

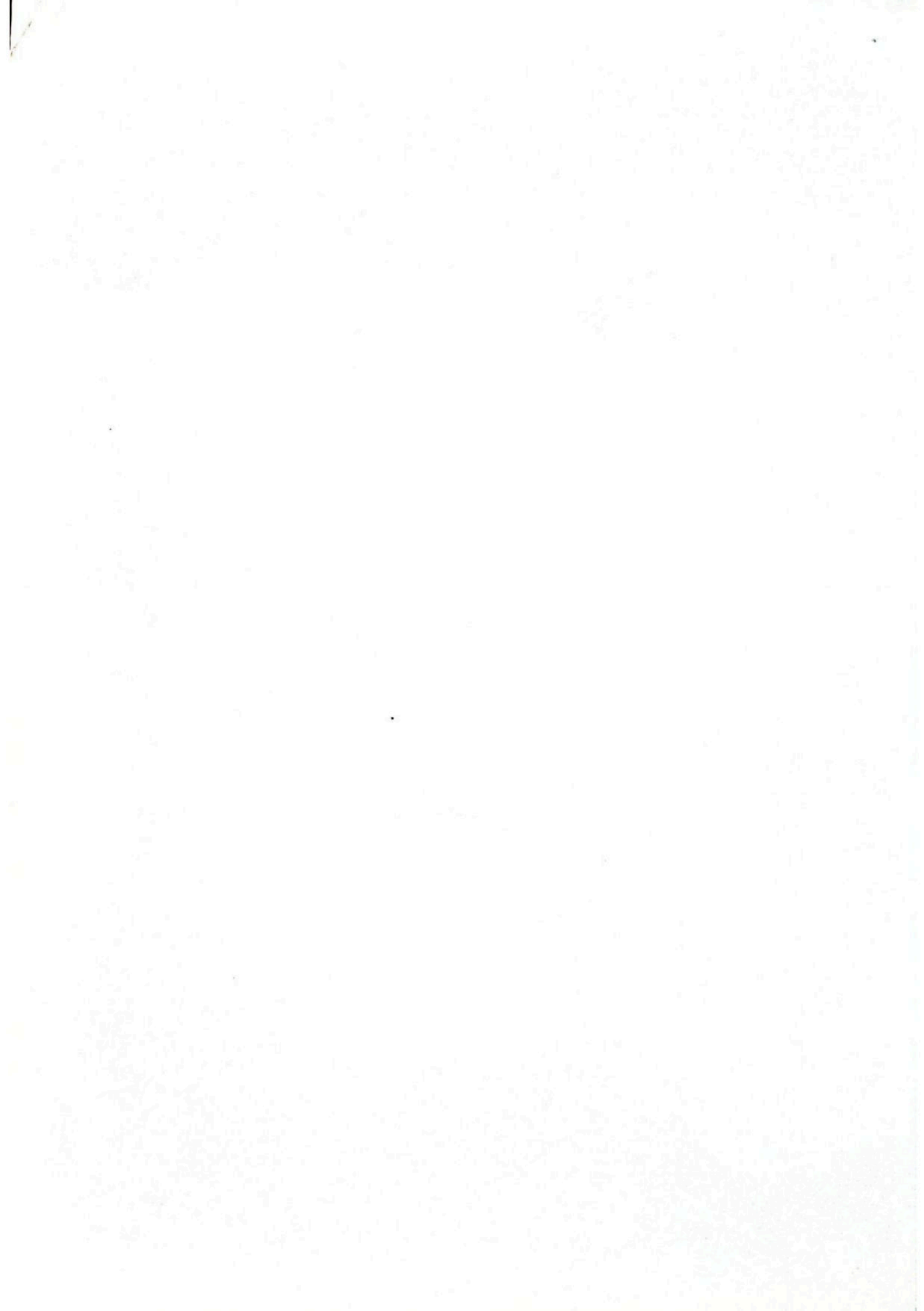
ISSN: Bib-ID: 82536 (2)

P S C JOURNAL

Volume 1 Issue 1 February 2014



**A Professional Journal of
Police Staff College Bangladesh**



PS C JOURNAL



Research, Planning & Evaluation Wing
Police Staff College Bangladesh
Mirpur 14, Dhaka-1206

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Research, Planning & Evaluation Wing
Police Staff College Bangladesh
Mirpur 14, Dhaka-1206, Bangladesh.

Design By: Pankag Pathok.

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Subscription: Per Issue Tk. 400/- US\$ 20 (Postage Included)

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Foreword

PSC started its formal journey in 2000 with a distinct vision and mission for Bangladesh Police. Within a few years, it emerged as a statutory body by the Police Staff College Act 2002. PSC is mandated for conducting quality training, in particular for senior police officers on many issues. It has also prime responsibility for conducting quality research on contemporary issues.

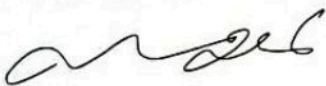
With this aim in mind, we have assigned different researchers with several research articles which are excellent examples for the participants attending different training at PSC.

With the publication of this issue, the PSC journal is poised for continued growth, progress, bright and a vibrant future. The journal consists of a collection of seven research studies carefully chosen to present a broad range of different issues. Selected articles illustrate the relationship between theory and empirical evidence found in research.

This journal seeks for minimizing the gap in knowledge that exists at the level of perception and empirical reality.

We are delighted to present you the issue of the Police Staff College Journal (PSC Journal). We would like to take this opportunity to extend our appreciation to our valued readers and authors for their continued interest in this journal, and to every member of the editorial board and reviewers for their dedication to this endeavor, especially Professor Md. Rezaul Karim Ph.D. Chairman, Social Work Department, Jagannath University, Dhaka who has contributed and influenced us positively for the quality work of the journal.

Looking to the future, we will continue to deliver the best of recent ideas and developments in research, and to publish findings of the broadest significance in the relevant fields. We welcome your feedback on how our journal is doing and how we can make it even more useful to you. As always, we thank you for your support and we look forward to a successful future of PSC Journal.



Md. Nazmul Haque, PPM

Rector

Police Staff College Bangladesh

Editor's Note

The first publication of PSC Journal gives us an immense pleasure like that of a mother having her first-born child. Although it has been more than an era since Police Staff College Bangladesh started its journey, it has finally been possible to publish the 'PSC Journal' and make it available to the readers. The Editorial Board is grateful to the renowned academicians, human rights activists and experienced senior police officers for their valuable suggestions and directives.

This volume consists of seven different articles. According to the editorial policy, 'single blind peer review system' has been applied. In the selection process of the articles, police and related issues have been prioritized. In view of this, articles on topics like public security, method and process of legal service delivery, scientific investigation, community policing and police reforms have got priority. Among the article writers, there are well-known university teachers and their young bright apprentices apart from the police officers of different ranks.

PSC Journal, from now on, will be a biannual publication appearing in February and September as a part of the regular functions of its 'Research, Planning and Evaluation Wing'. We will continue our efforts to focus on specific topics related to contemporary police issues or any other relevant subjects suggested by our readers.

We express our gratitude to the Chief Patron Hassan Mahmood Khandker BPM, PPM, ndc, Inspector General, Bangladesh Police and to all others who have provided their appropriate support, encouragement, and invaluable directives at different levels of publication process. Most importantly, thanks to the entire journal team at PSC for being such a dedicated and passionate group of folks! It has been my pleasure working with the team each day.

In future, we hope to include the well-thought comments, suggestions and constructive criticism of the readers as well. We shall continue to put our all out efforts to make 'PSC Journal' reader- friendly.

Your active cooperation will inspire us to continue our journey in the right track and help us out each step along the pathway.



Md. Matiur Rahman Sheikh

Member Directing Staff (MDS)

Research, planning and Evaluation

Police Staff College Bangladesh

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Domestic Violence against Women: The Contemporary Standpoint

Md. Nazmul Haque ppm¹

Abstract: Domestic violence in Bangladesh is a major concern of development interventions as well as in human rights perspectives. The paper confirms that Domestic Violence against Women impedes women's well-being and overall development, i.e. it has direct consequences for women's physical, mental, sexual and reproductive health as well as economic costs, and afterwards, has adverse effects on psychological development of children. A coordinated effort for practical and efficient intervention is needed to eliminate this problem where men's supremacy over women needs to be challenged. To eradicate violence against women and help women to achieve lives of equality and dignity, it is necessary to provide them with adequate redress and support from the stakeholders. In this regard, this socio-legal analysis suggests a comprehensive intervention where protective and preventive measures would be devised to address the problem that will help in changing the patriarchal mindset and behaviour toward women.

Key words: Domestic Violence, Intimate Partner Violence, Marital Conflict, Honour Killing and Social Learning Theory

Introduction

After generations of silence, domestic violence is slowly becoming a topic of popular media and academic scrutiny in developing countries. Even in Bangladesh, domestic violence is a historic and socio-cultural reality, where gender discrimination is still legally condoned, (Katakam, 2003)² the press coverage and public outcry against 'dowry death' murders of young wives is rising (Borah, 2008). The more private nature of less fatal forms of domestic violence, however, means that familial abuse remains, more often than not, hidden behind closed doors.

In Bangladesh, most of the women, during their lifetime, experience domestic violence at the hands of an intimate partner or family member. Acid burning, dowry deaths are not very uncommon in this context. To combat against this violence, existing laws should be well enforced. However, despite the deployment of strong laws to deal with the problem, 'Domestic Violence against Women' is increasing. Efforts for raising social awareness need to be introduced. Educational programs should focus on patriarchal social norms that perpetuate Domestic Violence. Increased research on Domestic Violence can also contribute in addressing the problem by identifying crucial factors of interventions. Rehman Sobhan opined that,

"To reduce the costs of domestic violence and in fact to eliminate it from our society, both the civil society and the government have to play their due roles. The civil society organizations have to identify and put forward the best possible agenda to eliminate the mastans from the bedrooms. And it is possible with the commitment and cooperation from the government and civil society that can make people aware of the adverse effects of domestic violence upon the family and society." (Centre for Policy Dialogue, 2009)

¹Rector, Police Staff College Bangladesh

²See Katakam (2003) for an example of legal gender discrimination in the Indian aviation industry

Media has a prominent role to play in preventing the violence. Electronic and print media need to cover both extreme and general cases and present it in an objective manner. It appears from the findings that higher educational efforts and priority to the empowerment of women along with the proper implementation of women sensitive legislation are more likely to contribute to protect women from domestic violence. Otherwise, it is hardly possible to ensure women's independence in society and to give them equal power within families.

In the context of contemporary Bangladeshi society, the patriarchal capitalism puts women in such a position within their communities that they always remain subordinate under male domination and, in many cases, this is reflected through violence (Hadi, 2009). Thus, a woman commonly has the risk of experiencing domestic violence within her family and it is not very surprising that the husband is more likely to assault and/or batter his wife if she fails to meet his dowry demands or to perform household work. Given the scale of the human rights violation against women within family, this article concentrates on the socio-legal concerns of domestic violence in Bangladesh. The study, in the beginning, focuses on the socio-economic cost due to domestic violence in Bangladesh and, then, finds out the domestic violence prevention mechanisms through national law and international human rights obligations of the state.

Definition of Domestic Violence

Though domestic violence is the specific focus of the present paper, the growing ubiquity of gender-specific violence in public spaces is evident from material and theoretical discourse in Bangladeshi social milieu. The physical or sexual violation of women in times of political, communal and ethnic trouble has led to innovative analyses based on archival research, life stories and narrative techniques encouraging an interrogation of established representations of major events such as partition and more recently, religious strife.

Usually, domestic violence, also known as domestic abuse, spousal abuse, battering, family violence, dating abuse, and intimate partner violence (IPV), is a pattern of behaviour which involves the abuse by one partner against another in an intimate relationship such as marriage, cohabitation, dating or within the family. Domestic violence can take many forms, including physical aggression or assault (hitting, kicking, biting, shoving, restraining, slapping, throwing objects, battery), or threats thereof; sexual abuse; emotional abuse; controlling or domineering; intimidation; stalking; passive/covert abuse (e.g. neglect) and economic deprivation.

(Siemieniuk, Krentz & Gill, 2010)

Domestic violence is not limited to obvious physical violence. It can also mean endangerment, criminal coercion, kidnapping, unlawful imprisonment, trespassing, harassment, and stalking.³

However, domestic violence today, as defined by international conventions and by governments, has a much broader definition, including sexual, psychological and economic abuse.

The Convention on preventing and combating violence against women and domestic violence states that: "*domestic violence*" shall mean all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim".⁴

³"Crimes". National Network to End Domestic Violence, Inc. 2008. Retrieved 2 December 2011

⁴"Council of Europe - Convention on preventing and combating violence against women and domestic violence (CETS No. 210)" Conventions.coe.int. Retrieved 2013-09-08.

The Declaration on the Elimination of Violence against Women classifies violence against women into three categories: (1) Violence occurring in the family (DV), (2) Violence occurring within the general community and (3) Violence perpetrated or condoned by the State. Family violence is defined as follows:⁵

“Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation”.

The term ‘Intimate Partner Violence’ (IPV) is often used synonymously with domestic abuse or domestic violence. Family violence is a broader term, often used to include child abuse, elder abuse, and other violent acts between family members.

Terms such as wife abuse, wife beating, and battering are descriptive terms that have lost popularity recently for several reasons:

- There is acknowledgment that many victims are not actually married to the abuser, but rather cohabiting or in other arrangements (Waits, 1984-1985).
- Abuse can take other forms than physical abuse. Other forms of abuse may be constantly occurring, while physical abuse happens occasionally.
- These other forms of abuse, that are not physical, also have the potential to lead to mental illness, self-harm, and even attempts at suicide.(Mayhew, Mirlees-Black, &Percy, 1996).
- Males as well as females may be victims of domestic violence, and females as well as males can be the perpetrators.
- All forms of domestic abuse can occur in same sex partnerships.

‘Domestic violence’ may also be the name of a specific criminal offense in a Criminal Code of a jurisdiction describing various criminal acts. It may also appear in the context of legislation that is not necessarily criminal, but rather civil (providing for civil remedies, protection orders etc.).

Historical Practice on Domestic Violence

Prior to the mid-1800s, most legal systems accepted wife beating as a valid exercise of a husband’s authority over his wife (Daniels, 1997). One exception, however, was the 1641 Body of Liberties of the Massachusetts Bay colonists, which declared that a married woman should be “free from bodily correction or stripes by her husband.”⁶

Political agitation during the nineteenth century led to changes in both popular opinion and legislation regarding domestic violence within the United Kingdom and the United States. In 1850, Tennessee became the first state in the United States to explicitly outlaw wife beating. Other states soon followed the suit. In 1878, the Matrimonial Causes Act made it possible for women in the UK to seek separations from abusive husbands. By the end of the 1870s, most courts in the United States were uniformly opposed to the right of husbands to physically discipline their wives. By the early twentieth century,

⁵“A/RES/48/104.Declaration on the Elimination of Violence against Women” Un.org. Retrieved 2013-09-08.

⁶The Massachusetts Body of Liberties (1641) at Hanover Historical Texts Project

it was common for police to intervene in cases of domestic violence in the United States, but arrests remained rare (Feder, 1999).

Modern attention to domestic violence began in the women's movement of the 1970s, particularly within the contexts of feminism and women's rights, as concern about wives being beaten by their husbands gained attention. The first known use of the expression 'domestic violence' in a modern context, meaning 'spouse abuse, violence in the home' was in an address to the Parliament of the United Kingdom in 1973. A few months later the world's first domestic violence services federation (Women's Aid) was set up in 1974, providing practical and emotional support as part of a range of services to women and children experiencing violence in England. With the rise of the men's movement of the 1990s, the problem of domestic violence against men also gained significant attention.

Until quite recently, children had very few rights about protection from violence by their parents, and still continue to do so in many parts of the world. Historically, fathers had virtually unlimited rights in regard to their children and how they chose to discipline them. In many cultures, such as in Ancient Rome, a father could legally kill his children; many cultures have also allowed fathers to sell their children into slavery. Child sacrifice was also a common practice. Today, corporal punishment of children by their parents remains legal in most countries. However, in Western countries that still allow the practice there are strict limits on what is permitted. The first country to outlaw parental corporal punishment was Sweden (parents' right to spank their own children was first removed in 1966, and it was explicitly prohibited by law from July 1979).

Domestic violence around the world

In Iraq, husbands have a legal right to 'punish' their wives. The criminal code states at Paragraph 41 that there is no crime if an act is committed while exercising a legal right; examples of legal rights include "The punishment of a wife by her husband, the disciplining by parents and teachers of children under their authority within certain limits prescribed by law or by custom".

In Jordan, part of article 340 of the Penal Code states that "he who discovers his wife or one of his female relatives committing adultery and kills, wounds, or injures one of them, is exempted from any penalty." This has twice been put forward for cancellation by the government, but was retained by the Lower House of the Parliament, in 2003: a year in which at least seven honour killings took place. Article 98 of the Penal Code is often cited alongside Article 340 in cases of honour killings. "Article 98 stipulates that a reduced sentence is applied to a person who kills another person in a 'fit of fury'".⁷

In Russia, according to Russian interior ministry estimates, there are 600,000 women victims of domestic abuse every year and 14,000 die from injuries inflicted by husbands or partners each year. Domestic violence is not a specific criminal offense, but it can be charged under various crimes of the criminal code (e.g. assault), but in practice cases of domestic violence turn into criminal cases only when they involve severe injuries, or the victim has died.

A UN report compiled from a number of different studies conducted in at least 71 countries found domestic violence against women to be most prevalent in Ethiopia.

In the European Union, DV is a serious problem in the Baltic States. These three countries - Estonia, Latvia, and Lithuania - have also lagged behind most post-communist countries in their response to

⁷"BBC News - The silent nightmare of domestic violence ". Bbc.co.uk. 2013-03-01.Retrieved 2013-09-08.

DV. The problem in these countries is very severe, and, in 2013, a DV victim won a European Court of Human Rights case against Lithuania.⁸

Social views on domestic violence around the world

The social views on DV vary from person to person, and from region to region, but in many places outside the West, the concept is very poorly understood. This is because in most of these countries, the relation between the husband and wife is not considered one of equals, but instead one in which the wife must submit herself to the husband. This is codified in the laws of some other countries - for example, in Yemen, marriage regulations state that a wife must obey her husband and must not leave home without his permission. 'Disobeying' a husband can often result in violence. These violent acts are not considered a form of abuse by society (both men and women) but are considered as being provoked by the behaviour of the wife who is seen as being at fault herself.

In a 2012 news story, The Washington Post reported, "The Reuters Trust Law group named India as one of the worst countries in the world for women this year, in part because domestic violence there is often seen as deserved. A 2012 report by UNICEF found that 57 percent of Indian boys and 53 percent of girls between the ages of 15 and 19 think wife-beating is justified."⁹

In conservative cultures, a wife dressing in attire deemed to be not sufficiently modest can result in serious violence by her husband or relatives, with such violent responses being seen as appropriate by most of the society: in a survey, 62.8% of women in Afghanistan said that a husband is justified to beat his wife if she wears inappropriate clothes.

In many places, sex in marriage is constructed as the right of the husband, who can claim it by force, if 'necessary'. For instance, in Lebanon, while discussing a proposed law that would criminalize marital rape, Sheik Ahmad Al-Kurdi, a judge in the Sunni religious court, said that the law "could lead to the imprisonment of the man where in reality he is exercising the least of his marital rights."¹⁰ In many countries, women are instructed before marriage that sex with the husband is their absolute duty, that they do not have the right to ever refuse it, even if they do not want it; and, as a result, it becomes impossible to understand the concept of marital rape. For example, one survey found that 74% of women in Mali said that a husband is justified to beat his wife if she refuses to have sex with him.¹¹

Effects on children

About 3.3 million children witness domestic violence each year in the US. There has been an increase in acknowledgment that a child who is exposed to domestic abuse during their upbringing will suffer in their mental and psychological development (Dodd, 2009). During the mid-1990s, the Adverse Childhood Experiences (ACE) study found that children who were exposed to domestic violence and other forms of abuse had a higher risk of developing mental and physical health problems.¹²

⁸Superintendent of Police & Commanding Officer, Special Security and Protection Battalion-1, Dhaka, Bangladesh. Email: aubhuiyan@yahoo.com

⁹"10 reasons why India has a sexual violence problem," The Washington Post, 29 December 2012

¹⁰"Lebanese women take on Muslim judges who call rape a 'marital right' - CNN.com", Edition.cnn.com. Retrieved 2013-09-08.

¹¹"Bioline International Official Site (site up-dated regularly)". Bioline.org.br. Retrieved 2013-09-08.

¹²"Preventing and Mitigating the Effects of Childhood Violence and Trauma: An Interview With Carl C. Bell, MD". Agency for Healthcare Research and Quality 2013-04-17. Retrieved 2013-08-27.

Because of the awareness of domestic violence that some children have to face, it also generally affects how the child develops emotionally, socially, behaviourally as well as cognitively (Lazenbatt & Thompson-Cree, 2009).

Some emotional and behavioural problems that can result due to domestic violence include increased aggressiveness, anxiety, and changes in how a child socializes with friends, family, and authorities. Depression, emotional insecurity, and mental health disorders can follow due to traumatic experiences.

Additionally, in some cases, the abuser will purposely abuse the mother or father in front of the child to cause a ripple effect, hurting two victims simultaneously. It has been found that children who witness mother-assault are more likely to exhibit symptoms of post-traumatic stress disorder (PTSD) (Lehmann, 1995). Consequences to these children are likely to be more severe if their assaulted mother develops post-traumatic stress disorder (PTSD) and does not seek treatment due to her difficulty in assisting her child with processing his or her own experience of witnessing the domestic violence.

Physical

Bruises, broken bones, head injuries, lacerations, and internal bleeding are some of the acute effects of a domestic violence incident that require medical attention and hospitalization. Some chronic health conditions linked to victims of domestic violence are arthritis, irritable bowel syndrome, chronic pain, pelvic pain, ulcers, and migraines. Victims who are pregnant during a domestic violence relationship experience greater risk of miscarriage, pre-term labour, and injury to or death of the foetus.

Psychological

High amount of stress, fear, and anxiety are commonly reported among victims who are still living with their perpetrators. Depression is also common, as victims are made to feel guilty for 'provoking' the abuse and are frequently subjected to intense criticism. It is reported that 60% of victims meet the diagnostic criteria for depression, either during or after termination of the relationship, and have a greatly increased risk of suicide.

In addition to depression, victims of domestic violence also commonly experience long-term anxiety and panic, and are likely to meet the diagnostic criteria for Generalized Anxiety Disorder and Panic Disorder. The most commonly referenced psychological effect of domestic violence is Post-Traumatic Stress Disorder (PTSD). PTSD (as experienced by victims) is characterized by flashbacks, intrusive images, exaggerated startle response, nightmares, and avoidance of triggers that are associated with the abuse (Vitanza, Vogel & Marshall, 1995). These symptoms are generally experienced for a long span of time after the victim has left the dangerous situation. Many researchers state that PTSD is possibly the best diagnosis for those suffering from psychological effects of domestic violence, as it accounts for the variety of symptoms commonly experienced by victims of trauma.

Financial

Once victims leave their perpetrator, they can be stunned with the reality of the extent to which the abuse has taken away their autonomy. Due to economic abuse and isolation, the victim usually has very little money of their own and few people on whom they can rely when seeking help. This has been shown to be one of the greatest obstacles faced by the victims of Domestic Violence, and the

strongest factor that can discourage them from leaving their perpetrators.

In addition to lacking financial resources, victims of DV often lack specialized skills, education, and training that are necessary to find gainful employment, and may have several children to support.

Long-term effects

Domestic violence can trigger many different responses in victims, all of which are very relevant for any professional working with a victim. Major consequences of domestic violence victimization include psychological/mental health issues and chronic physical health problems. Some long-term effects on a child who comes from an abusive household, or have been abused themselves are guilt, anger, depression/anxiety, shyness, nightmares, disruptiveness, irritability, and problems getting along with others. Although they may have not been the ones being abused it still affects them because they had to experience and witness their loved ones being abused, which takes a toll on them as well. Domestic violence also teaches poor family structure. A child who grows up being abused thinks of that as a way a family functions, and will grow up and repeat the cycle because that is all they know. Some other long-term affects include but are not limited to poor health, low self-esteem, trouble sleeping, drug and alcohol abuse risk, isolation, suicidal thoughts, and extreme loneliness and fear. A victim's overwhelming lack of resources can also lead to homelessness and poverty. A person who has suffered abuse is at risk for many negative consequences that can put them on a destructive path for their future.¹³

Causes of Domestic Violence

There are many theories as to the causes of domestic violence. These include psychological theories that consider personality traits and mental characteristics of the perpetrator, as well as social theories that consider external factors in the perpetrator's environment, such as family structure, stress, and social learning. As with many phenomena regarding human experience, no single approach appears to cover all cases.

Responses that focus on children suggest that experiences throughout life influence an individual's propensity to engage in family violence (either as a victim or as a perpetrator). Researchers supporting this theory suggest it is useful to think of three sources of domestic violence: childhood socialization, previous experiences in couple-relationships during adolescence, and levels of strain in a person's current life. People who observe their parents abusing each other, or who were themselves abused may incorporate abuse into their behaviour within relationships that they establish as adults. (Seltzer & Kalmuss, 1988)

These factors include genetics and brain dysfunction and are studied by neuroscience.

Psychological

Psychological theories focus on personality traits and mental characteristics of the offender. Personality traits include sudden bursts of anger, poor impulse control, and poor self-esteem. Various theories suggest that psychopathology and other personality disorders are factors, and that abuse experienced

¹³"Domestic Violence". American Psychiatric Association. Retrieved September 25, 2013

as a child leads some people to be more violent as adults. Correlation has been found between juvenile delinquency and domestic violence in adulthood. Studies have found high incidence of psychopathy among abusers. (Hart, Dutton & Newlove, 1993)

Mental illness

Many psychiatric disorders are risk factors for domestic violence, including several personality disorders: all Cluster B PDs, (especially antisocial), paranoid and passive-aggressive. Bipolar disorder, schizophrenia, drug abuse, alcoholism and poor impulse control are also risk factors. It is estimated that at least one-third of all abusers have some type of mental illness. (Worell, 2001)

Marital conflict disorder

The American Psychiatric Association (APA) planning and research committees for the forthcoming DSM-5 (2013) have canvassed a series of new Relational disorders which include Marital Conflict Disorder Without Violence or Marital Abuse Disorder (Marital Conflict Disorder with Violence). Couples with marital disorders sometimes come to clinical attention because the couple recognizes long-standing dissatisfaction with their marriage and come to the clinician on their own initiative or are referred by an astute health care professional. Secondly, there is serious violence in the marriage which is 'usually the husband battering the wife'.

In these cases, the emergency room or a legal authority often is the first to notify the clinician. Most importantly, marital violence "is a major risk factor for serious injury and even death and women in violent marriages are at much greater risk of being seriously injured or killed" (National Advisory Council on Violence against Women 2000). The authors of this study add, "There is current considerable controversy over whether male-to-female marital violence is best regarded as a reflection of male psychopathology and control or whether there is an empirical base and clinical utility for conceptualizing these patterns as relational."

Jealousy

Many cases of domestic violence occur due to jealousy when one partner is either suspected of being unfaithful or planning to leave the relationship. It can also be seen in a situation where one partner is doing better than the other, for example, the woman being more successful than the husband (Roach, 2011). An evolutionary psychological explanation of such cases of domestic violence against a woman is that they represent male attempts to control female reproduction and ensure sexual exclusivity through violence or the threat of violence. Though often jealousy is used as an excuse for the abuser's behaviour, most often it is just an excuse in order to exert more control over their partner and a blaming technique in order to isolate the victim further from friends and family.

