

POLICE REFORMS IN PUNJAB FOR EFFECTIVE COUNTER TERRORISM: A PRELIMINARY ASSESSMENT

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ABSTRACT

The paper endeavors to make sense of the role of Punjab Police as a counter-terrorism force and in counter-terrorism in Pakistan. The paper critically examines the claim that as per law, Police holds the legal mandate for conducting counter terrorism. The objectives of the study are: to understand the existing structural and legal role of Punjab Police in countering terrorism and to work out policy recommendations for the improvements of the efficiency of Punjab Police. The hypotheses that was worked out for this study was: the structural and legal reforms of police may improve the efficiency of police in counter terrorism. Key research questions addressed were: what is the role of Police in countering terrorism? what kind of reforms are required for efficient Policing? And how effective reforms can be introduced to counter terrorism? In-depth interviews were conducted to seek answer to these questions. At the end, using Kurt Lewin's three steps Organizational change model, the paper argued that Punjab police needs structural reforms before it can become a more efficient force capable of conducting counter terrorism activities.

Keywords: Punjab Police, Counter terrorism, Kurt Lewin organizational change model, Pakistan

INTRODUCTION

Since 9/11 Pakistan witnessed a major wave of terrorism that is ongoing although of late, it has lost its momentum due to considerable success achieved by the Pakistani security forces against the terrorists. According to the legal fraternity, terrorism is a criminal act and terrorists are also considered and charged as criminals. This view leads a segment of experts working on terrorism to believe and argue that terrorism is primarily a policing problem and police should be one dealing with it. In Pakistan, terrorism is considered a criminal act. According to the constitution of Pakistan, maintaining law and order is the task assigned to the Police. Hence the view that it is the core responsibility of the police to conduct counter terrorist activities and perform leading role in counter terrorism operations. Two views are stated to argue against this position: one, Police in Pakistan functions provincially, whereas terrorists have no such administrative or procedural constraint on their activities. Second, in keeping with the current status of Police in terms of its training, equipment and operational capability it cannot conduct such operations.

In this paper, an attempt has been made to address the issue of Police's role in counter terrorism in Pakistan. As Punjab is the largest province of Pakistan, it was selected as the case study. Although the observations made by the respondents and the research findings were made with focus on Punjab police however, these are applicable to Pakistan police overall. The objectives of the study are: to understand the existing structural and legal role of Punjab Police in countering terrorism, and to work out policy recommendations for the improvements of the efficiency of Punjab Police. The hypotheses that was worked out for this study was: the structural and legal reforms of police may improve the efficiency of police in counter terrorism. Key research questions were: what is the role of Police in

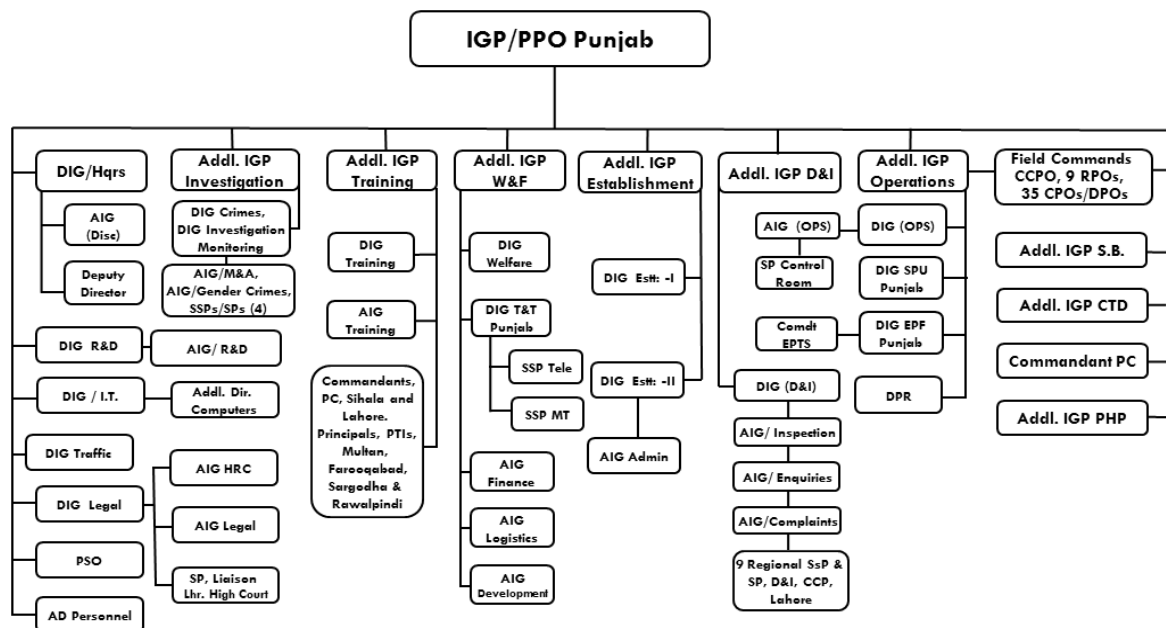
countering terrorism? what kinds of reforms are required for efficient Policing? And how effective reforms can be introduced to counter terrorism?

