

# STRONG INSTITUTIONS FOR GOOD GOVERNANCE

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## Good governance and its link with police reform



MUHAMMAD NURUL HUDA

Ensuring good governance through socially desirable law enforcement would demand that needed police reforms keep pace with the social changes and the emerging concept of social justice and egalitarian society. There has to be a political consensus that in a welfare state, police should be a purposeful regulative mechanism of the government for the purpose of maintaining a peaceful society with the cooperation and goodwill of the public and for upholding the rule of law to ensure welfare and security of the people.

The role of police in Bangladesh has to be viewed in the perspective of the historical process, the changes in the social situation and the values and the aspirations of a developing society. The police in Bangladesh inherited the historical disadvantages common to all countries formerly subjected to colonial rule. During that phase, the administrative agencies were identified with the interests of the colonial power. It is thus evident that a meaningful enunciation of the role of the police organisation in modern Bangladesh has to be consciously divorced from past tradition.

The situation in the post-independence era and the specific law and order requirements arising out of continuing conflicts have, unfortunately, not permitted the full development of new traditions and attitudes. While, on the one hand, the police are expected to get closer to the people, they are repeatedly called upon, on the other, in their role as the agents of authority, to deal with violent agitations and disturbances of a wide variety.

Challenges to authority are inherent in a plural society. These are accentuated in a democratic polity and lead to agitations and disturbances. Admittedly, there is the problem of the right use of authority by parties which are in power. There have been instances where governments have been accused of using the police machinery for political ends. There are also instances of individual politicians interfering with the administration and the work of the police. As may be expected in a society in transition, the norms which should



govern the relationship between the party in power, the individual politician and the police have still to be developed.

The constitutional goals and the guarantees of freedom define the political framework within which the administrative authority and the law and order agency must function and also point to the directions of future national progress. The police, as one of the administrative agencies, have a special responsibility not only to ensure the widest possible degree of individual liberty and security in terms of the constitutional guarantees but also to deal with socially disruptive forces.

In the political sphere, the enunciations of national goals have resulted in rising expectations and aspirations among the masses. Any gap between the guaranteeing of the constitutional rights and the reality, leads to strains and tensions which are mobilised for the "politics of agitation". There is no doubt that while these processes lead to the politicisation of the masses and

the development among them of a greater awareness of their rights and of the method of their achievement, they also intensify the ferment that lead to confrontations with the authority. Those entrusted with the maintenance of stability in society thus often come into conflict with the forces generated by the political system, which they are mandated not only to serve but also to preserve. This makes the policemen's task both delicate and complex.

In the ultimate analysis, the police forces have to understand that any situation of confrontation is short-lived, as against the permanent nature of the overall public good and has to be handled with patience. Such an appreciation can be acquired only if the members of the force are made aware of the essential nature of the discontent in a developing society, and can relate it to the fact that the same was recognisable in other societies in a similar state of historical development. Perhaps, the one single factor which

distinguishes the police services in countries, where they are considered as models of popularity, is either the fact that the forces were created on the basis of such an understanding of their position, or they passed through the phases of turmoil with an intelligent understanding of the basic processes of social development.

The police have always had to handle problems of law and order. What is new in the situation today is that many of the demonstrated display of protests are legitimate because they are undertaken in furtherance of goals which are recognised by constitution. The police, therefore, run the risk of being cast in an anti-people role. Even so, the police have to maintain law and order and support the constitutional processes in the society. Therefore, the police, both in a negative as well as positive sense have the obligation to defend and promote the normal legal and constitutional processes in the country. It is only through these that the desired social objectives can be achieved in a democratic society.

Quite curiously, the police are expected to show an understanding of the "cause" of the protest and at the

same time to distinguish it from the 'means' that are adopted if these threaten peace or law and order. They are expected to be firm but not being afraid of courting unpopularity when the rights of citizens enshrined in the constitution are in danger of being violated.

The Police Act 1861 still embodies the basic philosophy of the Bangladesh Police. Its primary focus is to contain trouble after it occurs. Whether it be mob violence of individual criminality, it is reactive in dealing with situations. The contact between policemen and citizens mainly involves actual or implied enforcement of the law; non-enforcement mediation, does not often occur. The requirement of maintaining public order and collecting political intelligence of concern to the security of the state continue to be the prime preoccupation.

The Police Act 1861, despite its preamble, prioritises collection and communication of intelligence affecting public peace. Unfortunately, the blanket power of superintendence vested in the government, by the Police Act 1861, is not appropriate in a democracy. Further, the role of intelligence agencies has not been redefined to protect the fundamental right to freedoms of association, expression and movement. The police in Bangladesh still keep a watch on all political activities without discrimination and exclude only the ruling party of the day which gives them authoritarian powers antithetical to the democratic spirit.

While not putting all the blames on the political class by ignoring the negative role of the police leadership, it needs to be pointed out that our political class, on assuming power forgot their own demand of effecting suitable administrative reforms. The politicians failed to introduce administrative changes in tune with the provisions of the republican constitution of Bangladesh. It is only proper to remember that the modern Bangladeshi State is the product of a violent freedom struggle. The State adopted a written, liberal democratic constitution but retained the

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