

# Needed experimentation in police



MUHAMMAD NURUL HUDA

THE cynics may say that Bangladesh Police is beyond socially desirable repair and that it should be allowed to drift rudderless till our tolerant society including its incorrigible politicians are knocked out of the pervasive narcotic illusion into a much desired pragmatic realisation. That would be a resigning attitude bordering on fatalism of the worst sort and would definitely be extremely frustrating for those brave Bangladeshi optimists who have not stopped dreaming despite the ominous odds. It is to express solidarity with such optimists that this writer feels that time has not run out for Bangladesh and we can still overcome the adversity if some of us have the will, resolve and the fortitude to stem the rot and show the desirable way.

## The real dimension

The crux of the problem is the failure of our police to try new methods and approaches when conventional methods fail to deliver. They might claim to have attempted that by creating elite or rapid deployment forces and increasing the number of police stations. Giving more power to the police is yet another approach. The question is, have the elite forces succeeded in controlling crime or have the periodic increases in the strength of the police helped in controlling crime? There is, however, a continuous demand for an increase in the number of police personnel.

The essence of the conventional approach is to have more manpower, more vehicles, more arms and ammunitions, more powers, or a special cadre of police personnel. For a change, can we try to improve things with less arms and ammunitions and less powers?

## Taking stock of ground reality

If we take stock of the prevalent situation, we will find that the main problem with the police is that they have lost the trust and confidence of the people. There is a general sense of alienation and fear mixed with hatred. This has given rise to an adversarial relationship between the police and the people. Even after 34 years of independence, the people have no sense of participation in the process of governance. They are mere chattels, who have no self-respect or dignity. They can not demand protection or security as a matter of right. They can at best request, beseech, or beg. The patron-client relationship continues -- albeit in a worst form. The general people do not consider the law enforcing institutions as their own. Now a stage has reached when people are afraid of two entities in equal measure -- the police and the criminals.

## Addressing the issues

The highhandedness, inaccessibility, incompetence and callousness of the police are undoubtedly matters of extreme concern because

## STRAIGHT LINE

If we want police reform and would like to emphasise on a culture of observance of law then we should experiment with new approaches and on the basis of their results, lobby for institutional changes. The next course of action would be to seek a consensus among the important segments of society and exert pressure on ruling elite to support these changes.

Our police are not dealing with people as friends. The police, in the Indian sub-continent including Bangladesh have no tradition of serving the community and understanding its needs. One reason of such attitude is that our police force is organised on the Royal Irish Constabulary model as against London's Metropolitan Police model. We have not made a beginning to change this model in order to humanise the force. Instead, we have moved in the reverse direction. Our police have become more brutal.

## The modus-operandi and misuse

Our police force works under archaic laws and procedures. The Police Act was promulgated in 1861 and the police regulations first came into force in 1934. These laws were good enough for rural districts. They gave the police unlimited powers of arbitrary arrests, which are a legacy of colonial rule but they do not equip them with the tools to grasp the complexities of urban crime and investigation. As a matter of fact, powers to arrest arbitrarily and enter any premises without a warrant have hampered the growth of police skills in scientific detection and investigation of crimes.

We all know that since independence, successive government have used the police to harass and intimidate their political opponents. When we politicise the police and use the force as the main instrument of coercion, it naturally changes its outlook, behaviour and attitude. At the same time, it has far-reaching implications for its working and efficiency. Everyone admits that there is no substitute for an independent, neutral, non-partisan, humane and professional police administration but what is done in practice is quite the opposite.

The need for experimentation The time has come to have a fresh look at the way the police function in our country. The entire problem of law and order needs to be examined from a sociological angle. It is no more an administrative problem. For the sake of experimentation, we should try some innovative ideas. Instead of creating an elite force which may be successful in some areas for some time, a proposal can be made by the Home Secretary and Inspector General to select one district for carrying out an experiment. The first condition demanded for the successful implementation of this new approach will be that there will be no political interference in the working of the police. The IGP will be free to select a committed, upright and hardworking officer to run the district in a proper professional manner. The officer must be allowed to work at his post without interruption for at least three years and select his own team.

The basic departure from the conventional approach would be

that in the pilot project area, the confidence of the community would be regained; people liaison committees would be formed in each police station; physical condition of all police stations would be improved. The living conditions of the policemen in the police lines would be improved by providing them basic amenities. The number of police personnel would be reassessed and their unnecessary duties curtailed. Communities and other institutions would take up some of the responsibilities in consultation with the police. For all these steps not much additional funds would be required. If additional money is needed, the community including trade bodies, industrialists etc would be willing to contribute, provided there is an assurance that things would improve. This is not the question of finances. This is an attitudinal and management problem.

