suddle, 2012, p. 36). The other three PSP officers interviewed for this research, however, rejected Suddle’s opinion altogether. IG Ali Shigri, who also had also served as the IG Sindh Police from 1993 to 1995, had a different approach to the problems of politicisation of PSP officers. Unlike Suddle he

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<sup>46</sup> OSD which stands for On Special Duty, is the usual term used when a police officer is put off-duty for an ongoing inquiry against him

<sup>47</sup> The logic of politicisation of police as direct consequence of brevity of IG tenure is not strongly supported in the broader scholarship of police governance. Scholars impress the need to semantically distinguish between political control of police and political interference in police. As also stated in chapter 2 political control of police by the state is accepted as inherent to police organization and necessary for democratic consolidation as well as democratic policing (Bayley and Stenning, 2017; Reiner, 2000; Benjamin et, al., 2019; Linz and Stepan, 1996). Political interference resulting in politicisation of policing remains undesirable. Scholars argue that the to stop the later it is also required that the individual police officer’s show a will and ‘capacity to stand up for truth’ and politicians found guilty should also be punished (Stenning , 2011) .

highlighted the element of PSP officer’s individual will or agency in creating the problem. He had also written extensively on the topic. In the same Asia Society Report (2012) he writes, ‘command-level officers were chosen on the basis of their “willingness” to comply with illegal orders, flout the law, or harass political opponents’ (Shigri, 2012, p. 24). In his personal blog note, which was also published in a newspaper, Shigri had further linked the problem of politicisation of PSP officers to the increased reliance on the military by the political leadership. Shigri write, ‘the politicisation of police created a huge vacuum, which ended up in reliance on military, resulting in developing impressions of the army’s supremacy’.

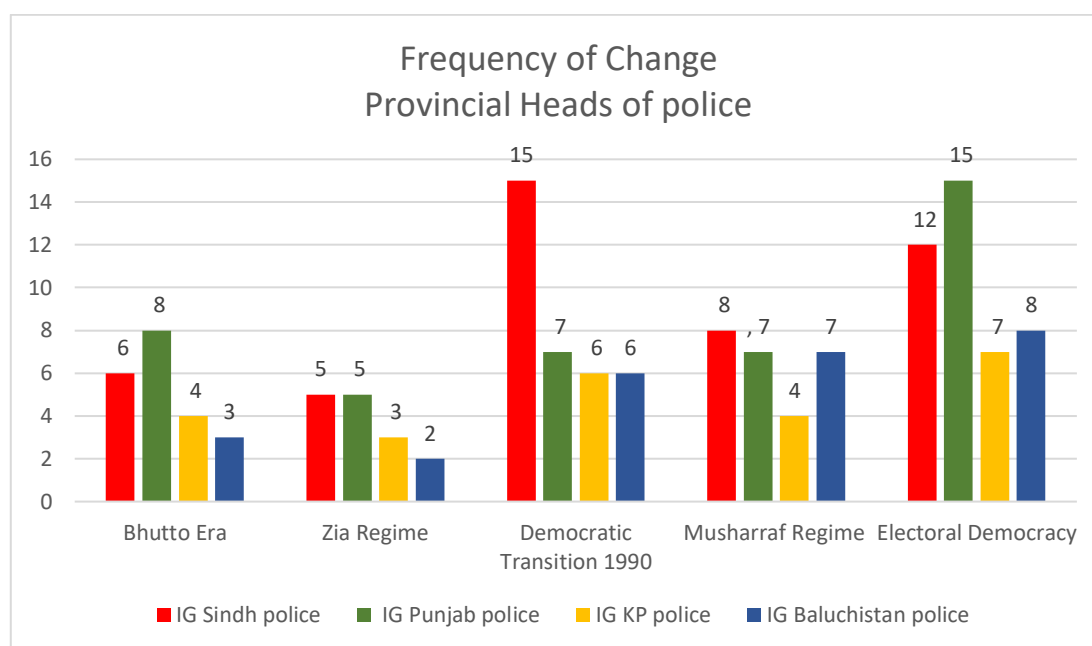


Figure 4.3: Frequency of change of provincial head of police.

Source: Provincial police web sites.

Additional data collected from the provincial police websites, provided more details of the brevity of IG tenures, which was linked to the political interference and politicisation of police command by IG Suddle. The complete data from the four provincial police web site is placed in Appendix B, its visual representation is given

in Figure 4.3. It can be seen from the figure that from 1988 (when the democratic transition started) to October 1999 (when the military coup took place), the problem of brevity of IG police was most severe in the province of Sindh, which can be rightly called the epicentre of ethno-political riots during the 1990s, triggered by the pro-Sindhi and pro-Punjabi policies of Benazir Bhutto and Nawaz Sharif respectively. Approximately 15 heads of provincial police were changed in Sindh, compared to seven in Punjab, and only six in KP and Baluchistan.<sup>48</sup> Based on this data it can be said that the PSP officers, especially those who served in Sindh during this time, faced both the problem of political interference as well as brevity of IG tenures. However, it is hard to say if brevity of tenure was linked to politicisation of policing or to the inability of the PSP command level to control the law & order situation. Informants outside PSP saw the issue of brevity of IG police as a direct consequence of PSP high command's inability to control law & order.<sup>49</sup> A key informant from academia, Shahzad Hussain, also said the politicisation of PSP was the result of IG police attempting to grab prized appointments. The figure 4.3 also shows that in Pakistan the issue of the brevity of provincial heads of police become more of a problem with electoral democracy, which can be interpreted as the overall tendency of elected government to interfere more with the functional authority of police.

The police officers blamed for the death of Murtaza Bhutto, including Suddle, were acquitted of the charges by the 'session court' in 2011 on the basis of 'insufficient evidence', when Zardari government came into power after 13 years (Ayub, 2016). Local newspaper like DAWN<sup>50</sup> reported that during the court hearing, 'the counsel for

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<sup>48</sup> PSP later demanded that the tenure of IG police should be fixed to three years.

<sup>49</sup> Key informant Musharraf regime interviewed in 2019.

<sup>50</sup> DAWN is one of the leading newspapers of Pakistan and is reputed to follow rules of ethical journalism and reporting.

the complainant contended that “the police” had destroyed the evidence by washing down the scene of the incident before the inspection of the first investigation officer of the case’. Also ‘the accused hampered the process of investigation and also influenced the court proceedings and subsequently some record of the case went missing’ (DAWN, 2009). Some informant said even if PSP officer did not commit the murder, they surely provided the cover up. However, the murder of Murtaza Bhutto seriously created doubts, in the hearts of PSP as well as the public, of the feasibility of placing PSP under the political control of Pakistan’s politicians.

#### **4.4.3 Anti-Terrorism Law, and PSP Accountability.**

After the murder of Murtaza Bhutto in 1996 another incident that changed the PSP decisionmaker’s confidence in the political leadership and restored it in PAS was DC’s behaviour towards PSP during the implementation of Anti-Terrorism Law of 1997.

Terrorism, which may involve an ideological component, is hard to define. One common factor commonly used to define terrorism is the use of brutal force against unsuspecting and unarmed civilians, to assert political gains (Cohen, 2006, p. 921). In Pakistan the actual acts of terrorism against civilians started after the Afghan war, and during Zia-ul-Haq’s regime. The first terrorist attack reported took place in the tribal Kurram Agency, in 1985, where bomb blasts and suicidal attacks became commonplace (Khan, 2005). By the end of Zia regime, the attacks spread to the leading cities of Karachi, Lahore, Rawalpindi and Islamabad (Fineman, 1988). It was on July 15, 1987, when a car bomb killed 72 people in the city of Karachi (Reuters, 1987). By September of the same year bomb blasts took place in all major cities of the country, killing more than 250 people and injuring 1200 (New Straits Times, 1987). ‘People of



Pakistan blamed the Afghan refugees for these acts.<sup>51</sup> Data collected from news reports and online sources showed that by 1990, 234 people were killed and 194 injured in Pakistan as a result of these terrorist attacks (Reuters, 1987; Fineman, 1988; Burns, 1995).

In most part of the 1990s the problems of terrorism coexisted with ethno-political conflicts in Karachi and other the multi-ethnic urban centres of Sindh like Hyderabad, Nawab Shah and Thatta (Kennedy, 1991). This compounded the problems of these cities and also gave rise to a number of conspiracy theories and the possibility of cross-border interference from India (Ahmar, 1996). The complexity and multiplicity of the factors made the making of an anti-terrorism law very difficult for Pakistan. The key informant from academia said the already difficult situation in Pakistan became more grave because of the 14<sup>th</sup> constitutional amendment implemented by the Shariff government. ‘Sharif had implemented the 14<sup>th</sup> amendment immediately after winning the elections in 1997 using his majority in the house. The main idea was to ensure that the budget and market liberalisation agenda, that the industrialist wanted to implement, was not opposed.’<sup>52</sup> The human rights activist was of the opinion that, ‘The 14<sup>th</sup> amendment barred the people’s representatives from critically reviewing any law their hubristic party leadership planned to implement’.<sup>53</sup> The amendment managed to create an institutional void which led to an easy legislation of a controversial Anti-Terrorism Act (ATA).<sup>54</sup> A number of commentator had also argued that ATA was not properly debated in the parliament and had many loopholes (Syed, 1998, p. 119; Haqqani, 2005; p. 244; Kennedy, 1997; Yusuf, 2010) .

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<sup>51</sup> Dr Ansari interviewed in 2018.

<sup>52</sup>Dr Shahzad interviewed in 2018.

<sup>53</sup> Human rights activist interviewed in 2019.

<sup>54</sup> Ibid.

Scholars stress the importance for laws to be clear and explicit for ‘rule of law’ to triumph. Joseph Raz defined ‘rule of law as being governed by rules that are fixed, knowable, clear, general, stable and certain’ (Raz, 1979, p. 215). ATA, on the other hand, provided a broad definition of terrorism inclusive of a broad array of crimes including murder, kidnapping and various statutes relating to robbery and dacoity (banditry). For example, Section 6 of ATA defined a terrorist as:

Whoever, to strike terror in the people, or any section of the people, or to alienate any section of the people or to adversely affect harmony among different sections of the people, does any act or thing by using bombs, dynamite or other explosive or inflammable substances, or firearms, or other lethal weapons or poisons or noxious gases or chemicals or other substances of a hazardous nature in such a manner as to cause, or to be likely to cause the death of, or injury to, any person or persons, or damage to, or destruction of, property or disruption of any supplies or services essential to the life of the community or displays firearms, or threatens with the use of force public servants in order to prevent them from discharging their lawful duties commits a terrorist act.

ATA also gave the ill trained police force of Pakistan the freedom to use its discretion. Discretion is defined as ‘autonomy of decision making independent of legal constraint’. In case of police, decisions that do not fit ‘rule of law’ prescriptions, even if embedded in the culture and organization of policing, are posited as discretionary (La Fave, 1965; Goldstein, 1977). Professionally the police force is discouraged from using its discretion even while dealing with criminals that had committed serious and heinous crimes. Scholars especially bring attention to the point that police discretion gets ‘automatically delegated to individuals at the lowest levels of bureaucracy’

(Goldstein, 1977, p. 1; Ericson, 2007, p. 368) and 'in most instances, where it is exercised, it is without prior review and control' (Neocleous, 2000, p. 92; Grosman, 1975; Ericson, 2007). Without taking into consideration the limitation of the Pakistan's police force or deliberating on the law in the assembly, Sharif government implemented ATA in 1997.

Various incidents of police force odious behaviour including extra-judicial killings, killings in police encounters, deaths in police custody and human rights abuses were reported throughout the country, immediately following ATA implementation. Details of some of these incidents can also be found in US State Department report on Human Rights Practices in Pakistan, 1998. The report also cited interviews with policemen accepting their acts by saying, 'since the government is not serving justice it is now our duty to do so'. The implementation of ATA also denotes another problem of the use of discretion and excessive force by the police force at large. The accountability of the PSP, however, could not be ascertained, which was mainly because of the DC.

Alongside ATA the government had also implemented special Anti-Terrorist Courts (ATC). In addition to the session judges, additional session judges ATC also appointed DC, deputy DC as judges for 'the delivery of speedy justice'. The key informant from judiciary also said that Chief Justice Supreme Court, Sajjad Ali Shah, was not happy with the ATC courts because it had created a parallel judicial system. Because of this a new conflict started between Shariff and the judiciary. Also, because judges were already over-worked which introduced delays the ATC courts were mostly run by the

DC and deputy DC. <sup>55</sup> The DC went out of their way to provide cover to the PSP officers, which also ruined the accountability of the later.

According to a key informant from the military ‘the DC and PSP officers worked in an unusual unison’<sup>56</sup>. The human rights activist also shared similar views and informed that it became a routine that if an incident was reported against PSP wrongdoing the DC would, as a formality, first ask police for an explanation report then whatever explanation the PSP officer sent, the DC would simply agree and approve. ‘It was commonly said that, they [DC and DSP] are partners in crime and they even discussed and planned the illegal police raid together. Police officers were also granted pre-arrest bail’.<sup>57</sup> As a result, not only ATA and ATC, accountability of PSP, but the re-originating DC-DPO nexus at the district became a matter of national concern.

For most informants the rationale behind a DC’s unconditional support for police was hard to fathom except that both PSP and PAS were unprofessional and corrupt. This research finds the behaviour is best explained in the light of the recent ‘secret apportionment formula’ which had resulted in a general feeling of antagonism against PAS in the hearts of all civil services branches, including PSP. However, in the backdrop of the still ongoing neoliberal transformation of Pakistan, PAS still needed PSP to preserve its status quo. Therefore, it can be inferred that DC unconditional support was a strategic step by the powerful PAS to restore the bureaucracy-police nexus and its past status quo.

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<sup>55</sup> Justice High Court interviewed in 2019.

<sup>56</sup> Key informant from Musharraf regime, interviewed in 2018.

<sup>57</sup> Human Rights Activist interviewed in 2019.

These key events, that took place in Pakistan from 1993 to 1998, were understood (filtered) by the individual PSP officers according to their own personal experiences. Those adversely impacted by direct political interference were likely to dislike PO 1861 more which held the exploitable provisions for strong state control. Those who were saved by DC generosity in some way or the other and felt indebted to DC [ PAS] were likely to show a less aggressive attitude towards PO 1861. This qualitative research cannot tell what was the exact division among the PSP officers on these issues, but three out of four PSP IG interviewed for this research showed no resentment against the DC oversight or PO 1861, and only voiced their frustration for the ceiling in their careers, indicating some restoration of the broken bureaucracy-police nexus.

In many ways the above mentioned last two cases, also aptly exemplified the key problem parameters which plagued the PSP and needed to be addressed in the new police reforms. Since these incidents were widely reported also as a result the greater public, members of academia, civil society, and journalists became aware of the issues of politicisation of the senior IG police, the absence of police accountability, the problem of frequent use of discretion by the police force. The formation of the DC-DSP nexus at district level signalled the reformation of the broader bureaucracy-police nexus, this time between PAS – PSP only, to the politicians.

#### **4.6 The 1999 Coup d'état and End of the Pure Neoliberal Regimes.**

Due to the complex interaction of multiple factors democratic transition in Pakistan with the parallel neoliberalisation was directed towards failure from the start. The imbalance of power between president and the prime-minister, serious conflict within the executive branch of the government over the blue-print of neoliberalisation,

obsession of both Nawaz Shariff and Benazir Bhutto governments to implement pure neoliberal policies, implementation of undemocratic and ethnically biased policies by both these governments, followed by politicisation of PSP and failure of policing ticked all major boxes which Linz and Stepan (1996, pp. 7-15) said does not help in either democratic transition and never in democratic consolidation. These factors also resulted in over reliance on military in domestic affairs and hence in public trust in the military more than the political institutions.

Police violence peaked in Sindh until, under growing political pressure from his own party members, Sharif was left with little choice but to evoke Article 232 of the constitution in the province of Sindh.<sup>58</sup> As a result, the provincial parliament was suspended, and the military was again brought in not just to control the law & order but to take over control of the province of Sindh. Not only prospect of consolidating democracy in Pakistan looked bleak but Pakistan also reached the verge of being declared a failed state when a crucial incident occurred. Shariff [the industrialist] refused permission to a passenger plane carrying COAS General Pervez Musharraf to land in the country. The plane, short on fuel, circled the city while asking for permission to land. The executive's refusal to give the plane permission to land also placed the lives of civilians on board in danger. Sharif already had an ongoing dispute with the military and this move was taken as a deliberate attempt to 'defame the military and its leadership', or, as General Musharraf said in his first speech, 'to destroy the last remaining viable institution of the country'. At the news the military generals retaliated with a coup d'état and a state of emergency was declared.

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<sup>58</sup> Order imposing governor's rule in Sindh. NO 8-1/98-min-I. October 30, 1999.

Scholars like Larry Diamond (2000, p. 1) described the 1999 coup as a ‘reversal’ of the ‘third wave of democratisation’ in Pakistan. The key informants from media, civil society and academia interviewed for this research said that no tear was lost at the failure of electoral democracy in Pakistan and that Musharraf coup was indeed welcomed with great relief in the country. This opinion was also supported by the secondary sources of evidence collected from news reports and foreign news reporter stationed in Pakistan. For example, Owen Bennett-Jones who was the BBC correspondent for Pakistan between 1998 to 2002, described the 1999 coup as ‘strangely popular’ and BBC reported that ‘when Shariff was removed from power many Pakistani expressed great relief, describing him as corrupt, incompetent and power-hungry’ (BBC News, 2018). Similarly, Celia W. Dugger of New York Times reported: ‘There was virtually no public protest against the coup and some demonstrators celebrated Mr Shariff’s demise near the Parliament House’ (Dugger, 1999).

## **PART III**

**Phase 1: Policy Design Phase of PO 2002.**

**Phase 2: Policy Implementation to Policy Change**

**Phase 3: Policy Annulment.**



# Chapter 5

## Phase 1: Policy Design Phase of PO 2002

This chapter focus on the policy design phase only and is mainly the result of semi-structured interviews with key informants. It deconstructs the agenda setting and policy design phase of PO 2002 to uncover the finer details of the process. The chapter is structured following ACF and according to the discrete steps of the policy design process. The first section gives details of the objectives and goals the Musharraf regime had set for itself vis-a-vis police reform. The second section discusses the policy design phase and identifies two distinct coalitions within the PSP, on the basis of their policy core belief. The third section identifies the policy sub-systems and discusses their impact on the main policy coalitions and policy outcome. The last section provides information about why the policy was rushed in the end.

The most salient feature of the Musharraf regime, not adequately recorded in the literature, is its role in transforming Pakistan from a ‘pure neoliberal state’ to ‘a pragmatic neoliberal state’. As stated earlier pure neoliberal regimes for market liberalisation, aggressively demand state roll-back and minimal government. Empirical research from Asia, Eastern Europe, South America, Africa etc. has shown that it is not possible for pure market economy to co-exist with a consolidated democracy (Linz and Stepan, 1996, p. 11; Giddens, 1996). The failed attempts in the 1990s by governments of both Benazir Bhutto and Nawaz Sharif, to instil pure market agenda in Pakistan, provide another good example. The pragmatic neoliberal regime on the other hand, while upholding the logic of market liberalisation, insists on ‘bringing the state back in’ and in creating regulatory regimes. It is argued, rather

convincingly, that putting control of all property and distributional decisions in the lap of the market would impede democratic consolidation.

If government never produces policies that generate public goods in the area of education, health and transportation, some safety for its citizens hurt by major market swings, and some alleviation of gross inequality, democracy would not be sustainable. Theoretically, of course, it would be antidemocratic to rule such public policy off the agenda of legitimate public contestation.

(Linz & Stepan, 1996, p. 13)

Moreover, pure market economies cannot be created nor maintained or even saved from periodic cycles of economic failure without the help of the state (Kane, 2016). Thus, consolidating a modern democracy would require, in words of Linz and Stepan (1996, p. 13), ‘a set of socio-politically crafted and socio-politically accepted norms, institutions, and regulations to mediate between state and market’.

The retired DIG ISPR who had been secretary to General Musharraf, said the Musharraf regime attempted to achieve this by incorporating economic experts, politicians, technocrats, active members of civil society ‘and those who were willing to invest their time for the purpose’.<sup>59</sup> However, the empirical research revealed that, while the Musharraf regime was successful in including economic experts like Shaukat Aziz (who later became the Prime Minister) and Dr Ishrat Hussain from the World Bank to guide it through economic and regulatory reform, it was not as successful in acquiring experts in other policy arenas.

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<sup>59</sup> Retired DIG ISPR and secretary to General Musharraf interviewed in 2018

## 5.1 Start of Military Regime and Agenda Setting

As explained in the last chapter, public acceptance of the military coup basically stemmed from lack of trust in elected politicians, their single-minded adherence to pure neoliberal policies which gave way to gross-inequalities and public anger. On 12 October 1999 General Musharraf, in his first address to the country, assured the public that he would soon present them with the policy agenda his regime intended to focus on. Five days later General Musharraf announced his seven point agenda, which included: one, rebuilding national confidence and morale; two, strengthening the federation, interprovincial harmony and national cohesion; three, revival of the economy and the restoring of investor confidence; four, ensuring law and order and dispensing speedy justice; five, depoliticisation of state institutions; six, devolution of power to the grass roots level; and, seven, ensuring swift, across-the-board accountability.<sup>60</sup> This agenda ‘included reform of Pakistan police which is directly responsible for maintaining law & order’.<sup>61</sup>

The martial law was contested in the Supreme Court of Pakistan,<sup>62</sup> but the court took into account the institutional and economic quagmire of Pakistan and used the seldom deployed doctrine of state necessity – ‘salus populi suprema lex’ – to endorse it. This doctrine states: ‘the moral point of law is to secure the common good and well-being of the people which must be regarded as the supreme law of the country. In order to achieve this bigger objective which is otherwise not lawful is made lawful by

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<sup>60</sup> <https://www.c-span.org/video/?c4744887/pervez-musharraf-7-points-1st-speech-1999>  
<https://presidentmusharraf.wordpress.com/2007/07/10/address-nation-7-point-agenda/>

<sup>61</sup> COAS from Musharraf regime, interviewed in 2018.

<sup>62</sup> Syed Zafar Ali Shah vs Pervaiz Musharraf PLD, 2000 SC 869, Pakistan.

necessity' (Ekins, 2018, p. 11). It allows a government, in the short term, 'to circumvent the constitution "to resolve an immediate threat to the system" in order to preserve the constitution, rule of law, and democracy in the long run' (Pasquino and Ferejohn, 2004). While understanding this necessity, the Supreme Court provided the 1999 martial law with a 'formal' certification of legitimacy at the same time it also set 'a time limit of three years' for the Musharraf regime to implement its announced 'seven point agenda'. These three years were to end in 2002.

To achieve these objectives a National Reconstruction Bureau (NRB) was immediately established.<sup>63</sup> Lt Gen Tanveer Naqvi was appointed the first chairman and later, after the 2002 election, a politician and member of NRB Daniyal Aziz succeeded him. General Naqvi could not be contacted but in one of his archived speech he had stated ; 'NRB role was to look at the policies and legal framework for the political, administrative, financial institutions of the state with the aim to revive and transform them in such a way that a genuine and suitable democracy could be established in the future and "the need for any military intervention in the future" would not be felt' (Naqvi 2003, p. 360).

In interview, retired Chief of Army Staff (COAS) said that the members of the military regime were passionately committed to empowering local communities and wanted to work on ways to devolve political, administrative and financial power to the grass roots level<sup>64</sup>. He added:

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<sup>63</sup> NRB made eleven policies in the three years.

<sup>64</sup> These interviews also revealed that after the public response welcoming the coup, it became a matter of 'prestige' for these military commanders to respond to it and deliver the policies the public was demanding. It was this public-military reciprocal relationship in Pakistan which became the driving factor that led them to take up the tedious task of institutional reconstruction. President Musharraf in his speech also said in his first televised speech; 'I had made the decision in good faith and in sincerity' which I find truly reflected the sentiments of the whole military regime.

We have all come from humble backgrounds and it is sad to see that the politicians in Pakistan had built their wealth at the cost of the wellbeing of common people. The bureaucrats have also made common people so dependent on them that the common citizens of Pakistan is not allowed to make any reasonable decision for their own good or for the good of their communities.

Regime members agreed that they had to encourage leaders from local levels to come forward and to empower their communities. The Director ISPR said that ‘the main agenda for law & order improvement was to implement police reforms and depoliticise police so that “the need to call the military to control law & order” would not be felt’. This belief was also shared by the COAS and DG MI and can be called the core policy belief that glued the military regime together and guided them through the policy process.

### **5.1.1 NRB: Think Tank or Policy Broker?**

The NRB was commonly called a ‘think tank’ by members of the Musharraf regime especially by its chairman, Lt General Naqvi. But research shows that it was not a think tank in a true sense. The concept of ‘think tank’ in policy was incorporated in the ‘epistemic community’ framework provided by Stone (1996), Schlager (1999) and Haas (1992; 2001). This framework acknowledges that policy actors may not always possess the relevant scientific or technical knowledge and thus are likely to seek the help of knowledgeable elites, epistemic communities and think tanks whose members make ‘a strong claim’ to possess the required technical knowledge. They play an important role in lesson learning and transferring policy through time and space

(Stone, 1989). Scholars have treated think tanks as ‘one of the many non-governmental organisations that seek to influence public policy, or as institutes composed of experts that frequently participate in the policy or epistemic communities (Ricci, 1993, p. 14).

General Musharraf in his various speeches and interviews openly admitted that, since the coup was the result of chain of events beyond the control of the military, <sup>65</sup> he and the members of his regime in the beginning lacked the required knowledge. This was the main motivation behind creating NRB. The DG ISPR informed that, ‘the forum was established and given the resources to both invite and deliver the seven point agenda in the allocated time. It was conceptualised on the basis of collaborative policy forum to overcome the democratic deficits created by the previous political governments of the 1990s.’ NRB was assigned the duty to incorporate experts and actors from both inside and outside government, invite members of civil society who were willing to spend their time and energies in the reconstruction process and help in policy making.<sup>66</sup> The COAS also informed that ; ‘many political leaders from different political parties came forward because they sincerely wanted to contribute in the national reconstruction phase’. Secondary methods confirmed this and the political leaders that contacted Musharraf regime included; Faisal Saleh Hayat, Daniyal Aziz, Chaudhry Shujaat, Salman Taseer, etc.. During the policy design process, another responsibility of NRB was to mediate conflicts between various participants and stakeholders.

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<sup>65</sup> Some commentators, like Diamond (2000) had argued that the quick military response of Pakistan military in 1999 was an indicator of its intentions to impose martial law. However, these commentators ignore the state of preparedness and high discipline that is the demand and culture of any military. They also ignore that this preparedness demands that all the high command is aware of the problems confronting the state and understands their responsibilities to respond. After interviews with key members of the Musharraf regime, I am convinced that the events of October 1999 were the result of the unfolding chain of events and not of a preconceived plan.

<sup>66</sup> DG ISPR, interviewed in 2018.