To achieve the research objectives, test the hypothesis and answer the research questions, qualitative research technique is utilized for collection and analysis of the data. The Rawalpindi Region was selected as the universe of the study and the in depth interviews were conducted from the multiple respondents having different backgrounds. As regard sampling, purposive sampling method is used for the selection of the sample. In-depth interviews were conducted from four high rank Police officials and three Police officers who were deployed in operational duties, these officers shared their experiences of operations and investigation in counter terrorism cases. Interviews were also conducted with public prosecutors and defense lawyers. The paper is divided into five parts: first part, briefly overviews the history of police. The second part provides a comprehensive literature survey of police in Pakistan. Third part consists of the views of the respondents on the issues and problems faced by the Punjab police in particular and Pakistan Police in general. Fourth part discusses Lewin's three steps Organizational change model and how this could be used to improve Punjab police. Fifth and final section concludes the paper with summing up the main arguments and a few policy recommendations.

The Institution of Police: an historical overview

The word Police originated from the ancient Greek word *polis* meaning "city". The first recorded Police organization was in Egypt around 3000 BC. It was responsible for maintaining law and order as well as tax collection (American Web, 2019). In Muslim history, Police organization the Shurta was established by the second caliph Umar and was tasked to uphold law and order and empower the judicial and executive system (Anderson, 2013). In more recent times, during the early stages of development, colonial America and England established non formal system of Police. In 1829, home secretary of Police, Sir Robert Peel introduced formal metropolitan Police for English cities (Tippins, 1997).

The Mughals of India followed a system of policing based on land tenure. *Zamindars* (land lord) and village headmen were responsible for policing duties. *Kotwals* (Police officers) were responsible in large towns for law enforcement, municipal administration and revenue collection. After the Mughal Empire, the British suspended the local and non-formal policing system and introduced magistrates with *daroghas* (Police officers) for Police duties. In 1934 British government enacted Punjab Police rules 1934 in which they elaborated functions and technicalities of Police. In 1947 when Pakistan was created, it inherited this set up. After independence of Pakistan, Punjab Police played an important role in handling the refugee crisis of 1947-48 (Punjab Police Official web, 2019). For a better comprehension of the organization setup of the Punjab police, the organizational chart of Central Police Office (CPO), Punjab is provided below:



Source; Punjab Police Official Web, 2019

The role of Police in Counter-terrorism in Pakistan: Literature survey

A lot has been published on the subject in recent years. In this section, we will overview few of the studies on the subject and highlight their key points.