The time has come for us to clearly understand and openly debate the issue that--

i. We have more police than we professionally need;

ii. From the current allocation we can definitely spend more on training, and

iii. Within the given resources we can improve the working of the police stations, which are the basic units of police administration.

## Administrative imperatives

The procedures and yardsticks for allocating funds for the maintenance of police stations need to be changed immediately. The quantum of contingent expenditure for police station should increase manifold so that police do not task the complainants to bring their own stationery when they come to the police station to lodge reports or pay for it. Those who argue that the basic requirements of the police station cannot be met because of the shortage of funds should look at the steep rise in the overall budget in the last decade and the number of escort cars and other paraphernalia in use of higher officers.

At another level, a study needs to be carried out to update and improve the Police Act and regulations made thereunder. The Police Act of 1861 does provide a sound conceptual framework and is adaptable to contemporary needs. However, unless the police is allowed to perform their duties in a truly professional manner without political interference, nothing will change. As a matter of fact, there is a glut of laws. What we need is updating of old laws and their implementation in a fair and free manner. If this principle is accepted, half the problem will be automatically resolved.

## Political directions

The political executives should control the police but at the operational level the district and divisional level commanders and more impor-

tantly the officers in charge of police stations should be left alone. They should be asked to produce results, failing which action should be taken against them. Police officers become helpless creatures once the chain of command, departmental hierarchies and internal controls are broken. The last straw on the camel's back is the sidelining of honest, hardworking and committed officers, which conversely means that the highly corrupt, incompetent and pliable people manage to have postings of their choice using political clout and influence peddling.

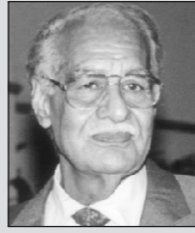
Our policy force, in many ways, is a victim of circumstances. We, as a nation, especially the ruling elite, are responsible for the incompetence and resultant criminalisation of the police. For a long time we have failed to treat the policemen as human beings. If we want an improvement in the deteriorating situation we must ensure his dignity. The statutory controls over excessive and arbitrary powers of police should be exercised firmly and justly. Let us have a slim, small, but truly professional force.

The hard-boiled critics may comment that this writer has grown wise only after retirement. To such a critic, the answer is that while in service, some of us ventured to adopt a structured approach in police management. We prepared a three-year strategic plan for the police organisation of Bangladesh. The reasons of our not being able to achieve the desired objectives is another story to be told later. However, our inability should not deter or debar others to benefit from our observations and experiences, especially now when the police organisation needs clearer direction.

We can make a beginning by involving communities in helping police in some areas and sharing some of the responsibilities in an experimental district as suggested herein before. If we want police reform and would like to emphasise on a culture of observance of law then we should experiment with new approaches and on the basis of their results, lobby for institutional changes. The next course of action would be to seek a consensus among the important segments of society and exert pressure on ruling elite to support these changes. If we can start the process, it will not be easy to reverse it.

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# They are polls apart



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I have learnt certain things in life and I am going to introduce them to the body politics of my country." P.N. Haksar would say this when he was Prime Minister Indira Gandhi's principal secretary. And one of the things he did was to separate elections to the Lok Sabha from those to the state assemblies. The practice till then, the late sixties, was to go to the polls simultaneously -- that is, to elect parliament and state assemblies all over the country at the same time.

Haksar's argument for the change was that the national and local issues were different in import and importance and they should be kept apart. They lost the focus when mixed. The campaign for the Lok Sabha election, he would say, should discuss the questions concerning the nation as a whole and the assembly ones the regional problems.

He was right. The simultaneous elections pushed to the background either local issues or the national ones. The voters were confused. They had no time to apply their mind to assess what they needed at the centre and what in the states. That is the reason why Pakistan and even Kashmir would figure in a state election. In the name of defence or unity, the political parties aroused emotions to create a wave which at times swept the country and paid the dividends.

