

IDENTIFYING THE PROBLEMS OF BANGLADESH POLICE & RAPID ACTION BATTALION : RECOMMENDING WAY OUT

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***Abstract:** A good social order becomes sine qua non in the age of globalization where nations struggle and aspire after development. Whatever may be the nature of a state and government, it needs good law and order for achieving desired social, economic, and cultural goals. Bangladesh, as a state, has its aim to “realize through the democratic process a socialist society, free from exploitation...” In achieving the goal set by the Bangladesh Constitution, state needs stable social order. Bangladesh Police is an integral part of Bangladesh state from the moment of its establishment as it has been entrusted for ensuring law and order. This article briefly discusses about the problems of Bangladesh Police. This write-up also evaluates the achievements and limitations of the Rapid Action Battalion (RAB). In addition to discussion, evaluation, and critical analysis, researchers have underlined the necessity to reform Bangladesh Police and RAB.*

***Keywords :** Law and Order, Bangladesh Police, Rapid Action Battalion (RAB), Human Rights Violation, Elite Force.*

Introduction

A modern democratic state can hardly think of running its affairs without the assistance of law enforcing agencies. Their role is significant in the context of multidimensional problems and complicity of urbanization and industrialization. Moreover, there is a paradigm shift in the policing as the concept of ‘police force’ has been turned into that of ‘police service’ and stable order is considered as a pre-condition for development of any country. In a modern structured state, people expect law enforcing agencies to be brave commander of ensuring order and maintaining social stability. From the very beginning of the establishment of independent Bangladesh, the

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Police has not only been an integral part of this state, but also an important branch of the criminal justice system. The members of this disciplined force are working to ensure law and order and to dispose of their other functions which laws enjoin them to do. But, often police activities seem to be not sufficiently effective in terms of crime control. And people are not always seen to be content with the services delivered by them, since Bangladesh Police is surrounded by many problems, some of which are structural, some pertain to archaic laws, some of which can be attributed to socio-political reality. Bangladesh Police's limitations and deficiencies are recognized by various studies. In this context, Bangladesh Government felt the necessity to establish an elite force which was named as Rapid Action Battalion (RAB). In 2004, Rapid Action Battalion began its operational journey and started contributing to the improvement of law and order in Bangladesh. People seem to have some degree of satisfaction for Rapid Action Battalion where its activities successfully eliminated crime and terrorism. Nevertheless, one can identify the limitations of Rapid Action Battalion (RAB) which need to be addressed properly, so that the members of this elite force could dispose of their functions as per Constitution and other laws. Moreover, human rights activists and civil society members are critical about this elite force in the context of continuous extra-judicial killings and newly emerged forced disappearance. The involvement of some officers in the seven-murder in Naryanganj has plummeted RAB's public image to an all-time-low.

This article has been divided into four parts. First part briefly discusses the origin, existing legal framework and administrative set-up of the Bangladesh Police. This part enquires into how some statutory provisions have created hardships for smooth police functioning. Finally this part delineates the problems of Bangladesh Police which they have been encountering for decades. The purpose of identifying the problems of Bangladesh Police is to underline its desired reform. Second part attempts to find an answer to the question that—why was the Rapid Action Battalion established in the existence of Bangladesh Police? Developmental needs of Bangladesh and necessity to fight terrorism and extremism may have motivated the policy makers of Bangladesh to establish an elite force like RAB which has successes in the prevention and control of crime. Nevertheless, RAB has been criticized for its severe human rights violations. In addition to this, second part discusses the dilemma of RAB.

Third part has described the gruesome seven-murder case in which 3 RAB officers have confessed to have their involvement. This part also makes a

critical evaluation of the RAB with reference to this elite force's activities with 'impunity', their supposed necessity justified by the successive governments and misuse of power by the RAB officials. Fourth part has made a number of recommendations to turn Bangladesh Police into a people-friendly and service-oriented organization. It also put forward recommendations for the desired reform of RAB, so that its members would dispose of their activities within the framework established by Constitution and other laws and also according to the national and international human rights standards.

Bangladesh Police: Origin and Brief Sketch of Legal Framework and Administrative Set-up

Bangladesh police started working from 16th December of 1971, but it shares common historical background of the police of Indian sub-continent. Calcutta city took birth in the hands of Job Charnak, an English merchant, on August 24, 1690, and keeping law and order devolved on the shoulder of Britishers. Calcutta Police emerged from the "Zamindari Police", which was under the authority of the *Nawab* or *Nazim* of Murshidabad. Some changes were made to the judicial and police administration during the regime of Warren Hastings. In 1792, the Regulation for the Police of the Collectorship in Bengal, Bihar and Orissa was approved in the Council of the Governor General. Under this system the collectorship or the newly established districts were divided into several thanas, in each of which a *Darogah* was appointed to look after the law and order. As there was no combination of the police functions of the thanas, a Superintendent of Police was appointed for the Presidency of Bengal in 1808, but it was impossible for a Police Super to control and combine the police activities of a vast area. The post of the Superintendent of Police was abolished in 1853 and the Deputy Commissioner was given the responsibility to monitor the activities of police force in the locality under his jurisdiction. During the mutiny of 1857 the police system based on thana was proved to be a total failure. According to the recommendations of the Police Commission the Police Act, 1861, was enacted, under which Inspector General of Police was the head of the law enforcement agency, and Superintendent of Police became chief police officer in a district. This structure provided the basic scheme of police administration in British time, and continued so in the Pakistan and provided basis of police structure in Bangladesh (Transparency International Bangladesh (TIB), 2004).

