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FINANCIAL ABUSE: A GENDERED PROBLEM

By Syeda Umm E Habiba¹

Introduction

Financial abuse is one of the most pervasive and underreported forms of family violence, perpetrated by one member of the family against another. It affects a diverse range of individuals from different economic and educational backgrounds.² Financial abuse occurs when a family member takes control of the financial resources of the family, increasing their power and authority relative to the others in the household. The abusive member limits other members' access to family funds³, thereby creating a power relationship where members of the family (the victims) become economically dependent on the abuser. The abuser uses this dependence to manipulate and intimidate the victims into staying in the relationship⁴, which, in addition to being abusive financially, may often also be physically and emotionally abusive.⁵

Financial abuse may manifest itself in various forms, including stealing, misusing or pressurizing a family member with regards to money/property, defrauding them,⁶ concealing information regarding financial resources from them and restricting their access to family funds.⁷ It is also often difficult to detect financial abuse immediately. This is so because financially abusive members of the family often appear to take charge of the family's financial matters to provide support and share household duties with other family

¹ The writer is pursuing her LLB degree from Shaheed Benazir Bhutto Women University. The writer was assisted by Zain-ul-Hassan Siddiqui and Rabia Bokhari from Musawi Pvt. Ltd in review and editing of the article.

² 'Economic Empowerment Strategies for Women', Understanding Financial Abuse & Safety Planning, Battered Women's Support Services, 2019. Available at: <https://www.bwss.org/resources/economic-empowerment-strategies-for-women/understanding-financial-abuse-safety-planning/>

³ 'About Financial Abuse', National Network to End Domestic Violence, 2017. Available at: <https://nnedv.org/content/about-financial-abuse/>

⁴ Ibid

⁵ 'What is financial abuse?', Women and Money, NAB Foundation. Available at: <https://www.womenandmoney.org.au/what-is-financial-abuse/>

⁶ Care Act 2014, available at: http://www.legislation.gov.uk/ukpga/2014/23/pdfs/ukpga_20140023_en.pdf; See also 'What is Financial Abuse?', Abra Millar, Ann Craft Trust, 26 October 2018. Available at: <https://www.anncrafttrust.org/what-is-financial-abuse/>

⁷ Supra Note 3.

members. As such, the victims may willingly give up financial control initially; however, they may find later that, with time, their access to and knowledge of family finances is systematically being reduced and their economic independence compromised.⁸ At this point, however, they become unable to reclaim their control because of the unequal power dynamics of their relationship with the abuser, and therefore, become subject to exploitation by them.⁹

Prevalence:

Financial abuse is most commonly perpetrated by men against their female spouses/partners, and by adult children against the elders in their family.¹⁰ Many women who report being financially exploited by their male partners relay stories of extremely harsh living conditions and little or no economic independence and freedom in their lives. They are forced to rely on their abuser for basic necessities such as food and shelter, and, in the majority of cases, are not allowed to work or earn for themselves.¹¹ They have to abide by their abusive partners' demands to be able to survive, and as such, are completely robbed of their independent agency and liberty. Many women also have no control over their bodies, and are forced into sexual submission in order to meet their living expenses.¹²

For elders, financial abuse is one of the most prevalent forms of family violence. According to a study¹³, an analysis of 24 countries from different regions of the world revealed that, up till June 2015, the prevalence rate for financial abuse of elders was 6.8% worldwide, the second most prevalent form of elder abuse found.¹⁴ It has also been observed that elders

⁸ Ibid

⁹ Supra Note 6.

¹⁰ Supra Note 5.

¹¹ 'Women's experiences of Domestic Violence and Abuse: Financial Abuse', Health Talk. Available at: <http://www.healthtalk.org/peoples-experiences/domestic-violence-abuse/womens-experiences-domestic-violence-and-abuse/financial-abuse>

¹² 'Using money as a weapon is called financial abuse — and it's the ultimate form of manipulative control', Lindsay Dodgson, Business Insider, 28 June 2018.

¹³ Yongjie Yon, Christopher R. Mikton, Zachary D. Gassoumis, Prof Kathleen H. Wilber, *Elder abuse prevalence in community settings: a systematic review and meta-analysis*, (2017).

