THE LAW ENFORCING AGENCIES AND GOVERNANCE: A SOCIOLOGICAL STUDY ON SHAHBAG THANA.

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List of Abbreviations

Gob	Government of Bangladesh
FBI	Federal Bureau of Investigation
DEA	Drug Enforcement Administration
USA	United States of America
MoHA	Ministry of Home Affairs
UN	United Nations
IMF	International Monetary Found
NGO	Non Government Organization
LEAs	Law Enforcement Agency
Ph.D	Doctors of Philosophy

Abstract

For the social control of a society enforcement of law is essential and this essential duty performs by police. Historically, police has referred the enforcement of criminal law all over the world. The function of police was initially, since the sixteenth century, not understood in a restricted sense as criminal law enforcement, but was broadly conceived in terms of a general governmental program oriented at the welfare, wellbeing, and happiness of individuals on the basis of a broad system of government that include all possible aspects of public life. Instead of merely responding to violation of law, this governmental system of police proactively and positively contributed to advance order and welfare. In more liberal nations police powers were more confined in terms of constitutional rights and restricted to violations of narrowly conceived criminal laws. On the other hands, colonial regimes again followed entirely different paths, closely related to the economic and political objectives of the imposition of colonial rules. From 1757 to 1947 Bangladesh ruled as colony of British Empire. The structure and act of British colonial ruler still kept intact in Bangladesh. The historical transformation of policing was happened in the world, but policing of Bangladesh begins colonial. As an organ of government police face different types of problem with its infrastructure and administrative structure. In this research paper I explain the problems of police and governance.

Chapter One

Introduction

1.1   Statement of The Problem

The law enforcing agencies (police) as a part of civil administration, often critically described as "Bureaucracy" is inevitable in any society or state, an inseparable part of an organized society. Policy decisions and guidelines can be taken by the politicians. Heads of governments with their follow ministers can takes such decisions. The mechanism for implementing these happens to be disciplined, well-trained, and well-organized machinery which is described as administration. Police is such an administration that works as a law enforcing agency of government. Bangladesh police is an essential element for Bangladesh government or civil administration. Good leadership can make a country developed. On the other hand development or under development of a country depend on good governance, which is only possible by appropriate leading or leadership. Politics of Bangladesh takes place in a framework of a parliamentary representative democratic republic, whereby the Prime Minister of Bangladesh is the head of government, and of a multi-party system. Executive power is exercised by the government. Legislative power is vested in both the government and parliament. The Constitution of Bangladesh was written in 1972 and has undergone fifteen amendments. Normally this leadership are growing or leading by political party. For this reason we can say that Government of Bangladesh (Gob) leading by the political party, that party whom elected by people of Bangladesh as democratic country. So we can also say that Bangladesh government or governmental party guided or operated Bangladesh police. Code enforcement, sometimes encompassing law enforcement, is the act of enforcing a set of rules, principles, or laws (especially written ones) and ensuring observance of a system of norms or customs. An authority usually enforces a civil code, a set of rules, or a body of laws and compels those subject to their authority to behave in a certain way. In the United States, those employed in various capacities of code enforcement may be called Code Enforcement Officers, Municipal Regulations Officers, or with various titles depending on their specialization. In Canada and some Commonwealth Countries, the term by law Enforcement Officer is more commonly used, as well as Municipal Law Enforcement Officer or Municipal Enforcement Officer. Various persons and organizations ensure compliance with the laws and rules including: Building inspector, an official who is charged with ensuring that construction is in compliance with local codes. Fire marshal, an official who is both a police officer and a firefighter and enforces a fire code. Health inspector, an official who is charged with ensuring that restaurants meet local health codes. Police forces are charged with maintaining public order, crime prevention, and enforcing criminal law. Zoning enforcement officer is an official who is charged with enforcing the zoning code of a local jurisdiction, such as a municipality or county.

1.2   Rationale of the Study

To study about the law enforcing agencies and governance I have interest when I admitted in MSS in the University of Dhaka. Everyday thousands news are published against police that police fail to control the law and order of the country. Many scholars or general people or political leader talking about the law and order situation of the country and the degradation of police as the law enforcing agency. Various training project and development initiatives have taken by government. But the administrative culture and degradation of administration increase day by day. Good governance of a country depends on the economy, politics and administrative structure and management. Rule of law is important for a country, it possible when the law enforcing agencies are separated from all type of personal interest and influence. A strong administrative structure can built a responsible and perfect law enforcing agencies. Good governance and rule of law or responsible and corruption free law enforcing agencies, everything of a state depend on the structure of government and the politics. If we see the history of Bangle it is easy to understand the problem of government's structure and politics. For this reason I want to research about police as the law enforcing agency and try to discover the reason problem behind it.

1.3   Objectives of the Study

The specific objectives of these studies are:

 a) To explore the abuse of police as a law enforcing agency by government.
b) To explore the sufferings of public due to police and government.
c) To study the infrastructural problems of police and management system of government.
d) To find out the political problem and its relationships with the law enforcing agencies.

1.4   Hypothesis of the Study

In this research I assume 5 hypotheses, this are-

Hypothesis 1: Government abuse police to repress general people of the country.

Hypothesis 2: Police failed to serve general people for its structural problem as well as Government.

Hypothesis 3: Government illegally uses police for political purpose against general people.

Hypothesis 4: Governmental political party create obstacle to apply law by police.

Hypothesis 5: General people don't accept police as there well wisher because of fear from their activities.

1.5   Operational Definition of Key Concepts
1.5.1 Law Enforcing Agency

An organization responsible for enforcing the law that is defined as law enforcement agency or law enforcement agency. A law enforcement agency is a government agency that is responsible for the enforcement of the laws. For Example, Federal Bureau of Investigation (FBI) or Drug Enforcement Administration (DEA) of USA. Law enforcement agencies have powers, which other government subjects do not, to enable the law enforcement agency to undertake its responsibilities. These powers exercised by law enforcement agencies include:

a) Exemptions from laws;
b) Intrusive powers, for search, seizure, and interception;
c) Legal deception;
d) Use of force and constraint of liberty;
e) Jurisdictional override; and
f) Direction.

Ministry of Home Affairs, Government of the People's Republic of Bangladesh, was first set up in 1971 with the formation of the government-in-exile during the Bangladesh war of liberation. The ministry started to operate from Bangladesh Secretariat, Dhaka after the victory of Bangladesh forces over Pakistani occupiers on 16 December 1971. After independence it inherited as legacy the law and order of the war-ravaged country. That was the beginning from which the present-day Ministry of Home Affairs evolved as a full-fledged governmental organ. The Ministry of Home Affairs (MoHA) is one of the vital organs of the Government, in which providing security to life and property, conduct rescue operations, investigate criminal cases, fight criminals, crimes and militancy, protect boarder and coastal belt, check smuggling, formulate immigration and emigration related polices and combat trafficking in humans and drugs are inter twined. Thus, MoHA is relentlessly working to create a safe habitable human environment by ensuring peace and security throughout the country. Bangladesh Police work as a law enforcing agency of GOB under The Ministry of Home Affairs (MoHA). Among the different law enforcing agencies of government I only define Bangladesh Police. Bangladesh Police is the core law enforcement agency of Bangladesh. It is administered under the Ministry of Home Affairs of the Government of Bangladesh. It plays the prime and pivotal role in maintaining law and order of the state. Though police is primarily concerned with maintaining law and order assuring security of public life and property. In Bangladesh, the formal and organized policing with varieties of activities as of today have come to this stage through lots of evolutions and developments across the long time.

In this research I only work or select my research area Shahbag Thana as a part of Bangladesh Police.

1.5.2 Governance

The word governance derives, ultimately, from the Greek verb meaning to steer, the metaphorical sense first being attested in Plato. In above-described sense, however, the term governance was re-minted as recently as the 1990s by economists and political scientists, and disseminated by institutions such as the UN, IMF and World Bank. Governance is a very general concept that can refer to all manner of organizations. In its most abstract sense, governance is a theoretical concept referring to the actions and processes by which stable practices and organizations arise and persist. These actions and processes may operate in formal and informal organizations of any size; and they may function for any purpose, good or evil, for profit or not. Conceiving of governance in this way, one can apply the concept to states, to corporations, to non-profits, to NGOs, to partnerships and other associations, to project teams, and to any number of humans engaged in some purposeful activity. It is useful to note the distinction between the concepts of governance and politics. Politics involves processes by which a group of people reach collective decisions generally regarded as binding on the group, and enforced as common policy. Governance, on the other hand, conveys the administrative and process-oriented elements of governing rather than its antagonistic ones. Such an argument continues to assume the possibility of the traditional separation between politics and administration. Contemporary governance practice and theory sometimes questions this distinction, premising that both governance and politics involve aspects of power.

Governance refers to all processes of governing, whether undertaken by a government, market or network, whether over a family, tribe, formal or informal organization or territory and whether through laws, norms, power or language. It relates to the processes of interaction and decision-making among the actors involved in a collective problem that lead to the creation, reinforcement, or reproduction of social norms and institutions. Here governance refers to the governing processes and the decision-making processes of Government of Bangladesh.

1.5.3 Police

Police also called police force. Police is an organized civil force for maintaining order, preventing and detecting crime, and enforcing the laws. On the other hands, police is a agency of government for regulation and control of a community, especially for the maintenance of public order, safety, health, morals, etc. the department of the government concerned with this, especially with the maintenance of order. Anybody of people officially maintained or employed to keep order, enforce regulations and law. People who seek to regulate a specified activity, practice, etc. The regulation, control, or keep in order by or as if by means of police. According to British Dictionary definitions for police, "the police, the organized civil force of a

state, concerned with maintenance of law and order, the detection and prevention of crime, etc".

According to the Cambridge Dictionary, the official organization that is responsible for protecting people and property, making people obey the law, finding out about and solving crime, and catching people who have committed a crime.

1530, at first essentially the same word as policy from Middle French police, from Latin politia (civil administration), from Greek polis (city). Until mid-19 century used in England for civil administration; application to administration of public order is from French and originally in English referred to France or other foreign nations... Here, by the concept I only define police in the context of Bangladesh Police.

1.5.4 Structure of Government

By the term structure of government I define the structure of government of Bangladesh. The Government is led by the Prime Minister, who selects all the remaining Ministers. The Prime Minister and the other most senior Ministers belong to the supreme decision-making committee, known as the Cabinet. The President is the head of state, a largely ceremonial post. The real power is held by the Prime Minister, who is the head of government. Bangladesh is governed by a multi-party parliamentary system of government. The executive power of the republic is exercised by or on the advice of the Prime Minister who commands the support of the majority members of Parliament and is appointed by the President. Other ministers, state ministers and deputy ministers are appointed by the Prime Minister. The Prime Minister nominates cabinet members from among Parliament members and one-tenth of the total members are external. The cabinet is collectively accountable to the Parliament. The roles of head of state and head of government are separated. In the Bangladesh government system, the head of state, the President, is generally a ceremonial position; operational power lies with the Prime Minister. Bangladesh has instituted a unique system of transfer of power; at the end of the tenure of the government, power is handed over to members of a civil society for three months, who run the general elections and transfer power to elected representatives. This system, known as caretaker government, was first practiced in 1991 and adopted to the constitution in 1996. By the 15th amendment of constitution act 2011, the system of caretaker government replace by the interim cabinet. The study of governmental structures must be approached with great caution, for political systems having the same kind of legal arrangements and using the same type of governmental machinery often function very differently. A parliament, for example, may be an important and effective part of a political system; or it may be no more than an institutional facade of little practical significance. A constitution may provide the framework within which the political life of a state is conducted; or it may be no more than a piece of paper, its provisions bearing almost no relationship to the facts of political life.

Political systems must never be classified in terms of their legal structures alone: the fact that two states have similar constitutions with similar institutional provisions and legal requirements should never, by itself, lead to the conclusion that they represent the same type of political system.

1.5.5 Politics

Politics from Greek meaning of, for, or relating to citizens is the practice and theory of influencing other people on a global, civic or individual level. More narrowly, it refers to achieving and exercising positions of governance — organized control over a human community, particularly a state. Furthermore, politics is the study or practice of the distribution of power and resources within a given community as well as the interrelationship(s) between communities. A variety of methods are employed in politics, which include promoting one's own political views among people, negotiation with other political subjects, making laws, and exercising force, including warfare against adversaries. Politics is exercised on a wide range of social levels, from clans and tribes of traditional societies, through modern local governments, companies and institutions up to sovereign states, to the international level. A political system is a framework which defines acceptable political methods within a given society. History of political thought can be traced back to early antiquity, with seminal works such as Plato's "Republic", Aristotle's "Politics" and the works of Confucius.

Politics of Bangladesh takes place in a framework of a parliamentary representative democratic republic, whereby the Prime Minister of Bangladesh is the head of government, and of a multi-party system. Executive power is exercised by the government. Legislative power is vested in both the government and parliament. The Constitution of Bangladesh was written in 1972 and has undergone fifteen amendments.

1.5.6 Political Leader

A politician, political leader, or political figure is a person who is involved in influencing public policy and decision making. This includes people who hold decision-making positions in government, and people who seek those positions, whether by means of election, inheritance, coup d'état, appointment, conquest, or other means. Politics is not limited to governance through public office. Political offices may also be held in corporations. In civil uprisings, politicians may be called freedom fighters. In media campaigns, politicians are often referred to as activists. People who are politically active are known as political leader, especially in party politics. A person holding or seeking political office whether elected or appointed, professionally or otherwise. Positions range from local offices to executive, legislative

and judicial offices of state and national governments. Some law enforcement officers, such as sheriffs, are considered politicians.

A politician is defined as one who is actively involved in politics or one who holds or seeks a political office. A politician is an individual who is involved in influencing public policy and decision making in government. Politicians play a central role in our lives. They are the concentrated voices of the people that make all efforts to improve their constituencies and peoples' welfare. Good and dependable politicians are delight to serve the people and consider themselves as servants and people their paymasters. They represent the hopes, aspirations and the interests of every citizen in the state. A person who lives in society or a state can't live without politics. As a result following the definition of politics every person becomes politician. But in Bangladesh we find that the person who include in a political party normally known as politician. In this research the concept political leader defines the person who involve with a political party.

