

A  
Bill

further to amend the Khyber Pakhtunkhwa Police Act, 2017

**WHEREAS** it is expedient further to amend the Khyber Pakhtunkhwa Police Act, 2017 (Khyber Pakhtunkhwa Act No. II of 2017) and for matters connected therewith and ancillary thereto;

It is hereby enacted by the Provincial Assembly of Khyber Pakhtunkhwa as follows:

1. **Short title and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Police (Amendment) Act, 2024.

(2) It shall come into force at once.

2. **Amendment of section 7 of the Khyber Pakhtunkhwa Act No. II of 2017.**---In the said Act, in section 7, in sub-section (4), the words and comma "whenever need arises," shall be deleted.

3. **Amendment of section 9 of Khyber Pakhtunkhwa Act No. II of 2017.**---- In the Khyber Pakhtunkhwa Police Act, 2017 ( Khyber Pakhtunkhwa Act No. II of 2017) hereinafter referred to as the said Act, in section 9, after sub-section (3), the following new sub-section shall be inserted, namely:

“(4) Any directions given by the Chief Minister in matters related to law and order, shall be complied forthwith.”.

4. **Amendment of section 10 of the Khyber Pakhtunkhwa Act No. II of 2017.**--- In the said Act, in section 10, in sub-section (1), the full-stop appearing in the end shall be replaced with a colon and thereafter the following proviso shall be inserted, namely:

“Provided that two members of the Provincial Public Safety Commission nominated by the Chairman of the Provincial Public Safety Commission may attend the meetings as observer.”.

5. **Substitution of section 11 of the Khyber Pakhtunkhwa Act No. II of 2017.**---In the said Act, for section 11, the following shall be substituted, namely:

“11. **Administration of Police.**---The Administration of Police in the Province shall vest in the Provincial Police Officer, who shall exercise such operational and administrative powers subject to policy, oversight and guidance given by the Chief Minister.”.

6. **Amendment of Section 17 of the Khyber Pakhtunkhwa Act No. II of 2017.**--- In the said Act, in section 17,-

(a) in sub-section (4), the full-stop appearing in the end shall be replaced with a colon and thereafter the following proviso shall be inserted, namely:

“Provided that the posting and transfer of BS-18 and above officers shall be made with the approval of the Chief Minister.”; and

(b) in sub-section (6), in the beginning, for the word “The”, the words and comma “Subject to the approval of Government, the” shall be substituted.

7. **Deletion of sections 21, 24 and 37 of the Khyber Pakhtunkhwa Act No. II of 2017.**--- In the said Act, sections 21, 24 and 37 shall be deleted.

8. **Amendment of section 42 of the Khyber Pakhtunkhwa Act No. II of 2017.**---In the said Act, in section 42, in sub-section (1), after the words “Subject to rules”, the words “and approval of Government” shall be inserted.

**9. Amendment of section 43 of the Khyber Pakhtunkhwa Act No. II of 2017.**---In the said Act, in section 43, in sub-section (1), after the words "subject to the approval of the", the words and comma "Government, through" shall be inserted.

**10. Amendment of section 46 of the Khyber Pakhtunkhwa Act No. II of 2017.**---In the said Act, in sub-section 46,-

- (a) in sub section (1), (2) and (5), for the words and comma "Nazim, District Government", wherever occurring, the words and commas "Chairman, Tehsil Council or Chairman, Town Council, as the case may be," shall be substituted.
- (b) sub-section (3) shall be deleted.
- (c) in sub-section (4), for the word "Nazim", wherever occurring the word "Chairman" shall be substituted.