¹⁴ Ibid.

with dementia or other forms of cognitive impairment are more vulnerable to this form of abuse.¹⁵

Effects of Financial Abuse and Safe Planning

Abuse of such a nature has far reaching consequences for the wellbeing of the victims, including those related to the both physical and mental health. Financial abuse against women can continue even after a woman has left an abusive relationship, through debts that have been wrongfully or forcefully accrued in her name by the abuser¹⁶, or if the abuser attempts to exert control through child maintenance¹⁷. The former is usually caused by taking joint loans, the abuser forging the victims' signature while taking a loan or even using credit cards that are in the victim's name. Actions such as these have lasting impacts on the social inclusion of the victim as well as a general sense of security to live life unencumbered. Therefore, this mental and physical blockade to exercise one's rights freely inevitably leads to depression and insecurity.¹⁸ Moreover, financial abuse operates at the center of this vicious cycle whereby the victims are unable to leave their current way of life due to the inability to sustain themselves financially if they were to escape. This commonly results in survivors, who do manage to escape, to become homeless and seek refuge in unsafe environments.¹⁹

¹⁵ 'Financial exploitation of older adults: a population-based prevalence study', Peterson, Janey C et al., *Journal of General Internal Medicine* Vol. 29,12 (2014): 1615-23. doi:10.1007/s11606-014-2946-2; 'Financial Elder Abuse: The Dark Side Of Aging And Finances', Catherine Schnaubelt, *Forbes*, 5 July 2018.

¹⁶ *Supra* Note 5.

¹⁷ 'What is financial abuse?', Women's Aid. Available at: <https://www.womensaid.org.uk/information-support/what-is-domestic-abuse/financial-abuse/>

¹⁸ 'Unequal trapped and controlled: Women's experiences of financial abuse and the potential implications for Universal Credit', Women's Aid and TUC (2015). Available at: <http://www.womensaid.org.uk/financial-abuse-report>

¹⁹ *Supra* Note 5.

Pakistan and India

In the context of South Asia, the unique cultural aspects of arranged marriages and the deeply engraved patriarchal system has increased the prevalence of economic abuse.²⁰ The pressure to uphold family values and honour results in an isolated state of dependency.²¹ However, the undocumented nature of the abuse has led to a lot of grey area on the matter. Recent studies in the region have shown that a high number of women with dependent children, although with a wide range of occupational backgrounds and living conditions, have reported some form of financial abuse.²² The severity of the issue is evidenced by the fact that the prevalence of financial abuse may be as high as 50% amongst women in abusive relationships, as is in the UK.²³

Both India²⁴ and Pakistan²⁵ have attempted to deal with this issue by enacting legislation criminalizing abuse against women. The Act stipulates the provision of financial aid for victims of abuse and heavy penalties for perpetrators;²⁶ it also provides for housing arrangements to be made for the victim and for any decision to be made keeping in mind the financial resources of the parties.²⁷ Although both of the Acts expressly define economic abuse and categorize it as a form of abuse covered by the Act, but there exist no specific provisions to deal with the nuances of act; they only deals with a variety of abuses collectively and hence, only deal with financial abuse in an indirect manner. This has led

²⁰ 'Narratives of suffering of South Asian immigrant survivors of domestic violence', Kallivayalil D., *Violence Against Women*, 2010; 16:789–811. DOI: 10.1177/1077801210374209

²¹ 'Gender and cultural socialization in Indian immigrant families in the United States', Kallivayalil D., *Feminism & Psychology*, 2004; 14:535–559. DOI: 10.1177/0959353504046871

²² 33 women out of the 84 interviewed reported financial abuse: See Women's narratives of economic abuse and financial strategies in Britain and South Asia, Chowbey, P., *Psychology of Violence*, 7(3), (2017): 459-468.

²³ 'How Pakistani and Indian women confront marital economic abuse', Punita Chwobey, Sheffield Hallam University, 16 June 2017.

²⁴ Protection of Women from Domestic Violence Act 2005 (PWDVA 2005), October 2006.

²⁵ The Punjab Protection Of Women Against Violence Act 2016 (PPAWAVA 2016), (Act XVI of 2016), 29 February 2016.

²⁶ See Section 9 & 20 of the PPWAVA 2016; See also section 20 & 31 of the PWDVA 2005.