1.5.7 Law

Law is, generally, a system of rules which are enforced through social institutions to govern behavior. Laws can be made by legislatures through legislation, the executive through decrees and regulations, or judges through binding precedent. Private individuals can create legally binding contracts, including arbitration agreements that may elect to accept alternative arbitration to the normal court process. The formation of laws themselves may be influenced by a constitution and the rights encoded therein. The law shapes politics, economics, and society in various ways and serves as a mediator of relations between people. The adjudication of the law is generally divided into two main areas referred to as-

a) Criminal law and
b) Civil law.

Criminal law deals with conduct that is considered harmful to social order and in which the guilty party may be imprisoned or fined. Civil law deals with the resolution of lawsuits between individuals or organizations. These resolutions seek to provide a legal remedy to the winning litigant. Under civil law, the following specialties, among others, exist: Contract law regulates everything from buying a bus ticket to trading on derivatives markets. Property law regulates the transfer and title of personal property and real property. Trust law applies to assets held for investment and financial security. Tort law allows claims for compensation if a person's property is harmed. Constitutional law provides a framework for the creation of law, the protection of human rights and the election of political representatives. Administrative law governs what executive branch agencies may and may not do, procedures that they must follow to do it, and judicial review when a member of the public is harmed by an agency action. International law governs affairs between sovereign states in activities ranging from trade to military action. To implement and enforce the law and provide

services to the public by public servants, a government's bureaucracy, military, and police are vital. While all these organs of the state are creatures created and bound by law, an independent legal profession and a vibrant civil society inform and support their progress.

1.6 Limitation of the Study

Despite all attempts to make the study as a scientific one it has the following limitations:

a) Because of lack of knowledge and capability, think this study may not fully represent the picture of entire law enforcing agency police and government.
b) Recent political condition was full of too much apprehensive, which is responsible to make a complex situation in the country. As a result that was more difficult to collect information from the general people than any other period, and it impacted on the study, because it was not neutral political situation; because of that condition people afraid to said real information.
c) Some interviewers were reluctant to give information about their personal consideration on some issues.
d) As an apprentice it is not competent enough to conduct a study on the political and sensitive issues.

Chapter Two

Overview of the Law Enforcing agencies and Government

2.1 The Global Perspective of Enforcement of law (Police and Policing)

Today globally renowned or common problem is enforcement of law and the structure of law enforcement agencies. Many scholars discuss about the problem of law, law enforcement agencies and government. Among the topics sociologist studying police have devoted special attention to are the historical transformation of policing and its multiple forms across the world, a variety of issues raised by the technological adopted in police work, and the implications of the structure of police organization and the professionalization of police role. Historically, police has not always referred to criminal law enforcement. Harmonizing with the Foucauldian notion of governmentality, the police function was initially, since the sixteenth century, not understood in a sense as criminal law enforcement, but was very broadly conceived in terms of a general (governmental) program oriented at the welfare, wellbeing and happiness of individuals on the basis of a broad system of government that included all possible aspect of public life. Instead of merely responding to violations of law, this governmental system of police (as policy) proactively and positively contributed to advance order and welfare. In this sense police concerned such diver's matters as education, health, murder, religion, fire, fields, forests, and trade, rather than only being an instrument of law enforcement. As nation states grew, police institutions developed that, complementary to the externally directed force of the military, specialized in matters of internal security. Thus took place a gradual delineation of the police (as law enforcement) in terms of rules formally defined in matters of order maintenance and crime control.

Even with a generalized transformation of the police function in terms of law enforcement, variations continued to exist among the police systems of different nations. In some societies, especially in continental Europe, the police task was broadly defined. In the German Empire of the late nineteenth century, for instance, the police function was comprehensively understood to concern such diver's matters as murder, smoking in public places, and traffic. In other more liberal nations, police powers were more confined in terms of constitutional rights and restricted to violation of narrowly conceived criminal law. Colonial regimes again followed entirely different paths, closely related to economical and political objectives of the imposition of colonial rule.

With the historical transformation of the police function, the form which police system took across societies varied considerably, the implication lasting until today. Historically continental European system of policing were militaristic in character and highly centralized, whereas British and American law enforcement tended to be civilian and locally organized.

Closely related to the socio-historical conditions of policing, the strategies and technologies that are used by police are not stable across space and time. This variability in policing practices related to such technical aspects as whether or not police agents are uniformed and armed as well as to the variable style and strategies used in police work. Among the many police innovations sociologists have paid attention to are the rise of community policing, the internationalization of policing, the role of police democratic nation- building, and the development of special police strategies, such as covert techniques in uncover police work.

Undercover policing is a concealed form of policing that involves deception and provocation. The strategy has been increasingly applied, especially in societies, such as the USA, where overt police conduct is tightly regulated by law. An increase in crimes of a more concealed nature, public calls and support for anti-crime programs, and the availability of sophisticated technical means of crime detection and surveillance have additionally contributed to the increasing popularity of undercover policing. Undercover police work is ironic in itself in being a form of police work that clashes with the common perception of the police as uniformed agents who prevent or respond to crime. In terms of its effects, moreover, undercover policing has been found to be used for various reasons unrelated to crime control, especially political surveillance, revealing that police work cannot be convinced solely in terms of the control of crime. Besides the unintended consequence of victimization of innocent bystanders and the psychological and social burdens posed on the agents, undercover policing can lead to agents targeting one another or becoming the target of unsuspecting citizens. Arguably most ironic are the situations whereby undercover agents have been found to have fabricated evidence and escalated criminal activities.

Differential law enforcement and other problems associated with the police role can be contextualized in terms of characteristics of the police culture and the structure of police organization. With respect to culture, the police can be analyzed in terms of a professionalization process that, like the legal profession, makes a claim to occupational autonomy and gains control of access to the profession and supervision of its organization and activities.

In terms of structure, it is important to observe the dominant form of police institutions as bureaucratic organizations. Consistent with the perspective of Max Weber, bureaucracies are conceived as organization, charged with the implementation policy, which are hierarchical in structure, have their activities based on general rules, employ standardized methods, and are impersonal in the execution of their duties. Thus bureaucratic police organizations are hierarchically ordered in a rigid chain of command and have formalized and standardized procedures of operation. Revealing a technical impersonality in conduct, bureaucratic police agencies handle cases on the basis of general rules guiding the collection and processing of evidence without regard to the person and in sole view of stated objectives of crime control and order maintenance. In the bureaucratic model, police work is reutilized on the basis of standardized methods of investigation, often strongly influenced by scientific

principle of police technique, such as technically advanced methods of criminal identification.

An excessive bureaucratization of the police has been identified among the determining factors that contribute to a lack of accountability in police work and differential law enforcement. From the normative viewpoint of police reform, concerns over police bureaucratization have led to attempts to apply principles from restorative justice and community policing in order to reestablish confidence between the police and public. From an analytical perspective, police bureaucratization has been studied in terms of the resulting autonomy police agencies acquire in respect of their position relative to governments and the ability of police to independently determine the appropriate means and specify the objectives of their activities. In process of police bureaucratization, technological advances in the areas of communication, transportation, and criminal detection have been found to be especially significant in influencing the course of police work, including the internalization of the police function.

The role of advance technology in the transformation of social control extends well beyond their use by the police as the formal agents of control. Paralleling Foucault's observations on the dispersal of the Panoptic on into a generalized function in society. So too have the technologies of control diffused into society to become a normal part of modern social life. Theoretically, the sociology of surveillance extended from the work of Foucault to investigate the contemporary dimensions of new highly technological forms of social control that are proactively applied to everybody, surveying a nation of suspects, in a very detailed way. Selectively borrowing from and moving beyond Foucault, modern surveillance is argued to have no center from which power radiates but instead blurs the distinctions between private and public life and cuts across social classes. Through advance system of surveillance, such as video cameras and closed circuit television, and computerized data storage systems, each and all are caught in a deeply penetrating and broad system of control. Such systems are oriented at making people act in certain ways, even to the extent of having them participate in their own surveillance. Modern system of surveillance have the power to cross boundaries of space and time and are in this sense universal, yet they have been especially applied in open democratic societies as an ironic consequence of the relative absence of overt repression and brute force. Surveillance is a threat to a free society that only a free society can produce.

Theorizing the implications of high-tech surveillance, some scholars argue for a modernist interpretation in line with revisionist theories of social control. Gary Marx (1988, 1995), most notably, has suggested the image of a surveillance society to capture the rise of covert and intense system of control that penetrate deeply into social relationships. Seeking to make every thought and action visible, control technologies, such as video cameras and information databases, are themselves largely invisible. The technologies of the new surveillance are primarily extractive of personal information. As the amount of information that is collected is potentially

unlimited, society is becoming transparent and porous. Engineering strategies of control can remove potential targets of crime, such as through the use of credit cards to replace cash or insulate targets from potential intruders, such as through the remote controlled central locking of doors. Potential offenders can be incapacitated by direct engineering of their body, as in the case of chemical castration, and, more ways than ever, offenders can be excluded from society by means of panoptic strategies in the community, such as through electronic home monitoring. The increased use of engineering strategies in social control suggests the development of a maximum security society in which technology takes over as the locus of control and in which every action of everybody is being watched, listened to, recorded, and stored, rendering the whole of the community suspicious and guilty until proven innocent.

In an influential book on the workings of lower criminal courts, Malcolm Feely (1979) introduced the provocative idea about the administration of criminal law that the process itself is the punishment. Applied to the wide range of components involved in the punishment of crime, the dynamics of social control can indeed be identified to extend from criminalization through legislation over sentencing to the imposition of a penalty. These components of the punishment process are empirically often interrelated in ways more complex than a simple linear movement. Criminalization research has uncovered, for instance, that legislative activities sometimes follow the actions of control agents rather than offer the foundation for their enforcement activities. In this sense, it is important to note that law making, law speaking in courts, and the administration of penalties are to be distinguished only for analytical purposes.

In terms of the phase of criminalization through lawmaking, sociological attention has gone to the determinants and the process of legislative action on a wide variety of criminal acts. Originally introduced by labeling theorists, criminalization has typically been researched in the context of modes of conduct over which doubts are raised, based on a normative understanding, as to the appropriateness of their treatment in the criminal justice systems, such as in the case of the criminalization of abortion and homosexuality (Clarke 1987; Schurz 1965), alcohol (Gus field 1963), gambling and prostitution (Galliher and Cross 1983), mugging (Waddington 1986), "wilding" (Welch, Price, and Yankey 2004), and other forms of deviance approached from the moral panics perspective. Conflict theorists have extended this research to offer socio-historical and economic contextualization's of criminalization that offer more sweeping criticisms of the criminal justice system and of (capitalist) society as a whole.

Crime causation theories are stubbornly resolute in their conception of social control as a functional response to crime and thus remain absorbed in studies on the causes of crime as criminal behavior. More fruitful from the viewpoint of the sociology of law have been developments associated with constructionist and critical perspectives that have made social control a study worthy of independent reflective analysis. Particularly influential has been the work Michel Foucault instigating new debate on a

variety of structures and processes of social control in contemporary society. Sociological perspectives in the Foucauldian framework turn away a legal understanding of law in legislation and legal administration to focus on the concrete practices and technologies of control. As such, revisionist perspectives of social control once again demonstrate the value in sociology of law of moving beyond the formalities of law, or beyond – in Weber's words – the juristic conception of law, to show that there are many sociologically worthy components of law to be found beyond the formal realm of lawyer's law.

Sociological work on policing shows that there is more to the enforcement of law than mere law enforcement. Perhaps because of the strong analytical value and counter-intuitive powers of sociological work on policing, the move in the sociology of law towards the study of social control has nowhere been less easily accomplished than in of policing. The relative neglect of the sociological study of policing, however, is striking not only because formal institutions of law enforcement are an intimate component of law, but also and particularly because the link between law and its enforcement has sociologically been well recognized, at the case least on a conceptual level.

2.1.1 Law Enforcing Agencies Jurisdiction

A police officer and a police car are traditional identifiers of a locally based law enforcement agency. Law enforcing agencies which have their ability to apply their powers restricted in some way are said to operate within a jurisdiction. Law enforcing agencies will have some form of geographic restriction on their ability to apply their powers.

Law enforcing agencies which operate across a collection of countries tend to assist in law enforcement activities, rather than directly enforcing laws, by facilitating the sharing of information necessary for law enforcement between law enforcing agencies within those countries, for example Europol has no executive powers. Sometimes a law enforcing agency's jurisdiction is determined by the complexity or seriousness of the non compliance with a law. Some countries determine the jurisdiction in these circumstances by means of policy and resource allocation between agencies, for example in Australia, the Australian Federal Police take on complex serious matters referred to it by an agency and the agency will undertake its own investigations of less serious or complex matters by consensus, while other countries have laws which decide the jurisdiction, for example in the United States of America some matters are required by law to be referred to other agencies if they are of a certain level of seriousness or complexity, for example cross state boundary kidnapping in the United States is escalated to the Federal Bureau of Investigation. Differentiation of jurisdiction based on the seriousness and complexity of the non compliance either by law or by policy and consensus can coexist in countries.

A law enforcing agency which has a wide range of powers but whose ability is restricted geographically, typically to an area which is only part of a country, is typically referred to as local police or territorial police. Other law enforcing agencies have a jurisdiction defined by the type of laws they enforce or assist in enforcing. For example, Interpol does not work with political, military, religious, or racial matters.

2.1.2 Organization and Structure of the Law Enforcing Agency Jurisdiction

Jurisdictionally, there can be an important difference between international law enforcing agency and multinational law enforcing agency, even though both are often referred to as "international", even in official documents. An international law enforcement agency has jurisdiction and or operates in multiple countries and across State borders, for example Interpol. A multinational law enforcement agency will typically operate in only one country, or one division of a country, but is made up of personnel from several countries, for example the European Union Police Mission in Bosnia and Herzegovina. International LEAs are typically also multinational, for example Interpol, but a multinational are law enforcing agency not typically international.