Bangladesh Police is a disciplined force within the meaning of Article 152 of the Constitution. It is a structured force having its network all over the country. Police of Bangladesh owes its creation to the Police Act, 1861. There is the Police Regulations, Bengal (PRB) to regulate the daily activities of the members of police force. Under the authority of the Police Act, 1861, PRB was first compiled in 1927 in three volumes. Later on various rules and government orders were promulgated under the Police Act, 1861 and the Government of India Act, 1935 (Police Regulations, Bengal, 1943, 1997).

Bangladesh Police has its own administrative set up in urban and rural areas. Moreover, there are Court Police, Railway Police, Traffic Police, Water Police, Armed Police Battalion, Mounted Police under the dispensation of the police force. Administrative units of police are designated as Dhaka Range, Chittagong Range, Khulna Range, Rajshahi Range, Barisal Range, Sylhet Range and Sardah Police Academy. All the metropolitan cities of Bangladesh have their own metropolitan police (Chowdhury, 1997, p. 95). In all the 64 districts, police has three-tier administration under the authority of SP, ASP (circle), and officer in charge of the police stations respectively.

Bangladesh Police became member of the Interpol in 1976 and was elected as a member of the Executive Committee of the organization in 1988. Bangladesh Police has played an important role in international peace-keeping under the supervision of the UN. Members of Bangladesh Police have been sent to Namibia, Cambodia, Mozambique, Rwanda, Yugoslavia, Haiti, and Angola (Chowdhury, 1997, pp. 210, 241).

Police, Criminal Procedure and Evidence Law

Bangladesh Police work within a legal framework established by the Police Act, 1861, Police Regulation, Bengal, and other laws enacted by the governments of Bangladesh. Moreover, they have to follow the procedure stated in the Code of Criminal Procedure during criminal investigation, search, seizure and other police activities. Law enforcement officials have lawful obligation under the Evidence Act when collecting evidence from suspects. Some provisions of these two laws have created unnecessary hardships for smooth police functioning. For example, section 103 of the Criminal Procedure Code made it mandatory for the police to be accompanied by at least two respectable inhabitants of the locality when entering into any premise for search and seizure. But the reality is that police officials do not always find two respectable people willing to associate with

them. So, they try to maintain the procedure of the Code in a perfunctory way with the help of the people of dubious character. Courts are aware of such police practices and do not treat the evidence properly, even genuine evidence is looked with suspicion (Vijay Karan, 2000, p.181).

If any person makes any statement to a police officer in course of investigation, that statement cannot be used at any inquiry or trial in respect of any offence under investigation at the time when such statement was made (Criminal Procedure Code, 1898, section 162). The use of such statement is permissible for the purpose of contradicting a witness, if there is any inconsistency between his statement made before and the subsequent evidence given before the court. Very limited evidentiary value of statements made to police officer expresses a contradictory picture. Police is the only state agency to investigate criminal cases, but police has not been given sufficient power to record a statement which must have strong evidentiary value at different stages of the trial.

The legislators enacted the provisions of the Evidence Act in a fashion to protect crime suspects from police atrocities. A confession made to a police officer is not admissible as evidence in a court of law (Evidence Act, 1872, section 25). The legislators were extra cautious in enacting such a provision so that police cannot apply third degree method in extracting confession. But this provision has created unnecessary hardship to the police in their activities of prosecution. There is no harm in permitting a police officer to record confessional statement as it will be scrutinized by the court during the trial procedure. A confessional statement made to a judicial officer may be withdrawn subsequently by the maker if it was unintentional. The authenticity of a confessional statement, whether made to a judicial officer, or police officer, is examined by the trial court. Section 162 of the Criminal Procedure Code has barred the admissibility of a statement made to a police officer. "There are good reasons for not treating a statement made to the police officer as a good and highly dependable piece of evidence, but surely there is nothing wrong about its being made admissible before a court of law. There are some police officers who justifiably argue that it is not possible to make the police law abiding unless some confidence is reposed in them. They insist that police has to use third degree methods because of so many legal disabilities created in their case." (Siddique, 2001, p. 279).

Problems of Bangladesh Police

The British rulers became bewildered at the widespread mutiny of 1857. After controlling it they wanted some legal instruments and state force to keep their regime undisturbed. They, therefore, enacted the Penal Code in 1860, the Police Act in 1861, and the Criminal Procedure Code in 1898. The British rulers established a new police force under this Police Act and successive enquiries found the police “incompetent, high-handed, and corrupt” (Karzon, 2008, p. 203). At that time police was low salaried, little educated, and they had no accountability. After the establishment of Bangladesh, successive governments allowed the police to be functioned under the previous structure and laws. The policy makers know the problems of Bangladesh Police, but no concrete measure has been taken to make it a professional and service-oriented organization. The problems which have been encountered by the law enforcing agency for decades are discussed below.

