

EXTRAORDINARY

REGISTERED NO. P.III

GOVERNMENT

G A Z E T T E



KHYBER PAKHTUNKHWA

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**GOVERNMENT OF THE KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS AND HUMAN RIGHTS DEPARTMENT**

NOTIFICATION

Dated Peshawar, the 1st August, 2016.

No. LEGIS: 1(5)2004.—The following Ordinance by the Governor of the Khyber Pakhtunkhwa is hereby published for general information:

THE KHYBER PAKHTUNKHWA POLICE ORDINANCE, 2016.

(KHYBER PAKHTUNKHWA ORD. NO. XI OF 2016)

AN ORDINANCE

*to reconstruct and regulate the Police
in the Province of the Khyber Pakhtunkhwa*

WHEREAS in pursuance of the Constitution of the Islamic Republic of Pakistan and the laws in force in the Province of the Khyber Pakhtunkhwa, the Police has an obligation to perform its duties and functions in an efficient manner for prevention and detection of crime and maintenance of public order;

AND WHEREAS it is expedient to make the police apolitical and accountable to the people through democratic institutions and civilian oversight bodies;

AND WHEREAS in order to maintain effective internal discipline, achieve high performance standards and ensure across the board service delivery, it is expedient to give operational, administrative and financial autonomy to Police;

AND WHEREAS it is expedient to reconstruct and regulate the Police in order to be responsible, service oriented and responsive to effectively uphold and enforce laws, maintain public order, protect the lives, properties and honour of the people, without any discrimination through modern proactive policing and community participation;

AND WHEREAS the Provincial Assembly is not in session and the Governor of the Province of the Khyber Pakhtunkhwa is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred under clause (1) of Article 128 of the Constitution of the Islamic Republic of Pakistan, the Governor of the Province of the Khyber Pakhtunkhwa is pleased to make and promulgate the following Ordinance:

**CHAPTER-I
PRELIMINARY**

1. Short title, extent and commencement.---(1) This Ordinance may be called the Khyber Pakhtunkhwa Police Ordinance, 2016.

(2) It extends to the whole of the Province of the Khyber Pakhtunkhwa.

(3) It shall come into force at once.

2. Definitions.---(1) In this Ordinance, unless the context otherwise requires,-

(a) 'Administration' includes management of administrative, operational and financial functions;

(b) 'Capital City Police Officer' means the head of police of the Capital City District, who is posted under section 20;

(c) 'Capital City District' means City District of Peshawar;

(d) 'Code' means the Code of Criminal Procedure, 1898 (Act V of 1898);

(e) 'cognizance' means taking notice by an authority legally empowered to take action on its decision regarding a matter relating to police excess for remedial and corrective measures under this Ordinance;

(f) 'Commission' means the Provincial Public Safety Commission, Capital City District Public Safety Commission and District Public Safety Commission, as the case may be;

(g) "direct" means a written order or instruction to a Police Officer issued by an authority empowered to direct under this Ordinance and such directing authority shall be deemed to be an officer authorized under sub-section (2) of section 137 of this Ordinance;

- (h) "District" means a revenue estate notified under Khyber Pakhtunkhwa Land revenue Act, 1967;
- (i) "District Police Officer" means the head of police of a district posted under section 20;
- (j) "ex-officio Secretary" means Provincial Police Officer, who shall exercise administrative and financial powers of the Secretary to 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 Home and Tribal Affairs Department of the Government;
- (k) "exigency of service", in relation to posting and transfer, means an urgent or unforeseen situation which, for the reasons to be recorded in writing, requires premature transfer of a Police Officer for performance of specific tasks or duties but not as a replacement for what should be rightly treated as an efficiency and discipline matter;
- (l) "Government" means the Government of the Khyber Pakhtunkhwa;
- (m) "Head of District Police" means a District Police Officer or a Capital City Police Officer, as the case may be;
- (n) "Head of Unit" means a police officer not below the rank of Superintendent of Police or any other officer heading a self contained administrative unit with operational and financial autonomy;
- (o) "junior ranks" means members of the Police as provided in section 7 of this Ordinance;
- (p) "person" includes community, a company, or corporation;
- (q) "Place" includes-
 - (a) any building, tent, booth or other structure, whether permanent or temporary; and
 - (b) any area, whether enclosed or open.