Behavioural

Behavioural theories draw on the work of behaviour analysts. Applied behaviour analysis uses the basic principles of learning theory to change behaviour. Behavioural theories of domestic violence focus on the use of functional assessment with the goal of reducing episodes of violence to zero rates. This program leads to behaviour therapy. Often by identifying the antecedents and consequences of violent action, the abusers can be taught self-control (Bonem, Stanely- Kime& Corbin, 2008). Recently more focus has been placed on prevention and a behavioural prevention theory.

Social theories

Social theories look at external factors in the offender's environment, such as family structure, stress, social learning, and include rational choice theories. Though these external factors may heighten the frequency and severity of violence, ultimately it is not the cause, but merely fuelling the abusers need to seek control in their life elsewhere and enacting that need for control is the only way that they can, which is against their partner.

Resource theory

Resource theory was suggested by William Goode (1971). Women who are most dependent on the spouse for economic well being (e.g. homemakers/housewives, women with handicaps, the unemployed), and are the primary caregiver to their children, fear the increased financial burden if they leave their marriage. Dependency means that they have fewer options and few resources to help them cope with or change their spouse's behavior. (Kalmuss & Straus, 1995).

Couples that share power equally experience lower incidence of conflict, and when conflict does arise, are less likely to resort to violence. If one spouse desires control and power in the relationship, the spouse may resort to abuse. This may include coercion and threats, intimidation, emotional abuse, economic abuse, isolation, making light of the situation and blaming the spouse, using children (threatening to take them away), and behaving as 'master of the castle'.

Social learning theory

Social learning theory suggests that people learn from observing and modelling after others' behaviour. With positive reinforcement, the behaviour continues. If one observes violent behaviour, one is more likely to imitate it. If there are no negative consequences (e.g. victim accepts the violence, with submission), then the behaviour will likely continue. Often, violence is transmitted from generation to generation in a cyclical manner.

Power and control

In abusive relationships, violence is position to arise out of a need for power and control of one partner over the other. An abuser will use various tactics of abuse (e.g., physical, verbal, emotional, sexual or financial) in order to establish and maintain control over the partner.

Abusers' efforts to dominate their partners have been attributed to low self-esteem or feelings of inadequacy, unresolved childhood conflicts, the stress of poverty, hostility and resentment toward women (misogyny), hostility and resentment toward men (misandry), personality disorders, genetic tendencies and socio-cultural influences, among other possible causative factors. Most authorities seem to agree that abusive personalities result from a combination of several factors, to varying degrees.

A casualist view of domestic violence is that it is a strategy to gain or maintain power and control over the victim. This view is in alignment with Bancroft's 'cost-benefit' theory that abuse rewards the perpetrator in ways other than, or in addition to, simply exercising power over his or her target(s). He cites evidence in support of his argument that, in most cases, abusers are quite capable of exercising control over them, but choose not to do so for various reasons.

An alternative view is that abuse arises from powerlessness and externalizing/projecting this and attempting to exercise control of the victim. It is an attempt to 'gain or maintain power and control over

the victim but even in achieving this, it cannot resolve the powerlessness driving it. Such behaviours have addictive aspects leading to a cycle of abuse or violence. Mutual cycles develop when each party attempts to resolve their own powerlessness in attempting to assert control.

Questions of power and control are integral to the widely utilized Duluth Domestic Abuse Intervention Project. They developed a 'Power and Control Wheel' to illustrate this: it has power and control at the centre, surrounded by spokes (techniques used), the titles of which include: coercion and threats, intimidation, emotional abuse, isolation, minimizing, denying and blaming, using children, economic abuse, and male privilege. The model attempts to address abuse by challenging the misuse of power by the perpetrator.

The power wheel model is not intended to assign personal responsibility, enhance respect for mutual purpose or assist victims and perpetrators in resolving their differences. Rather, it is an informational tool designed to help individuals understand the dynamics of power operating in abusive situations and identify various methods of abuse.

Critics of this model argue that it ignores research linking domestic violence to substance abuse and psychological problems. Some modern research into the patterns in DV has found that women are more likely to be physically abusive towards their partner in relationships in which only one partner is violent. It draws the effectiveness of using concepts like male privilege to treat domestic violence into question; however, it may still be valid in studying severe abuse cases, which are mostly male perpetrated (Straus, 2006). However, modern research into predictors of injury from domestic violence suggests that the strongest predictor of injury by domestic violence is participation in reciprocal domestic violence.

Cycle of abuse

Frequently, domestic violence is used to describe specific violent and overtly abusive incidents, and legal definitions will tend to take this perspective. However, when violent and abusive behaviours happen within a relationship, the effects of those behaviours continue after these overt incidents are over. Advocates and counsellors will refer to domestic violence as a pattern of behaviours, including those listed above.

Lenore Walker presented the model of a Cycle of abuse that consists of three basic phases:

Tension Building Phase

It is characterized by poor communication, tension, fear of causing outbursts. During this stage, the victims may try to calm the abuser down, try to not do anything that would set the abuser off, and to avoid any major violent confrontations.

Violent Episode

It is characterized by outbursts of violent, abusive incidents. During this stage, the abuser attempts to dominate his/her partner (victim), with the use of domestic violence.

Honeymoon Phase

Honeymoon phase is characterized by affection, apology, and apparent end of violence. During this stage, the abuser feels overwhelming feelings of remorse and sadness. Some abusers walk away from the situation, while others shower their victims with love and affection.

Although it is easy to see the outbursts of the Violent Episode Phase as abuse, even the more pleasant behaviours of the Honeymoon Phase serve to perpetuate the abuse.

Many domestic violence advocates believe that the cycle of abuse theory is limited and does not reflect the realities of many men and women experiencing domestic violence.

Violence against women

The UN Declaration on the Elimination of Violence against Women (1993) states, "Violence against women is a manifestation of historically unequal power relations between men and women, which has led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men". A recent study in South Asia, done in from 2010 to 2013, interviewed 10,000 men from a variety of countries. The study found that "...overall nearly half of those men interviewed reported using physical and/or sexual violence against a female partner, ranging from 26 percent to 80 percent across the sites. Nearly a quarter of men interviewed reported perpetrating rape against a woman or girl, ranging from 10 percent to 62 percent across the sites."

Violence against Women in Bangladesh: Types and Trends

An official Data from Police Headquarters, Dhaka was published at the beginning of 2014. Their figures are based on the number of Cases on Woman & Child Repression over the whole country.

A. Statistics of Woman & Child Repression Case in Bangladesh: 2011-2013										
Year	Repression For Dowry	Acid Throwing	Women Kidnapping	Women Rape	Death caused by Rape	Hurt caused by Rape	Women Murder	Women Injury	Other causes of Woman Repression	No. of Total Case of women repression
2011	7079	88	4109	3638	28	09	280	139	4528	19898
2012	6704	98	4001	3648	20	16	252	132	4551	19422
2013	5716	71	4272	3622	23	05	236	183	3968	18096
Total Case	19499	257	12382	10908	71	30	768	454	13047	57416

B. Figures of the Accused, Offender and Victims regarding Woman & Child Repression Case in Bangladesh: 2011-2013										
Year	No of Total Accused	No of Total Arrest	No of Total kidnapped women	No of Total Rescue Kidnapped women	In the case of Women Kid-napped		No of Total Convicted Case	No of Total convicted	No of Total acquittal case	No of Total acquittal person
					No of Total Of-fender	No of Total Arrest				
2011	61272	9234	4250	2316	14346	2233	423	526	3769	8717
2012	63735	11676	4218	2369	13781	2551	624	2369	7115	16256
2013	55230	10099	4392	4442	14039	2677	654	982	6891	16005
Total Case	180237	31009	12760	9127	42166	7461	1701	2378	17775	40978

Source: Police Headquarters, Dhaka (PHQ) Crime Statistics Unit, 26 January 2014

Here they have included nine classified cases. We have just depicted the statistics from 2011 to 2013. Within these three years, there is not much change in the violence against women and children. Every year more than eighteen thousand incidents had occurred. However, only a few portions of those incidents have to be lodged as a case for justice in trial.

Facts and Figure:

It is important to get a general idea of the nature, trends and dimensions of violence against women in Bangladesh. The following table lists the types and trends of violence in Bangladesh. This table is redrawn taking data from Ain O Salish Kendra (ASK) and Odhikar covering a 7-year period from 2004 to 2010. It may be mentioned that ASK has collected and compiled data from a number of national dailies (both Bengali and English).

Table-A: Violence against Women in Bangladesh: Types and Trends

Year	Types of Violence					Eve teasing/ Stalking
	Domestic Violence	Dowry Related Violence	Rape	Gang Rape	Acid Attack	
2004	264	352	618	359	228	
2005	333	356	585	250	130	
2006	301	334	515	226	142	
2007	283	294	436	198	95	
2008	312	296	486	127	80	
2009	281	285	446	199	63	
2010	397	395	626	290	153	216

Source: Redrawn from *Ain O Salish Kendra (ASK)* Documentation Unit, 2011 and *Odhikar*, 2011

The Following Table shows different dimensions of violence against women that took place during the period of 2004 to 2010 in Bangladesh. It may be noted that in this table, data on eve teasing is available only for the year 2010 and the occurrence of eve teasing in that year was 216. We see that the figure for domestic violence was 264 in 2004 while 397 in the year of 2010, which shows increasing trend. The Table shows similar trend in case of dowry related violence and single rape. However, if we look at the figures of acid attacks, we observe a decreasing trend from 2004 to 2009.

It is important to mention that in Bangladesh we live in a society that puts emphasis on traditional values. As a result, many incidents of violence against women are not reported to the police or in the media. Those women who are experiencing or have experienced domestic violence in the past are likely to be fearful or embarrassed to talk about their experiences. Often victims or victims' families do not want to make such incidents public because of social stigma (Begum, 2000). Some researchers analyzed violence against women from legal perspective. Their opinion highlighted the limitation of legal definition of violence. They discussed two different types of violence as domestic violence i.e. dowry demands and polygamy. They also discussed the issue of religious decree and violence in the guise of religion that describes the extent, nature and frequency of violence against women in rural Bangladesh (BNWLA, 2004; Rahman, 1997).

Domestic Violence in Bangladesh

In Bangladesh, most of the people know what is meant by domestic violence such as dowry related violence, child marriage, marital rape or violence, verbal abuse, harassment, humiliation and physical torture (Begum 2005; Hossain, Imam & Khair 2001). Due to patriarchy and in the absence of adequate empowerment situation of women, domestic violence by men against women is a common phenomenon in Bangladesh – both in rural and urban areas. It is more pronounced among the poorer and relatively less educated class. Generally, these types of violence against women are done by the males. Power and control over resources are most frequently at the core of events leading to the use

Table-B: Domestic violence in Bangladesh (2008-2010 year)

Nature	Age (in years)				Total	Case filed
	18 and below	19-24	25 and above	Age not reported		
Physical and mental torture by husband	1	12	46	23	82	12
Physical and mental torture by husband's family		3	9	11	23	10
Physical and mental torture by own family members	1	1	5	5	12	2
Murder by husband	71	160	229	166	626	309
Murder by husband's family	6	22	50	22	100	49
Murder by own family members	10	5	20	13	48	22
Unbearable torture resulting in suicide	7	22	15	18	62	15
Total	96	225	374	258	953	419

Source: Ain O Salish Kendra (ASK) Documentation Unit, 2011

of violence in domestic situations (Barrier 1998; Gelles & Connell 1988). Patriarchy subordinates women through existing social norms and values. This system allows men to dominate women within their families and control over the productive resources (Schuler, Hashemi & Badal 1998). As a result, traditional value under strong patriarchy tends to trigger, dictate and provoke different forms of violence, including domestic violence against women in Bangladesh (Hossain 2002).

The table depicts different types of domestic violence that generally take place in Bangladesh. Table shows that 626 cases were victims of murder by husband while 82 became victims of physical and mental torture by husband. Due to unbearable physical and mental torture, 62 committed suicide. A significant number of the victims of different types of domestic violence as shown in this table belong to the age category of 25 years and above (374 cases). It is also important to note that out of 626 victims, who were murdered by husband, only 309 filed cases against the offenders.

Domestic violence is a very pervasive, serious social malady in both developed and developing countries. Severe domestic violence has been documented in almost every country in the past decade. In some Western countries, 21-28 per cent of adult women are battered in marital relationships. Foshee, V.A., K.E. Bauman, et al. (1999) in their study showed how family violence and adolescent dating violence take place. It was found in Hindin's (2003) study that husbands' attitude toward wife beating is generally found in five major situations: a) if a wife goes out without telling her husband, b) neglects the children, c) argues with him, d) refuses to have sex with him, and e) burns the food.

Women who are victims of domestic violence do not only suffer from health related complications, they also suffer from low self-esteem, feeling of isolation and powerlessness, and often suffer from essence of guilt (Islam & Rahman 2006). As a result, females, who are victims of domestic violence, are 12 times more likely to attempt suicide than those who do not experience such violence (WHO2002).

Conclusion

The problem of Domestic Violence against Women can be viewed as a rock formed by centuries of sedimentation, with a very hard nucleus and relatively less hard surroundings. Interventions based on creating fear may only be able to act on the surroundings. The nucleus of Domestic Violence against Women, the product of complex power relationship between men and women, may remain until society discovers effective ways to reconcile the underlying factors triggering tensions between men and women. Domestic violence in Bangladesh is a major concern of development interventions as well as in human rights perspectives. The aforementioned discussion on violence against women in Bangladesh, particularly domestic violence against women, gives us a brief understanding of the problem. We have record that different types of violence against women are increasing. Recently eve teasing has become a serious social problem in the country. In order to minimize this increasing trend of violence against women, proper intervention strategies need to be undertaken. Existing laws regarding protection of women's rights should be enforced effectively. Law enforcing agencies need to handle the situation with sincerity, honesty and strong commitment without any hesitation and bias. Awareness and capacity building among the women are also important. Under the existing social values and norms, males' attitude and behaviour towards females need to be changed as well. In this regard, relevant agencies of the Government, NGOs, researchers, lawyers, activists and media need to come forward and work together for advocacy and campaign against violence against women in Bangladesh.

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Involvement in Antisocial Behaviour and Treatment of the Drug Addicts

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Abstract: Drug addiction is increasing in Bangladesh at an alarming rate. Usually, drug addicts are involved in antisocial activities within and outside families. Thus, problem of drug addiction is an increasing concern for the family and society. Treatment improves the conditions of the drug addicts. However, because of the lack of consciousness and social stigma associated with drug addiction, family members of the drug addicts are sceptical to take the opportunity of treatment. It is observed that family members bring the drug addicts for treatment only when they become involved in antisocial behaviour. This observation leads to the hypothesis that the drug addicts receiving treatment are more involved in antisocial behaviour compared to those drug addicts who have not received treatment. This article tests this hypothesis using primary data collected from two groups of respondent (drug addicts who have received treatment and those who have not received treatment) of Rajshahi city of Bangladesh and compared in terms of some selected antisocial behaviour. Findings show that the proportion of drug addicts involved in antisocial behaviour is higher among those who received treatment compared to those who are not receiving treatment. These findings suggest that social awareness should be created so that drug addicts receive treatment before they become involved in antisocial behaviour.

Key words: Drug Addict, Anti-Social activities, Social awareness, Treatment.

Introduction

Drug addiction has emerged as an alarming social problem in Bangladesh. It badly affects the people of all strata in society, especially the young generation. It is not only impairing the public health, but also corrupting institutions, retarding socio-economic development, hampering smooth functioning of civic life, threatening political stability and, in some cases, endangering state security. Bangladesh is located in the middle of world's largest narcotics growing belt- 'the Golden Triangle (Laos, Burma, Thailand)', the 'Golden Crescent (Pakistan, Afghanistan, Iran)' and 'Golden Wedge' (Khan, 1996). Besides this, important opium producing country, India, also surrounds the country. All these make drug easily available in Bangladesh. Drug peddling is strictly prohibited in Bangladesh. But it is always considered as a lucrative business. Drug peddlers attract people, especially the young, in many ways. So, number of drug addicts is increasing alarmingly in this country. Although there is no precise figure of the drug dependant people, the newspaper 'Dhaka Mirror' mentioned in a report that "at least 65 lakh people including 1 lakh and 50 thousand women are drug addicted, 90 per cent of them are young people between age of 18 to 25"³. Again, most drug addicts live in city. The daily Naya Diganta in a report mentioned that more than 80 percent of the drug addicts live in urban area.⁴ Findings about how the subjects developed the drug addiction habit indicate that about 50 percent took drug for the first time with the influence of or pressure from the friends using drug, 20 percent out of frustration and 15 percent

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³ lakh drug addicts in Bangladesh, Dhaka Mirror, 6 February 2009, <http://www.dhakamirror.com/headlines/65-lakhs-drug-addicts-in-bangladesh/>

⁴ The Daily Naya Diganta, 26 June 2008.

out of curiosity. Huq (1985) in his study found that highest incidence of addiction occur during the age between 23-26 years. Drug addiction has no positive side. It not only ruins the addicts themselves but also badly affects their families, communities and society as a whole. It paralyzes the life of the addicts, disrupts peace and prosperity of families and even shakes the stability of the social texture itself. It also begets moral degradation, generating different social crimes like theft, robbery, snatching and terrorism. Authoritative sources said 65 percent of the crimes in Dhaka city are taking place due to drug addiction and the scenario is almost same in other cities of the country (GoB, 1995, p. 82). Through a study report it has been found that 15 percent of drug addicts are involved in street-robbery (snatching), 10 percent pick-pocketing, 5 percent vandalism/gangsterism, 5 percent auto accident. In addition behaviour of the 20 percent drug addicts is against standard conduct and 30 percent of them are engaged in drug peddling (Ashrafuzzaman, Mamun and Hossain, 2005). The recent incidence of murder of parents by their daughter Oishi (15 year) was also result of drug addiction⁵. Involvement of drug addicts in antisocial behaviour threatens the peace and stability of our society. All available reports indicate that due to drug addiction, the criminal activities or antisocial behaviour are increasing at an alarming rate all over the country. It is seen from a study conducted in Rajshahi City that 71.5 percent addicts' families are ignored by the people of the community, 54.7 percent think that their families have lost prestige and honour in the society. The study exposed a dreadful problem in society that the people of the society are not interested to marry any addict or unite in marriage with the addict's family (Mamun, 2013). Measures are taken in the society to curb the problem of drug addiction. These are both preventive and curative measures. Treatment of the drug addicts is a curative measure in nature. Once a person becomes drug addict there is no alternative to treatment. However, the family members of the drug addicts do not resort to treatment spontaneously. It is seen that family members send the drug addicts only when they (addict) become involved in anti-social behaviour and disturbs the family members. However, the addicts develop anti-social behaviour only when they reach acute stage of addiction. At such stage, it becomes very difficult to cure the addicts. Instead, if the addicts are brought under treatment at an early stage, they can be cured through treatment. This article has examined this assumption by examining the hypothesis that the drug addicts coming for treatment are involved in antisocial behaviour more than those who are not coming for treatment. Data were collected from two groups of addicts i.e., drug addicts who have received treatment and those who have not received treatment.

It is to be noted here that being a city located near the Indian border, Rajshahi is more vulnerable to drug addiction problem. It is easily assumed that the family of the addicts suffers more compared to other people of community. Therefore, they realize the importance of bringing their addicted member under treatment. But, the history of treatment facilities of drug addicts in Bangladesh is not very long. It was initiated in the year 1990 after the Narcotic Control Act-1990 was passed. Since then treatment facilities and number of drug addicts treated has been increasing. At present, there are about 148 drug addict treatment centres in Bangladesh and these centres have a capacity of 1,778 beds approximately. In the Rajshahi city, there are 26 centres with a capacity of 260 beds (GoB, 2009, p. 29). It has already been mentioned that family members of the drug addicts bring drug addicts only when they develop antisocial behaviour. The impact of treatment centre is not encouraging in terms of curing the drug addicts. Findings of a study showed that all patients had become re-addicted within 6 months of their

⁵Daughter involved in parents' murder: Police, bdnews24, 17 august 2013, <http://bdnews24.com/bangladesh/2013/08/17/daughter-involved-in-parents-murder-police>

treatment. About 75 percent guardians mentioned that the treatment centre was not able to play the helping role to control the addiction of their patients (Manan, 1994, p. 45). It is also seen from the report of Department of Narcotic Control (DNC) that a total of 3,869 addicts received treatment from different centres of Bangladesh in 2008 of which almost 50 percent relapsed (Rahman, 2009, p. 28). From this piece of information, it is evident that in spite of bringing drug addicts to treatment centres by the family members with the hope of getting rid of their sufferings, their expected target is not being achieved properly. Even the treated addicts get all the more involved in antisocial behaviour in society. So, the present study has focused on the drug addicts to explore the real scenario of their involvement in the antisocial activities in urban area.

Explanation of Major Concepts

Antisocial Behaviour

The term antisocial behaviour generally refers to actions that deviate significantly from established social norms. This kind of behaviour commonly includes skipping school, getting into fights, running away from home, lying persistently, using illegal drugs or alcohol, stealing, vandalizing property, engaging in aggressive or violent behaviour towards other individuals, and violating school rules, home rules or local criminal laws. According to K. S. Berger –“Antisocial behaviour is behaviour that lacks consideration for others and may cause damage to the society, whether intentionally or through negligence. This is opposed to pro-social behaviour, which is behaviour that helps or benefits the society. It is labelled as such when it is deemed contrary to prevailing norms for social conduct. This encompasses a large spectrum of actions. Murder, rape, use of illegal substances, and a wide variety of activities are deemed antisocial behaviour. In addition to actions that oppose established law, antisocial actions also include activities that might appear objectionable to the members of the society (Berger, 2003). Connor D. F has explained that antisocial behaviours are disruptive acts characterized by covert and overt hostility and intentional aggression toward others. Antisocial behaviours exist along a severity continuum and include repeated violations of social rules, defiance of authority and of the rights of others, deceitfulness, theft, and reckless disregard for self and others. Antisocial behaviour can be identified in children as young as three or four years of age. If left unchecked these coercive behaviour patterns will persist and escalate in severity over time, becoming a chronic behavioural disorder (Connor, 2002). C .N. Shankar Rao has mentioned the antisocial behaviours such as knavery, cheating, adultery, unfairness, malingering, immorality, dishonesty, betrayal, burglary, corruption, cunningness, sneakiness, wickedness, gambling, drunkenness etc. (Rao, 2006). In this article, stealing, snatching, cruelty to woman, pick-pocketing, going to brothel, cheating, telling lie etc. that are committed by the drug addicts have been defined as the antisocial behaviour. The antisocial behaviour is also used as synonym of crime.

Drug Addicts

Drug addiction means to become addict to different drugs. According to Klienmuntj- the concept of drug addiction is concerned with three terms: tolerance, physical dependence and habituation. Tolerance is a physiological survival mechanism of the body in which an organism adapts to a drug and thus becomes better able to withstand continual exposure to its toxic substances (Klienmuntj, 1974). So those people who are addicted to different kinds of drug are considered as the drug addicts. More specifically, people who are addicted to the different drugs like Phensidyl, Heroin, and Ganja etc. are considered as drug addicts whether they come to any specialized medical centre to receive treatment or not.

Objectives and Methods

The present article has been written on the basis of an empirical study. The study was mainly carried out to focus the involvement in antisocial behaviour and the treatment of the drug addicts in Rajshahi city of Bangladesh. To attain this objective, data were collected from two categories of drug addicts. The first one received treatment from the specialized treatment centre in the study area. This group of respondents is used in the study as the 'Treated Addicts'. A list of the addicts (730 addicts) was collected from the treatment centre and from the list 73 respondents were selected randomly as the rate of 10 percent for the study. Another 73 respondents were selected from outside the treatment centre by snowball sampling technique. This group of respondent is used as the 'Non-treated Addicts'. So, the total respondents of the study were 146. The data have been presented through bi-variate tables comparing the two groups under consideration in terms of selected types of antisocial behaviour. It is assumed that if the treated drug addicts are found more involved in antisocial behaviour compared to the non-treated drug addicts, the hypothesis will be proved.

Discussion and Result

Generally, it is assumed by the people that the addicts are not always able to maintain normal and socially accepted standard behaviours. Drugs temporarily alter the addict's personality in a strange way in that they often fail to make any significant difference between normality and abnormality of behaviour. After using drugs, they start doing a few activities that they seldom do when those drugs are not consumed. It is reported by the newspaper that many times addicts create problems. As a whole, it is well known to the people of urban community about the deviant behaviour or antisocial behaviour of the drug addicts. Data have been discussed and findings have been drawn on the involvement in the antisocial behaviours by the drug addicts in this section of article.

Various types of antisocial activities are seen to happen in the urban areas of Bangladesh. But the drug addicts are not related to all kinds of crimes or deviances. They are involved in such activities which make money more easily in terms of risks and pains. So, some specific deviances or antisocial activities like stealing, cheating, snatching, extortion of money, sex offences of urban area are determined as the parameter to inquire about the drug addicts.

Involvement in Stealing

Stealing refers to the wrongful or wilful taking of money or property belonging to someone else with intent to deprive the owner of its use or benefit either temporarily or permanently. It is a deviant behaviour according to our social norms. So, it was asked to the addicts about their involvement in stealing (Table 1). Majority (88.4%) of the addicts replied in the affirmative and only 11.6 percent found not involved.

It is also seen that the treated addicts are more (91.8%) involved in stealing compared to the non-treated addicts (84.9%). The place of stealing of the addicts has been presented in Table 2. It is seen that half of the addicts (50.4 percent) got involved in stealing wherever they got the chance. This is followed by 26.4 percent involved in their own houses, 14.7 percent in neighbour's house and 8.5 percent in working places.

Almost equal proportion of the treated and non-treated drug addicts is involved in stealing wherever they get chance. Some differences in the proportions are seen in case of other places. More treated addicts (31.3%) are involved in stealing in their own houses than non-treated addicts (21 percent). On the other hand, more non-

Table 1: Involvement of drug addicts in stealing

Involved in stealing	Treated addicts		Non-treated addicts		Total	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
Yes	67	91.8	62	84.9	129	88.4
No	06	8.2	11	15.1	17	11.6
Total	73	100.0	73	100.0	146	100.0

Table 2: Place of stealing of the drug addicts

Place of stealing	Treated addicts		Non-treated addicts		Total	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
Wherever they get chance	34	50.7	31	50.0	65	50.4
In own house	21	31.3	13	21.0	34	26.4
In neighbor's house	09	13.4	10	16.1	19	14.7
In work place	03	4.5	08	12.9	11	8.5
Total	67	100.0	62	100.0	129	100.0

treated addicts (16.1%) are involved in stealing in neighbour's house than treated addicts (13.4%). It can be said that the drug addicts are involved in stealing wherever they get the chance or opportunity.

Involvement in Cheating

Cheating refers to an immoral way of achieving a goal. It is generally used for the breaking of rules to gain advantage in a competitive situation. It is also a frequently occurred antisocial activity in the community. It is evident that the majority (80.8 percent) of the addicts are involved in cheating (Table 3). Like stealing the treated addicts are more involved (82.2 percent) in cheating compared to non-treated addicts (79.5 percent). It is assumed that certain capacity, physical or mental, is needed to cheat people. Tricks, such as showing doctor's prescription (35.6 percent), telling the burdensome academic expenses of children (27.1 percent), making up stories of illness of close relatives (23.7 percent), displaying the disabled or sick child (11 percent) etc. are applied by the drug addicts to cheat people (Table 4).

