

CHAPTER 3



Strengthening Police Reform

Police Reforms in Bangladesh

Abu Syed M. Shahjahan

The police have a vital role to play in maintaining internal law and order and establishing the rule of law in the country. For controlling the law and order situation, tackling the ever-increasing sophisticated crimes, arresting the spread of drugs and narcotics, and punishing heinous crimes like murder, rape, mugging, hijacking, abduction, smuggling, acid-throwing, and violence on women and children, the need for the police force is indeed very great.

Yet, society at large has a negative conception of the police. In the case of Bangladesh, this unfavorable impression dates back to 1813 with the birth of the police force in British India. The police system established during this period was governed more by considerations of maintaining control or dictatorial rule rather than providing sensitive and people-friendly policing. As instruments of colonization, the police were viewed to be as ruthless as the dacoits from whom they were supposed to protect the villagers.¹ After Bangladesh attained its independence in 1971, a good number of committees were formed but their recommendations were hardly implemented, further eroding the image of the police. As the public's repulsion toward the police intensified, the police also found itself in a misshapen colonial mold beset with institutional problems. On the other hand, Bangladesh today is weighed down by a significant level of human

insecurity and is in urgent need of an accountable, transparent, and efficient policing service that could ensure the safety and well-being of the citizens. In this context, this paper evaluates the current state of the Bangladesh Police and identifies key reform issues, drawing from previous studies as well as field interviews of police personnel and civil society, focus group discussions, and site inspections.

The Bangladesh Police Organization

The Bangladesh Police is a national organization with headquarters based in Dhaka and a number of branches and units, including a special branch, a criminal investigation department (CID), an armed police battalion, training institutions, and range and metropolitan police (including railway police). The range and metropolitan police are structured into districts, circles, police stations (*thanas*) and outposts. The Inspector General of Police (IGP) is the highest ranking officer. The IGP is not independent and can be transferred and removed by the Government any time. At the district level, the police superintendents oversee the field operations of the police force and liaise with the deputy commissioner. The Ministry of Home Affairs (MoHA) controls police administration, and appointments and transfers of all police officers above the rank of superintendent. In charge of each *thana* is an inspector who coordinates all kinds of work in the *thana* area.

The Bangladesh Police is mainly governed by the Police Act (1861), the Code of Criminal Procedure (1898), the Police Regulation, Bengal (1943), the Armed Police Battalions Ordinance (1979), and relevant Metropolitan Police Acts.

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¹ Janakantha Pakhikh, 7–21 July 2000.

Human Resources

As of 31 August 2005, there were 116,962 approved positions in the Bangladesh Police, 103,902 of which have been filled. This results in a ratio of 1 police officer to more than 1,200 people, an obvious deficiency in manpower that causes inefficient service. On the other hand, over 80,000 constables are not fully utilized due to lack of power to investigate or hold inquiry.

There are three entry points in the recruitment process of the police department: (i) assistant superintendent of police (ASP), (ii) sub-inspector (SI)/sergeant and (iii) constable. Direct recruitment is made at the above levels. An ASP is recruited through the Bangladesh Civil Service Examination by the Public Service Commission and must have graduated from a 4-year course. An SI, on the other hand, must have graduated from a 2–3-year course and is required to take a written examination. A constable must pass a physical test and a written examination. A continuation of the system during the colonial era, this three-tier recruitment system may no longer be efficient in the context of an independent Bangladesh.

There are specific guidelines for promotion. Under the Police Regulation, Bengal, the supervising officer is responsible for submitting the nominees for promotion to the higher authority for consideration. For promotion of senior officers of the Bangladesh Police, the Bangladesh Civil Service Cadre Services are applied. In practice, lateral entry at the ASP level blocks the promotion of all but 33% of the officers, from inspectors to SIs.² The average period of time spent by the SIs in the same post has been calculated to be 11, 9, and 8 years in the metropolitan, *zilla sadar*,³ and *upazilla*⁴ level *thanas*, respectively. In the case of the assistant sub-inspectors (ASIs), the average time is 10, 9, and 7 years, respectively; and in the case of the constables, 9, 8, and 7 years, respectively. This lengthy delay in promotion causes frustration in the rank and impacts on the efficacy of the organization.

Women in the Force

Women first joined the police in 1973, when the MoHA created 14 posts of female SIs and constables for a special branch to ensure the security of the wives of the president and the prime min-



Anamul Haque Anam

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ister.⁵ In 1976, four more posts of female SIs were created⁶ and when the Dhaka Metropolitan Police was formed, 90 posts of female SIs and ASIs were created. In the same year, 60 women constables were recruited against the vacancy of constables, which were meant to be filled by male constables only. This increased the number of policewomen by 1,100% since 1973. From 1979 to the 1980s, a total of 195 posts were created for other metropolitan cities, increasing the women police contingent by 190.3%. In 1990, 182 more posts for women police were created in the newly established districts, registering an increase of 162.2%. Again in 1997, 43 SI, 43 ASI, and 215 constable positions were created for the districts, increasing their number by 163.4%. In 2005, the number of policewomen increased by 163.9%. This also improved considerably the ratio between

² United Nations Development Programme. 2003. *Toward Police Reform in Bangladesh: Needs Assessment Report 2003*.

³ District headquarters.

⁴ Subdistrict.

⁵ Home Ministry Circular Number 440/2-MIM/H A-PL(4), dated 20 November 1973.

⁶ Home Ministry Circular Number 141/1/Pu-Sha(2), dated 10 March 1976.

The Thanas*

The lowest but most visible stratum of the police system is the police station or the *thana*. In police-related matters, people first come to the *thana*. Thus, the best way to measure the effectiveness of the police in the performance of their functions is by evaluating the efficiency of the *thana*. In the same vein, as the *thana* is the smallest unit of the police organization, its state is representative of the situation of the entire police organization.

There are three types of *thanas*: metropolitan, district, and *upazilla*. The metropolitan *thana* is guided by the Metropolitan Police Act, while the other *thanas* are guided by the Police Regulation of Bengal and the Police Act. Nevertheless, their activities are all the same. Some *thanas* have their own premises, others do not. In some places, *thanas* operate from rented premises and in others they are temporarily lodged in improvised government/private accommodation. Often, the party in power declares the establishment of a *thana* in an area as a way of catering to public demands and gaining political advantage.

The duties of the *thana* police provided in Police Regulation, Bengal of 1943 can be divided into four: (a) lawsuit-related, such as receiving lawsuits, investigating and reporting crimes, acting as witness in criminal proceedings, and producing witnesses in court; (b) law and order, such as providing security to various offices and institutions and ensuring security during public events; (c) providing security to high-ranking government officials; and (d) other duties such as election duties. These numerous duties leave the *thana* unable to respond to all the needs of the people within their jurisdiction. A metropolitan *thana* has 91 police personnel whereas the community has a population of 14,055,758. This means that 1 police officer serves nearly 16,000 people. Similarly, in the *zilla sadar thana*, there is one police officer for every 10,457 people, and in the *upazilla level thana*, one police officer for every 8,839 people. Of these duties, maintaining law and order requires the most time, while considerable time is spent on providing security to important persons. Less than 20% of their work hours is spent on crime-related investigation work. It is noteworthy that only a fraction of the police personnel is eligible to investigate cases. Due to their limited number, such officers have to investigate an average of 5–8 cases in a month. The officer-in-charge of the metropolitan *thana* works 18 hours daily on an average while those in charge of *zilla* and the *upazilla level thanas* work 15 hours. In all the *thanas*, sub-inspectors, assistant sub-inspectors and constables work about 13–16 hours a day on an average. Given their numerous duties, their area of responsibility, and their work hours, it is easy to see how the police can fall short of the community's expectations.

Despite the operational requirements of the *thana*, the budgetary allocation for each *thana* is insufficient to cover the expenditures. Expenditures of *thanas* include salaries and allowances, utilities, office equipment, allocations for food of detainees, transportation costs, and maintenance costs.

Clearly, there is much to be desired in the current state of the *thanas*, and reform efforts should trickle down to their level in order to have a truly holistic police reform.

* Transparency International Bangladesh. 2004. Diagnostic Study on Police Stations.

men and women police, from 3,404.9:1 in 1973 to 91.9:1 in 2005. The remaining problem now is how to improve the ratio of policewomen to the female population, which at present is 1 police-woman for 47,484 female constituents.

Training and Facilities

Probationary ASPs and SIs are given 1-year basic training at Sardah Police Academy while temporary constables are given a 6-month compulsory basic training. The training curriculum of Sardah Police Academy focuses on law, with little attention to liberal subjects such as management, police history, human rights, sociology, criminology, and other allied subjects required in making good police officers. The training for ASPs and ASIs gives highest priority to academic subjects while training modules for constables emphasize physical, parade, and weapon training. The basic training modules do not contain courses on law enforcement and human rights, professional standard and responsibility, financial management and economic crime, command and management, criminal justice, supervision and investigation, crime management, and counterterrorism.