- (r) 'place of public amusement' means any place where music, singing, dancing or game or any other amusement, diversion, or recreation or the means of carrying on the same is provided etc., to which the public are admitted either on payment of money or with the intention that money may be collected from those admitted;
- (s) 'place of public entertainment' means any place of boarding and lodging to which public are admitted by any person owning, or having any interest in, or managing, such place;
- (t) 'Police Officer' means a member of the police, who is subject to this Ordinance;
- (u) 'Police or Police Establishment' means the police referred to in section 6 of this Ordinance and includes:-
 - (a) all persons appointed as special police officers or additional police officers under this Ordinance; and
 - (b) all other employees of the police.
- (v) 'Province' means the Province of the Khyber Pakhtunkhwa;
- (w) 'Provincial Police Officer' means the head of the Police for the Province posted under section 14 of this Ordinance;
- (x) 'prescribed' means prescribed by rules made under this Ordinance;
- (y) 'property' means any moveable property, money or valuable security;
- (z) 'public place' means any place to which the public may have access;
- (aa) 'Regional Police Officer' means Head of the police of a region;
- (bb) 'rules' means rules made under this Ordinance;
- (cc) 'Schedule' means a schedule to this Ordinance;

- (dd) 'senior ranks' means members of the Police as provided in section 7 of this Ordinance;
- (ee) 'Station House Officer' means the officer incharge of a police station;
- (ff) 'Street' includes any highway, bridge, way, causeway, arch, road, lane, footway, square, alley or passage, whether or not it is a thoroughfare and to which the public have access, whether permanently or temporarily;
- (gg) 'Sub-Divisional Police Officer' means a police officer not below the rank of Assistant Superintendent of Police or Deputy Superintendent of Police, supervising one or more police stations;
- (hh) 'Superintendence' means supervision of Police by the Government through policy, oversight and guidance. It shall be exercised by the Chief Minister through the Chief Secretary and Home and Tribal Affairs Department while ensuring total autonomy of the Provincial Police Officer in operational, administrative and financial matters; and
- (ii) 'Vehicle' includes any conveyance of any description mechanically propelled or otherwise.

(2) All references in respect of District Superintendent of Police in any law in force shall mean Head of District Police.

CHAPTER-II RESPONSIBILITIES AND DUTIES OF POLICE

3. Attitude and responsibilities of police towards the public.---It shall be the responsibility of every police officer to-

- (a) behave with the members of the public with due decorum and courtesy;
- (b) promote amity in the society;
- (c) guide and assist members of the public particularly the poor, disabled or physically weak and children who are either lost or find themselves helpless on the streets or other public places;

- (d) aid individuals who are in danger of physical harm particularly women and children; and
- (e) protect life and property of minorities and their places of worship.

4. Duties of police.---(1) Subject to law, it shall be the duty of every police officer to-

- (a) protect life, property, honour and liberty of citizens;
- (b) maintain public order and security;
- (c) preserve and promote public peace;
- (d) counter militancy and terrorism;
- (e) ensure that the rights and privileges, under the law, of a person taken in custody, are protected;
- (f) prevent the commission of offences and public nuisance;
- (g) collect and communicate intelligence affecting public peace and crime in general;
- (h) keep order and prevent obstruction on public roads and in the public streets and thoroughfares, at fairs and all other places of public resort and in the neighborhood of and at the vulnerable and sensitive places including places of public worship;
- (i) regulate and control traffic on public roads and streets;
- (j) take charge of all unclaimed property and to prepare its inventory;
- (k) provide information in the prescribed manner regarding unclaimed property, to prevent the abuse of such property;
- (l) detect, investigate and bring offenders to justice;
- (m) apprehend all persons whom he is legally authorized to apprehend and for whose apprehension, sufficient grounds exist;

- (n) ensure that the information about the arrest of a person is promptly communicated to a person of his choice;
 - (o) enter and inspect without a warrant on reliable information any public place, shop or gaming-house where alcoholic drinks or narcotics are sold or weapons are illegally stored and other public places of resort of loose and disorderly characters;
 - (p) obey and promptly execute all lawful orders;
 - (q) perform other duties and exercise powers as are conferred by this Ordinance, the Code or any other law for the time being in force;
 - (r) aid and co-operate with other agencies for the prevention of destruction of public property by violence, fire, or natural calamities;
 - (s) assist in preventing members of public from exploitation by any person or organized groups;
 - (t) take charge of lunatics at large to prevent them from causing harm to themselves or other members of the public and their property;
 - (u) prevent harassment of women and children in public places;
 - (v) take action against vagrants for security purposes and to confiscate anything found from them in favour of Government; and
 - (w) create public awareness regarding their lawful rights and duties and educate the public regarding their safety and security.
- (2) Police officer shall make every effort to-
- (a) afford relief to people in distress situations, particularly in respect of women and children;
 - (b) provide assistance to victims of road accidents;
 - (c) assist accident victims or their heirs or their dependents, where applicable, with such information and documents as would facilitate their compensation claims; and

(d) cause awareness amongst public regarding traffic laws and inform the victims of road accidents of their rights and privileges.

