Dispute Resolution Councils
Khyber Pakhtunkhwa Police

The believers are but brothers, so make settlement between your brothers. And fear Allah that you may receive mercy.
(Al-Qur’an Surat Al-Hujurat)

- Fact Finding Enquiries
- Amicable Resolution of Disputes
- Observer / Jury Member in Dispute Investigation
FOREWORD

It gives me immense pleasure, hope, optimism and satisfaction to witness the launching and incorporation of Dispute Resolution Council into the criminal justice system of KPK as an alternate dispute resolution mechanism.

This system of alternate dispute resolution is based on active engagement amongst the victim, the offender and the community in pursuit of reconciliation by adapting a balanced approach tending to the needs of the three through a process that preserves safety and dignity of all. A similar program was launched by the undersigned in Islamabad during 1999-2000 which proved to be a huge success. The said program resulted in enhanced community mobilization, prompt settlement of petty disputes and a positive change in the perception of thana culture.

The abject failure of our criminal justice system, in general, and its inability to provide relief to a common man, in particular, who is unable to rough out its expensive and cumbersome process has necessitated the need for creation of these DRCs. For instance, when a poor laborer, upon non-payment of his wage from the employer, approaches a police station, he or she, owing to the civil nature of offence and applicable law, is typically advised to approach the civil court. Once he makes it to the civil court, he finds himself engulfed in rigmarole of exorbitant legal fees and lengthy meaningless processes, which in turn cause more frustration, desperation and a feeling of injustice. In fact, these petty issues (predominantly of civil nature), if left unresolved, often lead to more heinous offences like murder and attempted murder.

The decade long ongoing wave of terrorism and militancy, besides causing various other damages, has also resulted in militarization of KPK police at the cost of normal policing function. Consequently, community engagement has become all the more necessary to share the burden of police department and to ensure provision of free and speedy justice for the common man. It is my considered and firm opinion, that this system of alternate dispute resolution will achieve great success in this land of brave and rational people bound by centuries old systems of jirga and pakhtun wali. The program is envisaged to be rolled out gradually to the whole province, starting from a pilot project in City Division of Peshawar.

I will like to take this opportunity to extend my gratitude to CCPO Peshawar Mr. Ijaz Khan and ASP Gulbahar Dr. Mustafa Tanveer who by their determination and tireless efforts translated this concept into a reality.

I am also indebted to the present Government of KPK for their full support to Police in selection of independent Council members. The Government's policy of non-interference in the operational matters is also encouraging the Police Department to take such initiatives for better service delivery.

I hope and pray that this noble project meets success.

Nasir Khan Durrani, PSP
Inspector General of Police
Khyber Pakhtunkhwa
Peshawar
Dated: 16th January 2014
KPK Police, for the last 15 years, has been the front line force in fighting militancy in the province. In the course of this war, the Police force saw many of its officers and jawans sacrificing their lives in the line of duty and thus upholding the values of honor and valor.

It will, however, be unfair not to highlight the role of the general community in this war, which has been nothing short of inspirational. The brave people of this province have always stood by their Police force and have offered their utmost support.

This initiative by the KPK Police is a small gesture to acknowledge the public support and confidence it has reposed in the force.
DISPUTE RESOLUTION COUNCIL
Motto: Sulah-al-Khair

Vision

“And if two factions among the believers should fight, then make settlement between the two”. Surah Al Hujrat Verse 09.

Mission Statement

To facilitate the common man in getting his petty issues resolved amicably through an alternate process of restorative justice involving members of the civil society

Context

The Khyber Pakhtunkhwa province, characterized by ‘Pakhtunwali’ code, has preserved its traditions and culture for centuries. These cultural values, today, find themselves woven in its social fabric. The tradition of resolving disputes amicably through the intervention of ‘elders’ has been age old and quite a revered one. However, the infestation of militancy and terrorism in this area, not only disrupted the law and order situation, but also destroyed a strong tradition of dispute resolution through reconciliation.

With a mission to revive this revered tradition of dispute resolution through restorative justice, KPK Police has taken this initiative of Dispute Resolution Council.

Need Analysis

The conventional court system of Pakistan, today, finds itself embroiled in a myriad of structural and administrative issues. The civil courts too are excessively over-burdened and under-resourced. Therefore, whenever petty issues involving non-cognizable offences get forwarded to civil courts from the Police, the involved parties find themselves following a long and expensive process of justice. The delay in dispensation of justice, if at all dispensed, causes a feeling of frustration, humiliation and despondency.

Moreover, since such issues (mostly of civil nature) do not get timely resolved, they usually end up in a criminal activity with the aggrieved party taking the law in its own hands. A petty wage issue turns into a criminal act when the aggrieved person attacks the owner. Similarly, a simple divorce or custody issue often ends up resulting in a spate of murders.