Table 3: Involvement of drug addicts in cheating

Involvement in cheating	Treated addicts		Non-treated addicts		Total	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
Yes	60	82.2	58	79.5	118	80.8
No	13	17.8	15	20.5	28	19.2
Total	73	100.0	73	100.0	146	100.0

Table 4: Nature of cheating of the drug addicts

Nature of cheating	Treated addicts		Non-treated addicts		Total	
	Number	Percent	Number	Percent	Number	Percent
Showing the prescription of doctor	22	36.7	20	34.5	42	35.6
Telling about the academic expenses of children	18	30.0	14	24.1	32	27.1
Telling the story of illness about relatives	14	23.3	14	24.1	28	23.7
Showing the disabled/sick child	05	8.3	08	13.8	13	11.0
Others	01	1.7	02	3.4	03	2.5
Total	60	100.0	58	100.0	118	100.0

It is to be noted here that the drug addicts do not feel hesitation to use their children, illness of close relatives for the purpose of cheating. It is more committed by the treated addicts (30 percent) compared to the non-treated addicts (24.1 percent).

Involvement to the Snatching

Snatching is the unlawful seizure of any valuable things like money, gold and valuables by an individual or a group. Usually, snatching is considered to the people as an urban crime. It is found to happen less in rural areas of Bangladesh. The study area is exception to other urban area of Bangladesh as the incident of snatching is rarely seen in this city. It is less committed by the drug addicts compared to other deviances or crimes like stealing, cheating etc.

Table 5: Involvement of drug addicts in snatching

Involvement in snatching	Treated addicts		Non-treated addicts		Total	
	Number	Percent	Number	Percent	Number	Percent
Yes	18	24.7	17	23.3	35	24.0
No	55	75.3	56	76.7	111	76.0
Total	73	100.0	73	100.0	146	100.0

The maximum drug addicts (76 percent) are found not involved in snatching (Table 5). In this case too, treated addicts are found more involved in snatching (24.7 percent) compared to the non-treated addicts (23.3 percent) although the difference is not very big.

Involvement in Extortion of Money

Extortion is a criminal offence of unlawfully obtaining money, property, or services from a person, entity, or institution, through coercion. It is commonly practiced by organized crime groups. The extortion of money is committed by different groups of people in urban community. The drug addicts are one of them.

Table 6: Involvement of drug addicts in extortion of money

Involvement in extortion	Treated addicts		Non-treated addicts		Total	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
Yes	05	6.8	03	4.1	08	5.5
No	68	93.2	70	95.9	138	94.5
Total	73	100.0	73	100.0	146	100.0

It is depicted from the Table 6 that a small proportion of the addicts (5.5 percent) are involved in extortion of money. The difference between treated and non-treated drug addicts is found in the same direction like others. That is, more (6.8 percent) treated addicts are involved in extortion compared to 4.1 percent non-treated addicts.

Involvement in Sex Offences

Sexual offence is an immoral or unwanted sexual relation with a person. It is more common in urban areas compared to the rural areas. Information regarding the involvement in the sex offences of the drug addicts is presented in the Table 7. It is seen that majority (59.6 percent) of the drug addicts are involved in sex offences. Again, treated addicts (61.6 percent) are more involved in this antisocial behaviour compared to non-treated addicts (57.5 percent). The difference, however, is very small.

Table-7: Involvement of drug addicts in sex offences

Involvement in sex offences	Treated addicts		Non-treated addicts			
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
Yes	45	61.6	42	57.5	87	59.6
No	28	38.4	31	42.5	59	40.4
Total	73	100.0	73	100.0	146	100.0

Involvement in Violence against Women

Violence against women is a technical term used to collectively refer to violent acts that are primarily or exclusively committed against women. This type of violence targets a specific group with the victim's gender as a primary motive. The United Nations General Assembly defines 'violence against women' as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life" (United Nations, 1993). Violence against women is one of the deviant behaviours of the drug addicts. It is frequently committed by the drug addicts. The drug addicts were asked about their involvement in violence against women. Data are described in the Table 8.

It is evident that 63 percent of the drug addicts are involved in violence against women. Difference is seen between the treated and non-treated addicts in terms of involvement in violence against women in the same direction, i.e., more treated addicts are involved compared to non-treated addicts (Table 8).

Conclusion

Above discussion reveals that, in general, drug addicts are overwhelmingly involved in different types of antisocial behaviour. Members of their families and society are often victimized by this deviant behaviour of the drug addicts. It is also evident from the findings presented above that treated addicts were more involved compared to non-treated drug addicts in all variations of antisocial behaviour considered here. The drug addicts develop such antisocial behaviour only when they become heavily dependent on drug or at the acute stage of drug addiction. The involvement of the drug addicts in such antisocial behaviour causes serious damage to the image of their families in the society. The families become negatively labelled and only then they are actually compelled to bring the drug addicts for treatment. But by then it is already late. If the drug addicts had been brought for treatment earlier, they could have had easy recovery. At the acute stage, treatment requires a long time to get a good result and, even if some result is gained, it vanishes through quick relapse. As a result, treatment of drug addicts in Bangladesh has not yet been able to contribute significantly in reducing drug addiction problem. However, there is no doubt that once a person becomes drug addict, only treatment can cure him/her back into normal life. To get this result, it is essential that the addicts are brought to treatment as early as possible. It is essential to educate the society so that family members become aware about the bad consequences of drug addiction and, in case of any member of the family becoming the victim of drug addiction, such family member should be brought to the centre as early as possible without any hesitation.

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Victims of murder in the criminal justice system of Bangladesh

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Abstract: Any death by violent means is horrifying. Therefore, murder is the cruelest and the most violent form of crime. Victims may depart forever but they leave behind ordeal and bereavement. In this context, a study of socio-demographic profiles of the victims of murder in rural areas of Bangladesh is very important. It is also interesting to know the answer why, how, where, and when murders occur in rural areas of Bangladesh. It shows that both sexes are victims of murder but women were murdered in their own houses which demonstrate that all the houses are not safe for women. Moreover, police response to murder and investigation to clear the cases for prosecution go a long way in the criminal justice system.

Key words:

Victim, homicide, murder, police report, small arms, modus operandi and FIR.

Introduction:

Life is the most precious and dearest to everyone. Therefore, the death of a human being is tragic but the end of it by violence is more horrifying and shocking to everybody. Murder is thus the most violent form of crime. The death of a life also means activities of a living being coming to an end. But, with the devastating consequences i.e. the end of life itself, victims of murder go for ever. However, the effects of murder travel far wider to family and friends of the victim, offenders themselves and the community as a whole. In every society, murder is considered undoubtedly a tragic event and, at the same time, for many it creates great interest and, in some cases, fascination; in many cases, murder is mysterious and intriguing to the investigator. Some murders draw constant press attention and there have been numerous popular books and films based on some gruesome murders. (Brookman, 2005) For example, on February 11, journalist couple, Meherun Nahar Runi and Golam Mustofa Sarowar (Sagar), was brutally killed in their house in Dhaka. This generated a great media attention on one side, and strong public condemnation against the inefficacy of the police performance on the other. By this time, the case has shown up itself as a clueless murder without any visible progress in the process of detection and apprehension of any perpetrator involved in this murder. (The daily Star, 01.08.12) Recently, Dr. Nitai Roy, a doctor was killed by robbers in his own apartment at night. This has also created a wave of shock in the capital and media makes news after news every day about the murder. Police solved the case by apprehending some of the principal accused and his accomplices. (The Daily Star, 03.09.12) Therefore, murder, whatever may be its form and manifestation, exposes the problems of law and order in a given society which demands its prevention.

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Jurists have struggled with the exact definition of all elements of murder and therefore, there has not been any consensus on the definition of murder. Generally, murder is the intentional killing of another person with malice aforethought. A premeditated, deliberate, intentional killing becomes murder in the first degree, while an intentional killing without premeditation and deliberation becomes murder in the second degree. The Penal Code in Bangladesh (**The Penal Code Act, 1860**) also defines murder in the similar way but has made a subtle difference between culpable homicide and murder. In fact, culpable homicide has been used as a generic term in the Penal Code Act. However, murder has been broadly subdivided into two species namely, culpable homicide amounting to murder (Section 300, clauses 1, 2, 3, 4 of the Penal Code Act) and culpable homicide not amounting to murder (Exceptions to Section 300, the Penal Code Act). Thus, an offence of killing may amount to culpable homicide and yet may not amount to murder. The offence amounting to murder must fall within the definition of culpable homicide. To turn culpable homicide into murder, the case must come within the provisions of clause 1, 2, 3, and 4 of Section 300 of the Penal Code. In other words, every act of culpable homicide is murder if:

- (i) There is intentional causing of death
- (ii) There is intentional causing of such bodily injury as the offender knows to be likely to cause death;
- (iii) There is intentional causing of bodily injury sufficient in the ordinary course of nature to cause death; or
- (iv) There is knowledge that the act is imminently dangerous and in all probability, it must cause death or such bodily injury as is likely to cause death. (Makkar, 1988).

However, murder by sheer accident has a legal connotation. The differences between a 'murder' which is not an accident and a 'murder' which is an accident, depends on the proximity of the cause of such murder. If the dominant intention of the act of felony is to kill any particular person, then such killing is not an accidental murder. But, when it is incidental to the real offence, like stealing the vehicle, then it is accidental killing. Nature of murder determines the extent of guilt and the subsequent guilt inflicted upon by the court. (Reid, 1997)

The investigation of the offence 'murder' is very complicated and takes a long time to process the case and bring the offender to justice. Since the victim of murder cannot come back and speak to family, friends and investigators about the genesis and modus operandi of his murder in order to facilitate the disposal of the case, all of them, relatives, co-victims, and secondary victims, willingly or unwillingly are dragged into the investigative process. In this process, police enter into the core of the event; family members may be interviewed repeatedly by the police. Furthermore, for the sake of investigation, police may have to hear details of the deceased's private life; therefore, personal and private life becomes public. This may be a matter of concern and embarrassment to the secondary victims. The involvement of family members to help in the disposal of the case may amount to harassment. (Wolhuter, et al, 2009). Therefore, many of them, after bereavement at the loss of a near one become reluctant partners to the investigative process. Moreover, there are real fears of reprisals from the perpetrators if they are power holders or associated with organized crime or members of any criminal gang. Some murders, especially those of political figures, flare up violence that may result in more murders as an act of retaliation (Interview with investigator).

Murder is accompanied by so many devastating consequences in the society and in the family of the victims. Sometimes, murder is committed in course of the commission of other offences. For example, robbers very frequently resort to violent means and kill any one resisting in their way of doing things. Such event traumatizes the inmates of the house, family and friends which require a long time to eradicate from the minds of the inmates. Very frequently, women become victims of murder following rape by intimate partner. Secondary victims experience trauma and grief and it may cause emotional scars that last a lifetime. If he is the only bread earner, especially in the socio-economic context of Bangladesh, the misery knows no bound. Since families of victims of murder experience a loss of income in the family, they feel a sense of insecurity (Rahman, 2012).

The toll of bereavement is huge with long term effects for families. The vast majority of them may suffer from depression, addiction to drug and alcohol and family problem etc. The cost of murder to each family and the state is enormous since it involves probate, funerals, travel to court and finally investigation. Evidence shows that members of bereaved family may sustain dysfunctional psychological reactions (Interview with doctor). The following statistics shows the magnitude of these numbers in Bangladesh and suggests that bereavement represents a major public health problem. Each year number of murder is increasing, so are the co-victims and secondary victims.

Objectives

The objective of this study is to analyze the profile of victims of murder and some information relevant to the commission of the murder along with the police response to the investigation of murder within the criminal justice system in Bangladesh.

Number of murder cases, 2000-2010

Period	Murder
2000	3400
2001	3479
2002	3604
2003	3384
2004	3824
2005	3431
2006	4123
2007	3803
2008	4009
2009	4176
2010	3830
Total	37663

Source: Police Headquarters, Dhaka, Bangladesh

Limitation

There are several limitations that should be noted. We were not able to collect the data by ourselves. Since we depended on the officers of the police stations for data collection, some of the variables have been shown unknown or some are simply missing. On the other hand, prosecution and dispensation of justice of murder cases take a long time to get the final result. Therefore, we could not collect data of those cases which ended in the final judgment either in conviction or acquittal of the accused.

Literature review

Generally speaking, victims of murder have suffered from academic negligence in Bangladesh and, for this reason alone, this text may be an attempt to fulfill the long overdue. There is no systematic study except the scanty reporting of particular murder in the newspaper in the journalistic manner. In the absence of scientific literature on victims of murder in Bangladesh, we have reviewed some foreign studies. Wellford et al (1999) in their study identified 51 characteristics of murder events and investigative practices that were significantly associated with clearance. Papachristos (2008) explains the social order of murder—i.e., who kills whom, when, where, and for what reason and argues that gang murder is best understood by examining the social networks of action and reaction that create it. Davies (2008) presents a comprehensive introduction to homicide, using scientific studies, criminological theories and investigative techniques to examine multiple aspects of this subject. The book also highlights the latest research and scholarship as well as numerous case studies. Roth (2009) presents a working hypothesis about why adult homicide rates in the United States are so high. The hypothesis is based on tens of thousands of murder cases from the United States and Europe and includes complete or near-complete data from scores of counties across the United States. Strong patterns have emerged that show correlations between increases in homicide rates and changes in people's feelings about government and society. All these books did not mention anything about the socio economic and demographic features of victims of murder. Moreover, the long ordeal of the relatives of victims in the process of justice has not been discussed in greater detail.

Data and Methods

The table (Table 1) shows data of the three districts of Rajshahi and Rangpur divisions – Rajshahi, Bogra and Rangpur - in the northern part of Bangladesh. Of the total 64 districts in Bangladesh, these three districts are of similar settings and they show dissimilar features from other districts of Bangladesh in the context of topography, socio-economic condition and environment. Data collected for the study, however, purposively excluded crimes committed in the metropolitan area of Rajshahi. On the other hand, Bogra and Rangpur district headquarters have an urban settlement, but officially has not been declared as a metropolitan area. In short, this study aims at the exploration of variables in the rural settings of three districts of Bangladesh.

Table 1. Murder cases by Districts

Name of District	No. of Murder cases	Percent
Rangpur	196	38.9
Bogra	164	32.5
Rajshahi	144	28.6
Total	504	100.0

The data of murder collected for the study are randomly taken from these districts during the period from 2007 to 2009. In fact, the data has been collected using checklist from the official records kept and maintained in the police stations of those districts in rural Bangladesh. Primarily the data based on the document is known as First Information Report (FIR), a mandatory legal provision for lodging any murder cases with the police. Virtually, this FIR sets in motion the criminal justice system in which police investigative process is the prime mover of the case filed with the police. (Rahman, 2012). It is very difficult to get access to the official record, specially the information recorded in respect of the commission of murder since it is a sort of confidential document for the purpose of investigation. This is why we have collected the information of murder cases of pretty older period. We have taken the assistance of a senior police officer, Deputy Inspector General (DIG), stationed in the Divisional Headquarters, Rajshahi. He actually helped to collect the data from the respective units under his jurisdiction. Officers, especially sub-inspectors and inspectors, assigned to the police stations for policing area under them collected the data from the documents.

We have used the SPSS for data entry and analysis. The data collected so far for the variables demand a sort of univariate and bivariate techniques for analysis. During the period of 2007 to 2009 a total of 12,181 cases of murder were registered with the police in Bangladesh. In consideration with the volume of national data of murder, we have studied 504 cases corresponding to 1:33%. This will sufficiently prove the features of victims of murder in rural areas of Bangladesh.

Findings

Table 2. Socio-Demographic and Occupations of victims of murder

Characteristics	Cases	Percent
Religion		
Muslim	445	88.3
Hindu	33	06.5
Others	6	01.2
Unknown (Missing)	20	04.0
Occupation		
Housewife	125	24.8
Agriculture	101	20.0
Labor	68	13.5
Student	43	08.5
Service	25	05.0
Business	17	03.4
Vagabonds & unemployed	15	03.0
Criminal	14	02.8
Others	43	07.3
Unknown (Missing)	53	10.5

Education		
No education	29	05.8
Primary	85	16.9
High school - S.S.C	108	21.5
Higher education	25	05.0
Unknown	257	51.0
Economic condition		
Lower class	229	45.4
Lower-middle class	165	32.7
Middle class	60	11.9
Higher class	1	00.2
Status in family		
Household head	197	39.1
Spouse of Household head	93	18.5
Son or daughter	122	24.2
Others	43	04.4
Unknown	49	09.7

The sample size consists of 335 males (66.5%) and 169 females (33.5%). Of the sample, the majority are Muslims (88.3%). The distribution of occupation shows an interesting phenomenon that 24.8 percent are housewife. This is the manifestation of violence against women in a male dominant and patriarchal society. The next occupation is the agriculture since Bangladesh is an agro-based rural country. This is followed by labor (13.5%), student (8.5%), service (5.0%), business (3.4%), vagabonds and unemployed (3.0%), criminal (3.0%) and domestic aid (1.2%). The education of the majority of victims of murder is primarily of secondary level. Some (5.8%) of them have no education, 16.9 percent have primary education and a tiny number belongs to the higher educational background. Most of the victims of murder are of the lower economic class background and the second majority is of the lower-middle class followed by the middle class. Interestingly, only one person (0.2%) of higher economic class is the victim of murder. This may be interpreted that the people of higher class live in a secured environment since they can afford to maintain the security of their homesteads. Another plausible explanation is that economically solvent people do not live in the rural area. In the context of socio-economic condition of Bangladesh, the head of households (39.1%), mainly male, has to maintain the livelihood of the dependent family members. Therefore, he has to associate himself with all the activities for a descent living and the maintenance of the family. In this process, he may have knowingly or unknowingly become a victim of murder. On the other hand, spouses are 18.5 percent and son or daughter is 24.2 percent.

Table 3. Place of murder

Place of murder	Murder cases	Percent
House	212	42.1
Open place	157	31.2
Road	42	08.3
River/water body	33	06.5
Market	13	02.6
Bushes	9	01.8
Others	38	07.5
Total	504	100.0

In accordance with the report lodged with the police, the place of murder in order of ascending order is the house (42.1%) followed by the open place (31.2). There are other places like road, river/water body, market, bushes and others where the murder has occurred. The most significant point is that house is believed to be the most secured place but large number of murders has occurred in the house. Since 33.5 percent victims are women, it may be argued that large number murder victims are women. Moreover, there are few cases where murder might have occurred during the commission of other offences such as burglary, aggravated robbery and family feud. It involves both men and women.

Table 4. Places where dead bodies were found

Dead body found	Murder cases	Percent
At place of occurrence	415	82.3
Hospital	53	10.5
Bush/Road/River	13	02.6
Buried	1	00.2
Unknown	22	04.4
Total	504	100.0

The dead body of majority of victims were found at the place of occurrence (82.3%) followed by the victims found in the hospital (10.5%). It is obvious that victims were taken to the hospital for treatment. Dead body found in the bush, river or road manifest that murder was committed by perpetrators with a view to concealing their identification. Some of the office records did not mention where the dead body was found.

Table 5. Instrument used in murder

Instrument used	Murder cases	Percent
Blunt weapons	142	28.2
Sharp weapons	120	23.8
Strangulation	104	20.6
Poisoning	34	06.7
Small arms	21	04.2
Road accident	1	00.2
Others	78	15.5
Unknown (missing)	4	00.8
Total	504	100.0

Instruments specially gun and sharp weapons play an important role in the commission of offences specially murder. There are various instruments used such as blunt weapons (28.2%) followed by sharp weapons (23.8%) and strangulation (20.6%) used for the commission of murder. In Bangladesh, arms are controlled by law. It is not easy to get authorized arms. In spite of the stringent gun legislation, illegal weapons or unauthorized arms are available in Bangladesh. But, in rural areas small arms are used both for the commission of murder and aggravated robbery. In the sample size small arms are used in 21 cases only (4.2%).

Table 6. Modus operandi

Modus operandi	Murder cases	Percent
Strangulation/hurting with sharp/blunt weapon/Arson/Acid throwing	276	54.8
Directly causing injury	139	27.6
Poisoning with foods or drinks	30	06.0
Abducting/inducing from house and assaulting to death	23	04.6
Murder engaging killers	4	00.8
Unknown (missing)	32	06.3
Total	504	100.0

The perpetrators follow various modus operandi in the commission of murder. Majority of the cases (54.8%) show that the perpetrators adopted strangulation, beating with sharp, blunt weapon, arson, acid throwing in committing murders. It is important to note that acid throwing has been a recent phenomenon to commit murder. It may either disfigure or cause direct injury resulting in the death of a person. Some of the victims were killed by directly causing injury or some of them were found dead where poison was administered in food or drinks. In some cases, murder occurred due to abduction by force or by some other means such as inducing or alluring the person from house or any other place and, then, the abducted persons were killed by appointing professional killers obviously out of vengeance due to previous enmity.

Table 7. Information to Police

The ways police were informed	Murder cases	Percent
Complaint from individuals	353	70.03
Police were complainant	51	10.11
Direction from the court	61	12.10
UD case turned into murder	39	07.73
Total	504	100.0

So far as the legal system of Bangladesh is concerned, there are various ways to inform the police about the commission of murder for the purpose of investigation. First, any individual may lodge an FIR (First Information Report) under section 154 of CrPC about the commission of a murder with the police. Second, police may come to know about the commission of a murder from any other source, such as, from a phone call, from hearsay or on their own (section 157, CrPC). Third, after taking cognizance, under section 190 CrPC, a Magistrate may send the same to a police station for investigation and report [Sections 155(3) and 156 (3) CrPC]. Fourth, having accepted a complaint under section 200 CrPC, a magistrate may send the same under section 202 CrPC to a police station for investigation. On the basis of the information received from any of the above sources, the Officer-in-Charge must record the same in a book to be kept at every police station and this written information will be treated as First Information Report (FIR). In the above table, police lodged murder cases on the complaint received from the persons acquainted with the information of the murder. In 51 cases, there were no complainants. Therefore, police became the complainant, i.e. suomoto cases were started (Halim, 2012). The above table also shows that the court directed in 61 cases to register murder cases. An interesting fact is that 39 unnatural death cases turned into murder cases. The police officer has discretion not to send the dead body for postmortem examination only in cases when circumstances will raise a reasonable suspicion that some other persons have committed an offence. If the death is the act of any criminal offence, the police register the murder case on the basis of the post-mortem report conducted by the doctor (CrPC Section-174).

Table 8. Identity of murderer according to FIR

Murderer	Murder cases	Percent
Members of the family	97	19.2
Relatives	73	14.5
Husband	69	13.7
Boy friend/Girl friend involved in extramarital affairs	49	09.7
Wife	15	03.0
Friend	15	03.0
Business partner	10	02.0
Political rival	6	01.2
Unknown	170	33.7
Total	504	100.0

This is the first information about the commission of offence including the information of the perpetrator (if any) suspected during the registration of case with the police. Since this is the primary information in the point of time on which the police investigation proceeds, it may contain the names of the suspected criminals. Generally, it is alleged that primary information in connection with the offence may not be complete. The FIR may contain names of the perpetrators. It is not an encyclopedia. Still it is a piece of vital information to make out the case. However, there are instances of embellishments in the primary information during the registration of case with the police. Therefore, it is the responsibility of the police to find out the perpetrators involved in the case or to establish the guilt of the accused. (Rahman, 2012) Murderer is generally a known person. The above table shows that 19.2 % murderers are members of the family, 14.5 are relatives, 09.7% boyfriends/girlfriends involved in extramarital affairs. Husband, wife and friend should be most trusted and the faithful partner in the family structure. But they also become murderers. Among the murderers, 13.7% are husbands, 3 % are wives, and friends are also of the same percentage. A small percentage belongs to the business partner. People in the rural areas of Bangladesh are homogenous and, therefore, there is not much political activities. The business activities are very few. People are very much resilient. Land dispute and family feud, mostly emanating from land or immovable property, constitute the main reason for murder in the rural area of Bangladesh.

Table 9. Identity of murderer according to Police Report

Murderer	Murder cases	Percent
Members of the family	91	18.1
Relatives	73	14.5
Husband	69	13.7
Boy friend/girl friend involved in extramarital affairs	39+6=45	08.9
Wife	16	03.2
Friend	12	02.4
Political rival	6	01.2
Unknown	157	31.2
Missing	35	06.9
Total	504	100.0

After the investigation, police submit either a Charge Sheet or Final Report which is known as the Police Report (Section-172, CrPC). If the investigation cannot find the justification for sending up to the court for prosecution, a Final Report is submitted. In other words, it means that no case of the offence has been made out of the investigation. On the other hand, if Charge Sheet is given, it means that there is a recommendation for prosecuting the offender. The Police Report is the final product of the investigation (Section-172, CrPC) on the basis of which the court takes cognizance for the dispensation of justice. Therefore, what the Report reveals is based on the facts which are substantiated by the investigation within the framework of law. The above table shows the real perpetrators who truly committed the murder. It shows that members of the family as perpetrators are 18.1%, relatives 14.5%, husband 13.7%, boy friend or girl friend involved in extramarital affairs 08.9%, wife 03.2%, friend 02.4%, political rival 01.2% and finally unknown 31.2%. If we make a comparative study between tables 8 and 9, there is hardly any difference between information about the perpetrator given in the earlier version to police and the subsequent finding of the perpetrator after the police investigation.

Table 10. Distribution of cause of murder according to FIR

Causes of murder	Murder cases	Percent
Previous enmity	92	18.3
Land	68	13.5
Extramarital affair	60	11.9
Wealth	42	08.3
Retaliation for murder	14	02.8
Business	9	01.8
Political rivalry	7	01.4
Others	80	15.9
Unknown (missing)	132	26.2
Total	504	100.0

Generally, murder tends to be an act of passion among inmates and acquaintances. It may occur in the house or other indoor or outdoor locations. The ostensible motives in murder and assault are often relatively trivial, usually involving spontaneous altercations, family quarrels, jealousy, rages, political rivalry, dispute over land, movable and immovable property and the like (Khaleque, 2010). It is alleged that people always do not reflect the genuine cause or background of the incidence of murder at the initial period. Sometimes, they do not know the perpetrators, sometimes they mention names based on pure conjecture during the registration. Sometimes there are occasions when they either exaggerate or suppress with an ulterior motive for concealing the true story behind it. In 2009, police submitted Final Report in 37121 cases out of which 3873 cases have been found to be false (Police Administration Report, 2009). Therefore, it remains the duty of the investigating officer to investigate the cause and circumstances of murder which virtually help to substantiate in the process of detection of the culprit behind the murder. It is indeed a voyage of discovery. Previous enmity 18.3%, land 13.5%, extramarital affair 11.9%, wealth 08.3%, retaliation for murder 02.8%, business 01.8%, political rivalry 01.4%, others 15.9% and unknown (missing) 26.2% have been mentioned in the FIR as the cause for murder.