Firstly, existing police structure and the laws relating to policing were established by the British rulers and these require comprehensive review. Our police owed its creation to the Police Act, 1861, principal purpose of which was to maintain the *status quo*. The Act puts major emphasis on maintenance of order. Rather than putting importance on the professional aspect of crime control, the Act overemphasizes on the constabulary functions of the police. We require a new Police Act, which will focus professional aspect of crime control and clearly define police role and responsibility. The new Act needs to ensure police professionalism, accountability and modern police management, the proper functioning of which seeks to improve human security and access to justice. It will provide the basis for establishing police as a people-friendly, service-oriented organization, which will be monitored by police-public consultative committees (Huda, 2006).

Secondly, the police of lower echelon constitute majority of police force. But they, particularly the constables, *Nayeks* and low ranking police officers, do not possess substantial educational and intellectual attainments. Their treatment and exposure to the general people is very arrogant and frightening. Thirdly, causes of police’s high-handed behavior can be attributed to the fact that they do not get sufficient human rights training. This limitation, together with motivational inadequacy, has made the police force coercive. Frequent allegations of custodial torture, sexual harassment of arrested women, custodial death, and other human rights violations indicate that police officials need more and more human rights training.

Fourthly, salary given to the police officers and constables is insufficient. Police officers and constables work 13-18 hours a day, which is almost double than the working hours of the government employees of other professions. On an average officer in charge (O.C.) of a metropolitan police station works 18 hours a day, an O.C. of district and thana level works 15 hours (TIB, 2004). But their salary is not sufficient to their serving 13-18 hours. Though they serve extra hours, but they do not get any remuneration for that (TIB, 2004).

Fifthly, police is always confronted with the problem of inadequate logistic support. On an average 5-6 police staffs sit in each room of a police station. In most of the police stations there is no room for conference or meeting. Police stations of districts and thanas have no prison van. *Malkhanas* of metropolitan and district police stations are narrow and unhygienic. The toilet facilities of police stations are insufficient. The police stations are not provided with sufficient number of vehicles and necessary furniture. Police officials require modern and light arms for expected crime control, but they are not sufficiently armed (TIB, 2004). Criminals, on the other hand, are using modern arms like Chinese rifle, AK-47 rifle, SMG, and LMG.

Sixthly, police is the only state agency to investigate criminal cases, the outcome of which may come out as charge-sheet for the prosecution or final report for release of the accused. This reality places police in an advantageous situation which they can manipulate. Seventhly, police officers do not get sufficient time for controlling crime and investigating criminal cases. On an average every Sub-Inspector of district police stations has to investigate 7.5 cases in a month, Sub-Inspector of thana police stations 4 cases. They do these investigative activities in an addition to other duties, so police officers remain reluctant to take up new cases. According to a Transparency International Working Paper, metropolitan police spend 40.6% time of a month for keeping law and order, 32.7% time for ensuring the security of VIPs, and 18.4% time for works relating to criminal cases. Police officers of districts and thanas take half of the time of a month for securing the VIPs (TIB, 2004).

Eighthly, there are allegations that police has been politically used by successive governments which create major obstacles to develop professionalism in police. Ninthly, police organization of Bangladesh suffers from insufficient accountability, both internal and external. Internal accountability can enhance competence, and prevent corruption, whereas

external accountability can ensure people-oriented service (Karzon, 2008, pp. 227, 228).

Emergence of Rapid Action Battalion (RAB)

Established on 26 March 2004, Rapid Action Battalion (RAB) is the Bangladesh's first anti-crime and anti-terrorism elite force which has been made subservient to the Home Ministry of Bangladesh Government. The members of this elite force have been drawn from Army, Navy, Air-force and Police. This force has been given important function of eliminating terrorism and extremism in Bangladesh. After its establishment, Rapid Action Battalion is appreciated for its anti-terrorist and anti-extremist activities. Particularly, the members of Rapid Action Battalion bravely and successfully eliminated the extremists during the regime of the last Caretaker Government in 2007-08.

It is to be mentioned that Bangladesh is economically promising and has obtained high-profile achievements in social development sector. Its geopolitical location has made it important to big global powers, including USA, China, India and Russia. Bangladesh now requires stability, both social and political. Particularly, law and order situation should get high priority in national agenda. A stable order can ensure security of the citizens as well as economic development of Bangladesh. Against this backdrop, Bangladesh Government felt the necessity to form a special force to make the activities of Police Force more effective and dynamic. After meticulous discussion and research Government finally took decision to establish Rapid Action Battalion (RAB) under the supervision of the Home Ministry. Rapid Action Battalion came out in public on 26 March 2004 by participating in the independence-day parade. It got its first operational responsibility to ensure security of Ramna Batamul ceremony on the occasion of the first day of Bengali new-year on 14 April 2004. It started its full operational activities from 21 June 2004.

Why Rapid Action Battalion in Existence of Police?

This has become a pertinent question—why did Bangladesh Government feel the necessity to establish Rapid Action Battalion in existence of Bangladesh Police? Bangladesh Police is a disciplined force with its network all over Bangladesh and have clearly defined jurisdiction for prevention and control of crime. But a number of studies have unearthed the limitations and deficiencies of Bangladesh Police. Firstly, the structure established and laws enacted by the British rulers need to be revised as purpose of establishing

Police Force was to maintain *status quo*. The Police Act, 1861 overemphasizes on maintenance of order, rather than focusing on the professional aspect of crime-control. We need a new Police Act which will ensure police professionalism, accountability, and modern police management (Huda, 2006).