Therefore, to bypass the rigmarole of conventional justice system and to formalize the concept of alternate dispute resolution, the role of DRC becomes imperative.
Functions of the Council

1. Amicable resolution of disputes
   All applications/complaints, forwarded by the Police department, will be resolved amicably on best-effort basis by the Council. All its decisions will be within the ambit of the law and constitution.

2. Fact finding
   In case one of the parties, despite being found at fault, does not opt for amicable resolution, the DRC will send its fact-finding report to the concerned SHO for taking further necessary legal action.

3. To work as an observer/jury in cases of contested investigation
   They will participate as independent observers during contested investigations by the Police. The investigating officer, upon conclusion of his investigation, shall share and discuss his findings with the DRC. In case of a dissenting opinion by the jury, it will send its report to District Police Chief for taking necessary legal action in the light of rules and regulations.

Eligibility of DRC Members

1. The member should have an apolitical background.
2. The member should be mature, experienced and must possess a balanced personality
3. The member should be well-respected and well-reputed in his community

Selection of DRC Members

1. The District Police Chief in consultation with the civil society will request prominent and well-reputed personalities of the community to join the Council.
2. Any person who is interested in becoming a member, may offer his services voluntarily. The District Police Chief, after due verification of his credentials and eligibility, may enlist him in the panel.

Structure of Dispute Resolution Council

1. The Council shall consist of 21 members representing a cross-section of the community, including professionals, retired judges, retired civil and military officers, educationists, religious scholars, journalists and businessmen.
2. Each Police Station will have a DRC with a minimum of 21 members.
3. The Council membership shall be in fluid state, meaning there will be no permanent members and new members can join and leave upon their will.
4. If the Council feels that any of the members is not participating fully, it may request the District Police Chief through SDPO to replace them.
5. The overall working of DRC will be organized and planned by the Secretary elected/selected from among the members as per the procedure laid down hereafter.
6. Each Council will be divided into different panels consisting three members each.
7. These DRCs will operate in Police stations where a dedicated Jury Room shall be established for their functioning.
8. A Police officer of the concerned police station will be appointed as a support staff to maintain record of working and decisions of the Council.
9. This Council will function in close liaison with the concerned SDPO.
Roles & Responsibilities of the Secretary

All willing members shall work as a Secretary to the Council on three-month rotation basis. Following will be the duties of the Secretary:

1. Coordination of various activities of the DRC.
2. Formation of different panels in consultation with members
3. Receiving applications marked to the DRC from the SDPO and refer it to the panel members.
4. Preparing timetable and schedule for hearing cases by different panels of DRC.
5. Maintaining a proper register containing complete record of all decisions of DRC.
6. Changing panel constitution if any of the party in a case has any reservation against member(s) of the panel.
7. Arranging a monthly meeting of the DRC for progress update
8. Preparing summary report of all activities of DRC for the District Police Chief by the 7th of every month.

Working Modalities of the Council

1. The Council will take up only those applications which are referred to it through Police
2. A Council member will not take the case on his own, however, may recommend the applicant to the Police. In all such cases, the member will not be a part of the panel.
3. An application referred to a panel will be heard by the same panel except under special circumstances.
4. If any party has any reservation on decision of the DRC it may apply to the SP for review.
5. A 5-member review council, other than the original decision members, will review the finding.
6. A Police Liaison Officer, which shall be of ASI and above rank, will be appointed by the concerned SDPO for helping the coordinator in record keeping and other issues of the Council

Code of Ethics for the Council Members

1. No Council member would use his position in this Council for any political purpose or his own personal interests.
2. The Council members would not mention their position as a Council member on their personal visiting cards.
3. If any of the panel members is acquainted with any of the complainants or the accused, he will disclose his conflict of interest and will abstain from sitting on that panel
4. If either the complainant or the accused raises any objection against a panel member, he or she will voluntarily withdraw from that panel.
5. If any of the Council members becomes an office bearer of a political party, he will withdraw his membership from the Council voluntarily.

Responsibilities of the Police Coordinator

1. Summoning both the parties and ensuring their attendance before the DRC.
2. Recording statements of the parties and documenting the proceedings.
3. Providing guidance/advice to the panel members on legal issues.
Limitations on the Council Members

1. The members would not agree to take up any case that is sub-judice unless both the parties give a written consent.
2. The members shall not involve themselves in complicated civil cases
3. The members would refrain from recommendations that are against the Constitution of Pakistan and the law, for example flogging of one party when found guilty, under age marriages, vani etc.
Cantt Division Dispute Resolution Council
Focal Person

Dr. Mustafa Tanweer
SDPO Gulbahar, Peshawar
No. 03085555669

Members of DRC

1. Maj. General Taj ul Haq
   Education:
   Msc
   Posts previously held:
   Ambassador of Pakistan to Ukarine,
   Inspector General Frontier Corps,
   Divisional Commander 23-Division
   Contact Details:
   Email: taj44ff@yahoo.com
   Phone: 091-5286445, 03077384423.