Table 11. Cause of murder according to Police report

Reason of murder	Murder cases	Percent
Land	73	14.5
Extramarital affair	56	11.1
Wealth	45	08.9
Business	9	01.8
Political rivalry	12	02.4
Others	273	54.2
Unknown (missing)	36	07.1
Total	504	100.0

The primary information as to the reason of murder may not be known to the complainant or there may be cases where the complainant has falsely implicated innocent persons especially in the cases of rioting with murders or large scale violence among various groups or an assembly turned into violent mob. It will be the responsibility of the investigative agencies to find out the cause and circumstances of the case so as to justify the incident of murder. In the above table, the causes found after investigation are attributed to land dispute 14.5%, extramarital affair 11.1%, wealth 08.9, business 01.8%, political rivalry 02.4%, others 54.2,% and unknown (missing), 07.1%. On the other hand, previous enmity 18.3%, land 13.5%, extramarital affair 11.9%, wealth 08.3%, retaliation for murder 02.8%, business 01.8%, political rivalry 01.4%, others 15.9% and unknown (missing) 26.2% have been mentioned as the causes for murder in the primary information. Virtually, there is not much difference between the reasons mentioned in the primary information during the registration of the case and the subsequent results obtained through investigation by police. Therefore, it is not established that the complainant registered fabricated FIR with the police.

Table 12. Nature of murder

Nature	Cases	Percent
Preplanned	315	62.5
Accidental	37	07.3
Instant reaction from criminal/ Resistant to the commission of crime	38	07.5
Murder for effecting other crime	29	05.8
Rioting	10	02.0
Unknown (missing)	75	14.9
Total	504	100.0

Indeed 'murder' is a motivated felonious act. However, nature of murder virtually reveals the inherent maladies in a given society. What are the circumstances leading to the commission of murder? In other words, how does it happen? The above table reveals that the majority of the cases (62.5) of murder have been preplanned whatever may be the cause of it. In the preplanned murder, there may be series of events that lead to the commission of the murder. On the other hand, there are accidental killings (07.3), instant reaction from criminals/resistant to the commission of crimes (07.5), murder for effecting other crimes (05.8), rioting (02.0) and not known in 14.9 cases.

Table 13. Disposal Status of murders

Status	Cases	Percent
Final report	99	19.6
CS	343	68.1
Pending	62	12.3
Total	504	100.0

The disposal of a criminal case lodged with the police is a long process within the legal framework. With the registration of a criminal case including murder, the police generally arrest the suspect/s in order to clear cases. If police fail to arrest any suspect in connection with a criminal case, they report to the judicial Magistrate and ask for the issuance of process such as summon, warrant of arrest, proclamation and attachment of the property of the person absconding. If all these legal procedures fail to compel the appearance of the accused irrespective of the fact that the case has been detected or not, police clear the case by submitting the Police Report. The Police Report is virtually the combination of Charge Sheet and Final Report. On completion of investigation, the I/O is required to submit either a Charge Sheet or Final Report. If a Final Report is submitted, it means that no case of the offence has been made out of the investigation and as such the accused should be released if he is in custody or if not, no charge shall be framed by the Court. On the other hand, if Charge Sheet is given, this means that there is a recommendation for prosecuting the offender.

During the study period, the table shows that only some cases ended in Final Reports (19.6%) whereas the sizable number of cases (68.1%) ended in Charge Sheets which demonstrate the efficient investigation and management of murder cases. However, this number is not static. By this time, it is presumed that all pending cases have also been cleared.

Table 14. Case Status of murders

Status	Cases	Percent
Cognizance taken	236	46.8
Pending	268	53.01
Total	504	100.0

Taking cognizance indicates the point when a Magistrate or a Judge takes first judicial notice of an offence upon a Police Report in the form of a Charge Sheet. For a complaint case, cognizance is taken in front of the accused person or in the absence of the accused person. In fact, a criminal proceeding starts at once in the eye of law if cognizance is taken on the basis of a Charge sheet (Halim, 2012). During the study period, it is revealed from the above table that the Magistrate has taken cognizance in 236 cases whereas the bulk (53.01%) has been pending with the police for investigation or with the prosecution for processing the case. It is a belief that all the cases, by this time, have been cleared within the due process of law.

Bi-variate analysis
Table 1. Age-Sex distribution of murders

Age	Sex		Total
	Male	Female	
1 – 5	5	4	9
6 – 10	10	5	15
11 – 17	23	10	33
18 – 24	41	41	82
25 – 30	67	31	98
31 – 35	38	20	58
36 – 40	37	14	51
41 – 45	30	12	42
46 – 50	11	3	14
51 – 85	30	7	37
Total	292	147	439

Generally, age and sex are important components in the analysis of victims of murder. But in our study, table 1 shows that there is no association ($p = 0.053$) between the variables age and sex among the victims of murder. Both sexes of the age group (25 - 50) are in the same way victims of murder. This is more prevalent in the age group (18 – 24) in case of females and in the age group (51 – 85) in case of males.

Table 2. Occupation - Sex distribution of murders

Occupation	Sex		Total
	Male	Female	
Housewife	0	125	125
Agriculture	99	2	101
Labor	63	5	68
Student	31	12	43
Service	24	1	25
Business	17	0	17
Vagabonds & unemployed	06	0	6
Criminals	10	4	14
Domestic aide	04	2	06
Others	30	5	35

Occupation and sex are generally recognized as the important variables in the analysis victims of murder. In the above table, there is significant association ($p = 0.000$) between sex and occupation. The interesting phenomenon here is that majority victims of murder are housewives. It is presumed that women, who are housewives, work in the house, remain in the house, live in the house and become victims of murder in their own house. This means that house is not always a secured place for women. Women become victim by their inmates or known persons.

Table 3. causes - Economic condition of murders

Reason	Economic Condition				
	Lower class	Lower middle class	Middle class	Higher-Middle class	Total
Land	34	27	11	0	72
Wealth	22	13	9	0	44
Extramarital	28	19	6	1	54
Business	1	7	1	0	9
Political	5	3	3	1	12
Others	132	89	29	1	251
Total	222	158	59	2	442

In our socio-economic conditions, lower class and lower middle class form the majority group who are victims of murder. In the above table, it shows that there is an association ($p = .02$) between economic condition and reasons of murder.

Table 4. Place of murder and instrument used for murders

Place of murder	Instrument used						Total
	Small arms	Blunt Weapon	Sharp Weapon	Strangulation	Poisoning	Others	
House	5	70	24	50	26	34	209
Market	0	5	4	1	1	2	13
Road	2	13	19	2	0	6	42
Open place	13	39	52	31	3	18	156
River/Water body	0	5	9	11	0	8	33
Bushes	0	2	3	2	0	2	9
Others	1	6	9	7	3	7	33
Total	21	140	120	104	33	77	495

There is a strong association ($p = 0.000$) between instrument used for murder and place of murder. Murders were committed by small arms in open place. Incidences of small arms are very negligible in consideration with other instruments used (weapon and strangulation) for murder.

Table 5. Instrument used and nature of murder

Instrument used	Nature of murder					Total
	Pre-planned	Accidental	Instant	Effect	Rioting	
Sharp weapon	80	3	13	7	4	107
Blunt weapon	74	10	16	11	4	115
Strangulation	80	3	4	3	0	90
Poisoning	28	1	0	0	0	29
Small arm	9	0	1	7	1	18
Others	41	20	4	1	1	67
Total	312	37	38	29	10	426

The table shows that the instrument used for murder and nature of murder are highly associated ($p=0.000$). All the instruments such as sharp weapons, blunt weapons, strangulations and poisoning are more prevalent in case of preplanned murders.

Conclusion

Victims of murder may go forever but the act of victimization shall have to travel a long way in the criminal justice system. In some cases, perpetrators may be known but cannot be brought to the justice. In some cases, investigation cannot detect the perpetrators and remains an enigma for ever for all. In the rural areas of Bangladesh, there is a change in the psyche of the people. It is the period of transition which has put serious strain in the fabric of the society. This and other factors are prime causes leading to the occurrence of murders. The end of life by any violent means is irreparable loss to the society and members of the family. In the study, both male and female have become victims of murder. But an interesting finding is that a large number of women have become victims of murder in their own houses particularly by the known persons. In this context, the rate of victimization involving the women is higher in spite of the stringent law against repression of women.

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Strategies of Law Enforcing Agencies in Combating Trafficking of Women and Children in Bangladesh

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Abstract: Trafficking in women and children is a common phenomenon in our country. Law Enforcing Agencies (LEAs) especially police is combating to reduce the crime to a tolerable extent. Border Guard Bangladesh (BGB) is performing their jobs in the bordering areas to curb this heinous crime too. Social awareness of the community people, LEAs liaison, cooperation with Governmental and Non-Governmental Organizations can play a vital role in reducing this crime so that women and children may safely come in the mainstream of development.

Key words: Trafficking, Law Enforcing Agencies, Border Guard Bangladesh. Heinous Crime.

Introduction

Trafficking of women and children has been happening since thousands of years either forcefully or for better life. Internationally the concept of 'human trafficking' or 'trafficking in human beings' is being used to refer a wide range of crimes and human rights abuses associated with the recruitment, movement and sale of people into exploitative and slave like situations. Up until the year 2000, the issue was more or less silent in Bangladesh. ILO (International Labour Organisation) 2006 reports show that women and children trafficking involving huge amount of money in every year, about \$32 billion globally. Even the Congressional Research and the State Department of USA estimate that 1 to 2 million people are trafficked each year worldwide with majority in Asia (Huntington, 2001:1). According to Cr.P.C u/s 149, police duty is to prevent the commission of any cognizable offence. So, the processes that are usually carried out by the LEAs to reduce and/or prevent trafficking in women and children are depicted as preventive actions.

Methodology

The present article is based on a study carried out in three bordering Upazillas, i.e., Sadar Upazila, Jhikargachha Upazila, and Sharsha Upazila of Jessore district known as highly human trafficking prone areas. Data have been assembled through direct interviewing, observation, case histories, case studies, and focus group discussions (FGDs). The respondent selected through purposive method from victims, LEA members and traffickers of the study areas.

The data was collected during the period June 2008 to June 2009. Purposive sampling was used to select respondents. The sample size was 239 from different categories as shown in Table 1.

Role of LEAs to Combat Trafficking in Women and Children

There are two types of role of LEAs to combat trafficking in women and children. These are legal role and social service oriented role.

Legal Role

The first action of the LEAs is to respond to the call of the victims and distressed people. Primary function of the LEAs is to record the case according to the allegation of the victim or his/her representative properly. After lodging the case, police will make a report, collect alamsats from the PO, draw the sketch map of PO, record statement of the victims and witness other related information.

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Table 1: Types and number of respondents

Type of respondent	Number	Data collection tools
Victims (Women and Children)	60	Interview schedule
Law Enforcing Members	60	Interview schedule
Traffickers/Offenders	19	Interview schedule
Common People (Victim's Parents/ Guardians, Local Leaders, NGO Workers, Journalists/Media Representatives, Lawyers)	100	Interview schedule & FGD
Total	239 (Female: 125, Male: 114)	

After completion of the investigation, police produce a report to the court for trial. LEAs also ensure the security and protection of the victims and witnesses (IOM, 2006).

Social Service Oriented Role

The LEAs (IOM, 2006) can easily raise awareness against trafficking, motivation against marriage with unknown people or newcomer, bad effect of early marriage, transportation in the name of job etc out in the community. LEAs can involve local government representatives (UP Chairmen, members), transfer the victims in the GO and NGO rehabilitation center, shelter home with prior permission of the court.

Patrolling of Police

Patrolling is a round the clock activity of the police service to reduce crime from the society. The police forces are busy in patrolling during the whole night. A constable has to take part in night patrols 12-15 days in a month. In the winter season, while people are sleeping in the blanket or cushion, police ensure the security and protection of their wealth and life by patrolling. The police patrolling in combating trafficking in women and children are as follows:

Foot patrol: Usually foot patrol is carried out in busy and town area comprising of one officer (SI/ ASI) or NCO (head constables), three to six constables. In the rural area, there is one kind of police patrolling named as mofussil (remote area) patrolling. Special care needs to be taken at hat-bazaars, shopping places, mass gathering places, near primary, kindergarten and high school etc so that traffickers cannot move freely to collect their targets.

Night patrol: It is the main patrolling system of police service. Even OC himself has to take part in the night patrol. It consists of one officer and three to six constables. Warrant execution and crime prevention are the main targets of night patrol. Traffickers are caught red handed through this patrolling.

Town patrol: Town patrol is similar to foot patrol. This type of patrolling is arranged in the district or metro area. These patrols are known as papa duty.

Highway patrol: This type of patrolling is carried out at night on the highway to prevent dacoity, robbery, smuggling, trafficking, vehicle dacoity etc.

Patrolling of BGB

Generally, BGB has to work in the bordering areas. Patrolling is their routine work. BGB arrange patrol duty (papa duty) in the bordering area for twenty-four hours to prevent smuggling, trafficking, illegal arms and other duties. There are three types of BGB patrolling in the border area as follows:

Border security patrol: They check the area and prevent all kinds of infiltration, trafficking of human being, fertilizer, drug, arms etc.

Pillar patrol control: This party observes the border pillars and hoist flag on the pillar to symbolize it. In the border area, pillars are marked by the red flag. They keep watch on any person attempting to remove or destroy the pillars.

Smuggling control patrol: Smuggling control patrol consists of one (01) NCO and three (03) soldiers. They prevent all kinds of smuggling in their border area.

Raid and Search by Police and BGB

According to CrPC section 102, 103, 165, 166 and regulation 280 of PRB, a police officer can search anything for investigation or rescuing something. Traffic victims are rescued in this way. Often police get secret information and rescue the victims or arrest the traffickers by raid and search process. General people also cooperate with local police as well as BGB.

Difficulties to Arrest the Traffickers

After committing the crime, the professional traffickers leave the country and reside in India, Dubai and Middle East etc. Therefore, it becomes difficult to arrest them. A number of traffickers stay in the Indian Territory to cross the no-man's-land especially at night too. From there it is very difficult to arrest them. Crossing the no-man's-land, the traffickers make a good relation with the Indian villagers, take asylum and finding a good time, they drive the victims to India.

Raid for Warrant Execution

It is found that more than 50.0 percent warrant regarding trafficking cases have been executed and for other cases, 30.0 percent have been executed. Regular police raids are performed in the bordering areas to arrest the traffickers. Often BGB apprehend the traffickers in bordering areas by search and raid with police or alone. They send the traffickers to local PS for legal action.

Tier Placement of TIP and Role of GOB

Bangladesh moved from Tier 2 to Tier 3 in 2004 by US State department as it failed to make significant efforts to prosecute traffickers and address the complicity of government officials in trafficking. Tier 3 is a grouping of countries that are not making significant effort to combat trafficking of human beings especially trafficking in women and children (Rahman, 2004, p.61).

According to US Trafficking in Persons (TIP) report, Bangladesh has been in Tier 2 since 2006, a clear sign of progress over the situation of 2004. Bangladesh has been at the same level of performance with other South Asian Countries such as India, Nepal, Pakistan and Sri-Lanka. Table 2 represents the tier placement of US Government for 2005- 2013. Bangladesh was under watch list in 2005 (Tier-2/WL) and then progressed in the successive years and remained steady up to 2008, but came under watch list from 2009-2011. Again, Bangladesh has been placed in Tier-2 in 2012-2013 (TIP, 2005-2013).

Table 2: US tier placement for the South Asian countries

Name of country	Yearly TIP status								
	2005	2006	2007	2008	2009	2010	2011	2012	2013
Bangladesh	Tier-2 WL/2	Tier-2	Tier-2	Tier-2	Tier-2 WL/2	Tier-2 WL/2	Tier-2 WL/2	Tier-2	Tier-2
India	Tier-2 WL/2	Tier-2 WL/2	Tier-2 WL/2	Tier-2 WL/2	Tier-2 WL/2	Tier-2 WL/2	Tier-2	Tier-2	Tier-2
Nepal	Tier-1	Tier-2	Tier-2	Tier-2	Tier-2	Tier-2	Tier-2	Tier-2	Tier-2
Pakistan	Tier-2	Tier-2	Tier-2	Tier-2	Tier-2 WL/2	Tier-2	Tier-2	Tier-2	Tier-2
Sri-Lanka	Tier-2	Tier-2	Tier-2 WL/2	Tier-2 WL/2	Tier-2 WL/2	Tier-2 WL/2	Tier-2	Tier-2	Tier-2 WL/2

Source: TIP reports 2005, 2006, 2007, 2008, 2009, 2010, 2011, and 2012 of US govt

Establishment of Anti-Trafficking Cell

As Bangladesh was blacklisted by the USA State Department, the Bangladesh Government established a Police Monitoring Cell at the Police Headquarters in 2004 for collection of information and intelligence, monitoring and arrest of criminals, rescue/ recovery, rehabilitation, database etc (MoHA, 2007, p. 20). The government has also formed a special cell in 64 administrative districts and metropolis to prevent trafficking in women and children (Rahman, 2004, p. 68).

Community Policing Strategy

The concept of community policing has been developed in the society from the people's participation and cooperation in the society (PRP, 2009, p. 6). Community police may also extend the support for the victims and/or their family members of victims of crimes. It may help for re-integration of trafficking victims living in the different GO and NGO shelter homes. The members of the community police can play a vital role to support in assisting the victims (Nessa, 2008, p. 10). The convener of the community policing of Jessore district said that the number of women children cases were decreasing as community policing was functioning well in the locality.

Rescue and Recovery

It is somewhat easy to rescue the internally trafficked victims but becomes difficult when they are taken to India, Pakistan, and Middle East. There is a time limit to investigate the trafficking related cases. Superintendents of Police discourage the submission of the memorandum of evidence without rescue of the victims before submission of charge sheet. Police, BGB, RAB and Coast Guard do rescue and recovery of the trafficked persons and apprehension of traffickers. The Deputy Commissioner (DC) and the Superintendent of Police (SP) have been given the responsibility to oversee the rescue and recovery process of the trafficked persons (MoHA, 2008, p.33).

Table 3 demonstrates the total trafficked victims and rescued victims of the country are 2841 and 2274 respectively during 15.06.2004 - 31.08.2013. It is seen that the LEAs could rescue about 80.0 percent victims. It can be said that number of victims' recovery is satisfactory and police has the main role in reducing and preventing human trafficking in our country.

Repatriation

The Ministry of Foreign Affairs (MoFA), foreign Mission or other organization including NGOs are supposed to submit the information of the trafficked victims convicted or ready for repatriation to the Ministry of Home Affairs (MoHA). MoHA contacts with Special Branch to verify the information. After verification, MoHA takes necessary steps for quick and smooth repatriation of the victims (MoHA, 2007, p. 28). The GOB, UNICEF and UAE government took necessary steps to repatriate the camel jockey in 2005 from UAE (MoHA, 2008, p. 35).

Table 3: Rescue of the victims from 15.06.2004 to 31.08.2013 (Bangladesh)

Period	No. of victims trafficked	No. of victims rescued
15.06.2004 to 31.12.2004	174	136
01.01.2005 to 31.12.2005	236	203
01.01.2006 to 31.12.2006	242	199
01.01.2007 to 31.12.2007	167	114
01.01.2008 to 31.12.2008	309	255
01.01.2009 to 31.12.2009	131	73
01.01.2010 to 31.12.2010	164	103
01.01.2011 to 31.12.2011	181	98
01.01.2012 to 31.12.2012	573	501
01.01.2013 to 31.08.2013	664	592
Total	2841	2274 (80.0 %)

Source: Monitoring cell of PHQ, 2013

Rehabilitation

According to Monitoring Cell of PHQ, total 2274 victims have been rehabilitated by LEAs. Most of the victims have been handed over to their parents e.g. 98.15 percent (Table 4). Out of 2274 victims, only 08 victims have been rehabilitated by NGOs (0.35%) and Government safe home (0.87%).

Table 4: Manners of rehabilitation of rescued victims (Bangladesh)

Period	Manner of rehabilitation of recovered victims			
	Parents	NGO	Govt. Safe Home	Total
15.06.2004 to 31.12.2004	135	0	1	136
01.01.2005 to 31.12.2005	202	0	1	203
01.01.2006 to 31.12.2006	199	0	0	199
01.01.2007 to 31.12.2007	114	0	0	114
01.01.2008 to 31.12.2008	254	1	0	255
01.01.2009 to 31.12.2009	73	0	0	73

01.01.2010 to 31.12.2010	97	0	6	103
01.01.2011 to 31.12.2011	96	1	1	98
01.01.2012 to 31.12.2012	493	3	5	501
01.01.2013 to 31.08.2013	569	3	20	592
15.06.2004 to 14.06.2009	2232(98.15%)	8(0.35%)	34 (0.87%)	2274 (100.0%)

Source: Monitoring cell of PHQ, 2013

The rehabilitation of the trafficked victims is carried out in two ways as follows:

1. The trafficked victims are sent to their parents or guardians after due verification and proper documentation. It is done by Special Branch (SB) of police.
2. If parents or guardians are not found immediately, the trafficked victims are sent to the nearest safe homes or shelter homes run by GO or NGO.

Reintegration

Reintegration is a process where victims are allowed in the society safely or they are provided proper shelter. Victims are given the best possible legal assistance. LEAs directly cooperate with the GOs and NGOs involved in this process. However, if any organization seeks any help of the LEAs for reintegration, they extend their cooperation to them.

Training

Various training programs are taken for the LEA members by GOs and NGOs for combating trafficking. Bangladesh Police Academy, Police Training Schools (PTC), Police Staff College (PSC) has started training manual or program on trafficking in human being. NGOs like BNWLA, Rights Jessore, Dhaka Ahsania Mission (DAM) organize many training programs and workshops. The training program that are taken for police are as follows:

Knowledge products	Authors	Key result or outcome
THB Investigation Manual (English Version)	International THB Specialist	Enhanced the understanding by police of the issues that relate to human trafficking in Bangladesh
THB Investigation Manual (Bangla Version)	International THB Specialist	Enhanced the understanding by police of the issues that relate to human trafficking in Bangladesh
Video documentary on THB awareness	International THB Specialist and Public Relation Officer	Enhanced awareness of the mass people on anti-trafficking of human beings

Source: PHQ, PRP, 2009

Supervision and Monitoring

The supervision of the criminal cases is vested to senior officer (PRB 54). Every trafficking case is declared as 'special report (SR) case' according to PRB 53. Superintendents of Police have to supervise the SR cases according to PRB 42 or he can order to ASP or Addl. SP by writing to supervise the SR cases. Often they visit the PO and provide proper guidance to the investigating officers. It is found that 22.0 percent mistakes are committed for the lack of supervision of the senior officer. Though the number of gross mistake is uncommon, mistakes are frequent in the investigation process. Monitoring Cell of PHQ also monitors the investigation and trial process of the trafficking cases. It does not directly supervise the cases but cooperate and guide the IO's if require. Cell also supervises the repatriation of the trafficking victims. It is because of supervision and monitoring that the trafficked victims and children are repatriated and integrated in the society successfully (MoHA, 2008, p. 35).

Coordination between Police and BGB

Trafficking is a multidimensional and cross border crime. It needs cooperation among the LEAs like police, BGB, Ansar/VDP, RAB, Coast Guard etc. To reduce the crime they can cooperate in the following points:

Exchanging views and information	Joint raid, search, arrest
Joint investigation, joint planning	Exchanging intelligence
Producing evidence and eyewitness	Exchange of visit of the BOP and PS
Exchanging legal aid and training	Arrangement of meeting
Exchanging formal and demi-official letter	Communication and interview
Creating cordial environment between the forces	

Coordination between LEAs and NGOs

There is regular meeting with the LEAs and NGOs to increase coordination at the national and local level to combat trafficking in women and children. Coordination between LEAs and NGOs is important for the collection information, compilation of various reports and documents, sharing experience, rescue and rehabilitation of the victims, repatriation of the victims from abroad etc.

Government Initiative to Combat Trafficking

The District Women and Children Anti-Trafficking Committee composed of the Deputy Commissioner (DC), Superintendent of Police (SP), Special Public Prosecutor/ Public Prosecutor, Representative of BGB, NGO and other district level offices have been functioning well. The function of the committee is to implement and monitor the programs to combat trafficking in women and children at district level (MoHA, 2008:31). The District Case Monitoring Committee is composed of the Deputy Commissioner (DC), Additional/Assistant Superintendent of Police (Addl. SP/ASP), Special Public Prosecutor/ Public Prosecutor, District Women Affairs Officer, Social Worker/Local Elites (one) have been functioning well (MoHA, 2008, p. 60). Monitoring Cell of Police Headquarters (PHQ) has started its function from 2004 with computers and other logistics. Its functions are to collect of

information and intelligence, monitor of the movement of criminals involved in human trafficking, arrest the criminals, rescue the trafficked persons, assist in prosecuting relevant cases, and follow up the repatriated trafficked victims.

Establishment of Special Tribunal Court

Bangladesh Government has so far established 42 Special Tribunal and 28 Sessions Courts under the act viii of 2000 and a Special Judge has been posted to each tribunal for trying cases only related to violence against women and children including trafficking in women and children. A Deputy Attorney General has been designated for dealing with cases of trafficking in women and children at the national level (MoHA, 2008, p. 41-42).

Preventive Programs Taken by Different Ministries

Ministry of Foreign Affairs has developed a guideline for Missions to prevent human trafficking, protect victims and punish the traffickers, help trafficking victims, release or repatriation in Bangladesh (MoHA, 2008:20-21). The Ministry of Education has adopted some awareness programs and incorporated some educational programs in the textbook of Schools and Colleges (MoHA, 2008, p. 24-25). The Ministry of Expatriates' Welfare and Overseas Employment has established a computer database network at 21 district level offices and BMET headquarters with connection among the Ministry, Airport and BAIRA office (MoHA, 2008, p. 3).

BTV, BTV (World), radio, newspaper can play a vital role to telecast the programs regarding trafficking prevention (MoHA, 2008, p. 28). The Ministry of Women and Children Affairs has undertaken a project named "Improvement of public awareness for HIV/AIDS and women trafficking in association with the Ministry of Communication to create awareness to combat HIV/AIDS and women trafficking (MoHA, 2008, p. 3). The Ministry of Religious Affairs launched awareness programs among Imam Training Academy, Hindu Religious Welfare Trust and Buddhist Welfare funded by UNFPA and USAID (MoHA, 2008, p. 23-24).

Establishment of Trafficking in Human Being (THB) Unit in CID

The designated THB unit was inaugurated in 17 June 2008 in CID HQs to investigate the human trafficking (internal and external trafficking) within a specified period. It also works together to relate to victim referral, victim support and collection of information or intelligence (Jalil, 2009, p. 201-202). The function of the unit is as follows:

- a. Professional and timely investigation are ensured
- b. Improved preparation and presentation of case documents are ensured
- c. This unit will work as a focal point of all international enquires relating to THB.

Besides these, intervention at entry/exit point (airport, land port, bordering areas); planned interventions (information collection, investigation and exchange views with community, exchange of information with other organization); community mobilization (awareness; participatory discussion; training the concerned guardians, young generation and students); and finally poverty alleviation (with the help of Local NGOs or Bank) can help to reduce women and children trafficking in our country (IOM, 2006)

Conclusion

Trafficking is a modern slavery. It violates humanity totally. The main responsibility is on the shoulder of LEAs to reduce trafficking. It requires coordination and cooperation of different GOs and NGOs. Traffickers are sentenced to death, but the situation is not still under control. Proper patrolling, raid, search, arrest, investigation, rescue of the victims by LEAs may reduce the crime. Last but not the least, all forms of sexual exploitation and slavery must be challenged to combat trafficking in women and children in Bangladesh.