²⁷ See Section 5 of the PPWAVA 2016; See Section 19 of the PWDVA 2005.

to outcry amongst the masses of the Act's insufficiency, specifically in Pakistan, with women calling for its amendment.²⁸

Recommendations for Victims

In order to avoid the aforementioned scenarios, it is imperative that the victim take precautions while in an abusive relationship, and in the scenario of attempting to escape, they plan ahead as well as seek help accordingly. The following actions may be taken by the victim depending on the ease and availability of resources:

- It may be helpful to keep copies of all important documents, e.g. ID documents, marriage certificates, bank statements etc, and some extra cash somewhere safe.
- It is advisable to engage a victim service worker or counsellor to effectively transition into the new phase of life.
- The victim may also initiate legal proceedings against the abuser to prevent them from taking other drastic actions against the victim, such as becoming hostile towards them.
- In countries such as Pakistan, Islamic inheritance laws do envisage the provision of maintenance and 'Haq Mehr' – a mandatory payment from the husband to the wife on marriage – to the female on dissolution of marriage. These provisions may be invoked to counter many of the negative potential consequences of leaving an abusive relationship.

²⁸ 'Domestic Violence In Pakistan: Is Legislation Available?', Zaineb Aumir, Courting the Law, 6 January 2016.

WHEN A SAVIOR BECOMES A BLOODSUCKER: POLICE BRUTALITY IN PAKISTAN

By: Rabia Jehanzeb²⁹

"Law enforcement officers are never 'off duty.' They are dedicated public servants who are sworn to protect public safety at any time and place that the peace is threatened. They need all the help that they can get" ³⁰

--Barbara Boxer

INTRODUCTION

We are living in an age of modernism, globalization, liberalism, communism, capitalism, socialism, marxism and mixed ideologies. Where democracy is clamored over autocracy and dictatorship. Where human rights and public opinion is given high moral over aggressiveness and hostilities. For this very reason the vital need for state peace and security rely upon the public and law enforcement agencies. Police demeanor, Police organization and its acts are all vital components on which the structure of the criminal justice system of a country is manufacture.³¹

The world is full of crimes and the criminals are using various methods to fulfill their criminal intent. These criminal activities and crimes are investigated by the Police of our country and such investigation leads them to solve cases and reduce crime. The aim of this research study is to explore the issue of police misconduct in Pakistan and provide the reader with a greater understanding of the issues related to police in Pakistan.

Problems in policing exist across the world however, if you are living in a Pakistan you are likely to see the worse face of police and law enforcement agencies. The lower ranked officers tend to be the worst. In Pakistan the police are one of the most poorly groomed and handled institutions in the country. There are several factors that contribute to the

²⁹ The writer is a student at Shaheed Benazir Bhutto University Peshawar

³⁰ Quote Of The Barbara Boxer

negative image that the police have in Pakistan. Firstly, as a developing country there is a problem in providing appropriate resources to all ranks of the police. Moreover, ongoing corruption in government institutions further exacerbates this problem leading to a demoralized police force, especially the lower ranked officers. Moreover, most of the officers often do not have great educational backgrounds which forces these people to easily get caught up in the system.

The problem with the police in Pakistan is complex. Often, they will target the lower socio-economic class with fake encounters, fake FIRs and unlawful act of custody for the sake of meeting monthly numbers, reporting or simply from following bad information. While all these problems exist, the focus of this paper is to explore the issue of custodial torture or inhumane treatment inflicted by police. Any sort of mistreatment by the police is a severe violation of their own duty (as per the Police Order discussed above) but also a violation of the basic human rights provided by the Constitution of Pakistan. The ruthless act and harsh attitude of a constable with a convicted person inside the police station is referred to as *Thana* culture.³²

Firstly, the higher authorities pay heed to them, the way they deal, the way they create atmosphere and security dilemmas for public, the way they beat a convicted person like an animal, the way they raid over homes and villages, and the way they had created space between rich and poor shall must be reformed through police order and laws. Secondly, their training must include ethics and morality education for public dealing. Thirdly, they should be given limited powers in order to make the society more welfare oriented and those who misuse powers should be brought to justice and severe punishments imposed.³³

³² Policing Custodial Torture and Human Rights: Designing A Policy Framework For Pakistan, Rabia Chaudhry, page 92 (2013); The courts continue to be approached by the general public for registration of First Information Reports even in serious cases. See for example, LHC CJ takes suo moto notice of rape case, Daily Times, 12 May 2009: [http:// www.dailytimes.com.pk/default.asp?page=2009\05\12\story_12-5-2009_pg7_25](http://www.dailytimes.com.pk/default.asp?page=2009\05\12\story_12-5-2009_pg7_25); The Lahore High Court took notice of non-registration of FIR in case of abduction and murder of a girl