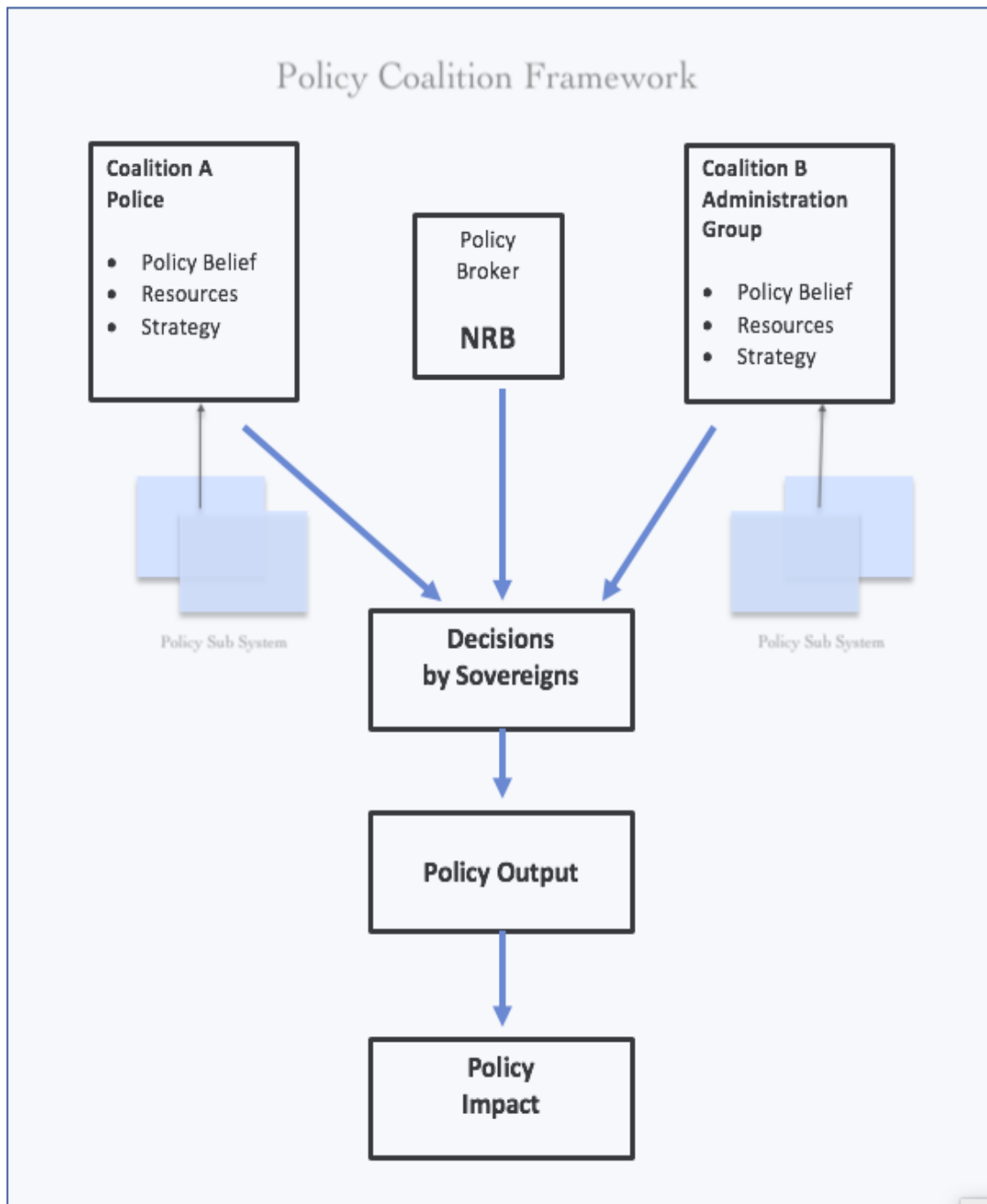


Figure 5.1: Placing NRB in the Policy Process

Among the police reforms focal group members, IG Shigri also said the NRB provided the required resources to the participants to facilitate exchange of ideas. ‘I travelled throughout Pakistan discussing the police reforms and asking for ideas’.<sup>67</sup> IG Shoaib

<sup>67</sup> Retired IG Shigri, member of the focal group. Interviewed in 2018.

Suddle explained the process as, ‘after a consensus was reached among the focal group members we would give our recommendations to NRB and they would then give it to a dedicated team of lawyers to draft the policy.’ Secondary method also confirmed this procedure of policy making at NRB . For example, a domestic NGO had posted a talk with Daniyal Aziz on internet, in which Aziz had shared similar details of the policy process at NRB (Aziz, 2009). Information given independently by the politicians, military and PSP key informants reinforced each other, which helped to establish that the methods of policy making in NRB were collaborative and participatory and NRB relied solely on the recommendations forwarded by the respective focal group members .

Based on these characteristics, the advocacy coalition framework identifies NRB as a ‘policy broker’ not a think tank. ‘A policy broker is one whose principal concern is to reduce intense conflicts in the policy process, find some reasonable compromise between various policy actors and to produce required policy outputs at the operational level’ (Sabatier-Jenkins Smith, 1999, p. 122). After the law was drafted by the team of legal experts it was sent to General Musharraf, who held the signing authority, for final approval. IG Suddle in the last interview conducted from Brisbane said that no changes were made in the police reforms proposed by the PSP focal group, ‘whatever we asked for was approved’. He said the only change was that they wanted more separate specialised branches but only 18 separate branches were approved.

These finer details about NRB working also show that it stands apart from the ‘planning committee’ of 1947, made by the chief secretary (bureaucrat) and exclusively consisted of civil bureaucrats. It started functioning as a ‘parallel cabinet’ and bypassed the constituent assembly (Alvi, 1990, p. 45). Alvi (1990) had explained



the shift of power towards bureaucracy, immediately after the creation of Pakistan, on this planning committee. Interviews with key informants, and other archived sources like speeches, news reports before this research clearly established that NRB was conceptualised as a platform for ‘collaborative’ or participatory policy making to overcome the democratic deficit that had occurred in Pakistan due to the broad implementation of pure neoliberalisation agenda by the previous governments. They had also implemented many constitutional amendments that had barred legislative assembly members from participating in any constructive debate in the parliament. The monopoly of the institutional actors in NRB during the policy design phase of police reforms was ‘unintentional’. It appeared as the research unfolded, from the absence of policy experts and a true epistemic community, and from inexperienced non-state actors like nascent NGOs, as discussed in detail below.

## **5.2 Mapping the Policy Coalitions**

The Musharraf regime’s announcement that it would be transforming the state institutional architecture for a future stable democracy also opened a unique ‘window of opportunity’<sup>68</sup> for political and institutional actors to influence the policies that impacted them. The retired COAS had said in the interview that many political and institutional actors approached the regime on their own free will and had offered to join the process. However, compared to other policy domains, such as; devolution of power, economic and electoral reform, which attracted more attention, the

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<sup>68</sup> Window of opportunities are short moments in time which are eagerly availed by individuals who are ‘willing to invest their time, energy, reputation, money to promote a position for anticipated future gains in the forms of material, purposive or solidary benefits’ (Kingdon, 1995, p. 179; Zahariadia 1999, p. 76).

involvement of these actors in police reform remained sporadic. As a result, the focal group made for police reform was easily dominated by institutional actors and serving IG police. Two senior IG police, Ali Shigri and Zulfiqar Qureshi [IG Punjab Police], were initially included in the focal group formed by the NRB, and one Dr Z.U. Khan from Scotland Yard was also invited. According to the both Shigri and Suddle, the gentleman from Scotland Yard had not joined in his official capacity but was invited on the basis of some personal contact. He did not actively participate in the policy process and the informants could not even recall his name.

Of the four members (three active members) of police reform focal group two IGs were contacted and interviewed for this research. Retired IG Shoaib Suddle – who was on OSD – was not the member of police reform focal group initially. He had explained that during OSD he had studied in detail the history of police and had also drafted a model law which he shared with General Musharraf on the basis of which he was also included in the focal group for police reforms.<sup>69</sup> IG Suddle strongly supported the idea of removing PSP from the political control of the executive and that the tenures of IG police should be secured to a fixed term of three years. He also blamed DC for interfering in the functional autonomy of PSP. Before Suddle joined the focal group, retired IG Ali Shigri, a well reputed retired IG, was leading the focal group on police reforms. Detailed interviews with these informants revealed that PSP stood divided on the policy from the very beginning, most of the IG police held reservations about IG Suddle proposal. Those who opposed the design of PO 2002 were also identified

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<sup>69</sup> My last interview in Pakistan was with lawyer Mr Naeem Bukhari who was also an advisor to General Musharraf. I specifically asked him why General Musharraf included IG Shoaib Suddle in the focal group for police reforms knowing Suddle's dubious credentials to which Mr Bukhari replied: 'because the regime desperately needed people who had some relevant knowledge and Shoaib Suddle said he was a PhD and he had the required experience'.

and contacted and extensive interviews with these actors were also conducted. Based on the findings two distinct coalitions within the police organisation were identified and are discussed in detail below.

### **5.2.1 PO 2002 Policy Coalition A**

Shoaib Suddle can be rightly called the leader of Coalition A. This coalition demanded security of IG police tenures. It demanded removal of executive control of politicians from over PSP officers' postings and promotions. For this it proposed for PO 2002 an alternative model of policing mostly used in the USA, where the political control of police rests in the hands of the individual states or the local political actors, like the mayors. Mr Suddle, who said his PhD was in white collar crimes, said in interview that the main role of modern police is in 'crime control' and this is what he emphasised in his design of PO 2002. When asked to elaborate on how, without the political control of the state, any [corrupt] police force could improve crime control. He said he believed local communities could play a constructive role in crime control and police oversight. He argued that since the elected governments in Pakistan were incompetent, and all politicians corrupt, police were better off without political control.

He also argued that if the law was clearly written police professionals can aptly perform their duty without the control of politicians. 'Police duty,' he said, 'is to implement rule of law but for that all it needs is a law. If we have no law what do we do? One day they tell us one thing is law and the next day they say something else is made the law. There is no permanence, there is no law'. When I asked him if he believed what he felt was absence of a law was because of the simultaneous neoliberal transformation of Pakistan Pure neoliberalism is known to create an atmosphere of

lawlessness which makes the rule of law difficult. He rejected my question and said there was no connection between neoliberalism and policing. His reply indicated he had not paid much attention to understanding all the issues confronting Pakistan police during the 1990s and was guided by his own beliefs and personal experience. He also suggested (twice) once I finish writing the chapters I must get them checked by him 'for authenticity' (I also shared this with my supervisors). Overall, he blamed the politicians for the poor performance of Pakistan police during the 1990s and for creating the conditions of lawlessness in the society. I asked Suddle why he made the demand to remove PO 1861 completely and no such demand came from the PSP decision makers earlier. He said it was a very good question: 'I also asked a similar question from my seniors who said they never felt the need'.

In the later interviews Suddle only focused on the role of DC. He said; 'PSP officers received orders from DC not from the politicians directly'. Suddle insisted that the DC oversight had colossal implications for the political interference and proper functioning of PSP officers post 1947. He argued that the DC control over PSP officers was the most problematic aspect of PO 1861. This is why to resolve the problem of political interference it was necessary to replace PO 1861 with a new law that did not leave any option for DC's oversight over PSP. He also quoted his own personal experiences in which he said one DC had even attempted to stop his promotion. During the last interview conducted with Shoaib Suddle in Pakistan, he invited some other senior civil servants (not from PSP) to join in. They spent the time discussing the powerful PAS and how that it had become the biggest cadre of Pakistan civil service etc.

The other known supporter of IG Suddle was IG Tariq Khossa, who had also served as IG Baluchistan after Suddle. I was unable to conduct an interview with IG Khossa because I could not locate his contact details. Secondary methods showed that like Suddle he had also written on the issue of police reform in Pakistan extensively demanding police autonomy. A study of his chapter written in the Asia Society report (2012) showed that he also explain the problem of politicisation of police as a direct result of political interference during the 1990s. And due to, what he calls, ‘the political ping-pong’ played between Nawaz Sharif and BB government. He wrote that during this time ‘survival in office became the name of the game, resulting in sycophancy and a culture of pandering to the illegal demands of the politicians’ (Khossa, 2012, p. 31). He further writes to demand autonomy for the PSP officers to make their own policies which he believes is a necessary step to make PSP responsible and more accountable. In his support he praises the initiative of the Sharif government for making the Punjab Motorway Police ‘autonomous’. He argues that training of Punjab motorway police officials in UK, their high salary package and the administrative and functional autonomy they enjoy had helped them ‘quickly earn public acclaim’. It is important to note that the report was published post provincial autonomy in Pakistan, therefore, Khossa could discuss and compare the policy of Punjab government. At the time of PO 2002 design in 1999/ 2000 Pakistan was on the verge of economic failure and any unreasonably expensive proposal for the police force was likely to be disapproved. Khossa further writes that PO 2002 had used a ‘UK model’ of policing and not the ‘Japanese model of policing’. In the UK model both citizens and elected officials maintained oversight of police in order to control the misuse of authority and arbitrary use of power by the political governments. Whereas in the Japanese model, it was a commission made up of non-political representatives that exclusively held this power. He also stated that PO 2002 was meant to follow the Japanese model but ended up

being a UK model of policing. Khossa's argument is mostly confusing and contradicts with the vast literature on police governance or the policing models used in various countries.

Critical review of the published work of both Suddle and Khossa also revealed that in their pursuit for PSP autonomy they tend to hide more than they reveal. For example, they ignore the small but important incremental changes done in PO 1861 since 1947. They fail to mention the G, Ahmed's Commission which was the strongest evidence that DC control on Pakistan police had lapsed after 1947. They also do not mention the 'Unified Civil Services Act' and PSP officers' training in the civil services academy and its impact on PSP's evolution in Pakistan. And most importantly the element of PSP officer's own 'will' in creating the problem of politicisation of Pakistan police is also ignored by them.

Overall, the Coalition A core policy belief was to secure the tenure of IG police and the remove the DC oversight of police. Its members strongly believed that the problem of politicisation of Pakistan police was the direct product of political interference and arbitrary use of power mostly observed during the 1990s. It had resulted in frequent postings and transfers of PSP officers and caused the problem of brevity of IG police tenures. The coalition strongly believed if the tenure of IG police was secured and they were made autonomous the problem of politicisation of PSP high command would also get resolved. And this was the core policy belief that glued the members of this group together. The coalition proposed introducing some role of local level political actors and local communities in the posting and transfers of senior PSP officers which is recognised as its secondary belief. Although Coalition A did not enjoy strong support from within PSP but it managed to exert its weight during the policy design

phase mainly due to the absence of a true epistemic community and by strategically using a sub-group, as will be explained in later section.

### **5.2.2 PO 2002 Policy Coalition B**

The majority of PSP officers made up this coalition that was headed by the senior IG Ali Shigri. He said he was about to go on retirement when he was called by NRB to join the focal group for police reform. The main motivation before him was to use the window of opportunity to ‘remove the bottleneck experienced by the PPS officers in their careers’. The other two IG police interviewed, IG T. Aly Khan and ex director of Pakistan Police Academy, are also included in this coalition. The ex-director of National Police Academy who was acknowledged as one who had opposed PO 2002 is included in this group because in the interview, he supported the core policy belief of removing the PSP officer’s career bottle neck. In the interview the ex-director had agreed that the career bottleneck was indeed the main source of demotivation for the PSP officers and that he supported the demand. He also said; ‘when PSP officers saw officers of other branches of civil service [ with whom they had trained together] reach high ranks quickly they obviously felt demotivated’.

To achieve their policy objective coalition B proposed addition of multiple specialised branches of parallel authority. The structure was envisioned in such a way that each specialised branch was headed by one IG. All these IGs were to enjoy same/ parallel authority and had a dedicated branch of PSP officers and police force. After the implementation of PO 2002 this arrangement was expected to expand the organisation, increase the number of ranks and remove the problematic bottleneck. It was expected that the PSP officers could progress in their careers with the same speed as other cadres

of Pakistan's civil service. To a query about the capacity and training issues of Pakistan police, that is, whether they had the right resources, equipment, experts and specialists to command and operate such a large number of specialised units ( 18 to be exact). IG Shigri had replied that 'with proper training any such problem could be easily solved'. IG Aly Khan who had also worked with IG Shigri in the implementation and development of the training modules associated with PO 2002 said that: 'it was a rare opportunity for the PSP officers to design a policy for themselves. And none of the elected governments would have given Pakistan police such an opportunity. This is why they wanted to avail it to the full.'

In its demand for expansion of the organisation the coalition B also asked for the separation of the administrative/ operations branch of police from crime investigation for effective crime control. This was not a new demand, secondary methods, including Mansoor et al (2014) book ' Police in Pakistan' and Zaigham Imtiaz ( 2018) research on police commission also confirmed that Pakistan police had consistently presented this demand to the police commissions made by various governments, in the past . IG Aly Khan, however, clarified that previously the recommendations were always made within the PO 1861 paradigm and only peripheral changes in the procedure were recommended.<sup>70</sup> Utilising the opportunity the Musharraf regime presented ,coalition B integrated this past demand with their core policy belief. They decided to separate the investigation branch from the administration/operations branch in such a way that every police station was to include two independent Station House Master (SHO), one overlooking administration/ operations and the other investigation. Each SHO was to report and seek permission for action from PSP officer of his own branch only, who

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<sup>70</sup> IG Shigri interviewed in 2018 also said that incremental change in PO 1861 was also the initial objective of the NRB police reform focal group till Suddle joined with the proposal for a complete paradigm shift in the political control of Pakistan police'.



in turn was to report only to and receive approval for further action only from the DIG of his own branch. In this way many new posts and ranks were to be created.

The retired IG Shigri really believed he had done a great service to PSP officers by adding at least eighteen specialised branches of parallel authority in the Pakistan police. In the interview Shigri proudly said; ‘now they oppose PO 2002 and say what a mess it created but I tell them look how many of you have become IGs just because of PO 2002’. IG Shigri said, for designing the police reforms, he also travelled through Pakistan asking PSP officers for suggestions and ideas but ‘received none’. This is not out of the ordinary; ACF states that ‘coalition groups, that focus on promoting the self-interest of the group members, tend to give their leaders a fair latitude in promoting their objectives’ (Sabatier and Jenkins-Smith, 1999, p. 134).

Members of coalition B showed no serious concerns about the issue of political control of police by the state. IG Shigri strongly believed that it was up to the individual officers how they conduct themselves and to use their ‘will’ and stand up against unwarranted political interference. The retired Director of the National Police Academy was of the opinion that, ‘police needs politicians as much as politicians need police. Without the political direction given by the elected government policing is not possible. It is likely to create problems of accountability. And how will you judge our actions?’ He also added that it was wrong to assume that local level political actors would not exert political pressure on police. ‘Local actors and communities are as much political as state and provincial governments’. He also said, ‘if you ask me then I will say that local police is the most corrupt police and removing state’s control altogether from over the PSP was likely to make local level police easily become party to powerful non-state actors’. IG Aly Khan also saw the local level police as

problematic. He, however, argued that it was because historically the local feudal and political actors had integrated their prestige with the control of local police station and police force and now to separate the two has become very difficult. Overall, the Coalition B members did not approve of local political actors or local community's oversight of police force. The ex-director of National Police Academy also said 'what good would it serve if a group of laymen and unprofessionals are given authority to evaluate the performance of police professionals'.<sup>71</sup>

The problem of DC oversight was completely rejected by all the members of this coalition. IG Aly Khan also informed that 'the Musharraf regime had already completely eliminated the post of the DC for the 2000 devolution plan and replaced it by a less powerful District Coordination Officer (DCO). This was an important finding as it helped eliminate the alternative hypothesis, discussed in detail in the conclusion section. He also rejected if Pakistan's neoliberal transformation was driving the PSP choices and aggravating the problem of policing and increasing corruption at local police station. He said there was no link between the two 'it would be too far-fetched to say there is a link'.

Hence the policy core belief that glued members of coalition group B together was the singular desire to remove the career bottle neck for which it proposed restructuring of the organisation. They showed no resentment against 'soft' and necessary political control by the centre government or external oversight by the DC. It can be said that at the time of policy design the issue of political control of police held a secondary position for coalition B members. Similarly, the idea of community oversight also

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<sup>71</sup> Retired IG, ex director National Police Academy Islamabad.

held secondary significance for the coalition members. Some members opposed it more strongly than others. IG Shigri showed no concerns regarding community oversight, whereas, the ex-director of National Police Academy strongly voiced his opposition against the idea of community oversight and getting evaluated by ‘layman’ or local politicians, whom he called ‘unprofessionals’. He also claimed that the idea of shifting the political control of police to local level political actors had no ownership among most PSP officers.

The hierarchy of beliefs of coalition A and B as revealed through field work is represented in figure 5.2.

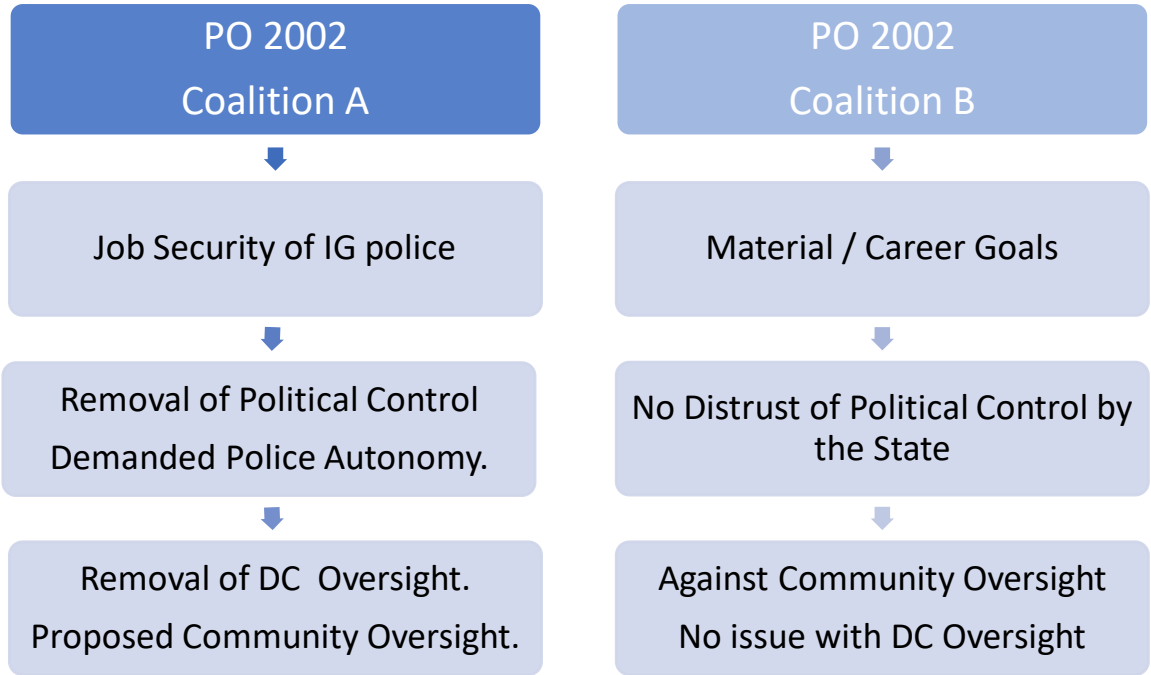


Figure 5.2: The Topology of Belief within Police.

Based on their beliefs and behaviours ACF identifies both the above mentioned coalitions as material groups. They were not purposive as both had serious career and material objectives as their core policy belief which also earned them many free riders who tagged along for material gains. It is interesting to note that neither policy

Coalition A nor B felt the need to use the window of opportunity to demand the removal of PSP from the unified civil services and to ask for the independent stature of PSP to be restored. This is the part of PSP history they completely hid.

### **5.3 PO 2002 Policy Sub-Systems.**

ACF identifies policy sub-systems as a group of people and/or organisations who appear with some regularity in the functional policy domain to influence policy formulation and implementation. In policy formulation role of a policy sub-system is secondary compared to the core policy coalitions. In long term the sub-groups are more likely to leave due to lack of interest it is also because the sub-system's beliefs 'are readily adjustable in light of new data and experience or changing strategic consideration' (Sabatier and Jenkins-Smith, 1999). Policy subsystem that exists for more than ten year is considered 'mature' while any sub-systems that appear in the policy domain for less than ten years is called 'nascent' (new). Overall the role of the policy sub-system becomes significant only if they engage in any 'non-trivial coordination' with the main policy coalition. Non-trivial means any coordination that extends beyond the usual policy design phase.

These subgroups become important for the main policy coalitions especially when any policy coalition 'is faced with increasing conditions of uncertainty' and the coalition seek the sub-groups 'to legitimise its own decisions'. For example, in a majoritarian system where policies can get easily changed by majority vote, policy coalition groups find an opportunity to build a stronger and longer lasting support system for their policy idea with the help of policy subsystems (Sabatier and Jenkins-Smith, 1999). According to ACF, if policy sub-system 'completely agree' with any of the main

policy coalition's beliefs they get incorporated into that coalition groups, which helps in building the strength of that core coalition group' (Sabatier and Jenkins-Smith, 1999, p. 120). For PO 2002 two sub-systems are identified: the non-state actors like the domestic NGOs; and the powerful PAS branch that held the post of DC.

### **5.3.1 Sub System A – Nascent but Non-Trivial.**

The NRB had invited two non-government organisations (NGOs) to participate in the policy design process (Abbas, 2011). Non-state actors like interests groups, think tanks and NGOs became a part of policy process after the creation of the institutional void due to the neoliberal transformation of the state, under the guise of good governance (Hajeer and Wagenaar, 2003; Dolowitz and Marsh, 2000). These actors gained scholars' interest for their remarkable ability to influence policy output by garnering the attention of policy actors as well as the public in a range of critical policy issues ranging from human rights, environment, gender issues, housing etc. (Giliberto, 1996, p. 16; Geoffrey and Richardson, 1996; Kuebler, 1998; Lertzman et al., 1996; Leschine et al., 1999; Loeber and Grin, 1999; Mawhinney, 1993; Mintrom and Vergari, 1996; Munro, 1993). Change and variations in policy emerged from the interaction of these groups with government actors at various tiers of government and through the salience of ideas (Kingdon, 1984; Stone, 1989; Majone, 1989; Giddens, 1996; Hajeer and Wagenaar, 2003).

ACF acknowledges the role of NGOs think tank and similar national and international organisations in bottom-up approach to policy change (Sabatier and Jenkins-Smith, 1999). ACF also assumes that these forums help in accurately 'defining the policy problem' and in persuading decision makers of the right kind of action, but that is with

the assumption that they have the requisite knowledge resources. This knowledge of policy issues is acquired through knowledge transfer across borders and due to their interaction with experts in conferences or via publication (Alder and Haas, 1992; Stone, 1999). When faced with conflicting ideas or shortage of ideas these non-state actors can offer policy makers ‘an alternative to consider’ (Sabatier and Jenkins-Smith, 1999). However, it is also argued that ‘not all the knowledge that they bring in is valuable to the policy, they may also bring in information that is counterfactual to actual policy problem (Evans and Davies, 1999; Stone, 1996). Empirical research has also revealed cases where these actors actually contributed towards impeding policy learning. For example, Stone (1996, p 144) argued that they become a part of policy arena not on the basis of their qualifications but because they had demonstrated ‘sharing of common value with the client’. Evans and Davis (1999, p. 378) write these actors are used as ‘safe keepers’ of the policy core agenda and as ‘filters’ to get rid of ideas that are against the coalition group’s core belief. Thus, the role of NGOs is not always constructive in the policy process. The empirical work done for this case study showed the role played by domestic NGOs in the policy design process of PO 2002. Coalition A members, especially Suddle, who was facing serious uncertainty in his professional career at the time of PO 2002 design, was able to convince domestic NGO team members to support the core policy beliefs of coalition A. To understand why the domestic NGOs easily accepted Suddle rhetoric the background of the origin of NGOs in Pakistan needs to be understood.

Evidence collected from various secondary sources, including archived researches and reports, revealed that in Pakistan the NGOs started forming during the Zia’s regime. During the 1990s when the international agenda of market liberalisation changed the nature and topography of politics and created space for non-state actors in the policy

process it further created space for the non-state actors in Pakistan. Many international donor agencies, like the World Bank, IMF, USA-Aid, DFID, DAAD, JICA etc., which ran their operations in Pakistan encouraged domestic NGOs to intervene in policy process and invested a substantial amount in creating projects for them.<sup>72</sup> ‘Many NGOs surfaced in all parts of the country to avail the opportunity of making easy money and took up the policy projects on an ad-hoc basis’ (Shah, 2016). According to the data collected by the Agha Khan Foundation in coordination with the Civicus group, in 2001 alone 100,000 to 120,000 NGOs were registered in Pakistan (CIVICUS, 2015). A report published in ‘Herald’ (DAWN group) also highlighted the abundance of such NGOs in Pakistan: ‘there exists at least one such organisation for every 2000 people in the country’ (Shah, 2016). Dr Ansari, a political science and governance scholar, who regularly interacts with different national and Islamabad based NGOs to discuss policy issues said; ‘These nascent NGO manage to acquire ad-hoc projects from international donor agencies on their own but lack expert knowledge base. The culture of secrecy that prevailed in policy making in Pakistan proved to be great impediment for them and they were mostly kept at bay by the traditional policy actors. Further, in the absence of any RTI laws and transparency of action, the execution of these ad-hoc projects becomes very difficult for the nascent domestic NGOs. They employ a number of strategies to achieve success and complete their projects including contacting scholars or bureaucrats from line ministries.’ DG ISPR had also confirmed that, ‘where NRB faced the problem of finding knowledge experts it relied on the institutional actors and the non-state actors.’