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Community Policing and Its Efficacy: Experience from Bangladesh

Mujib Ahmmad Patwary¹

Abstract: Community Policing is much heeded, much felt and much paid policing strategy in many developed countries; whereas, the prevalence of Community Policing (CP) or Community Oriented Policing (COP) is almost at the level of commencement in Bangladesh. History tells us that some Police Officers had initiated public cooperation for crime control and prevention, as well as for the maintenance of law and order. In 1993, a Town Defence Party, similar to Community Policing, was introduced in Mymensingh by the then Superintendent of Police A.T. Ahmedul Hoque Chowdhury. It brought tremendous success in crime control and lessened the fear of crime. Following the example of Mymensingh, Community Policing was introduced in Chandpur, Habiganj, Moulvibazar, Jamalpur, Thakurgaon, Sirajgonj districts and some parts of the DMPs. After 2007, the former Caretaker Government expanded community policing through the Police Ranges of Dhaka, Rajshahi, Khulna and Chittagong. Nowadays, the necessity of Community Policing is also felt by the civil society and the Government of Bangladesh. Based on years of experience in community policing this paper intends to examine the expectations and reflections, problems and prospects and overall effectiveness of Community Policing, and provide some recommendation in this regard. The paper also reviews the feelings of the community as well as officers concerning this subject.

Key words: Community Police, Dhaka Metropolitan Police, Civil Society.

Introduction and Conceptualization

Community Policing (CP) is an organization-wise philosophy and management approach that promotes community, government and police partnerships, proactive policing, problem solving and community engagement to address the causes of crime, fear of crime and community issues. Generally, people living in a particular area constitute a community, organisations and institutions are also included in it. Community policing means community driven policing system. In other ways, community policing is an organization that works in a particular area to identify the problems, corruptions and irregularities of the place and takes necessary steps through investigation, arrest, and enforcing laws. It is run jointly by police and community people.

For long, only police were responsible to enforce the laws and prevent all kinds of crime in the society. But this system has been reformed with change of time. As a part of this change the community people are involved with the police to improve the policing system.

Public security in Bangladesh has partially deteriorated in recent years, due in part to a widening gap in mutual understanding between police and citizens. The Community-Oriented Policing (COP) program, through a variety of activities that promote cooperation and trust between citizens and the police, has fostered collaboration and greater public security in three pilot cities. The impact of this

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project has increased the commitment and confidence of citizens, government, and the police in community-oriented policing as a vital part of improving public security. Community policing has different dimensions and different definitions, too. The most comprehensive definition of community policing seems to be "Community policing is a policy and a strategy aimed at achieving more effective and efficient crime control, reduced fear of crime, improved quality of life, improved police services and police legitimacy, through a proactive reliance on community resources that seeks to change crime-causing conditions. It assumes a need for greater accountability of police, greater public share in decision making and greater concern for civil rights and liberties." (Friedman, 1992, p. 4).

Community policing expert Thomas C. Frazier defines community policing as "Community oriented policing is proactive, solution-based, and community driven. It occurs when a law enforcing agency and law-abiding citizens work together to do four things: arrest offenders, prevent crime, solve on-going problems and improve the overall quality of life" (Frazier, 2000, p.1). He means that police is to be towards the community and the police actions are to be community need based. The community is to work along with the police for preventing crimes and solving other on-going problems for uplifting the overall quality of life. Prospects and realities of community policing are indeed imbued in this definition. Almost every criterion has been touched in this self-explanatory definition except lacking in an emphasis on the government. For example, both the ingredients (i.e. community and police) have due commitment but if the government pay less heed to the need of the community, the goal may remain unachieved and unnourished. Nevertheless, it is indeed an independent definition having real essence of community policing in it. UMCPI (Upper Midwest Community Policing Institute) defined it as "Community policing is an organization-wise philosophy and management approach that promotes community, government and police partnerships; proactive problem solving; and community engagement to address the causes of crime, fear of crime and other community issues." (Miller, 2005, p. 18). It implies that community policing is a philosophy that emphasizes working proactively with citizens to reduce fear, solve crime-related problems and prevent crime. No doubt it is a good definition of community policing having focussed on crime, crime related aspect and also on other community issues. McCarthy (n.d., p.1), a community policing officer for the Braintree Police Department, says: "Community policing is a collaborative effort between the police and the community that identifies problems of crime and disorder and involves the community in the search for solutions. It is founded on close, mutually beneficial ties between police and community members." (Miller, 2005, p.19) This definition has two basic themes: police-community partnership and a proactive, problem-solving approach to the police function. This definition has also contributed the main manifesto of interaction between police and the community. But the meaning of community policing in the broad spectrum is looming here. Bayley (1994) defined "Community Policing using four dimensions: consultation, adaptation, mobilization and problem solving." (Miller, 2005, p. 21). This is a definition which converges all the meanings of actions to be performed by both the groups (police and the community) e.g., i) exchange of views; ii) chalking out ways and means; iii) all out partnership; and iv) solving the problem. The gist of community policing is successfully engraved within few words inside this definition. Although it may require explanatory version for the common masses, otherwise they might be in the dilemma about community policing specially in terms of its nature and extent. Then too it is undoubtedly a philosophical version of the community policing where nothing short of its dimension has been lapsed to mention. Bratton (1996) defined "Community Policing as the three P's: Partnership, Problem solving and Prevention." (Miller, 2005, p. 21). Of course a non-academic requires here an elaborate explanation otherwise ambiguities may be subjected

to him regarding the nature and extent of community policing. But it is the most philosophical as well as the eye catching definition having all the senses of community policing within three words only whether someone dip down into it or not.

All the definitions of community policing discussed above obviously have more or less the same basics. There may be a little comprehensive difference among them. It is no denying that community policing deserves so vast and universal a role now that it could not be encompassed within a few words of a sentence of any definition or in a paragraph. But, if we are to select a definition for the sake of a quicker look as well as considerable understanding of the subject then comments would obviously be welcomed. If we are to arrive at the best exposure of community policing from the above definitions, we can conclude that Mr. Bratton provided the best sense of community policing in the best philosophical way indeed. All the ingredients are pinpointed there briskly with an easy pronouncement and versatile understanding for those who inquest. All sorts of elements of community policing are to be found here, just the meanings require to be explored. Obviously then, comes the definition of Mr. Bayley who successfully outlined the definition of community policing in a comprehensible sense where the essence of community policing is engraved within a few magnetic words which are not at all complicated to anybody.

Empirical Studies in Community Policing around the world

An empirical study is based on observation or practical experience. Community Policing at some cities in the United Kingdom studied by Home Office, UK are as follows:

London: Metropolitan police service – safer neighbourhoods: The Metropolitan Police Service launched its Safer Neighbourhoods programme in April 2004. The aim was to improve public confidence by working with local people. The most commonly identified areas of concern raised by local residents have been youth crime, anti-social behaviour –including by motorists – drug dealing and drug use. A total of 96 wards have been involved in the programme so far. Each team of officers consist of one sergeant, two constables and three community support officers. The Metropolitan Police are already seeing an impact, with a reduction in crime levels of 2.9% in safer neighbourhoods areas, compared with a reduction of 0.8% in other areas.

Leicestershire – right people, right numbers, right place: Leicestershire Constabulary's approach to neighbourhood policing is based on having the right people in the right numbers in the right place. Officers are given small areas or 'microbeats' to patrol and oversee. These can cover a few streets, an estate, crime hotspots or vulnerable locations – like a children's home, for example. Officers are encouraged to become guardians for their areas – building relationships with residents, listening to local people and solving their problems. On the St Matthews estate in Leicester, crime has fallen by more than 20% in just nine months and quality of life has improved.

Merseyside – neighbourhood policing with edge: Merseyside's approach to neighbourhood policing has been in place for four years. This area with 1.4 million people and 43 neighbourhoods are policed by inspector led teams (usually consisting of three sergeants and 16 constables, with support from community support officers, special constables and volunteers). In Liverpool North, for example, the police work with a steering group of residents and other partners. This has led, for example, to drives against anti-social behaviour, programmes to introduce security lighting to properties and litter 'blitz' days. The police have seen a 60% reduction in burglaries, 67% reduction in car thefts and 18% reduction in overall crime.

Greene and Taylor (1991, pp. 206-221 in Miller, 2005) described their studies on community policing (The most common strategies traditionally used in community policing were foot patrol, newsletters and community organizing) in many cities of USA of which few are as follows:

The Flint neighbourhood foot patrol program: Held from January 1979 to January 1982, appeared to decrease crime, increase general citizen satisfaction with the foot patrol program, reduce citizen's fear of crime and create a positive perception of the foot patrol officers.

The Oakland program: This program held in 1983 using foot patrol, mounted patrol, small vehicle patrol and a Report Incidents Directly program, resulted in a substantial drop in the rate of crime against individuals and their property.

The Baltimore citizen oriented police enforcement: This project held in 1981 using intensive patrol, having close contact with citizen and using any means to quell fear reduced fear of crime by 10 percent and crime itself by 12 percent in target neighbourhoods.

Community Policing and Its Efficacy in Bangladesh

Background

It is already mentioned that community policing has expanded all over the country since it was initiated in Mymensingh district of Bangladesh in 1993. Based on experience and above discussion it is evident that there are three essential elements for a successful CP program:

- i) A mutual respect and partnership between police and the community;
- ii) A new approach to identify the problem as the best; and
- iii) An opportunity for officers to devote increased attention to problem solving

National Plan for Community Policing in Bangladesh

The common masses are yet to know and feel the essence of CP the sooner the better. Actually CP came into being first in early 1995 as a theorem inside the Bangladesh Police first Strategic Plan (1995-98). It was the first emergence of its kind in an official document. Afterwards, considerable progress has been made in framing and shaping the infrastructure of CP in the context of nationwide outburst of crime. According to the memorandum of understanding, the strategy of CP has been chalked out in the manner that it would no longer be locked as an agreed theorem inside the PHQ (Police Headquarters). Rather the CP would substantially be disseminated from the PHQ down to the village level through the Divisions, Districts and Upazilla HQ gradually and be practised from all tiers of police management. Afterwards a plan having the whole gamut towards this end has been formulated which is yet to be approved by the government. Salient features of that proposed plan are as follows:

Key components

Community partnership: A collaborative partnership between the law enforcement agency and the individuals and organisations they serve is essential to resolve problems and increase trust in the police

Organisational transformation: Police departments engaged in effective community policing seek to transform their organisational culture, leadership and management structure, strategic planning

processes, performance evaluation, transparency of operations, assignment of officers, mobilisation of financial resources, recruitment and training of personnel. The objective of these changes is to create an organisational infrastructure that can best support operations intended to prevent crime. Traditional law enforcement practices are reactive while community policing encourages police to proactively solve community problems and address the factors that contribute to crime rather than how police responds to crime.

Problem solving: Community policing requires police to be proficient in the SARA (scanning, analysis, response and assessment) model of problem solving. Scanning involves identifying and prioritising problems, analysis involves researching on what is known about the problems, response involves developing solutions to bring about lasting reductions in the number and extent of problems, and assessment involves evaluating the success of the responses.

Goal

Establishment of good civil society through social awareness and partnership.

Principles

- Public consultation
- Public co-operation
- Public participation

Objectives

The core objectives of community policing in Bangladesh should be:

- To establish peace and prosperity in the society;
- To support proactive policing with an aim to prevent and control crime;
- To establish friendly relation between community and police;
- To establish police as a necessity of the society; and
- To establish good co-operation between social organizations and police.

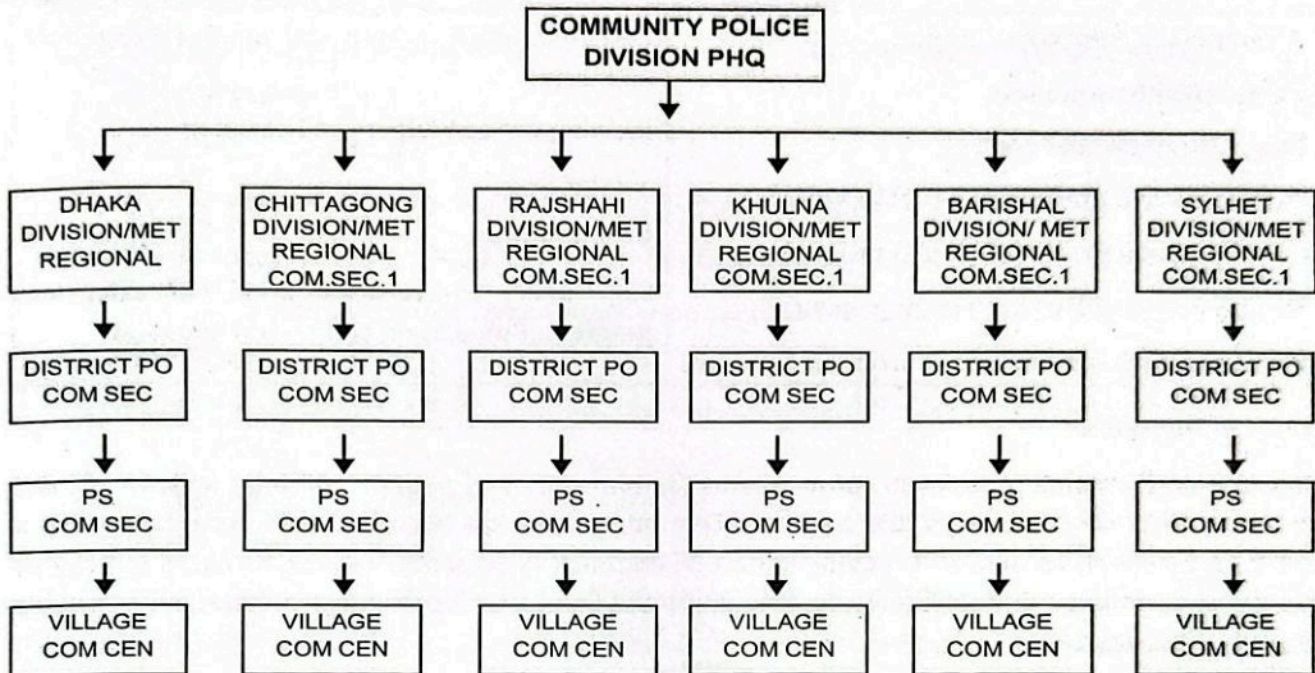
Target

Human resource: One trained police personnel (male/female) for the effective functioning of each centre in three phases/within five years. Composition of community centres having other members:

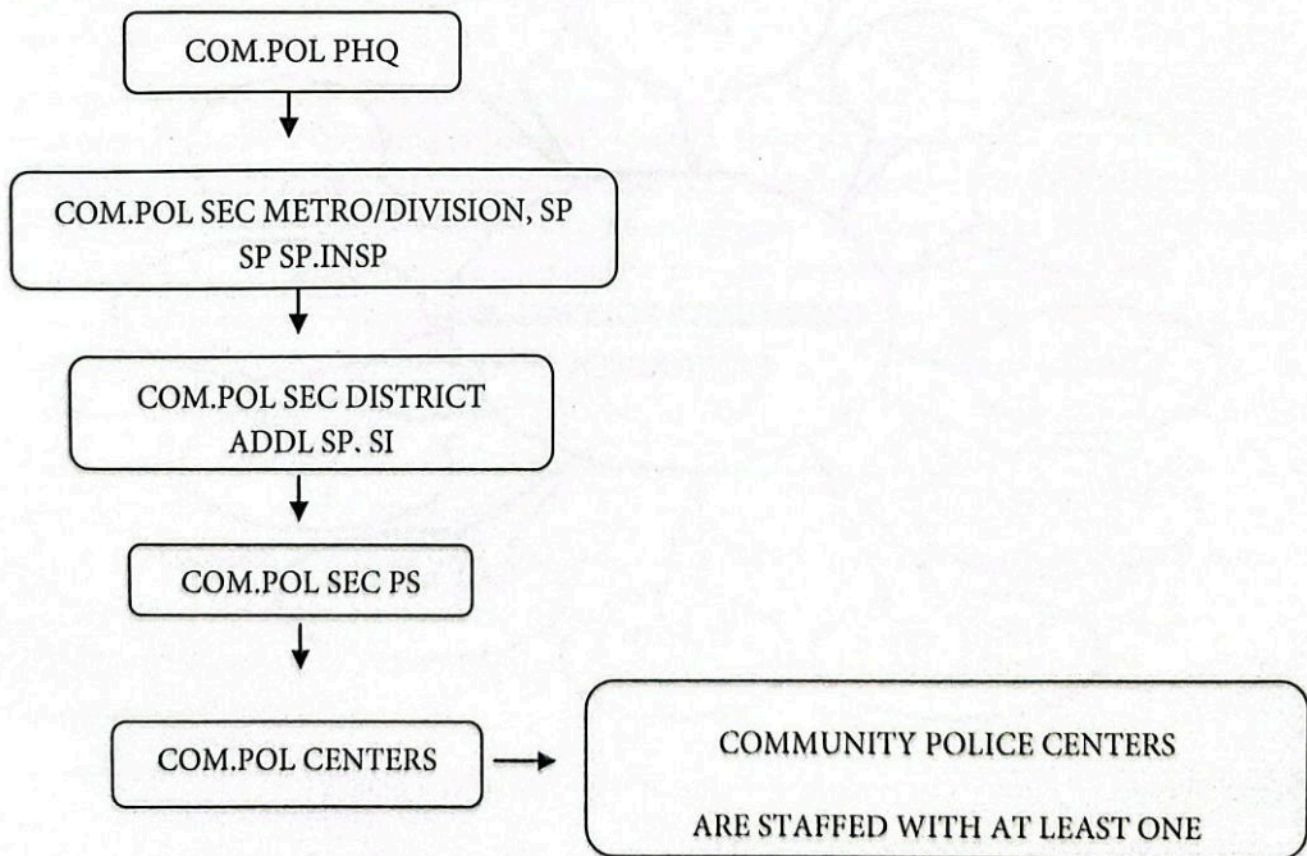
- Members of society (including senior citizens)
- Local social clubs
- National/international social clubs; Lions, Rotary
- Chief of local government (ex-officio member)
- Chief of local police (ex-officio member)

Community Police Units: 5 Centres in different villages under each Police Station Community Section will be established in three phases/within five years.

Organisational Structure



Community Police Units are to be headed by:



Awareness against social crimes	Participation in culture and local development activities
Public Health awareness	Helping women, elders and children
Drug awareness and control	Victim Support
Awareness and prevention of HIV/Aids	Informal Justice
Environmental preservation and promotion	Community Police awareness and extension program. Publication and communication
Road Safety and Parking management	
Participating youths in extra-curricular activities	

Areas of Activities

Partnership: Partnership has been earmarked as the philosophy of working strategy with people and also with other social services that concern. Due importance has been laid on it considering that it is the hard as well as the most inevitable part of community policing. That is why it is directly or categorically imbued in the Objectives, Principles and Goal which otherwise emphasize partnership at the highest degree.



Figure: Proposed Future Community Policing in Bangladesh at a glance

Envisaged Problems Likely to Confront the Upcoming Program

- i) Trust of people on Police is negligible-- so cooperation from the community likely to be negligible.
- ii) People may ask for finance for their added labour.
- iii) People may not trust upon in the long run benefit.
- iv) Government funding may not be up to the requirement.
- v) Present strength of police force cannot cope up with the need of the community policing.
- vi) Other social agencies may show up reluctance because no legislation towards this end has been enforced.
- vii) Police officials are ignorant of community policing.

According to Mr. Andrew Willis, the aforementioned problems are not unusual rather very much pertinent. He considers that funding, human resources issue, police activity issues, problems with localised policing, measuring police effectiveness, marketing community policing to the people, police and partnership working issues are phenomenal and community policing shall have to be carried forward along with the minimization of those.

Statement of the Problem

Community policing has numerous definitions. The operational definition for this paper will define community policing as bringing police and citizens together to prevent crime and solve problems, emphasizing the prevention of crime rather than the traditional policing method of responding to crime after it happens. This paper focuses on the effectiveness of Community policing in Bangladesh. Now Community policing has become a popular term. This philosophy was seen as a way of reducing future crime problems. Police Headquarter now provides a few fund for substantial incentives and resources for police agencies to adopt this philosophy.

Purpose of the Article

The purpose of this article is to justify the goals and objectives of community policing in Bangladesh. This study also intended to know about—

- i) What needs to be done to educate the employees and the community about community policing?
- ii) How can active cooperation between the police and community be elicited?
- iii) What is the major effectiveness of community policing in our society?

Methodology

The present article is based on data collected through a triangulation of qualitative and quantitative method. Some qualitative information accumulated from Key Informant Interview (KII) of resourceful Police personnel. In the quantitative part, data were collected about the effectiveness of

Community Policing in Bangladesh from 50 community people (male 32 and female 18) aged more than 18 years' of old of the Demra Sharulia Union under Dhaka Metropolitan Police. In addition to primary data, secondary have also been used collected from relevant documents.

Findings

Findings of the study show that although the majority of people (78%) are familiar with Community Policing Service (Table 1) majority (82%) of the respondents did not get any service from Community Policing Program. Their satisfaction rate is around 18% only (Table 2).

The problem is that the community is not aware of community policing. In this regard, it is worth to mention that police personnel were also not aware of the term, nor was the police department participating in the

Table 1: Consciousness about Community Policing service

Consciousness about Community Policing	Sex of the respondent		Total number	Total (%)
	Male	Female		
Yes	29	10	39	78
No	10	8	11	22
Total:	32	18	50	100

Table 2: Satisfaction about Community Policing service

Satisfaction	Gender of the respondent		Total number	Total (%)
	Male	Female		
Yes	7	2	9	18
No	27	14	41	82
Total	34	16	50	100

program actively. They had never heard of this program. In addition, most employees hired prior to 1994 have received little or no community policing training. Newly hired police recruits and newly promoted candidates receive minimal training in the area. Only the civilian employees receive some community policing training for the emergency service and others for the regular social participation service.

The Additional Inspector General of Police and Former DMP Commissioner (Mr. Naim Ahmed, BPM) in his booklet 'Community policing: Problem and prospects in Dhaka Metropolis', mentioned that crime rate decreased in the Demra Sharulia Union due to introduction of community policing service in 2008.

Proposed Solutions to Face the Probable Constraints

At this moment the policy makers of the country seem to be willing to the proposed community policing but to what extent will they consent in future to the upcoming remedies cannot be foretold now. So, it is not redundant to say that political will is the first and foremost prerequisite to solve those

bottlenecks. Keeping that in view, the following suggestions could be proposed:

- i) Motivation can considerably remove the distrust and disappointment of people.
- ii) Recruitment of community support officer with the condition of honorarium which may have a good effect on their added labour.
- iii) Appropriate funding by the Government must be ensured.
- iv) The strength of police force must be at par with the need.
- v) Community policing programme must have to show up shortly with some sorts of improved quality of life of the community.
- vi) Enactment of law for coordination of utility services towards this end is to be ensured.
- vii) Adequate knowledge and interest to be imparted to the police officers through appropriate training on this behalf.

Key features especially operation, practices and evaluation procedures are not specifically envisaged in Bangladesh although they are very important to think about. Obviously few other indispensable issues like manpower resource, financial patronization, partnerships etc. need to be predicted along with this plan with due importance. Unless the prevailing organizational infrastructure is reframed and reshaped with additional manpower with additional budget, the Community Policing may not bring very bright results as Police Officials of Bangladesh are already overburdened with enormous assignments. Any more duty would mean a heavy burden on them. So, the government has to inculcate this reality towards that end. It is foresighted that force strength must have to be upgraded at least up to 125,000 from present 116,000 to start the community policing meaningfully. Partnership is also another issue which is hanging on the balance. Un-denying a fact that Bangladesh has to go a long way ahead to harvest the best ripe of Community Policing and the future is of course not bleak at all. Because the prospect and potential of the Community Policing is already felt in the policy making level by an outcome of a considerable prevention of crime through a little bit simpler orientation of Community Policing (night patrol by locals) in some places of the country of late.

Conclusion

Policing is meant to assure the freedom of law abiding people. That is, lawful freedom of life, property, speech, and movement of those people must be ensured by policing. On the contrary, lawful containment of the law-breakers must be ensured. And if the person who is concerned with safeguarding by policing is unaware and kept away from consenting— it neither can make good sense nor can it work well to contain the law-breaker of the community. The urge for containing tyranny and anarchy arises with the words partnership, consent and problem-solving. Community Policing is nothing but the practicable extract from those pragmatic words. So, no question to the philosophy of Community Policing comes at all. There may be diversity of the policy regarding the ways and means of Community Policing from community to community in respect of varying perspectives. But, if the essence of philosophy is varied, the extract of Community Policing might be distasteful or even sheer dismantled. So far where it has come to the limelight with its full content of principles it has not created distaste to the concerned. If policy makers i.e. politicians or anybody else, whosoever he may be get tired of not having very fast result, then nothing but regret for them. Yes, of course, the only worry lies in executing the theorem in the real sense i.e. to wish to have the return very fast. Nothing else seemingly elusive is there.

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Police Reforms in Some Selected Developed and Developing Countries: Some Lessons that can be Learnt by Bangladesh Police¹

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Abstract: Police reforms so far initiated in the developed countries like UK, Japan and Australia, along with two developing countries like South Africa and Pakistan have been delineated in this article. At the same time, the urgency of police reform for Bangladesh has been pushed forward. Finally, it is strongly argued that if a country like Pakistan could pass the Police Order of 2002 replacing the archaic 1861 Police Act, why Bangladesh, as a purely democratic country with full of vibrant and resilient people, is failing to do so that moot question should be resolved by all stakeholders on an emergency basis.

Introduction

"Almost all the developing as well as developed countries expect that their land would be flourishing in democratic policing. In fact, democratic policing is about much more than simply "maintaining law and order". It is about establishing and nurturing a healthy relationship with the community, based on mutual respect and understanding. But in order to do this law enforcement agencies throughout Commonwealth south Asia need to change their mindset. The emphasis ought to be on providing a service as a means to uphold the law,"

[The statement has been reformulated by the author drawing ideas from CHRI: 2008]

There is no reason to assume uniformity in the dynamics of police reform. Reform patterns can vary from gradual and long term changes to more sudden and drastic changes and all kinds of variants in between. Results are contingent; i.e., they can converge or diverge. Sometimes reforms succeed, sometimes they fail. Each country probably has its own specific pattern of police reform and its own mix of successes and failures. Bangladesh is no exception to that.

Within the purview of this article, police reform initiated within the countries of diversified origins and backgrounds has been critically examined. These countries include: United Kingdom, Australia, Japan, South Africa and Pakistan. These countries were selected because they have many

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commonalities as well as dissimilarities with not only our police system but also with our polity and governance structures. For instance, mainly due to historical legacy our present police system has many similarities in its organization and duties with the police in the UK. That government carried out major reforms in their governance and police structures in the last two decades and today the police in the UK is universally acknowledged for its high standards of professionalism and citizen friendliness. South Africa, for example, restructured their entire governance system, including the police, after the end of apartheid and has thus transformed a repressive colonial force into a police service accountable to the people. Australia is a federal country with the police being a subject of the provincial government. They have introduced new mechanisms of police accountability which have been widely acclaimed. Against this backdrop, an attempt has been made here to draw some useful lessons from these countries which can be effectively utilized in the context of police reform in Bangladesh.