(3) It shall be the duty of a police officer to lay information before a competent court and to apply for a summons, warrant, search warrant or such other legal process as may, by law, be issued against any person suspected of committing an offence.

(4) Every police officer while on police duty shall have all the powers and privileges of a police officer, under any law for the time being in force and be liable to serve at any time in any branch, division, bureau and section.

5. Emergency duties of police with regard to essential services.---(1) Government may, in an emergency, by notification in the official Gazette, declare any specified service to be an essential service to the community.

(2) Upon a declaration being made under sub-section (1) and so long as it remains in force, it shall be the duty of every police officer to obey any lawful order given by a senior police officer in relation to the declaration.

CHAPTER-III CONSTITUTION AND ORGANIZATION OF THE POLICE

6. Police Establishment for the Province.---(1) Government shall maintain a Police Establishment for the Province.

(2) The Headquarter of the Police at Peshawar shall be known as Central Police Office to be headed by the Provincial Police Officer, which shall comprise of Establishment Branch, Administration Branch, Operation Branch, Investigation Branch, Finance and Procurement Branch, Internal Accountability Branch, Welfare Branch, Legal Branch, Public Relations Section, Information Technology Branch, Public Complaint Section, Infrastructure Development Branch and Training Branch:

Provided that the Provincial Police Officer, within existing resources may constitute any other Branch, Bureau, Section, Unit at the provincial headquarters as deemed appropriate.

7. Constitution of the Police Establishment.---(1) The Police Establishment shall consist of senior and junior rank police officers and officials and other employees and shall have such organization as Government in consultation with the Provincial Police Officer may from time to time determine.

(2) The following shall be the senior and junior ranks in the police Establishment:

Senior Police Ranks

- (a) Provincial Police Officer
- (b) Additional Inspector General of Police
- (c) Deputy Inspector General of Police
- (d) Assistant Inspector General of Police/Senior Superintendent of Police
- (e) Superintendent of Police
- (f) Assistant Superintendent of Police/Deputy Superintendent of Police

Junior Police Ranks

- (a) Inspector of Police
- (b) Sub-Inspector of Police
- (c) Assistant Sub-Inspector of Police
- (d) Police Head Constable
- (e) Police Constable

(3) The recruitment in police other than ministerial and specialist cadre shall be in the rank of Constable, Assistant Sub-Inspector and Assistant Superintendent of Police.

(4) Subject to rules, Head of District Police shall be the Appointing Authority for junior ranks.

8. Superintendence of the Police.—(1) The overall power of superintendence of Police shall vest in Government, which shall be exercised in such a manner to ensure that Police shall perform its duties efficiently and strictly in accordance with law.

(2) Government may, subject to availability of resources, provide sufficient human resources to the Police to ensure that working hours of the Police personnel are in conformity with the laws regulating working hours in Pakistan.

9. Police Policy Board.—(1) There shall be a Police Policy Board headed by Provincial Police Officer and consisting of at least eight senior police officers not below the rank of Deputy Inspector General and any co-opted members as the Provincial Police Officer may deem appropriate for formulating strategies to ensure efficient and transparent administration and public service delivery.

(2) The Police Policy Board shall give input and advice on major issues relating to the Police referred to it by Provincial Police Officer.

10. Administration of the Police.—Administration of Police in the Province shall vest in the Provincial Police Officer, who shall exercise such powers and perform such functions and duties and shall have such responsibilities as may be provided by or under this Ordinance and any other law for the time being in force.

11. Administration of Police in a district and Unit.—(1) Subject to this Ordinance, the administration of Police in a Capital City District, shall vest in Capital City Police Officer and in a District shall vest in the District Police Officer.

(2) The Capital City Police Officer or District Police Officer may delegate any of his powers and functions conferred on him to a Superintendent of Police, Assistant or Deputy Superintendent of Police.

(3) The administration of police in a Unit shall vest in the Head of Unit.

12. Police Establishment to be organized on functional basis.—(1) The Police Establishment constituted under section 7 of this Ordinance shall, as far as practicable, be organized on functional or territorial basis into branches, divisions, bureaus and sections.

(2) The branches, divisions, bureaus and sections referred to in sub-section (1) may include but not limited to, Investigation, Intelligence, Operation, Watch and Ward, Reserve Police, Training and Development, Human Resource Management, Traffic Planning and Management, Information Technology, Transport, Bomb Disposal Unit, Canine, Mounted Police, Research and Development, Estate Management, Telecommunication, Criminal Record Office and Forensic Science Laboratory and shall be headed by such police officers as the Provincial Police Officer may determine.

