

Future Policing: Prospects and Challenges for South Asia

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Context and Introduction:

Policing is currently at a critical juncture in South Asia. The large majority of the South Asian nations continue to be governed by the Police Ordinance of 1861; still relying on colonial policing laws and structures despite gaining their independence and embarking on different democratic trajectories since. Particularly, given the heterogeneous nature of societies, the experiences of protracted conflict, poverty and frequent political unrest, in this region, the state of law enforcement has become an increasingly important and relevant topic. Policing across South Asia, to a large extent has experienced similar issues, and most strikingly the forces have lacked confidence in the public's eye. This is particularly regrettable, given the significant, necessary, and most importantly, laudable work that the police force continuously engages in. Spanning across security activities such as enforcing the law, preventing crime, tracking drug traffickers, and combatting terrorism, the work of the police force remains a crucial and an often unappreciated one. Special emphasis therefore needs to be made in looking towards the future; gathering the already pre-existing best-practices within the region, honing and streamlining levels of professionalism within the police forces, and tackling the underlying flaws within the system. Calls and efforts have been made to reduce the politicisation of the police, increase its accountability, and improve both its management as well as implementation, through reform. However, results have been poor, or marginal at best, given a predominant lack of political will to fully and urgently engage on the desperately needed reform. Nonetheless, signs of commitment from within the police force as well as a reinvigoration of police reform discourse in the region, makes this an opportune moment to revisit the topic, and change the future of policing in South Asia.

The recognition that police reforms need to occur has been a long standing one. India has seen almost 30 years of debate on policing, with numerous government-appointed commissions submitting reports and recommendations for police reform to government. The fact that each state and union territory of India has its own separate police force, has further created complexity to the discourse. Despite the existence of a central Police Act, state governments have the power to frame Police Acts, rules and regulations as well for each of their forces. Years of recommendations, models and reports have unfortunately been stalled in a deadlock, given the reluctance of either the Central government or the State to follow through. Simultaneously, the Indian police force is entering a new and modern era, with calls for police the force of the country, to be a 'SMART' police force which is Strict and Sensitive, Modern and Mobile, Alert and Accountable, Reliable and Responsive; Techno-savvy and Trained. Herein, the Prime Minister has called upon every police station to create their own website to upload every week a true positive story of good deeds done by the police to change public perception and build positive image of the police among the people. In Bangladesh, policing has come under the criticism of being centralised, politicised and to a large extent unaccountable. Post-independence many committees and commissions were formed to look into the issue of police reform and formulate specific recommendations, however these have not been able to translate into substantive reform. However, the police force remains committed towards exploring

innovative practices in addressing current challenges, increasing capacity towards citizen centric service, upholding professionalism, and serving the community. Community policing in its rudimentary form was introduced by some pioneering and innovative mid-level police officers in the early 1990s in some districts and Police Stations of the Dhaka Metropolitan Police on an experimental basis, and a major break-through in introducing community Policing was achieved in 2005 through the Police Reform Project (PRP), which aimed modernize and reform Police with a view to establishing the rule of law and making police a service-oriented, pro-people institution which will be accountable to the people they serve. These advancements have all had immense ramifications on police forces across the world and shaping its future, particularly in South Asia. Meanwhile, Pakistan unlike its counterparts, treats policing as a provincial subject; its four provinces having its own civilian police force, with jurisdiction extending only to their own territory. Until 2002, like other nations in South Asia, Pakistan too was ruled by the Police Act of 1861, becoming one of the first South Asian countries to incorporate norms of democratic policing, into its legislation, however, this was soon diluted and remains only partially applied amongst the provinces. Nonetheless, by establishing a Directorate of Police Complaints and internal accountability, strict disciplinary action taken resulted in removal of 339 corrupt Police officials from service during one year. Afghanistan, Nepal and Maldives, particularly continue to be faced with a dearth in training on procedures and safeguards governing police powers; proper processes over recruitments and appointments; and low standards and facilities in police stations. Each nation, over the years has made several steps forward in terms of implementing a more democratic form of policing, however this has often been accompanied by one step backwards. Over the past decade, an increasing dependence on the use of the military as a security provider, has necessitated both a reassessment of capacity as well as mind sets, a process is that is now very much in motion.

Given that the role of policing is rapidly changing and no longer confined to maintenance of law and order and prevention and detection of crime, police now play a vital role in disaster management, environment, ecotourism, bio-diversity conservation. These have enormous impacts on state economy and development. Additionally, just last year, world leaders adopted the 2030 Agenda for Sustainable Development, which includes a set of 17 Sustainable Development Goals (SDGs). Policing particularly speaks to goal number 16, which calls for peace, justice and strong institutions, and emphasises governance, democracy and accountability. Moreover, it also has strong linkages to other cross-cutting goals such as gender equality (number 5), reduced inequalities (number 10), decent work (number 8) and climate action (number 13), indicating that policing, now more than ever, is not only a national, but also regional, and global issue.