Secondly, police officials are not provided with modern weapons and they are confronted with the problem of inadequate logistics. Thirdly, metropolitan police gets only 18.4% time in a month for works relating to criminal cases (TIB, 2004). So, the state agency which has been given the responsibility to investigate any criminal case and bring perpetrators before justice does not have sufficient time for their main task, namely, crime prevention and crime control. Fourthly, often police officials cannot work properly due to political and administrative interferences. For the same reason Bangladesh Police has not yet developed strong professionalism (Karzon, 2008, pp. 224-228).

The above mentioned problems have been creating formidable barriers of developing professional, service-oriented and people-friendly Police Force in Bangladesh. Moreover, during the year of 2003 and early 2004 people of Bangladesh started to face more and more violent crimes, extortion, terrorism and extremism. In the context of increasing outrage, Home Ministry planned to establish Rapid Action Battalion (RAB) to prevent and curb violent crimes and terrorism. The ultimate motto of Rapid Action Battalion is to ensure security of people which has been endangered by violent criminals and terrorists and is not sufficiently guaranteed by Bangladesh Police (Alam, 2013, p. 111). Taking this reality into consideration the government of Bangladesh had put paramount importance in designing and structuring Rapid Action Battalion, so that it would be like globally famous anti-crime forces. On 8 December 2004 the Daily Star report wrote, "The government is going to upgrade the Rapid Action Battalion (RAB) on a par with the globally famous anti-crime forces like FBI or Scotland Yard by providing it with more funds and more sophisticated equipment and weapons." Later on, some foreign ambassadors and high commissioners acknowledged that Rapid Action Battalion has the ability to be an organization like FBI or Scotland Yard.

Rapid Action Battalion and Developmental Needs of Bangladesh

Paradigm shift in redefining the 'Police Force' as 'Police Service' has completely changed the mindset and modus operandi of policing in almost every part of the world that got acceleration mostly after the World War II

(Rahman, 2013). Nature of work of the law enforcing agencies like RAB and Police are so important that their responsible functioning can ensure stable law and order situation where people can enjoy their rights securely. Stable law and order can erect strong foundation of a democratic society as well as it can promote development of Bangladesh. Rapid Action Battalion in its official website has clearly stated that: “Bangladesh is one of the developing countries of the world. One of the impediments to our development is unstable law and order situation. At the back drop of this situation, Government of Bangladesh felt the necessity to organize a permanent special force under the direct supervision of the Ministry of Home Affairs in order to make the society crime free. Finally... a special Force named RAPID ACTION BATTALION FORCES was formally emerged on 26 March 2004.”

All over the world stable order has been considered an inevitable precondition for promoting and ensuring economic development. Law and order situation is now not only necessary for social peace, but it is considered prerequisite for production, export-import and foreign investment. This reality has been reflected in the motto and mission of Rapid Action Battalion as their establishment has been related to ensure stable order in Bangladesh. It is to be mentioned that Bangladesh appears to be one of the potential countries among the developing nations to achieve satisfactory economic development. Some data and figure may be pertinent to realize Bangladesh's potency in terms of its real achievements and its capability to reach the destiny. An official figure states that Bangladesh earned \$ 21.51 billion from the export of apparels in the fiscal year 2012-2013. In the fiscal year 2011-12, the total export earnings from garments stood at \$ 19.08 billion. According to Bangladesh Bank report, the remittance flow was more than US\$ 1,446 crore in 2012-13.

Pharmaceutical companies of Bangladesh are exporting medicines to more than 90 countries including USA, UK, France and Germany. Young entrepreneurs have earned \$ 100 million from exporting software in last year. In July of 2013, the foreign currency reserve remained above US\$ 15 billion, which was the highest ever recorded level of the foreign currency reserve of Bangladesh in the last forty years. Bangladesh was one of the top five recipients of foreign direct investment (FDI) in 2012, according to the report of the FDI Intelligence. Bangladesh's booming economy now requires stable order for its smooth development. After its emergence Rapid Action Battalion is said to have brought back confidence in the mind of people,

businessman, entrepreneur and other professional groups through its zero tolerance to violent criminals, extortionists and notorious terrorists.

Evaluating RAB's Activities in Improving Law & Order

Rapid Action Battalion (RAB) is said to have some achievements within a time of 10 years of its establishment. RAB's activities appear to be successful in bringing down the frequency of notorious crimes and terrorist activities. In some cases their undaunted actions against the listed criminals brought confidence in the mind of businessman and people in general. In spite of criticism of their activities on ground of human rights violations, Rapid Action Battalion has been hailed by the common people of grass root, government high-ups, and professional groups (Alam, 2013).