(3) Notwithstanding anything contained in sub-section (2), for effective performance of functions under this Ordinance, the Police shall have-

- (i) a Counter Terrorism Department to be headed by a police officer of the rank of Additional Inspector General and shall have such staff as the Provincial Police Officer may determine for collection of intelligence, surveillance and monitoring, and to conduct operations. The Counter Terrorism Department shall have its offices in regions, districts and sub-divisions with notified police stations and detention centers in order to investigate all such cases relating to terrorism as notified by the Provincial Police Officer.

- (ii) Special Branch to be headed by a police officer of the rank of Additional Inspector General with such staff at headquarter, regional, district and sub-divisional level as the Provincial Police Officer may determine to keep abreast the Provincial Police Officer and the offices and establishments of Government as approved by the Provincial Police Officer about activities that have likely affect and impact on crime and public order and to perform functions as given in the Blue Book and any other duties assigned by the Provincial Police Officer:

Explanation: Blue book means the document notified by the Federal Government for the protection and security of important persons.

- (iii) an Elite Force to be headed by a police officer of the rank of Additional Inspector General and shall have specialized units at headquarter, regional and district level to respond to serious situations of law and order, and terrorism;
- (iv) a Public Relations Section to be headed by a police officer not below BS 19 and assisted by information officers under the direct control of Provincial Police Officer to respond to electronic and print media on Police issues, create awareness, education and improve police image in the public and shall have its regional offices to be headed by an Officer not below BS 17:
- (v) Finance and Procurement Branch to be headed by a police officer not below the rank of Deputy Inspector General and comprising of Finance, Procurement, Logistics and Audit units each headed by an officer not below the rank of Assistant Inspector General to assist the Provincial Police Officer on issues relating to finance, procurement, logistics and audit;
- (vi) Internal Accountability Branch to be headed by a police officer of the rank of Additional Inspector General assisted by such police officers as determined by the Provincial Police Officer for the purpose of internal accountability of Police and comprising of Human Rights Vigilance Wing and Complaint and Enquiry Wing each headed by an officer not below the rank of Assistant Inspector General;
- (vii) a Legal Affairs Branch at Central Police Office to be headed by a police officer not below the rank of BS 19 with such staff at

headquarter, regional, district and sub-divisional level as the Provincial Police Officer may determine to assist the police on matters relating to investigations and legal affairs; provided that it shall be a separate and specialist cadre and its officers shall not be merged in any other Branch, Unit, Bureau etc., of police subject to rules as prescribed;

- (viii) Reserve Police to be headed by a police officer not below the rank of Deputy Inspector General with its offices at regional and district level for assisting the local police in law and order, crime, security and any other duties as the Provincial Police Officer may determine;

Provided that if the strength of Reserve Police exceeds 10,000 it shall be headed by an officer of the rank of Additional Inspector General of Police;

- (ix) Traffic Branch to be headed by an officer not below the rank of Deputy Inspector General of Police with such number of staff as determined by the Provincial Police Officer to assist the Provincial Police Officer in formulating policies relating to traffic and regulating traffic on highways within the Province;
- (x) Warden Traffic Police Service in Capital City Police and regional headquarters and any other urban area with the approval of Government for management and control of traffic to be headed by an officer not below the rank of Superintendent of Police; provided that this unit shall be a separate cadre upto the rank of Inspector in the manner prescribed. The initial recruitment process and training shall be similar as prescribed for Constable and Assistant Sub-Inspector in addition to the specialized training in the manner prescribed;
- (xi) Welfare Branch to be headed by a police officer not below the rank of Assistant Inspector General to assist the Provincial Police Officer with the welfare of the Police and Police Martyrs and their families;
- (xii) Infrastructure Development Unit to be headed by a police officer not below the rank of Deputy Inspector General of Police, and assisted by such number of technical officers as the Provincial Police Officer may determine, to deal with all matters of Infrastructure Development Projects; and

- (xiii) Telecommunication and Transport Branch to be headed by a police officer of the rank of Deputy Inspector General and consisting of Telecommunication Unit and Transport Unit each headed by a police officer not below the rank of Superintendent of police. The units may have such technical staff as determined by the Provincial Police Officer.

(4) The police, in addition to the Police Training College Hangu, and other police training schools, shall have the following specialized schools for the capacity building of police personnel:

- (i) Police School of Investigation;
- (ii) Police School of Intelligence;
- (iii) Police School of Tactics;
- (iv) Police School of Public Disorder and Riot Management;
- (v) Police School of Explosive Handling;
- (vi) Police School of Information Technology;
- (vii) Police School of Traffic Management;
- (viii) Police School of Telecommunication; and
- (ix) Elite Police Training Centre.