Asia society report “Stabilizing Pakistan through Police Reforms” suggested several recommendations for enhancing the Police system and to overcome the current situation of terrorism in Pakistan. The report recommended to implement Police Order 2002 with minor amendments throughout Pakistan and appreciated the commissioner system in the cities which had more than 1 million populations. The report also discussed the Anti-Terrorist act 1997 and highlighted the need to clarify the definitions and revise the rules. As per the report, a legal framework of National Counter Terrorism Authority (NACTA) under the supervision of prime minister was the need of the hour. The report recommended transparent selection and modern training of Police and emphasized close coordination between Military and Police. (Abbas, 2012).

Pakistan Institute of Legislative Development and Transparency (PILDAT) published a report on Police system of Pakistan. The brief report recommends amendments in criminal procedure sections 154, 162, 167 and 173, Pakistan Penal Code section 182, Evidence Act 1984, Anti-Terrorist Act 1997 sections 6 and 34 and Police Order 2002 Articles 13, 15, 17, 172 and 173. According to the report, to empower Police system, it's essential to increase Police budget as the allocated budgets were insufficient for efficient and effective policing. The report identified the lack of coordination and intelligence sharing among the law and order departments as a major impediment. The report also highlighted and discussed community policing, engagements with media, Police and criminal justice system and how operational capacity of Police can be improved through legislative reforms (Nekokara & Suddle, 2016). Center of Peace and Development Initiatives published a report on implementation of Police reforms in the light of Police order 2002. Its basic objective was to reform Police as a profession oriented service and reform its outdated structure. Unfortunately, Police Order 2002 was not implemented in its true spirit. According to this report, Articles 73 and 74 complaint commission, Article 77 independent selection of ombudsman, Article 10(4) annual policing plan, Article 12 posting tenure, Article 15 selection boards for appointments, Articles 112 and 113 directors of inspections, Article 116 code of conduct and Article 188 public safety fund were at the same time, these articles could be amended if need be without their being operationally implemented. (Centre of Peace & Development, 2006)

Jamal (2011) addressed the two basic domains of Police: crime prevention and investigation and found both lacking. According to him, due to nonprofessional investigations, the conviction rate in criminal cases including terrorism related cases was less than 10 percent. Jamal also brought to fore incidents of torture, political interference and alleged fake encounters. Jamal also identified reasons for the ever increasing rise in crime rate. According to him, there are several internal and external factors at play: low budget and political interference are such two factors that hamper police's performance. Jamal criticized the Police Act 1861 and Police Order 2002 arguing that 1861 Act was outdated and Police Order 2002 was not clear. In 2004 newly elected political government amended the 2002 order. Furthermore, amended Order of 2007 also suffered several problems. According to Jamal, the Police Act 2010 is quite identical to the Police Order 2002 (Jamal, 2011).

According to Suddle, the process of reforms in Police is lackluster as there is hardly any will for it at the policy level and leadership level. The study also highlighted political interference in internal and external matters, budget constraints, and outdated infrastructure as the major impediment to police performance. Paper suggested that private public partnership, dedicated efforts, balance of power between federal and provincial governments, positive role of institutions such as judiciary, Military and political parties can reform Police organization. Paper provides a set of recommendations for the Police system of Pakistan such as public safety, Police accountability and within the organization key recommendations are posting tenure, appointments, depoliticize, capacity building on modern bases, sustainable decisions especially for the lower ranks, adequate budget, and community policing (Suddle, 2015).

Pervaiz and Rani (2015) published a paper on terrorist activities in Pakistan and highlighted the flaws of Anti-Terrorism Act (ATA) 1997. According to the paper, this was the reason for the acquittal of several culprits from the courts. Highlighting the criminal justice system of Pakistan, the paper argues that low conviction rates and delayed cases resulted in weak deterrence against terrorism. The paper identified poor investigation, procedural issues and lack of coordination between Police and intelligence

agencies as the primary reasons for high number of acquittals in ATA cases. They argued in favor of adopting a holistic approach against terrorism in four domains: amending ATA definitions, streamlining its application, sensitizing court procedure and strengthening the infrastructure of implementation (Pervaiz & Rani, 2015).