2. Dr. Shah Jehan
   Education:
   Msc (Quaid e Azam University), Msc (USA), Phd (University of Hawaii)
   Post Previously held:
   Vice Chancellor Iqra National University Peshawar
   Contact Details:
   Email: shahkhan88@gmail.com
   Phone: 03008590347

3. Mr. Nisar Muhammad Nisar
   Education:
   Msc (Peshawar University)
   Post Previously Held:
   Principal Islamia College, Peshawar.
   Contact Details:
   Phone: 091-5600893, 03339151136.

4. Col ® Waqar Burhan
   Education:
   SSG Course
   Posts Previously Held:
   Commandant Elite Police Training School, Lahore.
   Principal Elite Training School, Peshawar.
Contact Details:
Email: wssssu@hotmail.com
Phone: 091-5824026, 03454111149.

5. Brig: Manzoor Bangsh (Sitara-e-Imtiaz)
   Post Previously Held:
   Member Public Service Commission
   Chairman Peshawar Board
   Chairman Mentoring Cell
   Contact Detail:
   Cell No. 03458125553
   Line No. 091-5822299

6. Professor Asadullah
   Education:
   M.A English
   Post Graduate (Australia)
   Masters (UK)
   Post Previously Held:
   Principal Post Graduate College Nowshara
   Contact Detail:
   Cell No. 03339116045
   Line No. 091-5813106

7. Mr. Mansoor Ahmad
   Education:-
   Bachelor of Architecture
   Post Previously Held:
   Institute of Architect Peshawar Chapter.
   Contact details:
   03005921842

8. Mr. Muhammad Haroon Sabir
   Education:
   M.A, L.L.B
   Post Previously Held:
   Served M.C.B Bank Limited from 28.01.1977 to 30.03.2004
   Retired as Assistant Vice President under G.H.S scheme.
   Contact detail:
   Phone # (Res.) +92 91-5854981,
   Mobile +92 333 9148257
9. Mr. Fazal Rehman  
   Education:  
   B.E (Civil)  
   Post Previously Held:  
   Ex-Director General PDA  
   Contact detail:  
   03339372956  

10. Mr. Muhammad Anwar Khan  
    Education:  
    10th  
    Profession:  
    Social worker  
    Contact detail:  
    0300-5878756, 091-5811517  

11. Mr. Badrul Salam  
    Post Previously held:  
    Retired Principal MC Bank Staff College  
    Contact Detail:  
    03335037502  

12. Mr. Khalid Sultan Khwaja  
    Post Previously held:  
    Senior Citizen Khyber Eye Foundation  
    Contact Detail  
    03339101975  

13. Mr. Ihtesham Halim  
    Post previously held:  
    Trade  
    Contact detail  
    Cell No.03219009009  

14. Muhammad Saalem Khan Khalil  
    Post previously held:  
    Ex-MNA  
    Contact detail:  
    03339109326, 091-589833  

15. Professor Azmat Hayat  
    Post Previously held:  
    Ex-VC Peshawar University  
    Contact detail  
    091-5201054
16. Dr. Muhammad Daud Khan  
Post Previously held:  
Eye Specialist Retired from HMC  
Contact Detail  
03008598182, 091589273

17. Col: * Khalid Usman SI (M)  
Education:-  
MA (IR)  
Post previously held:  
Rtd: from Army  
Contact detail  
03329198255, 03008320021

18. Zaid Khan Wazir  
Post Previously held:  
Ex- Ambassador  
Contact detail  
0335 9680008

19. Khalid Khan Baloch  
Education:-  
MA (Islamic Studies)  
Post Previously held:  
Ex- Addl: Secretary Home  
Contact detail 03329311275

20. Abdul Khaliq  
Post previously held:  
IT Consultant  
Contact detail  
03349099999

21. Maulana Shams-Ul- Haq Advocate  
Post Previously held:  
President Peshawar Bar Association  
Contact detail  
03005823615

22. Dr. Shabir Gillani  
Education:-  
Msc (Hons)  
Post Previously held:  
Director L/Stock  
Contact detail  
03339965567, 0915830708
23. Muhammad Tariq
   Education:
   B. Arch
   Post Previously held
   EX- GM PDA
   Contact Detail
   0339235584, 0915862112

    Post Previously held:
    Professor
    Contact detail
    03005821433

25. Qibla Ayaz
    Post Previously held:
    Ex-VC Peshawar University
    Contact detail
    03005824232

26. Dr. Obaid
    Post Previously held
    Skin Surgeon
    Contact detail 0339119848

27. Mr. Khalid Ayub
    Chairman Karwan and Qaumi Jirga
    No. 0339108668

28. Mr. Nisar Muhammad Nisar (Msc.)
    Ex. Principal Islamia College, Peshawar.
    No.0339151136

29. Brig ® Salim Ashraf
    Station Commander Peshawar.
    No.03459211320