Rapid Action Battalion is claimed to work to promote the socio-economic development of Bangladesh by keeping the law and order condition stable. In the South-Western region of Bangladesh, people heave a sigh of relief after its combing operation to prevent the terrorist activities of deviated young groups. Its activities against smuggling, drug-peddling, and organized criminal gangs proved to be effective in curbing the menace. RAB's other activities which are widely acknowledged subsume: (a) Arrest of the leaders and activists of JMB and other extremist organizations and recovery of huge destructive arms and ammunition from them; (b) Actions against the people involved with illegal VOIP business, thus contributing to the national economy by increasing revenue income; (c) Facilitation of the development of cinema industry by preventing video piracy; (d) Action against the people and organizations associated with food adulteration; (e) Arrest of the people who use innocent girls for making pornography; and (f) Steps against eve-teasers.

Bangladesh is a country of growing economy. Among the developing economies it has huge potentiality to become a middle income country within couple of years. The World Bank in its report predicted that Bangladesh could reach Middle Income Country status (defined as USD per capita of US\$ 875) by 2016 if it grows 7.5 per cent per year. Both the Goldman Sachs's "Next Eleven" and JP Morgan's "Frontier Five" have included Bangladesh in their list. Considering its developing economy in pharmaceuticals, ready-made garments (RMG), leather industry, and other businesses and services, Bangladesh has to ensure stable order for its thriving economy. Century-old Police Force is surrounded by many structural, operational, and professional problems. In this context, the policy makers of

Bangladesh decided to establish Rapid Action Battalion to fight crime, terrorism and extremism. One can easily discern the unique feature of RAB's emergence as it is related to the developmental needs of Bangladesh.

Bangladesh is a country of more than 160 million people. Large-scale robbery, smuggling, drug-peddling, video piracy, illegal VOIP business, extortion, kidnap for ransom, eve-teasing, food adulteration, juvenile delinquency, using innocent girls for making pornography and cyber crime are posing threat to the stable order in Bangladesh. Activities of Bangladesh Police appear to be insufficient to bring down increasing offences and to curb crimes of newer types. Government decision to establish Rapid Action Battalion proved to be judicious as it got immediate successes after its establishment. People hailed RAB as its activities were seen to be antidote against large-scale crimes. Sense of relief and confidence came back in people who became totally unsecured due to the unbridled terrorist activities of extremist groups, listed criminals and organized criminal gangs. RAB's activities, undeniably, helped in improving law and order situation in Bangladesh and curbing newer types of crimes like video piracy, eve-teasing, illegal VOIP business and cyber crime.

Initially Rapid Action Battalion was assumed to be established as a temporary Force to improve law and order in Bangladesh. Government functionaries of that time thought that it would be necessary to modernise Police Force to ensure law and order and to reform judicial system to ensure justice for all. After reforming Police Force and recasting judicial system they thought to abolish RAB, but activities of this elite force proved that it was worthwhile to improve law and order in Bangladesh and it needed to be given a permanent structure (Alam, 2013, pp. 90-91).

Rapid Action Battalion: Cross-fire, Forced disappearance & Their Dilemma

In spite of successes, human rights organizations and civil society members are highly critical about the death of more 8 hundred people by the Rapid Action Battalion through crossfire. RAB officials argue that the above mentioned people are listed terrorists and died in armed encounters. They also argue that human rights activists and civil society watchdogs seem not to be sufficiently concerned about human rights violations of mass people by the terrorists. Their arguments get ground when one sees that the conviction rate in Bangladesh is 15-25%. Alleged perpetrators are let loose due to the inefficacy of the criminal justice system and continue their criminal activities

unabated which endanger security and human rights of common people every day.

The RAB officials argue that courts often grant bail to notorious criminals and criminal trial takes inordinately long time for its final disposal. Moreover, punishment, which often means a short term jail, hardly changes or reforms a criminal. Members of RAB and police, therefore, may consider it their professional duty to terminate criminality of a criminal--by incapacitating a criminal physically, by blinding him, or by killing him in an encounter or crossfire. In Bhagalpur of India, for example, police started to blind the notorious criminals when they were detained under the custody of police. The incidents of blinding sent a shock wave throughout the world. But the surprising fact was that the people of Bhagalpur had hailed the police as deliverer against rampant criminality in their area.

Here presumably lies the dilemma of law enforcers. When human rights of mass people collide with human rights of terrorists, which rights should be upheld by the law enforcers? Obviously the law enforcers should ensure the human rights of mass people. Then the question comes--in doing so, are the law enforcers entitled to kill any person by extra-judicial means? The answer is no, the law enforcers cannot be permitted to do it for even a temporary period. That may ameliorate law and order situation for the time being, but its aftermath has far reaching consequences leading to more extra-judicial killing, forced disappearance, blackmailing, and other malpractices. It will create panic and pose threat to the enjoyment of human rights and proper functioning of the criminal justice system. It is to be kept in mind that crime, terrorism, and extremism have taken strong hold in Bangladesh through a slow process where multifarious factors are inextricably related to each other. Criminalisation of politics is a major factor contributing to the deterioration of law and order condition in Bangladesh. Without addressing decade-long intricate problems any initiative to restore law and order may go in vain. The policy makers, side by side, should take measures to make the criminal justice system effective. So long criminal justice system cannot ensure punishment of perpetrators, it will breed countless maladies including killing people through cross-fire and forced disappearance.