Pakistan Institute of Legislative Development and Transparency (PILDAT), (2017), published a report on the implementation and monitoring of the National Action Plan (NAP). NAP was launched in 2015 after the terrorist attack on the Army public school. Report highlighted the wrong direction of NAP and that it has faced criticism from Military, political leadership, judiciary and media. Report also highlighted the dysfunctional organization of National Counter Terrorism Authority (NACTA). Report found the non-serious behavior of government during the first five months of 2017 when terrorist attacks spread throughout the country while the political leadership was busy in its election campaign. Report suggested to taken positive steps for the implementation of National Action Plan (Elahi, 2017).

Law and Justice Commission of Pakistan (2019) prepared a brief report on Police reforms. Chapter 6 of the report addressed the criminal justice system and anti-terrorism act cases. Report emphasized the role of Police on front line in terrorism and low rate of success in terrorism cases. It highlighted the weak areas of ATA 1997 and mentioned a case study of Punjab in which 95% non-terrorist cases registered under ATA, conviction rate was low. Report recommended amendments in ATA laws, to draw clear picture of suicide attackers, quantity of explosives, attacks on security installations and arms related offences under a separate law. On procedural side the chapter advocated that the investigating agencies should adopt modern means and practices and that they should investigate cases on modern standards. The recommendations section focused on amending the law of evidence, adopting a roadmap for long and short term, CJS effectiveness, specialized training for investigators and prosecutors and well equipped federal CID. (Shigri, 2019).

Role of Police in Pakistan: Respondents view

The principal author conducted 12 in-depth and detailed structured anonymous interviews to gauge and to analyze the capability of Punjab Police as a counter terrorism force. The respondents were either part of the Punjab Police or had worked with the Punjab Police.

| Description | Qualification | Age |
|--|--|-------------|
| Senior Police Officers involved in counter terrorism strategy | PSP (Police Service Of Pakistan) Officers | 45-55 years |
| Police Officers Deployed on operational and investigation duties | PPSC (Punjab Public Service Commission) qualified Officers | 40-50 |
| Public Prosecutor | District Prosecutor General (DPG) and Deputy District Public Prosecutor (DDPP) | 35-45 |
| Defense Lawyers | Advocate Supreme Court Advocate High Court | 50-65 |
| Counter Terrorism Department Punjab | PPSC (Punjab Public Service Commission) qualified Officers | 40 |
| Senior Program Manager Rule of Law Program | Senior Program Manager specialty in rule of law reforms | 40 |

The respondents highlighted the structural, legal and political issues faced by Punjab Police as an organization. There responses are presented below under same categories.

Structural Issues

Organizational structure of Punjab Police according to the respondents is not fully capable to counter terrorist activities due to non-availability of resources. Evidence collection and intelligence is a key to counter terrorism but unfortunately Punjab Police has very limited access as well as resource related to intelligence gathering and in forensic matters. This is coupled with almost total lack of collaboration and coordination within departments and accesses to modern IT. Role of Police Stations as a first respondent is very much important and respondents have different suggestions to upgrade the system. Preventive measurements can hold the situation of law and order and technicalities like forensic, intelligence sharing and timely action can break the backbone of terrorism.

Capacity and Flaws

All respondents believed that as a civil armed force, Punjab Police is capable to conduct counter terrorist activities. The overall role and performance of the elite force and the Counter Terrorism Department (CTD) is a case in point. However, the non-availability of resources like modern forensic, Information Technology (IT), advanced training, financial issues and extra load of special duties hampers its performance and attempt to build capacity against militant groups. According to the respondents, for building the capacity of Punjab Police, the investment in the personnel is paramount because it is them who constitute the institution. At present, this is missing as police personnel suffer from low paid salary, residential issue, medical problems and non-availability of transportation.

There are several cases in which police officers achieved results. However, the above mentioned factors coupled with lack of modern equipment hampers its performance dearly. Another major impediment is that at present, Police and its officers are trained using old training standards. Counter Terrorism Department (CTD) is an exception and a testament that if police is trained properly and provided with using modern skill set and equipment, it can perform and achieve results.