True, the ballot papers for the Lok Sabha and the assembly were separate. But the polling for both was held on the same day, at the same time, at the same place. The voters would put the blame on the centre for all the acts of omission and commission. The rulers in the state would go scot-free. In state elections, it would be the other way round. The issues got jumbled and the responsibility dispersed. Elections lost the clear picture and purpose. The separation, when

## BETWEEN THE LINES

The communists may not dictate terms in Kerala but they will do so in West Bengal. They are faced with local problems like the shutting of industrial units and the increasing unemployment. But the countryside is still with them because of land reforms and the power transferred to the panchayats. Mamata Banerjee of the Trinamool Congress is the only serious opposition. But she is no more a stormy petrel. She has damaged her image by having an alliance with the BJP at the centre. The Congress is the distant third.

introduced, had the effect. I recall the example of Karnataka. The polling for the state assembly was one day after the Lok Sabha's. R.K. Hegde heading a political combination in Karnataka lost in the parliamentary election but won in the assembly one. The issues posed were different. While the voters liked the Congress rule at the centre, they favoured Hegde in the state.

Over the years, the voters have learnt to assess the performance of the centre and the states, independent of each other. The success or failure of a political party at New Delhi does not normally influence the election in the states. Pakistan and Kashmir, the perennial issues, have seldom been raised in assembly elections.

Elections in Assam, Kerala, Tamil Nadu, West Bengal and the tiny state of Pondicherry have been fought on local issues. National leaders have visited the states but only to highlight the regional issues. Communalism has got mentioned in all the five states but that is because the Congress and the BJP are pitted against each other in all the states. The voters have measured how far a political party in power has tackled their problems and how competent is the opposition to handle the job. The incumbency factor doesn't seem to have mattered much.

I have visited one state, Assam, before the results. The migrants from Bangladesh are an important local issue. The AASU, a body of students, which is behind the movement of detecting "foreigners" and deporting them, has helped the Asom Gana Parishad (AGP) in election. The AGP looks like doing well but its minus point is that the party failed to perform both the times when it was in power. What may decide its fate or that of the ruling Congress is the Muslim vote.

The Congress is seen favourable to "foreigners," the Muslim Bangladeshis. But they have founded their own party, the Assam United Democratic Front. It may count in government formation. Still, the emergence of a political party on the basis of religion is not a good development. It is against the country's ethos of secularism.

Muslims are also a crucial factor in Kerala. The Congress-led front which rules the state is under attack by the communist-led front for "lack of progress." But what may tilt the balance is the Muslim vote. For the first time, the Jamaat-e-Islami has jumped into the fray to support the communists. The Indian Muslim League, which is in the government, continues to support the Congress. In the face of division, any of the two fronts can have a majority, although Kerala has voted to power one front in one election and the other in the following. In Tamil Nadu, the climate has been changing day by day. At one time, it was certain that the DMK combination would return to power. But Vaiko's support to chief minister Jayalalithaa has been crucial to her party AIADMK. The recent happenings in Sri Lanka may influence the voters because the Tamil sentiment is generally for the LTTE and even its demand for a separate state. Pondicherry is too small to indicate any trend.

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an alliance with the BJP at the centre. The Congress is the distant third. The party has also been handicapped by the fact that it could not attack the communists who sustained the Manmohan Singh government at the centre. Whatever the outcome of elections, the Manmohan Singh government at the centre does not face any danger. They may confirm the impression that the Congress has not recovered the ground in most states where it didn't do well in the last Lok Sabha polls. However, the change at the instance of Haksar has not been an unmixed blessing. The separation of election has led to the disturbance of the nation's rhythm. As a result, one state or the other goes to polls every year and diverts the attention of ruling parties from economic and other vital developments.

Now that elections are over, New Delhi should seriously tackle the wave of violence in and outside the country. The Taliban, a lunatic fringe of fundamentalists, operate from the Pakistani soil and they have the support of ISI. The killings at Doda too are by those who have links with the terrorists in Pakistan. Islamabad cannot just shrug off its shoulders. It must act, not for the sake of showing but for closing its land and support to the terrorists. EOM

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# Watching the watchdog during polls

## SHAMEEM MAHMUD

THE battle for the next general election has already begun despite some confusions due to opposition alliance's demand for reforms in the caretaker Government system, Election Commission and electoral rules. Many aspirant candidates have started 'informal and formal' publicity in their respective constituencies targeting to get major parties' ticket for the next polls. Dailies, weeklies and private television channels have been presenting regular reports on coming elections and possible candidates

of major parties. Newspapers have been giving out special pages illustrating positions of possible candidates in the constituencies. There are also frequent front page news items on the next elections in the print media and the volume will obviously multiply in the coming days. As it is very crucial for democratic practice in Bangladesh, every aspect of the elections needs to be monitored precisely and thoroughly. Media should also come under thorough and careful examination like other factors in the election so that people can get a vivid idea about activities during the election period.