ORGANIZATION & FUNCTIONS OF POLICE IN PAKISTAN

To better understand the dynamics of policing it is important to know that conventional policing is the duty of the provinces. The relevant police institution for each province is listed below:

- Khyber Pakhtunkhwa Police for Khyber Pakhtunkhwa province
- Punjab Police for Punjab province
- Sindh Police for Sindh province
- Balochistan Police for Balochistan province

The provincial police unions all over the state are generally arranged in a similar fashion to maintain consistency across the provinces. This is primarily because key procedural and substantive criminal laws (i.e. the Pakistan Penal Code, the Code of Criminal Procedure, and the Qanun-e-Shahadat Order) are equally valid to most part of the country. Thus, the duties and functions of the police remain the same across all provinces. Moreover, the Police Service of Pakistan (PSP), which assigns large number of senior officers to the provincial police organizations, is employed, prepared and supervised by the federal regime. This makes certain that the police management all over Pakistan is based out of the same recruitment and training background.³⁴ It is beneficial to have the police management across the country with a similar backing and training as it provides equal protection across the state. However, in situations like Pakistan's where corruption is cut through the institutions it is difficult to remove the problems of police in any province without changing the system at the federal level as well.

The duties of the police in Pakistan are laid out in Chapter II of the Police Order 2002. Broadly, the duties include protecting life, liberty and property of all citizens, maintaining peace in society, prevent criminals and gather information to stop and investigate crimes

³⁴ (Except in the Federally Administered Tribal Areas (FATA) and the so-called Provincially Administered Tribal Areas (PATA); Article 247 of the Pakistani Constitution provides that no Act of Parliament shall apply to FATA and PATA, unless the President so desires. Gilgit-Baltistan, having no constitutional status, is also dependent on the wishes of the federal government.)

properly.³⁵ Under the Penal Code the police in Pakistan has the power to arrest people, detain them and prevent criminals from crimes and safeguard good order. However, the Police Rules in writing also provide for restrictions on these powers granted to the police such that using the powers out of context can result in penalties for the police.³⁶

The obligations of the police are laid down in the Police Act 1861:

1. Perform and follow all warrants and orders legally that are promulgated by lawful authority;
2. Ensuring criminals are brought to justice;
3. Arrest the people who are suspected for committing crimes;
4. To stop public nuisance and crimes.

The obligations and responsibilities of a police are widely discussed in the Police Order, 2002 as well:³⁷

1. To defend and save the lives of people.
2. To preserve peace.
3. Preserve the rights, freedom and immunity of the public.
4. To prevent crimes.
5. To help the public when needed.
6. To maintain order in the country.
7. Control the traffic from destruction.
8. Bring lawbreakers to justice.
9. Obey the laws.
10. Arrest the criminals and bring them before the court of law.
11. Preclude molestation of women.
12. Enter places where illegal activities are taking place, for example: gambling, drinking and selling of drugs, narcotics and illegal weapons.
13. Take charge upon the unidentified property.

³⁵ Article 4, Chapter II, Police Order 2002 http://npb.gov.pk/wp-content/uploads/2014/08/police_order_2002.pdf

³⁶ Article 156, Police Order 2002, http://npb.gov.pk/wp-content/uploads/2014/08/police_order_2002.pdf

14. Prevent child labor.
15. Assist the poor people in seeking justice.
16. Always be on duty.
17. Show loyalty and patriotism towards their country.
18. Do not join another office.³⁸

UNDERSTANDING WHY POLICE MISCONDUCT TAKES PLACE?

Police harassment and brutality are two common consequences in many developing and developed countries across the world. These two consequences cannot be blamed on simply the provision of power but are in fact the result of no review or check on the powers provided to the police. This is strengthened by research conducted by **Prenzler et al. (2013)** as it shows that enforcing discipline and accountability in police can lead to eliminating or at least controlling police violence.³⁹ Before moving forward it is important to understand that police brutality does not need to be physical in nature, it can be both emotional and sexual as well. For example, **Thompson (2004)** describe Police cruelty as an officer using extreme powers during communication with the citizens. The cruelty has two kinds: physical and non-physical. In physical abuse, they beat and torture the people physically and in non-physical abuse they torture them with foul language.⁴⁰

Often police misconduct is equated with simply police harassment or brutality. However, there are various types of police misconduct. For example, threats, pressurized fake confessions and admissions, erroneous arrest, wrong imprisonment, police torture, cultural profiling, fabrication of evidence, testimony and witnesses, tampering, misuse of evidence, police false swearing, police cruelty, police fraud, police corruption, misuse of powers, unwarranted searches, unwarranted inspection, and unwarranted apprehension of property. Moreover, even things that appear okay can fall into police misconduct, such as:

³⁸ Article 44(1)(a) of the Police Order, 2002.

