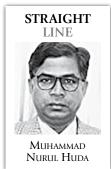
# How do we go about correcting police deviance?



columns of this newspaper, an erudite professor highlighted the need to "at least start a dialogue' on reforming the police. Like many concerned citizens he feels frustrated

and distressed at the gross misuse of police powers resulting in grievous physical injuries including death and the uncalled for loss of individual liberty. His plea for reforming the police should strike a sympathetic chord in all sensible quarters for the simple reason that whenever any State violates its citizen's rights, one of the main instrument available for it to do this is its police force. The unpleasant reality, however, is that successive authorities have not dealt with the subject with the desired seriousness.

There is no point in blaming our British colonial masters for our policerelated plight although the decay originates from the colonial past. The British had no incentive to reform the system. Now the focus should perhaps be on the continued justification of the retention of the colonial police system.

The modern Bangladeshi State that was the product of a violent freedom struggle, while adopting a written liberal democratic constitution, retained the colonial administrative,

police and judicial structures without recasting them to meet the changed situation. The colonial-repressive character emerged when the governing elite of a decolonised society decided to retain the inherited police organisation, ignoring justified demands for change.

There is a reasonable suspicion that our nationalist leaders who occupied positions of power after the departure of the British and Pakistanis, were enamoured by the administrative and police system left behind by the colonial power and enjoyed exercising power and authority, oblivious of their own demand during the freedom struggle for far-reaching administrative reforms. Is there an apprehension that decolonisation and the resultant professionalisation of police will result in less political control?

The question is, what is a colonial police system? Usually, the colonial police is a para-military force whose first purpose is to support the government, and the government rather than the law is supreme. The major enemy of this police is the political subversive and not the criminal. As in an army, policemen in this force are accountable to their superiors rather than public opinion or the law. Their duties are tabulated for them and there is little or no room for discretion.

To include an external accountability mechanism dealing with serious police delinquency among other provisions for modernising Bangladesh police outfit, a draft police law was submitted during 2007-08 period. No action has been taken to modernise the 1861



Police Act. So when police officials have proposed a legislation to subject errant elements to external scrutiny, it is not understood what prevents the authority to concur. Any system of police accountability will ultimately require legislative force. Whatever system of external supervision of police complaints is used, all systems need legislation to establish both police and public powers and duties, rights and obligations with regard to complaints

There is a considered view that substantive reform meaningfully impacting police behaviour and action in our parlance would be difficult to come by in the immediate future. As such it might be pragmatic to concentrate on few segments wherein administrative intervention is likely to

investigation.

bring salutary result.

The first item requiring attention relates to the sanitisation of the recruitment process in subordinate ranks of police. Impartial and meritbased appointment will hopefully substantially decrease the ranks of bitter and insensitive elements who are allegedly compelled to make hefty investments to gain entry into service. Fair intake should result in lesser malfeasance.

The second item concerns heavy investments on training, particularly on attitudinal changes and brushingup investigative skills with particular emphasis on scientific enquiry. The strategy should be to move from evidence to accused and not the other way and to gradually move away from the practice of extracting the

less credible judicial confession to collection of material evidence. On a broader canvas, investment for crime prevention and detection should be accorded due priority as compared to expenditures on public order.

The third item relates to rationalisation of promotions and postings. This has to be done by promoting the professionals on merit and discarding the alleged regional or political loyalty bias in matters of

The above measures do not amount to tall orders that are unimplementable but the question is whether in the absence of change of organisational goal, the same can be realistically effected. Such measures in order to be durable must not be regime specific and have to be agreed upon on a bipartisan basis.

A free society needs, ultimately, to have its police acting for the benefit of all its members: the power of the police is too great for control to be entrusted to any single arm of government and likewise too great to allow the police themselves total autonomy. To place police, and the power they wield in the State under the sole direction of the executive government is to give that arm of government power to enforce its will on society and overrule opposition. It is also to give the individual police officer carte blanche to abuse, bully, or act outside the law to a degree acceptable to the government, even if society, or certain sections of it, finds such activities unacceptable.