Coordination and collaboration within Departments

Intelligence sharing and coordination within the departments is necessary to achieve results however, at present it is almost nonexistent. According to one respondent, the formulation of Joint Investigation Team (JIT) is a proof of failure of coordination within the law enforcement agencies. According to him, if institutions had coordination mechanism in place, then there would have been no need to make JIT. According to a respondent, the National Action Plan (NAP), never implemented because agencies do not share information due to competition and mistrust. Another respondent brought to fore the point that although District Intelligence Committee (DIC), Regional Intelligence Committee (RIC), Provincial Intelligence Committee (PIC) and National Counter Terrorism Department (NACTA) hold their monthly meetings on regular bases but in reality, there is hardly any meaningful coordination within agencies.

Lack of Forensic and Information Technology (IT)

Forensics and IT are the modern gadgets, which are helpful for the prevention of crime and used as evidence. Almost all respondents stated that the Punjab Police is not fully armed with modern forensic and IT. Although there is a Punjab forensic science Agency (PFSA), however it is heavily burdened as the only laboratory in Punjab. Investigating officers have no direct access to forensic and IT and normally have to wait for two to three weeks for the confirmation of evidence in investigation. This is obviously not the case as far as CTD is concerned as it is well trained and well equipped. But as stated earlier, CTD is an exception and is a testament that if Police is trained and equipped properly, it can perform and provide result.

Significance of Police Stations

All respondents agreed on the vital role Police Stations (PS) play in any kind of policing. According to one respondent, the first respondent role of P.S is important and they can play a significant role in counter terrorism strategy. However, as highlighted by one respondent, police stations do not work properly due to shortage of strength, special/VIP duties and extra work load. IOs have no time to patrol within its beat area for check and balance and implementation of NAP. Muharrars of PS write all duties in Roznamcha (daily activities register) but ground reality is different. Again, the situation is different in CTD Police stations. CTD is divided into three wings namely, intelligence, investigation and operation in which highly paid corporals have been inducted on the basis of psychological indications by psychologists. The staff of CTD is well trained and equipped with modern gadgets.

Insufficient Investigations

Respondents were of the opinion that the high rate of acquittals in terrorism related cases is due to poor and insufficient investigations. They mentioned number of problems and reasons for this. One of the main reasons is that the investigation officers are not qualified in forensic and modern technologies. According to one respondent, the lack of coordination between Police and prosecution and lack of trust on Investigation Officers leads the situation towards such results. Another reason is that although the article 164 of the law of evidence states that forensic and IT evidence is admissible, IOs are reluctant towards forensic evidence because they have no knowledge of it or don't have access to it. Another issue is of funds because Punjab Forensic Science Laboratory is in Lahore, if IO goes to Lahore for forensic of evidence then IO has to bear 3 to 4 thousand that he has to draw from the investigation funds.

Technicalities to Counter Terrorism

All Police officers agreed that modern forensic, intelligence sharing and timely action can break the backbone of terrorism. An investigation officer recommended special training programs for Police officials. Another IO highlighted the duty of constables. As the field constables work on front line so it's necessary to arm them. CTD officer recognized the techniques of investigation should be done professionally and modern trends should be followed in its modern scientific equipment should be provided. DPG recommended installation of CCTV cameras in prone areas, admired safe city project and stressed the importance of forensic.