2.1.3 The National Law Enforcement Agency Jurisdiction and Responsibility

Within a country, the jurisdiction of law enforcement agencies can be organized and structured in a number of ways to provide law enforcement throughout the country. A law enforcement agency's jurisdiction can be for the whole country or for a division or sub-division within the country. For example, Bangladesh Police.

Institutional law enforcement agency is a in a co law enforcing agency unitary which does not have divisions capable of making their own laws. A national law enforcing agency will have the combined responsibilities that federal law enforcing agency and divisional law enforcing agency would have in a federated country. National are use law enforcing agency ally divided into operations areas. A national police agency is a national law enforcing agency which also has the typical police responsibilities of social order and public safety as well as national law enforcement responsibilities. Examples of countries with national police agencies are New Zealand, Italy, France, Japan, Philippines and Nicaragua. To help avoid confusion over jurisdictional responsibility, some federal ex law enforcing agency licitly advise that they are not a national law enforcement agency, for example the United States Federal Bureau of Investigation does this. There are various types of law enforcement agency and responsibility. Law enforcing agency can be responsible for the enforcement of laws affecting the behavior of people or the general community.

Religious law enforcement: A law enforcing agency can be responsible for enforcing secular law and-or religious law, for example Sharia or Halakha. The significant majority of around the law enforcing agency world are secular, their governing bodies separating religious matters from the governance of their subjects. Religious law enforcement agencies, for example Saudi Arabia's Mutaween, exist where full separation of government and religious doctrine has not occurred, and are generally referred to as police agencies, typically religious police, because their primary responsibility is for social order within their jurisdiction and the relevant social order being highly codified as laws.

Internal Affairs: Often, a law enforcing agency will have a specific internal unit to ensure that the is law enforcing agency complying with relevant laws, for example the United States' Federal Bureau of Investigation's Office of Professional Responsibility. In some countries and-or divisions within countries, specialized and-or separate law enforcing agency are established to ensure that other law enforcing agency comply with laws. Law enforcing agency internal self compliance units and external law enforcing agency compliance agencies coexist in many countries. Names given to law enforcing agency internal self compliance units are typically, Internal Affairs, Internal Investigations, and Professional Standards.

Police agencies: Many law enforcement agencies are police agencies that have a broad range powers and responsibilities. A police agency, however, also often has a range of responsibilities not specifically related to law enforcement. These responsibilities relate to social order and public safety. While this understanding of policing, being more encompassing than just law enforcement has grown with and is commonly understood by society, it is recognized formally by scholars and academics. A police agency's jurisdiction for social order and public safety will normally be the same as its jurisdiction for law enforcement.

Military law enforcement: Military organizations often have law enforcement units. These units within the military organization are generally referred to as federal law enforcement. Exact usage and meaning of the terms Military, military police, provost, and gendarme varies from country to country. Non-military law enforcement agencies are sometimes referred to as civilian police, but usually only in contexts where they need to be distinguished from military police. However, they may still possess a military structure and protocol. In most countries, the term law enforcement agency when used formally includes agencies other than only police agencies. The term law enforcement agency is often used in the United States of America to refer to police agencies, however, it also includes agencies with peace officer status, such as the ASPCA Humane Law Enforcement Division or agencies which prosecute criminal acts. A county prosecutor or district attorney is considered to be the chief law enforcement officer of a county.

Other responsibilities of a law enforcement agency: Other responsibilities of law enforcing agency are typically related to assisting subjects to avoid non compliance

with a law, assisting subjects to remain safe and secure, and assisting subjects after a safety impacting event. Many law enforcing agency have administrative and service responsibilities, often as their major responsibility, as well as their law enforcement responsibilities. This is typical of agencies such as customs or taxation agencies, which provide services and facilities to allow subjects to comply with relevant laws as their primary responsibilities.

For example:

1. policing
2. social order
3. public incident mediation
4. pre-empting anti social behavior
5. dangerous event public logistics
6. public safety
7. general search and rescue
8. crowd control
9. regulation
10. services and facilities
11. disaster victim identification
12. education and awareness campaigns
13. victim prevention and avoidance
14. law compliance
15. public safety

2.1.4 Establishment and Constitution of the Law Enforcement Agencies

Typically a law enforcing agency is established and constituted by the governing body it is supporting, and the personnel making up the law enforcing agency are from the governing body's subjects, for example the Australian Federal Police is established and constituted by virtue of the Australian Federal Police Act 1979. By Definition, federal law enforcing agency can only be established by the governing body of the relevant federation, divisional and sub divisional law enforcing agency can only be established by their relevant governing bodies, and national law enforcing agency can only be established by the national governing body of a country. For reasons of either logistical efficiency or policy, some divisions with a country will not establish their own law enforcing agency but will instead make arrangements with another law enforcing agency, typically from the same country, to provide law enforcement within the division.

In circumstances where a country or division within a country is not able to establish stable or effective law enforcing agency, typically police agencies, the country might invite other countries to provide personnel, experience, and organizational structure to constitute a law enforcing agency, for example the Regional Assistance Mission to the

Solomon Islands which has a Participating Police Force working in conjunction with the Solomon Islands Police Force, or where the United Nations is already providing an administrative support capability within the country, the United Nations may directly establish and constitute a law enforcing agency on behalf of the country.

2.1.5 Powers and Law Exemptions of the Law Enforcement Agency

To enable a law enforcing agency to prevent, detect, and investigate non compliance with laws, the law enforcing agency is endowed with powers by their governing bodies which are not available to non law enforcing agency subjects of a governing body. Typically, a law enforcing agency is empowered to varying degrees to:

1. collect information about subjects in the law enforcing agency jurisdiction
2. intrusively search for information and evidence related to the non compliance with a law
3. seize evidence of non compliance with a law
4. seize property and assets from subjects
5. direct subjects to provide information related to the non compliance with a law
6. arrest and detain subjects, depriving them of their liberty, but not incarcerate subjects, for alleged non compliance with a law
7. lawfully deceive subjects

These powers are not available to subjects other than law enforcing agency within the law enforcing agency jurisdiction and are typically subject to judicial and civil overview.

Usually, these powers are only allowed when it can be shown that a subject is probably already not complying with a law. For example, to undertake an intrusive search, typically a law enforcing agency must make an argument and convince a judicial officer of the need to undertake the intrusive search on the basis that it will help detect and-or prove non compliance with a law by a specified subject. The judicial officer, if they agree, will then issue a legal instrument, typically called a Search warrant, to the law enforcing agency, which must be presented to the relevant subject if posed.

Subjects who do not comply with laws will usually seek to avoid detection by a law enforcing agency. When required, in order for the law enforcing agency to detect and investigate subjects not complying with laws, the law enforcing agency must be able to undertake its activities secretly from the non complying subject. This, however, may require the law enforcing agency to explicitly not comply with a law other subjects must comply with. To allow the law enforcing agency to operate and comply with the law, it is given lawful exemption to undertake secret activities. Secret activities by a law enforcing agency are often referred to as covert operations. Lawful deception and utilization of law exemption by a law enforcing agency is typically

subject to very strong judicial and-or open civil overview. For example, the Australian Federal Police's controlled operations are subject to open civil review by its governing body, the Parliament of Australia.

Law enforcement agencies have other exemptions from laws to allow them to operate in a practical way. For example, many jurisdictions have laws which forbid animals from entering certain areas for health and safety reasons. Law enforcing agency are typically exempted from these laws to allow dogs to be used for search and rescue, drug search, explosives search, chase and arrest, etc. This type of exemption is not unique to law enforcing agency. Sight assist dogs are also typically exempted from access restrictions. Members of law enforcing agency may be permitted to openly display firearms in places where this is typically prohibited to civilians, violate various traffic laws when responding to crimes, or detain persons against their will to investigate suspected crimes. Interpol is an international organization and is essentially stateless but must operate from some physical location. Interpol is protected from certain laws of the country where it is physically located.

2.1.6 The Law Enforcement Agencies and Society

Because the enforcement of laws has, by definition, a major impact on the society the laws apply to, the agencies which enforce the laws have a specific relevance to the societies in which they operate. Some law enforcing agencies have been immortalized in history, literature, and popular media, for example the United Kingdom's Scotland Yard and the United States' Federal Bureau of Investigation. A small number of law enforcing agencies, particularly secret police forces which are unaccountable or have unrestricted powers, are not generally respected by their governing bodies' subjects, due to the negative impact they have on the subjects. Many fictional law enforcing agencies have been created in popular media and literature. See for example List of fictional secret police and intelligence organizations and List of fictional police forces.

2.2.1 The Law Enforcing Agencies of Bangladesh

The Bangladesh Police is the main law enforcement agency of Bangladesh. It is administered under the Ministry of Home Affairs of the Government of Bangladesh. It plays a crucial role in maintaining peace, and enforcement of law and order within Bangladesh. Though the police are primarily concerned with the maintenance of law and order and security of persons and property of individuals, they also play a big role in the criminal justice system.

2.2.2 History of Bangladesh Police

Ancient period: The main sources of the Bangladesh Police force's history come from Manushanghita, which are the hieroglyphics of Emperor Ashoka, and the stories of renowned travelers. In Orthoshastra by Koutilla, nine types of spies are mentioned.

During that period, policing was confined in the efforts of collecting intelligence in order to curb anti-governmental activities, and to maintain law and order in the society. The duties of spies were varied, such as conducting surveillance over the activities of ministers, civil, and military officials, for which, different means of temptations and instigations were used.

Medieval period: Details of policing activities during the middle age are also challenging to find. However, during the periods of the great sultans, an official holding the position of Muhtasib used to perform the duties of policing. This person was the chief of police, in charge of public works, and the inspector of public ethics simultaneously. In urban areas, Kotwals were responsible for performing police duties. The policing system introduced by Sher Shah Suri was further organized during the period of Emperor Akbar: the Emperor organized his administrative structure introducing Fouzdari (the principal representative of the Emperor), Mir Adal and Kazi (the head of judicial department), and Kotwal (the chief police official of larger cities). This system was effective in maintaining the law and order in cities, and was implemented in Dhaka. Many district sadar police stations are still called Kotwali police stations. In the Mughal period, Kotwal emerged as an institution.

A Fouzdar was appointed to every administrative unit of the government (district), under whom there were some artillery and cavalry forces. There was a disciplined police system during the Mughal period, though there was no professional police force like that in the British period. It has been opined that there was a remarkable development in the maintenance of law and order and criminal administration during the reign of the Muslim rulers.

British period: In the early stage of the Industrial Revolution, when England was facing grave crisis due to socio-economic transformation, the necessity of an effective organized police service was keenly felt. Sir Robert Peel, then the Prime Minister, introduced a bill in the British Parliament in 1829 which created an organized civil police in London. The success of the London police in controlling social disorder and crime was admired by not only the people of England but also of European and American countries: New York City copied the London model with some modifications when it organized the first Municipal Police Force, in 1833.

In 1858, full control of the Indian Territory was taken over from the East India Company by the British government. The success of the London police organized under Peel's Act of 1829 prompted the British government to reform the police system in the sub-continent in a similar way to British constabularies. With this end in view, a police commissioner was set up 1840, and on the recommendation of the commission of the Police Act (Act V of 1861), was passed by the British Parliament. Under this Act a police force was created in each province of British India, and placed under the control of the provincial government. The administration of the police force of a province was vested upon an officer styled as the Inspector-general of police. The administration of the police in a district was placed under the Superintendent of

Police. The Act is still in force throughout the sub-continent, and regulates the function of police in Bangladesh, as well as the other countries of the sub-continent.

Pakistan period: After partition of the sub-continent in 1947, the police force in Bangladesh was first named as the East Bengal Police, and then as the East Pakistan Police; however, it continued to function on the same lines as during the British rule.

Role in Liberation War: In the Bangladesh Liberation War, Bengali-speaking police officers participated with the citizens, leading to deaths from most ranks, fighting with .303 rifles against the Pakistani. The resistance by the Bengali members of police at Rajarbagh is considered the first chapter of armed struggles during the War of Independence. Mahbubuddin Ahmed, Bir Bikram, the Sub-Divisional Police Officer of Jhenaidah at that time, led the guard of honor given to the members of the Mujibnagar Cabinet when the provisional Government of Bangladesh took oath on 17 April 1971, during the liberation war.

Bangladesh period: After the emergence of Bangladesh as an independent country on 16 December 1971, the police force was recognized and assumed the role of a national police force. At present, Bangladesh Police is primarily responsible for the preservation of peace and order, protection of life and property of the people and prevention and detection of crime. The traditional role of police in Bangladesh has undergone change after the liberation: the role of police is no longer confined to maintenance of law and order and prevention and detection of crime, and to meet the need of an independent and developing country, the police are now required to assist in developing the state and such kinds of activities by providing the basic security required for sustained economic growth of the country. It is further playing a vital role in dealing with insurgency in some areas of the country which impedes development activities and threatens the security of the state.

2.2.3 Branches and Ranks of Bangladesh Police

Bangladesh Police is headed by the Inspector General of Police (IGP), under whose command; Bangladesh Police is divided into different branches.

❖ **Branches:**
1) Range and District Police
2) Metropolitan Police
3) Detective Branch (DB)
4) SWAT
5) Traffic Police
6) Special Branch (SB)
7) Immigration Police
8) Criminal Investigation Department (CID)
9) Railway Police (GRP)
10) Highway Police

11) Industrial Police
12) Police Bureau of Investigation (PBI)
13) Special Security and Protection Battalion (SPBn)
14) Armed Police Battalion (APBn)
15) Airport Armed Police (AAP)
16) Rapid Action Battalion (RAB)
17) Tourist Police
18) Police Internal Oversight (PIO)
19) Marine Police
20) Police Telecom and Information Management

❖ **Ranks:**
1) Superior officers
2) Rank badge of superior officers
3) Subordinate officers
4) Rank Badge of Subordinate Officers

2.2.4 Law Enforcement in Bangladesh

The citizens of Bangladesh have much to celebrate in terms of cultural and linguistic freedom and miraculous achievements in terms of economic growth, literacy, health, education and diffusion of technology. But if ordinary Bangladeshis have been waiting for the cherished emancipation of mind Robe or sanctity of life and humanity, unfortunately they just have to keep waiting. Meantime, their country is getting increasingly mired in the abyss of lawlessness in all forms, political and non-political crimes and violence, seething corruption, plunging morality, broken governance and self-serving politicking. The four essential ingredients of law enforcement are: independence, resources, motivation, and (efficient) administration or management.