In the elections, mass media play a critical role by applying its strength to shape and create public opinion towards on certain issues, agenda or even group. The mass media have the ability to effect change among individuals. It sets subjects what people ought to think about. We see what the televisions broadcast, we hear what the radios play and we read what the newspapers print. These create pictures about the life around in our heads and we react largely on the basis of these information.

The relationship between the mass media and politicians is both dynamic and complicated. The media help politicians to approach the citizens. Media watch and report activities of Election Commission, political parties, law enforcers, individuals and groups during election period. But, who watches the activities of media? The matter is also related to the question of media's accountability to people as well as its responsibility as a 'watchdog'. In recent years there has been an increase in the number of civic groups undertaking election-period media monitoring in different countries though the practice is virtually new and to an extent unknown in Bangladesh.

Neutral representation of the election objectives is a striking feature of media reports during election time as many research studies show that many people specially the large number of undecided voters and first time voters take decisions as to whom he or she would vote on the basis of information in the media. Theorists suggest that media should portray the happening as accurately as possible so that voters go to the polls as much well informed as possible. In all this, the question may arise -- how liable the media is to the general standards of fairness? As part of the fairness of the election as a whole, this should be monitored whether the political parties and candidates participat-

ing in elections are enjoying unhindered access to the mass media during the campaign period and receiving fair coverage.

After the previous general elections, we witnessed allegations by leaders of losing party that media had played its role for a party instead of practicing its neutral role. So, the election-time media monitoring system should focus on -- how the media present the election to public? How biased (if the media is to any quarter, any group or any party)? How it is performing in educating people about the voting and helping people to take an informed decision about the candidates? The aim of media monitoring is not to control it, rather its main objective is to examine how well the media -- both print and electronic -- adhere to the journalistic standard of fairness and neutrality in election time. The findings of media monitors may influence the quality of media coverage while the government or the Election Commission may take note of the monitors' findings and try to make media coverage more fair and balanced.

We in Bangladesh are now on the brink of a 'media boom' when a number of private television channels and national newspapers, both Bangla and English have hit the market in the last few years (more precisely since the last election). These new satellite channels which present news and news based programmes in line with their regular entertainment programmes round the clock have enormous number of viewers with an immense impact. Apart from the state-run BTV, at present we have seven private satellite channels. Since the beginning of the broadcasting of television news by private television channels (with the ETV first), television news has emerged as authentic source to feed people's hunger for information in Bangladesh. News bulletins are among the most popular items of all private television channels. It can be predicted that the next general election is going to be held with heavy coverage by television channels.

According to the national media survey of 2002 (the latest one), only 24 percent of the village people were viewers of television programme in 1995. The number rose to 50 percent in 2002. The national level viewers increased to 61 percent in 2002, from 31 percent of 1995. The figure rose to 83 percent from 64 percent in the case of urban viewers in the meantime. With such increase in the number of television viewers in both urban and rural areas media monitors need to keep a close eye on the

television channels during the election period.

In the media monitoring process, usually the emphasis is given on both quantitative and qualitative analysis. First it has to be the simplest, the least controversial and often has the greatest impact. It entails counting and measuring election coverage in the media -- number and length of items devoted to different parties (length in column inches in case of print and time in case of broadcast). The amount of coverage each party or candidate receives is usually the first criterion that will be looked into in order to evaluate allegations of biasness.

The qualitative analysis measures the quality of the coverage that parties and candidates receive. This applies primarily to news coverage. A qualitative evaluation scrutinises the language used and the message conveyed. The media monitoring groups can circulate their regular reports (it may be weekly) to all relevant stakeholders in the election: government, election commission, election observers, political parties, foreign diplomats and the media themselves.

In the 1980's presidential elections in the USA, a few days before the contest between Jimmy Carter and Ronald Reagan, most public opinion polls said that the race was too close to call. Two days before the election, news media played up a story that the American hostages being held in Iran might be released. As it turned out, they were not. When the election results were known a few days later, Reagan had won an overwhelming victory. By playing up the story, the news media increased the public's awareness of Iranian hostage issue. For many members of the public, the hostage crisis might have moved from a low position on a list of issues that concerned them to a high position. Of course, it was very likely that raising the hostage issue on people's agenda would work against Carter, because many people might have regarded the crisis as one of the great failures of his administration.

The media have the power to directly influence the degree of ideological and organisational power that political institutions have. Such power should not go unchecked.

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# Building or destroying institutions?