⁴⁰ Thompson, B. & Lee, J 2004, Who Cares If Police Become Violent? Explaining Approval of Police Use of Force Using a National Sample. *Sociological Inquiry*, Vol. 74(3), pp. 381 – 410.

favoritism,⁴¹ misdemeanor at vacation⁴², using drugs and alcohol on the job and using other identities for entry into different places to get concession.

As mentioned in the introduction the police in Pakistan abuses power because of many factors: lack of education, class rank, age, vulnerability, etc. Academic support exists to validate the factors mentioned above, for example, **Herzog (2002)** conducted a study on the Israeli police which showed that a large number of complaints are reported particularly against police officers of the middle or low rank who perform investigative and operational functions.⁴³ Moreover, **Cohen and Chaiken (1972)** concluded that violent behavior is mostly exhibited by aged police officers than the young.⁴⁴ This may be because younger police officers may have the opportunity to be trained to not carry out police brutality and may be easier to transform than officers who have served for many years and believe what we call brutality is mere interrogation. Others have argued that this brutality is a result of certain rules and dogmatic expectations that allow officers to justify indulging in such actions.⁴⁵⁴⁶ (**Skolnick, 1966; Stark, 1972; Westley, (1970)** Similarly, **Minaar and Mistry (2006)** concluded in their study that the use of extreme power by the police is frequently associated with stress. He also declared that stress management and counseling have a crucial role in the welfare of a person.⁴⁷ There are also other comments such as the rotten apple theory as presented by **Lersch et al. (2005)**. The rotten apple theory is based on the idea that only a few police officers are involved in wrongdoings and bad behaviors due to which the entire unit of police is measured to be bad. These statements are often used by senior police officers to defend their own misconduct.⁴⁸

⁴¹ *Stinson, Philip Matthew; Liederbach, John; Brewer, Steven L.; Mathna, Brooke E. (2014-04-21). "Police Sexual Misconduct A National Scale Study of Arrested Officers". Criminal Justice Policy Review. 26 (7): 665–690. CiteSeerX 10.1.1.671.6143. doi:10.1177/0887403414526231. ISSN 0887-4034.*

⁴² Martinelli TJ. (2007). Minimizing Risk by Defining Off-Duty Police Misconduct Archived 12 December 2013 at the Wayback Machine. *The Police Chief*.

⁴⁷ Minaar, A, Mistry, D 2006, Dealing with the use of force and stress related violence by members of the police: some observation from selected case studies in Gauteng province, South Africa. *Acta criminologica*, 19(3): 29-63.

EXAMPLES OF POLICE BRUTALITY AND TORTURE IN PAKISTAN

Torture, brutality and police have a compound connection. Physical torture can be easily defined and detected but the mental and emotional mistreatment and indistinct bodily trauma are hard to find and ascertain.⁴⁹ In Pakistan, police torture generally takes place in three diverse circumstances; foremost, during the questioning and examination at the jail and police station; secondly, to further the aims of political parties, their agendas and leadership; thirdly, when provincial and federal intelligence agencies are involved in abductions under the pretext of assuring state protection.

While the Constitution of Pakistan does not directly address torture, it can easily be interpreted as a part of the Right to Life and Right to Dignity guaranteed to all citizens of Pakistan. Moreover, it is clear that coerced evidence or confessions are not to be used under Pakistani law. However, it is important to understand that these rights are merely present on paper and have very little value in practice. It is well-known that torture or cruel treatment are used as interrogative tools for collection of evidence which is the main flaw of the justice system of Pakistan.⁵⁰

Over the past years, a large number of innocent people have been convicted wrongly, jailed, and even lost their life after a forced confession during examining or questioning.⁵¹ There are three basic kinds of fake confessions: an intentional fake confession without the pressure of the police; confession under the pressure of someone or especially by the police during interrogation; and a confession in the doubt of weak memory.⁵² These kinds of fake confession include various levels of the police force and mental influences regarding the probability of one's blame.⁵³

⁵⁰ Interview with Chaudhry Shafique, Parliamentarian's Commission, conducted on 7 May 2012 in Islamabad.