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<sup>72</sup> Dr Ansari interviewed in 2018

The knowledge deficit faced by the domestic NGOs is explained by the fact that, during Zia's authoritarian regime most writers, poets, journalist and intellectuals were publicly flogged or placed under house arrest (DAWN, 2017). 'During this era many educated Pakistanis and scholars left the country'<sup>73</sup>. Secondary sources also confirmed that the political and economic instability, caused by the turbulent transition phase of the 1990s, led many more intellectuals and skilled people to leave the country (Doghri et al., 2006). Another empirical study showed that from 1992 to 2000, an alarming 60% of highly educated and highly skilled Pakistanis migrated from the country (Farooq & Etazaz , 2017). Further, in 1998 only 18 higher education institutions existed in the country and 'only a few universities offered higher degree by research' (Hayward, 2009). Public policy as a separate subject was taught only after the Musharraf regime established a Higher Education Commission (HEC) which was given the responsibility of introducing more specialised fields for high education (Hayward, 2009).

Two domestic NGOs that took part in the policy design were contacted to understand their role in the policy design. One of the domestic NGOs operated from the capital city of Islamabad and the other was from Karachi, Pakistan. The CEO of the Islamabad-based NGO said that the project team member who was responsible for the police reforms had left the organisation and he would try to answer the questions himself. Interviews with the members of domestic NGOs revealed that at the time of PO 2002 design the nascent domestic NGOs indeed lacked the scientific data and tools to do the required policy analysis or make any constructive contribution to improve the design of police reforms. In the short interview by phone and later by emails, both

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<sup>73</sup> Dr Ansari interviewed in 2018.



the NGOs representatives confirmed that they had taken on the police reform project on an ad-hoc basis and had no previous knowledge of the subject. The CEO of the Islamabad based NGO said: ‘Yes we were part of NRB. There was no screening process for selection in NRB. During the process they asked us for recommendations on the proposal and we gave them a few suggestions after which we left the design phase’.<sup>74</sup> However, he could not elaborate on the proposal partly because it was a long time ago and partly because the project team member looking after the police reforms had left the organisation. The CEO, however, confirmed that his NGO did not monitor the implementation phase of the police reforms.

The program director of the Karachi-based NGO asked me to send him all the questions via email. After a long wait and a number of reminders he sent a short reply. He also said that the NGO’s involvement in the policy arena was on an ad-hoc basis. And that for correct problem recognition and to develop the holistic understanding of the policy issue necessary, the NGO project team members had to rely on institutional actors, in this case PSP officers of the focal group. In email the programme director specifically wrote: ‘we approached a number of institutional actors but only one or two agreed to talk to us’. On my further inquiry if that person was Shoaib Suddle, an email reply was sent stating that ‘IG Suddle was very kind for giving his time and explaining the problem to us. After these meetings we were convinced that, considering the problems of the country, greater control of police by local communities was the best option for Pakistan’.<sup>75</sup> The easy purchase of Suddle’s proposed idea can also be explained by the strong distrust of elected politicians that permeates the air in Pakistan.

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<sup>74</sup> CEO Islamabad based NGO CPDI, telephone conversation in 2018.

<sup>75</sup> President Karachi based NGO,, email received in 2019.

Although nascent the domestic NGOs were by no means trivial, as they extensively published reports, policy papers and held policy dialogue with other members of civil society, journalists and public. After their acceptance of coalition A's proposal for police reforms they started using their resources and advocating the case for removing police from the political control of the executive which they also started to see and project as democratic policing and demanded increased control of local communities on PSP which they called 'the best practice for democratic policing' ( Saeed, 2015). These reports were extensively disseminated as the terms of the project required and are also easily available online. By widely disseminating reports and policy papers and promoting the idea to active members of civil society, these NGOs helped Coalition A build its monopoly in the policy design phase and beyond. Because of their strong support of the ideas proposed by coalition A, this research is recognising these nascent NGOs as the subgroup of Coalition A. Due to the use of resources at their disposal for promoting the beliefs of Coalition A, their support must be classified as 'nontrivial'.

### **5.3.2 Sub-System B – Mature but Vulnerable.**

Coalition B had the support of the PAS cadre of Pakistan Civil Services, which is recognised as the policy sub-system for Coalition B in this analysis. Due to ASP's constant presence in Pakistan's policy domain since 1947, the group is taken as a 'mature' sub-group. ACF assumes that, unlike the NGOs and interests groups which readily demand unconventional or eccentric changes in policies, the administrative agencies 'advocate more moderate positions' on policy. This is because these actors are well experienced and 'understand the problems of dealing with multiple principals with different policy views' (Sabatier and Jenkins-Smith, 1999, p. 129). In contrast,

NGOs and interests groups more ‘readily adopt more extreme positions’ as they do not face any cross-cutting constraints (Jenkins-Smith et al., 1991).

Two informants from Pakistan administrative service (PAS) were contacted for this research. Interviews with both the informants were conducted by telephone because they said they were too busy and could not take time out for long interviews. Neither of them agreed to disclose their names so they are identified as Respondents 1 and 2 here. They clearly stated that they did not support coalition A’s beliefs and were of the opinion that ‘Suddle’s proposal was politically motivated and his own desperate attempt to get back into business’.<sup>76</sup> Respondent 1 also said, ‘ it was Suddle’s calculated attempt to make the already fragile state weak and an act against the state’. The Respondent 2 rejected that PO 2002 was an innovation on part of PSP, he called it a ‘copy paste exercise’. ‘It copied the proposal given by the Japanese delegation that visited Pakistan in 1996 and it lacked true understanding of Pakistani communities and its political problems’.<sup>77</sup> Similar thoughts were also stated by the ex-director Police Academy in his interview. He had said that he had visited Japan himself and observed how the model works there. ‘It worked in Japan because the communities over there are neither as volatile nor as interfering as Pakistani communities. It would not give the same results in Pakistan’.

This group although powerful was under constant attack by politicians during the national reconstruction phase undertaken by the Musharraf regime. The monopoly it had secretly acquired for itself during the interim government of Moeen Qureshi also brought it under attack from all other cadres of Pakistan civil services. In its attempt

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<sup>76</sup> Respondent 1, interviewed in 2018.

<sup>77</sup> Respondent 2, interviewed in 2018.

to transform Pakistan from a pure neoliberal regime to a pragmatic neoliberal regulatory scheme Musharraf regime abolished the post of DC and ‘the divisional tier’ of the provincial government. ‘This tier had previously served as the principal tier of provincial bureaucracy with very little oversight left for the elected representatives’ (Aziz, 2009). Elimination of the divisional tier resulted in a major bureaucratic cut down. ‘About twelve to fifteen departmental positions were merged ... at the district level’ (Aziz, 2009). The significance of the post of DC for PAS was also explained by Daniyal Aziz, who at the time of PO 2002 design served as a member of NRB and later became chairman NRB: ‘If Pakistan bureaucracy was the king model of governance then DC was its executive head and enjoyed the functional authority over the revenue, judicial, criminal justice as well as police’ (Aziz, 2009). Therefore, it was decided that the post of DC would be replaced by that of a DCO – District Coordination Officer.

In the secondary methods a well-known online ‘CSS forum’<sup>78</sup> was also consulted. It is an open forum where debates and dialogues on various civil services issues are posted. A debate on the forum also confirmed that at the time of PO 2002 design, due to the overall transformations taking place in the country and the parallel running devolution plan which had become a ground for turf battles, power struggles, conflicts over jurisdictions, the officers of PAS branch were busy fighting tooth and nail to protect as many of the key posts as possible. Information from diverse sources confirm that at the time of PO 2002 design, policy Coalition B’s supportive subsystem, although mature and well-versed in the policy process, was most vulnerable and weak. It did not impart much strength to the Coalition B.

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<sup>78</sup> Central Superior Services (CSS) is the self-acquired name by civil services of Pakistan The elite bureaucracy groups in Pakistan still use this name to identify themselves.

## **5.4 Cross-Coalition Exchange.**

ACF accepts that policy actors are limited in their ability to process and analyse information in a given time, therefore, cross-coalitions help in knowledge exchange and lesson sharing. Absence of cross-coalition exchange can impede learning. Empirical studies show that while exchange of information and associated learning within a coalition is easy, cross-coalition exchanges are mostly problematic. If coalition start viewing each other as ‘evil’ they refrain from critically evaluating their own core beliefs (Sabatier et al, 1987). Exchange between coalitions is also impeded by a ‘high level of conflict’ which directly threatens a coalition’s core policy belief and pushes it to defend its position ( Jenkins-Smith, 1990; Sabatier and Weible, 2014). Intermediary level of conflict facilitates learning ( Leach et al., 2013).

After the interviews with key PSP informants it was hard to miss the antagonism between the key members of the two policy coalitions. For example, coalition A members called the coalition B members, who showed no resistance to the idea of political control by state as ‘sold out to the politicians’ and ‘corrupt’. Similarly, members of coalition B said there was no originality in the idea proposed by members of coalition A it was a ‘copy paste policy’. ‘And what anyone sitting in Baluchistan who operate on a limited area would know about the implementation problems faced in other province’, etc. There was no compelling evidence of the two-coalition sharing information and views during the policy design phase that may have helped improve the PO 2002 at that time, however, NRB at this time played its role as a moderator. The Director of the National Police Academy said that the IG police discussed the pros and cons of PO 2002 during their meetings at the National Police Academy, but he gave no further information of which of the PSP decision makers attended those

meetings. There is a good chance that these meetings were only attended by the members of coalition B. The evidence before this research showed that coalition A was more intent on developing a support group outside PSP than inside PSP. Whereas, IG Suddle informed that all the recommendations of the focal group were given to NRB which separately discussed it with other actors. According to Suddle the focal group members had no direct contact with other actors within NRB.

## **5.5 Time Constraint and the Final Rush**

Charles Lindblom (1959) had highlighted the importance of time and the limits it places on the cognitive capacities of policy makers. Musharraf regime was also facing a time constrain of three years, set by the Supreme Court of Pakistan, to implement the announced seven point agenda. ‘During these three years the regime designed and enacted eleven laws including the State Bank Act, the National Accountability Bureau (NAB) law, the Election Commission Order, the Conduct of General Election Order, the Political Parties Order, the Order prohibiting a third term as a Prime Minister/Chief Minister alongside the Local Government Ordinances (LGO) in the four provinces as well as the police order, to name a few’.<sup>79</sup> It was also argued that the delays were introduced for a number of reasons including long consultative processes as the political actors that had come forward from the major political parties and were eager to be involved in the consultative processes, came with diverse priorities.<sup>80</sup>

Evidence collected using secondary methods further confirmed that there were delays.

Member of NRB also conceded, in various forums, that the shifts in demands of the

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<sup>79</sup> retired COAS, interviewed in 2018.

<sup>80</sup> DG-ISPR interviewed in 2018.

political actors at times introduced ambiguity which caused further delays in the decision-making process (Aziz, 2009). Mr Daniyal Aziz (2009), in a talk admitted that the 'NRB's capacity was limited and the approval process was hierarchal, long and tedious'. He also said the process of translating the plans into respective legal instruments took a longer time than expected as it had to deal with other overlapping laws and the interfaces with other policies. 'After going through three rounds of iteration in combing, understanding the logic and then applying suggestions from the consultative process among government departments, politicians and legal experts the policy process was finally considered complete' (Aziz, 2009). According to IG Suddle the police law was one law that was delayed due to these processes. 'The plan was that police law would be complete in 2000 but it was delayed and was rushed in the end so that it could be implemented in 2002'.

The DG ISPR also said that, when the military took over Pakistan was at the verge of financial bankruptcy. A lot of time and resources of General Musharraf himself were spent on the economic recovery and building investors' confidence. 'For this during the first few years he visited a number of other countries and met investors personally encouraging them to invest in Pakistan'. When the time for elections came near, and some work on policies was still unfinished, the problem was put before the military 'Corps Commanders Meeting' and multiple options were explored. 'Some said that the military should announce that it sincerely tried but three years was a very short time for institutional reconstruction. Other were not willing to accept defeat and said that we must finish all the pending policies as quickly as we could. They said we can't leave without delivering what we promised'. The interview with the key military informant showed that it had become 'a matter of prestige' for the proud military command to finish and implement all the policies in the allocated time. Because of this

the police reforms were quickly finalised in NRB. Recommendations of both the coalitions were incorporated, and the final approval was received from General Musharraf. The regime members, however, said that they were mentally prepared to monitor the shortfalls and problems in the policy after their implementation.

The regime also took measures to protect all the laws it made, including PO 2002 (chief executive order 22), by placing them in the sixth schedule, and “protected them till 2009 by the 17<sup>th</sup> constitutional amendment”.<sup>81</sup> The key informant from the military regime said this was done on the advice of their legal advisor. However, the intention was not to make the laws binding on the elected governments, but they expected the elected government in due time will debate them and further improve them. ‘At the same time there were also concerns, as is any majoritarian system, that after winning the election any future elected government enjoying a majority could easily discard these laws without properly debating them in the legislative assembly’.<sup>82</sup> The critics on the other hand argued that the action taken made the review or revision of the policies in the sixth schedule very difficult (Dawn, 2002).

PO 2002 was implemented nationwide on August 14, 2002 just before the October 10, 2002 elections. It was believed that PO 2002 would create a ‘service-oriented and accountable police force’ which would ‘function according to the constitution, law and democratic aspirations of the people of Pakistan’.<sup>83</sup>

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<sup>81</sup> Justice High Court, legal advisor to the regime, interviewed in 2019.

<sup>82</sup> Justice High Court Legal Advisor to the regime, interviewed in 2019.

<sup>83</sup> DG ISPR, interviewed in 2018.



## **5.6 Salient Features of PO 2002.**

The salient features of PO 2002 highlighting the core policy beliefs of the two policy coalitions are stated below: <sup>84</sup>

### **The Issue of Job Security**

PO 2002 also provided for the demand for job security in Article 12 and 15. It announced fixed tenure of three years for IG police as was demanded by the coalition A members.

Article 12 (1) stated; ‘The term of office of Provincial Police Officer, Capital City Police Officer and Head of a Federal Law Enforcement Agency posted under Article 11 shall be three years from the date of his posting’. And

Article 15(2); stated; The term of office of City Police Officer or District Police Officer, as the case may be, shall be three years from the date of his posting.

### **The issue of Career Bottle-Neck**

It also included eighteen specialised branches which removed the career bottle neck as was planned by the members of coalition B. Article 8 announced police will be organised on eighteen functional basis.

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<sup>84</sup> Full text of PO 2002 is available at Pakistan Police Bureau website. [http://npb.gov.pk/wp-content/uploads/2014/08/police\\_order\\_2002.pdf](http://npb.gov.pk/wp-content/uploads/2014/08/police_order_2002.pdf)

## **Separation of Administration and Investigation**

It separated the crime control branch from administration ( Article 18(1) and 18(2): The members of District Investigation Branch shall not form part of any police station and, as far as possible. The District Investigation Branch was to comprise of several specialized wings and each wing was made responsible for investigation of one or more types of cases.

Article 18(7): The Head of ‘District Investigation Branch’ shall be directly responsible to the Head of District Police.

The stars of the Police Order 2002 were the structures of external oversight like the ‘Public Safety Commission’ and the local level political actors , that is, the ‘Nazim’ (Mayor).

### **External Oversight**

The real innovation of PO 2002 was the Public Safety Commission, established at all tiers of government. The Public Safety Commission was meant to enhance ‘police-public’ co-operation (Article 44 - 48). The structure of the Public Safety Commission is described in Chapter 5 Article 37 of PO 2002. The Commission comprised of 50% representation of the community members and 50% opposition members but zero representation of the state.

### **The Role of Mayor and Citizen Committees**

PO 2002 placed district police under the control of local level political actors, as explained below:

### **Posting of PSP Officers**

Both the Public Safety Commission and Nazim were given an important role to play in the posting and tenures of PSP officers, as well as in reviewing the police plan. Article 11 deals with the ‘Posting of police officers’. Article 12

deals with the ‘Term of office of Provincial Police Officer, Capital City Police Officer and Head of a Federal Law Enforcement Agency’.

Article 12 (5) , gave the Federal Government or the National Public Safety Commission the right to initiate the premature transfer of the officer mentioned for unsatisfactory performance of duties.

### **PSP Officers Evaluation Reports**

The commission was also given the right to write the ‘*evaluation report*’ of the district police officer, and could also initiate complaints against police officers etc. For example: Article 44 (b) and Article 35:

### **Sharing of Policing Plan with Local Level Political Actor.**

Article 32 instructed the Head of District Police to prepare an ‘*Annual Policing Plan*’ consistent with Provincial Policing Plan wherever applicable *in consultation* with the ‘Zila Nazim’ and obtain the approval of the plan from the appropriate Public Safety Commission (Article 32(3)) . Also, Article 32 (4) instructed the Head of District Police to prepare an annual report on the policing of the district and send it to the District Public Safety Commission by end of August.

### **Role of Local Level ‘Nazim’ on registration of FIR.**

The Article 33(1) made the local level political leadership of Nazim (Mayor) responsible for district police. Article 35 allowed the Zila Nazim to direct the head of district police to take actions like registration of ‘First Information Report’ (FIR) in a cognizable offence within the period specified by the Nazim. And it made it obligatory for the head of district police to inform the Zila- Nazim and appropriate Public Safety Commission, without delay, of the action taken by him pursuant to the directions. And forward a copy of the final report of enquiry within forty five days of such directions.

# Chapter 6

## Phase 2: Policy Implementation and Policy Change

The existing literature does not explain the rationale behind the PO 2002 changes. ACF advises to analyse the change process more methodologically. This chapter will look for the four primary pathways to policy change: external perturbations, internal events to a sub-system, learning and negotiated agreements. ACF states that policy change may result from one or combination of more than one of these factors. External events are event whose underlying causes and triggers are beyond the influence of the policy subsystems and internal shocks. And may include external perturbations, international events, regime changes, changes in the socio-political conditions, crisis and natural disaster, which may significantly alter public and political priorities and the initial policy objective. These fluctuation can also be capitalised by the exploitive minor coalition and/ or can result in changing the motivation of the material coalitions (Sabatier and Jenkins-Smith, 1993, p. 213, Sabateir, 1999, p. 147). Similarly, internal shock events, scandals and failures which either questions the policy core belief of the dominant coalition, and/ or confirms the policy core beliefs of the minority coalition and may also result in major policy change (Birkland, 2010; Birkland, 2006). These events may occur within the territorial boundaries and / or the topical area of the policy subsystem, affected by policy subsystem actors. These conditions may prompt learning resulting in negotiations and major policy change.

The information was collected using primary and secondary methods. It revealed that policy change in 2004 involved all the four pathways. It was the result of two major

events. One was linked to internal scandal that changed the motivation of the PSP material coalition and the other was linked to the international that altered the priorities of the Musharraf regime. The final process of change involved cross-coalition discourse and negotiations.

## **6.1 PO 2002 Implementation and Internal Events.**

The existing literature on police reforms in Pakistan gives no inform of any implementation problem linked to PO 2002. Members of the domestic NGOs also said that they did not observe the policy implementation phase. IG Suddle, who during that time was appointed the head of Baluchistan police, insisted that he faced no problems in the implementation of PO 2002. Suddle statement alone, however, could not be taken as a true representation of the state of affairs faced elsewhere in Pakistan. Primarily because Baluchistan, although occupies a large land area, is the most sparsely populated province of Pakistan (see figure 6.1). ‘Police operations in Baluchistan are restricted to a very small area, that is, approximately 3500 sq. km around the provincial capital of Quetta. In technical terms it is called “Area A”. The rest of the province which is a much bigger area constitutes “Area B”. This area is under tribal control and police does not operate in that area’.<sup>85</sup> This is why the probability of IG Baluchistan experiencing the same level of implementation problems as the IGs of other densely populated provinces like Sindh and Punjab, with far greater numbers of police stations and police force, was very slim.

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<sup>85</sup> Ex -Director National Police Academy, interviewed in 2018.

Province/Region	Population (000)	Area (sq. km)	Population Density ( persons/ sq. km)
<b>Pakistan</b>	<b>132,252</b>	<b>796096</b>	<b>166</b>
Urban	43,036		
Rural	89,316		
<b>Islamabad</b>	<b>805</b>	<b>906</b>	<b>889</b>
Urban	529		
Rural	276		
<b>Punjab</b>	<b>73621</b>	<b>205,345</b>	<b>359</b>
Urban	23,019		
Rural	50,602		
<b>Sindh</b>	<b>30,440</b>	<b>140,914</b>	<b>216</b>
Urban	14,840		
Rural	15,600		
<b>Baluchistan</b>	<b>6,566</b>	<b>347,190</b>	<b>19</b>
Urban /Area A	1,569		
Rural/ Area B	4,997		
<b>KP</b>	<b>17,744</b>	<b>74,521</b>	<b>238</b>
Urban	2,994		
Rural	14,750		
<b>FATA</b>	<b>3,176</b>	<b>27,220</b>	<b>117</b>
Urban	85		
Rural	3,091		

Figure 6.1: Province wise Population Density Data-Pakistan

Source: Census Report, p. 6. Pakistan Bureau of Statistics. Government of Pakistan

The two officials of civil bureaucracy interviewed fleetingly mentioned that changes in PO 2002 were the result of implementation problems faced by the Punjab police. They said the problem was related to the competition that started between the newly formed crime investigation branch and the administrative branch. This information

was cross checked from IG Shigri and ex director of National Police Academy during the interviews. IG Shigri mostly avoided the topic. During the four hour long interview, in a light mood he mentioned a case in the Supreme Court in which one SHO cursed PO 2002 and the day it was implemented. He did not give more detail and said the police force in police stations is mostly 'ignorant'. At one point he also mentioned how many times he had to appear before the Supreme Court 'because of PO 2002'. The retired director of the National Police Academy on his own accord also related the same incident of the SHO. Thus, two key PSP informants pointed to some sort of implementation problems at the organisational level that occurred due to PO 2002, but it was not clear what they were and to what effect they impacted the organisation. More information came from the secondary method used. A 2016 report by the 'Federal Ombudsmen' for the 'Supreme Court of Pakistan' on the 'Mal Practices of Pakistan Police' provided some explanation of the incidents. The report highlighted a common practice in police that every crime that is reported in the police station is not registered. It is because some crime are serious and demand investigation whereas others do not. They were called 'cognizable and non-cognizable offenses'. For example, a buffalo running away and returning at night is not the same as a murder and does not merit the same degree of investigation. Previously public had consistently complained that the cases they reported in the police station were not registered by the police. PO 2002, therefore, made it compulsory that all sorts of crime reported to the police station to be registered as Federal Investigation Report (FIR). The FIR register, which lists the crimes reported to police station, is also used as the fact sheet for crime activity in the jurisdiction of the police station. Thus, an increase in FIR is taken as an increase in crime in that jurisdiction.

This new procedure became more problematic because of the separation of administration/ operations and investigation branch ( Article 18). Before PO 2002, a single SHO, who can be rightly called the independent commander of the station, was granted permission by his superior PSP officers to use his discretion in ‘deciding between non-cognizable and cognizable offenses’ and to register for a case which he thought merited further investigation. This single SHO also ensured that the number of FIR registered remained as low as possible. It was stated in the Federal Ombudsman report that ‘SHO and his superior PSP officers were mindful of the fact that if they properly registered FIR for every case reported in the thana (police station) “they were actually creating documentary evidence against themselves” which could be easily used against the PSP officer in charge to prove his incompetence’.

Now the administration/operation and investigation branch were separated and two SHOs, one overlooking administration and one overlooking investigation, were placed in each police station. Unlike the administration/operation branch it went in favour of the investigation branch if the cases registered were small and trivial, as by resolving them they could easily show their competence. While the SHO administration/ operations as before avoided registering FIR the new SHO investigation became eager to register the FIR and to launch investigations. This resulted in conflicts between the two SHOs. At a few police station the SHO administration/operations even refused to give the required resources to the SHO investigation and his team. The situation was a typical case of what Fenger and Klok (1998) had called ‘competitive interdependency’. ‘Competitive interdependency occurs when the functional tasks (and resources) of actor A (in this case the administrative branch), interferes with actor B’s ability to take action (in this case the investigation branch) consistent with its own goals’. ACF states that due to competitive interdependencies within the coalition



groups tend to develop distributional conflicts (Sabatier and Jenkins-Smith, 1999, p. 141).

In Punjab police also many cases of conflict between the two branches were reported. In some places SHO investigation even locked SHO administration in the jail cells.<sup>86</sup> As a result, work in some police stations came to a standstill. Most of these incidents were reported in Punjab maybe because it has the most population and it housed the largest number of police stations. Since both the branches enjoyed equal and parallel authority the whole organisation started getting politicised at all levels.

Contributing towards this problem were also the added external structures of police oversight added by PO 2002. The Citizen Committees or the local Nazim/Nayab Nazim (Mayor) which were added by PO 2002 to receive public complaints in case FIRs were still not registered in the police station. These external oversight actors were also given the required authority to demand explanation from PSP officers if there was any breach in the procedure. And Nazim could also write in the annual evaluation reports of the PSP officers. The PSP officers in early and mid-career became worried that if the news of what was happening in the police station escaped to these local political actors or to the citizen oversight committees it would have negative implications on their careers. One of the two in-service PSP officers interviewed said the compulsion to register every case as FIR was especially problematic. 'It was problematic because every time the number of reported FIR goes up, even if by small percentage, the heads of government, the press, and the public starts rolling their eyes

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<sup>86</sup> IG Shigri, briefly mentioned it in the interviewed. And ex-Director of Pakistan Police Academy also.

against the PSP officer in-charge of the jurisdiction'.<sup>87</sup> The senior PSP officers were worried they would lose their credibility and authority. One DIG police interviewed said, 'The PSP officers had always had to deal with accusations of inefficiency and ineffectiveness. If news of these incidents reached the newly privatised and hyperactive Pakistani media, or via citizen committees or local politicians, it would have dented our credibility for ever and we would have become the laughingstock of the country'.<sup>88</sup> Due to these incidents a good majority of PSP officers at an early stage of their career or mid-career, working at sub-national level, started disowning PO 2002.<sup>89</sup> These PSP officers the cost of continuing with PO 2002 became too high, much more than they were willing to pay.

For these and more reasons PO 2002 was also rejected by PSP decision makers. Interviews with IG Aly Khan revealed that among those who opposed the PO 2002 after implementation was IG Nasir Ali Durrani, who later became the IG KP police and using his experience of PO 2002 implementation, in 2013 made the police reforms for KP. 'IG Durrani used to say main that PO 2002 had made the organisation top-heavy and inverted the organisational pyramid'. And the arrangement was introducing delays in decision making.<sup>90</sup> Another IG Tariq Cheema also did not like the idea of 'unprofessional and laymen' or 'local level politicians' interfering in the 'professional working' of the police. The ex-director of the National Police Academy also did not like the delays in decisions the PO 2002 introduced.

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<sup>87</sup> DIG Punjab police, interviewed in 2018.

<sup>88</sup> Retired IG police interviewed in 2018.

<sup>89</sup> Acting DIG, Strategical Department Punjab Police interviewed in 2019.

<sup>90</sup> ex-Director National Police Academy, interviewed in 2018.

As a result, post implementation the material coalition that came together for PO 2002 started losing its motivation and disintegrating. A greater coalition of the PSP officers at national and sub-national level showing a disinterest in continuing with the PO 2002 started forming. The key PSP informants, even the ex-director of the National Police Academy who was recognised as the most strong opposition to PO 2002, however, maintained that PSP decision makers played no role in the policy change and the change was brought about by Chaudhry, chief Minister of Punjab and Musharraf. This information go against the basic assumption of ACF which states that if a coalition is formed 'it will seek to alter the behaviour of government institutions to achieve the policy objectives in its respective policy core' (Sabatier, 1985). Furthermore, the history of Pakistan police gathered for this research, also showed that throughout the history of Pakistan police, PSP decision makers had never remained passive and had successfully used their agency at certain conjunctures and successfully bargained to make the changes they desired. For example, in 1951, following the Hindu-Muslim riots in East Pakistan, Sir Oliver Gilbert had successfully used the situation to remove the DC oversight from over district police. A review of the Police Commission reports, shared in chapter 2, also show that within the framework of PO 1861 PSP officers had always managed to achieve many incremental changes at different moments in time, through police commissions. Now the main obstacle before the new PSP coalition was that just a year ago the PSP decision makers enjoyed the full liberty to design the police reforms for themselves. Now asking for a change as early as 2003/ 2004 from the Musharraf regime was likely to go against them.

