

## Police reform time-frame

Put the building blocks in place urgently

**P**OLICE reform has been one agenda we have been hammering away at whenever the occasion arose. We attach a good deal of urgency to the matter. For, we believe, like most people, that without a corruption-free, people-friendly, human rights-sensitive and thoroughly professional police force, neither social peace and order nor economic development can be truly achieved.

That's why the news of the police reform programme supported by the UNDP and the UK Department of International Development having been extended for another five years has caught our attention. The programme beginning from 2005 and ending in September, 2009 has stepped into the second phase spanning another five years. We are not aware of what has been achieved by way of reform in the first phase and how instrumental has it proved to be in improving the overall performance of the force, but its extension into the second phase may be regarded as a reflection of a positive view taken by the UNDP of the programme.

The second phase is a substantive one comprising assistance to the government in tackling the law and order and human rights situation, in building trust with the community through community policing, strengthening oversight and accountability of the police and boosting police professionalism in the areas of investigations, training and gender sensitivity.

We can understand that transition of a colonial-style police force 'to democratic policing for enhancing human security' will take its time. But given the felt-urgency for police reform all around whatever needs to be done by the government should start being put in place before long.

The first order of priority ought to be to respond to the pivotal necessity for amending the Police Act of 1861. Unless an updated legal framework attuned to the contemporary needs is in place the move for reform cannot basically take off. Plenty of recommendations from think-tanks, civil society and expert groups are available specifying the lines along which the Act should be amended. The government may hold further consultations with the stakeholders. And since it is a matter for legislation MPs on both sides should be associated with the process. Nothing like the reform having a bipartisan stamp.

Meanwhile, the government could take the reform agenda forward by ensuring that its political will is fully behind it and that there is scrupulous avoidance of politicisation.

## Hospital service held hostage to student clashes!

Government needs to intervene

**T**HE shutting down of Mitford Hospital outdoor department and emergency ward for hours on Sunday by BCL activists did show, once again, how the clashes between their two factions are creating all sorts of problems for the public.

The BCL activists were actually protesting an attack on them by fellow BCL boys. And this is definitely an area where outsiders cannot have much to do. The outdoor treatment seekers had to move to other hospitals which of course meant loss of time, energy and money. There was no way for them to learn beforehand that the outdoor department would remain shut down for such a long time. Even worse was the predicament of those in need of emergency medical attention. And all this was due to the fact that some activists of a student outfit decided unilaterally to bring everything to a halt in a hospital that caters to a huge number of people, particularly in the old part of the city.

Sadly, the student organisations engage in some sort of violent clashes almost every day. The BCL clashed with the Shibir in Chittagong Medical College Hospital on Saturday last and people were greatly worried by the ominous display of muscle power by the students brandishing lethal weapons. While Shibir's obscurantist agenda is cause for concern, no less disquieting is the tendency of the followers of the two major parties to turn violent at a moment's notice for attaining their objective of gaining control over the campuses.

It has been reported that the culprits responsible for such ugly manifestation of strident student politics always go unpunished. It is really not desirable that those facing specific charges are never brought to justice. The decision makers have to address the issue without giving virtual indemnity to student followers of any political party.

The AL high command has to take note of the harsh truth that BCL activists are becoming a source of embarrassment but a threat to their credibility endless worries to citizens -- regardless of their political identity. This is a situation that must be stemmed here and now and it is the AL leadership alone which can make sure that it is.

## Awards of a different tinge, why not?

"Awards become corroded, friends gather no dust." Said Philo, Socrates, Confucius? No, brother. This beautiful and profound line came from Jesse Owens, the American athlete, who was 4-time gold medalist in track and field at the 1936 Olympic Games. What wisdom of an athlete! Wish our politicians and intellectuals could speak like this, that we could quote again and again. What our political friend from Chittagong says every now and then sitting in his Dhanmondi residence also gets quoted frequently. But do you need wisdom to say such things? No. All you need is a reckless tongue.

SHAHNOOR WAHID

**A**WARDS are fascinating things. The stage, the podium, the glitter, the gab, the crest, the clapping, the camera lights and the microphones create a magical realm where the awardee is the king of the moment. All over the world there are many different kinds of awards given to people for many different qualifications, traits and accomplishments.

There is Oscar award there. There is Suritola Baybshae Samity award here. Both are important by their own right. It is claimed that one Dhaka businessman of Suritola, while giving awards to players in a table tennis tournament, wanted to give an award to the hen that had laid the strong egg that the players could not break in two hours!

In the world out there, people get awards for climbing the highest mountains, and then again get them for eating 50 hamburgers in one go. There is beer drinking competition and a competition where competitors spit watermelon seeds across a line. One who sends it the farthest gets the award. There are TV shows where competitors get awards for eating earthworms, cockroaches and so on to spoil the appetite of the viewers.