In-service training is provided by Police Staff College (for senior officers) and Detective Training School (DTS) (for junior officers), both located in Dhaka. The Police Staff College gives very short trainings on various issues for the directing officers. On the other hand, DTS emphasizes law enforcement, basic human rights, criminal justice, supervision and investigation, but does not provide any training for trainers, financial management, economic crime, and such other matters related to the modern investigation process. Both provide no physical, parade, and weapons training.

In all ranks, there is a miserable lack of forensic training. Forensic sections have been suffering for want of logistic support, modern facilities, transport, and inadequate budgetary allotment. Equipment used to support fingerprints analysis, although not necessarily expensive, either do not exist or are antiquated and in need of either repair or replacement. No Automated Fingerprint Identification System (AFIS) is in use. The Bangladesh Police has no DNA collection capability and no access to DNA testing.

Budget and Funding Process

The budget for the Bangladesh Police is only a portion of the total budget allocated to MoHA in the annual budget of the country. Although the Bangladesh Police and MoHA generally argue for a bigger budget, this cannot be accommodated

as it entails decreasing the budget of other sectors. Thus, for fiscal year 2005–2006, the total budget for the Bangladesh Police was taka (Tk)17,020,980,000 (\$259.8 million). The expenditure for each police officer was Tk145,525 (\$2,215). The per capita expenditure on police services in this year was approximately Tk115 (\$1.75). Expenditures include salaries, allowances, office supplies, maintenance, subsidy, procurement, land purchase, construction and reconstruction, and miscellaneous expenses. Although the annual budget has been increasing in the last 5 fiscal years,⁷ the funds remain inadequate as revealed by the poor state of police buildings and barracks, the antiquated weapons carried by the police, insufficient funds for training, and shortfalls in daily operating costs for consumables, communications, vehicles, and fuel that are normally needed to deliver services at an acceptable standard.

Another budgetary problem faced by the Bangladesh Police is the need to seek approval from MoHA and the Finance Ministry before actually expending funds. For maintaining the daily expenditure in the police stations such as travel expenses, food arrangement for the detainees and other daily expenses, the invoice is forwarded to the Office of the Deputy Commissioner and it takes several months, even years, to dispatch the money to the police stations. In effect, two parallel processes operate: first, the process of requesting, setting, and approving the agency budget; and second, seeking permission for actual expenditure of each item that is already included in the approved budget. This two-level process hampers daily operations and considerably restrains the police in providing services to the public.

Independence

As the MoHA exercises complete control over appointment in the senior positions in the Bangladesh Police, including the Inspector General, the operational activities of the Bangladesh Police can hardly be expected to be independent. About 80% of police personnel believe that the Bangladesh Police cannot operate independently, citing both external political interference in day-to-day operations and improper interference by the superiors as obstacles. Additionally, corruption affects the independence of the police as it tempts the police to operate outside the limits of the law.



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Corruption and Transparency

Historically attributed to the meager salaries paid to the police, corruption in the police force dates back to 1720, when the chief of the Calcutta Police was removed from office on the charge of earning money through illegal means and embezzlement. Since then, the police has been unable to recover from the vice. The Transparency International Bangladesh (TIB) household surveys of 1997 and 2002 found the police as the most corrupt sector of the government, while the household survey of 2005 found it the second most corrupt national institution (Table 1), with the police taking money from the accused and their families in more than 98% of the cases (Tables 2, 3, 4, and 5).

A diagnostic study on police stations shows that 91% of those who came to the metropolitan

⁷ About 4.04% in fiscal year 2002–2003, 26.87% in 2003–2004, 41.09% in 2004–2005, and 1.86% in 2005–2006.

Table 1. Findings on Corruption in the Police Force

Report	% of Total Incidents
Household Corruption Survey 1997	–
Corruption Database January–June 2000	20.7
Corruption Database July–December 2000	16.4
Corruption Database 2001	15.0
Corruption Database 2002	18.4
Household Corruption Survey 2002	83.6
Corruption Database January–June 2003	22.4
Corruption Database July–December 2003	15.8
Household Corruption Survey 2005	92.0

Source: Transparency International Bangladesh (TIB).

Table 2. Bribe for Making General Diary Entries

Area	% of Persons Paying Bribe for Making GD Entries	Average Bribe Paid for Making GD Entries (Tk)
Rural	94.0	1,121
Urban	88.0	778
Total	91.0	939

Source: Transparency International Bangladesh (TIB) Household Corruption Survey 2005.

Table 3. Bribe for Making First Information Reports

Area	% of Persons Paying Bribe for Making FIR	Average Bribe Paid for Making FIR (Tk)
Rural	93.0	2,521
Urban	91.0	2,222
Total	92.0	2,430

Source: TIB Household Corruption Survey 2005.

Table 4. Bribe for Taking Clearance Certificate from Police

Area	% of Persons Paying Bribe for Taking Police Clearance Certificate	Average Bribe Paid for Taking Police Clearance Certificate (Tk)
Rural	78.0	1,288
Urban	82.5	550
Total	80.0	881

Source: TIB Household Corruption Survey 2005.

Table 5. Bribe from Accused in Police Cases

Area	% of Accused Paying Bribe in Police Cases	Average Bribe Paid by Accused in Police Cases (Tk)
Rural	68.0	6,415
Urban	76.0	4,565
Total	71.0	5,718

Source: TIB Household Corruption Survey 2005.

thana to lodge complaints could not do so without paying money, while 3.3% had to seek political assistance. Only 2.1% could lodge their complaints without money or any mediator. At the zilla level *thana*, 85.7% of the complainants had to lodge their complaints in exchange for money. At the upazilla level *thana*, this number was 81.6%. The number of persons who had to enlist the help of political leaders for lodging complaints is higher in the zilla sadar *thana* than in the metropolitan *thana*, but the number is even higher in the upazilla level *thana*. Substantial amounts of money are earned from cases, forming 24.5% of the metropolitan *thana*'s illegal income, 25.6% of the zilla sadar's, and 33% of the upazilla level *thana*'s. The police collect this amount from plaintiffs, accused, and other interested persons. Among the pretexts for the money demanded are filing fees and litigation costs. In some cases, the police collect amounts for instituting false cases.

Even visiting detainees has become a source of corruption. In the *thana*, 97% of the civilians had to pay money to see the detainees; in the *zilla sadar*, 96.1%; and the *upazilla level thanas*, 94.3%. On the other hand, politicians, army personnel, village police, etc. are able to meet detainees without paying anything.⁸ Besides these sources, the police are also able to collect money from both legal and illegal traders as well as transport utilities (see footnote 13).

The pervasiveness of corruption has been traced to several sources. More than half of the respondents from the police pointed to poor facilities as the main cause, while 13.9% believe that lack of effective transparency and accountability procedures coupled with monopoly of power is the main cause of corruption. Political use of the police (13.9%) and lack of punishment (9.4%) were also identified as causes of corruption. On the other hand, civil society believes that the lack of a transparency and accountability mechanism and monopoly of power are the main causes of corruption in the police. They also emphasized political use (20.0%) and lack of punishment (16.0%), but do not think that poor facilities are a factor.

In the *thanas*, insufficient budgetary allocation for the police is a significant cause of corruption. For instance, various office equipment is needed to conduct the affairs of a *thana* but because of inadequate funds, 90% of these articles are procured from those who avail of police services. The same is true for the situation of the

⁸ TIB. 2004. *Diagnostic Study on Police Stations*.

Difference between Community Policing and Traditional Policing

	Traditional Police	Community Police
Who are the police?	A government agency responsible for law enforcement	Police are the public and the public are the police
How is police efficiency measured?	By detection and arrest rate	By the absence of crime and disorder
What do police deal with?	Incidents	Citizen's problems and concerns
What are the highest priorities?	Crimes that are heinous and create violence	The problems that disturb the community most
What is police professionalism?	Swift and effective response to serious crime	Keeping close to the community
What determines the effectiveness of police?	Response time	Public cooperation
What is the essential nature of police accountability?	Highly centralized; governed by rules, regulations and policy directives; accountable to law	Emphasis on local accountability to community needs
How do police regard prosecution?	As an important goal	As one tool among many

detainees. With the official allocation of only Tk5 for each detainee, it is difficult to provide breakfast, lunch, and supper. As a result, police take money from detainees or their relatives to augment the food budget.

Recruitment and posting are also sources of corruption. Appointments have been known to be tainted by corruption and political intervention. Police officers desiring to be transferred to a particular station pay the officer-in-charge Tk5–10 lakh. SIs, ASIs, and constables also spend money to get suitable postings. There is also a perception that no police can pass the basic training courses without giving bribes. In the survey conducted, 75% of the police personnel said that they had to pay bribes to the training authority to pass the course.