Australia

Organized policing started in New South Wales (NSW) of Australia in the early nineteenth century. In 1862, the Police Regulation Act amalgamated several independent police units in one police force. The Police Regulation Act, 1899 replaced the earlier Act and regulated the police force until 1990 when the Police Act, 1990 came into force. As per the provisions of this Act, the Commissioner is the head of the police force and is appointed by the Governor on the advice of the concerned Minister. The Act stipulates that the Minister shall consult the Police Integrity Commission as to the integrity of the person being recommended. The Commissioner holds office for a period specified in the instrument of appointment. Appointments to executive positions are made by the Governor on the recommendation of the Commissioner, while appointments to non executive positions are made by the Commissioner by way of transfer or promotion or otherwise. The Act also authorizes the Commissioner to conduct 'integrity testing programmes' to test the integrity of any police officer.

Following a debate in the Legislative Assembly in 1994 on police performance, a Royal Commission to look into the New South Wales Police Service was constituted. This led to the passage of the Police Integrity Commission Act, 1996. The principal objectives of the Act were:

- to establish an independent, accountable body whose principal function is to detect, investigate and prevent police corruption and other serious police misconduct;
- to provide special mechanisms for the detection, investigation and prevention of serious police misconduct and other police misconduct;
- to protect the public interest by preventing and dealing with police misconduct; and
- to provide for the auditing and monitoring of particular aspects of the operations and procedures of the NSW Police Force.

An Independent Commission against Corruption (ICAC) and an Ombudsman were already there to act as the oversight body. In addition above mentioned Police Integrity Commission was constituted mainly to deal with police misconduct. This is one Member Commission appointed by the Governor. It has been authorized to investigate or oversee other agencies to investigate police misconduct. It has wide ranging power that includes enforcing attendance of witnesses, issuing search warrants, seizure of documents,

use of listening devices (such as for tapping phones), and can even recommend punishment for contempt. The Australian model is a good example of the intricate web of accountability and checks and balances required in dealing with police agencies in a democratic society seeking to harmonize imperatives of public order and effective crime investigation with human rights and integrity.

Japan

After World War II the US administration had similar plans for police reform in Japan as in Germany: demilitarization, decentralization, and democratization. But depoliticization was not on the agenda, as the Japanese Government has been kept, and even the Japanese emperor was not forced to resign. Unlike in Germany, there was no democratic tradition that could have been built upon. The empire existed since 1868, and before, there was a feudal system called Shogunat Tokugawa (1603-1868). In the Shogunat, the policing system was much decentralized. The samurais, as the lowest ranking noble men, have been responsible for policing in their area. For that purpose, they combined five to ten families to a group (gonon-gumi) that was punished as a whole if one of their members committed a crime. Therefore policing was based on a high level of social control. At the end of the Shogunat the new emperor secured his power with a new centralized police after the examples of France and Prussia. The Japanese police had similar far reaching powers as in Prussia, and it still employed the gonin-gumi system of social control. (Aldous, 1997 and Leishman, 1999). After World War II, the national police remained intact until 1947, when a police reform plan was implemented together with the entry into force of the new constitution. According to this plan, every city with more than 50,000 (Fifty Thousand) inhabitants had to create a municipal police. For the policing of smaller towns and rural areas, the US advisors proposed state police agencies on the level of the Japanese prefectures (todōfukēn). But as a compromise with the Japanese cabinet, the national police was kept to police the rural areas instead. However, the cities did not have enough financial resources to create adequate municipal police agencies. The low salaries of police officers led to a further increase of the high level of corruption. And as the municipal police agencies became overstrained, the national police continued to be active in cities. So, the plan for the police reform was based on the US model, but the result was a somehow napoleonic system with competing police agencies (Ibid). In 1951, the Japanese parliament passed a law that allowed the cities to hold a referendum whether to keep or abolish their municipal police agencies. And within only six months, 1028 cities held referenda of which 1024 resulted in the abolition of the local police and the integration of their police stations and officers into the national police. In response to continuing demands of US officials for police decentralization and democratization, Japan reformed its police again in 1954. In this reform the national police was restructured into sub-divisions along the lines of the prefectures. The control of these sub-divisions is mixed: by the national minister of the interior and by the local prefect, as well as by a national and a prefectural civil watch committee. However, the democratic control on the sub-national level is rather consultative. The advice needs to be passed to the national level, where the control of the police actually lies (ibid). This police structure is in existence in Japan until today. In essence, it can be described as centralized system, with minor decentralized consultation mechanisms.

The Japanese police came under criticism at the end of the 20th century, because of a series of scandals and cases of misconduct that involved officers ranking as high as Chief of Local Police. Seriously concerned about these events, the National Public Safety Committee and the National Police Agency

established the Charter of Police Reforms that aimed at improving the accountability of the Japanese police forces through self-redress and by conducting citizen oriented activities in readiness for the 2000s. Soon after that, all local police forces in Japan initiated reforms in accordance with this Charter.

At the same period, Japan was facing a sharp increase in crime. The number of penal code crimes had increased during seven consecutive years and in 2002 were over a million. This was a 60% increase compared to the seven previous years. As a result, the Japanese police had to fight on two fronts: first with the increasing rate of mis-conduct by the high level police officials and second with the alarming rate crime.

In Japan, there are 47 local and one national police force. There is also Prefectural Public Safety Commission (PPSC), as well as a National Public Safety Commission (NPSC) to ensure the democratic control and political neutrality of the police forces (Tamura). The prefectural governors, through the PPSC maintain indirect control of local police forces, also known the prefectural police forces, which are under the jurisdiction of each prefecture. A PPSC consists of three to five members depending on the size of the prefecture, appointed by the governors of the prefectures. The NPSC consists of six members that are nominated by the Prime Minister with the approval of the Diet. The chairperson of this committee is a cabinet minister. The national police force is known as the National Police Agency (NPA). The head of the agency is appointed by the NPSC with the consent of the Prime Minister. The NPA is engaged in planning and budgeting public safety policies and in coordinating local police activities. Local police forces are fundamentally independent from the NPA, however, the NPSC has the right to appoint and dismiss senior local police officers above the rank of Senior Superintendent, including the heads of prefectural police forces. In addition, the NPSC has the authority to regulate police activities. NPA also has the authority to allocate the budget of local police forces and to inspect them. Thus, the NPSC and NPA are influential in local police forces through personnel and budget management (Bayley, 1978).

Approaching the end of the second millennium, in the years between 1999 and 2000, a series of serious scandals involving local police forces were uncovered. One was an illegal investigative maneuver to conceal a drug offence committed by a police officer. The case involved the commissioner and the assistant commissioner of Kanagawa police headquarters and it led to the prosecution of the commissioner. The other case was a serious misconduct committed by the commissioner of Niigata police headquarters and the Director-General of the Kanto regional police bureau. The Niigata police chief, whose force was being inspected and the Director-General conducting the inspection had dinner, sitting at the same table. This case resulted in the voluntary resignation of the two heads. Disciplinary measures were taken by the NPSC against the commissioner-general of NPA, which is a rare occurrence. In addition to the above, a number of investigations on the deaths of crime victims had been criticized for the negative attitude of individual investigators. Police officers responsible for these cases were disciplined and some were prosecuted (Yoshimura, 2006).

Concerned about the above problems, in March 2000, the NPSC established the Police Reform Committee (PRC) that consisted of six prominent citizens including former vice Prime minister, CEO of TV media and former chairman of Japan national bar association. By July 2000, the PRC conducted hearings and intensive discussions (2) and adopted urgent recommendations on police reform (3). In these recommendations, the PRC pointed out the lack of transparency, self-righteousness and the lack of adaptability to social changes. They recommend following eight reforms:

Remove Red Tape

The PRC recommended enhancing the disclosure of information, especially concerning negative information such as information on disciplinary actions on police personnel.

Sincerity in Handling Complaints

The PRC emphasized the need to respond positively to complaints made by citizens. The PRC urged the police to establish a response system that facilitated the reporting of all complaints about field officers to commissioners. Such a system was considered to be indispensable to remedy the problem of police misconduct.

Strict Inspections

The PRC recommended the enhancement of the inspection system. As the Niigata case had demonstrated, the inspection system did not function well, because inspectors and those that were inspected were closely connected.

Let the PPSC Work

The PRC pointed out the need for active public safety commissions, with enhanced powers of democratic control over local police forces to promote the interests of citizens.

Citizen Friendly

The PRC proposed that the police should be ready to accept citizens' consultations about problems with other citizens and to enhance trouble-shooting activities. The investigative misconducts have shown that the police tended to refrain from intervening in conflicts among citizens before a criminal charge had been made. Many police officers were traditionally, averse to such interventions, out of concern for the privacy and rights of citizens. However, social changes, including the emerging idea of victim support, require the police to act affirmatively to prevent crime.

Maintain Discipline

The PRC proposed that the acceptance of sense of responsibility should be increased among all police personnel. Intensive education on police ethics was to be undertaken. Moreover, the wearing of nameplates was made mandatory.

Face the Community

The PRC proposed that meetings should be established between police stations and the community to give an opportunity for community member's opinions and ideas to be voiced at the police station. The meeting is named 'Police Station Council' which modeled on 'the Police/Community Consulting Group' in England.

Adaptability to a Changing Society

Lastly, the PRC recommend that the police force should be adaptable to social changes. This was to be achieved through reforming the education and promotion system of executive officers and through the reformation of organizations.

The Charter of Police Reform

After receiving urgent recommendations for reforming the police force from the PRC as mentioned above, the NPSC and the NPA established the Charter of Police Reform (the Charter) in order to proclaim the principles of police reforms. The Charter consisted of four major sections.

The first part concerned with issues such as the enhancement of transparency, self-improvement, disclosure, affirmative responses to citizen's complaints, strict inspection, as well as enhancement of the control by the PSC over the police.

The second part declared the establishment of a 'police for the people'. In order to realize this goal, the police were urged to listen to citizens' needs and genuinely respond to these needs, reinforce activities to ease citizens' fears about crime, and support the victims of crime.

The third part was a response to the demands of the new age, including strong measures against organized crime groups, enhancement of international cooperation to cope with transnational crime and cyber crime.

The final part was concerned with the development of human resources including education and training, as well as burden reduction through new technologies and increase in personnel.

South Africa

The police forces in South Africa were known for their brutality, corruption and incompetency. The police was structured on military lines. Control of crime was not done on the basis of thorough investigation and but through heavy handed action of the police. Investigations meant extracting confessions and custodial torture was the norm. However, with the end of apartheid, the South African Police (SAP) embarked on an internal reform initiative - a response both to the changing political environment signaled by the release of Nelson Mandela, the lifting of the ban on the liberation movements in 1990 and to the pressure of changing crime trends and international scrutiny. The SAP's 1991 Strategic Plan highlighted six areas of change (Quoted in Government of India, 2007)

- Depoliticization of the police force;
- Increased community accountability;
- More visible policing;
- Establishment of improved and effective management practices;
- Reform of the police training system (including some racial integration); and
- Restructuring of the police force.

In 1991, an Ombudsman was appointed to investigate allegations of police misconduct. Besides, the recruitment of black police personnel was increased, a civilian riot-control unit that was separate from the SAP was formed, a code of police conduct was evolved and training facilities were enhanced. In 1992, the restructuring of SAP into a three-tiered force started - a national police, primarily responsible for internal security and for serious crime; autonomous regional forces, responsible for crime prevention and for matters of general law and order; and municipal police, responsible for local law enforcement and for minor criminal matters. Police/community forums were formed in almost every police station.

United Kingdom

A structured police force was first established by the Metropolitan Police Act, 1829. The Police Act, 1919 brought in some reforms including a guaranteed pension for the police and prohibition of trade unions among the police (however a Police Federation was set up). The Police Act, 1946 provided for the amalgamation of smaller Borough police forces with County constabularies in England and Wales. Following this merger, there were 133 police forces in the UK.

As a sequel to a couple of high profile scandals involving Borough police forces, the Royal Commission on the Police was appointed in 1960 under the chairmanship of Henry Willink. The Commission was entrusted with the responsibility "to review the constitutional position of the police throughout Great Britain, the arrangements for their control and administration and, in particular, to consider:- (1) the constitution and functions of local police authorities; (2) the status and accountability of members of police forces, including chief officers of police; (3) the relationship of the police with the public and the means of ensuring that complaints by the public against the police are effectively dealt with; and (4) the broad principles which should govern the remuneration of the constable, having regard to the nature and extent of police duties and responsibilities and the need to attract and retain an adequate number of recruits with the proper qualifications"(Government of India, 2007). Some of the recommendations of the Royal Commission were:

- No single national force was to be formed, but central government should exercise more powers over local forces;
- Retention of small police forces of between 200 and 350 officers "justifiable only by special circumstances such as the distribution of the population and the geography of the area";
- The optimum size for a police force was more than 500 members, with the police area having a population of at least 250,000; and
- There was 'a case' for single police forces for major conurbations.

Following the recommendations of the Royal Commission, the Police Act received Royal assent in 1964. The old County and Borough police authorities were replaced with 'police authorities' composed of two-thirds elected representatives and one-third magistrates. These new police authorities had far less powers than the earlier county and Borough authorities. The powers of the Home Secretary over the police were increased. One of the effects of this Act was the reduction in the number of police forces.

The Greater London Metropolitan Authority Act amended the Police Act, 1996 and established the Metropolitan Police Authority (MPA). The Metropolitan Police Authority has twenty-three members – twelve from the London Assembly appointed by the Mayor, four magistrates appointed by the Greater London Magistrates Courts Association and seven independent members, one appointed directly by the Home Secretary, with other members appointed on the basis of open advertisements. Members are appointed for a period of four years. The Chairperson of the MPA is chosen by the members among themselves.

One of the key strategies identified by the Metropolitan Police Service (MPS) is promoting community cohesion and integration. The MPS has constituted Diversity and Citizen Focus Directorate to consult communities so as to understand and get a feedback from them. Besides, the MPS has also introduced Safer Neighborhood Teams in all localities.

The Serious Organized Crimes and Police Act, 2006 established the Serious Organized Crime Agency (SOCA). The Agency has been formed by the amalgamation of the National Crime Squad (NCS), National Criminal Intelligence Service (NCIS), that part of HM Revenue and Customs (HMRC) which deals with drug trafficking and associated criminal finance and a part of United Kingdom Immigration Service (UKIS). This Act seeks SOCA staff and police to compel people to cooperate with investigations; streamline police powers of arrest and search in the Police and Criminal Evidence Act and extend the powers of Community Support Officers and other police support staff.

Recent themes in Police Reform in England & Wales

In the long-term development of the British police system four important changes can be pointed out. First, an increase in professionalism, especially in the deployment of specialized and qualified personnel, and in the management of the police. Second, the gradual centralization of the authority over the police. Third, the increasing focus on police performance and the management of police performance. Fourth, a changed vision of police work, which sees policing as co-production between a range of agencies, to be carried out in partnership at the local level.

Assessing Police Reforms

In the reform of the police system several different waves can be distinguished, starting in the early 1980s. Centralization in the authority over the police and intensified planning and control by central government were an important part of the agenda of successive conservative governments. The first round of reforms can be seen as 'managerial renewals'. In combination with steering concepts from New Public Management that already had had a huge impact in other parts of the public sector, the foundations were laid for radical reforms of the police that so far had been protected from radical reform. The increasingly rigorous police performance management framework – largely centrally driven – had its roots in these initial moves towards promoting efficiency and effectiveness in policing during the 1980s and 1990s.

In the second stage, under New Labour, the conservative agenda with police reform was taken over and developed further. Labour governments since 1997 have accelerated the process of attempted 'micro management' of public services, including policing, from the centre. But government has gradually become sensitive to criticisms that the drive for centrally-developed performance targets may have contributed to a lack of local ownership of policing, and a sense that policing is becoming more distant from local communities. The grip of the centre closed off the policy making process to locally expressed policing priorities. The public desire was for the return of the local 'bobby' (patrol officers on foot) and the reopening of police stations, keeping the streets and neighbourhoods free of petty crime and anti social behaviour (McLaughlin, 2007; 479). So, a local dimension was added to police reform. The law abiding citizen had been (re)discovered. This was the beginning of a trend towards a more locally oriented and locally accountable police, but still in combination with a continued focus on the improvement of police performance and target steering.

In the third stage local policing has been strengthened by the introduction and nation-wide implementation and revitalization of community policing, in combination with a broader approach of safety on the local level, as co production, in which the police actively seek partnerships with other actors. The local liking of everyday crime and disorder is increasingly integrated within a broader

community safety strategy and viewed as delivered by a range of bodies, both inside and outside of the police. More relevance and significance are being attached to a strong civil society that produces public safety and for which the commitment of citizens and organization is indispensable. On this model, the police are considered a last resort.

Police Reform and the Governance of the Police

In 2006 central government attempted unsuccessfully to radically re-engineer policing in England and Wales by reducing the police forces to a small number of strategic police forces. It was in fact a personal crusade of the Home Secretary, Charles Clarke but he was sacked following a number of scandals in the prison service and replaced with John Reid. He announced that the restructuring proposals were to be postponed for indefinite time. According to Godfrey, the then Home Secretary Clarke had wrongfully handled this reform as a technical exercise, largely ignoring the whole political and public dimension to the argument. 'The project was derailed as the result of police authorities, the resistance of a minority of chief constables, the support of members of both Houses of Parliament, of all parties and none, the backing of national commentators in the media and in academia, the reaction of local communities and stakeholders throughout the country and the fortunate coming to a premature end of the ministerial career of Charles Clarke' (Godfrey, 2007; 75). Godfrey further observed that the "balance of power within the tripartite structure has been shifted by the events of the last twelve months., Police Authorities, police forces and local communities are more visible to the Home Office than they were a year ago and the mergers debate has helped to establish their presence as a key element in the constitutional settlement of policing, capable of seizing the agenda and using their democratic legitimacy and community credentials to subvert a program supported by other elements in the structure"(Ibid, 76).

There was substantial increase in police officers numbers in England and Wales which reached a record high of over 143,000 by March 2006 (Clegg and Kirwan, 2006). However, the numbers dropped slightly since that time, and a major review of policing commissioned by the government suggested that police officer numbers could be reduced by more imaginative staffing policies in the future (Flanagan, 2008). The typical structure of a police force involved headquarters (encompassing the strategic management of the force plus managerial and support departments) plus a number of local territorial units delivering operational policing in particular geographical areas of the force. These territorial policing units are actually the 'Basic Command Units' (BCUs) headed by a Chief Constable, a Deputy Chief Constable and one or more Assistant Chief Constables, who make up the Chief Officer Team (COT)– the senior strategic management body for the police force (Loveday and McClory, 2007). The Chief Officer Team performs a number of roles including, corporate and strategic leadership, setting the budget in conjunction with the local police authority (see below), monitoring force performance, and promoting conformity with national policing objectives and plans. The authors analyze various factors that have contributed to these changes. Above all, the increasingly rigorous performance management framework– largely centrally-driven – seems to have been one of the key factors in the development of the British police system in the past few decades.

Recently UK police has introduced voting system in each of the 41 police-force areas outside London to elect Police and Crime Commissioner (PCC). The Economist in its February 25th, 2012 edition informed that this will remain in-charge to supervise their local police. PCC will set force priorities,

run their budgets and hire and fire chief constables. It is a sharp turn for a country that counts among its ancestors Robert Peel, who held that politics and policing should be kept separate. However, the Economist has cautioned that everything will depend on how well the PCCs run their shows. Yet for all it seems that the process of electing police commissioners can also be regarded as an attempt to give more power to the people.

Pakistan

The history of the police reforms in Pakistan is full of unsuccessful attempts to change the colonial legacy of the oppressive Police Act, 1861. Despite the recommendations of over two dozen commissions, committees and foreign missions appointed periodically, any hope of changing the law remained elusive. Either the political will to reform the police was lacking or the vested interests were too well entrenched. Soon after independence, a Bill (XXV of 1948) was moved in the Sindh Assembly for establishing a modern police force in Karachi, but it was sent back for resubmission and later shelved. In 1951, a Committee headed by Sir Oliver Gilbert Grace, IGP, NWFP recommended a metropolitan police system for Karachi, but the status quo was maintained. A list of the Commissions and Committees, established to reform the police, is given below.

Sir Oliver Gilbert Grace Committee in 1951

Immediately after independence of Pakistan in 1947, Karachi, as the capital of Pakistan had to face enormous problems, especially in relation to immigrants rushed from India. The law and order situation seriously deteriorated. The existing police force failed to cope with the emerging crisis. In view of this scenario in 1951, a committee headed by Sir Oliver Gilbert Grace, then Inspector General of Police of the North Western Frontier Province (NWFP), was constituted to look into the matter into details. Apart from several other things the committee recommended that police set-up for the city of Karachi should be fundamentally changed. However, no headway could be made because of strong opposition by the bureaucratic elite (Government of Pakistan, 2006).

Justice J.B. Constantine Commission in 1960-1961

Pakistan Police Commission led by Justice J.B. Constantine visits India to help design a metropolitan police force for Karachi but the capital was moved to Islamabad and consequently no recommendations were made. Towards the end of Ayub Khan's rule, police was unable to effectively tone down the public protests and were openly seen clashing with the people. After Ayub stepped down, it was clear that the police needed to be strengthened for the safety of the state (Imam, 2011).

Major General A.O. Mitha Commission in 1969-70

The District Magistrate was responsible for law and order within the district, and for this purpose the superintendent of police was his assistant. At the same time he was under direct control and supervision of Deputy Inspector General of Police in charge of a division. Thus the Superintendent of Police had to work under dual control. The Police Commission headed by Major General A.O. Mitha recommended independence of the Superintendent of Police at the District level from the hold of District Magistrate (ADB, 2011).

Mr. G. Ahmad Committee in 1972

One man committee of Mr. G. Ahmad, a senior civil servant recommends to the Cabinet for the establishment of a Federal level Police organization that specifically deals with 'Smuggling, Narcotics,

Currency offences, Enforcement of Laws relating to Foreigners, Immigration & Passports and offences having inter-provincial ramification' (Imam, 2011, 15). Consequently the Federal Investigation Authority was established in 1975. In his campaign to assert control over the bureaucracy and the military, Zulfikar Ali Bhutto laid off some 1300 civil servants including police officers labelling them as incompetent and corrupt during 1972. Political influence was given legitimacy as in 1973 civil servants were devoid of their constitutionally guaranteed employment protection. This kind of action severely undermined the professionalization of police along with the introduction of 'lateral hiring system (International Crisis Group, 2008).

Police Reform Committee 1976

- i. Police Station Enquiry Committee headed by M.A.K. Chaudhry.
- ii. Law and Order sub-committee headed by Ch. Fazal Haque.
- iii. Visit of foreign experts including Romanian Police Officers.
- iv. Police Reforms Committee headed by Mr. Rafi Raza.
- v. One-man Committee of a Briton, Mr. Giles to assess training requirements (Imam, 2011).

Police reform Committees 1981-83

- i. 1981 Orakzai Committee on Police Welfare, Promotion, and Seniority Rules.
- ii. 1982 Cabinet Committee on the Emoluments of (Station House Officer) SHO.
- iii. 1983 Cabinet Committee on Determining the Status of SHO.
- iv. 1982-83 Sahibzada Rauf Ali Committee.

After imposing Martial Law, General Zia-ul-Haque ensured that police ranks were infiltrated by army personnel to make it subservient to his government. Police woes were further heightened by the lack of resources and proper training (ibid).

Mr. Aslam Hayat Police Committee in 1985

In the year 1985 a Police Committee led by Mr. Aslam Hayat, was formed which recommended for installing metropolitan police system for cities of more than 500,000 people. As a follow-up in 1987, the Cabinet sent an official delegation to India and Bangladesh for observing their policing systems so that necessary steps could be taken in line with the recommendations forwarded by the Police Committee led by Mr. Aslam Hayat. The delegations seconded the Committee in stating that metropolitan police system should be introduced in Islamabad, Karachi and Lahore on emergency basis. But before further action could be taken, the Government was dissolved in 1988. The 1990s saw through two governments each of both the Pakistan People's Party under Benazir Bhutto and Pakistan Muslim League under Nawaz Sharif. In trying to muscle out the influence of the other, each party politicized the police further and further during their tenures; police working at both the administrative and operational level was hampered especially in the two most populated provinces of Punjab and Sind (Imam, 2011).

- i) In 1989, the seven member delegation formed upon the directive of then Prime Minister late Benazir Bhutto visits Bangladesh and India and strongly recommends abolition of the 1861 Police Act.
- ii) Her Majesty's Chief Inspector of Constabulary Sir Richard Barratt (UK) delegation visits Pakistan in 1990. In the follow up report, it was categorically declared that 1861 Police Act

was still asking the police to style itself on colonial design and only a fundamental change in this system would improve policing in Pakistan.

- iii) Under the leadership of M.A.K. Chaudhry, Police Reforms Implementation Committee in its report produced in 1990 also stressed that police in Islamabad, Karachi and Lahore have to be converted to a metropolitan force on an urgent basis.
- iv) United Nation's Inter-regional Advisor for Crime Prevention and Criminal Justice leads an official mission to Pakistan who in their 1995 report strongly recommended that strong political will is necessary to initiate effective police reforms at all levels. The mission also notes that recommendations of previous police commissions have still to be acted upon and unless this was done, policing in not only urban centers but nationwide would also break down (ibid).
- v) V. In April of 1996, Mr. Sekine, Director General of National Police Agency Japan heads an official police delegation to study the police system in Pakistan. Mr. Sekine reckons that the police have to focus on becoming a public service in order to improve its practices. The delegation also suggests policies that could be adopted by Pakistan Police. In order to establish mutual trust between the police and the general public, the team suggested that institutional structures should be created in such a way that would ensure political neutrality and democratic control of the police, establishment of unified chain of command of the police and to ensure a system of recruitment and selection based on merit.

After the politically unstable decade of the 1990s, police in Pakistan emerged as an institution that lacked public support, integrity, and professionalism and would have collapsed long ago, had it not been the dedication of a number of dedicated individuals. After throwing off Nawaz Sharif's government, General Pervez Musharraf established a National Reconstruction Bureau which was responsible for introducing crucial reforms. This Act enjoyed considerable support from the bureaucracy and the public (International Crisis Group, 2008).

On 23rd March, 2002 the new Police Order of 2002 replaced the 1861 Police Act and introduced major changes which range from division of police force along functional lines, introduction of manifold accountability measures and independence from District Magistrate's oversight at the District level. However, on December 31st, 2009 Police Order 2002 lost the Presidential protection provided to it after being placed under the sixth schedule of the constitution. This invited provincial assemblies to freely legislate police orders as policing is primarily a provincial matter.

Not only did the new Police Ordinance seek to solicit voluntary support and co-operation of the people, it also enabled the police to act proactively for ushering in a culture of rule of law in Pakistan.

The new Police Ordinance created an independent statutory institution under the name and style of Police Complaints Authority. Simultaneously, since 14th August 2001 and for the first time in the history of Pakistan, the judiciary stood completely separated from the executive. There was no doubt that this measure alone would have a profound impact in controlling serious police misconduct (Government of Pakistan, 2006).

The Bangladesh Context

The above narrative that presents police reform initiated by different developing as well as developed countries leads us to arrive at a conclusion that the task of police reform is still one of the greatest challenges confronting most of the countries, a challenge that can and must be met. There are no short cuts, and no easy answers. "Police reform is always a contested terrain with differing visions of reform and a variety of sources of resistance to any particular reform vision." (Stenning and Shearing, 2005, p. 172) Further the reform strategy adopted by different countries depends upon the circumstances faced by the policing organization. For example the reform required in a failed state or a post conflict situation (e.g. Kosovo, Mozambique, Cambodia after the conflicts) required a total rebuilding. Post colonial or developing countries may require a different reform initiative than developed nations with more resources and infrastructure (Barnsley, 2011).