Anti-Terrorism Act (ATA) and other related laws

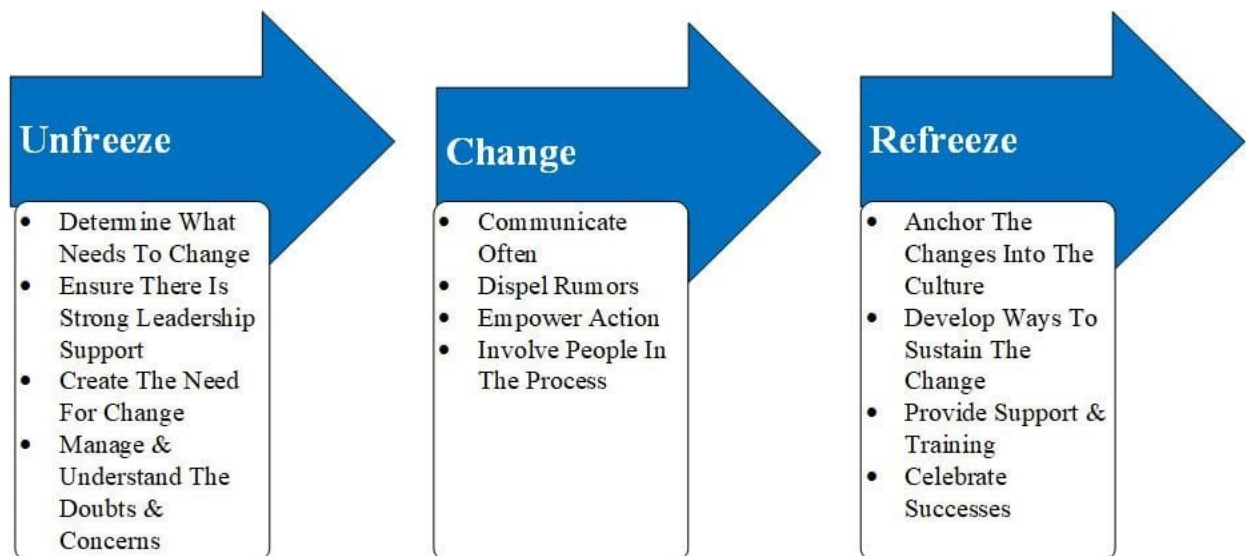
Anti-Terrorism Act (ATA) deals with terrorism cases. However, most of the respondents argued that this requires more rigor and strictness. For they believed that laws regarding counter terrorism are generic and old (ATA 1997). Those who considered the existing law sufficient argued that it is the proper implementation that is wanting.

Political Interference

Political interference was identified as a major impediment in the performance of the Police. All respondents stated that Police should be allowed to perform its duty without any interference. Posting tenure/service should be free from political interference. According to one view many within the police structure are influenced or are closely associated and linked with politicians that effects the performance of the police. According to one respondent, Police as an institution is heavily politically infected and this influence has great impact on cases and posting tenure of officers.

How to change this? Kurt Lewin's Three Steps Organizational Change Model

Kurt Lewin's (1951) introduced three steps: *Unfreeze*, *Change* and *Refreeze* change model for organizational change.



First step of Lewin's Model is to *unfreeze the current situation*. Once this is done, one should identify the areas that require attention and to be changed. When we try to do that in Punjab police one must be cognizant that Punjab Police is working under outdated and amended laws and the officials are comfortable to use conventional methods. Second ensure the people that the leadership of the

organization is strong and concerns are high with the working environment, one of the main thing in this process is to make people realize that the change is good for them. In Punjab Police working environment, resources and trainings are not as per international standards so for bringing change, updating the training to modern standards is a paramount that this would greatly benefit the people.

Second step of Lewin's Model is to *bring change* in the organization. This implies, first setting the new norms and values in the organization and communicate with the staff on this change. Second dispel the rumors and empower the implementation plan. Third in this change process officials should be involved.