Independence: Absent the independence of the law enforcement agencies and the judiciary in all senses of the term, the ruling regime of any given time will legislate conveniently and enforce laws selectively to weed out opposition forces and to promote the interests of allies, and this will be done without judicial and law enforcement protection for the vast majority of citizens affected adversely and unjustly. Instead of bringing about this independence, ruling regimes in Bangladesh continue to exploit and abuse the lack of it.

Resources: Sufficient resources are necessary first for prevention and then for adjudication of unlawful acts. The size and strength of the law enforcement forces as well as strict and prompt adjudication of the unlawful acts are significant deterrents while offering worthy justice for the victims. Four types of resources are needed for this purpose: well-trained and sizable force of foot soldiers, capable managers/leaders, supporting physical infrastructure (arms, technology, facilities, vehicles, etc), and sufficient financial resources to fund the previous three.

What is sizable varies depending on the size of the population to be served, the geography of the land and the spatial distribution of the population mass, the current frequency, nature and severity of unlawful acts, and the targeted speed of improvement in the law and order situation. For Bangladesh, although a large and low income young population is its key resource base, this very critical and vast resource is widely exploited by political machineries and criminal gang leaders to outmuscle and/or sterilize law enforcement in committing a wide array of unlawful acts at the ground level. To deactivate and deter such practices, an unusually large, well-trained and well-equipped law enforcement force is called for, given the gravity (kidnaps, murders, hijacking, torturing, controlling of strategic areas, institutions and processes, etc), the extent and the pervasiveness of unlawful acts. Dire circumstances call for drastic actions.

It is recommended that Bangladesh starts building a vast force of foot soldiers to reach a target of perhaps 100 law enforcement agents for each and every 1,000 residents. Very importantly, this force should be built wherever possible by attracting/drafting young members around the age of 18 to 30 years. Such a mega force will expedite the process of improvement (the speed of success will act as a significant deterrent as well) and turn the pool of recruits, the political apparatus and gangsters prey upon, against these very exploitative and infected organizations. Of course, this strategy will also generate much needed employment for millions of low income families.

The mega law enforcement force needs to be trained, equipped, inspired, directed, engaged and managed properly. Thus the complements of adequate physical infrastructure and managerial and leadership know-how will be vital. Further, the entire process of building and operating this force has to be as free as possible from political interference and influence. For these purposes, the building and operational leadership of the proposed mega force should perhaps be contracted out to an international consortium of countries with no participation from the immediate neighborhood of Bangladesh. This will help procurement of donor financial resources needed to finance the venture as well as worldwide state of the art technology and know-how in law enforcement.

Motivation: Bangladeshis can ill afford to keep waiting for a motivational leader to lead the nation out of its severe moral decadence and beaten down governance. That leaves Bangladesh with non-inspirational motivation to work on. By and large this means the promise and delivery of a decent life for the foot soldiers and managers and their family members. Accordingly, the law enforcement forces need to be offered better than average economic benefits, educational and health benefits for the family members, social status via better job grades comparable to armed forces, employment security, career progress, and full force of protection of law and finance against powerful political and criminally engaged forces.

Administration: As the well-financed and well-equipped mega force start cranking the wheels of law and justice across the land, and as the transfer of foreign technology and operational management continues to flow in, it is only a matter of time that efficient indigenous administration will follow. While the public administration of Bangladesh has its share of governance problems, it is however an unproductive pastime at best to bash them for the widespread failures in law enforcement. They remain the solitary force of continuity in a nation marred by political upheavals and ceaseless turbulence, and they remain the apparatus of delivering services with so little resources and so little appreciation, financial or otherwise. For a better administration of law enforcement, transparency and accountability of public administration need to be enhanced, but the malignant practice of influence peddling by political regime.

Rule of law is of paramount importance to deliver the cherished land to the people of Bangladesh. This requires freeing the judiciary and law enforcement from the executive organs, and building a mega force of law enforcement that is well trained, resourced and motivated, and led by an efficient administration.

2.2.5 Relationships between the Law Enforcing Agencies and Government

The relationships between the law enforcing agencies and government At a time where everywhere the rule of law appears to be either under fire as a cleverly modified weapon of mass destruction, a straightforward appraisal of the line between law (enforcers) and political representatives is most welcome. The landscape of accountability, police discretion, and the distinction between police operational autonomy and policy guidance is shadowed by a blinkered nostalgia for the power of legality and scorched by the boundary-blurring of "everything is political".

This may seem too hard a point. But the distinct sense of moving between various political positions regarding the role and function of both police and other governmental representatives in a liberal constitutional democracy. Those positions already assume a good deal about the necessary relations. The value of checks and balances, for instance, is an almost elemental assumption. Redundancy is another: government should consist of redundant or overlapping decision-making entities. Transparency, of course, is a third: in an open society, police actions in particular, it is understood or assumed, should be comprehensively knowable by the polity. Yet, constructed as it is mostly as a dialogue between police practitioners, law professors, and those occupying the policy seat (for instance, Susan Eng as the former chair of the Toronto Police Services Board), one reads how hope for "the rule of law is [so] shot through with discretionary powers as to seemingly vanish into a rule of persons" .

Police and Government Relations consists largely of reports commissioned by justice that following the model of democratic policing, political interventions into police decision-making will need to be made more transparent. This is true. But it only

underscores the bigger and more intractable problem of who should be made accountable for a series of chain-linked decisions that seem inexorable in hindsight and provisional and makeshift in real time (in this case quite transparent, due to the recordings). It may understand that in a liberal democracy there can be no one-to-one relationship between economy and justice.

2.2.6 Shahbag Thana

Shahbag (also Shahbaugh) is a major neighborhood and a police precinct or Thana in Dhaka, the capital and largest city of Bangladesh. It is also a major public transport hub. It is a junction between two contrasting sections of the city—Old Dhaka and New Dhaka—which lie, respectively, to its north and south. Developed in the 17th century during Mughal rule in Bengal, when Old Dhaka was the provincial capital and a center of the flourishing muslin industry, the neighborhood was originally named Bagh-e-Badshahi (Persian for Garden of Kings), but later came to be called by the shortened name Shah (Persian king) Bagh (Persian garden). In the mid-19th century, the Shahbag area was developed as New Dhaka became a provincial center of the British Raj, ending a century of decline brought on by the passing of Mughal rule.

Shahbag is the location of the nation's leading educational and public institutions, including the University of Dhaka, the oldest and largest public university in Bangladesh, Bangabandhu Sheikh Mujib Medical University (BSMMU), and the Bangladesh University of Engineering and Technology, the largest public university for technological studies in the country. Shahbag hosts many street markets and bazaars. Since Bangladesh achieved independence in 1971, the Shahbag area has become a venue for celebrating major festivals, such as the Bengali New Year and Basanta Utsab.

With Dhaka University at its center, the Thana has been the origin of major political movements in the nation's 20th century history, including the All India Muslim Education Conference in 1905, which led to the All India Muslim League. In 1947, to both the partition of India and the creation of Pakistan; the Bengali Language Movement in 1952, which led to the recognition of Bengali as an official language of Pakistan; and the Six point movement in 1966, which led to the nation's independence. It was here, on 7 March 1971, that Sheikh Mujibur Rahman delivered a historic speech calling for the independence of Bangladesh from Pakistan, and here too, later that year that the Pakistani Army surrendered in the Liberation War of Bangladesh. The area has since become a staging ground for protests by students and other groups. It was the site of public protests by around 30,000 civilians on 8 February 2013, against a lenient ruling against war criminals. Historically, both Political and Educational purpose Shahbag Thana was played an important role. Today it also became a place of political renaissance, educational sacred place, also historical and tourist area.

Chapter Three

Methodology

3.1 Research Pattern in Social Science

The general term 'social science' refers to the scientific study of human behavior 'social' refers to people and their behavior, and to the fact that so much of that behavior occurs in a social context 'science' refers to the way that people and their behavior are studied. It the aim of (all) science into build explanatory theory about its data, the aim of the social science is to build explanatory theory about people and their behavior. This about human behavior is to be based on and is to be tested against, real world data (Keith Punch, 1998). But most of the time it is difficult to address the problem very specifically because human behavior is changing. There are many problems which cannot identify with the quantitative method. Many in depth issues are there that can be very sensitive or personal what only can get though in depth interview, case study etc. Research in social science focuses on describing, understanding, analyzing and likely prediction of the social phenomena. From the methodology point of view there are main two types of research qualitative and quantitative. Each of these two methods has its own special strength and weakness. This study has been conducted by using both quantitative and qualitative methodology to enhance more concrete analysis of the study.

3.2 Rationality of Choosing the Methodology

The design of this study is comprised of mixed methodology. Mixed methodology allows the researcher to expand on the ideas or findings of one method with another. In this instance the qualitative method of textual analysis from the literature to provide a base for the quantitative method of survey designs. By combining the two methods better analysis can be drawn from the data than if only one were to be chosen. The qualitative portion allows the reader to understand the real situation about the Bangladesh police as law enforcing agency of Shahbag Thana. It allows a more comprehensive grasp of the theoretical principals surrounding the issues and relates to the heart of the problem. The quantitative portion allows the readers the ability to look at the people's perception about the police of Shahbag Thana as law enforcing agency working as a part of Bangladesh government. By only providing a quantitative portion, readers would miss why this is necessary for theoretical understanding. In order to complete both sides of the theoretical spectrum, a mixed methods approach is most useful.

3.3 The Initial Stage:

It was the preparatory stage. It includes the following steps:

3.3.1 The Research Area

The research includes the Shahbag Thana of Dhaka Metropolitan Police (DMP). It is one of the most important areas in Dhaka city as well as Bangladesh for political and educational purpose. Most of the political program held here. Shahbag more also known as projonmo chatter or gonojagoron monch because of protest for Kader Molla's death sentence. So we can say that, shahbag is important for any kind of protest and movement. On the other hand Suhrawardy Uddan is a historical place for our country. As a result political clash happens here frequently and as a most important road traffic jam also seen. As a student of Dhaka University I stay here a long time and observe various type of problem of police. At the same time I realize

the the condition of police depend on the political condition and which party form government. Mainly two major political party formed government and governmental party dominate the opposing party using police in every time, public rights gave less important, although they gave promise before election. For this reason this area is very important for research.

3.3.2 Technique of Data Collection

In the stage the method is quantitative and to collect data survey technique is followed. Both structural and unstructured questions are incorporated in the questionnaire. The questionnaire is supplemented by qualitative data because some problems, laws, situations, experiences and perspective cannot be mentioned numerically. It is intended to explore some sociological meaning of their conditions, thinking and sufferings.

> ➢ Survey Method

The survey is highly valuable for studying some problems, such as public opinion, and worthless for others (Linninger, 1976). It is the best method in quantitative data collection methods. Using this method a scientific study can be conducted. As it is required to reach a generalized result this technique has been chosen.

> ➢ Target Population

Population is the total group of people who meets certain criteria of interest to the researcher is called the target population (Linninger, 1976). Therefore, the population of the study consists of the people of this research area who are sufferer and experiences and police staff who enforcing the law.

> ➢ Unit of Analysis

The purposive sample can also use the sampling unit, the researcher subjectively defines a "typical" case and then tries to select those individuals which best reflect this definition. Here again there is no guarantee that the researcher had identified the most representative cases, nor that his or her definitions of "typical" are accurate. The purposive sample is clearly a non-probability approach, and the possibility exists that the sample is biased because the selection is not random.

> ➢ Questionnaire Survey

A sample survey brings together three different methodological areas: sampling, designing, questions and interviewing. Each of these techniques has many applications outside of the same surveys, but their combination is essential to design a good survey.

In this case a draft questionnaire has been developed. The draft questionnaire is pre-tested and on the basis of field experience, necessary corrections are made. Then the final questionnaire has been made. The main contents of the questionnaire are as follows:

a) Public services of police
b) Political party's influence to the law enforcing agencies

c) Structural problem of police
d) Governmental responsibilities
e) The uses of police by government
f) Sufferings of public due to abuse of police by government

During the pre-testing of this survey instrument the following issues were strongly considered:

a) The probing techniques
b) The languages necessary to address specific issues
c) The sequencing of question
d) The technique for documenting responses
e) Providing appropriate skips in the questionnaire

3.4   The Second Stage

The second stage of the study is completely devoted to field data collection. Steps follows in this stage are:

3.4.1 Sampling

Sampling is based on statistical theories. It is a powerful technique with wide applications. In social research, it is used primarily in survey research, content analysis, and nonreactive research (Neuman, 1997). Sociologists tend to study large number of individuals in formulating propositions concerning groups, organizations, institutions, and societies. It is usually not possible to observe the behavior of entire collectivity. Sampling is the process of choosing a representative proportion of population; like random assignment, sampling is a process of systematically selecting cases for inclusion in a research project (Neuman, 1997).

If the survey's respondents sample is not properly drawn, the findings cannot legitimately be generalized. Therefore, sampling procedure is an important step in conducting a scientific research. A researcher gets a set of causes, or a sample, from sampling that is more manageable and cost effective to work with than the pool of cases. If well done, sampling lets are researcher measure variables on the on the smaller set of cases but generalize results accurately to all cases. It is an academic research project without having institutional budget. Time frame was limited to complete the study therefore purposive sampling has been chosen to conduct the survey.

3.4.2 Study Instrument

As it is a mixed method study semi-structured questionnaire has been formulated to collect quantitative and qualitative data examine assumption. Then some face to face in-depth interviews has been conducted to make a strong justification to the assumption.

3.4.3 Data Collection Procedure

➢ Rapport Building

It is tough for a researcher to collect information from any place especially where even the respondent remain busy from the morning to late night and tempted on their livelihood. Therefore rapport building is the only key to communicate with the respondents. Without rapport building it is just a nightmare to collect data from the respondents. It was possible to build strong communication while the data was being collected.