## **6.2 External Event and Change in National Mood.**

Primary and secondary methods helped reveal the sequence of events that satisfactorily established the causality of policy change. An important international event occurred which was followed by complex socio political conditions in Pakistan that significantly impacted the authority of the Musharraf regime and made it weak. As a result, it had to alter its priorities and revise PO 2002, as discussed in detail below:

Before PO 2002 could be implemented the tragic event of 9/11 took place. The event impacted the politics and policies of Pakistan in an unprecedented way. The twin towers of the World Trade Centre in New York were hit by hijacked commercial aeroplanes manned by terrorists identified as Arab militants associated with Al-Qaida. US president George W. Bush announced his government would take action against those responsible and launched the 'US-led war on terror'. Though Al-Qaida in particular was blamed for the incident, Muslims in general, not logically but perhaps inevitably, also came under popular suspicion in the West. This put the people of Pakistan, who are predominantly Muslims and for whom the religion of Islam holds ontological and normative significance, in a difficult situation. Following the event President Bush also 'demanded' that the Pakistan military provide help for America's war in Afghanistan. It is generally believed that General Musharraf's announcement to join 'US-led war on terror' was a direct reaction to what President Bush said. One newspaper quoted General Musharraf saying that Bush threatened to 'bomb Pakistan back to the stone age' if Musharraf did not cooperate (Goldenburg, 2006). However, in the interview retired DG-ISPR, who had also served as secretary to General Pervez Musharraf for six years, said that, 'it is generally believed that a call is received from USA and everyone follow orders, which is not correct. General Musharraf announced

his support for the US-led war on terror on principle, realising the danger extremists posed not just internationally but also to Pakistan'. In this decision he had the support of the military leadership and he believed that he also had the public support. However, the response of the people of Pakistan, who since the start of the Afghan war had also been the victims of acts of terrorism, was unprecedented. 'The public completely disowned the US-led war on terror'.<sup>91</sup>

Dr Ansari, a well-respected political scientist and scholar, said that it can't be doubted that the people of Pakistan were the first victims of the acts of terror that later engulfed the west. He said the public at large felt empathy towards the militants who were mainly recruited for the Afghan war from poor and backward peripheries. 'In 1989, when the US and the USSR abruptly walked away from war-torn Afghanistan, they left these CIA-trained militants large with caches of weapons wandering the streets of both Afghanistan and Pakistan, who started acts of terror in Pakistan. It was common knowledge in Pakistan that these militants were especially trained and radicalised for the sake of fighting USSR troops in Afghanistan and after the war were discarded and declared villains. The public was very angry with USA for its behaviour. This anger kept building when post-cold war USA started ridiculing the Muslims spirit of Jihad and imposed sanctions on Pakistan'.<sup>92</sup> Secondary methods supported the information given by Dr Ansari. For example, Dennis Kux (2006) in his book 'USA and Pakistan 1947- 2000: The Disenchanted Allies' gave more details. He writes that 'US-Aid' provided 51 million dollar to the 'University of Nebraska' to design the 'jihadi text' with the special intent to radicalise and flame extremist sentiments in the jihadists, against the USSR'. In the notes Kux (2006) writes that even

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<sup>91</sup> Dr Sarfraz Ansari, interviewed in 2018.

<sup>92</sup> Ibid.

at that time the experts in USA warned the government of the consequences of this action. The book and many other sources confirmed that after the Afghan war, US put many sanctions on Pakistan and US-aid to Pakistan dropped abruptly from 540 million dollars to zero that had far reaching negative impact on the developing country (Kux, 2006; Javaid, 2014; Hussain, 2016; Malik, 1990). Another supporting evidence was found in 2009 speech the US secretary of state Hilary Clinton made to the congressional hearing (South Asia News, 2009). Clinton (2009) admitted USA unethical behaviour towards Pakistan in these words;

So we then left Pakistan ....We said okay fine you deal with the Stingers that we left all over your country...you deal with the mines that are along the border ..and by the way we don't want to have anything to do with you....in fact we're sanctioning you (Clinton, 2009).

The scholar also added that to these already existing grievances President Bush's speeches and media reports of him threatening to carpet bomb Pakistan worked as fuel to the fire. The public anger was more against the USA governments and its policies, then it was about terrorism or the 9/11 event.<sup>93</sup> Archived research and news reports also highlight other factors like the invasion of Iraq by USA, continued anti-Islamic rhetoric in the West, and the reports of abuse of the Guantanamo Bay prisoners as some the factors that fuelled popular rage against USA in Pakistan. US behaviour did not improve even when Pakistan started helping US post 9/11. Information collected from key informant revealed that Pakistan also provided air strips to the USA for operation against the Al-Qaida terrorists in Afghanistan. The Group Captain from Pakistan Air Force who gave interview for this research talked about a few recent

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<sup>93</sup> Dr Sarfraz Ansari, interviewed in 2018.

incidents that further angered the people of Pakistan. He said he was posted in the city of Kohat at the time of ‘Tora Bora Operation’ when, ‘five USA officials came to Kohat, Pakistan, following the Tora Bora operation, to interrogate the militant caught in the operation. These officials not only humiliated the militants by making them walk naked but also ridiculed the militant on their religious beliefs and tossed around the copies of Quran the militant carried in their pockets. News of these incidents soon became public and further ignited public anger’.<sup>94</sup>

All this information help understand the anger of the people of Pakistan against USA. A Washington DC-based PEW Research Centre survey also recorded a strong anti-American sentiment in Pakistan, from 2001 to 2009 (Table 6.1). It shows that in 2002 only 10% Pakistanis viewed USA favourably.

<b>Before 2001</b>	<b>2002</b>	<b>2003</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
<b>23%</b>	10%	13%	23%	27%	15%	19%	16%

Table 6.1: US favourability rating in Pakistan in percentage.

Source: PEW Research Centre Survey.<sup>95</sup>

Discussing the public response to ‘US-led war on terror’ Dr Ansari, added that ‘the people of Pakistan were also worried that invasion of Afghanistan by US troop will result in a large influx of Afghan refugees in Pakistan’. He said when General Zia-ul-Haq had made a similar decision to help the USA against the USSR invasion of

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<sup>94</sup> Informant from PSF, interviewed in 2019.

<sup>95</sup> PEW research Institute Surveys. Roughly six in ten Pakistani describe USA as ‘enemy’ (Heimlich, 2010). <https://www.pewresearch.org/fact-tank/0210/08/12/pakistanis-see-u-s-as-an-enemy/>

Afghanistan in the past, millions of Afghan refugees looking for a safe place crossed the Durand line and entered Pakistan. The free influx of Afghan refugees created innumerable problems for Pakistan, including internal security problems, drug mafia, illegal occupation of land, and other long-term adverse impact on the country's economy, politics and society. 'Following Bush announcement that USA will invade Afghanistan and Musharraf's agreement to help US, the public were obviously concerned that it would further increase the number of Afghans in Pakistan'.<sup>96</sup> Data shared by UNHCR also showed that in 2002, at the time of 'US-led war on terror', about 3.3 million Afghan refugees lived in Pakistan.<sup>97</sup> Pakistanis scholars and civil society representatives interviewed believed that this number represented only registered refugees and 'a large number of unregistered Afghan refugees were also living in Pakistan'. In 2001, this staggering number of Afghan refugees was already far beyond the capacity of the fragile state which was working hard to get out of a failed state status at that time.<sup>98</sup> A substantial archived research also supported Dr Ansari opinion of the adverse effects of Afghan refugees on Pakistan (Borthakur, 2017; Cheema, 1988; Hilali, 2010). An official report titled 'Pakistan: Coping with Afghan Refugees' by USA agency CIA, also highlighted the friction that existed between Afghan refugees and Pakistan, and the government of Pakistan's concerns about the hype in law and order incidents caused by Afghans, and the economic burden the refugee created for the state (CIA, 2011, p. 4).

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<sup>96</sup> Dr Ansari, interviewed in 2018.

<sup>97</sup> The voluntary repatriation of the Afghan refugees started 'after 2002', which was the year following USA invasion of Afghanistan in 2001. This gradually reduced the number of refugees living in Pakistan, is said to be at its lowest in 2003. However, UNHCR also states that afterward many refugees returned in 2007. As of 2020 about 1.42 Million 'registered' Afghan refugees still live in Pakistan. <https://data2.unhcr.org/en/country/pak>

<sup>98</sup> Dr Shahzad Ahmed, interviewed in 2018.



Another informant from media also said that Musharraf lost his charismatic appeal, which he enjoyed since the dramatic 1999 coup, for the people due to his quick response to Bush speech. ‘What the Pakistanis really wanted and expected from General Musharraf was to take a tougher stand against the USA. General Musharraf’s quick announcement to help US in the war on terror disappointed the public and also dented the “strongman” image that had captivated the people of Pakistan since the dramatic chain of events that led to the 1999 military coup’.<sup>99</sup>

This shift in the way the local communities were thinking and how the General Musharraf’s announcement to join US-led war on terror was transforming the choices of the public was completely missed by the ‘not so politically prudent military men’.<sup>100</sup> During the interview the retired COAS clearly said that they strongly believed that General Musharraf’s coalition with PML-Q will comfortably win the 2002 elections.

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<sup>99</sup> Naeem Mirza, CEO of a media group, interviewed in 2018.

<sup>100</sup> Naeem Bukhari, interviewed in 2019.

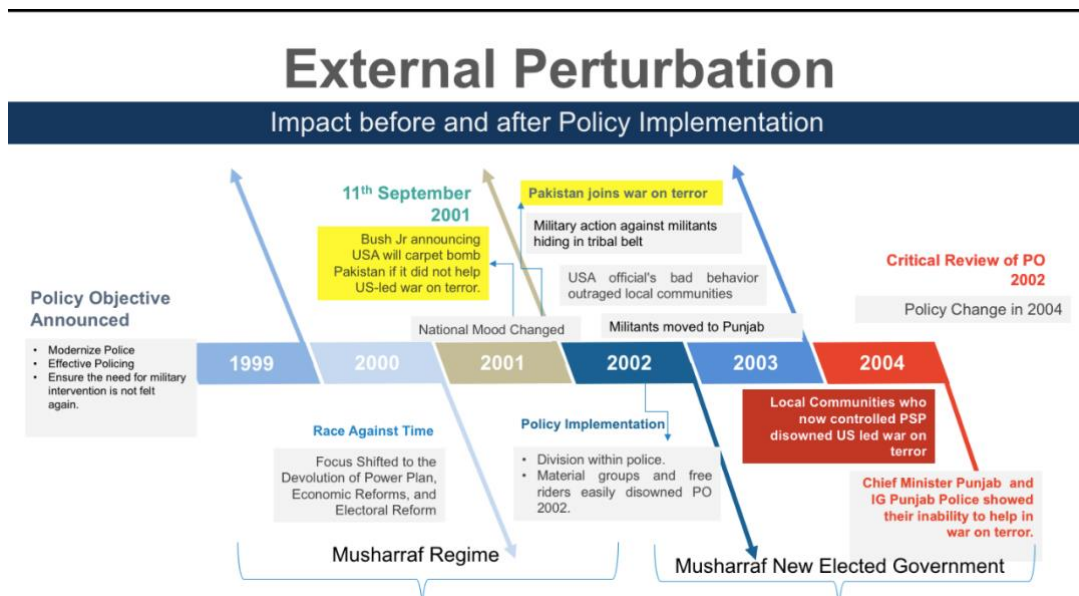


Figure 6. 2: External Perturbation Impacting PO 2002 and Sequence of Events.

### 6.3 Introduction of New Weak Political Actors in the Policy Domain

At the end of the three years given to the regime, General Musharraf decided to join politics and made a political coalition with PML-Q. The key informant, who had served as the secretary to General Musharraf for six years, and had also accompanied him in all foreign visits which the General made for restoring investor's confidence in Pakistan commenting on the General's decision to move onto national politics said, 'it is my opinion that the massive support and admiration that came General Musharraf's way during these visits significantly motivated him to step into politics. 'Foreign business investors would actually come to him and say that we are willing to invest in Pakistan "because of you.'" He also said, 'General Musharraf sincerely believed that he could do a lot more for Pakistan which was facing economic hardship, than other

political leaders who had lost their credibility'.<sup>101</sup> For this reason he made a political coalition with PML-Q and also held a referendum in April 2002 'seeking the people's democratic mandate to serve the nation as the president of Pakistan for a period of five years' (Baxter, 2004, p. 64; Patterson, 2007). After receiving a satisfactory public response in the referendum General Musharraf belief was further strengthened and the regime started to believe that the political coalition General Musharraf made with PML-Q would easily win the elections and it would easily get the required 2/3 majority in the National Assembly, needed to protect the laws, including PO 2002.

The political coalition between Musharraf and PML-Q's Chaudhrys called a 'marriage of convenience' than a true ideological alliance. Ideologically Chaudhry and Musharraf were situated at opposite ends of the country's political spectrum.<sup>102</sup> Chaudhrys, like the Sharifs, were the industrialists from Punjab who came in national politics during Zia regime. Ziaul-Haq, who faced many political risks incorporated a number of business and industrialist in his regime ( Kennedy, 1985). 'Sharif and Chaudhry families, who were also given key appointments in Zia regime also greatly benefitted from his market liberalisation policies, which motivated the industrialist to become a permanent part of the country's politics. When Zia created his PML both Chaudhry and Shariff also joined it'.<sup>103</sup> Throughout the 1990s Chaudhry was known as the closest political ally of Sharif. 'It was commonly believed that it was Chaudhry's

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<sup>101</sup> retired DG ISPR, interviewed in 2018.

<sup>102</sup> Fourcade-Gourinchas and Babb (2002) differentiate various political leaders on the basis of their support for neoliberal reforms. For example, politicians like Margaret Thatcher and Reagan are called the ideological supporters of neoliberalism for their blatant support of the market liberalisation agenda through introducing state roll-back or minimal government. Other leaders like Tony Blair, Clinton, and other third way leaders launched the 'state regulated neoliberal regime'. Their support stemmed from economic needs rather than a direct support of the ideology. They are identified as 'pragmatic' leaders and such neoliberal regimes as pragmatic neoliberal regimes.

<sup>103</sup> Ibid.

political acumen that earned the Sharifs the massive victory in the 1997 election.’<sup>104</sup> Differences between the two families developed after 1997, on the appointment of Shahbaz Shariff, the younger brother of Nawaz Shariff, as the chief minister of Punjab. A post the Shariffs had supposedly promised to the Chaudhrys before the elections (DAWN, 2010). After 2000 the Chaudhry’s of Gujrat separated their ways from the Shariff of Lahore and formed their own political party, the PML-Q (The Herald, 2000, p 35; Economist, 2000). Its membership included an amalgamation of business class, feudal and religious groups.<sup>105</sup> They were later joined by a five other faction of PML and other key political figures, like; Fakhar Imam, Mushahid Hussain, Ejaz ul Haq (son of Zia-ul-Haq), also grieved by the Shariffs (Dawn, 2003; The News, 2003). PML-Q had a vague and unclear ideological agenda and it announced that it endorses all policies of Musharraf regime (DAWN, 2002).

According to the key informants from the Musharraf regime, the Chaudhrys met the military regime after the 1999 coup and showed great support for the regime’s policies. Hence when General Musharraf decided to join politics PML-Q was considered a good ally. Unlike the Chaudhrys, who had unequivocally benefitted from the ‘pure neoliberal policies’ implemented during Zia regime and then during the 1990s, General Musharraf and his group of military men worked on institutional transformation which launched Pakistan’s first state-regulated neoliberal regime. To achieve this goal, they adopted a pragmatic approach and co-opted technocrats, economists and professional experts. Shaukat Aziz, who served first as the finance minister and later as the Prime Minister in Musharraf’s government, was handpicked for the job on the basis of his expert qualifications. Aziz’s policies helped stabilise the

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<sup>104</sup> Ibid.

<sup>105</sup> Dr Sarfraz Ansari, interviewed in 2018.

economy which had suffered gravely due to the unregulated market liberalisation policies implemented during the 1990s. Musharraf also brought in Dr Ishrat Hussain who was a World Bank expert on the region. Dr Hussain was appointed as the Governor, State Bank of Pakistan. In his speeches at various national and international forums, Dr Hussain had stated in various international forums that the Musharraf government favoured a more pragmatic approach toward market liberalisation and believed in regulation of the private sector. Furthermore, unlike the Chaudhrys, Musharraf regime actions clearly showed that they were also not relying on religious factions to earn political support. As a result, Musharraf was seen as a more progressive leader, promoting modernisation and inclusiveness. Stephen Cohen appreciating Musharraf's policies wrote: 'he had most explicitly and forcefully reiterated Jinnah's vision of a liberal, secular and democratic Pakistan' (Cohen, 2002, p. 111).

The PML-Q and Musharraf political coalition was considerably weakened even before the 2001 elections, when General Musharraf announced his intent to join the US-led war on terror.

General Musharraf's strong commitment to join the US-led war on terror and hunt down of radical and extremist elements in society, especially those that had their outfits in the Taliban-run Afghanistan, complicated things for Chaudhry, who started losing the support of the religious parties. A conglomeration of six religious political parties by the name of Muttahida Majlis-e-Amal (MMA) came into being, under the leadership of Maulana Shah Ahmed Noorani<sup>106</sup> recognized as an Islamic scholar and

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<sup>106</sup> Under the broad perception that all political party leaders were corrupt some commentators also attributed the success of MMA to the leadership of Maulana Shah Ahmed Noorani. The

respected for his ‘knowledge of Islam and articulation of the issues in light of that knowledge’ (Khan, 2016; p. 99). MMA unlike PML-Q had announced a much clear religious agenda and had also openly condemned Musharraf decision to help USA. ‘A significant number of PML-Q voters, that preferred to give votes for religious reasons only, especially from KP and Baluchistan, moved towards other political parties, especially towards MMA’.<sup>107</sup>

Opposition against Musharraf also surged following his announcement to join US-led war on terror. Jamaat-e-Islami, a political party with a religious manifesto, using article 184(3) of the constitution challenged Musharraf’s referendum in the Supreme Court of Pakistan, stating that it was in violation of the mandate given to the regime initially by the court.<sup>108</sup> These developments were not seen as particularly problematic either by the regime or the by the experts at that time because everyone believed religious parties can never win elections in Pakistan. Among the scholars one prominent name is of Stephen Cohen of the Centre of Strategic and International studies, Massachusetts. Before the 2002 elections wrote, ‘religious parties had always enjoyed the freedom to participate in elections since the inception of Pakistan but the radical Islamic model for Pakistan can be safely ruled out for the foreseeable future’ (Cohen,

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septuagenarian traditional leader was well respected and was known for his integrity and unwillingness to make compromises for the sake of politics. Under his leadership, the MMA election campaign exhibited ‘a great unity among the leaders of sectarian groups’ (Khan, 2016, p 99). The sectarian leaders in Pakistan for their vested interest had always highlighted the differences between the various sects instead of the far greater commonalities. Their coming together for one single idea of Islam, putting away their usual differences, further increased respect for MMA among the people (Khan, 2016, p 99). It was Maulana Noorani who openly accused Musharraf of ‘following USA’s agenda at the cost of Islam and Muslims’ (Dawn, 2002). Under Maulana Noorani the leadership of MMA also showed some political awareness, putting stress upon issues that were close to the public heart like the ‘demand for provincial autonomy and devolution of power to the grass root level’ (Dawn, 2002).

<sup>107</sup> Naeem Malik, CEO media group interviewed in 2018.

<sup>108</sup> Qazi Hussain Ahmad, Ameer Jamaat-e-Islami Pakistan and others vs. General Pervez Musharraf, Chief Executive and others (PLD 2002 Supreme Court 853)

2002, p. 117). In 'Contesting Historiographies of South Asia', in Religious Fundamentalism in the Contemporary World' Sarah Santosh (ed), Rosser (1988, p.55), also wrote 'Islamic fundamentalists have never been able to win a single election in Pakistan'. Public sentiments following 9/11 against the USA overwhelmed all other predictions and a major upset unfolded in the 2002 election results which put all the earlier efforts made by the regime for institutional transformation of Pakistan at high risk.

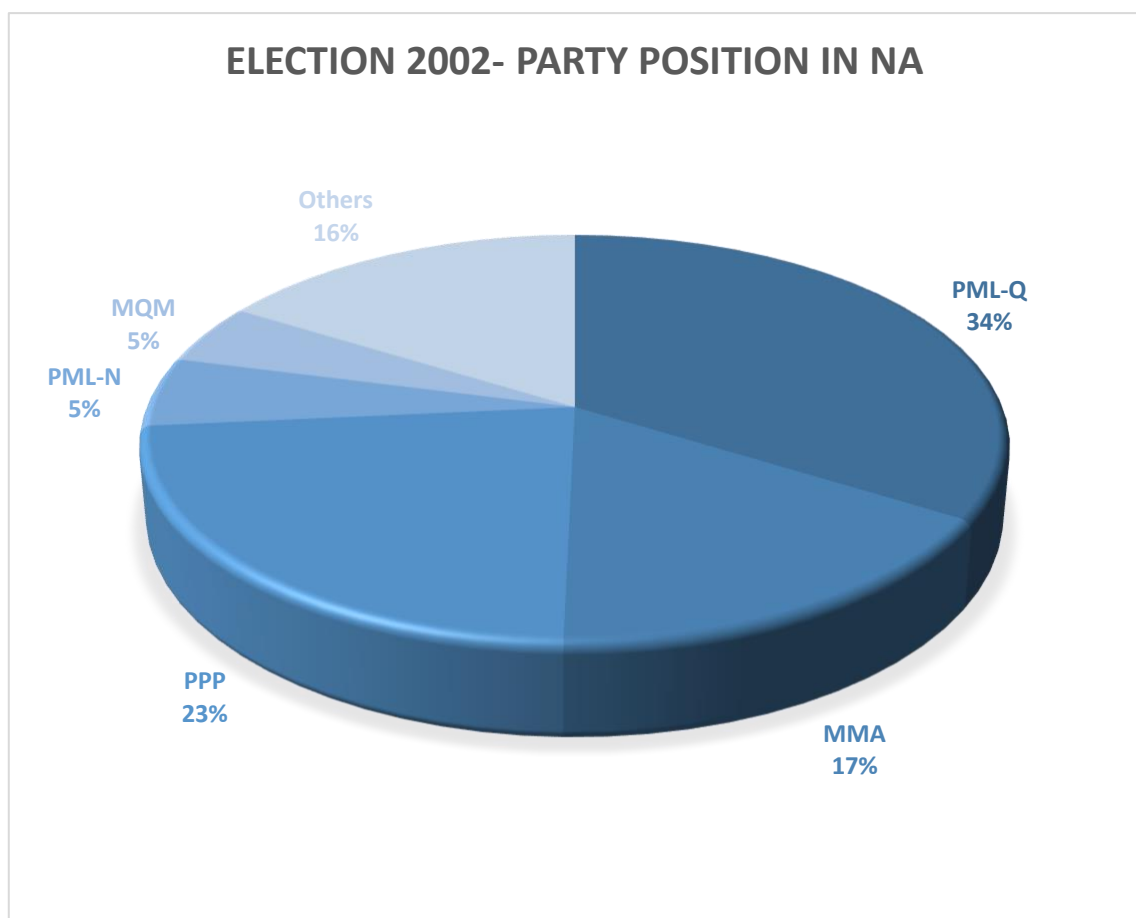


Figure 6.3: Party Position in National Assembly in 2002 Elections:  
Source: Election Commission of Pakistan.

The 2002 elections can be called the first clear indicator that General Musharraf, who once enjoyed public support, was fast losing his popularity post his announcement to

join the war on terror. His political coalition with PML-Q held 118 seats in the NA, whereas the opposition parties PPP held 81 seats and MMA 60 seats of the total 272 seats. After a lot of manipulation, and by only one seat, the PML-Q – Musharraf coalition barely managed to make a government in the centre and in just two out of the four provinces, namely Punjab and Sindh. PML-Q could make the provincial government in Punjab only. On the other hand, the religious parties coalition MMA made the opposition in the National Assembly. It was the first time in the history of Pakistan that ‘a coalition of religious parties made opposition’ in the national assembly (Khan, 2016). MMA also made governments in two out of the four provinces, namely, KP and Baluchistan (Mehdi, 2013).<sup>109</sup> MMA government in KP was a great setback for the efforts to track down terrorist networks (Lansford, 2015). The presence of an opposition comprising of religious parties, with a well-respected religious leadership sitting in the National Assembly (NA) also handicapped General Musharraf from taking any actions via the legislative assembly which the opposition of religious parties did not approve, like amending the police law.

In short following the 9/11 event and General Musharraf’s decision to join the US-led war on terror, was followed by an unanticipated change in public mood. General Musharraf lost his charismatic appeal for the people of Pakistan, the political coalition he made with Chaudhry to steer him to a successful political career also faced a major setback in the 2002 elections, putting the short-term and long-term political interests of both Musharraf and Chaudhry at stake. The poor performance of the coalition also deprived the regime of the required 2/3<sup>rd</sup> majority in NA it needed to secure the laws

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<sup>109</sup> It is important to note that it was the US-led war on terror and the events that followed it which led to MMA unprecedented victory. MMA lost its public support later in the 2009, 2013 and 2017 elections. Election Commission of Pakistan shares data of all the elections with political party standing.



made in the past three years. These complex conditions created many obstacles for the political government of General Musharraf to go forward with the war on terror as it had planned at the same time it also opened opportunities for the PSP coalition to negotiate a revision in PO 2002.

#### **6.4 Dynamic of Policy Change and New Coalition's Topology of Belief.**

According to the two civil services informants it was I.G Aly Khan who played a key role in the policy change and its annulment later. This could not be confirmed directly as IG Aly Khan as after the first interview he stopped responding to the phone calls. Other key PSP informant, including the ex-director of National Police Academy, who is considered the most adamant critic of PO 2002, said it was Chaudhry Pervaiz Elahi, the chief minister of Punjab, who convinced General Musharraf to change the PO 2002. IG Suddle also blamed Chaudhry for the 2004 change in PO 2002. Suddle said that he was present in a meeting between Chaudhry and Musharraf in which the two discussed the changes in PO 2002. According to Suddle Chaudhry told Musharraf that 'what you [Musharraf] are asking for is not possible without these changes [which Chaudhry had recommended]'. Suddle did not explain what the changes were and left it to speculation by adding ; 'you can well imagine what he must be asking for'. Implicating that Chaudhry was convincing General Musharraf, who had decided to join politics, to use police for political reasons. But it was hard to believe as the 2002 elections were held just one year ago, and it was hard to believe Musharraf had started working on the new elections which were four years away. Furthermore, Suddle also said that he was not invited to any other meeting after this meeting, where changes in

PO 2002 was discussed. This rendered the information given by Suddle, as incomplete and mostly based on speculation. Hence more evidence was sort.

IG Shigri, who was also interviewed after talking to the informants from civil service, first refused that PSP officers had any role to play in policy change, but when asked a direct question that we have information that the change request was initiated by PSP officers from Punjab, he reluctantly admitted, saying, 'Yes I know, I know who they are' and turned his face away but did not give the name(s) of the PSP officer(s). During the four hour long interview, IG Shigri also said, 'We sat with them and explained to them why it was not working and convinced them'. When I asked who he convinced, he again did not reply. The information collected from the key informants allowed to infer that the PSP officers from Punjab convinced the chief minister of Punjab for revisions in PO 2002. However, the authority to change the PO 2002 either rested with the NA or with the President, General Musharraf.

Among the regime informants the retired COAS gave some more details of the dynamics of change. He informed that after PO 2002 implementation, when General Musharraf asked the Chief Minister of Punjab to carry out certain operations the chief minister (Chaudhry) replied that 'the PSP officers had refused to listen to his orders'.<sup>110</sup> However, he did not elaborate on what was the actual nature of these operation. The retired COAS also said that the chief minister (Chaudhry) in multiple meetings had also complained to General Musharraf that he had made the elected governments weak by not giving them any place in the external structures of police

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<sup>110</sup> Secondary methods confirmed this behaviour of Pakistan police. US Department of State's Country Report of 2004 also stated that police refused Musharraf's order. [https:// 2009-2017.state.gov/j/drl/rls/hrrpt/2007/100619.htm](https://2009-2017.state.gov/j/drl/rls/hrrpt/2007/100619.htm)

oversight, like the, public safety commissions. At the time of PO 2002 design and in a desire to minimise political interference of the elected government on PSP, these commission were allowed 50% representation of the opposition and 50% representation of the local community members. The elected government in power was kept deprived of any representation in these structures of external oversight on police. The COAS said that, ‘When we thought about it we also realised that it was not correct and that in order to keep these structures ‘neutral’ it was imperative that the government in power should also be given the same representation as that given to the opposition’.<sup>111</sup> The use of word ‘we’ suggested that either Chaudhry had a discussion with the regime members or some form of discourse between Musharraf government and the military men also took place after Musharraf’s meeting with Chaudhry.