Specifically, in Sri Lanka, the concept of policing started with the Dutch (1602 to 1796), and thereafter, during the British period (1796 to 1948), the functions of policing emerged to be clearly defined with the enactment of the Police Ordinance No. 14 of 1865.

The Police, which was exclusively confined to the maintenance of public order, had to meet demanding responsibilities during the armed Insurrection in Southern Sri Lanka in 1971 and thereafter from 1987 to 1990, and the violent conflict in the North and East from 1975 to 2009. The latter developed into a full blown war since the early 1980's resulting in the biggest national security threat in the post –independence period. As a result, the role of the Police was transformed from baton carrying unarmed Police force to well - armed Police force to safeguard national security and public order in Sri Lanka.

During the violent ethnic conflict, between 1975 and 2009, the Sri Lanka Police were often preoccupied with counter terrorism and national security tasks. The situation began to change only after the end of the war in 2009. With the end of the war in Sri Lanka in May 2009, the Police service has gradually shifted from a “securitized” form of policing to a community oriented policing. Yet the transition has been slow due to diverse circumstances. Policing has always been a challenge in developing countries since limited resources and organizational weaknesses constrain the effective and efficient deployment of available Police personnel, both functionally and territorially. In more recent years, Community Policing has emerged as a major strategic pillar of policing practices. Community Policing is a strategy that makes the Police more effective at crime prevention and control through community engagement. While celebrating its 150th Anniversary in September 2016, the Sri Lanka Police has prioritised the Community Oriented Policing (COP) that stresses policing with and for the community rather than policing of the community, with a view to improving the quality of life individuals and communities. In order to achieve the above objectives, many innovative avenues are being explored at present through inter-institutional collaboration, in particular through closer community engagement, much like its regional counterparts.

Thus, the marginal successes of South Asian nations when adequately and proactively responding to the urgent need for policing reforms; the common roots from which their policing acts come; the overlapping issues that each country faces; and the growing support for collective and integrated action, all provide an opportune moment to look at the future of policing in the region. Particularly this is posited, with the motivation of finding a South Asian model to policing, which can be adopted to better suit the diversities and norms of the nations.

Objectives:

1. Identify and share best practices, as well as lessons learned, in South Asia, in order to inform a South Asian approach to police reforms and policing.
2. Create a platform, and thereafter a network, which brings together academics, civil society, policy makers and police officers, in order to take up and frame police reforms in South Asia, which will incorporate these best practices and lessons learned.
3. Cohesively work towards formulating a South Asian approach towards policing, inclusive of multiple stakeholder voices.
4. Generate awareness amongst the general public and relevant stakeholders on the need for effective and holistic policy reform, both legislatively and administratively, in South Asia.

Activities:

1. Conference

A conference will be held, coinciding with the 150th Anniversary of the Sri Lanka Police, where various papers revolving around the idea of the Future of Policing, particularly looking at prospects and challenges for South Asia. It will be attended by senior police officials, policy makers, and scholars in order to both increase awareness around the subject, as well as further deepen the conversation revolving around a South Asian, organic, domestic approach to police policy and reform. Academics, civil society and media will be invited to participate and

discussing on the issue of future policing, along with the Heads of Police and various scholarly experts, for a period of two-and-a half days.

Panels will revolve around the themes identified below, and calls for specific research papers/background notes to be invited by South Asian scholars and scholars working on South Asia, in relation to police reforms. South Asian Heads of Police, as well as the High Ranking Police Officials in other foreign countries, will be invited to participate in the conference and to speak on specific themed panels, and present their own observations/perspectives as well.

Most significantly, the conference will provide an opportunity for multiple stakeholders including civil society activists, academics, and key government officials from across South Asia to look at the future of policing, and take up the need for police reforms, in their respective countries, as well as on a regional networking level.

2. Research Volume

A research volume will be a compendium of the research articles presented during the conference. It is expected that of the academic scholars present at the conference, each South Asian/international scholar would be able to author one chapter. This would also include the comments and feedback of their counterparts within the police forces. Whilst these would be the core chapters of the publication, further research papers and background notes, which may have been presented during the conference, of publishing quality by the Heads of Police, would also be included in the volume.

The volume will help generate awareness amongst the general public about the future of policing, police reforms, relevant to various identified themes (during the brain storming meeting), specific and/or pertinent to South Asia.

Themes for Panel Discussions:

1. Oversight, Governance and Accountability
2. Democratic Policing
3. Community Policing
4. Technology and Policing
5. Policing, Gender and Child Protection
6. National, Subnational and Human Security
7. Non-traditional Security: Environment, Trafficking and Border Futures
8. Future Policing: Way Forward