

Police reform: Core issues

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THERE is no doubt that the people of Bangladesh want to create a police force that works better. It is about closing the trust deficit: proving to the people that the new police will be there principally to serve. For this the government needs to listen to senior police administrators who know the police best - who know what works, what doesn't, and how things ought to be changed. There is a need to speak with as many policemen as is possible. There is a need to hear from the stakeholders - the people - seeking their ideas, their input and their inspiration. We need the views of the judiciary, and experts of other criminal justice sub-systems.

The Police Act needs to replace the ruler - driven police with a community - based police through the institutional mechanism of Public Safety Commissions at the national and the district levels. Such arrangements will hopefully be a major step forward in fostering credible police accountability, gender - sensitive policing and operational neutrality of police.

The government needs to hold discussions with top business leaders who have successfully used innovative management practices to turn their organizations around. We need to consult public administration experts who know how best to apply the principles of reinventing public sector organizations to improving police services. The government needs to have meaningful dialogue with the best minds from private sector and the civil society.

In practical terms, the way forward is that the government leaders proactively give up their long-held powers of 'superintendence' over the police in favour of apolitical Public Safety Commissions charged with the responsibility of designing and implementing measures necessary to ensure political-neutrality of police operations. Our government has to be restricted to exercising the power of 'superintendence' only to the extent of ensuring that police performs its duties efficiently and strictly in accordance with law.

The Police Act of 1861 should be replaced by a new Police Act, which would not only change the system of superintendence and control over the police but also enlarge the role of the police to make it function as an agency which promotes the rule of law in the country and renders impartial service to the community.

A fundamental prerequisite for success of a reform strategy is publicly demonstrated political will of top leadership, and an on-going commitment of all stakeholders to support and sustain the expected outcomes of that strategy. When the challenge is to foster democratic governance, rule of law and human security, it is not possible to implement successfully any meaningful reforms without a broad agreement across the political landscape on the future role and responsibilities of the police.

Though 'financial constraints' have many a time stood against reforming the police, it is primarily the influential sections within the governing elite that have historically proved to be a major stumbling block in the way of police reform. The fate of scores of police commissions and committees is an instance in point; their recommendations, even those without much financial implication, continue to await right intervention to resurrect them from the cold storage of police reform reports.

The inability of top leaders of police to feel able to resist - organizationally debilitating - extraneous pressures and to bring about the required attitudinal change in the rank and file, even in making policemen behave properly in certain select areas of their functioning (e.g. registration of FIR, investigation, use of third degree) are other significant



The police reforms are negatively received by a wide range of officers. They are happy as long as such efforts focus on issues like better salary package, more manpower, additional transport, etc. However, when they see that core reform agenda entails more responsibility coupled with stricter accountability, their attitude becomes lukewarm, if not hostile.

Our first order of business should be the enactment of a new Police Act to replace the present archaic legislation enacted in 1861. As it is, the Act is weak in almost all the parameters that must govern democratic police legislation:

(i) The Act has made it easier for others to abuse and misuse the police organization. It has been possible for people in positions of power to do so because of the following reasons.

a. The Act gives the government the authority to exercise superintendence over the police, without defining the word superintendence or prescribing some guidelines to ensure that the use of power will be legitimate.

b. The Act does not establish any institutional and other arrangements to insulate the police from undesirable and illegitimate outside control, pressures and influences.

c. The Act does not recognize the responsibility of the government to establish an efficient and effective police force.

d. The Act does not make it necessary to outline objectives and performance standards, nor does it set up independent mechanisms to monitor and inspect police performance.

(ii) The Act is antiquated in its charter of duties, which is narrow and limited.

(iii) The Act does not mandate the police to function as a professional and service-oriented organization.

(iv) The Act is not in consonance with the requirements of democratic policing. These requirements insist on the existence of a police force

that:

- is subject to the rule of law, rather than the whims of the party in power;
- can intervene in the life of citizens only under limited and controlled circumstances; and
- is publicly accountable.

Therefore, the principal features of our new Police Act should be to:

- redefine in clear

terms the role and responsibilities of the police.

- seek to improve human security and access to justice within the ambit of rule of law.

- phase out obsolete police management practices.

- provide for enhancing police professionalism.

- introduce new powers to improve police discipline.

- strengthen external police accountability through institutionalized civil society oversight.

- aim to transform the police into a public-friendly service-delivery organization.

- make it obligatory for the government to establish police-public consultative committees.

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police with a community - based police through the institutional mechanism of Public Safety Commissions at the national and the district levels. Such arrangements will hopefully be a major step forward in fostering credible police accountability, gender - sensitive policing and operational neutrality of police.

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cant impediments of police reforms.

The three areas that need urgent attention if police were to be credibly transformed into a public-friendly service-delivery organization are corruption, inefficiency and misbehaviour with the public; the policies and strategies seeking to reduce corruption in police, enhancing police efficiency through true professionalism and transforming a public-frightening police into a public-friendly outfit have not been very successful over time in the context of South Asia notwithstanding.

The principal reason the police commanders generally

lack essential leadership qualities is that the police organization created under the Police Act 1861 was not meant to reward initiative, promote merit or manage and sustain organizational change. It was in fact designed to promote and sustain a culture of status quo, with police hierarchy playing a second fiddle to their 'bosses' outside the organization. There is no institutional mechanism for recognizing or rewarding professional excellence; rather the system is loaded stunningly in favour of mediocrities who inherently oppose any meaningful reform effort.