➢ Data Collection

Data has been collected from June 2014 to November 2014. To fulfill the requirements of the study and gather the data from a natural setting semi-structured interview has been used. Moreover secondary sources i.e. books, journals, documents, articles, internet, Research paper and different national and international newspapers have been used to collect relevant important information.

3.5 The Third Stage

The third stage of the study is completely devoted to data processing and analysis. Steps followed in this stage are:

3.5.1 Data Processing and Analysis

Once the data are gathered, the researcher faces another important task, namely to organize the "raw data" in a form in which they can be analyzed systematically and to find the most suitable techniques for the analysis. Data analysis is often equated with statistical analysis but this is quite unfortunate, because the process of data analysis is much more complicated than performing statistical operation of the data. The data received from respondent usually need considerable organization before any meaningful analysis can be carried out of them. They need to be properly coded, transferred to a form that machines, usually computers can understand and transformed before the statistical analysis can take place. The task of coding, transferring and transforming in many cases, takes more time and effort on the part of the researcher than does statistical analysis of the data. Data obtained from this study are transferred in to SPSS program in order to enhance best analysis.

Quantitative data have been analyzed by means of statistical interpretation using univariate technique.

3.5.2 Univariate Distribution of Data

In this study univariate distribution collected data have been conducted which looks at each of the variables separately and reports the result through the statistics. In addition, simple frequency distribution of the variables has been conducted to summarize and in term of frequency and percentage. As quantitative is collected for the study, they are processed in different ways. A questionnaire survey is conducted to collect data from 120 respondents. Result are presented through different tables and therefore interpreted. Frequency tables express the percentage of the variables. But they do not express the correlation between two variables. Therefore cross-tabulation has been generated to observe the difference of proportion between two variables of when and whenever required for systematic measures are employed. However, for the quantitative result, when the variable of interest is a categorical variable, the significance of difference has been evaluated by using Pearson's Correlation test.

3.6   The Fourth Stage

3.6.1 Ethical Consideration

The ethical issues are the concerns, dilemmas, and conflicts that arise over the proper way to conduct research. Ethics define what is or is not legitimate to do, or what "moral" research procedure involves (Neuman, 19970). All social researchers involves ethical issues or considerations with the growth of interest in mixed methods, recognition and consideration of ethical issues have become a bigger feature of social science research   (Punch, 1998). Ethical consideration is an important aspect in this research work, because this research is sociologically and economically very important work. Ethics begins with and ends with the research. A research's personal moral code is the strongest defense against unethical behavior (Neuman, 1997). The researcher of this research was concern all the time about ethical consideration; the researcher had to make promise that the information and views of the respondents will be kept hidden. The researcher was very conscious about selecting language to show proper respect to the respondent.

3.6.2 Reliability and validity

Quantitative method is used in the study and survey. Technique is a kenning data collection and purposive sampling procedure is strictly followed. The total procedures are scientific, deep attention is given, sufficient information is collected. Then it can be verified using various statistical methods. In spite of some limitations it is anticipated that the result of the study is reliable and will be valid.

3.6.3 Role of Documents

Documents play a very fundamental role in any research work. To analyze the concept of research work, the researcher has to collect different document sectors. The researcher has collected different books, articles, magazines, newspapers, and internet in connection to the law enforcing agencies, police, and infrastructure of

police, government, management system of government and politics and Shahbag Thana from different libraries to analyze the concept of the research.

3.6.4 Field Note

Field notes play a significant role in enriching a research work. A researcher should remain conscious of taking field notes (Huda, 2004). Therefore in the field necessary caution has been considered while taking field notes.

Chapter Four

Theories of the Law Enforcement, Governance and Law Enforcing Agencies

4.1 Classical Theories

The sociological classics contributed to the theoretical study of law by offering systematic accounts of the changing role of law in the rapidly changing societies at the dawn of the twentieth century. In France, Émile Durkheim contemplated the role of law in securing integration in a society that is highly industrialized and that is culturally marked by a high degree of individualism. Law was to Durkheim the measurable indicator of a society's morality, which the sociologist analyzes in terms of its causes and functions. Specifically, Durkheim posited a theory of legal change from repressive law to restitute law. Alongside this transformation of law, Durkheim theorized, professional associations would have to take up some of the integrative functions that once were secured by traditional systems of law.

The contributions to law of the German sociologist Max Weber remain among the most developed and systematic in sociology until this day. Even more clearly than Durkheim, Weber positioned the sociology of law in relation to other intellectual perspectives of law. Specifically, Weber defined the sociology of law as the external study of the empirical characteristics of law's role in society. Differentiated from this perspective are the internal study of law, which is undertaken by legal professionals to maintain the consistency of the legal system, and moral perspectives of law, which seek to ground or criticize law based on a normative principle.

Although sociological theories of law could benefit, perhaps more clearly than any other specialty area, from the pioneering work of the discipline's founders, the sociology of law was relatively slow to progress during the first half of the twentieth century. To be sure, several scholars, especially in Europe, took up the challenge to develop theoretical perspectives in the sociological study of law.

4.1.1 Emile Durkheim

Emile Durkheim (1858-1917) was born in Epinal near Strasbourg, France. His early interest   was in philosophy, but he always had a strong sociological focus. Durkheim's main concern throughout his writings related to the question of social solidarity, social integration and what held society together. His approach was against focusing on individual, suggesting that pure psychological explanation of social phenomena were sure to be incorrect. Pure sociology was his main concern. Take for example his classic statements: "Man is man only because he lives in society," and "collective life is not born from individual life, but it is, on the contrary, the second who is born of the first". Many of his subsequent critics have said that this obsession for purely social or interpersonal factors led him to overlook political and economical determinants of social phenomena.

His insisted on the possibility of studying society scientifically. His very first rule was to "consider social facts as things". Social facts can be characterized by their ability to resist change. They have a coercive quality, and their violation is met with some type

of sanction, or at least some resistance. Law is the exemplary "social fact". But, to Durkheim law is also a "visible symbol," an "external" index that reflects the nature of social solidarity. A careful reading of Durkheim indicates that he was always preoccupied with the development of rules.

The evolutions of societies from simple to complex play an important role in social solidarity. In his work "The Division of Labor in Society (1964 b)", by simple he meant a society marked by little division of labor and by complex or more advance he meant a society characterized by an extensive division of labor. He sets out to analyze the different forms of solidarity, or the bonds, within these types of societies. Society produces two types of solidarity, organic solidarity and mechanical solidarity.

In other words, since social solidarity can't be observed and thus measured directly, Durkheim uses law as a methodological indicator to measure it indirectly. Durkheim uses law as reality accessible to scientific observation and can be measured in regarded to type and amount. For Durkheim law is an excellent index of group solidarity. According to Durkheim, there exists a concomitant variation between the type and amount of law and the type and amount of solidarity. Law produces the main forms of social solidarity; we have only to classify the different types of law in order to investigate which type of solidarity corresponds to them. Durkheim categorizes all legal rules into repressive law (criminal law) and restitutive law (civil law).

4.1.1.1 Repressive Law

Durkheim argues that the laws of a mechanical solidarity as well as the sanctions associated with the violation of those laws are almost entirely repressive. Repressive laws are those sever punishments arising from the community's moral outrage toward acts that offend the heightened and pervasive collective consciousness. The high degree of homogeneity in a mechanical solidarity will engender a harsh, passionate societal reaction since an offense against anyone person is seen as an offense against the community as a whole. Repressive sections inflict some suffering, loss or disadvantage on the individual offender. Punishments imposed by penal law are the best examples of repressive sanctions. It is this highly emotional and vengeful attitude. Durkheim maintains that make blood-revenge, public tortures and the execution of condemned criminals especially prevent in pre-modern mechanical societies. Durkheim views; there is a direct causal relationship between repressive law with its concomitant sanctions and religious morality.

Repressive law sanctions attached to this type of law are punitive and serve as a retaliatory response to the offenses that assault the community's religious sentiments and strong collective consciousness. Repressive law reflected the religious traditions of relatively small-scale mechanical societies, where any infraction of law, however small, was punished severely. By contrast, the large organic societies of modern times allow for greater individual variation in thought and action, leading law to seek to secure order as well as diversity and allow for restitution and reintegration, should

legal norms be broken. Alongside this transformation of law, Durkheim theorized, professional associations would have to take up some of the integrative functions that once were secured by traditional systems of law.

4.1.1.2 Restitutive Law

In contrast to the repressive law endemic to a mechanical solidarity, restitutive sanctions are prevalent in an organic solidarity, and are conciliatory not punitive. Their goal is to restore to their previous, normal state the cooperative, reciprocal transaction between people. According to Durkheim, there is a preponderance of restitutive law in a modern organic society with its differentiated institutions; specialized occupations, and autonomous individuals, restitution is illustrative of the redress that a plaintiff seeks in civil court litigation. Because restitutive law is not deeply rooted in the collective consciousness of an organic solidarity, its violation is not likely to evoke stringent measure. For Durkheim restitutory law springs from the farthest zones of consciousness.

The primary tasks of restitutive law are dispute resolution, reconciliation and restoration. In short, its function is to act as a social binding force by maintaining the harmonious equilibrium of interpersonal relation. Durkheim's image of law similar to that held the structural functionalists who see the law as a mechanism of social integration. To summarize Durkheim, uses law as an external and objective index for measuring the degree of social solidarity.

4.1.1.3 Punishment, Solidarity and Morality

The objective of The Division of Labor in Society was, first and foremost, to investigate the function of the division of labor, then to determine the causes and conditions upon which it depends, and finally to study its pathologies. However, what is of interest here is the way in which Durkheim justified his belief that the extent of the division of labor in society corresponded to the type of solidarity that existed in that society. In an effort to prove that social solidarity arises from the division of labor, Durkheim needed an external, objective indicator that would verify his hypothesis. He believed that visible symbol is the law. Legal codes, Durkheim claimed, increase proportionally to the relationships that they determine and as such, they are indicative of the quality of social solidarity. The next logical step was then to classify the different types of law in order to be able to investigate which types of social solidarity correspond to them. He chose to distinguish between different types of law according to what sanctions were attached to them; and found that there were two kinds. The first type of law was principally penal, characterized by repressive sanctions. The second set of legal rules related to restitutory sanctions, which cover civil, commercial, administrative, procedural and constitutional law.

Durkheim concluded that repressive law existed in societies which considered a crime to be an act that transgressed the "conscience collective," or collective morality of that

society. Furthermore, Durkheim controversially stated that an act is only criminal when it offends the strong, well-defined terms of collective consciousness, and not because it is inherently immoral.

He argued that repressive law was dominant in simple societies, where there was less division of labor and therefore a stronger sense of collective identity. In these societies, shared beliefs were often of a religious nature, and so the law, too, tended to be religious law. Infractions formed a threat to the basic solidarity of the society, which was based on sameness of the mentalities of members, whose minds were largely infused with the collective conscience. Transgressions, therefore, have been historically severe. Continuing with this line of logic, Durkheim stated that in societies with a highly differentiated work force, a contractual or organic solidarity was produced; as exemplified by the increase in restitutory law. This type of law developed as a response to the need to regulate the increased number of relationships between members of society; who, due to their differentiated roles, had to rely upon each other to function. Rather than penalizing a criminal for the sake of punishing him, the sanctions put in place served the purpose of restoring the system to normal in order to maintain the functioning of society. The rules of such societies do not involve the collective consciousness, and consequently, a transgression is not an offence which affects all societal members equally. The rules, therefore, are established directly not between the individual and society, but between limited and particular sectors of society, which they link together. Furthermore, Durkheim claimed that in more complex and differentiated societies, there was greater scope for crimes to be committed against individuals, rather than the collective, citing murder, theft, violence and fraud as examples of such crimes. Because these crimes offend the individual more than the whole of society, less importance is attached to their punishment and it is less harsh in nature. One might question then, how it is that there is such a large volume of European laws, often taking precedence over national laws, when, as exemplified by the recent failure of the Lisbon treaty and EU Constitution, there is clearly a lack of solidarity between European states. Although the European Coal and Steel Community were founded fifty years after writing The Division of Labor, this issue does not escape Durkheim's attention. Durkheim explained that these types of laws, which he classified as administrative, determine the relationship between a central organ and its subordinates. As if foreseeing questions about the problem of a lack of solidarity, he stated that administrative law has the power to impose co-operation; thus out of necessity, and not as the result of an organic process.

One major anomaly we encounter here is the existence of penal law in complex societies with a high division of labor. The data of Spitzer's study leads him to argue that, contrary to the evolution of penal law Durkheim outlined, the severity of punishment does not decrease as societies grow more concentrated and complex. On the contrary, greater punitive is associated with higher levels of structural differentiation.

4.2.1 Max Weber

Karl Emil Maximilian "Max" Weber (21 April 1864 – 14 June 1920) was a German sociologist, philosopher, and political economist whose ideas influenced social theory, social research, and the entire discipline of sociology. Weber is often cited, with Émile Durkheim and Karl Marx, as among the three founding creators of sociology.

Weber was a key proponent of methodological anti-positivism, arguing for the study of social action through interpretive (rather than purely empiricist) means, based on understanding the purpose and meaning that individuals attach to their own actions. Weber's main intellectual concern understood the processes of rationalization, secularization, and "disenchantment" that he associated with the rise of capitalism and modernity, and which he saw as the result of a new way of thinking about the world. Weber is best known for his thesis combining economic sociology and the sociology of religion, elaborated in his book The Protestant Ethic and the Spirit of Capitalism, in which he proposed that ascetic Protestantism was one of the major "elective affinities" associated with the rise in the Western world of market-driven capitalism and the rational-legal nation-state. Against Marx's "historical materialism," Weber emphasized the importance of cultural influences embedded in religion as a means for understanding the genesis of capitalism. In another major work, Politics as a Vocation, Weber defined the state as an entity which successfully claims a "monopoly of the legitimate use of physical force within a given territory". He was also the first to categorize social authority into distinct forms, which he labeled as charismatic, traditional, and rational-legal. His analysis of bureaucracy emphasized that modern state institutions are increasingly based on rational-legal authority.