Being a developing as well as a democratic country police reform in Bangladesh naturally should be based on democratic culture, norms and values. And when it is about democracy, the maintenance of highest standards of human rights within the police organization of Bangladesh must be ensured. The prevalent colonial mindset among most police members is that their main duty is to look after their employer's interests where humanity or ethics matter little. In colonial times, police had received an implied message that the lives, dignities and right of indigenous people were so trivial that any sort of violation of law by police would not be taken into account unless such injustice causes mass protest. Police still continue with the similar practices as they at best get transferred, closed, or suspended (though these are not punishment in any form) for their misdeeds rather than being tried in courts. And, these also happen only when their misdeeds create news headlines or, erupt violent protests by locals.

The Commission (1988-89) headed by Justice Amin-ur Rahman Khan identified 9 principal causes for the ineffectiveness of the Police are as follows:-

- I. inadequacy of manpower and deficiencies in the organizational set-up;**
- II. lack of transport, equipment including arms and ammunition etc.;**
- III. Absence of confidence, willing co-operation of people, co-operative and cordial relationship with the magistracy.**
- IV. defects of recruitment policy, training facilities and promotion procedure;**
- V. non-recording and minimization of crimes and incorrect crime statistics;**
- VI. unsatisfactory and perfunctory investigation of offences and prosecution of the offenders;**
- VII. interferences in the discharge of duties by the Police;**
- VIII. corruption in the Police;**
- IX. lack of strict discipline and effective supervision, inspection and control.**

In order to remove the ineffectiveness of the police, The Needs Assessment Report(2003) argued that a well designed and implemented programme, based on identified needs and on-going strategic assessment, has the potential to make a meaningful contribution to improving the image, efficiency and effectiveness of the Bangladesh Police towards a more pro-people policing model. This report outlines the rationale for a Police Reform Programme (PRP) to support the Bangladesh Police. In summary:

- Significant problems exist with law and order, corruption, rule of law and access to justice in Bangladesh, and these issues adversely impact on the poor and vulnerable especially women and young people;
- The problems are so profound that they have serious implications for the social and economic well being of Bangladesh; and
- The police alone cannot solve these problems and need to work in close collaboration with the Ministry of Home Affairs, Government of Bangladesh, relevant Ministries, other agencies in the broader criminal justice sector, civil society and NGO and media, development partners and the community.

UNDP (2007) has also observed that among the serious constraints undermining the police system of Bangladesh are: (1) an outdated legal and institutional framework (devised for nineteenth century India consisting of near static villages with hardly any urbanization or industrialization, and meant principally for a colonial rule), (2) arbitrary and whimsical (mis)management of police by the executive authority of the state at every level (policemen were increasingly recruited, trained, promoted and posted without regard to merit and mainly for their subservience to people with influence and power), (3) inadequate accountability, (4) poor incentive systems, (5) widespread corruption, and (6) severe under-resourcing of law and order.

However, in case of Bangladesh, beset with so many governance related issues, one of the major challenges is to illustrate why policing issues ought to be heard above the din. This is because the police are the most visible institution of the security sector and their reform is vital for lasting human security. Without law enforcement and the sense of workaday safety, security, and order that the police can provide, the potential for wider political, social, and economic development dips dramatically. Therefore developing a professional and accountable police service practicing a new style of policing that is responsive to the needs of local communities is increasingly recognized as important for sustenance of democracy and development.

As a matter of fact, reforming existing systems are more difficult than creating new ones because the mindset and functioning pattern of existing systems are very difficult to alter. Similarly, systems such as police cannot be reformed in isolation if allied systems and laws (such as CrPC and other parts of criminal justice system) remain the same. Reform must be undertaken in totality” There are no ‘quick fixes’ in police reform. Organizational change is a complex and difficult process that relies upon a number of internal and external factors, some of which may lie outside the foresight of the best possible plan and the control of those who steer the enterprise. 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 perpetuates 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. Thus, an accountable, transparent, and efficient policing service in Bangladesh is essential for the safety and well being of all citizens, national stability and longer-term growth and development, particularly the creation of a secure environment which is conducive to boost up the confidence of consumers and investors .

After Bangladesh attained its independence in 1971, significant numbers of committees were formed but the recommendations they put forward were hardly implemented further eroding the image of the police. While all governments since independence have acknowledged the fundamental flaws inherent in the laws, rules and regulations that govern police, none of them has seen a competent and accountable police force as being in its interest. Whether the necessity has been fighting crime after decades of misuse and neglect, Bangladesh's police are a source of instability and fear rather than a key component of a democratic society. The notion that a policeman is merely a citizen in uniform providing a lawful service to the population is rarely understood in government or within the police establishment.

There it is now necessary to take appropriate initiatives for police reform. Scholars (Shahjahan, 2005; Karzon, 2008; Huda, 2009) have correctly pointed out that attempts at police reform have placed too much emphasis on individuals behaving badly, rather than on the systemic problems of the police department. Unless there is significant change in the beliefs, values and attitudes of the members of the police service there is little prospect that meaningful changes would result. The question is whether the police as a force are being able to use that power independently enough, judiciously enough and, also ethically enough. In our country, there are many factors which do not allow our police to act judiciously and ethically. First, their psyche is such that they feel once they are given power they can do things as they wish, which is wrong. Secondly, they are also made to use that power by more powerful people in the society, particularly in our experience, by the ruling party. Thirdly, the police force are not adequately trained and given enough orientation to judiciously decide when to use that power. Once they have specific power in their hands, they have to be educated enough in a broader sense to know at which point they can use that power. If they don't know when to use their power, they will abuse it.

What specific factors and circumstances are there those compel the police do so is yet to be resolved. The information, data and statistics available in this particular arena is also very scanty, for the same reason the knowledge-base is very poor. Unfortunately, anybody from the concerned circles including the academia has not yet felt the necessity of conducting a serious study on police reform, at least to find out the reasons why the police personnel are failing to play the desired role. Accordingly, it can be strongly argued that the need and directions of police reforms have so far been not regarded as very important issue. The police force themselves sometimes have made desperate attempts for their own reform but most of the time their efforts have come into vain. For ready reference it may be recalled that during the year 2007 under the auspices of the Caretaker Government, a group of senior serving and retired police officers and legal experts, with technical assistance from UNDP, drafted the police ordinance (2007) to replace the Police Act of 1861. Although the ordinance had the potential to make the police publicly accountable, operationally neutral, functionally specialized, professionally efficient, democratically controlled, and responsive to the needs of the community, yet the ordinance was not promulgated neither by the Caretaker Government nor by the present democratic government.

Conclusion

Like an old Chinese saying, a journey of a thousand miles begins with the first step. Fortunately, most of the countries have already taken several steps in the right direction, and is determined to complete the journey. However, in order to initiate meaningful reform in Bangladesh police we can borrow many things from different countries. For instance, we can form an authority like London Metropolitan Police Authority to promote and develop democratic as well as community policing. We should also think of enactment of act like Police Integrity Commission Act, 1996 of Australia to prevent police corruption and other serious misconduct. We must take into cognizance of constituting a commission like National Public Safety Commission of Japan to ensure the democratic control and political neutrality of the police forces. The Strategic Plan, 1991 of South Africa, specially the six areas of change this plan identified viz. depoliticisation of the police force, increased community accountability, more visible policing; establishment of improved and effective management practices, reform of the police training system and restructuring of the police force — all these should not be overlooked while considering police reform in Bangladesh. Finally, if a country like Pakistan could pass the Police Order of 2002 replacing the archaic 1861 Police Act, why Bangladesh with full of vibrant and resilient people is lagging far behind to do so—this is the moot question yet to be resolved.

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Justification of the Use of Forensic Science in Criminal Justice System of Bangladesh

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Abstract: Forensic sciences play a vital role in the criminal justice system by providing investigators with scientifically based information through the analysis of physical evidence. During an investigation, forensic evidence is collected at a crime scene, analyzed in a laboratory and often presented in court. The Perpetrators and victims may leave behind blood, saliva, skin cells, hair, fingerprints, footprints, tire prints, clothing fibers, digital and photographic images, audio data, hand-writing, and the residual effects and debris of arson, gunshots, and marks of unlawful entry. Crime scene investigators, with varying levels of training and experience, search for and collect evidence at the scene, preserve and secure it in tamper-evident packaging, label it, and send it to an appropriate agency normally a crime laboratory, where it may be analyzed by forensic examiners. Study on Justification of the uses of Forensic Science in CJS of Bangladesh will present some vital role of forensic team, their working methods, and uses of forensic techniques to resolve the cases and last of all will provide some further suggestions to improve the overall working procedure.

Keywords : Investigation, Criminal Justice System, CID, DNA, Penal Code, Evedence Act.

Introduction and Background

Forensic science is the science to answer legal questions, it includes well-known techniques such as fingerprint analysis, DNA analysis, and ballistics & micro-analysis (the analysis of firearms) etc. In recent years, use of forensic science in criminal investigations and trials has steadily gained popularity as an effective and powerful tool for seeking truth and justice. The use of forensic science can effectively help convict those guilty of crimes and can equally help exonerate the innocent. Popular crime shows like CSI, "Crime Scene Investigation", can give the impression that forensic science is flawless. However, forensic science is not flawless, and its use in the criminal justice system is in need of reform. To ensure a more fair and accurate criminal justice system, it is critical to improve the reliability, objectivity, and independence of forensic analysis, the expert examination or testing of physical evidence to determine its connection to a crime and forensic expert testimony in criminal investigations and trials. The common perception of forensic analysis as a precise, objective

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science often obscures the fact that many areas of forensic analysis involve discretionary interpretations by individual analysts. Because the need for interpretation introduces a significant subjective element to some kinds of forensic analysis, normal tendencies of human psychology can influence the interpretation of data in a way that threatens the fairness and accuracy of the analysis and testimony used in criminal trials. As such, forensic science laboratories that lack internal procedures and standards to prevent bias create the greatest danger to achieving justice. In recent decades, the use of forensic science in criminal investigations and trials has skyrocketed. No other forensic science technique has received as much attention as DNA analysis. To date, DNA has exonerated more than two hundred people in the United States (Baker, 2005). These exonerations are a reminder that our system is flawed, and they have shed light on serious problems with the criminal justice system, including forensic science. While many assume that forensic science is a near-perfect tool for discovering the truth in criminal cases, a recent study found that false or misleading forensic expert testimony is a leading contributing factor in such controversial convictions. There are many cases where individual analysts' erroneous or misleading analysis and testimony have led to wrongful convictions. Some cases exemplify the most egregious errors and show intentional misconduct. These cases demonstrate the strong need for prevention of oversight of all forensic laboratories.

Forensic evidence is critical to ensure successful investigation and prosecution of many crimes. From the beginning, the Forensic Science Branch exists within the CID as a separate division. The dependence on confession is a contributing cause of generally poor perception of the police by the community and a reason for dismissal of many cases in courts. The use of forensic techniques to support investigations can significantly reduce the pressure on investigating officers to obtain forcible confessions and can enhance the success of investigations and prosecutions. Considering all this in mind PRP has developed Forensic Science Strategy for BP "To develop a solid legal basement for all kind of technique already in use and future modern forensic techniques to be used in the process of crime detection". In today's world, forensic science is a critical and necessary element of a successful criminal investigation. Its introduction is regularly expected by juries and prosecutors because it is not susceptible to the shortcomings of human memory or the pitfalls of witness motivation. Collected, managed, and analyzed correctly, it provides powerful, probative evidence that goes directly to the guilt or innocence of an individual. As part of its mandate to enhance the criminal justice system, BJA forensic science efforts focus on increasing knowledge of the various applications that can ensure quality investigations and substantiate verdicts of guilt or innocence. (Jackson, 1962)

Forensic science is the use of science to answer questions which come up during a criminal investigation and in the legal system. This may be in relation to a crime or a civil action. The word forensic comes from the Latin adjective *forensis*, meaning 'of or before the forum'. In modern use, the term 'forensics' in the place of 'forensic science' can be considered correct as the term 'forensic' is effectively a synonym for 'legal' or 'related to courts'. However the term is now so closely associated with the scientific field that many dictionaries include the meaning that equates the word 'forensics' with 'forensic science'. The word 'forensic' means pertaining to law and it is a general term.

This science is applied to the solution of certain problems that arises in connection with the administration of justice⁴. It is applicable and admissible as per law as opinion of expert and experienced persons who has got profound and vast knowledge in the subject. It is used as evidence during inquiry, investigation, supervision and trial in all courts of justice.

⁴ Evidence Act u/s 45

Fields of Forensic Science:

Because of the fact that many cannot define forensic science, they assume that people who do this for a living are only involved in crime scene investigation. While that is a huge area for forensic science, it is not the only area. There are many different fields that involve forensic science including and not limited to:

- **Forensic aerial photography** is the study and interpretation of aerial photographic evidence
- **Forensic anthropology** is the application of physical anthropology in a legal setting, usually for the recovery and identification of skeletonized human remains.
- **Forensic chemistry** is the study of detection and identification of illicit drugs, accelerants used in arson cases, explosive and gunshot residue.
- **Criminalistics** is the application of various sciences to answer questions relating to examination and comparison of biological evidence, trace evidence, impression evidence (such as fingerprints, footwear impressions & tire tracks), controlled substances, ballistics, controlled substances, ballistics, firearm and tool mark examination, and other evidence in criminal investigations. In typical circumstances evidence is processed in a Crime lab.
- **Digital forensics** is the application of proven scientific methods and techniques in order to recover data from electronic / digital media. Digital Forensic specialists work in the field as well as in the lab.
- **Forensic DNA analysis** takes advantage of the uniqueness of an individual's DNA to answer forensic questions such as paternity/maternity testing and placing a suspect at a crime scene, e.g. in a rape investigation.
- **Forensic entomology** deals with the examination of insects in, on and around human remains to assist in the determination of time or location of death. It is also possible to determine if the body was moved after death.
- **Forensic pathology** is a field in which the principles of medicine and pathology are applied to determine a cause of death or injury in the context of a legal inquiry.
- **Forensic serology** is the study of the body fluids.
- **Forensic toxicology** is the study of the effect of drugs and poisons on/in the human body.
- **Mobile device forensics** is the scientific examination and evaluation of evidence found in mobile phones, e.g. Call History and Deleted SMS, and includes SIM Card Forensics
- **Trace evidence analysis** is the analysis and comparison of trace evidence including glass, paint, fibers and hair.
- **Forensic handwriting and finger print identifications** is the analysis of handwriting and finger print to recognize the criminal.

There are also many areas of study in forensic science. While many of these jobs can be criminal in nature, meaning to help solve crimes, these careers can get very specific to a certain niche of the forensic science world that interests one most. Many people start out with a much generalized job and, then, the more they get focused, the more they learn and work.

Roles of Criminal Justice

The Bangladeshi criminal justice system has many roles in the prevention and prosecution of crime. The criminal justice system in Bangladesh is responsible for protecting and serving citizens while punishing and rehabilitating criminals. The criminal justice system has many facets, with a complex set of entities, laws and organizations. It is sometimes referred to as a non-system. Law enforcement agencies, including police, are responsible for promoting safety and protecting neighborhoods and the citizens they serve. This is done through patrols, police presence at community events and community oriented policing programs. Law enforcement agencies routinely process criminals to remove them from the streets, issue warnings, cite drivers for violating traffic laws and ensure that business and citizens alike follow all applicable laws of the community. Criminal justice forensic scientists, criminologists, detectives and investigators use science, trade skills and knowledge to locate evidence and preserve it for use at trial and to obtain factual truth about events that took place during a crime. This helps to ensure that the right person is convicted and innocent individuals remain free. Technology is advancing to detect evidence that cannot be found with the naked human eye or may have otherwise never been found. Judges, lawyers and paralegals work to ensure that the laws are adhered to during criminal trials and that convicted criminals are punished for their crimes and rehabilitated. The court system and rehabilitation agencies tailor the treatment and punishment of the criminal to fit the circumstances of the individual crime as well as the suspects' mental capacity. Evaluations are sometimes done to determine if an individual should be prosecuted under special guidelines for mental illness or as a juvenile or adult offender. Criminal justice also assists with enabling victims to come to terms with what has happened to them and learn to lead normal lives after the event. Victim advocacy programs aim to help victims take back the control and the sense of safety they feel they have lost as a result of the crime. Victim assistance programs include witness protection, victim education programs, and the Victim Support Center for Victims of Crime. (Jackson)

Forensic Science in Bangladesh Perspective

Anyone who watches crime shows on TV is familiar with the concept of forensic science. Although these shows serve to highlight the importance of the role of forensics in the detection of crime, this science is not a quick and easy way to solve crimes as these shows make it out to be. Forensic science can be very tricky. For those who are unfamiliar with forensics, it is the application of basic scientific techniques for the analysis of physical evidence associated with any crime. In modern times, forensic science has become an integral part of the process of crime detection and new aspects of forensics are being developed along with technology to support them. "Forensic evidence has been used to prove cases since the existence of criminal courts in Bangladesh", says a criminal lawyer, "But it is only in recent times, for the past five years, that forensic tests are being conducted in this country. Before that, all physical evidence was sent to Singapore for testing." "Eye-witnesses can be threatened or bribed," says Halder, "We have seen this in many cases in Bangladesh. Of course, there are also cases where

their memory may fail to serve them, depending on how long ago the crime occurred. Eye-witnesses often contradict themselves and change their stories.” Physical evidence however, will never tell a lie.

In order to ensure this, forensic scientists, otherwise known as criminalists (not criminologists) must lead extremely hazardous lives. Their jobs are very risky as they often have to deal with firearms, ammunition, poisons, explosives, narcotics, blood, adulterated chemical substances and much more. They may also have to visit crime scenes, which may be unsafe, depending on the nature of the crime. A proper forensics lab will consist of several departments, each dealing with a different kind of crime. A forensic physicist will generally examine the materials obtained from a crime scene. A physicist will also conduct comparative studies on various impressions left in the crime scene and marks of tools etc. that may have been used in the crime. Forced engine marks and restoration of numbers and letters, which have been erased from a metallic surface and analysis of paints and glass particles, is also done in this department. The forensic chemistry department determines the purity of substances such as petrol, diesel, kerosene etc. from samples. They also determine the quality of liquor, opium, and various narcotics and chemicals. They also examine explosives. Serologists deal with crimes, which involve blood. They play a key role in murder cases where weapons such as knives are found, stained with blood. It is the Serologist's job to determine whether this is human blood and through DNA tests, determine the blood type and given the evidence, who it may belong to. Serologists also conduct DNA tests in disputed paternity cases. Next comes the document experts, who determine whether a document has been forged, these range from wills to property papers to counterfeit money. Handwriting experts verify signatures, writings, seal-impressions and in case of typed documents, the sort of machine used for typing and the age of the ink used on the questionable document. Ballistics experts verify whether a particular firearm was used to commit a crime. Given the weapon warhead, the expert can determine about the type of firearms and ammunitions (exclude) used while executing a certain crime. The firing range, target distance & direction as well as angle of the bullet shot can be determined in the ballistics department. Along with firearms, ballistic experts specialize in examining and determining the nature of explosives if any, used in a crime. Toxicologists are the poison experts and their department is used in accidental, suicidal or intentional death cases, to determine the quality and quantity of the poison used. Vital clues can be obtained from toxicology tests and the investigating officers can also detect the source of the poison.

Last, but not the least, the photography department also plays a vital role in the detection of crime. The forensic photographer captures photographic evidence at the crime scene and in cases where evidence has been erased or tampered with, these photographs play a vital role in re-establishing the erased evidence. Forensic photographers also analyze photographs to determine whether they have been doctored.

In Bangladesh, the CID of the police force carries out forensic tests. Experts receive training for a period of six to twelve months before they start working in the forensics department. According to a report by Special Superintendent of Police (Forensic) from CID, the forensic laboratories of our country are located at the CID headquarters at Malibag in Dhaka and in Chittagong. The Chittagong forensic laboratory is comprised of different forensic laboratories and chemical laboratory. Here the Chemical experts are working for chemical and substance related investigation. In Dhaka there is a central chemical laboratory which is located at Mohakhali. The forensic team includes, finger print, foot print, handwriting, ballistics, micro analysis, forged notes & counterfeit coins, photography and crime scene management experts who all work at the CID headquarters at Malibag in Dhaka and in Chittagong.

In 2012, IT forensic laboratory and last year forensic DNA laboratory were established at the CID headquarters at Malibag in Dhaka. Let us see the current working methods for each of the forensic division of CID in Bangladesh:

Handwriting Bureau: Handwriting Bureau is working with detection of forged signature, writings through typewriter machine or written document, seal impression, fraudulent alteration of documents both physical and chemical erasure (Addition/overwriting, Insertion, Interlineations, Obliteration, Substitution). There are two working methods of detection of handwriting by observation in normal light and observation under different rays (U.V. ray, oblique ray, transmitted ray). Examination of handwriting with the help of the following optical instruments: a) stereo microscope, b) magnifying lens of different power, c) Electro Static Developing Apparatus (ESDA), d) Video spectral Comparator (VSC), e) digital stereo microscope, etc.

Forged notes & counterfeit coins: Forged note & counterfeit section works to detect forgery of Bangladesh currency notes, counterfeiting of Bangladesh coins, and forgery of foreign currency. Examination of forged notes & counterfeit coins with the help of the following optical instruments: a) stereo microscope, b) magnifying lens of different power, c) Video spectral Comparator (VSC), d) digital stereo microscope, etc.

Fingerprint Bureau: Fingerprint - as the word denotes itself - means impression of finger. Whenever any person touches an article he/she leaves his/her finger impression on it. However, it is completely a different issue whether these could or could not be made distinctly visible and usable. The fingerprints are put on all important documents and registered deeds etc. as fingerprints of no two individuals can be similar so much so that not even two fingers of the same person can give similar impression. Of all the methods of identification, fingerprints offer the most conclusive means of identifying a person. It is today used as an indispensable means of identification all over the world. Fingerprints are thus very important. If ever the finger impression at the scene of crime is found to be that of the suspect, it leads one to an irrevocable conclusion that he is definitely linked with this crime in some way. Plastic and visible prints need not be developed. They should be photographed directly and preserved for comparison with the fingerprints of suspects subsequently. The latent prints are to be made visible and, for that, they need to be developed. The different methods are known as - Powdering technique, Gaseous method, and Liquid (chemical) method. Fingerprint has been playing a very important and positive role in the identification of persons/criminals and the investigation of crime since the beginning of 20th century in Bangladesh and most of the foreign countries. To identify and match fingerprint experts are using different types of equipment and software (e.g. AFIS).

Foot prints Section: Foot prints are as important as finger prints in the investigation of criminal cases. Sometimes they can be used for positive identification like fingerprints but generally they help in eliminating a number of suspects by discovering who had actually visited the scene of crime. Footprints are frequently found at the scenes of burglary, murder, causing hurt to persons, offences against public property, arson, robbery and dacoity⁵. Shoe-sole print is used for identification of manufacturer, identification of suspect shoe, and reconstruction of activities. Foot prints science has neither acquired the status that the finger print science has, nor does it seem feasible for it to do so. CID, Bangladesh use some method and techniques to collect the footprint. The following methods are commonly used for collecting foot prints: Photography, Tracing, and Lifting: Apart from the ideal

⁵Penal Code u/s 394-396.

conditions, the foot print can have other features which help the investigating officer, to establish positive or partial identity of a suspect. These features may be (i) some deformity in the foot print, (ii) unusual arrangements of toes or (iii) some prominent mark in the surface of the sole. Besides, a series of footprints indicates the direction of walking or running of the offender. The direction line, walking line, foot line, foot angle and step length give a mental picture helpful in drawing useful conclusions to deal with suspects. Some of the deductions which are possible to be arrived at, besides those mentioned above, can be mentioned as – (1) limp, (2) age of the person, (3) weight of the person, (4) sex, (5) the height of the person, (6) a broken walking line is suggestive of sluggish persons, pregnant woman, drunkards and persons carrying load on their backs.

Ballistics Section: Ballistics is the branch of physics, which deals with the path, motion, speed, direction, impacts, pressure and effect of a projectile. The science of “ballistics” has been developed to attend the examination of firearms and ammunition. The phrase “Forensic Ballistics” which was first coined by Col. Goddarad, a pioneer in this study, means the study of science of investigation and identification of firearms ammunition used in the commission of crime. Ballistics is the “Science of the motion” of projectiles in flight / the flight characteristics of a projectile. In scientific criminology the main principle of forensic ballistic is to establish whether a given bullet or cartridge was used in a particular weapon. It not only helps totally about the cartridge from which it was fired, but also includes things like from what distance it was fired, the approximate time when it was fired in earlier. It is usually possible to obtain from the marks of breach face, firing pin; chamber, extractor/ ejector, barrel are the fingerprint of firearms. Each weapon of the same manufacturer, the marks are same in general; but in each weapon there are individual differences which usually enable it to be definitely identified. It mainly deals with the fire arms, ammunitions for Analytical criterion, Judging distance, Powder patterns, Scorching, Identification of suspect weapon, Elimination as potential weapon, Type of weapon etc. Shots discharged from a smooth bore fire arm scatter over an area that increases roughly according to the distance of the target. In case of a rifle it may carry the barrel mark. It is often possible to identify that the type or mark of gun which fired the bullet in evidence. In short, ballistics helps us to determine whether a firearm is active or not, an ammunition is alive or not, fired bullets and fired cartridges have been fired from the suspected gun or not, the presence of fouling inside the barrel, position of the shooter and to match striking marks of the firing pin on the percussion cap. To identify and match the fingerprints of fired bullet, cartridges and gun ballistics experts are using modern equipment and software, like- digital comparison microscope, fired bullet and cartridges case scanner.

Micro-analysis Section: Micro-analyses are conducted for restoration of erased or obliterated inscription on metallic substances especially– vehicle engine and chassis number, serial number of fire arms. This section also conducts tool marks, color, glasses and fiber comparison. To conduct their examination, experts of this section are using digital comparison microscope, echo, grim, raman-spectrometer photometer and etching solution or gel.

Photographic Bureau: Photography Bureau helps all sections to provide enlarged photograph. One of the main objectives of this section is crime scene photography. It preserves the criminals' photographs and negatives and provides expert opinion through photo matching. Crime Scene Photography is essential in the field of criminal investigation to record the original scene and related areas as well as the initial appearance of physical evidence. It will provide investigators and others

with this permanent visual record of the scene for later use. Photographs of concerned documents are also used in court trials and hearings.

Crime scene Management: As the supreme, unique and most authentic department for criminal investigation, CID follows a typical process of crime scene investigation. The main three phases of crime scene investigation followed by CID are collection of physical evidence, analyzing physical evidence by comparing with the sample, preservation of physical evidence and supply it necessarily to the concerned. CID has five specialized crime scene investigation units in Dhaka, Chittagong, Sylhet, Rajshahi and Khulan which deal with collection and preservation of physical evidence. All teams are well equipped with crime scene kit and crime scene vehicle and ready to manage serious or heinous crime scene round the clock on requisition by concerned authority.

IT Crime Forensic Lab: A complete 'IT Crime Forensic Lab' is on the process to be established under Forensic Division with modern instruments to fight against cyber-crime or crime related to computer and other Information Technology (IT).