Muhammad Nurul Huda is a former IGP.

## Who's afraid of democracy?

#### The bitter battle over the US Supreme Court

"This is absolutely the core question: How do you preserve White male rule when it's incompatible with democracy?"

— Heather McGhee, in conversation with political analyst Ronald Brownstein. McGhee, former president of the liberal group Demos, is author of "The Sum of Us."

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of the

face following

the death of US

Supreme Court

Bader Ginsburg

is breathtaking.

In 2016, eight

months before

presidential

**Justice Ruth** 

Republican volte

brazenness



Swapan

elections, US Senate Republicans

balked when US President Barack

Obama wanted to fill a vacancy in the

US Supreme Court. They invented a

new "principle" that in an election

year, this should wait until elections.

elections, early voting has started in a

few states. Yet pretty much to nobody's

surprise, US Senate Republicans are

Donald Trump nominates.

ready to accept whoever US President

The Supreme Court has the last

word on vital issues like abortion

not surprising. However, the fight

also reflects rear-guard action by

an entrenched, recalcitrant white

minority that seeks to retain through

Yet it can be a dangerous ploy that

can backfire, if history is any guide.

"In the 1850s...the new Republican

dominant electoral force as the voice

of voters in the industrialising North

Party was emerging as the nation's

who opposed slavery's expansion,"

judicial power what is increasingly

elusive through the democratic

and Obamacare, so the battle is

Today, less than 50 days away from

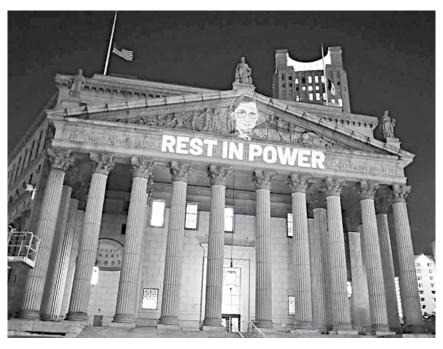
political analyst Ronald Brownstein writes in the CNN Politics website. However, seven of the Supreme Court's nine members were appointed by presidents favouring the south. "That court...sparked outrage among voters in the emerging majority when it repeatedly favoured the interests of Southern slaveholding states," he

The court made a landmark ruling in 1857 in the case of Dred Scott, an enslaved black man who sued for freedom, in which it denied Scott freedom because black people "are not included, and were not intended to be included, under the word 'citizens' in the Constitution."

It was an egregious ruling that provoked justified outrage. Four years later, the American Civil War broke out, and this landmark ruling was a contributing factor. Today America is going through profound socio-political readjustment as its demographics change and its population sorts itself geographically into Republican and Democratic constituencies. Race, alas, continues to cast a dark shadow as the Republican Party gravitates towards rural white Americans while the Democratic Party embraces diversity with open arms.

A Supreme Court justice is determined by two institutions with an undemocratic white bias—the presidency and the US Senate. Two quirks-the electoral college of stateby-state election of the president, and the two-senators-per-state rule regardless of size, gives a lopsided advantage to that Republican demographic. Brownstein lays it out: "Republicans have controlled the White House 12 of the past 20 years despite winning the popular vote only once in the five presidential elections

In the US Senate, Brownstein notes that "while the (Republican Party) has controlled the Senate for about 22 of



An image of Associate Justice of the Supreme Court of the United States Ruth Bader Ginsburg is projected onto the New York State Civil Supreme Court building in Manhattan, New York City, US after she passed away. PHOTO: REUTERS

the past 40 years, Republican senators have represented a majority of the nation's population for only a single session over that period: from 1997 to

The democratic squeeze will get tighter in the future. According to demographer William Frey, Americans born after 1981—millennials, Generation Z and the younger cohort behind them—are now a majority of the nation's population. In 2020, millennials and Generation Z combined will equal older cohorts as a share of eligible voters, and in 2024 they will exceed them as a proportion of actual voters. People of colour make up 45 percent of millennials, nearly 49 percent of Generation Z and a 51 percent majority of the younger generation behind them.