Provided that the Provincial Police Officer may establish other specialized schools of training with prior approval of Government.

(5) A police officer up to the rank of Deputy Superintendent of Police shall be promoted to a higher rank after getting requisite training in the specialized schools as provided in sub-section (4) and qualifying promotion courses in a manner to be determined by Provincial Police Officer.

(6) A Deputy Superintendent of Police shall not be promoted to the next higher rank unless he undergoes junior command course in a manner determined by the Provincial Police Officer.

(7) There shall be a Directorate of Training in the Police to be headed by an officer not below the rank of Deputy Inspector General of Police and consisting of

three sections each headed by an officer not below the rank of Superintendent of Police to deal with pre-service training, in-service training and specialized training respectively to assist the Provincial Police Officer in formulation of training policy and modules, and evaluation of schools and courses.

(8) Every police officer shall be liable for posting to any branch, division, bureau and section, or anywhere in or outside the police unless otherwise provided under this Ordinance.

(9) Posting to any specialized branch, division, bureau or section shall be subject to necessary training and experience.

13. Constitution of regions and divisions etc.---(1) The Provincial Police Officer may with the approval of Government constitute police regions in the Province.

Explanation: For the purpose of this section, Region means two or more Districts to be headed by a Regional Police Officer.

(2) Within the budgetary allocations, Provincial Police Officer may through notification-

- (a) divide districts into police divisions, sub divisions and police stations;
- (b) sub-divide the police stations into police posts; and
- (c) define the limits and extent of such divisions, sub divisions, police stations and police posts:

Provided that the limits and extent of such divisions, police stations and police posts shall, as far as practicable, be coterminous with the limits of Tehsils, or Town in a city district and Village Council or Neighbourhood Council respectively.

(3) A police region under sub-section (1) shall be headed by a police officer not below the rank of Deputy Inspector General of Police.

(4) A police division shall be headed by an officer not below the rank of a Superintendent of Police; a police sub-division shall be headed by an officer not below the rank of an Assistant or Deputy Superintendent of Police and a police station shall be headed by an officer of the rank of Inspector or Sub-Inspector of Police.

(5) The term of office for Station House Officer shall not be less than one year and not more than two years unless transferred earlier due to exigency of service or misconduct.

CHAPTER-IV
APPOINTMENT, POSTING AND FUNCTIONS
OF POLICE OFFICER

14. Posting of Provincial Police Officer.---(1) Government shall, out of a panel of three police officers recommended by the National Public Safety Commission from a list provided by the Federal Government, post a police officer of the rank of Inspector General of Police as Provincial Police Officer of the Province:

Provided that before a police officer is posted as Provincial Police Officer under sub-section (1), the Federal Government shall place his services at the disposal of Government:

Provided further that where the National Public Safety Commission is not constituted, Federal Government itself shall recommend three names to Government, for appointment of one of them as Provincial Police Officer.

(2) During temporary absence of the Provincial Police Officer, the Additional Inspector General of Police, Headquarters may exercise all or any of the powers, perform all or any of the functions and duties, and discharge all or any of the responsibilities of the Provincial Police Officer relating to routine and day to day affairs.

15. Term of office of Provincial Police Officer.---(1) The term of office of Provincial Police Officer shall not be less than two years from the date of his posting.

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

(3) Government may initiate the case of premature transfer of the Provincial Police Officer for unsatisfactory performance of duties for reasons to be recorded in writing:

Provided that before premature transfer of the Provincial Police Officer, Government shall give him an opportunity of being heard in person.

16. Powers and functions of the Provincial Police Officer.---(1) The Provincial Police Officer shall have all operational, administrative and financial powers as ex-officio Secretary to Government and other powers under this Ordinance or under any other law for the time being in force.

(2) The Provincial Police Officer may, by a general or special order, empower any officer subordinate to him to exercise and perform all or any of the powers, functions or duties to be exercised or performed under this Ordinance.

(3) The Provincial Police Officer may, in consultation with Police Policy Board, for direction and control issue standing orders in accordance with the provisions of this Ordinance or rules made hereunder for the efficient functioning of the police.

(4) Notwithstanding anything contained in other laws or rules for the time being in force, the Provincial Police Officer shall transfer and post officers up to the rank of Additional Inspector General in the Police Establishment throughout the Province and issue notification thereof.

(5) Every Officer posted under sub-section (4), shall exercise and perform such powers, functions and duties, as assigned to him under this Ordinance, or any other law for the time being in force.

(6) The Provincial Police Officer shall prepare a provincial annual policing plan for review by the Provincial Public Safety Commission. The plan shall include—

- (a) objectives of policing;
- (b) financial resources likely to be available during the year;
- (c) targets; and
- (d) mechanism for achieving these targets.