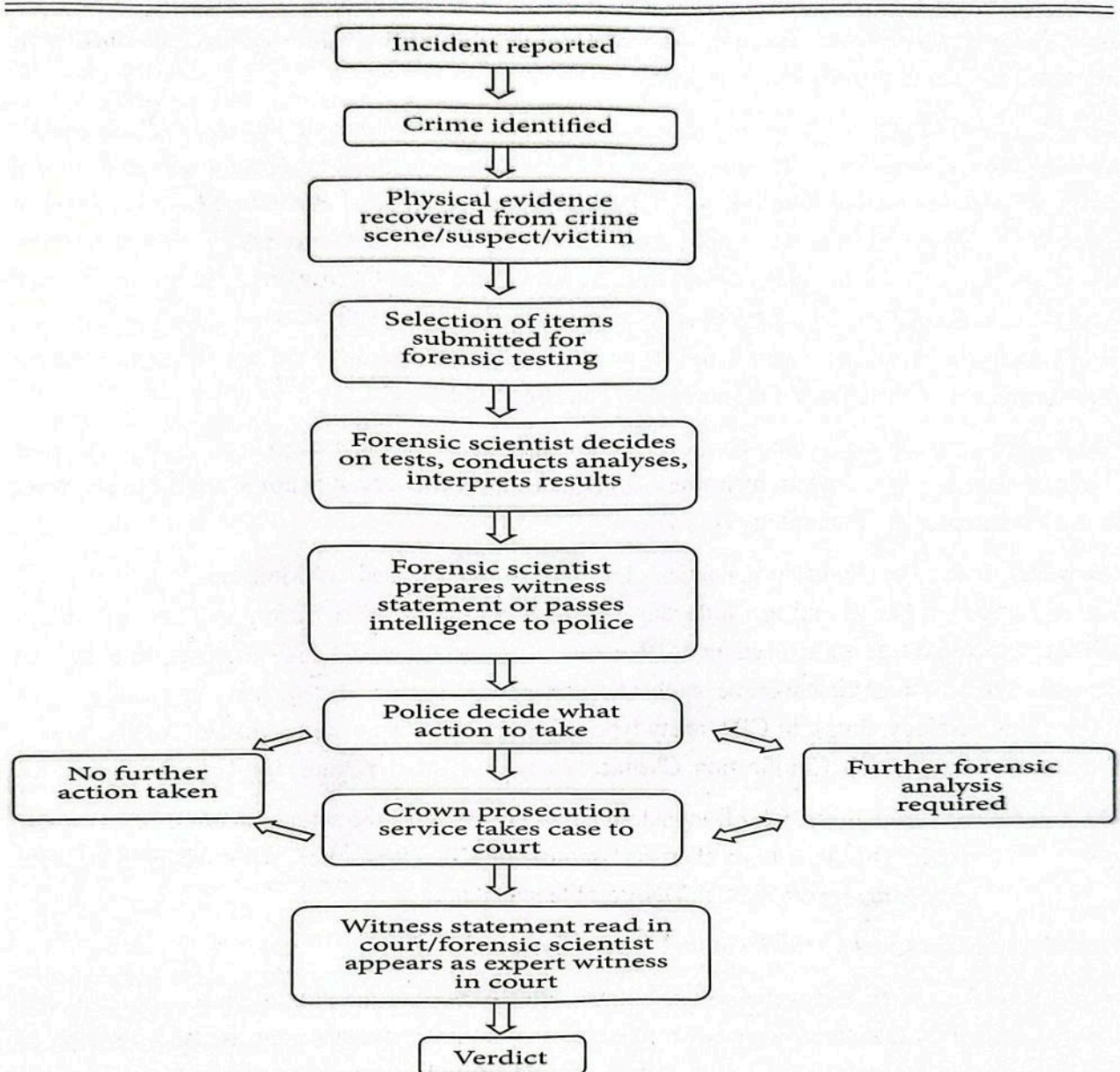
Chemical Lab: The Forensic Chemical Laboratories are located at Mohakhali, Tejgaon, and Shegunbagicha in Dhaka and in Chittagong. Textile experts work at the Textile Institute in Tejgaon. Dhaka Medical College is also used for its laboratories and morgue by CID. In field of investigation, CID have to work with some violent crime or other heinous case i.e. death cases, rape cases, chemical analysis (toxicology, serology, drug). In CID, many types of chemical analyses are conducted. Among them – Separation, Classification, Clarification, Chemical composition etc are almost regularly conducted.

DNA Lab: Apart from these, CID Bangladesh has almost finished the setting up of DNA Lab under Forensic Division. This is a long cherished project of CID Bangladesh. This lab will facilitate confirmed investigation report through DNA profile matching.

Use of forensic science by the Criminal Justice System

Forensic science is critical to the efficiency and effectiveness of the criminal justice system. The main contribution that forensic science makes to the criminal justice system is the generation of intelligence to assist investigations: the provision of actual evidence to convict the guilty or exculpate the innocent represents a small, although very significant, part of its role. DNA profiling, sometimes called DNA fingerprinting, is perhaps the most well-known forensic technique and an increasing number of investigations rely on DNA evidence. Data are not available on the numbers of convictions that (Figure: The use of Forensic Science by Criminal Justice System)

have been aided by the availability of DNA evidence. However, it is known that in 2002–03 there were more than 21,000 detections in crimes where a DNA profile had been obtained, a 132% increase since 2000. HMIC has described DNA analysis as “by far the most significant breakthrough in crime detection since the inception of fingerprint identification”. An overview of the process by which forensic evidence is obtained and used by the criminal justice system is provided in the Figure. (Swanson, 2003)



(Figure: The use of Forensic Science by Criminal Justice System)

In summary, once a crime has been identified, potential evidence at the scene (or on the victim or suspect) is identified and recovered, usually by SOCOs, although in more serious cases forensic scientists from the forensic service providers may also be involved. Fingerprints found at scenes are checked against national databases directly by police forces. Other potential evidence, some of which will be recovered in the laboratory rather than at the crime scene, is subjected to detailed examination and analysis using a range of techniques. (e.g. DNA tool marks, glass, shoe prints etc.). The value of any forensic evidence is critically dependent on the interpretation of the scientific test result, necessitating an awareness and understanding of the particular circumstances of the case in question. The choice of items to be submitted for testing, and the priority awarded to them, also has a major impact on the benefit to the investigation that is derived from forensic analysis. Furthermore,

appropriate action needs to be taken by the police once the forensic test results become available. The power of forensic science to facilitate the administration of justice is therefore entirely dependent on the ability of the police, and others, to use it effectively

Justification of the uses of Forensic Science in CJS of Bangladesh

The use of forensic techniques to support investigations can significantly reduce the pressure on investigating officers to obtain forced confessions and can enhance the success of investigations and prosecutions. Based on this ground, equipment support, including personnel training, is being provided to Dhaka and Chittagong forensic lab to enable the Central Forensic Laboratories to carry out examinations of secured evidence and to support the District level in crime scene investigations.

AAS and HPLC: The main components of the Atomic Absorption Spectrophotometer (AAS) and High Performance Liquid Chromatograph (HPLC) have arrived (imported from Japan). Equipment was being installed after adopting workspace at Chemical Lab, Mohakhali, Dhaka⁶. After the installation investigation capacity for both general and specialized crime improved, in particular for crimes against women and children, THB, sexual abuse/assault etc⁷.

Automated Finger Print Identification System (AFIS): Automated Fingerprint Identification System (AFIS) was installed at CID HQ, Malibagh in January 2010. This system is encompassed with Central Server including Database and Application Server, 5 matching System and Communication Server. Administrator work station along with 7 operator work stations, 7 regional AFIS systems, 10 Mobile work stations and it also includes AFIS software with database, live scanning software and RASTR software.

Integrated Ballistics Identification System (IBIS): IBIS will perform two major roles; (1) Database for all legal registered firearms in Bangladesh and (2) Mechanism to store, compare and pre-classify weapon, projectiles, cartridges and other ammunition fragments related to criminal acts. IBIS procurement was completed and installed at CID in November 2008. Training for operators (10) and system administrators (2) has been accomplished and system is now operational.

Recent initiatives by Bangladesh Government:

Establishment of Forensic Laboratories: Two Forensic Laboratories have been established in Dhaka and Khulna in 2007. 20 air conditioners, 10 computer tables and chairs have been handed over to Dhaka CID Forensic Lab. 10 computers, 10 scanners, 10 laser printers have been installed in different units of Forensic Lab Dhaka according to the needs analysis. Ten photo cameras with tripods have been procured and delivered to Police following completion of six-week Scene of Crime Officers (SOCO) training⁸.

Forensic awareness course: Training needs on forensic awareness analyzed and training curriculum for "Forensic awareness course" has been prepared.

Police station fingerprint pack: Procurement of police station fingerprint pack for the Model Thanas completed and will be deployed till the end of Phase 1. A thematic work group is preparing the Standard Operating Procedures (SOPs) for Model Thanas to implement the "taking fingerprints from suspects" procedures at Thana level.

⁶ <http://www.prp.org.bd/MenuMA.htm>

⁷ http://www.prp.org.bd/index.php?option=com_content&view=article&id=59&Itemid=13

⁸ Source CID Bangladesh

Police station camera pack: Procurement of police station camera pack is underway. While most of the items have arrived and been installed, the photography systems cannot be implemented because of delays in receiving lighting kits, vital component of the system. Action is ongoing to recover the missing items.

Forensics & the Justice System

Forensics and the justice system have a symbiotic relationship. From the crime scene to the courtroom, forensic science services are an integral part of investigations. Forensic best practices are fundamental for recognizing and preserving all items of evidence, for avoiding the loss, deterioration or contamination of evidence, and for ensuring the "chain of custody". (UNODC, 2014). Part of a forensic scientist's job description is to collect evidence at a crime scene. Because of the nature of this work, forensic investigators work closely with government officials and law enforcement. Forensic investigators and scientists are often called as witnesses in order to help in criminal cases in a court. Forensics has been around since the Roman times. According to the History of Forensics, it was during this time that if a criminal charge was brought before the forum, both the person acting as the accuser and the one that was being accused would present their side. It boiled down to who had more evidence and better presentation skills and that was the person who was declared the winner. From the beginning, forensics was meant to marry the criminal process with the medical community. Forensic investigators are involved in all aspects of a criminal case and need to work closely with the law at all times. In the case of a CSI investigator or a forensic examiner, you are called to the scene of a crime in order to collect and bag evidence that could be used to find DNA or later be brought before the court system. Forensics must work cohesively with law enforcement officials who are on the scene, as well as present findings and function under stress in a timely manner once you have taken the evidence back to the lab⁹.

Many areas of forensics, or forensic sub-careers, have developed in recent years. Today, options for working in forensics include careers as CSI (crime scene investigation), computer forensic investigator, forensic document examiner, forensic nurses and paediatric forensics. Even the Bangladesh government has taken some initiatives to improve the overall quality of forensic science service. Forensic investigators are often called for testimony as expert witnesses. The justice system needs to rely on them and their oral statement in that they are knowledgeable at what they do. According to an article on the AAFS website, new scientists work in a mock court before they testify for the first time. It can be difficult to explain complex information about science and chemicals and relating scientific wording as to how it affects the crime scene or evidence gathered. The purpose of expert evidence is to provide the court with information based on scientific results, the interpretation of which is outside the experience and knowledge of a judge and jury. It is the court's responsibility to decide whether there is a need for expert evidence and also to establish the competency of the expert witness. If the expert evidence is clear and not contradicted by any other evidence, the jury should accept it. If the evidence is not clear, or there is evidence which contradicts the expert's opinion, the jury may reject it.

Forensic Science in Criminal Investigations:

Imagine a world where criminals run freely. Detectives and police officers collect evidence much the same way as they do today, but there is one main difference. Science is not used. Due to the lack of scientific analysis, there would not be a lot of useful evidence. Without the use of science, criminals could not be convicted of their crimes, ranging from common theft to a homicidal rampage, unless there

⁹http://www.ehow.com/about_6696906_forensics-justice-system.html

was an eyewitness present at the crime scene when the crime occurred. Murderers would continue killing, thieves would continue stealing, and drug traffickers would continue dealing. Fortunately, in today's world, science is used in solving crimes. The clues a criminal leaves behind can be traced through scientific evidence. This field of science dealing with criminal investigation is known as forensic science, which roughly means the application of science to law (Microsoft 2000). Forensic science can be used to determine many things from the evidence when it is collected properly without any contamination. The people that need to learn the methods of collecting the evidence for forensic science analysis are those from law enforcement agencies that come into contact with the crime scenes frequently. Unfortunately, nine times out of ten, this person is an officer from a police department which is lacking in evidence collection training. In other words, scientific concepts and principles are used to convict criminals of their crimes. Due to the great importance of forensic science in the conviction of criminals, the basic ideas and concepts need to be taught to officers of local police departments so that evidence can be collected without contamination in order to contain criminals. Throughout history, evidence has been used to convict criminals of the crimes they have committed. Today society has improved upon the methods of the past to bring about more precise and accurate techniques. These techniques are more commonly known as the field of forensic science. Richard Saferstein writes a more specific definition than what was previously given in his book "*Criminalistics: An Introduction to Forensic Science*", which says that forensic science is the application of science to those criminal and civil laws that are enforced by the police agencies in a criminal justice system. The origin of this type of science cannot be accurately pinpointed. (Saferstein, 1981)

DNA Technology: Bangladesh & world Perspective:

First National Forensic DNA Profiling Laboratory (NFDPL) was established in Dhaka Medical College, Bangladesh by the Ministry of Women and Children Affairs with the technical and financial assistance of DANIDA. It is the first laboratory of its kind in this country inaugurated on January 23, 2006.

Forensic DNA Laboratory of Bangladesh Police:

Forensic DNA Laboratory of Bangladesh Police has been established at CID headquarters at Malibag in Dhaka with the financial assistance of JDCF. The main objectives of forensic DNA lab are to test the Biological Evidences collected from various sources and to build up a forensic DNA database. It has enormous scope on the following fields-

- ❖ Shield against the misuse of police powers
- ❖ Enhancement of capacity of judiciary
- ❖ Increasing the conviction rate
- ❖ Enhancement of capacity of investigation
- ❖ Building up a criminal database
- ❖ Building up a positive image of police
- ❖ Setting of a identification tool of unknown dead bodies
- ❖ Setting of a matching tool between criminals and suspects
- ❖ Aiding to civil cases
- ❖ Establishing a reciprocal communication with INTERPOL

Jamaluddin Murder: The Kidnapping of Jamaluddin followed by his possible murder had tremendously shaken both the civil society and law enforcing agency of the country. Approximately after two years of his disappearance, police recovered skeletons of so called Jamaluddin based on the confession of a prime suspect. His family refused to accept this body remains and asked for a DNA test. Police sent one of the bone sample and teeth to DNA Profiling Laboratory in Singapore. The matter was settled by the DNA test result.

Saddam Hossain: Former Iraqi president Saddam Hossain was captured by American forces on December 13, 2003. Before six months of his capture, his two sons Uday and Qusay were killed by American forces. Rumor a floated there that Saddam has created many copies of himself by plastic surgery to confuse the conformity of his identity. A DNA test was performed and his DNA profile was compared with that of his two sons. Saddam Hossain's capture is verified with DNA testing (Justice Report, 2000).

Pressures on the forensic science system:

As mentioned above, a number of factors have combined in the past few decades to place increasing demands on an already overtaxed, inconsistent, and under resourced forensic science infrastructure. These factors have not only stressed the system's capacity, but also have raised serious questions and concerns about the validity and reliability of some forensic methods and techniques and how forensic evidence is reported to juries and courts. The increased use of DNA analysis as a more reliable approach to matching crime scene evidence with suspects and victims has resulted in the re-evaluation of older cases that retained biological evidence that could be analyzed by DNA. The number of exonerations resulting from the analysis of DNA has grown across the country in recent years, uncovering a disturbing number of wrongful convictions—some for capital crimes—and exposing serious limitations in some of the forensic science approaches commonly used in the United States. (FBI's Handbook of Forensic Science)

The fact is that many forensic tests such as those used to infer the source of tool marks or bite marks have never been exposed to stringent scientific scrutiny. Most of these techniques were developed in crime laboratories to aid in the investigation of evidence from a particular crime scene, and researching their limitations and foundations was never a top priority. There is some logic behind the application of these techniques; practitioners worked hard to improve their methods, and results from other evidence have combined with these tests to give forensic scientists a degree of confidence in their probative value. Before the first offering of the use of DNA in forensic science in 1986, no concerted effort had been made to determine the reliability of these tests, and some in the forensic science and law enforcement communities believed that scientists' ability to withstand cross-examination in court when giving testimony related to these tests was sufficient to demonstrate the tests' reliability. However, although the precise error rates of these forensic tests are still unknown, comparison of their results with DNA testing in the same cases has revealed that some of these analyses, as currently performed, produce erroneous results.

The conclusions of forensic examiners may or may not be right depending on the case but each wrongful conviction based on improperly interpreted evidence is serious, both for the innocent person and also for society, because of the threat that may be posed by a guilty person going free. Some non-DNA forensic tests do not meet the fundamental requirements of science, in terms of reproducibility,

validity, and falsifiability. Even fingerprint analysis has been called into question. For nearly a century, fingerprint examiners have been comparing partial latent fingerprints found at crime scenes to inked fingerprints taken directly from suspects. Fingerprint identifications have been viewed as exact means of associating a suspect with a crime scene print and rarely were questioned.

Recently, however, the scientific foundation of the fingerprint field has been questioned, and the suggestion has been made that latent fingerprint identifications may not be as reliable as previously assumed. The question is less a matter of whether each person's fingerprints are permanent and unique. Uniqueness is commonly assumed as more a matter of whether one can determine with adequate reliability that the finger that left an imperfect impression at a crime scene is the same finger that left an impression (with different imperfections) in a file of fingerprints. When the evidence and putative source items are compared, a conclusion of individualization implies that the evidence originated from that source, to the exclusion of all other possible sources.

The determination of uniqueness requires measurements of object attributes, data collected on the population frequency of variation in these attributes, testing of attribute independence, and calculations of the probability that different objects share a common set of observable attributes. Importantly, the results of research must be made public so that they can be reviewed, checked by others, criticized, and then revised, and this has not been done for some of the forensic science disciplines.

Ensuring the Reliability of Forensic Evidence:

The overhasty anointing of forensic fingerprint identification as reliable evidence deterred all relevant actors from scrutinizing fingerprint evidence. Aside from a handful, "hard" scientists, like anatomists, statisticians, and forensic scientists with biological and mathematical training, did not view fingerprinting as a sexy research problem. Judges relied on a chain of citations founded on the faulty logic demonstrating that there are no two fingerprint patterns exactly alike establishes the reliability of forensic fingerprint identification that expressed no doubt about the absolute reliability of fingerprint evidence. The practices of the defence bar are more difficult to gauge, but anecdotal evidence suggests that defence attorneys treated fingerprint evidence as an impregnable black box that did not merit the expenditure of scarce resources.

Fingerprint examiners themselves, by their own admission, ceased all research into the foundations of their science. The result was that the criminal justice system as a whole treated forensic fingerprint evidence as a 'black box', whose outputs were scientific, unassailable, unproblematic, and error-free. Forensic fingerprint identification evolved into a practice wholly in the capture of law enforcement agencies, there were virtually no fingerprint experts who were not present or former employees of law enforcement or other government agencies, like the military – entirely lacking external oversight, regulation, quality control, or proficiency testing. When forensic fingerprint evidence was put under intensified scrutiny by the defence bar in the late 1990s, serious problems were exposed. Fingerprint evidence was implicated in several cases of false conviction. Proficiency testing revealed shockingly high error rates. And the lack of testing suggested that forensic fingerprint evidence might fail to meet the Supreme Court's standards for scientific and technical evidence. If nothing else, these developments revealed the blasé and gullible attitude that the criminal justice system had adopted toward fingerprint evidence.

As the "DNA Wars" subside, we need to guard against treating forensic DNA evidence with the same complacency with which forensic fingerprint evidence was treated for most of this century. In particular, we should be concerned about allowing law enforcement to monopolize expertise in the area of forensic DNA typing. Serious consideration should also be given to removing forensic scientists from the employ of law enforcement agencies or finding other ways of combating conscious and unconscious pro-prosecution bias; to providing for external oversight, regulation, and proficiency testing of forensic laboratories; and to providing resources to defence counsel for truly independent evaluations of forensic evidence and the scientific foundation of forensic techniques.

Again, history teaches that no forensic technique is foolproof or error-free. Indeed, if ever there was a technique that claimed to be foolproof, it would be fingerprint evidence. Precautions should be taken to ensure that forensic DNA evidence receives ongoing scrutiny from the courts, the defence bar, and the scientific community and is not turned into a black box whose conclusions are treated as unassailable, error-free gospel.

Forensic Science in a Human Rights Framework

Forensic science is integral to the criminal justice system. With the development of new technology, techniques and procedures, society has become increasingly dependent upon forensic science in the detection, prevention and prosecution of crime. This trend is set to intensify. Forensic science will play an ever-greater part in the generation of criminal intelligence and criminal evidence both domestically and internationally; intelligence led policing is a feature of the new paradigm.

The ever-greater technological ambit and remit of forensic science has raised ethical and humanitarian concerns. In parallel with developments in forensic science there is increased public concern over the potential infringement of personal rights and freedoms. For example, emerging applications of DNA profiling, extension of national bio-information databases, retention of genetic samples, and the cross-border access to and transfer of data all raise issues of individual privacy and human rights. In common law jurisdictions these concerns find focus in the increased protection of fundamental rights whether by way of statute or by constitutional convention. The widespread ratification of international human rights agreements has increased awareness of international norms in human rights.

Concluding Remarks

Forensic science is now central to the detection and deterrence of crime, conviction of the guilty and exculpation of the innocent. Moreover, the significance of forensic science in the criminal justice system can be expected to intensify in years to come. Forensic Science today makes an important contribution to the operation of the Criminal Justice System providing evidence which could help decide the guilt of a suspect. Forensic experts opinion is accepted by the code according to Evidence Act 1872, u/s- 45. Forensic Science is able to do so because it has developed to operate within the reality determined by the Criminal Justice System. Changes that are occurring today seem to upset the relationship between Forensic Sciences and the Criminal Justice System by the creation of communication problems. Examples of these problems exist in the changes occurring in the concept of death made necessary by organ transplants. These changes have shifted the focus from the quantity of life to the quality of life and make it impossible for the Forensic Scientist to answer honestly the questions that might be put to him. The need for reforms in the law, in view of social changes, has

been recognized and, in many countries, attempts at such changes are afoot. With these changes a new reality is being defined. Forensic Science, being a discipline that comes first in contact with a multitude of emergent problems, has a part to play in the definition of this reality. Then *"If forensic evidence is not objectively tested, analyzed, and interpreted by adequately trained scientists, the search for truth will potentially be compromised, if not defeated."*

Recommendation

To increase the reliability, objectivity, and independence of forensic analysis and forensic expert testimony in criminal trials, and to increase fairness and accuracy in the criminal justice system, 'The Justice Project' recommends that "states create an oversight commission to set and enforce quality standards for forensic labs, develop internal structures and policies in forensic labs to prevent bias in testing and analysis, make forensic labs institutionally independent from law enforcement and prosecutorial agencies, improve training and certification standards for forensic analysts, and increase funding to implement these essential changes". Our investigation system and Forensic team should be more enriched for better justice. The people of our country will have to be more helpful. The necessary equipments and scientific tools should be provided to the police. Only then the proper justice will be possible. In this regard the following recommendation may be applicable:

- The investigators need to develop their skills for the collection of physical evidence first and, then, other investigation knowledge for gathering and procuring of the evidence for the successful conclusion. On that perspectives every officers should receive Training and Academic knowledge on Methods and Techniques of Criminal Investigation.
- Practitioners need to work hard to improve their methods, and results from other evidence have combined with these tests to give forensic scientists a degree of confidence in their probative value.
- The police and the Forensic Team must ensure that they give adequate attention to the access and custodianship arrangements of other national forensic databases and put in place mechanisms for data sharing between suppliers where required.
- Collection and retention policies, effectiveness of safeguards, ethical oversight and access to personal information raise issues of personal privacy and freedom. So the forensic scientist must ensure the privacy and human right.
- Increasing the connectivity of different databases, whether at the national or international level, may have significant ethical implications. The Government must take this into account when considering the linking or cross-referencing of forensic databases.
- Independent research should be undertaken to assess the public attitude towards retention of DNA samples (both from convicted criminals and others), and the evidence of benefits associated with this practice
- The Forensic Science Advisory Council will be essential for ensuring that the police continue to have access to independent and impartial expert advice on forensic science in a competitive marketplace.
- We recommend that the Government need to establish a Forensic Science Advisory Council to oversee the regulation of the forensic science market and provide independent and impartial advice on forensic science.

- Even if problems are rare, the human cost and tarnish to public confidence in the criminal justice system caused by the miscarriages of justice associated with flawed expert evidence that have already occurred must be taken into account. Moreover, we believe that steps could be taken to reduce the potential for such miscarriages of justice to occur. We recommend that a Scientific Review Committee be established.

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Interested researchers to submit manuscripts (Research articles, literature reviews, research reports and critical comments) in the field of contemporary Policing, Law Enforcement, Eco-phyco & Social issues. The main audience groups for these articles are teachers, civil servants including police officers, social and public security theorists.

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Articles should be sent for consideration electronically to the editor, Mohammad Shahjahan PPM. Authors must retain a copy for their own reference.

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To be eligible for the editorial review, please use the following guidelines:

- Articles must be original and unpublished and should be no more than 6,000 words in length (including reference), with a brief title.
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- Articles should be formatted in any version of Microsoft Word.

References and end notes should be formatted according to the guidelines and author-date system of Harvard style of referencing. Details of Harvard style of referencing are available at URL: http://www.library.uq.edu.au/training/citation/harvard_6.pdf.

- Footnotes are not accepted. All figures, tables, and charts should be submitted as entirely separate files, preferably in jpg format.
- In addition, we request that all authors submit the following:
- A cover page with the submission title, author's name, mailing address, e-mail address, daytime telephone number, and a brief biography.
- A 200-word abstract.
- An electronic copy of the article in a formatted CD in any version of Microsoft word.
- Authors are required to cooperate with editing and fact-checking.
- Tables should be sequentially numbered in Roman numerals in the order in which they are referred to in the text. All charts and diagrams must be in camera-ready form.

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Authors must accept sole responsibility for the factual accuracy of their articles and for obtaining and supplying written permission to quote lengthy except from copyrighted sources.

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Police Staff College (PSC) Bangladesh headed forward its formal journey in 2000 with a vision 'To Maximize Human Welfare through Quality Policing'. In 1998, it was initiated by police policy group but within a few years, in 2002, it has been being governed by a Board of Governors chaired by the Honorable Home Minister. The Rector is the chief executive of the institution.

Police Staff College conducts the courses for the participants, in particular police officers, to raise awareness about new ideas, thinking, perception, insight and vision to respond to changing needs of the society. The institute endeavors to provide wisdom to the participants to improve managerial capability, operational performance, commanding skill and ability to identify root cause(s) of problems with package prescription for solution in the context of national and international scenario.

PSC works for the professional improvement of the senior police officers and executives from other security and law enforcing agencies under the umbrella of Ministry of Home Affairs. It provides quality training to the trainees with the help of a group of resource people in and/or out of police, including university academicians, scholars, lawyers, bureaucrats, justice and officers from Armed Forces.

The college always emphasizes conducting quality research on contemporary issues in policing and national development. Police staff college will work with the aim to establishing the College not only as 'Endeavour for Excellence' but also as a regional 'think tank' for Bangladesh Police as well as SAARC region.