To curb corruption, the Police Regulation, Bengal provides for filing suits against corrupt police officers. However, it is difficult to establish a case. The Armed Police Battalions Ordinance as well as the Metropolitan Police Acts penalize corrupt acts with dismissal; removal; compulsory retirement; reduction in rank or grade; abortion of promotion; forfeiture of seniority, payment, and allowance and increment; confinement to quarter-guard

and police lines; and censure. A commission tasked to investigate complaints for corruption has been established but is still at a development stage.

Community Policing

Community policing is a multidimensional model that focuses on the values, attitudes, and behavior of the organization, both internally and externally. It is a philosophy that recognizes and accepts the active role of the community in influencing the philosophy, management, and delivery of police services. The community is not simply viewed as a passive recipient of police services, but as an active element in the decision-making process which affects priorities, allocations, and implementation of police services. It promotes community, government, and police partnership; proactive problem solving; and community engagement to address the causes of crime, fear of crime, and other community issues. In community policing, a law enforcement agency and law abiding citizens work together to prevent crime, arrest offenders, solve ongoing problems, and improve the overall quality of life.⁹ Thus, the objectives of community policing are to (i) minimize the gap



The ratio between men and women police has improved considerably, from 3,404.9:1 in 1973 to 91.9:1 in 2005. The current challenge is improving the ratio of policewomen to the female population, which stands at 1 policewoman for 47,484 female constituents.

between the citizens and the police, (ii) raise public awareness, (iii) keep the people away from committing crime, (iv) build citizens' trust on the police, (v) rehabilitate criminals, and (vi) strengthen the rule of law and establish good governance.

The features of community policing are as follows:

- Community policing is a modern concept of crime control. It is not a program.
- It ensures community participation in policing.
- It is a type of proactive policing which operates through the community.
- Police accountability is ensured to the community.
- Citizens can categorize problems and play a role in the decision-making process of the police agenda.
- It forms the basis of police public cooperation, recognizing that the police are the public and the public are the police.
- In this system priorities are set on the basis of community needs.
- It is solution-oriented policing.
- Strategies are adopted based on social norms, community needs, and expectations.
- It reduces fear of crime and improves quality of life.

Although Bangladesh has had a long history of community policing, this system has not yet been introduced in an organized form and by specific directions from the Government. The

Government has not formulated policy or allotted financial and other resources for launching community policing. Nevertheless, some officers have initiated public cooperation for crime control and prevention and maintenance of law and order. In 1993, a Town Defense Party similar to community policing was introduced in Mymensingh by then Superintendent of Police (of Mymensingh) A.T. Ahmedul Hoque Chowdhury.¹⁰ It brought tremendous success in crime control. The number of crimes decreased and fear of crime among the people was lessened. An advisory committee and an executive committee of local elites from various professionals were formed within the jurisdiction of a command area and they were vested with the responsibility of community policing. The committee appointed patrolmen in their locality and collected tolls from the inhabitants of the area to meet the costs of the defense party. More than 50 committees were formed in Mymensingh town until 1995. Following the example of Mymensingh, community policing was introduced in Chandpur, Habiganj, Moulvibazar, Jamalpur, Thakurgaon, Sirajganj, and some parts of Dhaka Metropolitan Police.

Women-friendly Policing

The increased awareness of women's rights has brought to fore the need for women-friendly policing to protect women against indecent police behavior. Women come in contact with the police as complainants, counter complainants, respondents, suspects/accused, informers, or visitors and their rights as such need to be safeguarded. In Bangladesh, laws and regulations have been put in place to protect women in conflict or in contact with the law.

For instance, Section 48 of the Penal Code provides that when breaking open *zanana*, a place occupied by a woman other than the accused, who according to custom does not appear in public, the police officer shall give notice to such woman that she is at liberty to withdraw and shall afford her every reasonable facility for withdrawing before entering such apartment. The law also provides that whenever it is necessary to cause a woman to be searched, the search shall be made by another woman, with strict regard to decency. Section 382 of the Penal Code protects pregnant women sentenced to death by providing for the postponement of the execution or in some cases, commutation of the sentence to imprisonment

⁹ *Detective*. December 2004.

¹⁰ *Detective*. 2005. Special issue published on the occasion of Bangladesh Police Week 2005.

for life. Regulation 330 of the Police Regulation, Bengal prohibits handcuffing of women and use of any restraint on women who by age or infirmity are easily and securely kept in custody. Regulation 328 provides for examination of female prisoners before admission to lock-ups and prohibits removal of glass, conch, or iron bangles from the person of female prisoners.

Despite these legal measures, however, female offenders still suffer from mistreatment and abuse of authority by the police. The cases of Yasmeen,¹¹ Seema Choudhury (footnote 17), and Tanore¹² are examples. Gender bias among police personnel is reflected in their services to women complainants. Women who bring their complaints against their family or relatives are often dissuaded by the police from filling in a first information report (FIR)¹³ or even a general diary¹⁴ (GD).¹⁵ Where the perpetrator of violence is an agent of a law enforcement agency, the police generally do not take necessary care to prepare the charge sheet, tend to treat the agent favorably, or try to appease the complainant by filing a GD instead of an FIR.¹⁶ In the service, 80% of policewomen themselves do not think that the Bangladesh police is women-friendly while some believe that it depends on the status of the women who come to police stations. It may well be that some do practice women-friendly policing, but this should be institutionalized rather than left to individual discretion.

Reform Agenda

The Bangladesh Police has gone through phases of growth and development. However, the demand for police services has increased at a rate faster than the growth and expansion of the service delivery capacity of the police. Crime is increasing; the criminal justice system is cracking under heavy workload; society's expectations from the police are high but the police's status and resources are poor; forensic science facilities are outdated and inadequate; laws are stacked against the police; public cooperation is invariably missing; and working and living conditions leave a lot to be desired. Corruption, incompetence, and failure to control the law and order situation plague the police force. Above all, there is a culture of political patronage that perpetu-

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ates impunity and absence of accountability. Clearly, it is time to transform the Bangladesh Police into a true public servant and elevate the sense of security of the people that is essential for the socioeconomic development of the country.

The Poverty Reduction Strategy Paper formulated and approved by the Government has identified key issues that require attention. These include lack of (i) a special police force to deal with special crimes, such as heinous crimes, economic crimes, and cyber crimes; (ii) coordination among law enforcement agencies; and (iii) a research cell to investigate the nature of changing crime and the appropriate methods for handling them. Community policing is also weak. *Chowkidars* (village police) and *dafadars* (higher ranked village police) are not adequately linked to the *thana*. Investigation, law and order, and prosecution duties are combined in the same official, which tends to make officials unaccountable and inefficient. A colonial mindset continues to prevail, often resulting in maltreatment of women and children. Routine inspection and supervision have decayed. Prisons are overcrowded, prisoners under trial are not treated separately from convicts, women face great insecurity even in "safe custody," and a large number of children are in prison. Problems also pervade the judiciary, particularly, the lower judiciary. A critical problem is the slow disposal of cases. Weaknesses in procedural law, prevalence of vested groups, poor training and physical facilities, lack of inspection and supervision, and intrusion of political considerations, all contribute to such undesirable outcomes.¹⁷

In addition, the police and civil society identified the following key reform areas :

- Increase the number of police, especially women police.

¹¹ Ain o Salish Kendra. 1997. *Human Rights Report*.

¹² *The Daily Star*, 22 December 2004.

¹³ A formal complaint filed with the police to commence a criminal case.

¹⁴ A logbook of incidents reported to the police station. A general diary entry precedes a first information report.

¹⁵ UNDP Bangladesh. 2005. *Towards Pro-women Policing in Bangladesh*.

¹⁶ Naripokkho. *Monitoring State Interventions to Combat Violence against Women*, October 1998–November 2004.

Laws Governing the Bangladesh Police

Police Act, 1861: This Act describes the constitution of the police force; superintendence of the force; appointment, dismissal, and other conditions of service of inferior officers; power of inspector-general to make rules; special police and their powers; and duties of police officers.

Code of Criminal Procedure, 1898: This basic criminal law contains provisions on the constitution of criminal courts and offences; power of courts; aid and information to the magistrates, police, and persons making arrests; arrest, escape, and retaking; prevention of offenses such as security for keeping the peace and for good behavior, unlawful assemblies, public nuisances, temporary orders in urgent cases of nuisance, and preventive action of the police; information to the police and their powers to investigate; and proceedings and prosecutions.

Police Regulation of Bengal, 1943: It is regarded as the bible of all levels of police staff, with 1,290 regulations. It incorporated changes in the rules necessitated by the Government of India Act, 1935 and describes the police organization; relations with other departments; direction and control mechanisms of the police; privileges and general instructions; duties of all ranks of police officers; detailed description of police stations, court police, railway police, criminal investigation department, and special armed force; appointment, recruitment, and promotions; compensation and allowances; training and examination; uniform and clothing; punishment and appeals; and housing facilities.