There are best movie and worst movie awards. People get awards for being best and worst dressed persons. Then they get prizes for being delightfully on the heavy side and also for having the worst/funniest hairstyle! And such weird-award giving ceremonies are never short of screaming and shouting audiences enjoying every bit of the bizarre manifestation before their eyes.

Award giving ceremonies are big events in people's lives. Men and women, especially celebrities, become ecstatic for being nominated for awards. They faint, they feign, they freak out. But there are some

who are never happy, even after getting many awards in their lifetime. There are cynics too. Famous American actress Barbara Streisand once said: "Most awards, you know, they don't give you unless you go and get them -- did you know that? Terribly discouraging."

You get awards for coming out first or second in exams. And no one thinks about those who get Cs, except, of course, George W. Bush. Listen to what he had said: "To those of you who received honours, awards and distinctions, I say well done. And to the C students, I say you, too, can be president of the United States." (Source: Think exist.com). Well if that is the downside of awards then contemplate a while after reading the following line.

"Awards become corroded, friends gather no dust." Said Philo, Socrates, Confucius? No, brother. This beautiful and profound line came from Jesse Owens, the American athlete, who was 4-time gold medalist in track and field at the 1936 Olympic Games. What wisdom of an athlete! Wish our politicians and intellectuals could speak like this, that we could quote again and again. What our political friend from Chittagong says every now and then sitting in his Dhanmondi residence also gets quoted frequently. But do you need wisdom to say such things? No. All you need is a reckless tongue.

Ah, you ask, what goaded me to write on Awards this morning? Well, it was the nagging thought of introducing different kinds of awards in this country in recognition of the traits and accomplishment of some people who remain unawarded till today. They have been diligent in "doing" and steadfast in "saying" things that many of us would not be able to do or say. They are of a special breed, so, don't they deserve to be awarded?

Consider my proposals and let me



The winner!

have your opinions. We should have awards for the category of "Best Dodger." And who else but most of our politicians would win them for successfully avoiding payment of laundry, *mudi dokan*, *machhwala*, *dimwala*, telephone, gas, electricity and parliament canteen bills? They have been dodging for decades and now can open a training centre to teach how to dodge bill collectors. The second best in the competition would be some of our industrialists who talk big on TV but do small things behind to dodge payment of government bills.

Many of those belonging to the political fraternity would also take away all the prizes for the category of "Worst Fibber." Well, the amount of "non-truths" they have to say everyday for not keeping their election pledges should earn them such prizes. Then we propose the award "Windbag." Some of the participants in the torturous TV talk shows -- teachers, politicians, bureaucrats, journalists, writers -- would surely bag

all of them. "Compulsive Consultant" is the category we should introduce for the intellectuals who are seen in all UN and NGO offices with their conspicuous laptops. They are there whatever government is in power.

"Jail Bird" award should go to some of our leaders who never miss an opportunity of going to jail. Then who else but the (in)famous lawmaker would bag the award called "Somersault" for his acrobatic skill in jumping on board of the caravan of every government. "Sleepy Selwar" is a newly introduced award to glorify leaders who tend to fall off to sleep during meetings or who pay no heed when things tend to fall off around him.

Well, there would be more next time, but first I need to know whether introduction of such awards would cleanse our conscience a little. See you in the next award giving ceremony.

Shahnoor Wahid is a Senior Assistant Editor of The Daily Star. He can be contacted at shahnoorwahid@yahoo.co.uk

## Keeping an eye on governance

The office of the ombudsman operates as a uni-functional and independent body to protect the rights of the citizens under the rule of law; it acts mainly to examine the substantive contents of the administrative decisions and dysfunctional procedures and the reasons for delay in decision-making within an agency, to redress citizens' grievances.

SYED NAQUIB MUSLIM

**A** truly democratic government requires both politics and administration to be accountable to the electorate. Accountability cannot, however, be achieved in a vacuum; it cannot be achieved by chance. One of the institutional mechanisms to ensure administrative accountability is the office of the ombudsman. In recent times, the ombudsman has begun to develop more as a movement than as an institution in different parts of the world.

The government has decided to install the office of the ombudsman and is reportedly looking for an appropriate person for this post. Article 77 of the Bangladesh Constitution provides for the office of the ombudsman with autonomous powers to investigate actions of ministries, civil servants or officers of other statutory bodies. Article 77(2) and (3) specifies that the ombudsman shall exercise such powers and perform such functions as the Parliament may, by law, determine, including the power to investigate any action taken by a ministry, a public officer or a statutory public authority.

The office of the ombudsman operates as a uni-functional and independent body to protect the rights of the citizens under the rule of law; it acts mainly to examine the substantive contents of the administrative decisions and dysfunctional procedures and the reasons for delay in decision-making within an agency, to redress citizens' grievances. Thus, the Ombudsman is known as "citizens' defender," "complaint commissioner" or as "independent critic of the administration."

Complaints of the aggrieved citizens are received through the members of the parliament and remedial measures are recommended by the office of the ombudsman. According to Gerard E.

