

***Advocacy for Sustainable Policy and Implementation Reforms –  
Khyber Pakhtunkhwa (ASPIRE-KP)***

**COMMENTS ON KHYBER PAKHTUNKHWA  
REGULATORY FORCE BILL 2025**

**Khyber Pakhtunkhwa Regulatory Force Bill 2025 — The Case for Deeper  
Scrutiny by Legislators**

***NOTE: The comments about individual sections of the bill have been discussed in the  
attached Annex- “A” to this write-up***

**1. INTRODUCTION AND CENTRAL CONCERN**

The Khyber Pakhtunkhwa Regulatory Force Bill, 2025 proposes the establishment of a brand-new, uniformed paramilitary-style force to enforce a wide range of provincial regulatory laws. While the objective of improved compliance is legitimate, a close review of the Bill—in light of fiscal data, existing institutions, and global regulatory practice—raises questions of necessity, proportionality, and efficiency.

The Bill risks institutional overreach by creating a parallel structure for enforcement that may duplicate or conflict with the mandate of existing agencies such as the police, food safety inspectors, EPA, and consumer protection bodies.

**2. LACK OF EVIDENCE-BASED RATIONALE**

The Statement of Objects and Reasons in the Bill provides no empirical evidence to justify the creation of a new force. It lacks conviction rates, enforcement backlogs, case timelines, or sector-specific non-compliance data. Without a Regulatory Impact Assessment (RIA), legislators are being asked to approve a high-cost structure without proof of need.

Additionally, there is no White Paper or baseline study comparing this proposal with less costly alternatives, such as reforming existing inspectorates or improving inter-agency coordination. In the absence of such data, the Assembly risks endorsing a structural solution to what may be a managerial problem.

**3. FISCAL IMPLICATIONS AND BUDGETARY STRAIN**

The Bill allows for:

- The establishment of Regulatory Police Stations across districts;
- Creation of a full cadre with uniforms, hierarchy, and operational infrastructure;
- Absorption or recruitment of new personnel with pension liabilities.

The fiscal numbers underline the danger. According to the Finance Department's Budget for FY 2025-26, salaries already stand at PKR 680.83 billion and pensions at PKR 194.97 billion, together devouring sixty-two per cent of the current budget. Every one-per-cent rise in head-count now translates into roughly PKR 6 billion in new annual recurrent costs.

### **A Glimpse into Fiscal Pressures: Salary, Pensions, and Debt Servicing**

The scale of fiscal pressure can be gauged from the dramatic growth in salary and pension expenditures. Since 2010–11, the provincial salary bill has increased by a staggering **10.7 times**, rising from **PKR 81.8 billion to PKR 876 billion**. Even more striking is the growth in pension liabilities, which have surged **224-fold**, from **PKR 0.87 billion in 2003–04 to PKR 195 billion in 2025–26**.

Compounding this challenge are the substantial **non-salary operational costs**, which are indispensable for running the day-to-day functions of government. These fixed obligations continue to place growing pressure on the provincial budget, **further shrinking the already limited fiscal space**.

Adding to the burden is the **escalating cost of debt servicing**, which significantly reduces the **provincial government's discretionary capacity to invest in developmental or reform-oriented initiatives**, including proposals such as the establishment of a new regulatory force.

Yet Section 9 of the Bill empowers the Home Department to declare "Regulatory Police Stations" anywhere it likes, a clause that presages land acquisition, construction, fleet procurement, armouries, ICT networks, and a fresh stream of utility and operations-and-maintenance obligations—none of which appear in the province's 2024-27 Medium-Term Fiscal Framework.

**Opportunity cost.** Each rupee channelled to a duplicative enforcement arm is a rupee not invested in health or education, whose combined current-budget bill already tops PKR 639 bn as detailed below. At the same time, health and elementary-and-secondary education—already allocated PKR 276.5 billion and PKR 363.4 billion, respectively—remain under-funded relative to demographic need. Redirecting scarce rupees to a paramilitary-style force will inevitably crowd out investment in these social sectors, leaving the province hostage to an expanding wage bill and shrinking fiscal and discretionary space.

**Recommendation** – Direct the Finance Department to table a five-year medium-term budgetary estimate (salary, pension, capital, O&M etc) and identify offsetting savings before the Act can commence (add a new "Sunset/Commencement" clause).

## **4. LEGAL AND INSTITUTIONAL OVERLAP**

Several existing laws already provide enforcement mechanisms:

- The KP Police Act, 2017 empowers police to support line departments in enforcement under Section 56.

