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THE RIGHT TO INFORMATION

Making police accountable



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At his investiture last month, the new police chief of Bangladesh committed to making each police station truly a centre for welfare of the people. This is a bold undertaking, given that, for people in general, there is a considerable distrust when it comes to the police.

Criticism of police forces is rife throughout the world, as is, the demand for police reform. There is increasing demand for well-defined rules of conduct regarding the police's behaviour towards people, and to bring all police activities under electronic surveillance. In neighbouring India CCTV coverage of all police stations is an ongoing demand. In many western countries, police are required to wear video cameras to record their encounters with people. And yet pictures of police brutality remain common in world media.

Clearly much more is needed to achieve the objective of more democratic, fair, humane and lawful police forces in the world.

Before modern technology came into play, the actions of police and criminal justice officials were subjects of empirical research, promoted by concerned citizens, eminent scholars, civic reformers, non-governmental agencies, parliamentary committees and the like. They contributed significantly to improved normative

standards for the police to follow. But these must be implemented more effectively. This is where the peoples' role becomes important.

As democracy has replaced authoritarian or colonial rule, peoples' perception of governance has changed significantly. This change is reflected in the growing emphasis on principles of transparency and accountability in the way public authorities relate to the citizens. These were made legally enforceable rights of the people through the enactments of Right to Information (RTI) or Freedom of Information (FOI) laws throughout the world, which are being increasingly used to monitor police work.

In Bangladesh, the RTI Act 2009 has exempted all government agencies engaged in national security and intelligence work on behalf of the State from being covered by the Act. This includes police units engaged in such activities. But, the rest of the police force, therefore, falls within its ambit and RTI requests may be made to them.

While in the initial years of its implementation, citizens were largely reticent in the use of the RTI Act to seek information from powerful government agencies, there is a perceptible change in the situation. Limited RTI requests are being made to higher government authorities, including the Prime Minister's Office. Police offices are no exception.

To find out more, we decided to look up the decisions of the Information Commission (IC) of Bangladesh on complaint cases heard by it over the years. We found 25 cases relating to the police. These included requests made to police offices on subjects ranging from corruption, tender irregularities, crime investigation, post-mortem reports, video footage of CCTV cameras, etc.

The facts of the cases paint a very sad picture of police response to the requests. In over 90 percent of the cases, the Designated Officers (DOs) not only failed to provide the information sought but also gave no reasons for doing so, as required by the law. In most such cases, they agreed to provide the information only at the prodding of the IC. There were also cases where even the receipt of the request was denied, though they were sent by registered mail.

More worrisome is the fact that even in cases of serious allegations of malfeasance, the police not only reneged on their duty to respond, but also ignored the summons from the IC to appear at complaint hearings. In fact, in one case, the IC had to fine a police officer a sum of Taka 5000 for not coming to a complaint hearing despite three summonses.

The response of the IC too was disappointing in many cases. Instead of imposing sanctions of the law on many other police officers for serious dereliction of duty, it tended to be more accommodating towards them. This is no way to promote compliance to the law.

The non-appearance of some complainants at the IC hearings or their subsequent withdrawal of complaints should also be a matter of concern. They may relate to possible intimidation by the authorities or lack of trust in the process. All these are bad omens for the future of RTI in Bangladesh.

On a more hopeful note, let us now look at two cases where the IC played a key role for their positive outcome. In 2011, a group of women in Saidpur, North Bengal, filed a RTI request to the local police station. They asked to know how many cases of violence against women were filed at the police station in the first six months of 2011. The Designated Officer first refused to receive the request but relented when he was shown the text of the law, which the group had carried with them. But there was no response either to the request or to the subsequent appeal. The matter ended up with the IC as a complaint case.

At the complaint hearing, where the Officer-in-charge of the police station was summoned, the IC took him to task for wilful disregard of the law and ordered disclosure of the information sought within seven days. The decision of the IC improved that police station's treatment of people.

In 2017, a woman requested the DIG of Police, Forensic Department, Malibag, Dhaka, for a copy of the original viscera report obtained by the police in connection with its investigation of her husband's murder case. She wished to compare the original with a subsequent “fake report” she sought to challenge.

Through a remarkable exercise, lasting over four months and spread over many hearings, the IC interviewed a large number of experts involved in the process, listened to their submissions for or against disclosure, matched them with the provisions of the law and decided, in a well-argued judgement, in favour of full disclosure of the report. It was a commendable job by the IC.

Despite these faint positive signs, the RTI regime in Bangladesh is clearly not faring as well as it should. Many shortcomings have been identified in these columns and by others in the past. They require attention from all the stakeholders—citizens, public authorities and the IC alike.

It is encouraging that the new police chief has vowed to improve the image of the police force in the country. All of us should help him to achieve that goal. It will be truly commendable if he could ensure that police forces learn to take the RTI law more seriously. Their positive response to RTI requests by citizens would be a boost to the regime. The IC too must not hesitate to impose penalties on serious defaulters to promote compliance. The encouragement of the Government in this regard would help. Otherwise the efficacy of this beautiful law will suffer.

In this election year, citizens must insist on political parties to declare their whole-hearted commitment to implementation of the RTI Act. This is one law that can bring citizens and state authorities closer and improve governance.

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