

**IN THE SUPREME COURT OF PAKISTAN**  
(Original Jurisdiction)

**Present:**

**Mr. Justice Umar Ata Bandial, C.J.**  
**Mrs. Justice Ayesha A. Malik**  
**Mr. Justice Athar Minallah**

**Constitution Petitions Nos.34 & 38 of 2022**

(Under Article 184(3) of the Constitution of the Islamic Republic of Pakistan.)

Rana Tahir Saleem	...Petitioner in Const.P.34/2022
Muhammad Javaid	...Petitioner in Const.P.38/2022

**Versus**

Province of Punjab thr. Chief Secy.  
to the Govt. of Punjab, Lahore and others...Respondents in Const.P.34/2022

Federation of Pakistan thr. Secretary  
Establishment, Islamabad and another ...Respondents in Const.P.38/2022

For the petitioner(s):	Mr. Muhammad Shahzad Shaukat, ASC (Via video-link, Lahore)
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Mr. Anis Muhammad Shahzad, AOR  
(in Const.P.34/2022)

Barrister Haris Azmat, ASC  
(in Const.P.38/2022)

For the respondent(s):	N. R.
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Date of hearing:	23.11.2022
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**ORDER**

Learned counsel for the petitioner submits that the Police force in a Province provides an essential service to the public: it includes, *inter alia*, maintenance of peace and order in society and prevention, detection and investigation of offences. The role of the Police force is critical for maintaining social stability and peace in the society. For such purpose, a Police force that is independent, efficient and enjoys trust of the people promotes a healthy society. He submits that there are 36 districts in the Province of Punjab. During the last four years, each of the districts has witnessed transfers of the DPO, who is the fulcrum of the police force administration and for the conduct of criminal

investigation in every district. The consolidated average tenure of service of all the DPOs during the last four years in all the districts of Punjab is 5.86 months. On the other hand Article 15(2) of the Police Order, 2002 ("**Police Order**") provides for a tenure of three years for the post of DPO. Article (15)(3) of the Police Order allows early transfer of a DPO in case of inefficiency or ineffectiveness but with the concurrence of both the District Government Head and the District Public Service Safety Commission. The provincial government has failed to follow the statutory command and is in continuous breach of Article 15 *ibid*. Likewise, the petition shows that the average tenure of an Inspector General of Police in the Province of Punjab during the said period is 6.25 months. In this regard Article 12 of the Police Order prescribes that the term of office of a Provincial Police Officer and a Capital Police Officer shall be 3 years.

2. Learned counsel adds that the frequent transfer of the Police Officers in the Province of Punjab has occurred on account of political influence/intervention. He has highlighted the recent instance of transfer of the lady DPO in District Layyah allegedly on account of political intervention. Frequent transfer of administrative heads of the police force of Districts, Metropolitan Cities and the Provinces affects the command structure of the force and its capability to effectively render public service in accordance with the law. Resultantly, the performance of the criminal justice system is diminished thereby injury the quality of life of the ordinary citizen. Moreover, insecurity of tenure leads to a tendency among police officers to seek political patronage for securing or retaining the important posts which in turn worsens the service fibre.

3. Learned counsel has explained that one of the Provinces, namely, Khyber Pakhtunkhwa has implemented the Police Order faithfully. The police force in that Province is therefore credited to be independent and fair in the performance of its duties in comparison to their counterparts in the other Provinces. He adds that the police force in the Province of Balochistan, despite

difficult circumstances, also enjoys public support and respect of the public because the officers face lesser political interference. However, he states that the situation in the Province of Punjab is different. For the enforcement of the fundamental rights of the people and of the law as laid down in the Police Order, the provincial government is liable to account.

4. The issue in hand concerns the enforcement of citizens' fundamental right of life and liberty quite apart from the lawful enforcement of the Police Order in the Province. In the above facts the conditions of Article 184(3) are duly complied.

5. The police force cannot be made an instrument for the promotion of vested/elite interests. Integrity, independence and trustworthiness are crucial attributes of the Police force for ensuring peace in and smooth functioning of the society. To secure such conditions is a priority for the Police force in the entire country. In the first instance, notice be issued to the Provincial Police Officers and Home Secretaries of the governments in all the Provinces and the ICT administration. They shall through their respective officers furnish data for the last eight years on the criteria and pattern tabulated in the petition. The Province of Punjab shall also file its reply to the allegations made in this petition. Needful be done within two weeks. Re-list in the week commencing 12.12.2022.

**Constitution Petition No.38 of 2022**

Learned counsel shall further prepare himself on the questions posed to him during the hearing. Re-list.

**Chief Justice**

**Judge**

**Judge**

**ISLAMABAD.**

23<sup>rd</sup> November, 2022

M. Azhar Malik+Naseer