- Sector laws like the Food Safety and Halal Food Authority Act, 2014 already authorize search and seizure by their own officers.

The proposed Bill risks creating confusion by barring the regular police from acting on scheduled offences (Section 35), thereby bifurcating criminal jurisdiction. Citizens may remain uncertain about where to file complaints or who has jurisdiction.

## 5. GOVERNANCE DEFECTS AND HUMAN RIGHTS RISKS

- **Chain of command confusion.** The Bill makes the Deputy Commissioner (DC) the *ex-officio* “Chief Regulatory Force Officer” (section 7) while overall superintendence rests with Home Department (section 5) and operational control with a Director-General (section 8). Triple-layered control risks buck-passing and weak accountability.
- **Use-of-force controls weak.** The Code of Conduct (section 21) is left to subordinate legislation. Best practice is to embed **statutory principles** (necessity, proportionality, graduated force, mandatory body-worn cameras) directly in the parent Act.
- **Immunity window.** Section 26 bars any suit or prosecution after six months, which is half the one-year limitation in the KP Police Act. This may breach Article 2(3) ICCPR by unduly limiting victims’ right to an effective remedy.

**Recommendation** – (1) Reduce the supervisory layers into one clear authority; (2) import the Police Order’s oversight architecture (District Public Safety Commissions, Independent Complaints Authority) to cover the new unit; (3) extend the limitation period to one year in line with existing police accountability statutes.

## 6. OPERATIONAL AND TECHNICAL FLAWS

- **Schedule is elastic.** Section 37 lets Government add *any* law to the Schedule by simple notification, effectively legislating by executive decree. High-impact additions (e.g., tax offences) should return to the Assembly for affirmative resolution.
- **Training & specialisation.** Unlike Food, Environment or Labour inspectors, generalist constables will rarely have the technical grounding to collect admissible evidence (sampling protocols, chain-of-custody, metrology standards).
- **Information systems.** The Bill is silent on a single-window e-portal for complaints, case management or inter-agency data-sharing—now standard in risk-based regulatory models or integrated inspection dashboard, a basic feature of modern enforcement.

## 7. CONSTITUTIONAL AND FEDERALISM ISSUES

Criminal law falls within the shared domain of the federation and provinces under Article 142(b). Creating a provincial force with sweeping criminal enforcement powers could conflict with the jurisdiction of federal agencies like FIA, Customs, or ANF.

Additionally, post-Twenty-Fifth Amendment integration of merged districts has increased KP's fiscal obligations. With the federal and provinces' commitments of 3% NFC shares unmet, there is limited fiscal space for such high-cost expansions.

## **8. PRACTICAL ALTERNATIVES: LOWER COST, HIGHER IMPACT**

### **An alternative strategy could include:**

Step 1: Conduct a gap analysis of existing inspectorates and police cooperation.

→ Result: Evidence-based diagnosis.

Step 2: Issue unified Standard Operating Procedures under the KP Police Act for joint raids, digital case files, and shared forensics.

→ Result: Improves enforcement without creating a new cadre.

Step 3: Invest in field tablets, QR-coded seals, and portable testing kits for Food, EPA, and Labour officers.

→ Result: Enhances evidence quality and reduces opportunities for bribery.

Step 4: Launch an online public register of inspections, fines, and compliance status.

→ Result: Increases transparency and encourages voluntary compliance while reducing enforcement burden.

Step 5: If specialist skills remain scarce, establish a Regulatory Enforcement Directorate within the Police by seconding technical officers from line departments on a rotational basis.

→ Result: Builds cross-sector expertise without significantly increasing the headcount.

- Building an e-Regulator Portal to link complaints, inspections, warrants, and evidence in real-time.
- Adopting "Primary Authority\*\*"-style agreements, as practiced in the UK, where a single designated regulator liaises with high-risk firms.
- Amending sector laws to embed tiered civil penalties proportional to business size and risk.

These measures would improve deterrence, reduce enforcement duplication, and avoid court and prison overload.

***\*\* Please see the details of "Primary Authority" style agreements as practiced in UK at Annex-B***

## **9. CONCLUSION AND POLICY CONDITIONS**

The impulse to tighten enforcement is understandable, yet the Bill, as drafted, creates a separate paramilitary-style body without proving need, clarifying cost, or safeguarding rights. Legislators should insist on:

1. A published costed study and options appraisal.

2. Amendments that embed accountability, human-rights safeguards and fiscal ceilings.
3. Exploration of joint-enforcement and digital-first alternatives that deliver compliance at far lower recurrent cost.
4. The Bill, in its current form, fails the tests of necessity, proportionality, and fiscal prudence. Legislative approval should be withheld until the following conditions are met:
5. A Regulatory Impact Assessment is published and laid before relevant standing committees.
6. A five-year fiscal envelope is endorsed by the Finance Department.
7. Oversight structures from the Police Order (e.g., Public Safety Commissions, Independent Complaints Authority) are replicated.