(7) The Provincial Police Officer for the efficient service delivery to public may, at provincial, regional or district level, establish public information system, police assistance lines and complaint management system for facilitation and assistance to public at large.

(8) The Provincial Police Officer shall ensure welfare of Police and shall take appropriate measures for the wellbeing of serving, retired, deceased personnel and their families, in accordance with Government policies.

17. Powers of Provincial Police Officer, concerning police accounts.—(1) Provincial Police Officer, shall have authority to investigate all matters of accounts connected with the Police Establishment and all persons concerned shall be bound to give reasonable aid and facilities in conducting such investigation and to conform to his orders consequent thereto.

(2) The power of Provincial Police Officer, to investigate accounts under sub-section(1) shall be without prejudice to the Auditor General's authority to audit police accounts.

18. Posts of Additional Inspector General of Police.---There shall be such number of Additional Inspectors General of Police as Government in consultation with the Provincial Police Officer, may determine, to assist the Provincial Police Officer in the efficient performance of his duties.

19. Posts of Deputy Inspector General, Assistant Inspector General, Senior Superintendent, Superintendent, Assistant Superintendent, and Deputy Superintendent.---Subject to this Ordinance, there shall be such number of Deputy Inspector General, Assistant Inspector General, Senior Superintendent, Superintendent, Assistant Superintendent, and Deputy Superintendent, as Government, in consultation with the Provincial Police Officer, may determine.

20. Posting of Capital City Police Officer and District Police Officers.---(1) The Provincial Police Officer may post a Police Officer not below the rank of Deputy Inspector General of Police as the Capital City Police Officer in Capital City District and a Police Officer not below the rank of Senior Superintendent of Police as District Police Officer in a District.

(2) The term of the Head of District Police, shall not be less than two years and not more than three years from the date of his posting unless transferred earlier due to exigency of service or misconduct.

21. Responsibilities of Head of District Police.---(1) Head of District Police shall prepare an Annual Policing Plan consistent with Provincial Policing Plan in the prescribed manner.

(2) The Policing Plan shall include-

(a) objectives of policing;

(b) financial resources likely to be available during the year;

(c) targets; and

(d) mechanism for achieving these targets.

(3) Head of District Police shall obtain the approval of the plan from the District Public Safety Commission or Capital City District Public Safety Commission, as the case may be, and send copies of the approved plan to Government and Provincial Public Safety Commission through Provincial Police Officer.

(4) Subject to the provisions of this Ordinance, Head of District Police shall present a report to the District Assembly twice a year on police performance.

(5) The Head of District Police shall be responsible for maintaining law and order in the District.

22. Responsibility of Capital City Police Officer.---The Capital City Police Officer in addition to his powers and responsibilities as District Head of Police under this Ordinance or under any other law for the time being in force, shall also exercise the powers of Regional Police Officer in the Capital City District.

23. Pre-mature transfer of the Head of District Police.---(1) On the ground of misconduct, inefficiency or exigency of service, the Head of District Police may be transferred before completion of term of office by the Provincial Police Officer.

(2) The District Assembly may, on the grounds of unsatisfactory performance of the Head of District Police, pass a resolution with two-thirds majority of the total members of the District Assembly, for the pre-mature transfer of the Head of District Police. If the resolution is passed with two-third majority, the Nazim, District Government shall send the resolution to the Provincial Police Officer for appropriate action. The Provincial Police Officer may either act on the recommendation of the District Assembly or take such action as provided in sub-section (3):

Provided that the District Assembly may pass such a resolution against the aforesaid officer only once during his posting in that District.

(3) Subject to sub-section (2), the Provincial Police Officer may order for inquiry in the matter, pass such order as deem appropriate and communicate the same to the District Assembly within a period of fifteen (15) days. If the District Assembly is not satisfied with the action taken by the Provincial Police Officer or where the Provincial Police Officer does not take any action on the resolution of the District Assembly within fifteen (15) days, the Nazim, District Government may send the resolution of the District Assembly to the Provincial Public Safety Commission for enquiry. For the purpose of enquiry there shall be a Bench of Provincial Public Safety Commission consisting of five members including-

- (i) Chairman of the Provincial Public Safety Commission;
- (ii) the retired judge of the High Court who is the member of the Provincial Public Safety Commission;
- (iii) the retired Police Officer who is the member of the Provincial Public Safety Commission; and
- (iv) any two other members of the Provincial Public Safety Commission to be nominated by Chairman of the Commission.

(4) After enquiry and giving the concerned Head of the District Police an opportunity of personal hearing may either recommend the pre-mature transfer of the concerned Head of District Police or may retain his status. The recommendations shall be binding on the Provincial Police Officer.