**11. Amendment of section 48 of the Khyber Pakhtunkhwa Act No. II of 2017.**--- In the said Act, in section 48,-

- (a) in sub-section (1), for the words, brackets and figure "thirteen (13)", the words brackets and figure "fifteen (15) ", shall be substituted;

- (b) for sub-section (2), the following shall be substituted, namely;

"(2) The Provincial Public Safety Commission shall consist of the following members to be appointed by the Government;

- (a) seven (07) members of the Provincial Assembly, to be nominated by the Speaker of the Provincial Assembly, comprising four members including one female from Treasury Benches to be nominated in consultation with the Leader of the House and the other three from Opposition Benches to be nominated in consultation with the Leader of Opposition;
- (b) Advocate General, Khyber Pakhtunkhwa as ex-officio member; and
- (c) seven (07) members shall be independent members to be nominated by the Government from the following:
  - (i) one member from Minority community;
  - (ii) an Advocate of Supreme Court or the High Court having a minimum ten (10) years of practice at the bar; and
  - (iii) five members from civil society including one female."

**12. Amendment of section 50 of Khyber Pakhtunkhwa Act No. II of 2017.**--- In the said Act, for section 50, the following shall be substituted, namely:

**"50. Procedure upon complaints:** (1) When a complaint is received in the Commission under clause (b) of sub-section (1) of Section 49 of this Act, the Commission shall, notwithstanding the powers of the Regional Police Complaint Authority to inquire into the complaints under this Act, have mutatis mutandis all the powers of the Regional Police Complaint Authority to inquire into the complaint, as provided in this Act.

(2) When a complaint is received to the Commission under clause (c) of sub-section (1) of section 49 of this Act, the Commission may, after preliminary inquiry, recommend to the Government

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appropriate action, including removal of any member from the concerned Commission or Authority, as the case may be.”

13. **Amendment of section 51 of the (Khyber Pakhtunkhwa Act No. II of 2017---** In the said Act, section 51, for sub-section (2), the following shall be substituted, namely:

- (2) “The Capital City District Public Safety Commission shall consist of the following members to be appointed by the Government:
- (a) three (03) members of the Provincial Assembly or the National Assembly including one female member, to be nominated by the Speaker of the Provincial Assembly, comprising one member from Treasury Benches to be nominated in consultation with Leader of the House and the other one from the opposition benches to be nominated in consultation with the leader of opposition;
  - (b) four (4) elected members of the Local Government to be nominated by the Government.”.
  - (c) eight (08) members shall be independent members to be nominated by the Government from the following:
    - (i) three (03) retired civil servants in BS-19 or above; and
    - (ii) five (05) from Civil Society including one women and one Advocate of the High Court with minimum of 05 years practice at the bar.

14. **Substitution of section 53 of the Khyber Pakhtunkhwa Act No. II of 2017---** In the said Act, for section 53, the following shall be substituted, namely:

**“53. Establishment and composition of the District Public Safety Commission.-**  
---(1) Government shall establish a District Public Safety Commission in each district consisting of ten (10) members.

(2) The District Public Safety Commission shall consist of the following members to be appointed by Government:

- (a) two (02) members of the Provincial Assembly or the National Assembly from the concerned district, one each from the Treasury Benches and the opposition Benches to be nominated by the Speaker of the Provincial Assembly on the recommendation of Leader of the House and the Leader of Opposition respectively:

Provided that where the required number of members of the Provincial Assembly or National Assembly is not available in the concerned district, the Speaker of the Provincial Assembly may nominate another member of Provincial Assembly or National Assembly, as the case may be, of the concerned region.

- (b) two (02) members, to be nominated by the Government from amongst the elected members of the local government of the district concerned; and
- (c) six (06) members, shall be independent members, to be nominated by the Government from the following:
- (i) two (02) retired civil servant in BS-19 or above; and

- (ii) four (04) from the civil society including one female and an Advocate of the district concerned with five (05) years practice as advocate of the High Court.”.

15. **Amendment of section 55 of the Khyber Pakhtunkhwa Act No. II of 2017.**--- In the said Act, in section 55, the following shall be substituted, namely:

“(55) **Term of the Commission.**- The term of a Commission shall be four (04) years”.