Recent Seven-Murder and RAB's Public Image

On April 27, Narayanganj panel mayor Nazrul Islam, his three aides and driver and senior lawyer Chandan Sarkar and his driver were kidnapped from the Dhaka-Naryanganj link road separately. Six decomposed bodies were

seen floating in the Shitalakkhya three days later and were rescued. The following day other body was recovered from the same river. In this connection two separate murder cases were filed in the police station—one was filed by Nazrul Islam's wife Selina Yasmine and the other by Chandan Sarkar's colleagues. The shivering kidnap and brutal killing of seven people appeared to have transmitted a sense of insecurity into the common people. The whole country was outraged when it was alleged that a number of RAB officers were involved in the process of kidnapping and their later confinement, killing and drowning the dead bodies. The allegations of the RAB officials' involvement into the kidnap and killing came into light when Nazrul Islam's father-in-law claimed before the media that RAB men committed the crime in exchange for Tk 6 crore from Nur Hossain, a councilor of Narayanganj city, and others (The Daily Star, 18 June, 2014.)

After coming into light of RAB official's alleged involvement with the seven murders they were sent to forced retirement on May 6. The RAB men against whom allegations have been made are—Lieutenant Colonel Tareque Sayeed Mohammad, Major Arif Hossain and Lieutenant Commander SM Masud Rana. After being on remand for 31 days, sacked RAB officer Lt Col Tareque Sayeed Mohammad made confessional statement under section 164 of the Code of Criminal Procedure before a Narayanganj court in two cases on 18 June, 2014. District Senior Judicial Magistrate KM Mohiuddin later ordered to send him to jail. Quoting court sources newspapers reported that Tareque knew about the developments of the kidnap and killing of the seven, but he did not meddle in the matter as the whole thing was being monitored by one of his superiors. Earlier, sacked RAB-11 officers Major Arif Hossain and Lt Commander MM Rana made confessional statements admitting their involvement in the seven-murder (The Daily Star, 19 June, 2014.)

After its establishment in 2004, RAB has been subjected to criticism routinely, always by human rights organizations and human rights activists, some time by opposition political parties, some time by victims. RAB does neither have the fortune to bag the appreciation nor support of the opposition political parties. The way it was criticized by the opposition political parties between 2004 and 2007, RAB has been denounced in the same way by the opposition even these days. The main opposition has gone to the extent of demanding to scrap RAB, raising the allegation of huge 'political use' of this elite force by the government.

Human rights organizations have always been critical for severe human rights violations by the RAB officials. For example, allegations of extortion by some RAB officials and crippling of people by shooting like college student Limon caught huge media attention and spread a wave of panic among the people. The human rights stalwarts have pointed to the RAB for killing people in 'crossfire' which is clear violation of Articles 27, 31 and 32 of the Constitution of the People's Republic of Bangladesh. Right to life, liberty and equality before law are those valuable rights without which enjoyment of human life is not possible, so these human rights are placed on high pedestal by the above mentioned articles of the Constitution (The Constitution of the People's Republic of Bangladesh, 2011.)

National and international human rights organizations are critical against the activities of RAB which have no endorsement from Constitution or other domestic law. Considering the death toll by 'crossfire', Human Rights Watch, a New York-based rights organization, has termed RAB as 'death squad of government' and demanded to disband it twice within last few months. Human Rights Watch (HRW) recently said that RAB is beyond reform and should therefore be disbanded. In a letter written to the Prime Minister Sheikh Hasina, the America-based organization also recommended the withdrawal of all army officers from the elite force so it can be transformed into a civilian force before being disbanded. In the letter, Brad Adams, executive director of HRW's Asia Division, on 21 July wrote: "Although RAB is officially led by a senior police officer, in practice it is run by the military officers who act as his deputies" (Dhaka Tribune, 22 July, 2014.)

The RAB structure allowed men from the army to participate in securing civilians "without proper training or civilian accountability and oversight," he said. The Ruling Awami League raised these points when it was in opposition, he claimed. Blowing out the allegations, RAB, however, turned the table on HRW asking it to concentrate on Israel's attack in Gaza, where death toll had crossed 500 until 21 July. "Hundreds of innocent people have been killed by Israel there. The Human Rights Watch should concentrate on that issue. It is more urgent than talking about RAB, which is a country's internal issue," said Colonel Ziaul Ahsan, additional director general of the force. Pointing to the elite force, Brad Adams said that RAB had been "allowed to operate with impunity by all successive governments" ever since its inception. He however, viewed, BNP Chairperson Khaleda Zia's "endorsement of HRW's recommendation to disband RAB" as a major turning point as the elite force was established by her government. As to

extra-judicial killings, Brad Adams alleged that, “Independent organizations estimate that RAB has been responsible for approximately 800 killings over the past 10 years” (Dhaka Tribune, 22 July, 2014.)

In the above-mentioned letter, posted on its website on 21 July, 2014, the HRW further said that evidence that the battalion officers were responsible for the ‘contract killings’ of seven men in April, allegedly on behalf of a ruling party member, sparked serious resentment and indignation among the people and were yet another example of how the unit operated as a ‘death squad.’ “The Bangladeshi government,” Brad Adams said, “has promised to reform RAB and hold it accountable, but it has utterly failed.” He went on to say that, “The lack of accountability has allowed the Rapid Action Battalion to run amok...” (New Age, 22 July, 2014.)