Metropolitan Police Acts: There are four acts for administering the Metropolitan Police of Dhaka, Chittagong, Khulna, and Rajshahi. These acts were formulated in 1976, 1978, 1984, and 1992, respectively. All the acts describe the organizational structure, responsibilities, rank structures, appointment, transfer, power to formulate regulations, administration of the force, power and duties of the officers, and action taken for security and maintaining law and order in the respective metropolitan cities.

Armed Police Battalions Ordinance, 1979: In accordance with the provisions of this Ordinance, a force called Armed Police Battalions was formed to perform internal security duties; recover unauthorized arms, ammunitions, and explosives; apprehend armed gangs of criminals; and assist other law enforcing agencies.

- Minimize political use of police and external influence on police operations.
- Amend obsolete and outdated laws.
- Amend laws to make policing people-friendly.
- Curb corruption, enhance transparency and accountability.
- Increase community involvement to step up crime prevention.

- Improve human resources management and development.
- Improve investigative and operational capability.
- Remove the barriers of resource-constraint.
- Develop infrastructure.

Reform Initiatives

In response to some of these reform needs, international organizations have embarked on reform projects that focus on different aspects of the police.

The United Nations Development Programme (UNDP) in Bangladesh initiated a 5-year project called Strengthening Bangladesh Police jointly with the Department for International Development (DFID) and the Government of Bangladesh. The project aims to improve the efficiency and effectiveness of the Bangladesh Police by supporting key areas of access to justice such as investigations, police operations, and prosecutions; human resources management and training; crime prevention; and future directions, strategic capacity, and oversight. Model *thanas* will also be established as a pilot entity. The Japan Bank for International Cooperation provided about Tk105 crores in the current fiscal year (2005–2006) to develop and modernize the Bangladesh Police. They will initially finance the creation of 25 model police stations and help police provide transport and information and communications technology facilities. Another 3-year DFID project, Public Access to Justice Project, in 20 *thanas* aims to demonstrate the potential for changing police practice and bringing together police and communities to develop a joint approach to reform. It also provides support for civil society organizations working with the police and legal processes.

Assistance has also been provided on substantive legal issues. In 2002, the International Organization for Migration carried out studies identifying the crucial role of the police in preventing human trafficking. On the other hand, the European Commission is planning to support the justice system through legal empowerment, legal aid service, enhancing access to justice at the village level, and accelerating penal reform, among others. It recently organized a seminar on Support to the Justice System to assess this sector in Bangladesh. The World Bank is also funding a 5-year commercial justice system project that

¹⁷ Government of the People's Republic of Bangladesh. 2005. *Unlocking the Potential: National Strategy for Accelerated Poverty Reduction*.

contains small legal aid and alternative dispute resolution components.

Nongovernmental organizations (NGOs) have also provided legal aid to the poor, providing programs on human security awareness, advocating with the government for changing laws in relation to human security, etc. Among these are Bangladesh Legal Aid Services Trust, Ain O Salish Kendra, Bangladesh National Women Lawyers Association, Madaripur Legal Aid Association, Odhikar, and *Manbadhikar Bastabayan Sangstha*.

Undoubtedly, these reform programs have contributed to the improvement of the Bangladesh Police. However, other areas remain in want of reform. As such, recommendations on the following areas are made:

- Amendment of laws and regulations
- Institutional administration
- Capacity building
- Infrastructure development
- Improvement of service delivery
- Anticorruption mechanism
- Development of a police website
- Establishment of community policing

The ultimate objective of police reform in Bangladesh is to shift from a colonial policing system to a democratic structure where the police works primarily for public interest and not the interest of the ruling party or any influential group. The police should uphold a democratic system based on the observance of human rights, facilitate access to justice to all without discrimination, and secure the rule of law based on the norms of accountability, transparency, equality, and community participation. To do this, neutrality and autonomy of the police must be guaranteed. Any reform agenda should therefore protect the police from external undue interventions and give operational autonomy to the officers while ensuring meaningful and strong oversight, accountability, and transparency with its policy directives and strategic goals.

Amendment of Laws and Regulations

The Police Regulation, Bengal 1943 was written with a view to fulfill the demands and needs of the British Government. Now that Bangladesh is an independent country, this regulation is no longer relevant nor productive. Moreover, as there was no constitution yet at the time these regulations were formulated, many provisions are not consistent with the spirit of the present Constitution. The immediate modification of these laws and regulations is therefore necessary.

Likewise, Police Act 1861 should be repealed and a new police act drafted consistent with the spirit of the Constitution and needs of a modern community. The new law should be aimed at facilitating access to justice, observance of human rights, and establishment of the rule of law. The new law should emphasize accountability, human rights, service delivery, transparency, gender equality, pro-poor policing, eradication of the colonial system and procedure, bridging the gap between the police and the community, enhancement of community policing, partnership with the community, and respect for democratic norms and practices.

Further, the Special Power Act of 1974 should be repealed as most offenses thereunder are already covered by the Penal Code and other laws. What needs to be done is a comprehensive review of the Penal Code, the Criminal Code of Procedure, and the Evidence Act to determine their appropriateness, effectiveness, and practicality. Parameters for the exercise of police discretion in effecting arrests and other legal processes should be set to prevent abuse. Particular attention should also be given to the situation of female victims and accused. For women and minor girls who are witnesses/victims of abduction, appropriate shelter should be provided pending trial, preferably with their legal guardian, or in a protected shelter maintained by NGOs or through special government arrangements. The practice of putting females in prison on the pretext of “safe custody” should be discontinued. A strategic law cell/commission composed of former judges, lawyers with relevant expertise, former inspector generals of police, attorney generals, and other experts should be established to review these laws and regulations and propose new or amendatory legislation where necessary.

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Institutional Administration

Use of the police for political, economic, and personal interests is a practice that must cease altogether. To do this, attitudes of both those in power and the police should be changed. Those in power should realize that the police are not to be used for political and personal ends. Similarly, the police themselves should also realize that they are servants of the state and the people, not of any ruling party or privileged segment of society. In this regard, grant of full operational independence to the police is crucial. The police must be given sufficient independence in the performance of its duties and functions, free from external pressure or influence. To safeguard its independence, the police need to be given a lump-sum budget in each fiscal year and accorded enough discretion to utilize this budget according to its needs, provided there is accountability and transparency.

In terms of human resources, the police leadership must build a foundation for quality police services. The recruitment procedures should be reviewed to allow two entry points (i.e., ASP and constable) and provide for the participation of an independent third party in making appointments to ensure transparency and integrity. Educational qualifications should also be reviewed and revised to meet high standards of policing. In addition, the promotion system should be standardized based on merit and competence. There should also be security of tenure to shield police officers from politically motivated transfers and removal from service.

Capacity Building

Both long- and short-term measures should be undertaken to increase the number of police personnel. Taking into consideration the poor ratio between the population and the police as well as the economic situation of Bangladesh, a mechanism should be devised to appoint police officers from the community. The number of women police should also be increased to deal with women-related issues.

In terms of increasing competence, a new curriculum for police education and training should be developed with a view to making the Bangladesh Police more capable, service-oriented, people-friendly, and efficient. Technical training must be intensified to build expertise and keep abreast with modern technology. Training on forensic toxicology, forensic serology, DNA analysis and data bank, drug analysis, food analysis, and analysis of explosive substances should be administered to members of the forensic division.

All training institutions should have sufficient infrastructure including classrooms, accommodation, training materials, and logistic support. The wings/departments of the Bangladesh Police should be provided the necessary logistical support such as modern technologies (e.g., fingerprint database), vehicles, arms, etc.

Infrastructure Development

The *thana* building should be situated on government land. The practice of housing a police station in an improvised or rented accommodation should be avoided. All police stations should have sufficient toilet facilities for the staff, detainees, and visitors. Necessary furniture and fittings, as well as equipment, including land telephone, mobile telephone, wireless sets, computer, printer, fax, internet, and CCTV camera, should be regularly supplied to every police station. There should also be a library containing a collection of relevant reference materials. Vehicles such as jeep, police van, motorcycle, bicycle, and boat should be at the disposal of the police when needed. Adequate funds should be made available to meet the operational and other expenses of the police station. In consideration of the families of police officers, residential accommodation should also be available within the *thana* campus for police officers and their families.

Improvement of Service Delivery

To facilitate dissemination of information, there should be an information board beside the main gate of the police station stating the procedure for filing GDs and FIRs, meeting the arrested persons and others, making complaints against police harassment, and all other services delivered by the police station. Inside the station, a receptionist should be stationed to assist complainants and visitors. The reception should keep a database of relevant and frequently requested information. Duty officers should always properly record allegations, GDs, and FIRs in a computer database designed for filing complaints. Services should also be available for filing by electronic mail or telephone.

