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Police Ordinance

Ministry asks police HQ for further consultations

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Promulgation of the draft 'Bangladesh Police Ordinance 2007' apparently hits a snag as the home ministry has recently asked Police Headquarters to consult stakeholders on the draft at thana, district and divisional level.

Top police officials smell a rat in the order and allege the directive is given with an intention to lapse time so that it could not be promulgated during the caretaker government rule. They also allege bureaucrats are not in favour of privileges the ordinance would provide the police with.

Speaking anonymously, a top police official expresses his suspicion: "If it's not promulgated during the caretaker rule, no other government will do it." No laws are promulgated in Bangladesh after such a consultation with stakeholders at thana, district and divisional level, he adds.

The police high-ups say it will take quite a long time to hold consultations with stakeholders at all 630 thanas, 64 districts and six divisions.

Once the draft ordinance is enacted, there will be no absolute authority of bureaucracy on the police department, the officials add.

Moreover, the draft ordinance proposes for seven inspectors general of police (IGP) who will be equivalent to secretary. Now only the IGP is a grade-one officer and equivalent to a secretary.

"There are eight grade-one officers against 241 first class position in the foreign service, while the police have only one against 1,535 first class officers, said a top police official asking not to be named.

Following an order from the Chief Adviser's Office in March last year, a committee was formed to formulate the draft ordinance for making police a service oriented force by bringing changes to the age-old Bangladesh Police Law, 1861.

Headed by former IGP and caretaker government Adviser SM Shahjahan, representatives from the Chief Adviser's Office, Ministry of Home, Ministry of Law, Dr Kamal Hossain and Associates and the police formulated the draft and submitted it to the Police Headquarters.

The draft was prepared under the supervision and technical help from Police Reforms Programme (PRP) with United Nations Development Program (UNDP), Department for International Development (DFID), and the European Union (EU) funding the PRP.

The police HQ on August 12 last year submitted the draft ordinance to the home ministry, which later asked the former to submit it again after translating it in Bangla and mentioning differences between the draft and the 1861 law.

Police officials say the draft was submitted again around two months ago to the home ministry, which forwarded it to the Chief Adviser's Office.

The CAO sent a letter to the home ministry on January 16 asking for consultation with stakeholders at thana, district and divisional level. The home ministry on January 29 forwarded the order to the police HQ with an additional order to "submit proven information and papers of the consultation workshops".

Sources in the headquarters say they will soon start consultation with the stakeholders and submit its feedback to the home ministry as soon as possible.

The home ministry will then hold an inter-ministerial meeting and send the draft law to the law ministry. The new law is finally supposed to be circulated as an ordinance through approval of the cabinet.

IGP Nur Mohammad said they are sending the draft ordinance to upazilas, districts and divisions for the required consultation. "We'll give them 15 days for it," he told The Daily Star.

Sources in the police HQ say they have already sent messages to upazilas, district and divisions to make all arrangements.

Former IGP SM Shahjahan who is the head of the committee that formulated the draft ordinance said: "It's a good move to consult with stakeholders and general people about a proposed law."

He also said the new law is very much necessary for the police and the government should take necessary steps to promulgate the ordinance as soon as possible.

PRP National Project Director and Additional Inspector General of Police NBK Tripura said they have already initiated a move to print several thousand copies of the draft to distribute those at thana, district and divisional level. He also expressed his hope to hold the consultation workshops as soon as possible.

He said once the draft ordinance is promulgated, the present corporate face of the police will change completely. "We're trying to give the police a humane face which is required in democratic polity."

THE ORDINANCE

Once the draft ordinance is enacted the influence of ruling political parties on the police department will reduce sharply.

The draft proposes that between the ranks of superintendent of police (SP) and IGP no officials can be transferred from their postings within two to three years of assuming the current responsibilities.

Recommendations from any ministers, lawmakers or influential persons for appointments, transfers or promotions will be considered a criminal offence.

The draft focuses 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.

Formation of a National Police Commission (NPC) and a Police Complaint Commission (PCC) has also been proposed to supervise policing.

The 11-member NPC will appoint the IGP and investigate any allegations brought against the police chief. Nobody will be able to remove or transfer the IGP without the consent of the commission.

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. Only then the government will appoint one of the nominees as the police boss.

The proposed five-member PCC with a retired judge of the Supreme Court as its chief will ensure accountability of the force.

A former IGP or a former additional IGP, two representatives from the civil society including a woman, and a retired secretary or a retired additional secretary will be the members.