4.1.2.1 Politics and Government

In political sociology, one of Weber's most influential contributions is his Politics as a Vocation essay. Therein, Weber unveils the definition of the state as that entity which possesses a delegable monopoly on the legitimate use of physical force. Weber wrote that politics is the sharing of state's power between various groups, and political leaders are those who wield this power. A politician must not be a man of the "true Christian ethic", understood by Weber as being the ethic of the Sermon on the Mount, that is to say, the injunction to turn the other cheek. An adherent of such an ethic ought rather to be understood to be a saint, for it is only saints, according to Weber, that can appropriately follow it. The political realm is no realm for saints; a politician ought to marry the ethic of ultimate ends and the ethic of responsibility and must possess both a passion for his vocation and the capacity to distance himself from the subject of his exertions (the governed).

Weber distinguished three ideal types of political leadership (alternatively referred to as three types of domination, legitimization or authority):

1. Charismatic domination (familial and religious),

2. Traditional domination (patriarchs, patrimonialism, feudalism) and

3. Legal domination (modern law and state, bureaucracy).

In his view, every historical relation between rulers and ruled contained such elements and they can be analyzed on the basis of this tripartite distinction. He notes that the instability of charismatic authority forces it to "routinize" into a more structured form of authority. In a pure type of traditional rule, sufficient resistance to a ruler can lead to a "traditional revolution". The move towards a rational-legal structure of authority, utilizing a bureaucratic structure, is inevitable in the end. Thus this theory can be sometimes viewed as part of the social evolutionism theory. These ties to his broader concept of rationalization by suggesting the inevitability of a move in this direction.

Bureaucratic administration means fundamentally domination through knowledge. Weber described many ideal types of public administration and government in his masterpiece Economy and Society (1922). His critical study of the bureaucratization of society became one of the most enduring parts of his work. It was Weber who began the studies of bureaucracy and whose works led to the popularization of this term. Many aspects of modern public administration go back to him and a classic, hierarchically organized civil service of the Continental type is called "Weberian civil service". As the most efficient and rational way of organizing, bureaucratization for Weber was the key part of the rational-legal authority and furthermore, he saw it as the key process in the ongoing rationalization of the Western society.

Weber listed several preconditions for the emergence of the bureaucracy: The growth in space and population being administered, the growth in complexity of the administrative tasks being carried out and the existence of a monetary economy – these resulted in a need for a more efficient administrative system. Development of communication and transportation technologies made more efficient administration possible (and popularly requested) and democratization and rationalization of culture resulted in demands that the new system treat everybody equally.

Weber's ideal bureaucracy is characterized by hierarchical organization, by delineated lines of authority in a fixed area of activity, by action taken (and recorded) on the basis of written rules, by bureaucratic officials needing expert training, by rules being implemented neutrally and by career advancement depending on technical qualifications judged by organizations, not by individuals.

The decisive reason for the advance of the bureaucratic organization has always been its purely technical superiority over any other form of organization. While recognizing bureaucracy as the most efficient form of organization and even indispensable for the modern state, Weber also saw it as a threat to individual freedoms and the ongoing bureaucratization as leading to a "polar night of icy darkness", in which increasing rationalization of human life traps individuals in the

aforementioned "iron cage" of bureaucratic, rule-based, rational control. In order to counteract bureaucrats, the system needs entrepreneurs and politicians.

4.1.3 Karl Marx

Karl Marx (1818-1883) was born in trier, Germany to Jewish parents (who later converted to Christianity in the face of anti-Jewish laws of the time). Attending private schools in his childhood, Marx later studied law and eventually received a Ph.D. in philosophy in 1841. As a student, he was heavily influenced by the philosophy of Georg Hegel and his successors (known in philosophical circles as the, but later critiqued what he saw as the idealism of Hegel and developed his own theory of historical materialism. After receiving his Ph.D., Marx worked as a journalist and became involved in communist thought and politics, as well as numerous political and social issues of the time.

Marx's ideas about law were expressed mainly in the Communist Manifesto, which he published in collaboration with his friend Friedrich Engels in 1848. In that paper Marx contends that "law, morality, religion, are so many bourgeois prejudices, behind which lurk in ambush just as many bourgeois interests." Then he goes on to criticize the whole tradition of government under the rule of law as nothing more than a mere expression of "bourgeois" aspirations:

"Your very ideas are but the outgrowth of the conditions of your bourgeois production and bourgeois property, just as your jurisprudence is but the will of your class made into a law for all; a will, whose essential character and direction are determined by the economic conditions of existence of your class …. The selfish misconception that induces you to transform into eternal laws of nature and of reason, the social forms springing from your present mode of production and form of property—this misconception you share with every ruling class that has preceded you."

Marx therefore envisioned the transition to developed communism, not as a transition to new forms of law, but as the withering away of the legal form in general, as the liberation from this inheritance of the bourgeois age which the bourgeoisie was itself condemned to endure. At the same time Marx indicates that the basic condition for the existence of the legal form is found in the economy, in the matrix of labor expenditures according to the principle of equivalent exchange, i.e. he revealed the innermost connection between the form of law and the form of commodities. Depending on the condition of its productive forces, a society which is compelled to preserve equivalent exchange between labor expenditure and compensation in a form even remotely resembling the exchange of commodity values, will be compelled also to preserve the form of law. Only proceeding on this basis is it possible to understand why a whole series of other social relationships assume a legal form. But therefore to conclude that courts or laws will always remain, or that even under maximum economic prosperity certain crimes against the person etc. will not disappear, is on the contrary to identify secondary and derivative elements as the main and basic. Indeed,

even advanced bourgeois criminology has theoretically concluded that the struggle against crime may be seen as a medical-pedagogical task for whose solution the jurist-with his "categories of crime", codes, concepts of guilt, "full or diminished responsibility", with his fine distinctions between participation, abetting and inciting etc.-is perfectly unnecessary. And if this theoretical belief has not yet led to the elimination of criminal codes and judges, then this is because transcending the form of law is related not only to advancing beyond the horizons of bourgeois society, but also to the radical liberation from all remnants of the past.

In criticizing bourgeois jurisprudence, scientific socialism must model itself on the criticism of bourgeois political economy furnished by Marx. For this it must first repair to enemy territory. In other words it must not discard those generalizations and abstractions which were developed by bourgeois jurists who proceeded from the needs of their time and class, but must put them at the basis of its analysis to reveal their true significance, that is, the historical formation of the legal form. Every ideology disappears with the social relations which produced it. But this final disappearance is preceded by a moment when an ideology, under the blows of criticism leveled at it, loses its ability to mask and surround the social relations from which it arose.

According to Marx, the final advent of revolutionary communism necessarily requires "a period in which the state can be nothing but the revolutionary dictatorship of the proletariat." In other words, he contended that dictatorship is the only way in which the ideal of communism can be advanced. On the basis of such a radical premise, V.I. Lenin argued that Marxist law does not seek to protect any human right, but that Marxism regards law only as a mechanism "for holding the other subordinated classes obedient to the one class". The obvious implication of this assumption was summed up in a famous Soviet slogan: "All power belongs to the Soviets." Marx believed that a regular pattern of evolution controlled the human condition, which would then also lead to a more perfect society of classless individuals. Since the destiny of humankind was considered to lie in the emergency of lawless communism, law was interpreted as not encompassing any universal values or principles, but rather representing a transitional device that merely illustrates "the course of political struggles and the evolution of social formations". In Marx's opinion, the legal phenomenon is essentially super structural and, therefore, invariably "dependent for their form and content upon determining forces emanating from the economic basis of society." The legal system of each human society is regarded as a mere superstructure which is always linked with the superstructure of the state.

Since the idea of law was interpreted by Marx as invariably an instrument of class domination, he argued that the coming of a classless society implied that all laws would have to disappear. Hence in his seminal work, The Communist Theory of Law (1955), legal philosopher Hans Kelsen contends that the "anti-normative approach to social phenomena is an essential element of the Marxian theory in general and of the Marxian theory of law in particular." Because Marx believed that law arises from

class conflicts, he concluded that the need for law would cease to exist with the advent of classless communism. Marx believed that laws are the product of class oppression, and that laws would have to disappear with the advent of communism.

4.2   Critical Theories

As some scholars criticized functionalist theorizing, different theories of law were introduced in sociology from the 1960s onward. Most distinct was the novel vision of law as a tool or instrument of power that, far from delivering justice to all, served only the interests of the economically or politically powerful. This instrumentalist perspective of law echoed the philosophy of Karl Marx (1818-1883), although Marx had mostly dismissed the study of law in favor of a concentration on society's economic organization.

4.2.1 Marxist Theorist

In the Marxist view of law, the bourgeoisie and the proletariat are the two classes involved in the struggle for power. Societies that allow the bourgeoisie to make moral decisions and formulate laws are unjust societies. In the Communist Manifesto, Marx denounces bourgeois law as nothing more than a reflection of the desires of that class. Speaking to the bourgeois, he says, "...our jurisprudence is but the will of your class made into a law for all, a will, whose essential character and direction are determined by the economic conditions of existence of your class".

Bourgeois law is oppressive because it is based on the concept of private property, and thus laws are created that promote unequal rights. Capitalism cannot create equal rights for all because the very nature of the economic system creates haves and have-nots. Cornforth states, "There cannot be equality between exploiters and exploited". A capitalist society that creates unequal rights based on property and class leads those with fewer rights to protest in the form of lawlessness. Engels explains, The contempt for the existing social order is most conspicuous in its extreme forms -- that of offences against the law. Society, therefore, is more responsible than the individual for lawlessness. Indeed, criminals need not feel remorse for their actions because the unjust bourgeois society leaves them no alternative but to lash out against it. The Marxist solution to the unjust society and lawlessness is to overthrow the bourgeoisie, thus allowing the proletariat to make the laws. The legal system that promotes the interests of the working class is called proletariat law. Jewish believes, complete success in the masses struggle for their democratic rights and liberties can only be achieved by overcoming monopoly capital's economic and political domination and establishing a state authority that expresses the interests of the working people". According to Marxist legal theory, the working class may break capitalistic law if such an action is in pursuit of equality. According to Lenin, The revolutionary dictatorship of the proletariat is won and maintained by the use of violence by the proletariat against the bourgeoisie, rule that is unrestricted by any laws.

Once the revolution of the proletariat has succeeded, the new Marxist law (socialistic law) will reflect the desires of the working people rather than those of the bourgeoisie. Law based on the will of the proletariat will create a society that is less exploitative

than that based on capitalist bourgeois law. According to Jawitsch, "An anti-exploiter tendency is what characterizes the special features of all the principles of the law of socialist society in most concentrated form".

The will of the proletariat becomes the basis for all rights, laws, and judgments, thereby negating natural law, God, or any absolute moral code. Howard Selsem explains, "Marxism, which has been so often accused of seeking to eliminate moral considerations from human life and history emphasizes rather the moral issues involved in every situation. It does so, however, not by standing on a false platform of absolute right, but by identifying itself with the real need and interests of the workers and farmers". Marxists see law based on the will of the proletariat as flexible rather than inconsistent, a flexibility that denies a need for a comprehensive legal system. Pashukanis writes, "We require that our legislation possess maximum elasticity. We cannot fetter ourselves by any sort of system".

Because Marxists believe law arises from class conflicts caused by property, the need for law itself will dissolve once a communist society is established. Since only one class (the proletariat) will then exist, the need to promote order between classes will no longer remain—in effect law will have become unnecessary. Marxists believe that when classes are abolished, all people will create and live in an environment that promotes harmony. Criminal activity will be almost nonexistent since the catalysts for anti-social activity—injustice and inequality—will no longer exist. Plamenatz says that in a communist society crime will be "virtually unknown" because "motives will be less urgent and frequent, and the offender will be more easily brought to his senses by the need to regain the good opinion of his neighbors."15 Unfortunately, more than 5,000 years of recorded history disprove the probability of such a utopian plan working.

Both Marxist law and Secular Humanist law are grounded in a denial of the existence of God and a belief that we and our social systems are evolving. These assumptions require Marxists and Secular Humanists to rely on legal positivism as the basis for law. The Marxist version of legal positivism adds the unique feature of class-consciousness to the state's role as the will of the ruling proletarian class. Furthermore, the working class must rule under the guidance of the Marxist-Leninist political party, giving the party final authority on morality and law.

When those adhering to a specific ideology arbitrarily determine a system of law, laws will be created that are prejudiced against those with opposing views. In such a society, freedom disappears, as each citizen is held hostage by the arbitrary laws of the state.

4.2.2 Neo-Marxist

As some scholars criticized functionalist theorizing, different theories of law were introduced in sociology from the 1960s onward. Most distinct was the novel vision of law as a tool or instrument of power that, far from delivering justice to all, served only the interests of the economically or politically powerful. This instrumentalist perspective of law echoed the philosophy of Karl Marx (1818-1883), although Marx

had mostly dismissed the study of law in favor of a concentration on society's economic organization.

Neo-Marxist theories of law led the way to the development of other critical theories of law in the latter half of the twentieth century. Critical theories share a commitment to criticize the conditions of law and other social institutions beyond a mere analytical study, but they differ in the foundation and consequences of their respective critiques. Some critical theories hold on to Marxist premises on the centrality of the economy, whereas others broaden their focus to ponder the significance of race, gender, and other lines of social division besides class. The assumed plurality of such societal cleavages has led some sociologists to adopt a postmodern stance, abandoning the search for an overarching unifying theoretical vision in favor of a chaotic multiplicity of cleavages and fractions. In addition, while some critical theorists assert that radical transformation of society is required for social improvement; other proponents of critical theories of law are more reformists in their normative orientations.