## M A S MOLLA

NOBEL laureate German writer Gunter Grass visited Bangladesh in the latter half of 1980s. He was asked by someone (I cannot recall now) what was the main task before this rather new nation. He replied that the most important thing was 'BUILDING OF INSTITUTIONS'. Certainly he did not refer to establishing more and more private universities or upgrading the big colleges to universities, or making more and more concrete structures at or near Dhaka destroying the natural ecosystem. What he meant, I think, was the necessity of strengthening the institutions by setting well established rules and norms that should be followed by everybody irrespective of belonging to higher or lower echelon.

Bangladesh developed a quite good Constitution in less than a year of her independence. The constitution has provision for establishing a good number of excellent state institutions including a secular democratic government containing the elected Executive Body (meaning the Cabinet headed by Prime Minister) helped by an appointed set of qualified and patriotic employees, an elected Legislative Body (the Parliament named Jatiya Sangsad) and the appointed qualified Judiciary headed by the Chief Justice.

The constitution provided for establishing some more 'Central Constitutional Bodies' like the Election Commission, the Office of the Comptroller & Auditor General, the Public Service Commission and so on for smooth functioning of the state.

The constitution has also provided for establishing 'Local

Constitutional Bodies' like the District Council, the Union Council and later, under the same provision, the Upazila Council. But still we are failing to establish the District Council. The Upazila Council that once worked in full swing has now taken the shape of a vestigial organ. The Union Council was working since the British period but recently this grassroots level body has turned into a very weak organisation because most of its authorities and financial powers have been snatched by the local Members of Parliament (MPs).

## Few more institutions

Our political parties could discover that they themselves were not worthy enough to hold a peaceful and reliable election. So they made the provision for a 'Caretaker Government' (CG) that does not have any ambition for ruling the country for longer than three months. That very provision was made through amending the constitution (13th amendment, March 1996) though it was done by the parliamentarians elected through a questionable poll held on February 15, 1996.

The constitution has provided for establishing an independent judiciary. But for over 30 years we did not try that. In response to a simple case in December 1999 (Masdar Hossain case), the honourable Supreme Court had given the Executive a ruling to establish that. For years together the Executive has been dilly-dallying this process. The people have an independent Supreme Court (having the High Court and Appellate Divisions). But they are being deprived of the right to justice in the lower courts just because these are intimidated by the

Executive in various ways.

Our constitution has provision for establishing the Human Rights Commission and the office of the Ombudsman, but these are still in the air. However, we tried to establish a new institution, the independent Anti-Corruption Commission (ACC) in place of the defunct Anticorruption Bureau but so far we failed to make it functional. To make the ACC fully functional it is required that the body is made a Constitutional one instead of basing on simple orders from the Executive. It is apparent that the Commission cannot work independently (though the Chairman sometimes boastfully declares 'this and that would be done in .days') if this is not established under amended constitutional provisions.

## Some bad precedents

The judiciary Branch is the ultimate authority of the legal affairs of the state. The Appellate Division of the Supreme Court is the final arbiter of any law including the Constitutional Provisions. The Justices of the Appellate Division reach that level through practicing as judges in the High Court Division. In the recent past, questions raised in the public mind as regards the method of appointing the judges of the Supreme Court. Some judges were said to be forfeiters of their own certificates! If the allegation is true or false may be decided by the court concerned but the sense of lacking 'standards' in selecting those judges hits the heads of the mass.

Bangladesh Public Service Commission (BPSC) selects the government officers through a series of tests under the name Bangladesh Civil Service (BCS) Examination. The BPSC is a

Constitutional body and the President himself appoints its Chairman and the Members. Apart from proven qualifications and intellect, these persons must have unquestionable integrity of character. But our democratic regimes beginning from 1991 usually choose the chairman according to the 'colour' (white, blue or pink) that he/she could display during the university days or during their serving elsewhere. For reasons unknown, the BCS question papers are being leaked out several times. The question of the Preliminary Test of the last BCS (27th) Examination was also alleged to be leaked. But the BPSC paid no heed to this; rather this constitutional body announced the result of the said examination, perhaps, within the shortest time breaking all the past records! So a question arises if we are destroying the BPSC from the very core!

Teachers of the universities play a vital role in forming the mind of the most intelligent and qualified students of the state. The teachers constitute the largest group of the intellectuals of the nation. Most of the writers are the university teachers. New knowledge is mostly generated in the universities by both the student and teacher researchers. We know usually the best students of any department were colourless during their student life. But now teachers are being selected according to their known colours. So we are using a false standard (colour) instead of the proven 'standard' (intellect, inquisitiveness, freethinking, perseverance and the known best results). It is obvious that if the best sons and daughters of the land do not have the access to teaching

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