The informant who removed the ambiguity was the one of the DG, Military Intelligence (MI). The DG-MI had a reputation of being very straight forward and that he would not worry about giving politically correct statements. After receiving his consent for participating in the interviews I sent him a few questions. He informed that the military needed the police to be responsive to conduct anti-terrorism operations in Punjab, which showed a high concentration of terrorist activity, but the PSP was not willing to participate ( see figure 6.4). In the email the retired DG, MI, wrote:

Most of the Police IGs showed a typical bureaucratic attitude and showed a dis-interest in anti-terrorism operations, which is basically the responsibility of the police force and not of the Armed Forces. As far as Pervaiz Elahi was

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<sup>111</sup> retired COAS, interviewed in 2018.

concerned, he like other politicians was busy pleasing the religious extremists for getting votes.

The military officials were angry with the behaviour of PSP especially because they believed that in the past three years the PSP decision makers had full latitude and resources to restructure the institution into an effective and efficient institution. Now when the state was facing challenges and it was time to deliver, they are resisting. Chaudhry who had meetings with the PSP officers of Punjab told Musharraf how PO 2002 was also contributing to the problem. The external structures of police oversight, the National Safety Commission and Citizen Oversight Committees, in PO 2002 were considered problematic. This was because they had an overwhelming (50%) representation of the opposition, that is, of MMA.

After committing to the war on terror, the changed public mood which created complex challenge for the Musharraf political government to continue with the war on terror, it could not afford that the opposition (MMA) controlled the PSP or be informed of the anti-terrorism operations through these external structures. Furthermore, PO 2002 also required the district police to share its policing plan with the local level political actors, which became dangerous and increased the risks for the police force and the military involved in operations against the terrorists and the militants.

Further interviews and discussion with members of Pakistan academia, informed member of civil society and Pakistani media confirmed that the history of Afghan war, USA past behaviour and policies towards Pakistan contributed in creating public's empathy towards the militants groups. 'People were not willing to call the terrorists, terrorists. It was only after the 16<sup>th</sup> December 2014, tragic incident of Army Public

school (APS), Peshawar, when Taliban entered the school and killed 150 students and teachers that people of Pakistan really changed their mind'.<sup>112</sup> Before that in some areas community members and Islamic fundamentalists were showing a certain protectionism for the militant groups.<sup>113</sup>

## **6.5 New Coalitions and Topology of Belief**

On the basis of the information collected, two new coalition comes out in the PO 2002 process of change . The first coalition includes Chaudhry, the chief minister Punjab, and the PSP officers from national and sub-national levels. Initially the PSP officers mostly came from Punjab police but later officers from other provinces also supported them. Overall these PSP officers from across the country had experienced some problems during the implementation of PO 2002, like the conflicts generated due to the separation of the administration and crime investigation branch. The separation of these two branches corresponded to the core belief of the PSP material coalition at the time of PSP design, as this arrangement provided the additional structures the PSP needed to expand their career goals and remove the bottle neck in their carrier. Thus, they did not want to remove it completely but find a peaceful solution. Post implementation a large number of PSP officers also showed their disapproval of working under the control of local political actors or communities for multiple reasons. In addition to some disapproving to be evaluated by ‘ unprofessionals’ there were also concerns about the safety of the police force in the anti-terrorism operations. This at the time of policy design was the secondary belief of the PSP coalition. It acquired a

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<sup>112</sup> Dr Ansari, interviewed in 2018.

<sup>113</sup> Naeem Mirza, CEO media group, interviewed in 2018.

greater opposition post PO 2002 implementation and the demand for the police to conduct the anti-terrorism operations.

The Chief Minister of Punjab is also included in this coalition since he also opposed the PO 2002 and felt his already weak government was left with had no control over the police. He especially wanted some government representation in the external oversight structure. The core belief that brought the members of this coalition together was the desire to revise PO 2002.

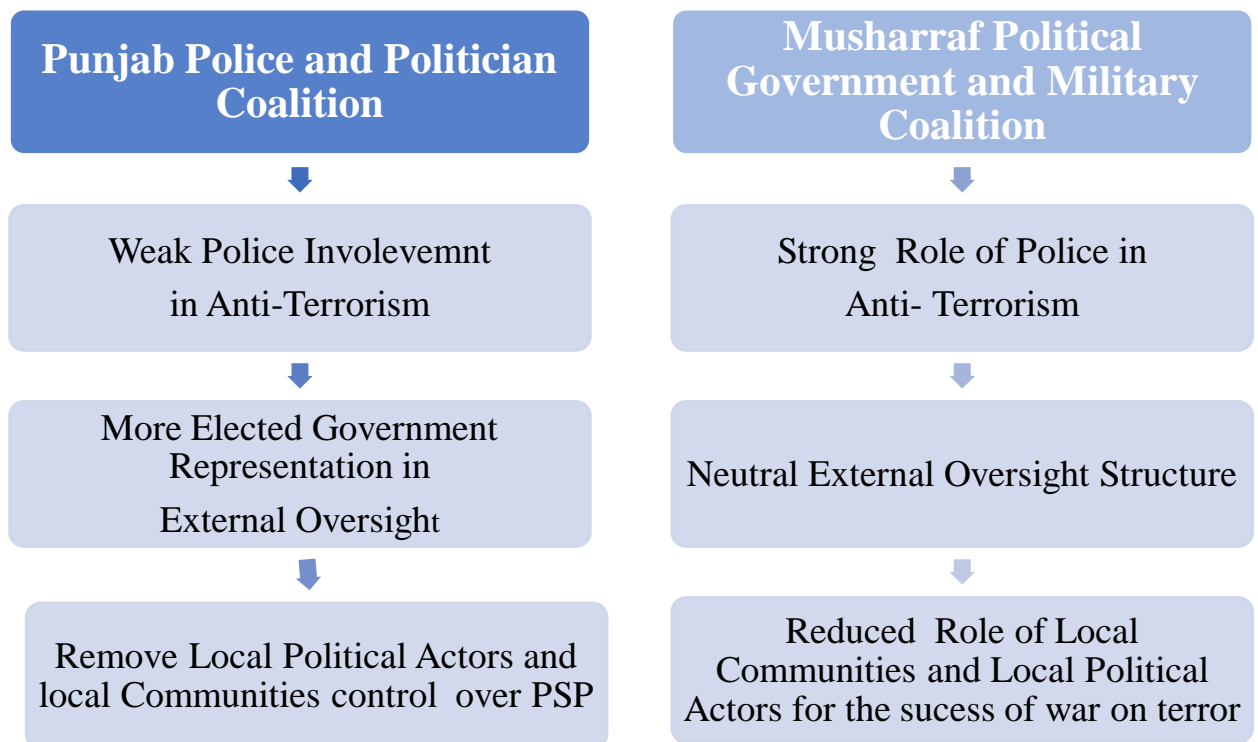


Figure 6.4: New Coalition Formation Post PO 2002 Implementation.

Musharraf's central government and the military is identified as the second policy coalition. The core belief that brought the second coalition together was to desire to ensure that the police force should be effectively employed in the anti-terrorism operations. The military since the 1990s believed that controlling the domestic law and order situations was the responsibility of the police and post 9/11 it still believed that anti-terrorism operations also fell under the domestic police force.

Evidence before this research indicate that initially this second coalition, whose core policy belief was community empowerment, also resisted the changes in PO 2002 proposed by the other coalition. But due to the complex socio-political changes which started unfolding in Pakistan post 9/11 discussions took place within the coalition in which they reflected on the various provisions in PO 2002 under the new priorities of the state.

A fleeting look at the dynamic of change may give the impression that the military men gave the final approval, which confirms with the institutional imbalance theory narrative. But a look at the sequence of events and the finer details show that as the war on terror started in Pakistan a conflict also started between the military and PSP. The military wanted PSP to take over domestic anti-terrorism operation whereas the PSP officers were reluctant. Their reluctance maybe due to the numerous PO 2002 implementation problems that had engulfed all levels of the organisation and because of some loop- holes in PO 2002 that was putting the police force at high risk. They conveyed their concerns to the chief minister Punjab who conveyed it to President Musharraf. The later resisted the change but after a couple of meetings Chaudhry was able to convince General Musharraf of the draw backs in PO 2002. General Musharraf then also discussed the problems with the military and convinced it of the draw backs

in PO 2002. Knowing who generated the demand for change and got it approved, according to ACF, the PSP comes out as the dominant coalition not the military. And in this conflict ACF see the role of Musharraf as that of a moderator.

Making changes in the newly implemented PO 2002 through the Legislative Assembly was not easy because the weak position of PML-Q in NA and because of MMA which constituted the opposition in the NA. Under the circumstances and to ensure PSP full participation in the war on terror the usual legislative path was avoided and amendments in PO 2002 were made through a presidential order;

The assembly is not in session and the President is satisfied that the circumstances exist which render it necessary to take immediate action.

(PO 2002 Amendment Order, p. 1)

## **6.6 Evidence of Learning.**

There was strong evidence before this research that final decisions were reached through cross-coalition talks. In the conflict between police and military on the participation of PSP in anti-terrorism operations, in the first stage to remove the stalemate the chief minister of the province discussed the problems with the sub-national level PSP officers. They were able to convince him of the problems within PO 2002 parameters. In the second stage the chief minister Punjab, who became the part of the first coalition for agreeing with the PSP, discussed the problems with General Musharraf. The information given by COAS and PSP officer including IG Shigri and IG Suddle showed that it took more than one meeting for Chaudhry to convince Musharraf on the issue. This was because PO 2002 projected the hard to



change regime's core belief, of community empowerment and of removing political interference from over police. Also, General Musharraf supported military belief that anti- terrorism was the duty of police. In the third stage it was Musharraf who convinced the military of the problems posed by PO 2002. Evidence collected from COAS showed that this stage also involved discourse.

All the evidence before this research point that the policy change was the result of external event and a 'deliberate attempt' by the two coalition to understand the problem and clearly involved discourse and discussion. It involved assimilation of evidence by the two coalitions, which was organised and further discussed by the two key decision makers representing each coalition. This discourse helped the policy actors to adjust their previously held beliefs about the police order in an attempt to resolve the immediate challenge before the state. ACF states learning is instrumental in such a mechanism of policy change.

In the interviews the senior PSP officers like IG Shigri and ex director of Pakistan Police Academy clearly appreciated how the Musharraf political government reached decisions, that is, after proper discourse with all the policy actors. This also indicated that the conflict between the two institutions was of intermediary nature which was amicably resolved. This also confirms one of ACF hypothesis that an inverted quadratic relation exists between learning and cross-coalition conflicts and conditions of learning and negotiations are facilitated by intermediate level of conflict only (Leach, et al., 2013)

## 6.7 Salient Features of Amendment Order of 2004

At the time of policy design the PSP coalition A, with the aid of nascent domestic NGOs, had used the bad experience of political interference during the 1990s to completely remove the elected government from these structures. The 9/11 event opened new challenges for Pakistan, which showed that the state cannot be kept entirely away or blind from the political control of PSP oversight. And both the internal and external structures of police oversight are equally important and needs to be monitored by the state to protect police from falling in the trap of the opposition, the local political actors and the local communities. The complete amendment order is available at National Police Bureau website<sup>114</sup>, the salient feature of the 2004 amendment order listed below will show that a few amendments were made in PO 2002 at the same time the democratic character of the original police order and the neutrality of the external structures of police oversight was not compromised. These salient features also serve as a diagnostic test validating this research's findings.

- A clause for the 'Superintendence of police' was added, which was missing in the PO 2002. Article 2 (h) stated;

“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

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<sup>114</sup> [http://npb.gov.pk/wp-content/uploads/2014/08/police\\_order\\_amended\\_12nov2004.pdf](http://npb.gov.pk/wp-content/uploads/2014/08/police_order_amended_12nov2004.pdf)

and financial matters and, in case of Federal Capital, such supervision shall be exercised by the Ministry of Interior, Government of Pakistan.

- Similar addition was also made in Article 2 (e) which originally defined the duties of the provincial police officer (paragraph xvii):

Provincial Police Officers 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.

- The role of state was also reintroduced in the external structures of police oversight. At the same time, it was ensured that the neutral character of these structures, which was intended earlier, was not compromised. Hence,

The Public Safety Commission (Article 11 and Article 41), which previously held 50% members of the opposition and 50% independent members selected by judiciary, was revised to have one third member from the exchequer, one third members from opposition and one third independent members selected by the judiciary.

- The government's commitment to the core policy belief to empower local communities is reflected in the decision about the appointment of the provincial head of police and head of the law enforcement agency, which was shared by the provincial and federal governments. Whereas, the citizens and local political actors continued exercising their control over the appointment

of the head of other agencies that provided services to the communities like Pakistan Railway Police, Pakistan Motorway Police, Highway Police and Frontier Constabulary, indicating that the core policy belief of empowering the public and local actors and ensuring the make decisions related to services they need was not compromised.

- The Citizen Oversight Committees (Article 12) were also kept intact to monitor citizen complaints against police. The committees continued playing a role in ensuring that a collusive relationship between the Nazim and district police officers was maintained and were required to report of the health of this relationship to the provincial government (article 44(f)). However, the requirement of sharing policing plan with citizen committees and public safety commission was relaxed and for most areas in Punjab these features of PO 2002 remained dormant .
- The involvement of PSP in the PO 2002 change process could also be ascertained by the amendment of article 18 which clarified the causes of conflict between the administration and investigation branches. The separate status of the administration and investigation branch, the arrangement which reflected the core policy belief of the PSP material coalitions, was also maintained after policy change. Likewise, the role of local political actors like the Nazim (Mayor) in writing the annual reports of PSP, was also not completely removed. After the amendment the Mayor's comments for the PSP officer were to be considered during evaluation for promotions but were not considered conclusive or binding as before. These changes show that the PSP officers successfully managed to negotiate and protect their interests.

A review of the 2004 amendment order reflect the Musharraf's political government commitment to its initial core beliefs of community empowerment did not allow it to completely 'remove' the community role or the external structures of police oversight. Instead it just reduced their role over PSP. PSP also managed to save the separate status of the administration/ operations and investigation branches of equal and parallel authority and all the posts and ranks associated with it. Key informant, a DIG of Punjab police, informed that new procedures were introduced to resolve the conflicts of competitive interdependencies between the two newly separated branches of parallel authority. It was decided that after the FIR further investigation will not commence till permission was received from the head of district or provincial police. The process of approval for further investigation started taking more than a week. The procedural delay not only turned problematic but dangerous which finally led to the rejection of PO 2002 in 2010, as discussed in the next chapter.

# Chapter 7

## Policy Annulment

General Musharraf could not recover public support. From there onwards it was a downward spiral for him till he resigned in 2008 after the tussle with Chief Justice Iftikhar Chaudhry and the nation-wide lawyers movement in support of the Chief Justice. Benazir Bhutto was assassinated during the election campaign. The ‘elections were genuine and broadly competitive’ (Commonwealth Observer Mission Final Report, 2013, p. 2) and the party PPP won the 2008 elections. The party made major regional alliances with MQM, ANP, etc to form government. BB ‘unpopular’ husband Asif Ali Zardari managed to become the President of Pakistan. During the five years the Chief Justice Iftikhar Ali Chaudhry took many Suo Moto actions against Asif Zardari government, and sent two of PPP’s Prime Minister home on contempt of court. Yet with Zardari as president PPP government managed to finish its five years in office. In this way it was the first elected government since 1978 that finished its full term. The government faced many challenges including the scandalous blasphemy law crisis.

In April 2010, the Zardari government announced the 18<sup>th</sup> Constitutional Amendment which gave full autonomy to the provinces and ‘decentralised policy making’ (Burki, 2010). It also made law and order and crime control a provincial subject, meaning each province had the freedom to make its own police law. In 2011, following the implementation of the 18<sup>th</sup> Constitutional Amendment all the provinces, including the federal centre, reverted back to PO 1861. This raised serious concern; why when

given the freedom not a single province preferred the popular PO 2002 over PO 1861, and even the centre resorted to the colonial police order of 1861. Appeals were made in the Higher Courts of Sindh and Islamabad, by PSP officers, contesting the decision, which was won by state on the ground that provinces under 18<sup>th</sup> constitutional amendment, had acquired the autonomy to decide which police law they preferred and the federation or the Superior Courts cannot impose any decision on the provinces (The News, 2017).

Preliminary research showed that PO 2002 was repealed in connection with the 18<sup>th</sup> Constitutional Amendment (CPDI, 2013; PILDAT, 2015). Therefore, this research tried to find the link between the two also. One of the key informant and a human right activist, informed that senator Raza Rabbani of PPP was the main architect of the 18<sup>th</sup> constitutional amendment. Despite all efforts the senator could not be contacted. After this attempt was made to interview the PPP lawyer who fought the case in Supreme Court. Despite words from his brother, from November 2018 to February 2019, a meeting with him could not be arranged. Meanwhile I was able to contact PPP's senior vice president from the Islamabad district, who agreed to give the interview. He said the police law annulment was the result of the conditions created in the country post-9/11 and the misuse of the blasphemy law. Blasphemy law is a sensitive topic in Pakistan and linked to the religious beliefs of the Muslims of Pakistan. It is also easily misunderstood and misinterpreted, due to which politicians and government officials avoid any discussion on it. When the national blasphemy law crisis was at its peak many politicians, lawyers, judges and activists, including the governor of Punjab Salman Taseer, were killed for demanding its revisions or standing up with the falsely accused. Many informants, contacted for this research, also bluntly refused to talk on

the subject. The person who agreed requested to ensure that he would not be identified by his name in this research.

Before discussing the dynamics of the PO 2002 annulment, a brief understanding of Pakistan's blasphemy law is warranted.

## **7.1 Brief background of the Blasphemy Law in Pakistan.**

Information collected using primary and secondary methods revealed that the blasphemy law was first implemented in 1860 to protect the religious sentiments of the multiple communities living in the sub-continent. Section 295 of the law stated:

Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

In 1927, following rising tension between Hindu and Muslim communities, section 295-A was added to the Indian Penal Code, which criminalised 'deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious believers' and also further extended the punishment to ten years (Rumi, 2016). The law was adopted by Pakistan at the time of its creation. Various archived research and reports confirm that from 1947 to 1977 no case of blasphemy was registered by a Muslim against a non-Muslim in Pakistan (ICJ, 2015, p. 9; Siddique & Hayat, 2008; Rumi, 2016).



Various commentators have identified the Zia ul Haq Islamist regime as one responsible for the addition of the controversial clauses in the Pakistan's blasphemy law (Rumi, 2016; Siddique and Hayat, 2008; Hoffman, 2014). This research which used diverse methods and also included the relevant verdict of Federal Sharia(t) Court (FSC) does not find this to be entirely correct. The Zia ul Haq regime, between 1980 to 1986, did add five more provisions (295B, 295C, 298A, 298B and 298C) relating to blasphemy and related offences in the Pakistan Penal Code (PPC),<sup>115</sup> but it was an advocate named Ismail Qureshi who, in 1984, filed a petition, Sharia(t) petition No 1/L of 1984, in the FSC asking the FSC 'to proscribe death penalty' for blasphemy under the clause 295-C of the law. Even during the Zia's Islamist regime objections were raised against this. In the FSC state attorney objected that since the litigation fell under the jurisdiction of the parliament the FSC simply cannot issue a directive to the Federation (Rehman, 2010). When some members of Zia's apolitical parliament attempted to pass the bill, it was again opposed by the minister of law. The law minister explained that death penalty cannot be given without impeachable evidence and if it must be added than it can only be added in rare cases only as an 'alternative'. Even then the head of the state still holds the authority to pardon the accuser (Rehman, 2010). Due to the sensitivity surrounding the issue, discussion on the bill was cut short and the 'alternative was added' in the clause 295-C;

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<sup>115</sup> Some commentators have speculated that the laws were made with the Ahmadiyya community in mind. This is because the Constitution of 1973 defined a Muslims as one who believes in the oneness of Allah and the prophethood of Muhammed (peace be upon him) as the 'last prophet of Allah'. As a result, Ahmadis, who do not recognize Muhammed (peace be upon him) as the last prophet came to be considered non-Muslim in Pakistan. The 1973 constitution, however, did not put any discriminatory prohibition on Ahmadis in the practice of their faith (Siddique & Hayat, 2008, p. 377).

The two clauses, 295-B and 295-C , were stated as:

295-B : Whoever wilfully defiles, damages or desecrates a copy of Holy Quran or of an extract there from or uses it in any derogatory manner or for any unlawful purpose shall be punished with imprisonment for life.

295-C : Whoever by words, either spoken or written, or by visible representation, or by any imputation, innuendo or insinuation, directly or indirectly, defies the sacred name of the Holy Prophet (peace be upon him) shall be punished with death, ~~or~~ imprisonment for life, and shall also be liable to a fine.

In 1987, advocate Ismail Qureshi once again filled a petition in the FSC asking to remove the alternative option. This time the FSC called a jurist-consult of seven religious scholars to assist it with the decision. Of the seven, three religious scholars, namely; Maulana Subhan Mahmood, Maulana Mufti Ghulam Sarwar Qadri, and Maulana Hafiz Salahuddin Yousaf, supported the alternative punishment option or pardon, especially in cases where the offender show repentance. One jurist-consult, Maulana Saeed-ud-din Sherkoti, supported that the head of the state holds the authority to rule-out the punishment altogether (Shariat Petition No. 6/L of 1987, 1990). It was in 1990, when the Zia regime had ended, that the FSC passed its verdict on Ismail Qureshi's petition directing the Federal government to remove the alternative punishment from 295-C by April 31, 1991 (Shariat Petition No. 6/L of 1987, 1990).

In the midst of Pakistan's turbulent democratic transition when the conflict between the strong bureaucrat President and the weak elected governments was at its peak, it was Nawaz Shariff first government that first decided to pass the highly contested bill in the National Assembly in 1991. However, the Senate Standing Committee on Law

and Justice reported its reservation on the 295-C clause, duly noting that in its present form the subject clause carry legal complications and does not provide procedural safeguard necessary for a punishment as stringent as death (Gazette Extraordinary, Feb 22, 1992). The head of the committee, Senator Zafar ul Haq, stated his concerns of the many lingual lacunas present in various clauses in the law (Rehman, 2010). Also, that 295 gave a very generalised definition of the offence because of which there was a danger that the removal of alternative punishment would turn blasphemy law and especially 295-C into an instrument of abuse. He advised the government to also seek the opinion of the 'Council of Islamic Ideology' (Gazette Extraordinary, Feb 22, 1992). After this the implementation of the clause came to a standstill. It was in fact, Benazir Bhutto's second government, which actually decided to implement the disputed bill sent by FSC without any further revision (Rehman, 2010).

The key informant attributed BB's action to PPP enervated performance in the 1993 elections and BB's weak position within her party. Some details of her weak position within her party were given in Chapter 4. Without the support of her mother and brother and after her disappointing performance in the 1993 elections<sup>116</sup> BB also made political alliance with religious political parties like Islami Jhamori Mahaz (IJM) which brought with it the additional support of political groups from KP, Baluchistan and the tribal belt (Blood, 1996, p. 223). 'The decision to implement the blasphemy law was basically to appease IJM and JUI'.<sup>117</sup> It is now supported by empirical

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<sup>116</sup> Peter Blood (1996) had discussed the strategy BB used to make the government after her party's disappointing performance in the 1993 elections: After the 1993 elections PPP only won 86 out of the 217 seats in the National Assembly. To make government in the centre she needed to control a block of at least 121 seats in NA. She managed to make a political alliance with the Islami Jhamori Mahaz (IJM) which had won 4 seats. 'Jamiat-Ulma-e-Islam (JUI), which was the main component of IJM, brought with it the additional strong support of KP, Baluchistan and the tribal belt' (Blood, 1996, p. 223).

<sup>117</sup> Senior Vice President PPP, interviewed in 2019.

research that from the very onset blasphemy law in general and the 295-C (without the option for alternative punishment) in particular came to be used as an instrument of abuse by various political and business groups to further their political goals and also by individuals to settle personal scores, and to grab business or property (Siddique and Hayat , 2008; Blood, 1996; Hoffman, 2014; Rehman, 2010; ICJ, 2015; Rumi, 2018).

The law gained international attention after the well-known case of Asia Bibi. She was accused of blasphemy by her co-workers in 2009. In 2010, a session court announced death sentence on her blasphemous remarks. Asia Bibi's husband made appeals on various national and international forums. It was PPP third government and with new actors that decided to intervene to save Asia Bibi. Among them was the governor Punjab Salman Taseer who also visited Asia Bibi in the jail. He later held a press conference with her publicly asking the head of the state to pardon Asia Bibi and announcing the need to revise the blasphemy law (Tribune, 2010). Within a few weeks the governor was assassinated by a police guard. It is now accepted, based on the guard's own statement, that the governor's murder was in direct consequence of the press conference he had held announcing the need to revise the blasphemy law. Asia Bibi was later acquitted of the charges.<sup>118</sup> While the incident brought public attention to the blasphemy law at the same time some human right activists and members of the press also showed their concern of an increasing influence of extremist ideology over the lower-ranks of police.<sup>119</sup>

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<sup>118</sup> The Supreme Court used article 4 37(d), 175 (2) of the constitution and section 28 of the criminal procedure code. The state used the alternate punishment clause and declared that the state holds the authority to decide the punishment on blasphemy charges. The foreign minister Pakistan in a press conference also announced, 'the allegation was a faux pau and there was no credible evidence against her'.

<sup>119</sup> Human Rights Activist, interviewed in 2019.

A number of other cases in which police constables, police station staff or prison guards abused the accused were also reported in national newspapers (Gillani, 2014). The government of Pakistan was contacted by international organisation and was asked to abide by the international laws and treaties it had signed, like the International Covenant on Civil and Political Rights (ICCPR) and Rights of the Accused (ICJ, 2015, p. 5). The state and state departments, including police, also came under pressure for failing in their obligation for ensuring the safety of the accused of any crime, including blasphemy (ICJ, 2015, p. 5).

## **7.2 National Blasphemy Scandal and Role of Local Police Force.**

To get the exact data of the link between police and blasphemy cases two persons were contacted. One was an in-service DIG from Punjab Police and the other person had served in the Punjab interim government as minister of religious affairs. They were selected because preliminary research showed that ‘75% of these cases originated from Punjab’ (Tribune 2018; Fides 2018). Both of them refused to comment pointing to the danger it holds for them. The university also does not allow PhD students to take unnecessary risk. This is why primary data on blasphemy cases could not be collected but the methodology of process tracing provides space for using multiple methods for collecting evidence. Therefore, efforts were made to carefully collect data using secondary methods.

This research located a number of newspaper reports of incidents confirming the role of police in aggravating the national blasphemy crisis. In many incidents the blasphemy accused were abused by police or killed in police custody. Data collected from newspapers only, showed: In 2009 Fanish Masih was arrested in Sialkot, Punjab,

on charges of blasphemy and *a few days later was killed in police custody*. In 2009 in Gujrat, Punjab, two men were accused of blasphemy. *A few days later one was killed by a police constable while in custody*. In 2003, Samuel Masih, accused of blasphemy, *was killed by a constable in police custody*. In 2002 Yousaf Ali was shot dead in Kot Lakh-pat jail, Rawalpindi, *by a prison guard*. He was waiting for a court verdict on his appeal (Gillani, 2014). In 1992 Mukhtar Masih and Bantu Masih *died in Lahore police station*. In December 1990 Tahir Iqbal, accused of blasphemy, *was poisoned in police custody* (DAWN, 2009; 2012). Siddique and Hayat (2008, p. 327), who had collected quantitative data on the blasphemy cases, also write that many blasphemy accused were mistreated and abused while under trial or in police custody.

The human rights activist interviewed for this research said that after the death of Salman Taseer it was indeed a matter of concern that Pakistan police, the law enforcement agency, had slipped under the control of extremist factions. ‘Salman Taseer, was a leader of moderate views and he wanted to generate public support for removing the problematic mandatory death sentence in the blasphemy law, which conflicted with the human rights treaties Pakistan had signed. The police guard, Mumtaz Qadri who shot Taseer, behaviour was unacceptable’.<sup>120</sup> She also recalled another case of one prison guard Muhammed Yusuf who attempted to kill a blasphemy accused Muhammed Asghar while in police custody. She said she distinctively remember that at that time a newspaper reporter directly inquired from the Punjab Police Prison chief, if the guard was inspired by the extremists ideology. ‘And Farooq Nazir did not deny it right away instead he said “the matter is under investigation” indicating that there were serious concerns that the police guards and constables were

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<sup>120</sup> Human Rights Activist interviewed in 2019

getting influenced by the extremist mind-set’ .<sup>121</sup> Another key informant a CEO of media group said, ‘It should not be taken that all the lower ranks of the police force or the police station staff in Pakistan were influenced by the extremists ideology but the rise in such incidents that there was a problem and needed to be looked into’.