24. Posting and functions of Head of Investigation.---(1) There shall be a Provincial Investigation Branch to be headed by an officer of the rank of Additional Inspector General of Police.

(2) The Additional Inspector General of Police. Investigation shall assist the Provincial Police Officer in the supervision of investigation in the Province in the manner prescribed. The Additional Inspector General. Investigation shall-

- (a) head the specialized units established at the provincial level for the investigation of crimes having inter-regional impact;
- (b) conduct performance audit of investigation staff;
- (c) monitor the investigations;
- (d) examine and enquire complaints relating to conduct of investigations;
- (e) head the provincial crimes branch;
- (f) make recommendations to Provincial Police Officer for second change of investigation in light of the recommendations of the Provincial Review Board;
- (g) supervise and approve the investigations conducted by the Provincial Crimes Branch;
- (h) supervise working of Criminal Record Office;
- (i) compile crime statistics;
- (j) head the research and analysis wing of the investigation branch;
- (k) head the forensic labs and other investigation support units at the provincial level;
- (l) compile and circulate periodic crime reports and criminal intelligence gazette;

- (m) coordinate with other provinces and Interpol in matters of investigation; and
- (n) perform any other duty assigned by the Provincial Police Officer.

(3) The Provincial Police Officer may determine the territorial and functional jurisdiction of Provincial Investigation Branch and each of the unit so established shall be headed by an officer not below the rank of Deputy Inspector General of Police.

25. Separation of investigation function.---(1) There shall be separation of investigation from other functions of the police at police station level.

(2) Subject to sub-section (3), there shall be a District Investigation Branch in each District, under the supervision of Head of District Investigation Branch, to investigate all cases registered in the District.

(3) The Provincial Police Officer may notify the offences which shall be investigated by the officers in the police station under the supervision of the Station House Officer of the police station;

Provided that if an offence in a case is required to be investigated by the District Investigation Branch then the entire case shall be investigated by the District Investigation Branch:

Provided further that cases of murder and such other offences as determined by Provincial Police Officer shall be investigated by an officer of the rank of Inspector and where an Inspector is not available, the investigation shall be conducted by an officer not below the rank of Sub-Inspector duly authorized by the District Police Officer.

(4) The District Investigation Branch, other than in the Capital City District, shall be headed by a police officer not below the rank of a Superintendent of Police and shall consist of such other police officers as the Provincial Police Officer may determine.

(5) In the Capital City District, the District Investigation Branch shall be headed by a police officer not below the rank of Senior Superintendent of Police and shall consist of such other police officers as the Provincial Police Officer may determine.

(6) The members of District Investigation Branch shall not form part of any police station and, as far as possible, the District Investigation Branch shall comprise specialized wings, each wing being responsible for investigation of one or more types of cases.

(7) In order to institute specialized units in each District, the Provincial Police Officer shall determine the organization and jurisdiction, as and when required, at the level of the District

(8) The Head of District Investigation Branch shall be directly responsible to the Head of District Police.

(9) There shall be a supervisory officer in each police sub-division who-

- (a) shall visit scene of crime in special report cases as specified by the Provincial Police Officer;
- (b) shall ensure timely completion of investigation and submission of challan;
- (c) may summon the investigation officer or team of officers, review the case file, evaluate the evidence and issue instructions to the investigation officer or team of officers in the form of case diary;
- (d) shall verify the investigation in special report cases by writing a case diary before submission of report in the Court; and
- (e) shall verify the investigation where the accused nominated in First Information Report has been declared innocent by the investigating officer

Explanation: For the purpose of this section, the supervisory officer means the Sub-Divisional Police Officer or such other police officer not below the rank of Assistant Superintendent of Police or Deputy Superintendent of Police as the Provincial Police Officer may determine.

(10) A supervisory officer shall be responsible to the Head of investigation branch for the functions mentioned in sub-section (9).

(11) An officer of the police station shall, immediately after receiving information of an offence, inform the District Investigation Branch of the offence which is required to be investigated by the District Investigation Branch.

(12) If the Head of District Investigation Branch is of the opinion that a case under investigation with the District Investigation Branch is not in its jurisdiction, he shall, under intimation to the Head of District Police, send the case through the supervisory officer for further investigation to the Station House Officer of the police station.

(13) If the Station House Officer of the police station is of the opinion that a case under investigation by the police station staff is required to be investigated by the District Investigation Branch, he shall, under intimation to the Head of District Police, send the case through the supervisory officer for further investigation to the District Investigation Branch.

(14) Except in case of an emergency notified by the Provincial Police Officer for a specified period, the members of District Investigation Branch shall not be employed for duties other than investigation.