Adopting these changes will help KP strengthen its regulatory regime without crowding out scarce fiscal space for health, education and development and democratic values.

## ANNEX- “A”

### **SPECIFIC COMMENTS ON VARIOUS SECTIONS OF THE KP REGULATORY FORCE BILL 2025 AND SUGGESTED IMPROVEMENTS**

Below are targeted comments on specific sections of the **Khyber Pakhtunkhwa Regulatory Force Bill, 2025**, that raise concerns related to **civil liberties, human rights, constitutional principles, or departures from international best practices**. For each identified issue, a brief explanation is followed by a suggested revised version.

#### **Section 16: Withdrawal from Duty**

##### **Issue:**

This clause prohibits any Regulatory Force Officer from withdrawing from duty without written permission from the Director General. It severely restricts a fundamental right to resign or disengage from employment.

##### **Implication:**

- Violates the right to freedom of occupation under Article 18 of the Constitution of Pakistan.
- Contravenes ILO Convention No. 29 (prohibition of forced labour).

##### **Suggested Revision:**

“A Regulatory Force Officer may resign from service by giving one month’s notice in writing. The resignation shall take effect upon expiry of the notice period unless earlier accepted by the Director General.”

#### **Section 21: Power to Issue Code of Conduct**

##### **Issue:**

Delegates key human rights-sensitive procedures (e.g., arrest, search, interrogation) to a subordinate “Code of Conduct” to be issued later by executive authority, rather than embedding legal safeguards directly in the Act.

##### **Implication:**

- Lacks statutory protections for due process, proportionality, warrant-based searches, and prevention of torture.
- Undermines the justiciability of civil rights and opens door to abuse.
- Contravenes international standards such as the UN Code of Conduct for Law Enforcement Officials.

##### **Suggested Revision:**

“Government shall issue a Code of Conduct, consistent with the Constitution and the Code of Criminal Procedure, to regulate:

- (a) fair and non-coercive questioning of suspects with right to counsel;
- (b) lawful identification protocols;
- (c) arrest and detention with judicial oversight within 24 hours; and
- (d) search and seizure requiring prior judicial authorization, except in emergencies.

No officer shall exercise these powers contrary to this Act or the Code of Criminal Procedure.”

## **Section 26: Limitation on Prosecution**

### **Issue:**

Bars any prosecution or civil suit against a Regulatory Force Officer after 6 months from the act complained of.

### **Implication:**

- Unduly short limitation period restricts victims’ access to remedy.

May conflict with Article 2(3) of the ICCPR (International Covenant on Civil and Political Rights-Pakistan ratified in 2010) - (right to an effective remedy).

- Encourages impunity for abuse of power.

### **Suggested Revision:**

“No prosecution or suit under this Act shall be barred unless instituted after one year from the date of the act complained of. The limitation period shall not apply where the aggrieved person was under lawful restraint, duress, or incapacitation.”

## **Section 35: Bar of Jurisdiction**

### **Issue:**

Bars all other police officers from acting in respect of any offence under the Act or listed in the Schedule.

### **Implication:**

- Creates exclusive jurisdiction, fragmenting enforcement.
- Conflicts with KP Police Act, 2017 and CrPC, which authorise police assistance in all cognisable offences.
- Could impede FIR registration and frustrate timely investigation.

### **Suggested Revision:**

“No police officer other than the Regulatory Force shall investigate scheduled offences except where:

- (a) immediate police intervention is required to prevent loss of life or evidence; or
- (b) the Regulatory Force so requests in writing.

This section shall not prevent registration of FIRs under the CrPC by local police.”

## **Section 9: Establishment of Regulatory Police Station**

### **Issue:**

Allows Government to set up “Regulatory Police Stations” without limit or framework.

### **Implication:**

- Creates a parallel police infrastructure with capital and operational burden.
- Duplicates existing facilities under KP Police Act.
- Risks unchecked expansion without fiscal scrutiny.

### **Suggested Revision:**

“Government may, with prior approval of the Finance Department and subject to availability of funds, establish Regulatory Police Stations as needed, ensuring alignment with existing district policing infrastructure to avoid duplication.”