The PPP informant also said the concerns were well-founded because the police guards are to protect and help enforce law not to take it in their own hands. He also said that commonly it was said that the police station staff were getting increasingly influenced by the extremist groups, but it was not immediately clear what factors were contributing to this behaviour of police constables. Initially it was believed that since the appeal process and review of the cases by judiciary usually takes a long time, it was increasing the risks for the already vulnerable blasphemy accused. *‘But there were more reports of deaths in police stations than in jails.’*<sup>122</sup>

He also informed that it was wrong to say that the minorities or Christians were victimised only. ‘It is a fact that most accused were Muslims and then the Ahmadi’. He further added that Pakistani Christian make 2.6% of the country’s population. The community had comfortably lived in Pakistan and had enjoyed all the freedoms, including the freedom to celebrate its religious activities and festivals. ‘But no doubt the blasphemy cases gained international attention when some cases of the minorities, especially that of the Christians, became public.’ He believed that post 9/11 the overall socio-political conditions in Pakistan and Islamophobia narrative abroad made it easier for local and international communities to frame everything just in terms of the Muslim-Christian conflict. He also said that ‘the truth is, the blasphemy law had

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<sup>121</sup> Ibid.

<sup>122</sup> PPP key informant, interviewed in 2019.

suddenly turned into a kind of a witch hunt and everyone was in danger of being accused.

He also informed that in most urban centres there were reports of the involvement of local land mafia in the blasphemy cases. 'Cases where neighbourhood of the minority communities were torched there was a clear involvement of land mafia and the power actors from within the community who were using the communities of low wage workers as a shield for the illegal occupation of land'. Secondary methods also revealed huge value of the illegally occupied land by the minority communities in major cities of Pakistan. For example, according to the Capital Development Authority (CDA), in the capital city an approximate 120 acres of land is illegally occupied by low wage Christian workers, the estimated worth of this land is calculated as five billion rupee (Nation, 2016).

He rejected the notion that PPP government's attention was brought to the issue by international organisations only. 'It was not the first time PPP was in power. The party itself is well aware that Pakistan is signatory to many core human rights treaties which places responsibility on each elected government to take the necessary measures to guarantee human rights to all the accused including those of the minorities. It is the state's duty that these rights were not violated by act or by omission'.<sup>123</sup> He also rejected that the criminal justice institutions were not performing their duty responsibly. 'It was ridiculous to say that the state institutions had abjured their responsibility. The superior judges were doing all they could to review the verdicts of

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<sup>123</sup> Senior Vice President district, interviewed in 2019.



the trial courts. The PPP government critically looked into the procedures used by police which eventually led to the repeal of PO 2002'.<sup>124</sup>

Overall the primary and secondary methods used indicate that in the national blasphemy crisis, in addition to the PPP third government, non-state actors like the national and international organisations, human rights activists from Pakistan, and journalists played a key role in bringing attention to the behaviour of the police force. As the incidents of abuse of the accused by police constables and police guards started increasing, it was these actors who voiced their concern and questioned the authorities why the lower ranks of police were getting influenced by the extremist ideology. There were also concerns that the local level police force maybe used by business groups and land mafia especially in cities where there was illegal occupation of land by minority groups.

### **More Data on Blasphemy Cases Supporting the link between PO 2002 and the National Blasphemy Crisis.**

To authenticate the findings further two archived sources provided good statistical data and details on blasphemy cases in Pakistan. One was an ICJ report (2015) which had reviewed a total of 25 judicial judgments on blasphemy cases on the basis of which it had made some generalisation. There was another research by two law students Osama Siddique and Zahra Hayat who conducted an 'exhaustive review' of the judgments of the blasphemy cases in the High Courts and Supreme Courts of Pakistan from 1947 to 2008. Other than this there was some data sent by one domestic NGO which was cited

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<sup>124</sup> Ibid.

in most newspaper reports. The methodology used by the NGO was unclear and when the organisation was contacted they were not willing to give any information on the methods used.<sup>125</sup> Theories of public policy looking at the role of non-state actors hold that these organisations introduce politics that negatively adds to the complexity of the situation. Also, these actors tend to focus on the salience of ideas and lack a comprehensive understanding of the issue, (Gordenker and Weiss, 1995; Evans and Davis, 1999; Lane & Morrison, 2006). Understanding the sensitivity of the blasphemy law and the many ambiguities in the methodology and methods used by the organisation the data it sent was rejected.

Siddique and Hayat (2008), who did an ‘exhaustive review’ of the court judgments on blasphemy cases from ‘1947 to 2008’, showed that most of the blasphemy cases were reviewed in the Lahore High court. That is, out of a total of 91 cases under review in Pakistan’s provincial high courts, 62 were registered in Lahore High Court, 21 in Karachi, 6 in Peshawar and 1 in Quetta High Court. Confirming a high occurrence of

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<sup>125</sup> A Lahore based NGO, namely, the Centre for Social Justice (CSJ), was identified from various news reports and informants as one actively working in the domain. When contacted it also sent its data via email. The information sent showed a total of 1549 blasphemy cases in Pakistan from 1986 to 2017. Recall that the ICJ (2015) report stated that, till 1990, 500 cases of blasphemy were reported in Pakistan. This implied that from 1990 to 2017 about 1000 such cases were reported, showing an increase of 100%. But the data did not qualify as strong evidence due to many ambiguities. For example, the organisation had not defined what it meant by ‘cases’. It could be the number of Federal Information Report (FIR) cases registered in police stations or the number of cases under review in the judicial courts. The case study of PO 2002 had made it clear that under PO 2002 it was compulsory for the SHO to register all complaints made to the police station as FIR. Under these conditions if the NGO was counting the FIRs registered at the police stations as cases than they would naturally show a very high number of cases. Whereas, the ‘cases’ that get forwarded to the courts after police investigation were cases that can be truly called blasphemy cases. The attachment emailed lacked these clarifications. CSJ was again contacted and requested to share more information on methods, or proof which could be used to validate the data, since blasphemy issues also involve the good name of the state. The CSJ representative got offended and refused to send any more details explaining their methodology. Due to lack of clarity the data sent by CSJ was taken as weak evidence and rejected.

blasphemy cases in Punjab. The research also showed that out of the 13 appeals made to the apex courts, 10 were reviewed in the Supreme Court and one in the Sharita Court (Siddique & Hayat , 2008, p. 302). Showing a high response rate of the higher courts for the blasphemy accused.

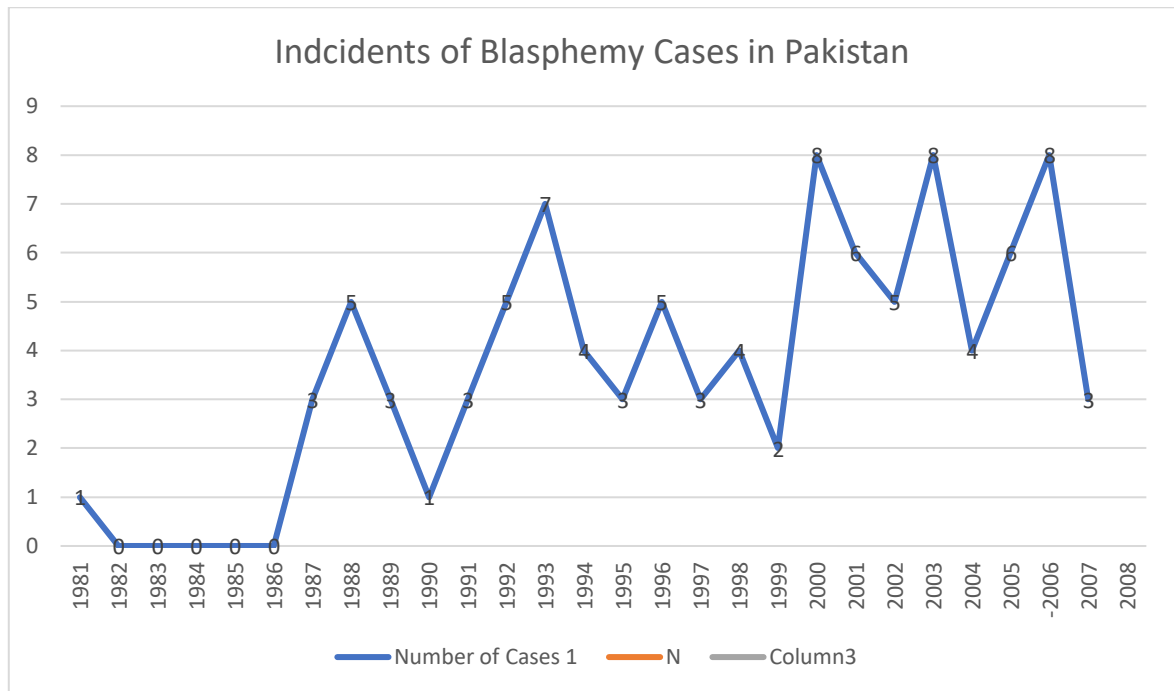


Figure 7.1: Year wise distribution of Incidents of Blasphemy cases in Pakistan

Source: (Siddique & Hayat, 2008, p. 326).

The researchers had also compiled the decade wise data from 1980 to 2007. According to this, 12 cases were reported from 1980 to 1989, 36 cases from 1990 to 1999, and 48 court cases from 2000 to 2008. Showing an upward trend post-1990 which further increased after 2000. This division of data showed fewer cases during the Zia regime, which the researchers found particularly puzzling since during the era ‘the political and legislative atmosphere was infused with greater support for such law’. The data, however, validates this research finding that the blasphemy cases in Pakistan rose after the removal of the alternative punishment option by the PPP second government in

1993, also validating many experts warning that it would be used as an instrument of victimisation.

Siddique and Hayat (2008) also wrote that many blasphemy accused were mistreated and abused while under trial or in custody. And that the prosecution and conviction of these cases was plagued with 'many evidentiary and procedural issues' (Siddique and Hayat, 2008, p.327). The research also showed that collectively in nine of the forty cases (22%) the apex court found process violation and / or weakness in investigation, in twenty four of the forty cases (60%) weakness and/ or integrity of evidence, whereas in twelve out of forty cases (30%) mala fide intent or vendetta was the major issue in implicating the accused (Siddique and Hayat, 2008, p. 326). This finding holds special significance for this research, for the data reveals that till 2008 in majority of the cases (82%) the problem were caused by the police force either due to procedural issues and/ or mishandling of the evidence.

Law researchers had also conducted case studies of individual blasphemy cases. This scholarship also found that in all these cases the higher courts found prima facie problem with the way police handled the case. Higher courts in their verdicts 'consistently' highlighted procedural issues, which in turn impacted the integrity of the evidence (Ranjah, 2019; Blood, 1996; Hoffman, 2014; Siddique and Hayat, 2008). For example, in majority of the cases arrests were made by the police officers before collecting any evidence or starting the investigation (Siddique and Hayat, 2008; Ranjah, 2019; Dacey, 2012; Boone, 2012; Hoffman, 2014; p.384). The law researchers have highlighted this strange and consistent police behaviour in majority of the cases but they have not questioned why the police force was 'consistently' behaving like this. This consistent observation also led some commentator to infer that the state was

not serious in resolving the problem (ICJ, 2015; Hoffman, 2014). This research which had studied the police law in detail starting from the historical background that generated the demand for it, to agenda setting and design of PO 2002 and acquired an in-depth understanding of the implementation problems through direct interviews with key PSP, find itself in a better position to fill the gap which not only aptly explains the 'consistent' and problematic police behaviour but also satisfactorily establish the link between the PO 2002 and the national blasphemy crisis.

The explanation rests in the recently separated administration/ operations and investigation branch of Pakistan police, under PO 2002. Not only were the two branches separated by the PSP material coalition in pursuit of their core policy objective had also ensured that they enjoyed equal and parallel authority. These coalition primarily wanted to remove the career bottle neck experienced by the PSP officers. The separation of the investigation branch from the administration/ operations branch expanded the organisation and created more posts/ ranks for the PSP officers. The problem was that the organisation ended up having two separate DIG, one looking after operations and the other looking after investigation, and each enjoying parallel authority. Chapter 6 gave details of how competitive interdependencies between the two branches gave way to serious conflict between them, immediately after the implementation of PO 2002. These conflicts were resolved in 2004 by defining a procedure which made it imperative that investigation on reported FIR will commence only after receiving a go-ahead from higher police authority, like the district police officer or the provincial chief (Article 18 and 18A, Amendment Order 2004). It was this process of waiting for approval which introduced the procedural delays consistently noted in the High Court and Supreme Court in their verdicts and also by the law researchers. Since, 'the go-ahead to commence further investigation used to

take a week or more',<sup>126</sup> the AIS (administration/ operations) at times, under pressure from the community or accusing party, ended up using his discretion to arrest the accused. Law researchers that had used a bigger sample observed the 'procedural issue' as early as 2005 (Siddique and Hayat, 2008).

The procedural delay caused due to these internal structures of parallel authority was also problematic because it created space where the Muslims police constables of lower ranks could get influenced by the local communities, extremist groups, land mafia or by their own religious sentiments that provided the basis for the blasphemy law. Thus, in the national blasphemy crisis both the internal and external structure introduced by PO 2002 were identified as the problem parameter contributing in aggravating the scandalous national crisis.

### **7.3 Topology of Beliefs of PPP Government and the Dynamic of Policy Change**

PPP third government was the superior jurisdiction which brought about the annulment of PO 2002. After the Musharraf pragmatic neoliberal regime, the PPP third government was the first elected government in the modern state-regulated neoliberal Pakistan. The party had lost its key leader BB during the election campaign. The party was already facing many challenges when due to the rise in the blasphemy cases, it also faced serious allegations that it had abjured its responsibilities in protecting the blasphemy accused and the minorities. Various international organizations were also

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<sup>126</sup> DIG Punjab police, interviewed in 2019.

pressurizing the government to revise the blasphemy laws<sup>127</sup>. To understand the link between the PO 2002 and the blasphemy law the topology of belief of the PPP government vis-a- vis the blasphemy law is important to understand.

The religious sentiments which led to the inclusion of some clauses in the blasphemy law in Pakistan were very strong and they were/ are shared throughout the policy domains. Justice Shaukat Azizi, a former judge of Islamabad High Court, was also reported as saying that ‘it is better to prevent exploitation of the law than to abolish it’ (Ranjha, 2019, p 102). Despite the international pressure the PPP government also had no intentions of removing the blasphemy law. ACF identify such beliefs as deep core belief - an ontological belief which correlates to the coalition’s normative perceptions, fundamental priorities and is shared virtually by all policy domains (Sabatier and Jenkin Smith, 1999). These, ‘deep core beliefs are most resistant to change, essentially akin to religious conversion’ (Sabatier and Jenkin Smith, 1999, p. 122).

Research showed that the initial attempts made by some senior party members was to create public empathy and convince the public to ‘revise some clauses’ of the blasphemy law with the intention to reinstate the alternate punishment option in 295-C, which was unwittingly removed by the PPP’s second government, in 1993. The increased number of blasphemy cases, higher court verdicts that the law was indeed used as an instrument of abuse were some factors that motivated the senior party members to take action. At the same time, the PPP government was also aware that in the neoliberal Pakistan, the abuse of the law was not just limited to the extremist mindset, but it was also used by the businesses, and land mafia to further their interests.

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<sup>127</sup> Senior Vice President PPP, interviewed in 2019. This was also validated from the ICI (2015) report.

Initially the PPP government directed greater effort at gaining public approval for the revision of the clause. In February 2010, the minister for minority affairs, attending a conference in Washington D.C, USA, announced that the PPP (third) government intends to revise the blasphemy law (SAMAA, 2010). Later that year Governor of Punjab, (late) Salman Taseer also held the famous press conference with one of the accused, namely, Asia Bibi in an attempt to create public awareness about how the law was being used and was also impacting the non-Muslims. Meanwhile, on November 30, 2010, another PPP MNA Sherry Rehman passed a private bill in the NA, asking revisions in the blasphemy law and also recommended that ‘changes in the procedures of handling the accused’ were required. Talking to the news reporters MNA Sherry Rehman said; ‘it should be the aim of a just society, as enshrined in our constitution and Islam, to try all such cases by the higher authorities which are always under a higher degree of public scrutiny’ (The News, 2010). These visible acts by the PPP front line members help in identifying two core policy belief of the PPP’s third government; One, the need to revise the clause and reintroduce alternative punishment option. Two, to ensure safety of the accused for which they believed the blasphemy cases should be handled by the higher authorities.



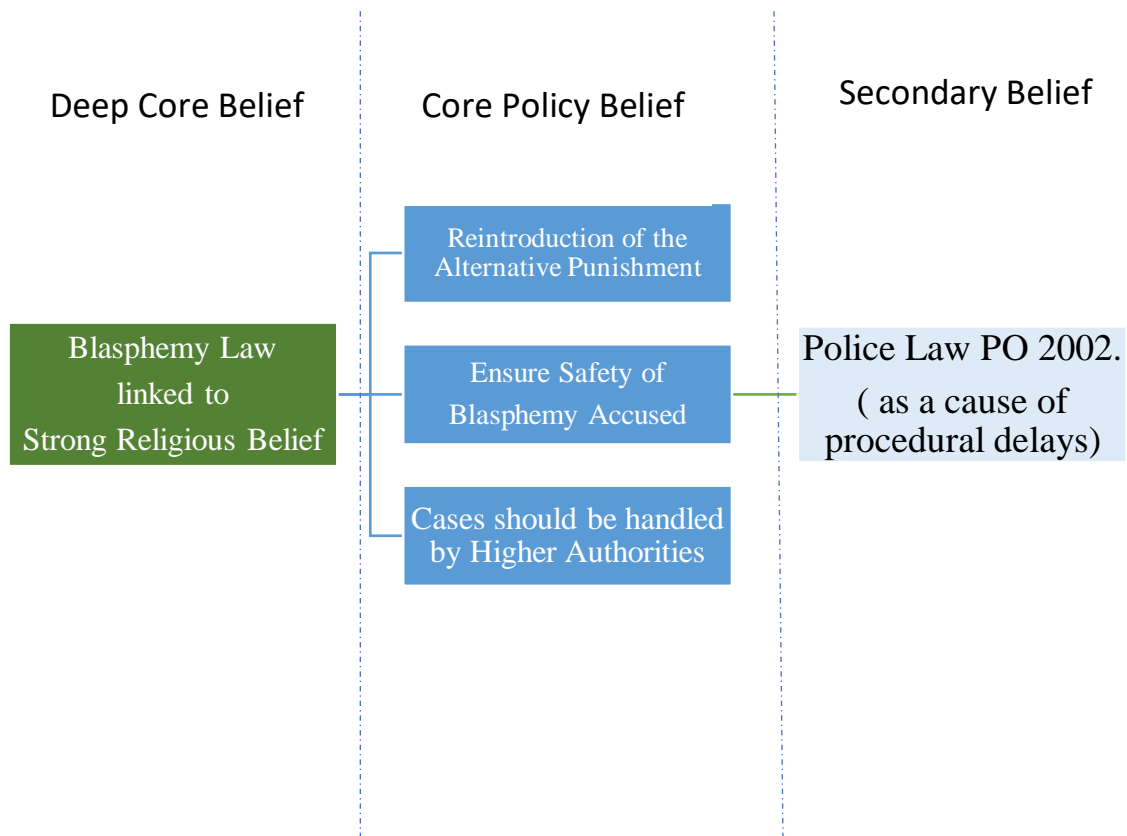


Figure 7.2: The topology of PPP government belief vis-a vis Blasphemy law.

The government faced serious setback in its efforts due to the fraught socio- political condition created after 9/11. The already tense situation was further aggravated by the news of mistreatment and abuse of the Muslim militant in Guantanamo Bay Prison, caught from Afghanistan due to Pakistan’s help, and public anger rose to an all new level at the publication of the blasphemous Danish cartoon.<sup>128</sup> Public refused to listen to the PPPs leaders and defended all the clauses of the law fervidly. Governor Punjab Salman Taseer was also shot dead by a police guard after the press conference he held. News reporters observed a mix reaction of the public on Taseer’s death. While a great majority of the public condoned Taseer’s murder they also disapproved of his intention to revise the law (Guradian, 2011). These complex circumstances created division in the party on the issue. ‘The prime minister, Yusuf Raza Gilani, showed his

<sup>128</sup> Senior Vice President PPP, interviewed in 2019.

unwillingness to revise the law. Minister for religious affairs Hamid Kazmi also advised that the issue is too sensitive, and the PPP government should not make any move in haste'.<sup>129</sup> MNA Sherry Rehman was also asked to withdraw the bill (Tribune, 2011). The PPP third government, however, remained committed to its core policy belief and shifted its focus on the second core belief, that is, ensuring the safety of the accused and that the blasphemy cases should be handled by more responsible authorities 'whose actions are open to public scrutiny' .

The proper handling of the accused involved two institutions of the criminal justice system the courts and the police. The independent superior courts of Pakistan had already shown by their responsible actions that they were already the issue very seriously. None of the accused was given death penalty and most were pardoned due to problems in evidence and other procedural issues (ICJ, 2015; Siddique & Hayat, 2008). The increased reports of police mistreatment of the blasphemy accused and mishandling of the evidence led the government to focus all its attention on this institution and the procedures and practices employed therein.<sup>130</sup> Changing any associated law like the police law or making amendments in the Pakistan penal code to resolve the national crisis was related to the secondary belief of the PPP's third government and required inquiry, empirical evidence and discourse with the professionals and technocrats for further action.

### **Policy Sub System.**

In this scandalous national crisis the policy sub-system was constituted by the various national and international organisations and journalists exerting their influence on the

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<sup>129</sup> Senior Vice President PPP, interviewed in 2019.

<sup>130</sup> Ibid.

PPP third government. These organisations were brought into the policy domain on the premise that the government of Pakistan which was signatory to many international laws and treaties related to freedom of speech, and protection of the accused needs to take up its responsibility towards the blasphemy cases and accused as a priority. Most 'international organisations' held the belief that the blasphemy law was against the spirit of free speech in democracies and needed to be removed (ICJ, 2015, p. 5).

The policy sub group also included domestic human rights organisations. Their main concern, as highlighted by the human rights activist interviewed for this research, was to ensure safety of the blasphemy accused by the police force in police stations after their initial arrests and by the guards in jails. These actors and some local journalists also voiced their concerns that the lower ranks of the police force were increasingly showing signs of getting influenced by extremist ideology. Policy analysts and national and international researchers also come in this policy sub group. What 'glued' all these diverse groups and actors together was the belief that the Pakistan's blasphemy law was being used as an instrument of abuse. How the PPP third government was to bring about the change and ensure safety of the accused was irrelevant to them. Overall this sub group was neither nascent nor trivial.

The PPP third government in its pursuit of fulfilling the core policy belief identified both the internal and external structures introduced by PO 2002 as problem parameters, directly contributing in aggravating the national crisis. Committed to protecting the blasphemy accused and to seclude the police force and local police stations from any direct or indirect influence of any local extremist groups, business group, or land mafia, it made the decision to repeal PO 2002 and immediately revert back to PO 1861.

## **Dynamic of Repeal of PO 2002**

Unlike the Musharraf political government, that used presidential decree to make policy change, the PPP third government, which had successfully made political alliances with small parties to make provincial governments in Sindh, Baluchistan and KP adopted an indirect strategy. It took advantage of the recently implemented 18<sup>th</sup> constitutional amendment (2010) and gave each province the right to choose for itself whichever police law it preferred or make a new police law. In Sindh, which is also the home province of the PPP, the Sindh government passed the ‘Repeal of the Police Order and Revival of the Police Act of 1861’ ACT 2011. When the bill was introduced in the provincial assembly it was also stated that the PO 2002 had ‘deteriorated the police system’ and ‘created serious problems for the general public’ (Tribune, 2011).<sup>131</sup> On 24<sup>th</sup> August 2011, the Baluchistan province also enacted its police act which was basically PO 1861 without any incremental change.<sup>132</sup> The province of KP also adopted PO 1861 with some incremental change and later in 2013 made a new police law for the province. The province of Punjab, where most cases of blasphemy were reported, at that time was under the control of the opposition party, PML-N. It used the article 148 of PO 2002 to completely alter the order.<sup>133</sup> As a result of which the Punjab PO 2002 lost all its resemblance to the original PO 2002.<sup>134</sup> The similar action of all the provinces show that in 2011 the blasphemy crisis was ongoing and affecting all the provinces. And that the centre and all the provincial governments were unified in their efforts to control the scandalous national crisis, improve response of state institutions like police and minimise the risks for the accused and the minorities.

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<sup>131</sup> <http://www.sindhlaws.gov.pk/setup/publications/PUB-13-000070.pdf>

<sup>132</sup> <http://pabalochistan.gov.pk/pab/pab/tables/alldocuments/actdocx/2018-10-23%2015:37:57act-10-20110001.pdf>

<sup>133</sup> IG Ali Shigri, interviewed in 2018.

<sup>134</sup> IG Aly Khan interviewed in 2018, later IG Ali Shiri interviewed in 2018 also expressed similar opinion.

It also agrees with the assumption made in ACF which states that if all major coalitions view a continuation of the current situation as unacceptable the policy change is quick and stable (Sabateir & Jenkins-Smith, 1999). The stability of the change can also be judged by the fact that till today (2019) none of the provinces in Pakistan or the centre had attempted to implement the original PO 2002 or its 2004 amendment.

The ex-director of National Police Academy also informed that this reversion was not without an incremental change in the colonial PO 1861. The 2004 superintendence clause which was initially missing in PO 2002, and was later added via the 2004 amendment order, was also included in PO 1861. The superintendence clause had introduced a 'home secretary' acting as a buffer between the executive and the head of police. The main purpose was to ensure that while the functional autonomy of the head of police was kept he would also not lose the direction defined by the state.

Another important point to note is that policy change in which national and international organisations, activists, journalists, and/or policy analysts use their resources and employ different strategies to exert force on government to change or revise policy is taken as 'bottom-up' mechanism of policy change in ACF (Sabateir & Jenkins-Smith, 1999, p. 119). Thus, this research finding that the annulment of the PO 2002 by the PPP third government also involved efforts of national and international organisations, human right activists and some journalist clearly falls in the category of bottom-up policy change. This finding also negates the institutional imbalance narrative which states that all critical decisions in Pakistan are either top-down and are made by the military or the civil bureaucracy or by the military-bureaucracy coalition. This research shows that in the modern Pakistan the dynamic of decision making is very much changed.

## **7.4 Diagnostic Test .**

To further establish the finding of this research and also because the blasphemy law is also very sensitive issue for the people of Pakistan a need was felt to carry out some diagnostic test. Diagnostic test are recommended in process tracing within case study to establish causality and to remove doubt, if any. Causality is something that when counterfactually removed while holding all else constant, yields a different outcome . Cross-case knowledge of cases helps in judging the weight of the cause in specific case Mahoney (2015). One way to test this research finding is to compare the police response in blasphemy cases before and after the repeal of PO 2002 and see if any significant change in police response took place. For this the 2009 case of Asia Bibi when PO 2002 was in place and two other cases of Rimsha Masih ( 2012) and Rayan Stanten (2014), when PO 2002 was repealed, are selected. These cases are also extensively covered by media and are also well documented. To appreciate the difference in police response in these three cases it is important to once again recall that the repeal of PO 2002 resulted in the merger of the investigation and administration (operation) branch. As a result the separate posts of the DIG investigation was also abolished and only a single post of DIG(operation) existed. That is, now the staff of the operation and investigation units came under a single DIG.