26. Transfer of investigation.---(1) Within seven working days of the filing of an application, the Regional Police Officer may, after obtaining opinion of the Regional Review Board and for reasons to be recorded in writing, transfer investigation of a case from the investigation officer to Regional Crimes Branch or any other investigation officer or a team of investigation officers in that region or, with the approval of the Provincial Police Officer, to the officer of any other region or unit:

Provided that the Regional Crimes Branch shall be headed by an officer not below the rank of Superintendent of Police.

(2) If the Regional Police Officer has transferred an investigation, the Provincial Police Officer may, within fifteen (15) days of the filing of an application, after obtaining opinion of the Provincial Review Board and for reasons to be recorded in writing, order second transfer of investigation of a case to the Provincial Crimes Branch:

Provided that the investigation in the Provincial Crimes Branch shall be supervised by an officer not below the rank of Deputy Inspector General of Police.

(3) For the purpose of this section:

(a) 'Regional Review Board' means the Regional Review Board constituted by the Regional Police Officer consisting of a Superintendent of Police as Chairperson and two Superintendents of Police as members including the Head of Investigation of the concerned district; and

(b) 'Provincial Review Board' means the Provincial Review Board constituted by the Additional Inspector General of Police, Investigation consisting of Deputy Inspector General of Police as Chairperson and two officers not below the rank of Superintendent of Police as members.

27. Recruitment in the rank of Assistant Superintendent of Police.---The recruitment in the rank of Assistant Superintendent of Police shall be through the Federal Public Service Commission on all Pakistan basis.

28. Appointment of Deputy Superintendent of Police.---(1) The posts of Deputy Superintendent of Police shall be filled in the following manner:

- (i) subject to competitive examination, twenty five percent (25%) by selection on merit from amongst graduate Inspectors, on the recommendation of Public Service Commission in the prescribed manner; and
- (ii) seventy five percent (75%) from Inspectors on the recommendation of Departmental Selection Committee in the prescribed manner.

(2) The other terms and conditions of service shall be such as may be prescribed.

29. Appointment of Inspectors.---(1) The post of Inspector shall be filled in the following manner:

- (i) subject to competitive examination, twenty five percent (25%) by selection on merit from amongst graduate Sub-Inspectors on recommendation of Public Service Commission in the prescribed manner; and
- (ii) seventy five percent (75%) from amongst Sub-Inspectors on the recommendation of Departmental Promotion Committee in the prescribed manner.

(2) The other terms and conditions of service shall be such as may be prescribed.

30. Appointment of Sub-Inspectors.---(1) The post of the Sub-Inspector shall be filled in the following manner:

- (i) subject to competitive examination, twenty five percent (25%) by selection on merit from amongst Assistant Sub-Inspectors on recommendation of Public Service Commission in the prescribed manner; and
- (ii) seventy five percent (75%) from amongst Assistant Sub-Inspectors on the recommendation of Departmental Promotion Committee in the prescribed manner.

(2) The other terms and conditions of service shall be such as may be prescribed.

31. Appointment of Assistant Sub-Inspectors.---(1) The post of the Assistant Sub-Inspector shall be filled in the following manner:

- (i) subject to competitive examination, twenty five percent (25%) from amongst graduate Constables or Head Constables by selection on merit on the recommendations of the Public Service Commission in the prescribed manner;
- (ii) fifty percent (50%) from Head Constables on the recommendations of the Departmental Promotion Committee in the prescribed manner; and
- (iii) twenty five percent (25%) by initial recruitment through Public Service Commission in the prescribed manner:

Provided that the Provincial Police Officer in consultation with Government may fix quota for the wards of Shuhada of police under this sub-section.

(2) The other terms and conditions of service shall be such as may be prescribed.

32. Appointment of Head Constables.---The post of the Head Constable shall be filled in by promotion from amongst the constables in the prescribed manner.

33. Initial recruitment of Constables.---(1)The post of Constable shall be filled in by initial recruitment at the District level by the head of district police through a selection process conducted by an accredited testing agency approved by the Provincial Police Officer.

(2) The recruitment in the rank of Constable shall be on the basis of district of domicile.

34. Appointment of experts.---(1)Government may, on recommendation of the Khyber Pakhtunkhwa Public Service Commission, appoint experts to assist the Provincial Police Officer.

(2) The qualifications, eligibility, terms and conditions of service of experts shall be as prescribed.

35. Appointment of Director of Police Communications etc.---Subject to rules, Provincial Police Officer, may appoint Directors of Communication, Electronics, Motor Transport, Information Technology, Traffic Engineering, Research Analysis and any other specialized discipline for the whole of the Province or for any part thereof and such number of officers and staff as may be determined from time to time.