Caiden, the device is "the institutional public conscience -- the essence of what government ought to do." An ombudsman has no power to correct maladministration but it can criticise and publicise findings of the investigation.

If the government decides to install the office of the ombudsman, it may keep the following factors in mind to ensure its efficacy.

- Role definition:** The government has to clearly specify the goals and roles of other agencies engaged in promoting administrative accountability. If the ombudsman is instituted among the Anti-Corruption Commission, the judiciary, the Comptroller and Auditor-General, the Public Accounts Committee and the administrative tribunals, the functions of each agency have to be made transparent to the members of the public so that there is no confusion about the functional purview of each agency. Schedules should be framed to include the list of the agencies or departments over which ombudsman will have investigative jurisdiction.

- Personality factor:** The success of the system depends largely upon the personality of the officer. In fact, the institutionalisation of the system will depend on the performance of the first ombudsman. Therefore, the selection of the first ombudsman is crucial as the government has to prove that it made a non-controversial choice, and placed at the right person in the right place. As Gellhorn puts it: "A gentle war against bureaucratic sin can be won, of course, only when the warrior's own integrity and objectivity are beyond doubt."

Theoretically, the incumbent should have tolerance and the power of persuasion, and be unafraid of criticism. The ombudsman should be a consensual person with a sense of diplomacy; he or she should have sound legal knowledge and administrative capability. He or she should be a person with

integrity of character, non-partisan outlook, sharp sense of the economy, people orientation, communication skills.

- Political non-interference:** The office of the Ombudsman is independent of the government in form and function; it is also independent of the Parliament. Thus, unwarranted interference from the party persons, interest groups, members of the parliament or other quarters will not merely weaken but also nip the institution in the bud. Thus, laws should be framed to keep the office immune from undue external interference.

- Responsible citizenry:** Without a responsible citizenry, the office cannot operate properly. Civil servants as well as elected public representatives must be shielded from unfounded accusations of irresponsible members of the public or the civil society. Bombarding the office with concocted complaints is a serious hindrance. Even in the developed societies, false or anonymous complaints are sent to the office of the ombudsman. "Americans are notorious complainers," remarks Sandler. About the British, an English writer confesses: "Complaining is a very old British art." Sweden and Finland receive 1000 to 1800 complaints annually, and at least one-fifth of them are found to be unmeritorious. In France, from 3000 to 4000 complaints are received by the mediator through senators and deputies every year, and more than half of these are found to be groundless.

If this occurs in the developed world, what may happen in Bangladesh is a question to ponder over. Experience indicates that, in our country, at least 80% of the complaints received from the members of the public are ill-founded. Unless citizens who tend to lodge fabricated complaints are held accountable, it will be difficult to institutionalise the office of the ombudsman. Thus, there should be adequate legal provisions to penalise those who submit false complaints with the office.

- Efficient personnel system:** The office of the ombudsman forms a small bureaucracy within a big bureaucracy, like a "play within the play." If this small bureaucracy is not efficient, it will naturally have a negative impact on the big bureaucracy. Thus, a balanced mix of civil servants and lawyers is required to discharge the functions of the office. Skill

to adjudicate complaints promptly, courteously, and efficaciously is a basic professional requirement for managing the office.

The office of the Ombudsman, to serve today's complex national government and 150 million people, may require at least 100 to 150 employees to receive and process the complaints of the genuinely aggrieved citizens. Cases of corruption cannot be handled properly by those who themselves are corrupt. If it so happens, the office will in no time lose its institutional credibility, and when credibility is lost, it will simply assume the status of an institutional parasite. Therefore, the office should be staffed with persons with a reputation for integrity and competency.

- Democratic culture:** Unrestricted flow of, and access to, all relevant information is an essential factor. Full and accurate information is necessary to ensure justice to the aggrieved persons. Relevant agencies should be duty-bound to furnish information and evidentiary documents required by the office of the Ombudsman.

A responsible free press can make the public conscious and keep the government away from party pressures. Wide publicity in newspapers/journals is necessary to raise public awareness about the importance, objectives and modalities of the office. Public discussions may also be generated in the form of periodic seminars to reinforce education of the public, as the government has been doing.

Unless the actions of the ombudsman are rational, and unless it is staffed by qualified people, it is likely to have an adverse impact on the Civil Service system. It has to be kept in mind that the ombudsman is a supplement to and not a substitute for the judicial process. Let us not succumb to "ombudsmania" all of a sudden, but experiment with the concept slowly and judge how much it suits our purpose. Let us also not forget Prof. Gellhorn's remark that the ombudsman succeeds best where it is needed least.

Dr. Syed Naquib Muslim is a Secretary (on LPR).

The article "Global crisis: Bangladesh bucks the trend" by Zafar Sobhan printed on October 22, was reprinted by arrangement with Yale Center for the Study of Globalization.