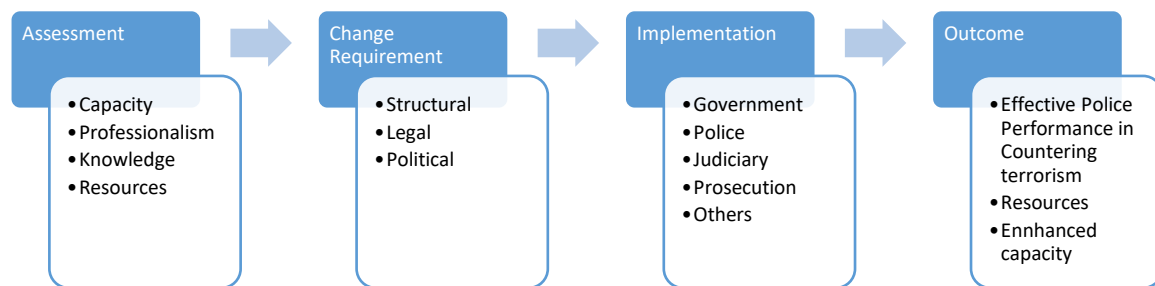
Third step of Lewin's model is to *refreeze the change process*. In this step sustainability matters because after some time people go back to the conventional methods. First when change occurs in certain place and it becomes a part of your organization culture then it's essential that people accept the change. One of the important thing to keep a note on regular basis on how people are responding to the new measures to ensure and sustain change in the organization. It's also important to celebrate the change and recognized the effort of hard workers.

Although, the Lewin's model appears quite reasonable and practical in bringing change in organizations, however this model focuses only on unfreezing the situation to determine the nature of change. Lewin's model does not take into account the existing situation and status of the organizations which according to the authors of this paper is significant as being able to understand and to be familiar with the exiting practices and situation would immensely contribute in understanding and determining the nature of change. Therefore, the authors propose a change or addition in the model and argue that for any type of reforms, one should analyses the existing practices and status of the organization to determine the nature of change in the particular areas.

In keeping with our case study i.e., Punjab Police as a counter terrorism force, we argue the following with regard to how Lewin's model can be modified and implemented in this case:

- I. First determine the nature, culture and practices of the organization. In case of Punjab Police, we identified these factors as: the lack of capacity, resources, knowledge and professionalism in the organization.
- II. In second step, three main domains of Punjab Police i.e., structural, legal and political motivation required change to enhanced policing.
- III. In third step after determining the required change; the government, Punjab police, prosecution, judiciary and other state actors have to contribute their share to change the situation.
- IV. In fourth step, once the above mentioned steps are taken and decision implemented, the outcome should be in the form of effective Police performance in countering terrorism and it will be the reflection of the resources and capacity, which were invested in past.