It is recommended that police stations have three main sections: (i) administration section, responsible for transport, information technology, accounts, housing, custody, reception, arranging meetings with the arrested persons and the people in safe custody, receiving GDs, FIRs, etc., issuing certificates, maintaining arms, warehouse, etc.; (ii) investigation section, responsible for investigating all types of cases and lawsuits

in the prescribed time and submitting investigation reports; and (iii) law and order section, responsible for community policing, patrol duty, security of important persons, external duty in religious, educational, and social functions, and political gatherings.

Anticorruption Mechanism

An independent police ombudsman should be appointed to control the widespread corruption in the police force. The office should be given strong authority to deal with all kinds of irregularities. It should have regional units through which the public can file complaints for non-registration of cases, delay in investigation, corruption, rudeness, abuse of power, and the like against erring police officers.

Development of a Police Website

The Bangladesh Police should have a website containing information about the police, its branches, sections, human resources, information about *thanas*, procedures of service delivery, anticorruption mechanism, performance, crime statistics, etc. This would not only educate and inform the public but also indicate transparency in police

At present, the Bangladesh Police is a “force,” not a “service” delivery organization. A radical paradigm shift is imperative to transform the “Bangladesh Police Force” into the “Bangladesh Police Service.”

operations, thereby increasing public confidence in the police.

Establishment of Community Policing

Necessary laws should be enacted to institutionalize the community policing system. Budgetary allocation should be made available to facilitate community policing all over the country. At present, the Bangladesh Police is a “force,” not a “service” delivery organization. A radical paradigm shift is imperative to transform the “Bangladesh Police Force” into the “Bangladesh Police Service.” Although an enormous challenge, this is not impossible to achieve if all parties cooperate to undergo and sustain a long-term police reform agenda.

Reforming the Police Forces of South Asia

Muhammad Shoab Suddle

The police organization in the Indo-Pakistan sub-continent evolved principally in response to the political realities of the times. During the colonial period, the basic objective of the system designed by the British was to create an instrument in the hands of the government to control the colony. Thus, policing was by and large a one-sided affair where service to the people was rather irrelevant. This system, however, began to falter with the subcontinent's attainment of independence as it was no longer appropriate for an independent society. With the establishment of India and Pakistan as independent countries, the purpose of governance changed and emphasis shifted to economic and social justice. Democracy needed the police to be a provider of service to the community, not a force to subdue and subjugate people. The need to redesign the police organization became unmistakably clear.

Police Reforms in Pakistan

At the time of independence, the police administration inherited by Pakistan was based on the

Police Act of 1861. The first reform attempt was Bill XXV of 1948 (The City of Karachi Police Act, 1948), establishing a modern police force for Karachi, the capital of Sindh. It proposed the appointment of a commissioner of police who would have the power to (i) enforce curfews, (ii) ensure order in processions and public meetings, (iii) issue permits, and (iv) regulate arms and licenses. Unfortunately, the powerful vested interests did not let the bill become law, even though it was duly passed by the Sindh Legislative Assembly.

Subsequently, several police committees and commissions tasked to evaluate the police force were formed. However, their recommended changes in the police organization were either unaccepted or left unimplemented. The prevailing sentiment remained with the preservation of the status quo. Successive studies conducted by various experts from other jurisdictions likewise recommended fundamental changes in the whole policing philosophy and policy. It was pointed out that an effective, viable, independent but publicly accountable police was crucial to the development of stable democratic government institutions. There was also a consensus on the need to depoliticize and professionalize the police. Experts observed that the police should be (i) operationally neutral, (ii) organizationally autonomous, (iii) functionally specialized, (iv) institutionally accountable, and (v) service-oriented.

In 1999, the National Reconstruction Bureau was established to bring fundamental reforms in political and administrative structures of the country, including reinventing the police. The Think Tank on Law Enforcement and Criminal Justice¹ tasked to propose a comprehensive police reform strategy drafted a police law which was later

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¹ The author was also a member of the Think Tank.

promulgated as Police Order 2002. The 141-year-old anachronistic Police Act of 1861 was finally replaced with a modern police law on 14 August 2002.

No less than the preamble of Police Order 2002 enunciated the goals of reconstructing the police force and redefining its role—reflecting a fundamental change in policing philosophy. It also identified professionalism, being service-oriented, and accountability as essential attributes that the police force should strive to possess. The principal features of the new law are as follows:

- (i) It redefines in clear terms the role and responsibilities of the police.
- (ii) It seeks to improve human security and access to justice within the ambit of rule of law.
- (iii) It phases out obsolete police management practices.
- (iv) It provides for enhancing police professionalism.
- (v) It introduces new powers to improve police discipline.
- (vi) It strengthens external police accountability through institutionalized civil society oversight.
- (vii) It aims to transform the police into a public-friendly, service-delivery organization.
- (viii) It makes it obligatory for the government to establish police–public consultative committees.

A critically important feature of the new law is that, whereas the Police Act of 1861 vested the undefined “superintendence” of police in the hands of the political executive, Police Order 2002

restricts the power of superintendence to ensuring that the police perform their duties efficiently and strictly in accordance with law. Not only was the organizational structure substantially strengthened, the new law also gave enhanced administrative, financial, and disciplinary powers to the inspector general of police. Police Order 2002 further replaced the ruler-driven police with a community-based police through the establishment of Public Safety Commissions at the national, provincial, and district levels. These statutory bodies allowed, for the first time, representation from opposition parties and members of civil society, including one third reserved seats for women. Indeed, this arrangement is a major step toward (i) fostering credible police accountability, (ii) gender-sensitive policing, and (iii) operational neutrality of police.

Police Order 2002 also tries to deal with political interference in the internal administration of the police. The threat of transfer is often used by the political executive as a tool to pressure officers to cater to their interests even at the risk of subverting the law. This adversely affects the morale and discipline of police officers. Thus, Police Order 2002 not only lays down a fixed tenure of 3 years for key police appointments but also requires that premature transfers be made on the recommendations of the relevant public safety commission.

To effectively control police misbehavior, Police Order 2002 provides for an independent Police Complaint Authority at the national level, and merges the Police Complaint Authority at the



In India, the Government has taken many a step to provide gender-sensitive policing. Gender-sensitive training for law enforcement officials at the state and central levels is given at the police training schools, as well as during the 2-year initial training for officers of the Indian Police Service. With regard to recruitment of women into the force, recent years have seen a substantial increase in the number of women officers although there is no formal reservation policy in this regard.

Recognizing the importance of community policing, Police Order 2002 encourages the Government to establish citizen police liaison committees.

provincial level with the provincial and district public safety commissions. Police Order 2002 significantly strengthens internal police accountability by criminalizing a range of police malpractices such as nonregistration of crime reports (first information reports [FIRs]), vexatious entry, search, arrest, seizure of property, use of torture and third degree, and delay in bringing to court any arrested person or in notifying the court of the grounds of arrest.

Recognizing the importance of community policing, Police Order 2002 encourages the Government to establish citizen police liaison committees. The purposes are to help (i) establish and maintain police–public partnership, (ii) promote communication and cooperation between citizens and police, (iii) enhance transparency in police functioning, and (iv) strengthen police responsiveness to the community.

As the foregoing illustrate, Police Order 2002, if properly and sincerely implemented, provides the basis for a modern and progressive 21st century system of policing.

Reform Efforts in India

Like Pakistan, the issue of police reform has been the subject of intense debate in independent India. In January 1959, the State of Kerala appointed the Kerala Police Reorganization Committee to study critical issues such as (i) the role of police in a welfare state, (ii) the adequacy of the existing law to fulfil public aspirations, and (iii) duties of the police in the context of civil liberties and political rights of freedom of speech and association in a democracy. Following suit, several other states also appointed police inquiry commissions: (i) West Bengal in 1960, (ii) Punjab in 1961–1962, (iii) Maharashtra in 1962, (iv) Assam in 1969, (v) Tamil Nadu in 1969, and (vi) Uttar Pradesh in 1970, to name a few, based on the Police Act of 1861. The reports of these commissions, however, were confined to reviewing the police system. None of them was tasked to examine fundamental issues such as (i) how to police a free society, (ii) how the police should respond to mounting demands of emerging human rights concerns, (iii) how law

enforcement should cope with rapidly altering psycho-social environment, and (iv) how the police should orientate itself in the age of free and independent media.

The most meaningful effort to reform the more-than-century-old Indian police system, however, was undertaken in 1977 when the National Police Commission (NPC) was set up. The NPC was tasked to make a comprehensive review of the police system at the national level after taking into account the changes after the enactment of the Indian Police Act of 1861. More importantly, the NPC was asked to recommend measures and institutional arrangements to prevent misuse of powers by the police, as well as misuse of the police by its administrative and political chiefs.