16. **Substitution of section 56 of the Khyber Pakhtunkhwa Act No. II of 2017.**--- In the said Act, for sub-section (1) of 56, the following shall be substituted, namely:

“(1) The Chairpersons of Commissions shall be an elected representative of Provincial Assembly or the National Assembly, to be nominated by the Speaker of the Provincial Assembly whereas the Vice- Chairperson of Commissions shall be elected by the members of the concerned Commission, from amongst themselves”.

17. **Deletion of sections 57 and 58 of the Khyber Pakhtunkhwa Act No. II of 2017.**--- In the said Act, in sections 57 and 58 shall be deleted.

18. **Amendment of section 60 of the Khyber Pakhtunkhwa Act No. II of 2017.**--- In the said Act, in section 60 of sub-section (1); the following shall be substituted, namely:

“(1) The term of office of a member of a Commission shall be four (04) years unless he resigns at any time before the expiry of his term, or ceases to be a member of the Provincial Assembly or the Local Bodies concerned, as the case may be: Provided that if any vacancy occurs due to the resignation or any other cause, another member shall be appointed on the said vacancy for the remaining period in accordance with the provisions of this Act:

Provided further that in case of dissolution of the Provincial Assembly or National Assembly or where the Local Government is not constituted in any district under the Local Government Act, 2013, the nominated/independent members of the commission shall continue during the intervening period till the new members of the Assemblies / Local Government are elected and notified.”

19. **Amendment of Section 67 of the Khyber Pakhtunkhwa Act No. II of 2017.** --- In the said Act, in section 67,

(a) for sub section (1), (2) and (3), the following shall respectively be substituted, namely:

“(1) Each Regional Police Complaint Authority shall consist of members including the Chairman to be appointed by the Government.

(2) The members shall consist of:

- (a) one representative of each Local Government of the Districts in the concerned region;
- (b) a retired civil servant of BS-19 or above;
- (c) a retired Judge of BS-20 or above;
- (d) any professional from private sector having Master Degree and ten (10) years administrative and management experience;
- (e) one advocate of Supreme Court or High Court with minimum of 05 years of practice at the bar; and
- (f) one retired police officer of BS-19 or above.”.

(b) for sub section (5), the following shall be substituted, namely:

“(5) The members shall be appointed for a period of four (04) years or during the pleasure of the Government, whichever is earlier”.

**20. Substitution of section 70 of the Khyber Pakhtunkhwa Act No. II of 2017.** --- In the said Act, for section 70, the following shall be substituted, namely:

“(70) **Inquiry into complaints.**---(1) On receipt of complaint, in the office of Regional Police Authority, they shall conduct an inquiry in order to inquire into the complaint made against a member of the police.

(2) Once evidence has been collected, the officer complained against, shall be intimated of the evidence and opportunity shall be provided to him to present a defence.

(3) Every inquiry shall result into a report, which shall set out and analyze evidence on each allegation.

(4) Every complaint, shall be inquired into by one of the following methods:

- (a) local inquiry;
- (b) supervised inquiry;
- (c) directed inquiry; and
- (d) independent inquiry.

**21. Insertion of new sections to the Khyber Pakhtunkhwa Act No. II of 2017.** --- In the said Act, after section 70, as so substituted, the following new sections shall be inserted, namely:

“**70-A Method of inquiry.**---When the Regional Police Complaint Authority receives a complaint from the relevant police officer, it shall decide in accordance with the provisions of this Act and the rules and the type of inquiry that shall be conducted from amongst those mentioned in sub-section (4) of section 70 of this Act.

**70-B Local inquiry.**---(1) A local inquiry shall be conducted by an officer of the police, unrelated to the complainant and not subordinate to the officer complained against.

(2) The relevant police officer shall determine the officer who shall conduct the local inquiry.

(3) A local inquiry shall be conducted in such matters as may be specified in the rules.

**70-C Supervised inquiry.**---(1) A supervised inquiry shall be conducted by an officer of the police, unrelated to the complainant and not subordinate to the officer complained against.

