**Colonial imprint**

BY MOHAMMAD ALI BABAKHEL | 6/10/2019

|  |  |
| --- | --- |
| WHILE addressing students at Haripur University, a student asked why I carried a stick during the question-and-answer session.I said it was part of my uniform. The student earnestly responded that it resembled a shepherd`s stick used to control animals! The colonial police was constructed on a `control model`in which law enforcement was expected to physically and psychologically subjugate the public. In the white settlements, policing primarily remained civilian.In the colonies, policing was a paramilitary force. This was clear during the Scramble for Africa era, when the police and army would sometimes be merged by colonial powers. In many former colonies, the police`s primary function was to tackle public disorder, while crime control was a secondary concern. In Ireland, the British raised the Royal Irish Constabulary as a paramilitary force to protect the interests of the British state.During colonisation, the police were usually the first institution to be established. It became partisan and politicised, owing to its involvement in intelligence gathering. In many colonies, special branches were introduced, eg, in Calcutta, a special branch was established by Sir Charles Tegart, which was primarily used to monitor local tribes and crush signs of Indian nationalism. The Criminal Tribes Act of 1871 granted the police enormous powers: an entire tribe could be classified as criminal if even one member was found guilty of an offence.After the 1857 war, a centralised police service was introduced. The Police Act, 1861, reduced the police to an oppressive state instrument, with no concern for human rights. Af ter the Congress party was formed at a time of growing nationalist sentiments, the police commission in 1902 advised strengthening the armed police and intelligence wing. In 1919, the police shot at crowds in the Jallianwala Bagh massacre.By the mid-1930s, the special branch was active in crushing civil disobedience and nationalist movements.In the colonial scheme, the criminal justice system was primarily tailored to achieve political rather than judicial goals: it was politicised; ethnically biased; quasi-military in nature; over-centralised; and entrusted with `special powers`. Failure to dispense justice increased the state`s dependence on the excessive use of power and extrajudicial tactics. On the pretext of preventive action, stop-and-search operations further militarised the police. Because of such historical baggage, many former colonies now lack the basis for consensual policing.The public thinks the police are corrupt, but lacks an understanding of the historical context. In the colonial recruitment model, physical standards were the basic criteria,not intelligence and aptitude. Af ter recruitment, officers were subject to rigorous physical training and rude behaviour by the drill staff. During training, creative thinking was not encouraged, resulting in the police becoming `custodians of the status quo`, with a long chain of command that further compromised public service delivery.At training academies, compliance was encouraged, with little room for disagreement, promoting a culture of flattery.While inspecting the passing-out parade, has any chief guest ever asked the police commandant what skills the new graduates have learnt? Without updating criminal legislation eg the Pakistan Penal Code and the Criminal Procedure Code, the police cannot be reformed successfully and jettison their colonial past. Since Independence, two dozen commissions have advised on reforms, but their recommendations were largely shelved. Though the Police Act, 1861, was replaced with Police Order, 2002, no signifi-cant structural change in the organisation and functioning of the police occurred.The only change is an increase in numbers.Likewise, in 1977, India constituted the National Police Commission which submitted eight vol-umes of analyses and recommendations, but the reports were put in cold storage and never presented in parliament.Our policing system is designed along the lines of the Irish constabulary model that often shuttles between a colonial bureaucratic hierarchy and paramilitary norms. In the colonial model, communication travels top-down. Traditions and vocabulary such as `darbar` and `orderly room`, as well as flag marches, horse riding, the blowing of the bugle, starched uniforms and quarter guard are colonial remnants that affect police culture. The law of 1861 was tailored to meet colonial expectations, and remains averse to modern technology and democratic values.In this dismal scenario, a positive feature is the growing realisation in the country that development schemes alone will not determine the efficiency of governments.Rather, the governance apparatus, particularly law enforcement,will also sway public opinion. So, in order to meet public expectations, investment in law enforcement and police reforms is inevitable.  The writer is the author of Paki stan : |n Between Extremism and Peace.Twitter: @alibabakhel |  |