## **Section 18: Powers of Regulatory Force Officers**

### **Issue:**

Grants full police powers under the CrPC without qualification or integration with Police Act safeguards.

### **Implication:**

- No provision for oversight, complaint mechanisms, or training standards.
- Contravenes best practice, which requires proportionality and specific warrant thresholds.

### **Suggested Revision:**

“Regulatory Force Officers shall exercise powers under the Code only upon completion of certified training and subject to oversight by the Independent Complaints Authority under the KP Police Act, 2017.”

## **Section 37: Power to Amend Schedule**

### **Issue:**

Allows the Government to unilaterally amend the list of laws enforced by the Force through executive notification.

### **Implication:**

- Permits expansion of the Force’s powers without legislative scrutiny.
- Violates the principle of legality and legislative supremacy.

### **Suggested Revision:**



“The Schedule may be amended only by notification laid before the Provincial Assembly for affirmative resolution. Government shall place a statement of reasons and financial implications with each proposed amendment.”

## **Summary**

These problematic sections could:

- **Undermine constitutional protections**
- **Allow for excessive executive discretion**
- **Encourage duplication of institutions**
- **Limit access to legal redress**
- **Conflict with international norms on law enforcement conduct**

**Corrective amendments**, particularly on due process, oversight, and institutional clarity, are essential before the Bill can be considered a sound legal instrument for regulatory enforcement in KP.

### What is “Primary Authority”-Style Memoranda?

**Primary Authority** is a regulatory model originated in the **United Kingdom**, under the **Regulatory Enforcement and Sanctions Act 2008**, which allows a business (especially one operating in multiple jurisdictions) to form a **formal partnership with a single designated regulator**. This regulator becomes the business’s **main point of contact** for compliance, guidance, and enforcement coordination.

The goal is to ensure **regulatory consistency**, reduce **inspection duplication**, and build a **trusted relationship** that enables smoother enforcement and better business compliance.

### How It Would Work in KP:

In the context of **Khyber Pakhtunkhwa**, where regulatory functions are dispersed across multiple line departments (e.g., Food Safety, Environmental Protection Agency, Labour, Local Government, etc.), high-risk or large-scale businesses often face **repeated, uncoordinated inspections** from multiple authorities.

A **Primary Authority-style MoU** would mean:

1. **Each high-risk or high-compliance business is paired with one lead agency**, designated as its “Primary Authority.”
2. This Primary Authority coordinates all inspections, guides compliance efforts, and channels all regulatory communication.
3. Other departments or inspectorates **must liaise with the Primary Authority** before initiating inspections or enforcement actions.
4. Formal **memoranda of understanding (MoUs)** would lay down:
  - Scope of inspection authority
  - Information-sharing protocols
  - Complaint handling and appeals
  - Joint compliance planning and guidance

This is particularly useful for sectors like:

- **Large food manufacturers**
- **Hospitals and private health chains**
- **Industrial estates**
- **Transport and logistics firms operating across districts**

### Benefits for KP:

- Reduces **inspection fatigue** and **forum shopping** (where firms approach the most lenient regulator)
- Strengthens **predictability and consistency** of enforcement
- Builds **institutional trust** and **regulatory intelligence**

- Frees up inspection capacity for risk-based targeting of non-compliant operators

#### **Example in KP Context:**

Let us take the case of a large **beverage bottling plant** operating in **Peshawar, Nowshera, and Swat**.

Currently, it might be subject to:

- **KP Food Safety Authority inspections** for hygiene and labelling
- **EPA checks** for wastewater discharge
- **Labour Department audits** for worker safety
- **Weights and Measures inspections** for volume accuracy

Without coordination, these agencies may show up independently, issue overlapping notices, or enforce conflicting rules.

Under a **Primary Authority MoU**, the plant would:

- Enter into an agreement with the **Peshawar EPA office** as its **lead regulator**
- All inspections would be **scheduled and coordinated** through this Primary Authority
- The EPA would maintain a **compliance file** and share verified guidance with other departments
- If the Food Authority wishes to inspect, it informs the Primary Authority, and either a **joint inspection** is scheduled, or the EPA shares the necessary data

#### **Legislative Suggestion:**

In the **KP Regulatory Force Bill**, a new clause could be inserted as follows:

**“Where a business or regulated entity operates in more than one district or is subject to inspection by multiple authorities, Government may designate a single Primary Regulatory Authority to coordinate inspections and compliance, under a memorandum of understanding, to prevent duplication and improve enforcement coherence.”**