The NPC found that the symbiotic relationship and nexus between police and politicians were a major cause of serious police misconduct. It recommended measures to address the core problem of insulating the police from illegitimate political, bureaucratic, or other extraneous interference. The NPC likewise emphasized the need to secure professional independence for the police to function truly and efficiently as an impartial agent of the law of the land.

The NPC had various major recommendations to change the structure of the police and ensure the demise of the ancient kinship between bureaucracy and politicians. First, the investigative tasks of the police had to be placed beyond any kind of intervention by other branches and agencies of the Government. The role of the Government should be limited to laying down broad policies, with actual operations being left to the police. Second, a state security commission needed to be established statutorily in each state to (i) lay down broad policy guidelines for the performance of preventive and service-oriented functions by the police, (ii) evaluate the performance of the state police every year, (iii) function as a forum of appeal for grievances against illegal orders and promotion matters, and (iv) generally review the functioning of the state police force. Third, the chief of police had to be assured of a fixed tenure of office, with removal to be subject to the approval of the state security commission. Fourth, urban policing had to be promptly restructured by extending existing metropolitan police systems to all cities and towns with population exceeding 500,000. Fifth, the Police Act of 1861 had to be replaced by a new police act and the role of the police as an agency which promotes the rule of law in the country

and renders impartial service to the community enlarged.

Although NPC's work served as a template of nascent police reform initiatives (e.g., Andhra Pradesh Police Bill 1996, Rajasthan Police Bill 2000, Madhya Pradesh Police Vidheyak 2001, and Punjab Police Bill 2003, all of which did not crystallize into actual laws),² the central Government of India did not adopt the model police act on the ground that policing was a state subject and, therefore, not its responsibility.

The police reform process in India gained momentum when the Supreme Court of India on 18 December 1997 declared the Single Directive as null and void.³ This directive required the Central Bureau of Investigation (CBI) to seek permission from the Government before undertaking any inquiry or investigation against senior government servants of the rank of joint secretary and above. Unfortunately, the Central Vigilance Ordinance 1998 diluted the intended insulation of the CBI from extraneous influence.

The latest police reform initiative in India is the newly formed committee to draft a new police act to replace the Police Act of 1861. The new act would include measures for attitudinal changes of police and working methodology to elicit cooperation and assistance of the community. In addition, concern for human rights, weaker sections, women, and scheduled castes and/or tribes would be addressed.

Police Reforms in Bangladesh

Although the Police Act of 1861 is still the basic police law of the land, a serious effort to change the old policing arrangements was made soon after the old Police Act was replaced with the Metropolitan Police Act of 1976 in Dhaka. In Chittagong, Khulna, and Rajshahi, the remaining urban centers of Bangladesh, the metropolitan police laws were promulgated in 1978, 1987, and 1991, respectively. The metropolitan police laws in Bangladesh were largely based on the long-established system of policing prevalent in the Indian cities of Bombay, Calcutta, and Madras. The salient features of the metropolitan model included the abolition of the duality of control—the hallmark of the 1861 system—and adequate regulatory and licensing powers of the commissioner of police.

A solid effort to address the police reform



Police in South Asia has historically suffered from a bad image so that there is very little voluntary sharing of vital information from the public. Adopting measures which portray the police in a positive light and proactively address the causes of negative public attitudes is, therefore, integral to a comprehensive police reform strategy.

problem was initiated in January 2005, with a \$13 million program, "Strengthening Bangladesh Police Project." The project was launched under the Ministry of Home Affairs in collaboration with the United Nations Development Programme and funded by the United Kingdom's Department for International Development in recognition of "the importance of an efficient and effective police force as an integral part of the broader justice sector and as a key contributor to a safer and more secure environment based on respect for human rights, equitable access to justice, and observance of the rule of law."

The program supported key areas of access to justice including (i) crime prevention, investigations, police operations and prosecutions; (ii) human resources management and training; and (iii) future directions, strategic capacity and oversight. It also assisted the Bangladesh Police in improving performance and professionalism, in accordance with broader government objectives and community expectations, including the disadvantaged and vulnerable groups and women. The program also sought to (i) introduce merit-based recruitment, (ii) institutionalize training and evaluation, and (iii) address gender imbalance in the Bangladesh Police. Additionally, the project focused on making anticorruption and complaints against police procedures more robust and accessible.

² Daruwala, Maja, G.P. Joshi, and Mandeep Tiwana. 2005. Police Act, 1861: Why we need to replace it? *Commonwealth Human Rights Initiative (CHRI)*. Newsletter, New Delhi, India. July.

³ *Hawala Writ Petitions (Criminal)* Nos. 340-343 of 1996.

Impediments to Police Reform in South Asia

Political Will and Stakeholder Commitment

A fundamental prerequisite for success of a reform strategy is publicly demonstrated political will and continuing commitment of all stakeholders to support and sustain the expected outcomes of that strategy. When the reform further involves a challenge to foster democratic governance, rule of law, and human security, a broad agreement across the political landscape on the future role and responsibilities of the police is essential. Otherwise, obstacles from all fronts can frustrate the objectives. For instance, even feeble moves to bring about standardization of policing practices, including introduction of any best practices in relation to core areas of manpower and equipment, have been vehemently opposed because of a lack of a common vision. Although the merits of such efforts can be easily seen, these were viewed as both inappropriate and contrary to the constitutional arrangements in that the federal government is effectively imposing its will on the otherwise autonomous provincial governments.

The lack of agreement also results in resistance from different sections of society. The fate of scores of police commissions and committees demonstrates this. Although financial constraints have been a perennial obstacle, it is primarily the governing elite who have historically proved to be a major stumbling block to police reform. Since the elite did not agree with the paradigm shift, the recommended reforms, including those without much financial implication, have not been implemented.

Within the police force, the top officials feel incapable of resisting extraneous pressures and

bringing about the required attitudinal change in the rank and file. They are unable to command their subordinates effectively. These impediments have prevented complete police reform notwithstanding policies and strategies aimed at (i) reducing corruption in the police, (ii) enhancing police efficiency through true professionalism, and (iii) transforming the police into a public-friendly service.

Corruption in the Police

Although many police forces are infested with corruption, the problem appears to be more acute in South Asia where the coercive power of the state rests in the shape of the police. The situation is peculiar to South Asia because of the extortion-based relationship maintained by the colonial government between the police and the community to ensure political control and obedience. Unfortunately, this well-cultivated adversarial relationship has survived colonization and continues to plague the police. Today, the common incidents of police corruption include (i) taking money for registering or declining to register a first information report (FIR); (ii) falsely involving innocent persons in an FIR; (iii) letting the accused free; (iv) conducting baseless investigations; and (v) dealing in contrabands, narcotics, illegal arms, and prostitution.

Corruption voraciously devours the vitals of the police organization, eroding professionalism and depleting the capacity to fight against crimes. The incentive and reward system gets skewed as the legitimate expectations of policemen become clouded by considerations extraneous to the profession. Corruption feeds on several interrelated factors which include (i) wide discretionary powers; (ii) low pay; (iii) outdated performance appraisal systems; (iv) poor working conditions; (v) ineffective internal accountability; and (vi) abysmally weak external accountability mechanisms (i.e., through judiciary, media, and the Parliament).

The effect of low pay is twofold. First, the incentive to corruption becomes too overwhelming to resist if the salaries of policemen are not sufficient to take them beyond temptation. This is especially so in work environments marred by oppressive working conditions and absence of a positive work ecology. Second, the opportunity cost of being corrupt is very low to the extent of being negligible. If policemen were afraid of losing their jobs, there would be less incentive to be corrupt. If the cost of losing one's job was very low compared with losing corruption money, then the rational choice would be to accept bribes.

Today, the common incidents of police corruption include (i) taking money for registering or declining to register a first information report (FIR); (ii) falsely involving innocent persons in an FIR; (iii) letting the accused free; (iv) conducting baseless investigations; and (v) dealing in contrabands, narcotics, illegal arms, and prostitution.

Internal and external politics coupled with a culture that attaches no stigma to corruption are ingredients for inefficiency and corruption. An efficient and credible performance appraisal system linked with an adequate and transparent reward and punishment mechanism is also wanting. Indeed, a punishment- and rewards-based system is critical to minimizing corruption. In short, strong accountability mechanisms and attractive compensation policies are essential elements of a corruption-free system.

Lack of Professionalism

Police in South Asia does not function efficiently because it does not have the resources to carry out its mandate. Nor is it as yet ready to enforce established best practices in relation to professional standards. Police training in Pakistan, in particular, is archaic both in content and methodology. The emphasis is more on physical than on mental training. Human resource development aspects which require urgent attention include: (i) enhancing critical capabilities of investigators, (ii) introducing and assimilating modern technology into the police organization, (iii) changing the culture of the organization, (iv) promoting sensitive and responsive policing, (v) preventing human rights violations by the police, (vi) enhancing crowd management and riot control, (vii) effectively responding to incidents of violence against women, (viii) countering terrorism, and (ix) fighting cyber crime.