- **Police Response in 2009 Asia Bibi Case - Sequence of Events.**

Asia Bibi and her family lived in the Ittanwala village of district Nankana, Punjab for generations. On 14 June, 2009, she was working in the fields of Muhammed Idrees when during work, in a heated exchange with her co-workers, she made the derogatory remarks. The case is a good study of police response also because in

this case no evidence of ‘any previous enmity, ill will or ulterior motives of the appellant’ for framing Asia Bibi was found by the court (Ranjha, 2019, p.104). The two co-workers reported the incident to some Qari Muhammed Salaam who shared it with other community members. After five days, the community decided to call Asia Bibi themselves to confirm if she had really used the derogatory remarks and she allegedly confessed of her action in this gathering. After this, on June 19, 2009, the FIR was filed by Qari Muhammed Salaam in the Sadar Police Station, District Nankana accusing Asia Bibi of blasphemy (Ranjha, 2019, p. 106).

An ASI ( administration/ operation) named Muhammed Arshad recorded the statement and without waiting for the required approval from the higher authorities, or waiting for investigation by the investigation officer, prepared the site plan and arrested the accused. The Superintendent Police (SP) investigation, Muhammad Amin Bukhari, was assigned the investigation by the DIG (investigation) at a much later stage ( Mst Asia Bibi vs State CrI. A. No 39-L of 2015). On 8<sup>th</sup> November, 2010 the session court of the district announced a death sentence for her under 295-C. Husband of Asia Bibi made appeals on various forums. (Jaffrey and Rohrer 2019). In the review of the Asia Bibi case the Supreme Court of Pakistan identified the ASI, Muhammed Arshad’s behaviour as the violation of Criminal Procedure Code, Article 156-A. It reappraised the evidence on record and acquitted Asia Bibi on ‘procedural issues’ and because the prosecution failed to establish her guilt beyond a reasonable doubt (Ranjha, 2019, p. 103; Mst Asia Bibi vs State CrI. A. No 39-L of 2015).

Commentators who critically reviewed the Asia Bibi case and the Supreme Court verdict had not paid attention to the rationale behind the problematic procedure delay

which delayed the assignment of the investigation officer to commence further investigation and meanwhile prompted the ASP to use his discretion to arrest the accused.

- **Police Response in Blasphemy Cases after PO 2002 annulment.**

- a) The Rimsah Masih incident took place on August 16, 2012, in the Mehrabadi village situated in the outskirts of Islamabad. Islamabad which is the Federal capital the PO 2002 was repealed in 2011. Rimshah was a young teenage Pakistani girl of Christian faith and also had learning disabilities. She was accused of burning the pages of Quran by her neighbour, a violation of Pakistan's blasphemy law (The Express Tribune, 2012). There are different accounts of the incidents. Some reports say her neighbour saw her and started shouting in protest drawing crowd that grew angry. Another account states that the neighbour went to the local cleric, named Khalid Chisti, who announced the incident on the Mosque's loudspeaker and gathered a crowd. He allegedly also issued a decree on a loudspeaker to burn the accused. As a result Rimshah house was surrounded by an angry mob (Tribune, 2013; Boone, 2012). The case was also reported to the Ramna Police station, G/6 Islamabad. As soon as the FIR on blasphemy was filed it was brought to the attention of DIG (Islamabad capital territory) BinYamin, immediately. The DIG (now a single DIG) now had the full authority over the administrative/operation branch and the investigation branch, and also did not have to wait for further approvals. Without delay he went to the town and took Rimsah in police custody saving her from the angry crowd. 'Police quick response may have saved her life'.<sup>135</sup>

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<sup>135</sup> Human Rights Activist, interviewed in 2019.



Investigation was also not delayed and investigation officer was able to collect credible evidence immediately. Some eye witnesses told the police that the cleric had also planted additional evidence to implicate the girl more strongly (Boone, 2012; Hoffman, 2014). This act of the cleric also came under the violation of the blasphemy law, as a result the cleric Khalid Chisti was also charged for blasphemy. Rimsha case is the first case in which the police responded without procedural delay and without the issue of integrity of evidence a false accuser could be charged (Boone, 2012; Hoffman, 2014). Later, the case was transferred to a juvenile court (Hoffman, 2014) and on January 15, 2013, a three-member bench of Pakistan Supreme Court acquitted Rimsha of all charges and dismissed the case. Commentators had hailed Rimsha case for many reasons including the response of the state institutions (Hoffman, 2014) but the impact of the removal of PO 2002 in significantly improving police response goes unnoticed.

- b) A similar incident is of a teenage boy Rayn Staten resident of a middle class residential colony in Karachi, Sindh (where the PO 2002 was also repealed in 2011). In 2014 Staten sent blasphemous text messages to a number of his neighbours (Muslims). The act showed the intent of the teenage boy, which angered the resident and they circled his home. The security officer of the residential colony immediately reported the case to Gulshan-e- Iqbal police station. It was immediately reported to the DIG (East) Shahid Hayat who also promptly responded. On arriving at the scene the DIG talked to the angry neighbours and the cleric leading the protest. The quick police response ensured the safety of the accused (DAWN, 2012). Later, at the Mobina Town

Police Station, Karachi, the neighbours filed an FIR no 432/ 2012 under 295-C and section 25 of the Telegraph Act.

The fine details of these cases show a marked difference in police response after the withdrawal of PO 2002. The procedural delay encountered in Asia Bibi Case were non-existent in the Rimshah Masih and Ryan Staten case. Quick response of DIG (Islamabad Capital Territory) and DIG Karachi (East) responsible for both operations and investigations, also ensured the safety of the accused and the integrity of the evidence. The Hoop test satisfactorily established that the PO 2002 and the internal and external structures established therein, primarily created to cater for the material objectives of the PSP coalitions, were the core reason behind the problematic police response which has also put many of the blasphemy accused at risk.

## **7.5 Indication of Learning, Incrementalism and Problem of Perception Filtering .**

Learning, defined as a relative enduring alteration of thoughts and behaviour intentions resulting from experience, new information, or both (Helco, 1974, p.306), is taken as instrumental in any situation where coalitions come together to better understand the world and to identify the problem parameters (Sabatier and Jenkins- Smith, 1999, p. 123). The statement given at the Sindh assembly by the provincial government, when the bill for the repeal of the police order PO 2002 was passed, satisfactorily established learning by the PPP government. It said that 'the police system had deteriorated' and had 'created serious problems for the general public' (Tribune, 2011) indicating a direct link with the actual problem parameters found in PO 2002.

The ex-director of National Police Academy also pointed to the incremental change after the PO 2002 policy cycle, that is, the inclusion of the 2004's superintendence clause in PO 1861. This provision was not present in PO 1861 earlier and was included first time in 2004 in PO 2002 and then in 2011 in PO 1861. It was much needed to eliminate the direct political control of police by the executive. Its addition in PO 1861, post PO 2002 annulment is an indicator of both incrementalism and the formative value a failed policy holds.

The research also satisfactorily established PSP officer's involvement and learning throughout the policy cycle of PO 2002. Despite strong indicators of learning the two senior PSP focal group members interviewed for this research, effectively hid the true reasons for PO 2002 annulment. They gave an impression that PO 2002 was the perfect policy for democratic policing and insisted that PO 2002 was repealed because the political leadership lacked the political will to improve policing in Pakistan.<sup>136</sup> During the interviews it was also disclosed that IG Shoaib Suddle individually and IG T. Aly Khan with other PSP officers had also filed cases in high courts for the reinstatement of PO 2002. When these informants were interviewed for this research the cases were still in court and they did not give more details of the cases. This behaviour of senior PSP officers was both puzzling and disappointing. It suggested as if, these professionals and knowledge experts had learned nothing from the PO 2002 policy cycle. Similarly, the PPP third government, also hid the rationale for policy annulment from the public at large. The reversion to PO 1861 also resulted in many PSP officers losing their posts and ranks, when the PPP government was asked it justified its action by calling PO 2002 the law of a dictator and all the PSP officers that lost their ranks

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<sup>136</sup>IG Suddle and IG Shigri, interviewed in 2018.

and positions as the political appointees of the military regime (Tribune, 2011). An explanation which in its entirety was not correct and did not help the public in understanding the real reasons for policy change.

Sabateir and Jenkins-Smith (1999) provides an explanation for this ‘behaviour’ using a term called ‘perception filtering’<sup>137</sup>. They argue that when a coalition’s policy core objective(s) remain unattainable it starts ‘filtering’ information that would render the coalition’s core policy objectives ‘unattainable in the future’. ‘The coalition would use any means, including formal policy analysis to buttress and elaborate those beliefs ( or attack their opponent) (Sabatier & Jenkins-Smith, 1993, p. 123). Thus, it can be said that the PSP material coalition<sup>138</sup> which had failed in its pursuit of removing carrier bottle-neck and securing the tenures of the IG police were purposely filtering the important information and policy learning vis-à-vis PO 2002 in a hope to achieve these objectives in future. This explanation also helps understand why IG Suddle opened the doors to the domestic NGOs and had repeatedly asked me to send him the chapters of this thesis which according to him ‘he wanted to check for authenticity’.

Similarly, the PPP unpopular third government which took the decision to bring back the colonial order of PO 1861, a law which was widely perceived, not just in Pakistan but in other countries of South Asian sub-continent, as ‘a colonial order’ meant to

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<sup>137</sup> The premise for perceptual filtering comes from identity theories (Sabateir & Jenkins-Smith, 1999) (Sabateir & Jenkins-Smith, 1999). ‘Perceptual filtering’ is defined as a process by which individual and groups take in new information and interpret it according to prior experience and cultural norms. People use these perceptual filters to help reduce uncertainty about new experiences ( Jackson & Hogg, 2010).

<sup>138</sup> When PO 2002 was repealed many posts and ranks created for PSP officers under PO 2002 were abolished. The PSP officer that had acquired higher ranks under PO 2002 suddenly got ‘demoted’ to lower ranks. This action of the government created confusion but instead of giving the reason which led to policy change the PPP government defended its action by calling them ‘ political appointee of the military regime (Tribune, 2011).

subjugate the people at large, preferred to blame the military regime than to explain why the policy went wrong in Pakistan. It also misinformed and used the military regime as a scape goat. It would have helped if the public was informed that the PO 2002 which they were perceiving as democratic policy was taking police heyward. And that the colonial law can be and were indeed considerably improved through the incremental changes made in it them over time, as per the requirements of the country. But for achieving still pending policy objectives all information worth sharing was hidden from the public and the public was left guessing at large.

The logic of perception filtering may aptly explain the coalition's behaviours post 2011 but such filtering also has a downside for an emerging democracy of Pakistan. In a democracy people have a right to know why decisions were made and why policy they once strongly supported failed. Although both the Musharraf political government and the PPP third government decisions were no doubt in the best interests of the state and all its citizens but the information that reached the public was filtered. This create space for other policy actor, like the PSP coalitions, to fill the gap in any way they like in a hope to achieve their still pending policy core beliefs. Overall this behaviour launches a vicious cycle of misinformation and blame game. For most part the public which is left guessing feels frustrated and this frustration turns to anger. In the fast transforming neoliberal states, where it is well accepted that the public is pushed to make critical choices and calculate risks on the daily basis, hiding or undermining the important policy lessons, for achieving still pending policy objectives, goes against the rights of the people. It quickly translate into frustration and anger and inculcates a deep distrust of the political government and state institutions, the key institutions on which democracy rests. Till the time this

behavioural change does not come consolidation of democracy in Pakistan will be frequently challenged.

## **Chapter 8**

### **Conclusion**

The focus on the beliefs and behaviours of the various policy coalitions involved in the policy cycle of PO 2002, further combined with the methodology of process tracing within case study helped this qualitative research find the answer to the main research question; why PO 2002 failed in Pakistan? but also helped it satisfactorily address the secondary research question about the challenges confronting democratic consolidation in the country. The methodology used, gave the freedom to use diverse methods to remove potential bias. At the same time, it also asked to critically evaluate finer details otherwise missed in historical explanations and further conduct counterfactual analysis in face of conflicting information. This procedure gave this research an added advantage to pass judgment on already existing hypotheses as well as engage critically with the existing theory regarding factors impeding democratic consolidation in Pakistan.

### **Alternative Hypotheses**

There were two hypotheses and one theory of institutional imbalance picked from the existing literature. Before drawing the conclusion all three are addressed below:

#### **Alternative Hypothesis 1:**

*PO 2002 was changed because of bureaucratic politics.*

This research traced the complete policy cycle of PO 2002 and carried out extensive semi-structured interviews with key informants directly involved in it, including

members of the Musharraf military regime, PSP officers who were part of the PO 2002 design focal group as well as those who opposed it, members of political parties and senior officers from administrative services of Pakistan. The aim was to get a good understanding of the beliefs and objectives of these informants vis-a-vis the police reforms and PO 2002. Evidence collected was further cross-checked from primary and secondary sources, before drawing any conclusion.

The existing literature and one PSP officers interviewed, namely Shoaib Suddle, indicated that the PAS branch, also considered to be the strongest branch of Pakistan civil services, was responsible for the failure of PO 2002. However, Suddle claim was unequivocally rejected by the other three PSP officers interviewed. They claimed that since 1951 PSP decision makers had negotiated an informal deal with the PAS after which DC became just a formality for PSP and did not interfere in their functional The historical explanation collected indicated that there was a trace of bureaucratic politics at the time of policy design, because the PAS was attempting to restore its past monopoly and the post of DC which provided it with a link of external oversight on district police, hence PO 1861, was of interest to it.

Further research showed that during the Musharraf regime the PAS branch was directly impacted by the state's downsizing, in which one whole tier of government, the 'tehsil', was abolished. At the time of national restructuring the PAS was the target of political and bureaucratic wrath. And senior decision makers of PAS were completely focused on saving their key post. In this process all others triumphed over PAS when Musharraf regime merged many ministries and also abolished the powerful post of DC, held by the PAS branch, and replaced it by a less powerful post of district coordination officer – the DCO. The situation was no different in 2004. Once again



when the Musharraf regime made increment changes in 2002 in 2004, it was insured that PAS had no control over the PSP and instead of DC the post of home secretary was selected to act as a buffer between the state and the head of police. This superintendence clause introducing the post of home secretary over police was also incorporated by the PPP third government in 2011, when it reverted to PO 1861. Thus, reversion back to PO 1861 also held no benefit for the PAS. This research had also focused on the dynamic of change and found no evidence of any bureaucratic group, outside PSP, using its weight to influence decisions regarding PO 2002 change or its annulment.

Question arises then why IG Suddle blamed the PAS group. There are two explanations that ACF provides; One, coalitions sometimes 'view their opponent as much more powerful than they probably are' (Sabatier and Jenkins-Smith, 1999; p. 131). In the interview IG Suddle constantly mentioned that PAS was the biggest cadre of Pakistan civil service. He also mentioned that one DC even tried to stop his promotion once. This indicated he strongly believed in the power of PAS. At the same time, he also said that he was not invited to attend the final meeting that led to the changes in PO 2002. As a result of which he may have assumed that the powerful PAS must have played its role in changing PO 2002.

Two, according to the analytical framework used if the core policy objective of any policy coalition remain unattainable it is likely to use any means 'including attack on opponent' to buttress and elaborate those beliefs (Sabatier & Jenkins-Smith, 1993, p. 123). This seems to be the case here IG Suddle as a member of the police reform focal group and policy coalition A had worked to secure the tenure of IG police during the design phase. When PO 2002 was repealed due to the problems introduced by the

internal and external structures of PO 2002 there was still an opportunity that some clauses of PO 2002, like securing the tenures of the IG police, would still be included in PO 1861. In reality the PPP third government only added the superintendence clause in PO 1861, which made PAS weak, but not the one that safeguarded the IG police against the problem of brevity of their tenures. Thus, when his core policy belief remained unattainable, instead of blaming the PPP third government,<sup>139</sup> he filtered the information using his past experience and blamed it on PAS in an attempt of achieving the still pending core policy objective in the future.

## **Alternative Hypothesis 2:**

*PO 2002 was changed because political actors lost the political will to reform police.*

The term political will is often used in political science but at the same time scholars and researchers find it hard to evaluate its loss empirically. ACF helps in such an analysis as it maps the values, priorities and perception of the policy actors and organises them in the forms of a hierarchal tripartite structure of beliefs. It then monitors any change in these beliefs and investigates why such a change took place. This process helps reveal the rationality driving the change decisions and systematically reveals any loss in political will.

The research showed that in 1999, immediately after the coup d'état, the core policy belief of the Musharraf regime was to ensure that police was reformed and made

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<sup>139</sup> It is important to recall that at that time the murder case of Murtaza Bhutto involving PSP officers including IG Shoaib Suddle was still pending in the courts. And IG Suddle was in a very vulnerable position with Asif Zardari as the President of Pakistan at that time.

effective so that the need for calling the military to take control of law & order was eliminated. At the same time the military men were passionately devoted to empowering the local communities. It was this core belief which made the idea of external structures and procedures that enhanced police-community interface appealing to them. The exact model of policing held secondary status for the regime, and they left it with the focal group members and knowledge experts to decide the finer details of how these core objectives could be fulfilled. Even when faced with the complex socio-political condition following the 9/11 event and the regime was left with little choice but to revise the PO 2002, it did not change its core policy belief. It still wanted the PSP to fully participate in the counter-terrorism operation and in maintaining law & order. The change in the national mood and the complex socio-political condition led the regime to understand two things; one, the significance and magnitude of the political control of the state on PSP and two, the significance of including state representation even in the external structures of police oversight and community control. If their core policy belief of community involvement was changed they would have removed community representation in these external structures or had removed the external structures altogether. Instead, the state was given equal (one third) representation in these structures which was the same as of the local communities and the opposition. This adjustment kept these structures neutral overall, at the same time the adjustment ensured state's presence. Similarly, the role of local political actors, like, Nazim and Nayab Nazim, who were initially given the right to even write in the annual report of the PSP officers was also relaxed, but not entirely removed. This was done to discourage too much interference by the local political actors. These actors and the active local community groups kept receiving complaints against the local police station working. This research contends that if there was a 'loss of political will' on part of the military regime then it would have completely

removed the structures and procedures for police-community interface and would not have ensured that the PSP also takes its responsibility of carrying out counter terrorism operations.

The decision to repeal PO 2002 was made by the PPP third government while dealing with the national blasphemy crisis. Police law, PO 2002 or its 2004 amendment held secondary significance to it at that time of national crisis. PPP third government in its search to resolve the scandalous crisis found strong evidence that identified both the internal and external structures introduced by PO 2002 as problem parameters, directly contributing in aggravating the blasphemy crisis. While deciding to repeal PO 2002 they still gave the individual provinces the freedom to make their own police laws. In the overarching crisis none of the provinces took the risk to implement the PO 2002 or its 2004 amendment because both had the same problematic structures and same problematic procedural delays. They opted for the safer PO 1861 with some incremental changes. Since there was no change in the PPP core policy belief there action cannot be taken as a loss of political will. The alternate hypothesis is hence rejected.

### **Alternative Theory 3**

#### ***Institutional Imbalance a Key Factor Impeding Democratic Consolidation in Pakistan.***

In qualitative methods process testing can also be used for theory testing. James Mahoney (2015) states that if the researcher has collected a good history of the case, holds a good knowledge of relevant pre-existing theories and had a capacity to carry out sound logical reasoning alternative theory can also be tested with the help of

process tracing. The institutional imbalance theory is one of the most prominent theory explaining the factors impeding democratic consolidation in Pakistan. The theory takes premise from Hamza Alvi's (1972) work 'State in Post-Colonial Societies' and later his book chapter 'Authoritarianism and Legitimation of State Power in Pakistan' (1990). The scholarship argues that pre-1947 the 'non-parliamentary institutions' of civil bureaucracy and military were 'over developed' to serve the purpose of the colonial regime. Post 1947, first governor general's illness, his distrust of the politicians, and also because the majority of the members in the first constituent assembly, who lacked any voting bank in the new state, had no interest in establishing the electoral system in the newly independent Pakistan. These conditions provided an opportunity to the actors in the 'over-grown' non parliamentary institutions to take over and dominate decision making, which became the biggest impediment in the democratic consolidation in Pakistan. Initially the scholars adopted an actor-centric approach and named specific actors who abused their position to assume power. Later scholars eliminated the actor centric approach, used retrospective rationality and identified the whole military and civil bureaucracy institutions working collectively to further their power.

The scholarship identifies three main eras of non-parliamentary institutional supremacy in Pakistan. The first era is of pure civil bureaucracy supremacy. It commenced immediately after independence and lasted till the end of 1950s, at the start of Ayub Khan martial law. From their onward a military- bureaucracy oligarchy emerged that transformed into pure military control during and after Zia ul Haq regime. It is important to note that the Ayub Khan martial law is not identified as an era of sole military supremacy, instead it is taken as an era of military-bureaucracy oligarchy. This research which in addition to documenting the beliefs and behaviours

of the policy actors from these intuitions also collected historical explanation starting from 1971, and the finer details of some key events can only juxtapose its finding against the last era. That is, it can only test the claim of military supremacy in Pakistan, made by the institutional imbalance theorists, during and after Zia ul Haq regime.

The scholarship claims that Zia appointed military men at all key position hence unlike Ayub Khan's martial law it was a pure military regime. This research finds that Zia first cabinet also included civil bureaucrats and industrialists at key positions. For example, during the late 1970s and in the 1980s Ishaq Khan, a career bureaucrat, was the finance minister and responsible for creating the blue-print of Pakistan's transformation from Z.A. Bhutto's nationalised economy to a free market economy. Ishaq Khan ascended to the position of chairman Senate and later became the President of Pakistan and enjoyed the extraordinary powers of the 8<sup>th</sup> constitutional amendment, with which he acquired the authority to dismiss the elected governments with a stroke of a pen. This is a significant finding and the true impact of a bureaucrat holding the seat of ultimate authority in Pakistan can only be understood if the era of market liberalisation and globalisation, that had engulfed the whole world during the 1980s and 1990s, is also taken into full consideration. It is a well-accepted fact that this transformation demanded the roll back of the state and weakened the role of the formal parliamentary institutions in decision making. Hamza Alvi (1990, p. 155) in 'Authoritarianism and Legitimation of State Power in Pakistan' accepts that Pakistan is changing, and the transformation had made decision making complex, yet he says; 'we have no space to discuss it here'.

Following this the scholarship not only ignore Pakistan's parallel transformation into a neoliberal regime but also avoids correctly profiling the key political actors. For

example, Ishaq Khan, well known as the most powerful man in the establishment, identity as a 'bureaucrat' does not come out in the scholarship. Similarly, Nawaz Shariff is not identified as an 'industrialist' but just as a politician. Archived research on political economy of Pakistan clearly states that the industrialists, that had suffered from Z.A Bhutto nationalisation policies, including Shariffs and Chaudhrys, band-wagoned with Zia and were appointed at key position in the centre and provincial governments. Nawaz Shariff was first appointed as the finance minister and then the chief minister of Punjab in Zia regime. Chaudhry Zahoor Elahi, another industrialist from Punjab, was made the minister for labour and manpower. This evidence showed that the Zia's dictatorial regime from the very beginning was not a purely military regime but an amalgamation of industrialists, bureaucrats, and military men. (see Appendix A).

Shariff was selected, as he showed a passive behaviour during Zia regime, and later was inducted in the PML and pushed forward to contest elections against BB by this coalition. Later, when Pakistan started its democratic transition, alongside the parallel running neoliberal transformation of the state, Shariff, a true industrialist, showed where his actual interest laid. His attempts to install far too aggressive policies of state role back launched a serious conflict of interest for the bureaucracy and for its survival. Ishaq Khan and the bureaucracy-police nexus which had acquired the monopoly over the blue-print of Pakistan's neoliberal transformation during Zia regime, worked together to protect their hegemony and status quo. In this they were aided by Ishaq Khan, who after the death of Zia ul Haq, as the President of Pakistan also held powers of the 8<sup>th</sup> constitutional amendment. And he used it relentlessly to protect the status quo. Each time bureaucrat president sent a pure neoliberal regime home he accused it of its privatisation agenda and interfering in 'the routine working of the civil service

institutions’, and for ‘not duly consulting the state bureaucratic institutions in decision making’ hence undermining and ‘subverting the traditional structures of authority’. The evidence before this research reveal that **from 1988 to 1993** Ishaq Khan supported by his coalition of bureaucracy-police nexus fought tooth and nail against the coalition of businessmen and industrialists to stop the role back of the state and at least keep its blue-print in their hands. As a result, Pakistan failed the simplest two turn test, prescribed by Huntington, to qualify as a consolidated democracy. Thus, the correct profiling of these key political actors in addition to other temporal details are necessary to understand the problems of Pakistan’s democratic transition and consolidation.

It is also argued that BB and Nawaz Shariff both were unable to stand-up against Ishaq Khan because the later was ‘backed’ by the military. This led the commentators to conclude the military held ‘power over’ the parliamentary actors. The assumption of Ishaq Khan power over the military or it was the other way around can be tested using the finer details of the sequence of event and evaluating them against the ACF and theories of power. The key informant, lawyer Naeem Bukhari, said that although in 1993 the Supreme Court restored Sharif’s government just one month after its dissolution but the status quo ante between President and PM was still not resolved. Ishaq Khan just after three days dissolved Sharif government in Punjab and a day later in NWFP. ‘As the power struggle continued unabated between these two the Centre and provincial governments came to a standstill. General Kakar had a meeting with Ishaq Khan and when he finally got up he said to the President Ishaq Khan; “Sir, it is time to go on retirement”’. For one, this information does not support that the COAS was backing or supporting Ishaq Khan. The archived research also strong support that in this crisis both the COAS and the chief Justice of Pakistan came forward to resolve the crisis and took steps ‘to find some compromise’.



Furthermore, the key informant also said that ‘it took two weeks of intense negotiations that Ishaq Khan finally agreed to leave’. This finding was further authenticated using archived research and news reports (Yasmeen, 1994; Amin, 1993; Gargan, 1993; Yusufzai, 2006). There is no contradiction in archived research and all commentators agree that Ishaq Khan left only when his terms which included; government will not be handed over to Nawaz Shariff (despite Supreme Court’s decision), new elections will be held under interim government, ‘were accepted’ by everyone. Ishaq Khan also went on to name the ex-bureaucrat he wanted to run the interim government, as the prime minister. was Nawaz Sharif that asked the next election to be held under military supervision and not the bureaucracy. Because the industrialist believed his policies went against the interests of the state bureaucracy. ‘Also, important to note is that the interim Prime minister, who in the past had served as a civil bureaucrat in the planning commission of Pakistan, was terminally ill but he was convinced to come from Singapore to resolve the crisis and serve for three months in order to resolve the 1993 crisis. Analysing this situation in light of the analytical framework and the theories of power, especially the one related to the second face of power, establish ‘Ishaq Khan’s **power over** the military and the chief justice and not the other way around. The analytical framework of ACF also see the behaviour of the military during the 1993 crisis as that of the moderator that worked to resolve conflict and find a compromise between the warring coalitions. In this case the bureaucracy-police coalition headed by the bureaucrat president Ishaq Khan and the industrialists - political coalition headed by Nawaz Shariff. These findings considerably puts in doubt the claim of supremacy of the military as an institution over political or even bureaucratic institutions during the 1990s in Pakistan. Military at best comes out as a trusted forum that worked as a moderator to resolve the political conflicts. Military

was blamed every time by various members of the coalitions because of their still pending policy objectives.

The historical explanation for the demand for police reform, collected for this research, also showed that after 1993 it was BBs own very weak political position in her party which brought her government down. To stay in the political game of the fast transforming Pakistan, BB bade farewell to the ideology of social democracy her father Z.A Bhutto had embraced and decided to adopt the agenda of market liberalisation. Both the primary and secondary evidence strongly support that in this she only had the support of her husband Zardari, but she lost the support of her mother, her brother, the senior members of her party and the support of the labour classes of Pakistan which was the real strength of PPP. If it was Ishaq Khan, the bureaucrat, who sent her back the first time then it was the senior member of her own party, Farooq Ahmed Khan Leghari, her own appointed president, who ended her second government on charges of corruption and on charges of killing her political opponent, her brother Mir Murtaza Bhutto. These findings significantly weakens the claim of the contesting theory that Pakistan democratic transition in 1996 also suffered due to power of the military over the parliamentary institutions.

The repeated failure of democratic transition, implementation of policies of 'pure' market liberalisation by both BB and Nawaz Shariff government, and the constant law and order crisis brought the country to the verge of being declared a failed state. Thus, when the military regime of Pervaiz Musharraf took over in 1999, it enjoyed strong public support and trust. As stated in the relevant chapters, even international journalists and independent observers recorded their surprise at this strange public

behaviour. And it was this public support and trust that the Musharraf regime used as a legitimacy to take up the agenda of national reconstruction.