Critically Evaluating the Rapid Action Battalion

Rapid Action Battalion (RAB) was established in a context when increasing crime and terrorism panicked the common people. On the face of frequent extortion, killing, and organized criminal activities a sense of insecurity devoured the whole country. The age-old police system was seen to hapless when it failed to control the deteriorating law and order. In many localities, malefactors established their own reign of terror to whom people became hostage. RAB had the advantage to draw its members from Police, Army, Navy, Air force, and BGB, thus started to enjoy the status of an elite force. Initially RAB was successful in eliminating extortion, organized criminality and terrorism and bagged people’s support in its favour. People heaved a sigh of relief and incumbents were seen to be happy. Alam has mentioned that the US embassy in Dhaka sent 1 thousand 984 messages to Washington as uncovered by Wiki leaks. Among those most of the messages were sent between 3 January, 2005 and 28 February, 2010 and the topics focused by the messages include, among others, establishment of RAB and its activities, human rights, extra-judicial killing, religious extremism etc. US embassy in Dhaka noted that law and order situation improved at local level due to the operations of RAB (Alam, 2013.)

RAB’s successes may be attributed to: (i) its operational efficiency; (ii) less political interference into its activities; and (iii) killing of the listed terrorists by “crossfire”. Though RAB is run, officially, by superior police officers, but the army officers are alleged to have held the rein of control in the field level. Control in the hands of army officers appeared to have increased the operational efficiency and lessened the possibility of political interference.

Operational incompetence, alleged liaison with the terrorists and frequent political interference are alleged to be major barriers to develop professionalism in Bangladesh Police and for the same reasons they failed to control increased crime and terrorism. RAB's successes in eliminating crime and terrorism appeared to have brought back confidence in people's mind and RAB officials were reported to be hailed during their initial days. But in course of time RAB officials started to encounter the same problems which police officials face for decades. Moreover, custodial torture, extortion from moneyed people, and corruption became more likely to spread into the elite force.

RAB officials, particularly commanding army officers, were alleged to have taken clear policy to kill the 'listed terrorists' by 'crossfire,' which contributed to the improvement of law and order and was hailed by the common people. Barrister Moudud Ahmed, former Minister of Law and Parliamentary Affairs, said that all the people killed by 'crossfire' were 'terrorist and criminal' (Alam, 2013, p. 90.) Lutfuzzaman Babor, former State Minister for Home Affairs, said that after every killing by 'crossfire' he got hundreds of phone calls and people prayed for him. He said that establishment of RAB was an interim measure before the long term reform of the law enforcing agencies and their modernization (Alam, 2013, pp. 90-91.) Brad Adams in his recent letter alleged that former Law Minister Shafiq Ahmed and current Shipping Minister Shahjahan Khan had ignored extra-judicial killing by RAB, terming them 'necessary for crime control' (Dhaka Tribune, 22 July, 2014.)

Though killing by 'crossfire' is clear violation of right to life and 'due process of law', but the high-ups of the government which established RAB allowed it to continue. The extra-judicial killings, undeniably, improved the deteriorated law and order and brought back sense of security among the people. Ministers and RAB officials of successive governments try to justify the extra-judicial killings in the pretext of dysfunctional criminal justice system, as if the 'listed criminals' were not eliminated by 'crossfire', they would come out with bail and continue their criminal activities (Alam, 2013, pp. 105-106.)

The successive governments and RAB officials are wrong in the sense that without reforming age-old police force and recasting dysfunctional criminal justice system, they allowed RAB to kill 'listed criminals' by 'crossfire' and continue this practice. Human rights organisations' apprehension ultimately

came true as they said that the practice of ‘operating with impunity’ and increased ‘political utilisation’ of RAB by the government may have given rise to severe human rights violations and in reality forced disappearance emerged and extra-judicial killings increased. The reputation earned by RAB and the confidence brought back by them in people have been slowly withering away. The involvement of its officials in the seven-murder in Narayanganj has plummeted RAB’s public image to an all-time-low. Nevertheless, these researchers are not in favour of disbanding RAB, as we consider that RAB is not beyond reform and this elite force has utility to keep stable social order, save they should operate within the legal framework erected by the Constitution and other domestic laws.

These researchers are also critical of the role of the Human Rights Watch, a New York based rights organization. HRW’s role can be put into serious question as they are silent about the gross and systematic human rights violations in Guantanamo Bay and the recent attack of Israel on Gaza, but they are critical about the role of RAB. So, Dr. Mizanur Rahman, the Chairman of the National Human Rights Commission (NHRC), sees ‘politics’ in the demand of the global watchdog and questions HRW’s jurisdiction over raising such a demand as a foreign organization and considers its demand ‘politically motivated.’ NHRC Chairman said that, “Recently RAB has become controversial because of some of its members’ complicity in serious human rights violations. Their accountability is very much in question now.” Dr. Mizan rejected the demand of HRW and questioned that—on what basis it can conclude that RAB is beyond reform? He called for a thorough reform in the force to deal with the issue (The Daily Star, 22 July, 2014.)