(2) The relevant police officer shall determine the officer who shall conduct the supervised inquiry.

(3) A supervised inquiry shall be conducted in such matters as may be prescribed.

(4) A copy of the supervised inquiry report shall be intimated to the Regional Police Complaint Regional Police Complaint Authority.

(5) The Regional Police Complaint Authority may call for a new inquiry where it finds that the inquiry was not conducted properly or in violation of this Act or rules.

**70-D Directed inquiry.**---(1) A directed inquiry shall be conducted by an officer of the police, unrelated to the complainant and not subordinate to the officer complained against, and whose name has been approved by the Regional Police Complaint Authority.

(2) A directed inquiry shall be conducted in such matters as may be prescribed.

(3) The inquiry proceedings shall be conducted on the active advice and guidance of the Regional Police Complaint Authority.

(4) A copy of the inquiry report shall be intimated to the Regional Police Complaint Authority.

**70-E Independent inquiry.**---(1) An independent inquiry shall be conducted by one or more members of the Regional Police Complaint Authority.

(2) An independent inquiry shall be conducted where,-

(a) a member of the public has died, or suffered a serious injury due to contact with a police officer;

(b) death or serious injury has occurred due to failure of the police to act;

(c) death or serious injury has occurred to a person in police custody;

(d) death or serious injury has occurred in a road accident involving the police;

(e) serious torture, including physical, mental, psychological, emotional is caused to any person;

(f) where sexual contact has taken place between a police officer and a member of the public who has come into contact with a police officer acting in discharge of his professional duties;

(g) where a police person has been allegedly involved in property grabbing or illegally supporting a person; and

(h) a matter is referred by the Chief Minister for the inquiry to be conducted by the Regional Police Complaint Authority.

**70-F Action on inquiries.**---(1) Every inquiry report shall include suggested actions that shall be taken with regard to the misconduct of police.

(2) For the purposes of sub-section (1), one or more of the following actions may be suggested:

(a) creating an improvement plan for the police officer(s);

(b) compensation to be paid to the complainant(s);

(c) one or more service punishments; and

(d) initiation of criminal proceedings.

**70-G Imposition of punishments.**---(1) The Competent Authority shall decide the required action that should be taken in pursuance of the various inquiries to be conducted under this Act.

(2) Where the competent authority and the Regional Police Complaint

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Authority fail to agree on the action to be taken against the police officer within thirty days, the matter shall be decided by Government:

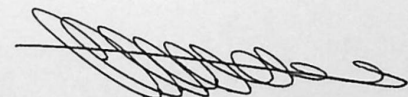
Provided that if Government disagrees with the views of the Regional Police Complaint Authority regarding the action to be taken, it shall provide an opportunity to the Regional Police Complaint Authority to present its views”.

**22. Substitution of section 140 of the Khyber Pakhtunkhwa Act No. II of 2017.**---In the said Act, for section 140, the following shall be substituted, namely:

**“140. Power to make rules.**---Government may, by notification of the official Gazette, make rules for carrying out the purposes of this Act.”.

### STATEMENT OF OBJECTS AND REASONS

It is desirable to amend the Khyber Pakhtunkhwa Police Act, 2017 and to establish an independent system of monitoring and inspection of agencies performing criminal justice system in the Province of the Khyber Pakhtunkhwa. Moreover, keeping in view the expediency to strengthen law enforcement capabilities and boost public trust in law enforcement and improve crime prevention and investigation, enhance accountability and transparency, improve community-police relations and address existing gaps and ambiguities the instant enactment is imperative. In furtherance to the said premise, these amendments will enhance police professionalism. By enactment of the proposed legislation, police will effectively uphold and enforce laws, maintain public order, protect the lives, properties and honour of the people without discrimination through modern proactive policing and community participation. Hence, this Bill.



MINISTER-IN-CHARGE

Peshawar,  
Dated the  
21/10/2024.