Police Behavior

Improving police behavior is one of the biggest challenges, as mistrust of police is so deeply embedded in society. Most of the time, citizens do not want to seek assistance from the police, even in times of crises. The following are common complaints against the police:

- (i) Police are the principal violators of the law, but being above law they get away with impunity.
- (ii) Sections of the police are in league with anti-social elements and consequently indulge in selective enforcement of the law.
- (iii) Police exhibit rude behaviour, use abusive language, and routinely show disregard of internationally accepted police practices on search and seizure.
- (iv) Police not infrequently indulge in serious corruption.

- (v) Police deliberately disregard human rights legislation in matters of interrogation, detention, and preventive policing.
- (vi) While crimes are getting sophisticated, the police are becoming less professional. There is no evidence of a collective desire within the organization to redeem its public image.
- (vii) The police are insensitive towards victims of violent crimes. They behave rudely with victims, especially female victims of crime.
- (viii) Police are there to rule, not serve the people.

Autonomy versus Need for Oversight

Historical abuse of political authority coupled with widely held perceptions of police inefficiency, corruption, highhandedness, and a culture of patronage are part of a deepening crisis in the police forces of South Asia. Ironically, calls for more accountability were used to gain greater operational control over the police, thereby debilitating the internal command and control structures. The solution lay in doing away with dual control under the Police Act of 1861, allowing necessary operational autonomy, and establishing credible accountability mechanisms. The reform effort reflected in Pakistan's Police Order 2002 was a step in this direction but its amendment in November 2004 diluted the autonomy of the inspector general of police.⁴

Conceptualizing Police Reforms

Considering the foregoing problems, police reform cannot but be about creating 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, governments need to listen to senior police administrators who know the police best—who know what works, what does not, and how things ought to be changed. They also need to hear from experts as well as the stakeholders—the police, the judiciary, and the people—and seek their ideas, inputs, and inspiration. They need to hold discussions with business leaders who have successfully introduced innovative management practices to turn their organizations around. They need to consult public administration experts who know how best to apply the principles of reinventing public sector organizations to improving police services. Governments need to have meaningful dialogue with the best minds from the private sector and civil society. On the basis of these consultations, a

⁴ Initially, the IGP was given the status of ex officio secretary to the Government, with full administrative and financial powers. However, this was opposed by the bureaucratic elite, resulting in an amendment of Police Order 2002 which defined "ex officio" to mean policy conveyed by the chief minister to the IGP not directly but through the chief secretary and the home secretary.

blueprint can be drawn. This blueprint should identify the focus areas and map out the corresponding strategies to carry out the reform agenda in various levels.

Focus Areas

Some of the areas requiring significant improvement are as follows:

Streamlining the Organizational Structure

Improving archaic police organizational structures is urgently needed. Not only should South Asian police forces have a clear chain of command, but they should also address their chronic shortfall in supervisory competence levels. Essential qualitative and quantitative improvements in the existing abysmally poor officer-to-men ratio must be implemented. This will involve increased recruitment of adequately trained professional officers at the managerial levels. The sphere of control must be defined and specialist departments must be created to meet the emerging challenges of law and order.

Increasing Recruitment of Women into the Force

Representing only 1% of the police force, women are terribly under-represented in the police forces of Bangladesh and Pakistan. There are hardly any women officers in meaningful command and operational roles, except in India where the situation is relatively better. Enhancing the present-day marginal representation of women police officers across the region is not only a critical developmental goal but also an urgent organizational necessity.

Improving the Standards of Policing, Internal Management, and Discipline

Policing standards in South Asia are far from satisfactory due to poor internal management and accountability practices. Police Order 2002 mandates an annual policing plan that sets standards of police performance and puts in place effective performance monitoring and evaluation mechanisms based on internationally established best practices. What is also needed is that all high-level positions are filled up through open selection, and not by routine promotions.

Improving Police Education and Training in Various Areas, including Human Rights

Human rights violations by police forces of South Asia range from unlawful arrest and detention to physical assault often associated with forced

confessions. The curricula of education and training institutions inadequately cover critical issues of human rights in the context of contemporary management, supervision, and law enforcement practices. The whole training paradigm requires a fundamental shift to equip policemen with the necessary knowledge and skills to meet new challenges.

Improving Police Transparency and Accountability

A well-administered police organization entails a fair, efficient, and responsive grievance system for handling citizens' complaints against the police. It involves establishing institutional mechanisms within and outside the police to make it accountable to its leadership, the public, and the law. In Pakistan, Police Order 2002 has introduced transparent merit-based police recruitment at the level of assistant sub-inspector through the public service commissions and the establishment of an independent police complaints authority. The system of postings, transfers, and promotions must be independent and insulated from undue external influence.

Improving Police Behavior and Adopting a Code of Ethics

Police attitude towards citizens must be reshaped to show respect for human rights. In this regard, a code of ethics that would set standards of conduct must be promulgated. In Pakistan, a code of conduct based on the UN Code of Conduct for Law Enforcement Officials has already been adopted, and its violation is a serious criminal offence under Article 155 of Police Order 2002.

Improving Image and Public Perception of the Police

The police in South Asia have historically suffered from a bad image, so that there is very little voluntary sharing of vital information from the public. Adopting measures that portray the police in a positive light and proactively address the causes of negative public attitudes is, therefore, integral to a comprehensive police reform strategy.

Community Policing

What the countries of South Asia require today is turning the anachronistic public order policing model upside down and allowing concepts like community policing and policing by objectives to take a lead role in the governing philosophy of their police forces. Let police serve the community, not rule it.

Eliminating Discrimination Against Religious, Ethnic and Other Minorities

No police force can hope to be accepted by the public as a true professional organization upholding the rule of law unless its officers are genuinely free from political, religious, ethnic, linguistic, or racial biases and have a reputation for enforcing the law fairly and justly, especially when faced with challenging situations. There is urgent need to develop and implement specific strategies aimed at ensuring that religious, ethnic, and other minorities are afforded equal access to policing services.

Strategies

What is the best strategy to ensure that the much-debated reform measures, recommended by scores of police commissions and committees across the region, start seeing the light of the day insofar as their implementation in letter and spirit is concerned?

Reforms that the Government has to Undertake

No government can plead paucity of funds as the reason for its inability to protect the life and property of citizens. The principal reason for governmental neglect of police reforms in South Asia is not lack of funds but the misuse of the police force for narrow partisan ends. If the rhetoric of good governance and rule of law is to turn into reality, the most important prerequisite is strong political will on the part of governments to transform their outmoded police outfits into modern service-delivery organizations.

In practical terms, government leaders should proactively yield their powers of superintendence over the police to apolitical public safety commissions to ensure political neutrality of police operations. In Pakistan, Police Order 2002 (Article 9) has restricted the Government to exercising the power of superintendence only to the extent of ensuring that the police perform their duties efficiently and strictly in accordance with law.

Reforms that the Police Themselves have to Undertake

For any meaningful police reform strategy to succeed, strong commitment of the leaders of the police organization is indispensable. In Pakistan, for instance, the measure of separating investigation from routine law-and-order operations has not been an unqualified success because of inadequate support from the senior police. Regional

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commands have suffered more or less the same fate as they remain powerless due to some resistance from the IGPs.

Observing internationally accepted organizational practices in relation to administration of the police force is also a key requirement. The onus of ensuring proper management of the force, including recruitment, promotions, postings, and transfers, squarely rests with the police hierarchy. Quality human resource management, efficient use of financial resources, and adoption of modern technologies are other areas which need initiatives from the police chief officers.

The adoption of credible methods of redress against the police is also a priority item. Senior police officers should publicly demonstrate their commitment to weed out incompetent and undesirable members from the force. Closing of ranks should not be tolerated. Officers of impeccable integrity, good repute, and proven competence should be deputed to probe public complaints against police. For complaints against non-registration of FIRs, special reporting centers under the district police officer and independent civil society committees (similar to the well-regarded Citizen Police Liaison Committee in Karachi) need to be established. Appropriate policies for dealing with critical issues such as gender crime and human rights, and police practices surrounding arrest, search, custody, and seizure of property must likewise be adopted. To avoid illegal detentions and maltreatment of arrested suspects, detention cells at police stations should be replaced by charging units, which are organizationally separate from police station set up.

Reforms that the Citizens can Initiate

Policemen come from society and reflect to a certain extent the attitudes and behaviors that are found in society. Citizens can, therefore, play a vital role in changing police attitudes in a number of ways. In this sense, their advocacy in making honest and fearless statements before the police during the course of an investigation is crucial. Civil society's role in initiating an informed debate on contemporary police-related issues, including

political interference in police matters, and in arriving at the right reform package cannot be overemphasised. Citizen groups can also contribute toward education and awareness programs on critical aspects of police reforms. Their role in making the members of parliament act in support of necessary statutory changes is also not to be discounted.