⁵² See Richard Ofshe & Richard A. Leo, *The Social Psychology of Police Interrogation: The Theory and Classification of True and False Confessions*, 16 *STUD. L., POL. & SOC'Y* 189, 207–08 (1997) [hereinafter Ofshe & Leo, *Social Psychology of Police Interrogations*].

⁵³ See Saul Kassin, Christine Goldstein & Kenneth Savitsky, *Behavioral Confirmation in the Interrogation Room: On the Dangers of Presuming Guilt*, 27 *L. & HUM. BEHAV.* 187, 198 (2003); Carole Hill et al., *The Role of Confirmation Bias in Suspect Interviews: A systematic Evaluation*, 13 *LEGAL & CRIMINOLOGICAL PSYCHOL.*, 357 (2008); Fadia Narchet, Christian Meissner & Melissa Russano,

Some examples of torture and police brutality in Pakistan can be seen through the following incidents:

*HURIYA AND HER HUSBAND*⁵⁴

In Faisalabad, Huriya and her husband were attacked by the police in their home on a suspicion of theft. While the very fact that a police force attacked civilians with no probable cause is extremely problematic. The situation was made worse by the fact that Huriya was pregnant at that time and police kept beating her even though she told them about her pregnancy. As a result of this incident, Huriya lost her baby and there has been no accountability for this incident since.⁵⁵

Moreover, fake encounter by the armed forces or by the police are common in Pakistan since the 20th century. The Sindh Police is infamous for encounter killing particularly in Karachi.⁵⁶ According to the Human Rights Commission of Pakistan (HRCP), a sum of 3,345 people, included 23 women and 12 minors were executed in Pakistan from 1st January, 2014 to 11th May, 2018. Majority of police encounter cases happen in Punjab (1,036), followed by Sindh (944), while the largest number of killings by the police take place in Sindh (1,592), followed by Punjab (1,556). Fewer encounter killing cases were exhibited in Balochistan (57 in 34 cases) and Khyber Pakhtunkhwa (71 in 54 cases).⁵⁷⁵⁸ While examples exist of cases⁵⁹ where these issues have been highlighted this discussion

Modeling the Influence of Investigator Bias on the Elicitation of True and False Confessions, 35 L. & HUM. BEHAV. 452, 452 (2011).

⁵⁴ <https://www.dawn.com/news/1429026>

⁵⁶ *"Rao Anwar and the killing fields of Karachi"*. DAWN. February 16, 2018. Retrieved December 26, 2018.

⁵⁷ http://www.nhrcnepal.org/nhrc_new/doc/newsletter/Intl_Conference_Book_June_2018.pdf

⁵⁹ *Naqeebullah Mehsud Case* - <https://www.dawn.com/news/1459522>

goes outside the ambit of this article and so this information is only provided to explain the extent of police misconduct but it is not necessary to explore fake encounters in detail for the purpose of this article.

*KANIZAN'S BIBI CASE*⁶⁰

Sher Muhammad, the father of Kanizan Bibi appealed to the President for his daughter's false conviction. Kanizan was a young girl who was forced by poverty to work for a family in her village. The family she worked for was murdered because of a property dispute and the blame was brought to Kanizan's house. She was 16 years old when she was taken and her FIR noted that she was 25 years old. Moreover, she was brutally beat up, allegedly electrocuted and much more to coerce her to sign a confession claiming responsibility for the murder of the mother and children. These common occurrences in the police system lead to the destruction of many lives and families, just like Kanizan's. Her case is an example of a girl with both clear evidence of police brutality and no evidence for trial, yet she spent over 29 years in prison waiting to be killed. In 2018, she was moved to a mental health facility however no action has taken place against the involved police officers.⁶¹

Another example of police brutality can be seen in the war on drugs. The Public Rights period leading into the War on drugs indicates a decisive period of time of strain between minority communities and police, and points towards crucial shifts of raised contact with and suppression by police with respect to Latinos and Blacks. Alexander (2012) noted that "as the civil rights movement began to boil in the 1950's and civil rights activists and leaders launched boycotts, marches, and sit-ins protesting the Jim Crow system, they were met with fire hoses, police dogs, bombings, and beatings by white mobs, as well as police officers" (p. 37). The insurrection resulted in a radical increase in violent and abusive practices by police and a dramatic increase in the confinement of human of color. Amid autumn 1961 and the spring of 1963, twenty thousand children, men, and women had been detained (Alexander, 2012). In 1963 alone, another 15,000 were put in prison (Alexander, 2012). In a time when the minorities were claiming equal racial justice and rights, the