Conceptual; Model of Police Reforms for Counter Terrorism Strategy

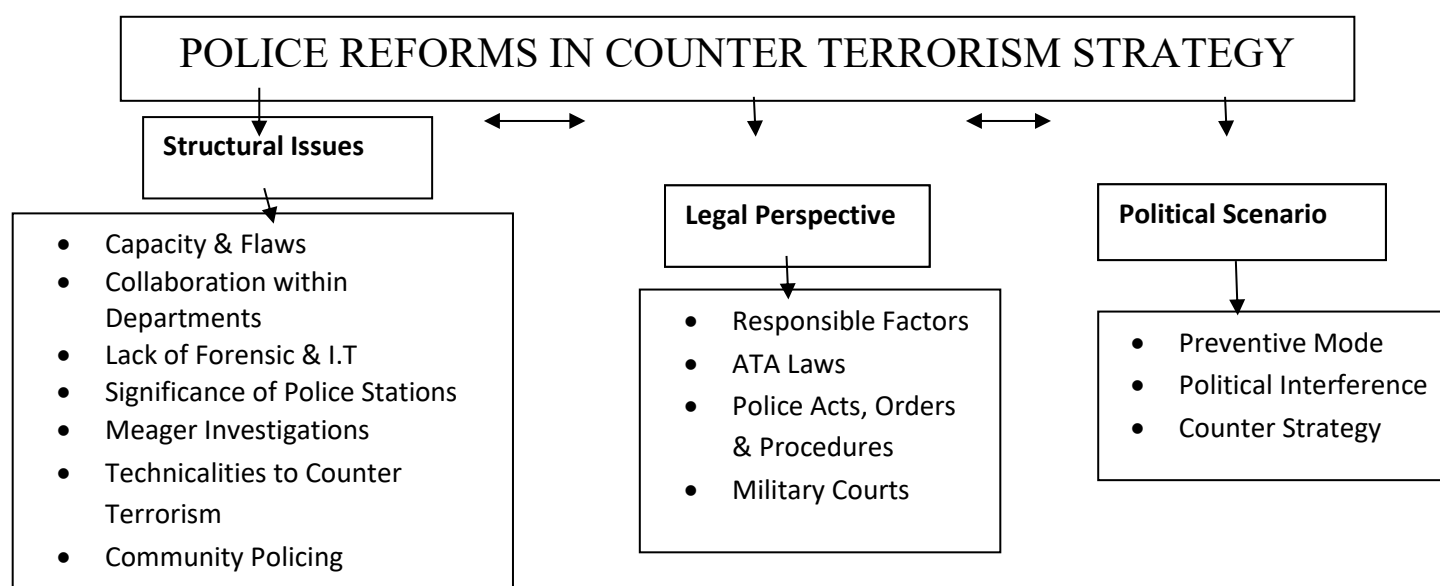


Source; Developed by Author, 2020

CONCLUSION AND RECOMMENDATIONS

Police is responsible to maintain law and order and counter the terrorist activities. Terrorists and terrorist activities are charged under criminal law. Hence it is the jurisdiction of Police. Pakistan Police in

general and Punjab police in particular at this stage is not ready to perform this duty as amply highlighted in this paper. However, Punjab Police's CTD is a testament that when police are properly trained and equipped it can produce results.



Source; Developed by the principle Author, 2020

The graphic presentation above highlights the areas that need to be worked on in this regard. Punjab Police structural issues based on resources, financial assistance, access to forensic and Information Technology, collaboration within law enforcement agencies, role of Police Stations as a first respondent, meager investigations, training and shortcoming towards community policing. Political interference in posting tenures and promotions effects the policy and planning matters towards counter terrorism strategy. Punjab Police suffers from outdated and amended laws. Political will is required to enhance the structure of Punjab Police because without efficient policing state will not be able to establish the short, medium and long term strategies to counter the terrorist organizations.

Based on the research findings, our main conclusions and recommendations are as follows:

- I. The study recommended empowering the organization of Punjab Police as a leading force to counter the terrorist activities.
- II. Punjab Police lacks access to Information Technology (IT), advanced training, suffers from financial constraints and other issues, had to bear the burden of extra special duties. These areas must be addressed.
- III. By population, Punjab is the biggest province of Pakistan yet it has only one forensic lab; Punjab Forensic Science Agency (PFSA) in Lahore. The study proposes that there should be at least three forensic labs established at regional level.
- IV. Coordination is missing within the law enforcement agencies. Despite monthly meetings of District Intelligence committee, Regional Intelligence Committee and Provincial Intelligence Committee no coordination takes due to the credit of performance issue. Formation of Joint Investigation team itself is an evidence of this lack of coordination as if these agencies were working collaboratively, there would be no need for such special teams. This issues requires attention at both provincial and federal level.
- V. Police Stations are the first respondents during or after any terrorist activity. It is important that modern police stations are built with the required technological tools and skilled staff.
- VI. Community policing is an effective tool to counter terrorism in Punjab, Punjab traffic Police and Punjab Highway Police established their Mobile Education Units. These units organized their lectures in schools, colleges and in public places and it's an effective tool to reduce the gap with public.
- VII. Study recommended upgrading the Punjab Police Acts, Orders and Procedures according to current situation.

- VIII. In terrorism prone areas state is responsible to empower Police and create jobs, established educational institutions, business activities, multiple loan plans for natives. Without winning the hearts and minds, this menace would continue propping up.
- IX. Though, Pakistan has an appropriate functioning of laws but it lacks the implementation in spirit. There is a need to make an effective mechanism of implementation that needs to be properly monitored and evaluated.

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