Proactive Gender-sensitive Reform

Ensuring gender-sensitive policing is a critical element of police reform. Programs and strategies aimed at changing police attitudes towards women involve proactive induction of more women into police forces of the region. A gender-sensitive training strategy on how to handle cases of domestic violence, harassment at workplaces, and sexual assault is also integral to the police reform agenda.

Governments in South Asia have over time professed strong support for empowering women when it comes to seeking access to justice as victims of crime. As such, they have been taking steps to advance various gender-sensitive reforms in their respective police forces.

Gender-sensitive Reform in Pakistan

In 1993, the Government of Pakistan took the rare initiative of establishing an all-women police station in Rawalpindi. This was followed by more such stations at the major cities of Islamabad, Lahore, Karachi, Peshawar, and Quetta. Not only did this initiative provide policing and legal services to women victims of crime under one roof, but also considerably reduced incidents of custodial rape in these cities. More recently, the Women Development Division opened up a large number of crisis centers to provide shelter to the victims of gender-based violence.

A national strategy to address issues relating to gender-sensitive policing was recently an-

nounced by the Government of Pakistan. It includes recruitment of more female police officers and revision of curricula of police training schools, colleges, as well as the National Police Academy. To provide effective and prompt response to cases of violence against women, the Government of Pakistan established in April 2006 the Gender Crime Cell in the National Police Bureau, Ministry of Interior. Its principal purpose is to foster women empowerment and enhance their access to justice. The cell will act as a central depository of data on cases of violence against women and assist policymakers in developing holistic and effective countermeasures to control this menace. The Government has also appointed the director general of the National Police Bureau as national focal person on cases of violence against women. The National Committee on Violence against Women headed by the minister for the interior has also been established to monitor and coordinate efforts of relevant authorities.

Gender-sensitive Reform in Bangladesh

In Bangladesh, the Government has taken a number of steps to enhance the role of women in the Bangladesh Police. The Strengthening Bangladesh Police Project aims not merely to improve the overall response of the police to women victims of crime but also to increase substantially the representation of women in the Bangladesh Police. It seeks to raise the percentage of women police from 1.2% to 30% over a 3-year period. Currently, out of the 116,000 members of the Bangladesh Police, only 1,392 are women. As part of the project, the new women officers will get special training to investigate cases of violence against women, including dowry harassment, acid-throwing, domestic violence, and sexual assaults.

Gender-sensitive Reform in India

In India, the Government has taken many steps to provide gender-sensitive policing. Gender-sensitive training for law enforcement officials at the state and central levels is given at the police training schools, as well as during the 2-year initial training for officers of the Indian Police Service. With regard to recruitment of women into the force, recent years have seen a substantial increase in the number of women officers although there is no formal reservation policy in this regard.

Gender-sensitive Programs:

An Assessment

While the existing gender-sensitive programs are steps in the right direction, these are not enough

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to bring about a qualitative change in the male-dominated police culture of South Asian countries. Women are still marginally represented in their respective police forces. What is needed is a well thought-out proactive strategy to attract and retain policewomen while, at the same time, exploring part-time or job-sharing opportunities to enable them to balance official and family responsibilities.

Police Reform: The Way Forward

What is necessary to make the police public-friendly is the central issue of any police reform effort. Thus, police reform is more than just a facelift; it requires in-depth examination of the police organization, its mandate, and its functional dynamics. It also underpins the need to put in place effective structures both to oversee police performance and ensure realization of the organizational mission. The reform process has to touch all ranks and has to be all-inclusive. It entails commitment from the political executive as it involves a re-examination of the whole governance paradigm.

Every organization, whether public or private, can only perform well if founded on valid organizational principles. The police forces of South Asia need to be urgently transformed from their colonial mold and organized on the basis of principles that govern standard, modern, contemporary police forces meant to police free societies, not natives. The key questions are: what kind of organization is needed to meet the 21st century law and order challenges? Which model can most efficiently bring about a radical change in the existing unhealthy level of police-public estrangement? How can the police be effectively brought under democratic control, yet ensure its political neutrality?

Operational Neutrality

As a first step, the responsibility of maintenance of law and order will need to rest unambiguously with the police. The police hierarchy will have to be made responsible not merely for the organization and the internal administration of the force, but also exclusively for all matters connected with maintenance of law and order. In short, policing operations will no longer have to be subjected to general control and direction from outside the police department.

Steps will also be required to render the police professionally competent, operationally neutral, functionally cohesive, and organizationally responsible for all its actions. This will in turn

lead to efficient police operations, better decision-making, improved discipline of the force, and revamp of police accountability mechanisms. The role, duties, and responsibilities of the police will have to be oriented in a manner where the service function takes precedence and crime prevention is viewed with a social purpose. The reform strategy will also solicit voluntary support and co-operation of the peoples of South Asia.

Political Neutrality

Parallel to operational neutrality is political neutrality. Without enabling the police to function freely, fairly, justly, and independently, there can be neither justice nor order. Since the purpose of the police is to enforce the laws of the land, without fear or favor to anybody, it is crucial to render it politically neutral. Such neutrality has been achieved in other countries by placing the police under apolitical control, creating a cushion between political expediency and law enforcement. In the absence of such a cushion, persons of influence will continue to prevent the police from doing its mandated duty.

Accountability

Simultaneously, it is crucial to bring the police under a system of accountability that enjoys public confidence. Once the police are enjoined upon to perform a just and constructive role in the community, their work ethics would change radically. Being subject to law, they would strive to uphold and promote the cause of public interest and safeguard democratic norms based on rule of law and due process. Moreover, the increasingly sophisticated range of coercive, scientific, and technical apparatus at the command of the police requires stricter accountability controls. Ineffective accountability mechanisms should be replaced with statutory institutions like the Independent Police

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Muhamman Bilal

Human rights violations by police forces of South Asia range from unlawful arrest and detention to physical assault often associated with forced confessions. The whole training paradigm requires a fundamental shift to equip policemen with necessary knowledge and skills to meet new challenges.

Complaints Commission in the United Kingdom or the Public Safety Commission System in Japan.

Meeting the Community's Expectations

The process of reinvention also requires greater emphasis on fulfillment of public expectations. Historically, there has been reluctance on the part of senior police to recognize the necessity of seeing police forces as organizations that are fundamentally no different from any other enterprise or business. The police organization has to evolve a shared vision and understanding of a common mission which will increasingly be focused on meeting the community's expectations.

Legislative Reform

In order to achieve all these, the first order of business is the enactment of a new police act to replace the archaic legislation of 1861. Pakistan has already replaced the Police Act of 1861 with the Police Order 2002. In Bangladesh, there is no legal impediment to a single uniform legislation because of its unitary form of government. In India, the question is whether there should be a new central law in India on the subject or it should be left to each state to pass its own law.⁵ Clearly, it will be in the national interest to have a uniform law which would hold good for the whole country. If there is political will, state legislatures could be persuaded to pass resolutions to em-

power Parliament to enact a central law for regulation and management of police forces in the country by the respective state governments. Alternatively, the Home Ministry can draft a bill and recommend its adoption by the states. The other option is for the central Government to enact a model police law in Union Territories as well as in those states where the same party is in power to serve as model and source of inspiration for other states.

"Humanizing" the Police

The next issue to be addressed is violation of human rights by the police. Unfortunately, the police are looked upon as the exploitative arm of the government. This is particularly true in respect of the economically and socially weaker sections of society such as women, children, landless labor, bonded labor, scheduled castes, and scheduled tribes. The police must undergo a process of "humanization" and sensitization and follow a policing philosophy based on rule of law and respect for human rights.

Factoring Other Variables

Finally, policing cannot be reformed without reference to the criminal justice system and to the larger political and social order of society. Any police reform strategy will have to take into account a number of variables such as the structure of government, balance between federal and provincial governments, or between provincial and local governments, the role of the judiciary, military, and political parties in administrative affairs of the country, the role of public prosecutors and defence lawyers, professional leadership in the police, police mandate, the basis of legitimacy of the police (from an adversarial to a consensus or a community model). Equally important, if not more important, is to consider less tangible features of a society, like its social structure and cultural expectations.

Conclusion

In conclusion, law enforcement modernization is one of the greatest challenges confronting South Asia, a challenge that can and must be met. There are no shortcuts, and no easy answers. Like an old Chinese saying, a journey of a thousand miles begins with the first step. So let the first step be taken sooner rather than later. There is not a moment to lose.

⁵ Under the provisions of the Indian Constitution (Art. 246), public order and police (including railway and village police) fall under the State List.