During the first decade of 2000, the decade on which this research focused. The dynamic of policy making and decision making was studied in detail, with the help of interviews with diverse group of key informants directly involved in policy cycle. The information collected from diverse set of informants was further cross-checked and authenticated. This process revealed that Musharraf regime main focus was the country's transformation from a pure neoliberal regime to a pragmatic neoliberal regime. The Musharraf military regime took the first step to overcome the democratic deficits of a pure neoliberal regime and established NRB which used collaborative and participatory methods for making important policies, legal framework and in creating regulatory regimes. All the political actors, bureaucratic actors, non-state actors, concerned members of civil society were invited to participate in the process of policy making and the military continued playing its role of a moderator, which it had acquired during the turbulent democratic transition of the 1990s. Interview with key military officials showed that the military high command wanted to finish the policies it started and leave in the prescribed time. The only complication arose when General Musharraf decided to join politics, which this research finds was his personal decision. But it also gave the military a good opportunity to legitimise and secure the legal frameworks it had made in the last three years, which it also sincerely believed was for the good of the common people. The study of the dynamics of policy change also showed that the later changes were the result of external events, experiences, and learning. They were not the result of any loss in political will or any change in the core beliefs of the regime. And the change processes also involved cross-coalition discussions and discourse.

The post Musharraf era was the pragmatic neoliberal Pakistan in operation. The detailed study of PO 2002 policy cycle using ACF helped to unveil a 'bottom-up' mechanism of policy change during this time. The PPP government's decision to repeal the police law was the direct consequence of a national crisis and it involved another hard to change law, some clauses of which were closely integrated with the religious beliefs of the Muslims of Pakistan. In this national crisis national & international organisations, human right activists, journalists and policy analysts influenced the PPP third government to control the crisis and protect the accused and the minorities. The PPP government also reached its final decision after collecting strong evidence identifying the internal and external structures of PO 2002 as the actual problem parameters introducing procedural delays and endangering the lives of the blasphemy accused. The external structures of police-community interface were also found to be negatively impacting the lower ranks of the police force. The decision to repeal PO 2002 was intended in the best interest of the blasphemy accused and the minorities and to get some grip on ongoing national crisis. It, however, went against the core policy objectives of the PSP coalition. These dynamic of policy reversion once again negate the supremacy of any non-parliamentary institution like civil bureaucracy or military in decision making between 2008 to 2011. The only non-parliamentary actors exerting their force were the national and international human rights organisation.

Overall, this research finds that the institution imbalance theory suffers from too many simplifications. It focuses on the top-down mechanism of decision making only, that is, the single level of government, namely the formal political institutions, legislative assemblies, administrative agencies, and military– in other words the traditional iron

triangle. Since the scholarship ignored Pakistan's parallel transformation into a neoliberal state at the very beginning, the scholarship remained oblivious to the associated changes in the dynamics of decision making and policy making in Pakistan. It failed to appreciate that decision making in Pakistan was increasingly becoming complex, not just influenced by non-parliamentary institutions like bureaucracy or military but also by cross-cutting laws, external events, internal crisis, international and national organisations, non-state actors, improved knowledge and learning etc.

This research adopted a more complex lens and took into consideration the coincidence of the democratic transition and market liberalisation in Pakistan. It was further helped by the analytical framework developed with the modern state in mind. The methodology of process tracing within case study was used to minimise potential bias. The methods selected including interviews with key informants 'directly involved' in the decision-making process provided the missing 'finer details' that helped fill a few gaps and remove a few assumptions made in the contesting institutional imbalance theory. Hence, this research could not substantiate the contesting theory claim of military supremacy over decision making in Pakistan during the 1990s or from 2000 to 2011.

## **Conclusion**

The thesis asked a simple question: Why a popular reform, known as PO 2002, intended to introduce democratic policing in Pakistan, failed? And what this says about the factors that challenge democratic consolidation in transitional regimes. This research finds that the need for police reform in Pakistan was acutely felt during the

1990s, which was the decade of Pakistan's turbulent democratic transition and its simultaneous transformation to a neoliberal economy. Failure of the police force to control law and order, high politicisation at the PSP command level, the problems in police accountability and frequent use of discretion by the police force which raised concerns of human rights abuse, heightened the demand for police reforms. PO 2002 which was expected to address these key issues did not come as an incremental change but as a major disruption in the pattern of police governance in Pakistan.

The disruptive change was engineered by two coalition of PSP undecided about their role and position in the future politics of Pakistan. In the absence of a true knowledge or epistemic community these coalition easily manipulated the nascent NGOs in the police reform focal group to forward their material and career goals. The core policy belief of both the PSP coalitions mainly included removal of the carrier bottle neck from PSP officers and securing the tenures of the IG police to three years. All other factors the public expected from police reforms took secondary significance for these PSP coalitions. These dominant coalitions, guided by their personal experience, shifted the political control of police away from the state while increasing the direct political control of local level political actors and local communities on the police force, especially at the district level. In their pursuit of saving themselves from political interference they even kept the external structures of police oversight completely devoid of state representation. The PSP focal group member also used the nascent domestic NGOs to wrongly present these measures as features necessary for democratic policing.

The bottle neck in PSP officers career was successfully removed by the addition of many specialised branches of equal authority in PO 2002. This expansion in the

organisation also made it top-heavy. While many new posts and ranks of PSP were created the PSP focal group members could not save the organisation from the problems within. Conflicts due to competitive interdependencies between the various branches, especially that between the newly separated administration/ operation branch and investigation branch, could not be resolved till the end and led to the repeal of PO 2002.

ACF recognises four primary pathways to policy change. Superior jurisdiction, external perturbation, learning and negotiations. Policy change may result from a combination of one or more. This research finds that the PO 2002 change in 2004 was the result of external perturbation and was brought about by the superior jurisdiction. Since it involved discourse between all relevant policy actors learning was instrumental in it. PO 2002 annulment in 2011 was the result of scandalous internal shock event. It was also brought about by the superior jurisdiction, but it was the result of bottom-up policy change, involving national and international organisation, human rights activist etc. The superior jurisdiction in this case also used the same path of cross- coalition discourse which helped in identifying the problem parameter necessary to control the national crisis of the time, if not completely resolve it.

Study of the PO 2002 policy cycle also unfolded many important lessons for and police governance in the transient democracy of Pakistan. It showed that the executive needs the police to implement state decisions. In Pakistan the centre government, which had committed itself to the war on terror, faced serious problems in engaging police in counter-terrorism operations due to the wrong design of PO 2002. Even the opposition, through the external structures of police over-sight, enjoyed more control over the district and local level police than the centre and provincial governments. These

conditions also conflicted with the necessary and legitimate political control of the state institutions required by elected government, especially in fragile and troubled transitional democracies, for consolidating democracy. The Musharraf political government was left with little choice but to revise PO 2002. It did so while ensuring the functional authority of the head of police and by the inclusion of the superintendence clause. It also gave the exchequer the same representation in the structures of external oversight as the opposition and the local communities.

Attempt was still made to protect the material interests of the PSP officers, but it aggravated the problems of policing in the long run. For example, while resolving the conflict between the investigation and administration/ operations branch of PSP the number of additional posts and ranks were not compromised. Instead new procedures were created that introduced unnecessary delays which in turn became not only problematic but outright dangerous for the citizens. This research finds that the political governments did try to protect the interests of the PSP but when in the ongoing blasphemy crisis undeniable reports of incidents of the accused getting killed while waiting for approval for further investigation and in police custody or by police constables they had little choice left but to withdraw PO 2002. The reason for quick decision was because the scandalous national crisis had also brought into the policy domain many national and international organisations, human rights activists, journalists and policy analysts who accused the state institutions of intentionally abjuring from its responsibility of protecting the blasphemy accused and minorities. Local human right activists and journalists also voiced their concerns about the police constables and local police stations getting increasingly influenced by the extremist ideology, business mafia and power groups. The case shows that the problems of



Pakistan police are complex and cannot be solved by the singular focus on material gains and career objectives.

The PPP third government decision to withdraw PO 2002 was also because it failed in its initial efforts to revise the blasphemy law. After which it committed itself to ensure safety of the accused and critically evaluated the loopholes in criminal justice system. As a result, both the internal and external structures, were rightly identified as the problem parameter aggravating the crisis. Yet decision of the centre and all the provinces to revert back to the colonial law was not without picking some good provisions from PO 2002 and making the necessary incremental changes in PO 1861 to make it more democratic, till the time new police laws were made by the provinces. Unfortunately, the reversion once again shrank the size of the organisation making the core policy objectives of the PSP coalitions distant.

These findings help this research to conclude that PO 2002 failed because it was not a suitable policy for a multi-ethnic, conflict prone societies of Pakistan. The increased pcontrol of local level political actors and local communities on police institution, was wrongly conceived by many as a perfect framework for democratic policing. This perception had its roots in the turbulent democratic transition of the 1990s, when the president and bureaucracy-police nexus successfully presented the executive, backed by the industrialist and businessmen, as notorious and corrupt. The undemocratic policies of these actors enforced through coercion further cemented this belief. Thus, when the effort to restructure the state began the idea of handing over the police to the local political actors and communities, without the control of the executive or state, appealed to everyone and was broadly accepted as a democratic move. This misconception helped the PSP officers, at the time of policy design, to achieves their

own material objectives temporarily. In this they easily used the non-state actors, like the nascent domestic NGOs, and their resources to their advantage. These observations led this research to infer that in addition to the political and institutional actors, who tend to prioritise maximising personal benefits over the needs of the state, there should be an involvement of a true knowledge and epistemic community in collaborative policy making to inform the policy process.

The case study of police reforms in Pakistan clearly showed that a policing model that may work very well in other democracies may not necessarily work in the local context of Pakistan, without changes. The study of the complete policy cycle of PO 2002 showed that the decisions related to the political control of police is not a simple one. It revealed that the critical question to ask is: would increasing the role of local political actors or local communities in electoral democracy help in making policing any less politicised? In the multi-ethnic, multi-cultural Pakistan which is also fast transforming to a free-market economy, the police network, which spreads to all the districts, tehsils and localities of the country, holds a certain functional advantage which can be easily exploited by the local majority groups, liberated market forces, terrorist extremist groups, industrialists, feudalists, the bureaucracy, and ‘police decision makers’ themselves to dominate all others. The researcher strongly believes that considering the diversity and asymmetry of Pakistan, the political control of the PSP is best left with the elected government, to ensure public safety from terrorists – which are defined in different ways by various groups, to ensure safety of vulnerable groups and minorities and to ensure that policing remains aligned with the direction set by the elected governments only.

The case study also revealed an interesting multiple-identity dimension of the people of Pakistan, and the ease with which the public slip from one identity to another with every national and international shock and crisis. This introduces many unprecedented and complex challenges for the elected government, which must be handled carefully as per the wishes of the people as well as the normative values of democracy to consolidate democracy in Pakistan. This at times makes the road to consolidation long and tedious but as the High Court Justice said in interview, ‘on the way we are learning critical lessons that will help Pakistan to properly consolidate democracy’.

Also problematic is the culture of secrecy which is the hallmark of decision making in Pakistan. It not only kept the important lessons associated with PO 2002 change and its annulment away from the broader public, but it also helped the policy coalitions to manipulate the truth, to gain their still pending policy objectives. In case of PO 2002 the PSP coalitions showed no reservations in blaming the political governments for the fate of PO 2002. They even accused those who changed or repealed PO 2002 as uninterested and lacking the political will to introduce democratic policing. Cases were also filled in various high courts by PSP officers for the reinstatement of PO 2002 with a singular aim to recreate conditions for future bargaining and to attain still pending core policy objectives.

Another important finding of this research is the lack of political trust. During the neoliberal transformation of the country in the 1990s, the political conflicts within the executive branch of the government, that also resulted in the repeated failure of democratic transition, inculcated a deep distrust of the political actors. This case study gave ample evidence to believe that despite the popular rhetoric not all the decisions made by the political actors in Pakistan were for political benefits. The political

decision makers do take into account the interests of the state, the people and the minorities. But in a transitional as well as transforming state, the still pending and unattained objectives of the policy coalitions is what keeps this distrust alive. If this lack of political trust continues to dominate the country it will be the greatest impediment towards consolidating democracy in Pakistan. Lack of trust means important policy lessons may be easily rejected by the public, creating further space for corrupt and problematic elements in state institutions to prosper. It is likely to make democratic policies and governance even more difficult. Given the results of this research, scholars may like to focus on methods of institutionalising political trust in transforming transitional regimes, like that of Pakistan, though this is of course is a vast and difficult topic.

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## **Appendix A**

### **Zia ul Haq's first Cabinet**

**1st  
Federal Cabinet under  
COAS/CMLA  
General Muhammad Zia-ul-Haq  
Federal Minister to COAS/ CMLA from 5-7-1978 to 23-8-  
1978**

S No	Portfolio	Period	Remarks
COAS and CMLA General Muhammad Zia-ul Haq			
1. Mr. A. K. Brohi 5-7-1978 to 23-8-1978	Law, Parliamentary Affairs, Religious Affairs and Minorities Affairs	5-7-1978 to 23-8-1978	
2. Lt. Gen. F. A. Chishti, HI(M), 5-7-1978 to 23-8-1978	1. Establishment, Federal Inspection Commission, 2. Kashmir Affairs & Northern Areas	5-7-1978 to 23-8-1978	
3. Mr. Fida Mohammad Khan, 5-7-1978 to 23-8-1978	Housing and Works	5-7-1978 to 23-8-1978	
4. Mr. Mustafa K. Gokal, 5-7-1978 to 23-8-1978	Shipping and Ports and Export Promotion	5-7-1978 to 23-8-1978	
5. Lt. Gen. (Retd.) M. Habibullah Khan, 5-7-1978 to 23-8-1978	Industries and Production	5-7-1978 to 23-8-1978	
6. Mr. Mahmud A. Haroon, 5-7-1978 to 23-8-1978	Interior	5-7-1978 to 23-8-1978	

7. Lt. Gen. Ghulam Hassan Khan, HI(M), S.J. 5-7-1978 to 23-8-1978	Petroleum & Natural Resources	5-7-1978 to 23-8-1978	
8. Mr. Ghulam Ishaq Khan, 5-7-1978 to 23-8-1978	Finance, Planning and Provincial Coordination	5-7-1978 to 23-8-1978	
9. Maj. Gen. Jamal Said Mian, HI(M) 5-7-1978 to 23-8-1978	States and Frontier Regions	5-7-1978 to 23-8-1978	
10. Mr. Ghul Mohammad Khan Jomezai 5-7-1978 to 23-8-1978	Water and Power	5-7-1978 to 23-8-1978	
11. Mr. Mohammad Khan Janejo 5-7-1978 to 23-8-1978	Railways	5-7-1978 to 23-8-1978	
12. Mr. Mohammad Ali Khan of Hoti, 5-7-1978 to 23-8-1978	Education, Culture and Tourism	5-7-1978 to 23-8-1978	
13. Mr. Mohyuddin Baluch, 5-7-1978 to 23-8-1978	Communications	5-7-1978 to 23-8-1978	
14. Mr. Sharifuddin Pirzada 5-7-1978 to 23-8-1978	Attorney General for Pakistan	5-7-1978 to 23-8-1978	
15. Khawaja Mohammad Safdar, 5-7-1978 to 23-8-1978	Food and Agriculture, Cooperatives and Livestock	5-7-1978 to 23-8-1978	
16. Mian Zahid Sarfraz 5-7-1978 to 23-8-1978	Commerce	5-7-1978 to 23-8-1978	



17. Chaudhary Zahur Elahi, 5-7-1978 to 23-8-1978	Labour, Manpower and Local Government and Rural Development	5-7-1978 to 23-8-1978	
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## MINISTERS OF STATE

1. Mr. Hamid D Habib 5-7-1978 to 23-8-1978	Export Promotion	5-7-1978 to 23-8-1978	
2. Mr. Javed Hashmi, 5-7-1978 to 23-8-1978	Youth and Students Affairs	5-7-1978 to 23-8-1978	
3. Mr. Mahmud Ali 5-7-1978 to 23-8-1978	Health, Population and Social Welfare and National Council of Social Welfare	5-7-1978 to 23-8-1978	
4. Mr. Agha Shahi, 5-7-1978 to 23-8-1978	Foreign Affairs 5	5-7-1978 to 23-8-1978	
5. Begum Viqarun-Nisa Noon, 5-7-1978 to 23-8-1978	Pakistan Tourism Development Corporation	5-7-1978 to 23-8-1978	

Source:

<http://www.cabinet.gov.pk/cabinet/userfiles1/file/Info%20services/Federal%20Cabinet%20since%201947/fc-1981-85.pdf>

## **Appendix B**

# **Brevity of Tenure Data of Provincial Heads of Police**

**List of IG Sindh Police and their term in office**

				Approximate Total Tenure
1	Khawaja Masroor Hassan	01.07.1970	29.12.1971	5 months
2	Muhammad Yousuf Orakzai	29.12.1971	21.02.1973	2 months
3	Chaudhry Fazal-e-Haque	21.02.1973	27.05.1975	27 months
4	Mian Muhammad Aslam Hayat	27.05.1975	16.03.1977	20 months
5	Habib-ur-Rehman Khan	16.03.1977	30.09.1977	6 months
6	Arbab Hidayatullah	30.09.1977	22.08.1982	13 months
7	Dilshad Najamuddin	01.09.1982	30.10.1983	13 months
8	Bashir Ahmed Khan	01.11.1983	12.08.1984	10 months
9	Syed Saadat Ali Shah	12.08.1984	19.06.1986	22 months
10	Syed Salman Khaliq	19.06.1986	26.07.1987	13 months
11	Muhammad Nawaz Malik	27.07.1987	28.07.1988	12 months
12	Muhammad Abbas Khan	28.07.1988	25.01.1989	6 months
13	Khawar Zaman	25.01.1989	20.02.1990	16 months
14	Syed Saadat Ali Shah	20.02.1990	20.08.1990	6 months
15	Khawar Zaman	20.08.1990	01.12.1990	3 months
16	Mohsin Manzoor	01.12.1990	18.12.1990	17 days
17	G. Moinuddin	18.12.1990	10.02.1992	12 months
18	Kamar Alam	12.03.1993	25.07.1993	4 months
19	Mohsin Manzoor	25.07.1993	25.11.1993	4 months
20	Afzal Ali Shigri	25.11.1993	15.08.1995	19 months
21	Muhammad Saeed Khan	15.08.1995	28.12.1996	14 months
22	Saiyed Mohib Asad	28.12.1996	22.08.1997	8 months
23	Asad Jahangir Khan	22.08.1997	25.11.1997	3 months

24	Aftab Nabi	25.11.1997	30.10.1998	11 months
25	Maqbool Ahmed	30.10.1998	12.10.1999	12 months
26	Asad Ashraf Malik	13.10.1999	28.10.1999	15 days
27	Aftab Nabi	28.10.1999	17.09.2001	11 months
28	Syed Kamal Shah	17.09.2001	09.02.2005	40 months
29	Asad Jahangir Khan	09.02.2005	24.12.2005	10 months
30	Jahangir Mirza	02.01.2006	14.04.2007	16 months
31	Niaz Ahmed Siddiqi	14.04.2007	18.06.2007	2 months
33	Zia-ul-Hassan Khan	18.06.2007	09.01.2008	7 months
34	Azhar Ali Farooqi	09.01.2008	12.04.2008	3 months
35	Muhammad Shoaib Suddle	12.04.2008	30.06.2008	2 months
36	S.S. Babar Khattak	30.06.2008	10.02.2011	19 months
37	Fayyaz Ahmed Leghari	18.02.2011	16.06.2011	4 months
38	Wajid Ali Khan	17.06.2011	20.10.2011	4 months
39	Syed Mushtaq Shah	21.10.2011	07.07.2012	8 months
40	Fayyaz Ahmed Leghari	11.07.2012	08.03.2013	8 months
41	Ghulam Shabbir Shaikh	08.03.2013	23.03.2013	15 days
42	Shahid Nadeem Baloch	22.03.2013	22.02.2014	11 months
43	Sqr. Ldr. Rtd. Iqbal Mahmood	23.04.2014	03.07.2014	2 months
44	Ghulam Hyder Jamali	08.07.2014	12.03.2016	20 months
45	Allah Dino Khowaja	12.03.2016	13.06.2018	27 months
46	Amjad Javed Saleemi	13.06.2018	09.09.2018	3 months
47	Syed Kaleem Imam	12.09.2018	28.02.2020	17 months

### List of IG Punjab Police and their term in office

1	Muhammed Anwer Afridi	xx.4.1970	xx.10 .1972	30 months
2	Sahibzadah Raof Ali	xx.10. 1972	xx.10.1974	25 months
3	Rao Abdur Rashid	xx.10. 1974	xx.04.1976	18 months
4	Atta Hussain	xx.04.1976	xx.03.1977	12 months
5	Ch Fazal-e-Haq	xx.03 1977	xx.07.1977	4 months
6	M.A.R Arif	xx.07.1977	xx.09. 1977	2 months
7	Khawaja Masrur Hussain	xx.09.1977	xx.02.1978	4 months
8	Habib ur Rehman Khan	xx.02.1978	xx.07.1979	17 months
9	Mh Azam Qazi	xx.07 1979	xx.10. 1980	15 months
10	Obaid Ur Rehman Khan	xx.10. 1980	xx.06.1981	8 months
11	Liaq Ahmed Khan	xx. 06.1981	xx.08.1985	26 months
12	Hafiz S. D. Jamy	xx.09.1985	18.08.1987	24 months
13	Nasir Ahmed Cheema	18.08.1987	06.03.1989	19 months
14	Manzoor Ahmad	08.03.1989	20.06.1991	27 months
15	Sardar Mh Chaudhry	xx.06.1991	01.06.1993	24 months
16	G.Asghar Malik	01.06.1993	21.07.1993	1 month
17	Mh Abbas Khan	26.07.1993	08.08.1996	36 months
18	Zulfiqar Ali Qureshi	08.08.1996	26.11.1996	4 months
19	Ch Muhammad Amin	xx.11.1996	18.03.1997	4 months
21	Jehan Zaib Burki	18.03.1997	26.10.1999	31 months
22	Mh Rafique Haider	26.10.1999	12.06.2000	8 months
23	Malik Asif Hayat	12.06.2000	11.12.2002	30 months
24	Syed Masud Sha 1980h	12.12.2002	31.03.2004	15 months
25	Saadat Ullah Khan	01.04.2004	09.06.2005	11 months
26	Zia Ul Hassan Khan	10.06.2005	29.12.2006	24 months
27	Ahmad Nasim	29.12.2006	27.02.2008	14 months
28	Shaukat Javed	17.04.2008	25.02.2009	11 months
29	Kh Khalid Farooq	25.02.2009	01.04.2009	1 month
30	Shaukat Javed	01.04.2009	22.04.2009	21 days
31	Tariq Saleem	27.04.2009	31.12.2010	24 months
32	Javed Iqbal	07.01.2011	17.02.2012	14 months
33	Mh Habib ur Rehman	17.02.2012	01.01.2013	11 months

34	Aftab Sultan	01.04.2013	25.05.2013	25 days
35	Khan Baig	25.05.2013	15.06.2014	13 months
36	Mushataq Ahmad Sukhera	17.06.2014	10.04.2017	34 months
37	Muhammad Usman	10.04.2017	25.07.2017	3 months
38	Arif Nawaz Khan	25.07.2017	13.06.2018	10 months
39	Syed Kaleem Imam	13.06.2018	11.09.2018	2 months
40	Amjad Javed Saleemi	15.10.2018	17.04.2019	6 months
41	Arif Nawaz Khan	17.04.2019	28.11.2019	7 months
42	Shoaib Dastagir	28.11.2019	To date	---

### List of IG KP Police and their term in office

1	Mr. M.M.K Bangash	14.05.1971	07.11.1972	18 months
2	Mr. Saifullah Khan	07.11.1972	12.02.1974	15 months
3	Mian Bashir Ahmed	18.02.1974	19.02.1975	36 months
4	Mr. M.Y.Orakzai	19.02.1975	14.07.1980	65 months
5	Mr. Dil Jan Khan	1980	1983	24
		01.12.1983	02.11.1985	months
6	Mr. Muhammad Abbas Khan	03.11.1985	01.06.1988	31 months
7	Syed Saddat Ali Shah	12.06.1988	29.01.1989	7 months
8	Mr. Muhammad Abbas Khan	29.01.1989	05.09.1990	19 months
9	Syed Masud Shah	05.09.1990	28.07.1993	34 months
10	Mr. Javid Qayum Khan	28.07.1993	26.02.1994	7 months

11	Syed Masud Shah	26.02.1994	10.11.1996	33 months
12	Mr. Muhammad Aziz Khan	10.11.1996	10.03.1997	4 months
13	Syed Kamal Shah	10.03.1997	26.10.1999	25 months
14	Muhammad Saeed Khan	26.10.1999	07.06.2003	43 months
15	Muhammad Raffat Pasha (PSP)	17.06.2003	08.01.2007	42 months
16	Muhammad Sharif Virk	08.01.2007	11.03.2008	13 months
17	Malik Naveed Khan	12.03.2008	30.08.2010	26 months
18	Mr. Fiaz Ahmad Khan Toru	31.08.2010	24.10.2011	16 months
19	Nawabzada M. Akbar Khan Hoti	25.10.2011	16.04.2013	17 months
20	Lt. Cdr (R) Ihsan Ghani	16.04.2013	24.09.2013	5 months
21	Nasir Khan Durrani	25.09.2013	16.03.2017	42 months
22	Muhammad Tahir Khan	14.06.2018	10.09.2018	3 months
23	Salah-ud-Din Khan	31.03.2017	13.06.2018	16 months
		11.09.2018	09.02.2019	
24	Dr. Muhammad Naeem Khan	11.02.2019	02.01.2020	11 months

### List of IG Baluchistan Police and their term in office

1	Ch. Fazal-E-Haq	01 Jul, 1970	17 Jan, 1972	18 months
2	Masroor Hassan	07 Feb, 1972	25 May, 1972	3 months
3	Dilshad Najam-ud-din	05 Jul, 1977	28 Aug, 1982	66 months

4	<b>Syed Saadat Ali Shah</b>	04 Sep, 1982	11 Aug, 1984	22 months
5	<b>Kamar Alam</b>	30 Sep, 1984	03 Feb, 1991	76 months
6	<b>Muhammad Aziz Khan</b>	13 Feb, 1991	05 Aug, 1992	17 months
7	<b>Gohar Zaman</b>	06 Aug, 1992	25 Jul, 1993	11 months
8	<b>Faqir Zia Masoom</b>	25 Jul, 1993	31 Oct, 1995	27 months
9	<b>Javid Qayum Khan</b>	31 Oct, 1995	29 Apr, 1997	28 months
10	<b>Asif Ali Shah</b>	29 Apr, 1997	30 Nov, 1998	19 months
11	<b>Muhammad Habib Khan</b>	30 Nov, 1998	27 Nov, 1999	12 months
12	<b>Abdul Qadir Hayee</b>	28 Nov, 1999	24 Jul, 2000	8 months
13	<b>Syed Kamal Shah</b>	24 July, 2000	16 Sep, 2001	14 months
14	<b>Muhammad Shoaib Suddle</b>	19 Sep, 2001	30 May, 2004	32 months
15	<b>Ch. Muhammad Yaqoob</b>	30 May, 2004	31 Dec, 2006	31 months
16	<b>Tariq Mehmood Khosa</b>	18 Jan, 2007	03 Nov, 2007	10 months
17	<b>Saud Gohar</b>	04 Nov, 2007	09 Aug, 2008	9 months
18	<b>Asif Nawaz</b>	09 Aug, 2008	02 July, 2009	11 months
19	<b>Syed Jawed Ali Shah Bukhari</b>	06 Aug, 2009	13 July, 2010	12 months
20	<b>Malik Muhammad Iqbal</b>	13 July, 2010	06 April, 2011	9 months
21	<b>Rao Amin Hashim</b>	18 May, 2011	10 May, 2012	12 months
22	<b>Tariq Umar Khitab</b>	15 Jun, 2012	23 Feb, 2013	8 months
23	<b>Mushtaq Ahmad Sukhera</b>	25 Feb, 2013	16 Jun, 2014	11 months
24	<b>Muhammad Amlish</b>	17 Jun, 2014	02 Sep, 2015	14 months
25	<b>Ahsan Mehboob</b>	02 Nov, 2015	30 Sep, 2017	22 months
26	<b>Moazzam Jah Ansaari</b>	20 Oct, 2017	12 Jun, 2018	8 months
27	<b>Mohsin Hassan Butt</b>	13 Jun, 2018	To Date	