Recommendations to Reform Bangladesh Police

Being a disciplined force and having a legacy of more than 150 years, Bangladesh Police still sustains disrepute and people are not sufficiently content with police performance. Though many police officials sacrificed their lives in the liberation war and members of this force earned good reputation in the UN peace-keeping missions, nevertheless, domestically people consider police as “high-handed, coercive, and corrupt”. Moreover, frequent reports of custodial deaths, sexual harassment of arrested women, custodial torture, taking bribe, manipulating investigating reports and other malpractices have constructed a negative image of police in Bangladesh. Successive governments have not taken any effective measure to reform the police force. Rather they have politically utilized it to perpetuate their

regimes, an attitude having surprising similarity between all types of governments, whether colonial, democratic, military or pseudo-military. In this context some recommendations may be considered to make the existing police force service-oriented and people-friendly. The recommendations are as follows:

The Police Act, 1861 was enacted to serve the interest of colonial rulers, and it did not put emphasis on professional aspect of crime-control. We, therefore, need a new Police Act which will ensure police professionalism, accountability, and modern police management. (A committee of the home ministry started to prepare a draft of a new law for police titled the Bangladesh *Police Act, 2013*, for strengthening the activities of the police and making the law enforcement agency pro-people. Some years back the police headquarters prepared a draft of the new police law and forwarded it to the home ministry so that the concerns and interests of police would be adequately taken care of by the committee of the home ministry.)

- (a) Police officials of all levels should be given more and more human rights training, so that they would be able to dispose of their responsibilities within the constitutionally demarcated limits and according to national and international human rights norms.
- (b) Effective community policing should be introduced at thana level and people-police partnership should be increased.
- (c) Police force should be provided with sufficient infrastructure, and logistics, and police officials should be provided with adequate salary, modern arms, and other facilities.
- (d) Three specialized and strongly empowered wing should be introduced—one for investigation of criminal cases, one for children who come in conflict with law and one for arrested women. Officials of the investigation wing shall investigate the criminal cases only and submit report as success of criminal cases largely depends on criminal investigation. Considering their sensitivity, vulnerability and security, women police officials should have sole responsibility for the second and third wing.
- (e) Curriculum of police training should be revised and more human rights education should be incorporated into it.
- (f) Internal and external accountability of police should be increased.

- (g) Political utilization of police should be stopped. This will pave the way for developing professionalism in police.

Recommendations to Reform Rapid Action Battalion

Within a time of 10 years Rapid Action Battalion has become integral part of law enforcing process and successfully contributed to the lessening of the frequency and notoriety of high-profile crimes in Bangladesh. Its activities, gradually, have created an environment where general people regained a sense of relief and protection from perpetrators. Their tireless activities are acknowledged to be helpful in establishing and retaining stable order, thus contributing to the promotion of sustainable development in Bangladesh. Nevertheless, Rapid Action Battalion is not beyond criticism. In addition to its limitations, national and international human rights organizations and civil society members scrutinise activities of this elite force in terms of human rights standards and constitutional norms. RAB's public image has very recently reached to the sediment due to its officers' involvement with the seven-murder, its alleged 'political use', increased killings in 'crossfire' and forced disappearance. In order to make Rapid Action Battalion's activities conforming to Bangladesh Constitution, other domestic laws and human rights standards, some recommendations are made here. The recommendations are as follows:

- (a) Members of Rapid Action Battalion should be provided with more and more professional, and technical training in home and abroad;
- (b) When disposing of their functions RAB members should be fully committed to Bangladesh Constitution, and applicable laws;
- (c) Responsible authorities should prepare Rules for smooth functioning of RAB (after its establishment RAB activities are regulated by the Armed Police Battalion (Amendment) Act, 2003 and concerned authority has not yet prepared Rules for RAB.);
- (d) RAB officials are obliged to maintain national and international human rights standards and there must be national monitoring authority to oversee and ensure this and more and more human rights training should be provided to the members of this elite force ;
- (e) RAB should be established as a force separate from police, and it must have specialization in controlling organized crime, terrorism, extremism, cyber-crime, money-laundering, high-tech crimes, and other newly emerged crimes;

- (f) RAB must operate within clearly defined jurisdiction, and it must direct its activities according to laws, rules, and procedures. For that purpose government should enact new laws and rules.

Conclusion

Bangladesh Police and Rapid Action Battalion have been given very important functions of maintaining law and order and eliminating crime, and terrorism in Bangladesh. In spite of their hard endeavour and sincere effort, Bangladesh Police is surrounded by many structural, operational and professional problems and limitations. Rapid Action Battalion was appreciated due to its initial successes in eliminating crime, terrorism and extremist activities. Nevertheless, they have limitations and RAB is criticized by human rights organizations, both national and international. RAB officers involvement in seven-murder and other alleged human rights violations have stigmatized the image of this elite force. Policy makers of Bangladesh Government, Home Ministry and RAB authority should be careful in guiding police and RAB so that its members can continue working by making their activities fully conforming to the constitutional provisions, existing laws, and human rights norms. Social peace and developmental needs of Bangladesh require a stable order. Keeping that need on priority agenda, Bangladesh Police and Rapid Action Battalion should be developed, equipped, and reformed in such a way which will make Bangladesh able to take the challenges of twenty first century as well as the Post-2015 UN Development Agenda.

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