It seems like a million years ago when the Republican Party had done what it called an autopsy after backto-back presidential losses. The party recognised that unless it widened its appeal it faced demographic doom.

Then Trump happened, and all good sense went out of the window. Republican white racial polarisation is now on steroids. According to polls and 2018 Congressional races, even college educated white men and suburban white women are deserting the Republican Party.

The party recognises the looming danger, and the result is a remarkable development. Look anywhere in the developed world and you will be hard-pressed to find any party that is so implacably opposed to universal adult franchise. Under the ruse of voter

fraud-a claim debunked by expertsthey've tightened voting requirements that, unsurprisingly, makes voting more difficult for minority and poor

The Supreme Court has helped. Two conservative majority-led Supreme Court decisions have given Republicans a substantial edge. In the 2010 case of Citizens United v Federal Election Commission, a conservative majority drove a stake into a bipartisan effort to limit corporate spending to influence elections. Associate Justice John Paul Stevens argued in dissent that the Court's ruling represented "a rejection of the common sense of the American people, who have recognised a need to prevent corporations from undermining self-government." In an even more egregious ruling in the 2013 case Shelby County v. Holder, a conservative majority essentially defanged the Voting Rights Act, the landmark law that protects African American voting rights especially in the American South, which has a notorious history of suppression.

However, these could all turn out to be Pyrrhic victories. The egregious 1987 Dred Scott ruling is a dark reminder that if a court goes against the spirit of the times then its ruling can backfire.

If Republicans think packing the US Supreme Court and lower federal courts with their proteges will protect policies no longer shared by a diverse, different demographic cohort they never bothered to court or engage, they are kidding themselves.

African American author James Baldwin had issued a warning in 1963 in a different context that is chillingly relevant for Republicans today. He quoted from a Negro spiritual song: "God gave Noah the rainbow sign/ No more water, the fire next time!'

Ashfaque Swapan is a contributing editor for Siliconeer, a digital daily for South Asians in the

#### ON THIS DAY IN HISTORY



**SEPTEMBER 26, 1960** First televised US presidential

The first in a series of historic televised debates (seen by some 85 to 120 million viewers) between US presidential candidates John F Kennedy and Vice President Richard M Nixon was broadcast this day in 1960.

#### **CROSSWORD** BY THOMAS JOSEPH

**ACROSS** 1 Jokes 5 Officers above captains 11 Stepped down 12 Like Berg's music 13 Impose, as taxes 14 Ant group 15 Chopping tool 16 Pretzel topping 17 Unhappy look 19 Bar bill 22 Dreads

24 Comet's place

27 Gumbo veggie

28 Make wavy

30 Hive head

31 Spinning toy

32 Day divisions

26 Mystique

45 Milky stone **DOWN** 1 Fancy party 2 Baseball's Rodriguez 3 Cares 4 Pig's place 5 Raucous bird 6 Coral isles

8 Music's Yoko

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9 Galloped

34 Buffoon 10 Cunning 35 Jackson 5 hit 16 Sinking signal 38 La Scala city 18 Pack full 41 Notion 19 Swims 42 Out of bed 20 Land unit 21 Noggin 43 Kitchen herb 44 Overnight flight 22 Piece of data 23 Continental coin 25 Rain heavily 29 Bogus 30 Status – 33 Oxygen form

34 Foundation 36 Composer Bartok 37 Ref's decision 38 Spoil 7 Sudden shock 39 Angry state

40 Jar part

YESTERDAY'S ANSWERS 0 ER GRET D AITINGG TOE REVOLT SEVER A|D|E|D I R G ABSENT 41 Altar promise RANAMI SSUMEDNAME Т ER GEE SE OA

### **BEETLE BAILEY** MY BOOTS ARE TOO BIG AND MY HELMET



BY MORT WALKER

**BABY BLUES** 

THIS IS YOU.