⁶⁰ <https://www.dawn.com/news/1400952>

⁶¹ <https://www.dawn.com/news/1400952>

administration began to recognize the social rights insurrection as hazardous to law and order; the media and political actors began describing the riots, protests, and direct actions as wrong that had to be restricted. The Civil Rights period carried a fresh shift to the shape of suppression that societies of color would face at the hands of law officers. Throughout this era, activists disagreed that the uprisings were associated with the extensive police harassment and cruelty that the black community was suffering. President Ronald Reagan formally proclaimed the War on Drugs as an important issue at a period when below 2% of Americans observed drugs as the most significant issue suffering the state (Alexander, 2012). During this period of vast social rising, literature proposed a withdrawing connection between the police and minority groups, and politicians made an effort to restrain any resistance that was thrilling up amongst Latinos and blacks alike. Latinos and blacks were met by hard work led to criminality and build up a harmful image of them to the public. Not only were both the groups under constant attack by the police, but effort was made to suppress them with hostility, scrutiny, and killing of racial individuality which may have long-term effects on people and societies.⁶²

POLICE CORRUPTION

As mentioned earlier corruption is rampant in Pakistan nowadays,⁶³ mainly in the administrative and minor ranks of the police.⁶⁴ In addition, the people have some good expectations by the police to keep the rule of law and order,⁶⁵ but the people of Pakistan suffer from inequality before the law and before the police because of corruption, extortion and bribery, especially when they communicate with police officers.⁶⁷ The people have lost

⁶²Ortiz, Manuel A., "'Stop resisting!' : an exploratory study of police brutality and its impacts on Black and Latino males, their communities, mental health and healing" (2016). Theses, Dissertations, and Projects. 1745.
<https://scholarworks.smith.edu/theses/1745>.

⁶⁶Marenin, O., and Das, D. K. (eds) (2000). *Challenges of Policing Democracies: A World Perspective*. Routledge.

⁶⁷ Muhammad, F. and Conway, P. (2005). 'Political Culture, Hegemony, and Inequality Before the Law: Law Enforcement in Pakistan', *Policing: An International Journal of Police Strategies & Management*, 28: 631–41.

trust in the police because of the corruption and involvement of police in several fake FIRs, convictions, etc. The police is an institution that is meant to trigger the justice system but in Pakistan it has become another part of the many barriers to access justice.⁶⁸ This is an unfortunate reality considering the role of the police is to provide public peace and safety at large.

While there are real problems with police brutality and misconduct in Pakistan, some instances of change are also important to note. Recently, five traffic police officers were suspended by the Sindh Inspector General of Police on allegations of corruption. The inquiry is to be conducted by the International Accountability Branch (IAB).⁶⁹ Most recent news on this issue shows that the IAB held these five police officers responsible for the alleged abuse and corruption. While this is one example, it is important to appreciate that there may be a shift in the blatant police misconduct if strong penalties are imposed on police officers who are part of misconduct. One of the best ways to counter brutality and misconduct is to impose penalties and hold officers accountable for their actions like all other citizens of the country. This can also help restore trust in the justice system and the police institution as a whole.

Moreover, some individuals have opted to take a stand against the police in informal ways. For example, groups and individuals are now filming police in an attempt to compel them to become answerable and responsible for their actions and activities. This can create some public pressure on police officers to act appropriately and not harass or otherwise harm peaceful citizens. The influence of social media has also played a pivotal role in ousting the misconduct of police in Pakistan. While it was no secret that police misconduct took place there is much more strength in this argument with the backing of social media. The increased usage of mobile devices and the internet allow citizens to continuously be

⁶⁸ Kemal, A. R. (2003). 'Institutional Change, Growth, and Poverty Levels in Pakistan', *The Pakistan Development Review*, 42: 299–311.

