

# The Daily Star

Committed to PEOPLE'S RIGHT TO KNOW

Vol. 5 Num 1085

Wed. June 20, 2007

Front Page

## ***Worn out, they see no light at end of tunnel***

*Draft police ordinance holds little relief for low-ranked cops*

Shariful Islam and Emran Hossain

The clock struck 2:00am declaring to the police constable guarding the entrance of a private office at Karwan Bazar in the capital a few days ago that he had been on duty there for 18 hours at a stretch.

Feeling dizzy and unwilling to give his name, the on-duty police constable, who had only two breaks in the day for having his lunch and dinner, lamented about his workload.

"Nobody bothers to think about us, no government cares about us," the low ranking law enforcer told this correspondent heaving a big sigh.

Police personnel of lower ranks like our constable possibly will continue to heave such sighs for a long time as the draft proposal for police reforms, prepared by the police high-ups and funded by the United Nations Development Program (UNDP), Department for International Development (DFID) of the United Kingdom, and the European Union (EU), does not contain any specific proposal for lessening the workload of the police department's rank and file.

A number of police officials said almost every low ranking personnel of the force is usually posted on duties for an average of 14 hours a day.

"In the current draft of the Police Ordinance 2007 we are not proposing to bring any change to the workload, rather we are focusing on bringing qualitative changes to the way policing is carried out in this country," a top police officer, who is also a member of the committee that had prepared the draft ordinance, told The Daily Star.

National Project Director of the Police Reforms Programme (PRP) Additional Inspector General of Police Naba Bikram Kishore Tripura said reducing the workload of police personnel by shortening their daily duty shifts is currently under their consideration.

The draft proposal which is expected to be submitted to the chief adviser to the caretaker government by the middle of this month, however, contains a suggestion for forming a new pay commission recommending a salary hike for the police.

To reduce the influence of ruling political parties on the police department, the draft proposes that between the ranks of the superintendent of police (SP) and the inspector general of police (IGP) none can be transferred from their current postings within two or three years of assuming the current responsibilities. The proposal has been incorporated in the draft due to allegations of harassments of opposition leaders and activists in the hands of policemen who often do that to appease the ruling political party in an effort to shun any punishment posting. No contractual appointment to the post of IGP will also be allowed according to the draft police ordinance.

Recommendations from any minister, lawmaker or influential person for appointments, transfers and promotions in the police department will be considered a criminal offence. The draft ordinance has been prepared to replace the 150-year old police law that had been introduced in 1861 by the erstwhile colonial rulers.

Once the draft ordinance is adopted, the police department is supposed to be freed from the influence of political parties. The draft focused on issues like human rights, a police code of conduct, guidelines regarding dealing with women and children, and community policing based on mutual understanding between a community and law enforcers.

Asked whether the police force will become independent once the new rules are enacted, a high ranking police official said the police force will be very much under the government, but they will be accountable to different regulatory bodies to make sure that no one can use the law enforcers for personal or political gains.

Formations of a National Police Commission (NPC) and a Police Complain Commission (PCC) have been proposed in the draft ordinance to supervise policing.

#### NATIONAL POLICE COMMISSION (NPC)

According to the draft ordinance the NPC will appoint the IGP and investigate any allegation brought against the police chief. Nobody will be able to remove or transfer the IGP without the consent of the commission. Besides, it will recommend measures to the government for building a skilled, effective and accountable police system.

The NPC will also finalise a list of three nominees for the post of the IGP and forward it to the government after scrutinising their service records, and the government will appoint one of the nominees as the police chief.

The minister for home affairs will head the proposed 11-member NPC. Two lawmakers from each of the ruling and opposition political parties will be included in the commission while four neutral civil society representatives will also be selected as its members. The IGP and the home secretary will act as the member secretary and the secretary respectively. Each member of the commission will be selected for a three-year term and for one term only. The lawmakers and civil society representatives will have voting rights for selecting the IGP nominees.

#### **POLICE COMPLAINT COMMISSION (PCC)**

The proposed five-member commission with a retired judge of the

Supreme Court as its chief will ensure accountability of the police. A former IGP or a former additional IGP, two representatives from the civil society including a woman, and a retired secretary or retired additional secretary will be the members of the commission.

The commission will be entrusted with the authority to accept complaints against the police and take legal actions against guilty cops. The commission will also collect necessary information and evidence from the NPC, police range or any police unit regarding incidents of death, rape or grievous injury in police custody.

Other allegations will be sent to the authorities concerned while high profile or serious cases will be dealt with by the commission itself. If necessary, the commission may recommend to the chief justice judicial inquiries of the incidents of alleged police brutalities and other irregularities.

A committee comprised of a justice of a higher court, and the chairmen of the ACC and the Public Service Commission (PSC) will oversee the activities of the commission.

### **SUMMARY COURT**

For quick adjudication of cases against police personnel and for meting out exemplary punishments, the draft ordinance includes the provision of a summary court for the police department, which will take quick actions if police personnel are accused of abuse of power or other departmental irregularities.

Any convicted police personnel however will be allowed to appeal to the PCC against a summary court verdict.

Besides, the draft ordinance includes a code of conduct for police personnel aiming to uphold human rights during any search, arrest, detention or interrogation of suspects. Any deviation from the code of conduct in some cases will be considered a criminal offence.

The police reform project was initiated in 2005, which did not see any remarkable progress earlier due to many complexities. Several 'model police stations' however were established recently at different parts of the country under the project. Additional IGP Naba Bikram Kishor Tripura, and former IGP ASM Shahjahan are respectively the project director and the consultant for the programme.

A law reform committee was also formed with high ranking police officials. The committee finalised the draft of the reform proposal after meeting ten times. The draft police ordinance has 172 sections while the current police law has only 47.

The draft proposal was formulated after studying the police laws of Pakistan and India, the two neighbouring countries which reformed their police laws recently.