The popularity of critical perspectives notwithstanding, the single most important theoretical development in contemporary sociology of law has come from the resolutely scientific approach of the American scholar Donald Black. Since the early 1970s and with increasing vigor since the 1990s, Black has developed a systematic theory of law that formulates propositions on the quantity and quality of law as functions of certain structural characteristics of society. Rejecting any normative and psychological presuppositions, Black's theories of law are part of a broader project of pure sociology that seeks to order variation in all aspects of social reality without resorting to motives, ends, or other subjective states. Similar to the breadth of Black's theory, the German sociologist Niklas Luhmann (1927-1998), takes a comparable approach in modern sociology. Originally influenced by the theories of Parsons, Luhmann came to develop a novel systems-theoretical perspective of law, which argues that the legal system is characterized by autopoiesis or operational closure; in other words, the law functions independently of other social institutions based on the legal code, lawful versus unlawful. Morality and justice, most importantly, are in Luhmann's eyes not constitutive of law.

Sociological theories of law are today more diverse than ever before. Particularly influential in recent times has been the cross-fertilization of sociological theories of law with theories from other social sciences and the humanities. Most distinct in this respect has been the popularity of the law and society movement, a perspective that abandons the theoretical grounding of the study of law in any specific discipline in favor of an interdisciplinary orientation that selectively draws from a plurality of intellectual traditions. At the same time, however, theoretical developments in the sociology of law have occasionally also imported the works of other disciplinary orientations to further the sociological understanding of law. The seminal contributions of the French philosopher Michel Foucault (1926-1984), and the German social theorist Jürgen Habermas, stand out among the intellectual influences that sociologists of law have incorporated in fruitful ways in theory and research.

Despite the popularity of the interdisciplinary law and society movement, the sociology of law today is better organized than ever in institutional and professional respects. One can thus expect sociological theories of law to continue to claim their place in the broader constellation of social-science theories of law.

4.3 Post-Modernist Theory

4.3.1 Michel Foucault

Michel Foucault (15 October 1926-25 June 1984) was born in the city of Poitiers, west central France. He was a France philosopher, historian of ideas, social theorist, philologist and literary critic. His theories addressed the relationship between power and knowledge, and how they are used as a form of social control through societal institution. Though often cited as a post-structuralist and post-modernist, Foucault rejected these labels; performing to present his thought has been highly influential for both academic and activist groups.

Through the impressive career Foucault became known for his many demonstrative arguments that power depends not on material relation or authority but instead primarily on discursive networks. In 1975 with the publication of "Discipline and Punish: The Birth of the Prison", his work begins to focus more explicitly on power. He rejects the Enlightenment's philosophical and juridical interpretation of power as conceptualized particularly in relation to representative government, and he introduces instead the notion of power as discipline and takes the penal system as the context of analysis, only to generalize it further to society at large. He shows the kind of discipline is a specific historical form of power that was taken up by the state from the army in the 17th century, which spread widely across society through institutions. Here he begins to examine the relationship of power to knowledge and to the body, which would become a pivotal Foucaultian move in his further research. He argues that these institutions, including the army, the factory and school, all discipline the bodies of their subjects through shriveling, knowledge gathering techniques, both real and perceived. Indeed, the goal of such exercise of power is to produce "docile bodies" that can be monitored, and which lead to the psychological control of individuals. Foucault goes as far as arguing that such power produces individuals as such.

Foucault's work after Discipline and Punish (1977) is characterized by two seemingly disparate projects. On the one hand, there is his interest in political rationalities and the genealogy of the state that he investigates in a series of lectures, articles and interviews. On the other, there is a concentration on ethical questions and the genealogy of the subject, which is the theme of his book project on the History of

sexuality. The missing link between these two research interests is the problem of government. It is a link because Foucault uses it exactly to analyze the connections between what he called technologies of the self and technologies of domination, the constitution of the subject and the formation of the state.

The semantic linking of governing and modes of thought indicates that it is not possible to study the technologies of power without an analysis of the political rationality underpinning them. But there is a second aspect of equal importance. Foucault uses the notion of government in a comprehensive sense geared strongly to the older meaning of the term and adumbrating the close link between forms of power and processes of subjectification. While the word government today possesses solely a political meaning, Foucault is able to show that up until well into the 18th century the problem of government was placed in a more general context. Government was a term discussed not only in political tracts, but also in philosophical, religious, medical and pedagogic texts. In addition to the management by the state or the administration, government also signified problems of self-control, guidance for the family and for children, management of the household, directing the soul, etc. For this reason, Foucault defines government as conduct, or, more precisely, as the conduct of conduct and thus as a term which ranges from governing the self to governing others. All in all, in his history of governmentality Foucault endeavors to show how the modern sovereign state and the modern autonomous individual co-determine each other's emergence.

The concept of governmentality has correctly been regarded as a key notion or a deranging term of Foucault's work. It plays a decisive role in his analytics of power in several regards: it offers a view on power beyond a perspective that centers either on consensus or on violence; it links technologies of the self with technologies of domination, the constitution of the subject to the formation of the state; finally, it helps to differentiate between power and domination.

The first important aspect of the concept of governmentality is that it does not juxtapose politics and knowledge but articulates a political knowledge. Foucault does not pose the question of the relation between practices and rationalities, their correspondence or non-correspondence in the sense of a deviation or shortening of reason. His main problem is not to investigate if practices conform to rationalities, but to discover which kind of rationality. The analytics of government not only concentrates on the mechanisms of the legitimization of domination or the masking of violence, beyond that it focuses on the knowledge that is part of the practices, the systematization and rationalization of a pragmatics of guidance. In this perspective, rationality does not refer to a transcendental reason, but to historical practices; it does not imply a normative judgment, since it refers to social relations.

The discourse on sustainable development might serve as an example to illustrate this point. One important aspect of the new world order is the reconceptualization of external nature in terms of an ecosystem. Nature, which once meant an independent

space clearly demarcated from the social with an independent power to act and regulated by autonomous laws, is increasingly becoming the environment of the capitalist system. The ecosystem conception is also a reinvention of the boundaries between nature and society. In view of today's global perils, the main issue now is less the restrictive notion of the limits of growth as it is a dynamic growth of limits. In an age of sustainable development, previously untapped areas are being opened in the interests of capitalization and chances for commercial exploitation. Nature and life itself are being drawn into the economic discourse of efficient resource management:

Furthermore, the concept of governmentality also helps to pinpoint the strategic character of government. To differentiate between rationalities and technologies of government does not mark the clash of program and reality, the confrontation of the world of discourse and the field of practices. The relations between rationalities and technologies, programs and institutions are much more complex than a simple application or transfer. The difference between the envisioned aims of a program and its actual effects does not refer to the purity of the program and the impurity of reality, but to different realities and heterogeneous strategies. History is not the achievement of a plan, but what lies in between these levels. Thus, Foucault sees rationalities as part of a reality that is characterized by the permanent failure of programs.

Again, let me refer to an example that Foucault himself provided in Discipline and Punish: the failure of the prison system that produced delinquencies as an unintended effect. In his genealogy of the prison, Foucault does not confront reality and intention, nor does he frame the problem in terms of functionality or adequacy. The institutionalization of the prison in the 19th century produced an entirely unforeseen effect which had nothing to do with any kind of strategic ruse on the part of some Meta- or trans-historic subject conceiving and willing it.

By reconstructing this strategic dimension it is also possible to take more into account the conflicts and resistances that are put forward against technologies and rationalities of government. Struggles and fights do not only take place in an interval between programs and their realization, they are not limited to some kind of negative energy or obstructive capacity. Rather than distorting the original program, they are actually always already part of the programs themselves, actively contributing to compromises, fissures and incoherencies inside them. Thus, the analysis of governmentality does not only take into account breaks or gaps between program and technology but also inside each of them viewing them not as signs of their failure but as the very condition of their existence.

4.3.1.1 Economy and Politics

The concept of governmentality also proves to be useful in correcting the diagnosis of neo-liberalism as an expansion of economy in politics, that takes for granted the

separation of state and market. The argument goes that there is some "pure" or "anarchic" economy that will be regulated or civilized by a political reaction of society. But as we know since Marx there is no market independent of the state, and economy is always political economy. In his work Foucault shows that the art of government is not limited to the field of politics as separated from the economy; instead the constitution of a conceptually and practically distinguished space, governed by autonomous laws and a proper rationality is itself an element of economic government. Already in his work on discipline Foucault repeatedly pointed out that the power of the economy was vested on a prior economics of power, since the accumulation of capital presumes technologies of production and forms of labor that enable to put to use a multitude of human beings in an economically profitable manner. Foucault showed that labor power must first be constituted before it can be exploited: that is, that life time must be synthesized into labor time, individuals must be subjugated to the production circle, habits must be formed, and time and space must be organized according to a scheme. Thus economic exploitation required a prior political investment of the body.

Lt takes this form of analysis one step further, combining the microphysics of power with the macro political question of the state. Again, he does not limit the field of power relations to the government of the state; on the contrary, what Foucault is interested in is the question how power relations historically could concentrate in the form of the state – without ever being reducible to it.

This encompasses on the one hand the displacement of forms of practices that were formerly defined in terms of nation state to supranational levels, and on the other hand the development of forms of sub-politics beneath politics in its traditional meaning. In other words, the difference between state and society, politics and economy does not function as a foundation or a borderline, but as element and effect of specific neo-liberal technologies of government.

4.3.1.2 Domination and Technologies of the Self

While many forms of contemporary critique still rely on the dualism of freedom and constraint, consensus and violence, from the perspective of governmentality the polarity of subjectivity and power ceases to be plausible: government refers to a continuum, which extends from political government right through to forms of self-regulation, namely technologies of the self.

This theoretical stance allows for a more complex analysis of neo-liberal forms of government that feature not only direct intervention by means of empowered and specialized state apparatuses, but also characteristically develop indirect techniques for leading and controlling individuals. The strategy of rendering individual subjects responsible entails shifting the responsibility for social risks such as illness, unemployment, poverty, etc. and for life in society into the domain for which the individual is responsible and transforming it into a problem of self-care. One key

feature of the neo-liberal rationality is the congruence it endeavors to achieve between a responsible and moral individual and an economic-rational individual. It aspires to construct responsible subjects whose moral quality is based on the fact that they rationally assess the costs and benefits of a certain act as opposed to other alternative acts. As the choice of options for action is, or so the neo-liberal notion of rationality would have it, the expression of free will on the basis of a self-determined decision, the consequences of the action are borne by the subject alone, who is also solely responsible for them. This strategy can be deployed in all sorts of areas and leads to areas of social responsibility becoming a matter of personal provisions.

4.3.1.3 Governmentality and Truth Politics:

The theoretical strength of the concept of governmentality consists of the fact that it construes neo-liberalism not just as ideological rhetoric, as a political-economic reality or as a practical anti-humanism, but above all as a political project that endeavors to create a social reality that it suggests already exists. The analysis of governmentality reminds us that political economy relies on a political anatomy of the body. We can decipher a neo-liberal governmentality in which not only the individual body, but also collective bodies and institutions (public administrations, universities, etc.), corporations and states have to be lean, fit, flexible and autonomous. The governmentality approach also focuses on the integral link between micro- and macro-political levels. Moreover, it highlights the intimate relationship between ideological and political-economic agencies (e.g. the semantics of flexibility and the introduction of new structures of production). This enables us to shed sharper light on the effects neo-liberal governmentality has in terms of (self-) regulation and domination. These effects entail not just the simple reproduction of existing social asymmetries or their ideological obfuscation, but are the product of a re-coding of social mechanisms of exploitation and domination on the basis of a new topography of the social.

In the perspective of governmentality we always have to reflect on the historical and social conditions that rendered a certain historical knowledge of society real, taking into account the possible theoretical and non-theoretical consequences of these truths. It is necessary not to reverse the theoretical gain of denaturalization by linking it to a strategy of dematerialization. And again, this is more than methodological care or a theoretical imperative. When we see the parallelism of the practical interventions of genomic analysis and biotechnological engineering on the one hand and the theoretical appraisal of constructivism on the other, it might be well the case that the increasing acceptance of anti-essentialist thought may perfectly well be in harmony with a political rationality that tries to incorporate the last residuals of nature in the flexible paradise of neo-liberalism – but only to denaturalize this very form of society as some naturally given.

Chapter Five

# **Police as Law Enforcing Agency and Government: Study on Shahbag**

This study is based on a sample of 120 different types of people like as profession, class, religion, education, political views and city dwellers at the time of survey (June 2014 – November 2014) in Shahbag Thana. A purposive sample was drawn from different points in the Shahbag Thana area, and all age groups were included. Selected respondents are male and female general people were interviewed using a detailed semi-structured questionnaire. The sub-sample of the police and general city dwellers was drawn from different place of the Thana area. Who were more concerned to provide detailed information about their experiences in the work and living place, I have collected information only from them. They were interviewed in a more detailed platform using a checklist drawn from the questionnaire. Although the sample population does not fully represent the target group, this paper concentrates primarily on the police as the law enforcing agency and general people to collect data and information which they experience in their everyday life to serve the objectives of the study.

5.1 Demographic Characteristics of the Respondents

First of all the study requires a more details demography to understand the overall law and order situation of the Thana area. Without knowing a clear image of their age, sex, religion, profession, education and political view the study would be quite vague to explore the real situation of the respondents. To maintain a detailed demography of the respondents' it is important to require age as a factor. Because young and aged, both of their experience are not equally important for this research.