⁶⁹ <https://www.pakistantoday.com.pk/2018/08/12/igp-suspends-five-traffic-police-officers-over-alleged-corruption/>

connected with each other. This has allowed various live examples of police misconduct to get the attention that would not have been possible before the rise of social media.⁷⁰

Lastly, death in custody remains a large problem in Pakistan as well. Custodial deaths are common in the Pakistani system and are a result of the torture by the police.⁷¹

IMPACT OF POLICE HARASSMENT ON SOCIETY

As discussed earlier, police harassment and other forms of misconduct can deeply impact society. Listed below are some of the impacts on the Pakistani society:

1. Violation of civil rights:

It is the right of every citizen to be free and to protect himself against unlawful acts of the law enforcing agencies but if the police behave contrary to this, it will definitely amount to harassment and it will be termed as police harassment when the rights of common people will be violated by the police.

2. Violation of law and departmental law:

It is the duty of each and every police officer and constable to follow and to act according to the rule of law but the police servants due to the lack of proper education and often lack of credentials are completely unaware of the law and therefore, violate the law, which has a bad impact on society.

3. Rule of law will become weak:

As the people of our society are mostly illiterate, if the commission of harassment by the police and law enforcing agencies becomes a common phenomenon, they will violate the law again and again, and therefore, the rule of law will become feeble.

⁷⁰ For example, the Jibran Nasir police incident.

⁷¹ <https://dailytimes.com.pk/166973/police-brutality-needs-end/>

TIME TO REFORM THE POLICE

In light of the examples above it is essential to introduce genuine police reforms with a view of strengthening police, properly equipping them and training them so that they can effectively perform their duties efficiently and effectively. In Pakistan, police reforms had been undertaken at federal and provincial level in the past but were never implemented in letter and spirit. For example, during the Musharraf era, three retired military officers were hired to organize recruitment of 25000 police on merit. While this was a great initiative it did not provide any benefit as there was pressure from members of the Punjab Assembly to make appointments on their recommendations and not based on merit. The police officers resigned as a result of the pressure and based on their refusal to appoint the recommended candidates.⁷²

For decades, the police have been used as an instrument of power instead of an efficient public service. Police law, in fact, remained a federal concern and law enforcement, a provincial domain. After independence, from 1951 to 2000 more than a dozen commissions and committees were formed by various governments to reform the police but nothing concrete came out of them. However, after the implementation of Police Order (PO) 2002, practical steps were taken to improve the forces, but within a couple years the enthusiasm died down. After end of Musharraf era and installation of democratic government, those reforms were scrapped. Therefore, there is a need to address the issues of ineffective command and control, inefficiency, corruption, poor public dealing, trust deficit, arbitrary use of power, misuse of authority and political interference, which indeed is a tall order.

Addressing these concerns requires diagnostic approaches coupled with the establishment of public safety apparatus and independent complaint authorities. Though PO 2002 ensured the tenure for senior police officers, public welfare and safety were compromised due to vested interests. Central Intelligence Agency (CID) was once part of the police; and the police cadres including special police used to have complete information about the criminals in the area. Anyhow, there is need to depoliticize the police, equip them and train

⁷² (<http://jworldtimes.com/jwt2015/magazine-archives/jwtmag2019/march2019/police-reforms-in-pakistan/>)

them properly to increase their effectiveness. Recently, for the first time ever, KP opted for its own police law. Nevertheless, the question arises that in the presence of a provincial legislature, why was police law promulgated through an ordinance? To convert it into a true democratic law, it is imperative that the provincial legislature has debate and transform it into an "Act".⁷³

RECOMMENDATION

In Pakistan the common people are unaware about the law so it will be better to inform each and every citizen about the rule of law and the supremacy of law. Police is the key department of law enforcement, but unfortunately, police constables and even officers are illiterate and hardly metric or intermediate passed, which will result in professional misconduct and harassment. Therefore, it will be better to appoint competent people in law enforcing agencies, especially in the police department.

The government must also take serious steps in order to make the people and police servants aware about the importance of law. In my opinion if the police strictly implement the law, then definitely the whole department, even common people will completely follow the rule of law, and the police harassment could be controlled.

Common people and non-government organizations must commence seminars in different departments about the importance of rule of law in order to prevent the police harassment so we will get better result.

CONCLUSION

The loopholes in the justice system, particularly because of the misconduct of the police are clear. The misconduct by the police is on the higher side in Pakistan as it is considered to be an easier way of getting rid of investigation. In several of the cases of death in custody allegedly due to torture, the police said that the detained person committed suicide or that the victim died of natural causes. The police in Pakistan has a pattern of carrying out

⁷³ <https://www.dawn.com/news/1410471>

unlawful action through harassment, coercion and falsifying FIRs against individuals. It is unfortunate that those empowered to protect society are actually causing harm to the society.

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