

The Daily Star

Committed to PEOPLE'S RIGHT TO KNOW

Vol. 5 Num 751

Sat. July 08, 2006

Point-Counterpoint

Straight Line

Conceptualising police reform

Muhammad Nurul Huda

THE nation will hopefully witness a general election in early 2007 and a new government will assume responsibilities in the first quarter of the next year. It is, therefore, time that some concrete proposals are placed for consideration and action by that government because thus far this vital regulatory outfit of police has not received the desired attention of the political masters. A UNDP sponsored Police Reform Project is in process in Bangladesh which would be a readily available support to carry out expected reforms.

Archaic Act, dual control and image

Our police organisation which owes its creation to the 'The Police Act' of 1861 was principally aimed to administer a static, immobile and backward rural society living in villages and small towns. It envisages exercise of authority without local accountability. It presupposes a society without any constitution, basic and fundamental rights, organised public opinion and mass-media projecting and agitating the public interest. The overriding objective of the police organisation designed in 1861 was to maintain the stability of the Raj and the same was achieved by placing the District Superintendent of Police under the direction and control of the District Magistrate who acted as the agent of the central government.

In reality, the police was reduced to the position of an agency of the civilian authorities as police operations were controlled and directed by the District Magistrate and by the Assistant Commissioner at the sub-divisional level. This practically excluded the Inspector General and his deputies from effective supervision of police in the sphere of law and order. The authority of District Superintendent was routinely interfered with even in matters of internal administration.

The police organisation was designed not to attract better talent to ensure built-in subservience of the police to the executive administration regardless of the resulting corruption, lack of professional competence, police highhandedness and police-public estrangement. The routine interference emanating from the lateral control of the District Magistrate was both unnecessary and undesirable. This interference which was not intended by the law was responsible for the incapacity and recklessness of some superintendents of police.

The mass political agitation of early 1920s, and those specially between 1935-47 for political freedom threw

up unprecedented challenges to the skills and strengths of the police. What one saw during those tumultuous years ending in 1947 was a hardening of attitude, enactment of draconian legislations and making the police respond to the national struggle with arrogance and unbridled violence.

Thoughts on reform

The 1861 police system started faltering under the strain of social change brought about by the freedom from alien rule. The Police Act of 1861 is still the basic police law of the land. However, the Metropolitan Police Ordinance of 1976 has incorporated features that has no duality of control like the 1861 Act and gives adequate regulatory and licencing powers to the police chief, the Commissioner of Police.

The UNDP sponsored and DFID financed 'Strengthening Bangladesh Police Project' 2005 "recognises the importance of an efficient and effective police force as an integral part of the broader justice sector and more secure environment based on respect for human rights, equitable access to justice and observance of the rule of law". This programme supports key areas of access to justice; including crime prevention, investigations, police operations and prosecutions; human resource management and training; and future directions, strategic capacity and oversight; and is designed to assist the Bangladesh Police "to improve performance and professionalism consistent with broader government objectives and community expectations including disadvantaged and vulnerable groups and women".

The above reform programme also seeks to introduce merit-based recruitment; institutionalise training and evaluation; and address gender imbalance in Bangladesh Police. It intends to establish police officers' core function, identify and monitor clear performance targets and also focuses on making anti-corruption and complaints against police procedures more robust and accessible.

Impediments to reform

Though financial constraints have been a stumbling block for Police Reforms, it is actually the influential sections within the ruling elite that have always obstructed the reform initiatives. Even the non-financial recommendations continue to await right intervention to resurrect them from the cold storage of police commission reports. The inability of top police leaders to resist organisationally debilitating extraneous pressures and to bring about the attitudinal change in the rank and file in areas of some basic police functions, are other significant impediments to police reforms.

The areas that would need priority attention for transforming police into a public-friendly service-delivery organization are corruption, inefficiency and misbehaviour with the public.

The desirable change

First of all, the extortion-based relationship between the people and police has to be altered because that ensured political control of the obedience to the colonial government. Corruption has to be fought because this disease has meant less and less faith in the system thus leading to vigilante action. There is also decreasing faith in resorting to the legal recourse for resolution of disputes.

Oppressing working conditions and non-availability of elements of a positive work ecology along with low pay has to be dealt with seriously. The opportunity cost of being corrupt has to very high so that policemen

generally do not have to accept bribe. An efficient and credible performance appraisal system linked with an adequate and transparent reward and punishment mechanism is the other important area which should engage serious reform efforts. In fact, a punishment and reward based system would be crucial and critical to achieving the goal of minimizing corruption. Strong accountability mechanisms coupled with attractive compensation policies would be essential elements of a corruption-reduction system.

Transforming our police system to bring it in line with 21st century realities of information technology, forensics and functional specialisation is another challenge for reform initiatives.

Mistrust of police and complaints against them have to be sorted out. The allegation against police is well-known but it has to be remembered that our system of governance has been blemished by abuse of political authority. As such, victimisation of political opponents through police must not be allowed to continue. The culture of looking outside the organisation for patronage must be discontinued.

It has to be ensured that calls for greater police accountability do not result into more operational control over the police thereby debilitating the internal command and control structures. The solution lies in doing away with the illogical concept of dual control introduced under the Police Act of 1861 and allowing necessary operational autonomy to the police command and then holding it effectively accountable when things go wrong.

The Police Act, 1861 was not meant to reward initiative, promote merit or manage and sustain organisational change. This act promotes and sustains a culture of status quo with police hierarchy playing a second fiddle to their 'bosses' outside the organisation. Therefore, there is a need for institutional mechanism for recognising and rewarding professional excellence. The system should not patronise mediocrities.

Reform strategy will not succeed if the top leadership is not made sensitive and signals of change are not felt, shared and supported by the rank and file of the organisation. Reform shall not mean only better salary package, more manpower and additional transport but should emphasise upon more responsibility coupled with stricter accountability. Those found lacking in proper attitude have to be got rid of through suitable mechanism.

A police service has to be created that works better and shall make efforts to gradually close the trust deficit. Reformers should hear from people, seeking their ideas, their input and their inspiration. The views of judiciary and experts of criminal justice sub-systems should be very important. Discussions with business leaders to take advantage of the innovative management practices have to be there. Similarly, a meaningful dialogue with civil society and private sector shall also be necessary.

The political leaders and other government functionaries should be ready to proactively give up their long-held powers of 'superintendence' over the police in favour of a political public safety commissions charged with the responsibility of designing and implementing measures necessary to ensure political neutrality of police operations.

The civil society's role in initiating an informed debate on contemporary police-related issues, including

political interference in police matters, and in arriving at the right reform package is very important. Citizen groups can also contribute toward education and awareness programmes on critical aspects of police reforms. Their role in making the members of Parliament act in support of necessary statutory changes is equally important.

Muhammad Nurul Huda is a former Secretary and IGP.