5.1.1 Age Category of the Respondents

The highest percentage (60 Percent) of age category is 20-29 Years. As the data has been analyzed 30-39 years age category represents 5 percent, 40-49 years represent 20 Percent, 50-59 years represent 14 Percent, and above years represent 6 Percent. Though the people of different age I gather different type answer about police as the law enforcing agency and posses different type of political view which is important for this research. Different age structures of people shown by a diagram (figure- 1 see).
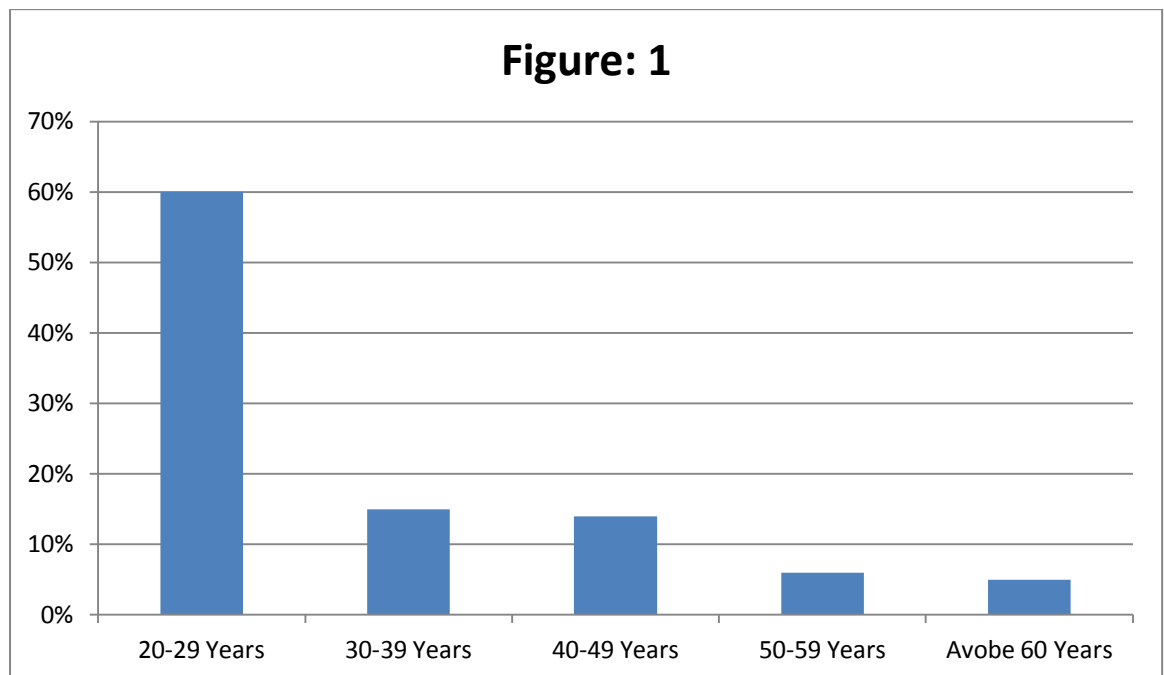
Figure: 1

(Figure: 1 Name: Age Category of the Respondents)

5.1.2 Male and Female

Male and female demographic verification is also most important issue in this research, because government passed various laws especially for women. So we need to know actual condition of women. On the other hands, women of our country are not aware about their rights and the political or law and order situation if they are not victim. For this reason male and female perspective about police and government help me to understand the overall situation of this research area. Among the respondents 75% are male and 25% are female, both of them have the experience and sufferer of police. We can draw a diagram by using these data (see figure: 2).
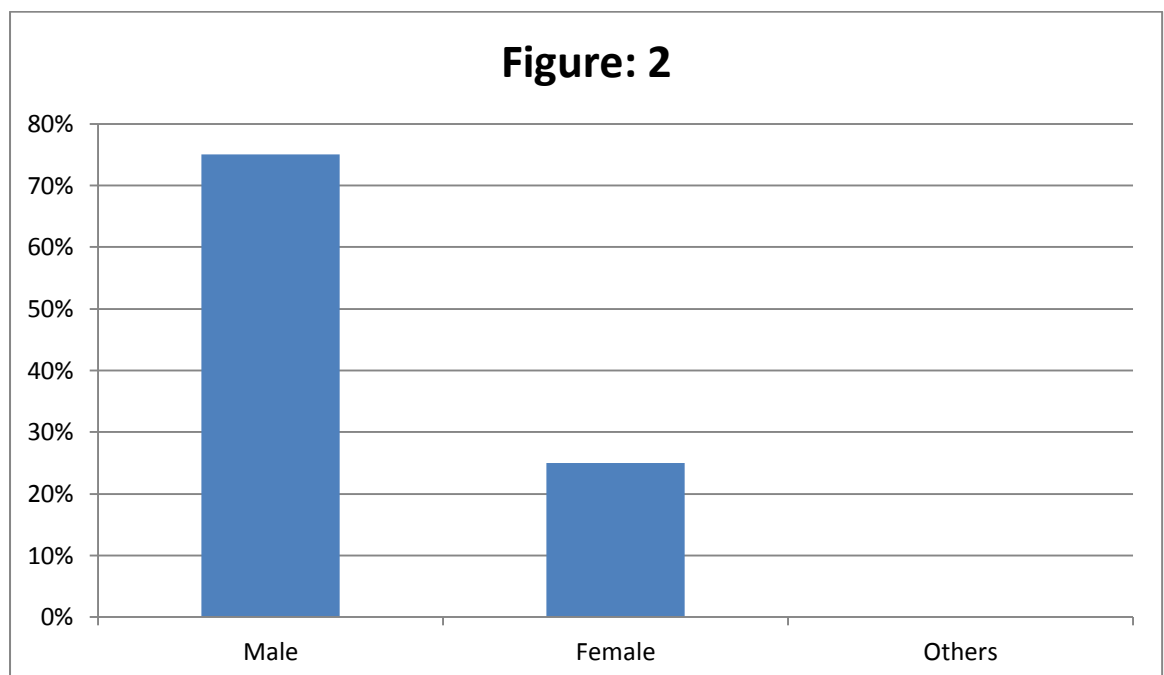
Figure: 2

(Figure Name: Male and Female)

5.1.3 Education

Education quality of respondent is also important in any research, because educated person aware about surroundings, politics, and law and order situation of our country. Among the respondents of this research SSC passed are 10%, HSC passed are25%, Graduate are 10%, Post-graduate are 55%. We can draw a diagram by using these data (see figure: 3).
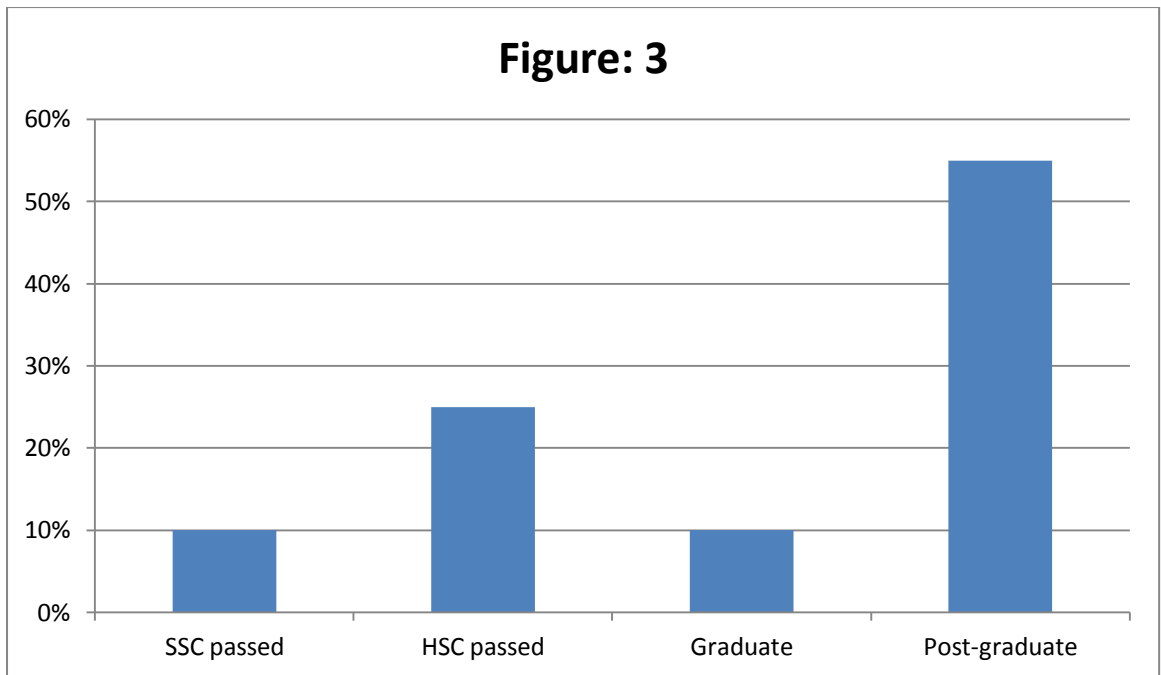
(Figure Name: Education Quality)

5.1.4 Profession

Most of the respondents of the research are government service holder. Professional address is important for verification of information of respondents. Government worker know the internal problem of administration then other people. On the other hand, government worker face political pressure, so they know the political influence. Among the respondents 55% are government employee, 5% are Non-governmental employee, 30% percent are businessman, and 10% are others.
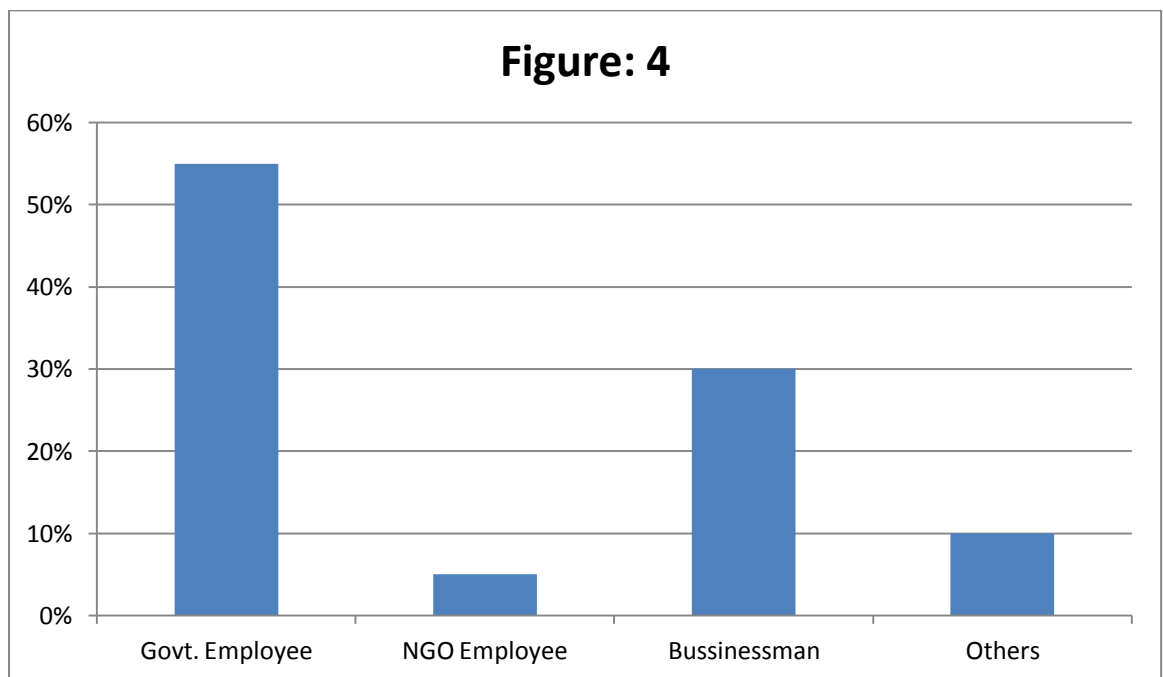
(Figure Name: Profession)

5.1.5 Political View

Political view of the respondent is important to know the real situation of governance and its law enforcing agencies. For this reason in this research demography I like to include political view of respondent. Most of time general people afraid to answer politics related question today. But political view helps me to know the real situation of political condition of the country. Among the respondent of the research only 17% people like politics and like to engage with political party. On the other hand, 64% don't like politics, 14% don't like politics and 5% like politics but not like to engage. We can make a diagram by these data (see figure: 5).
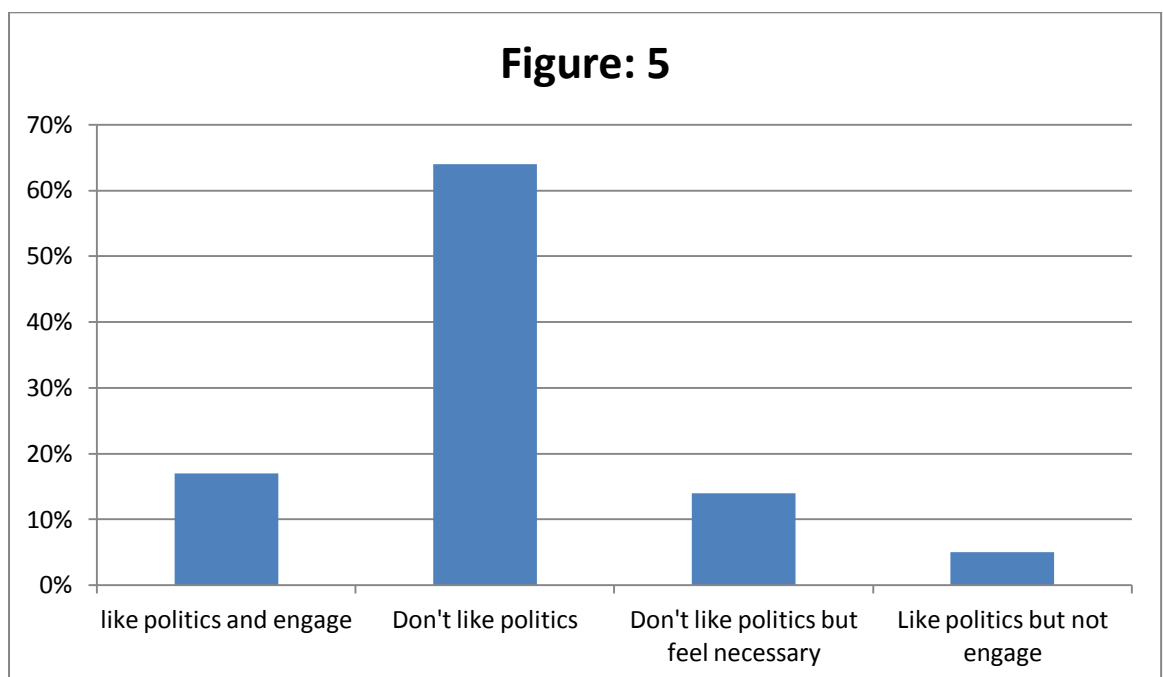
Figure: 5

(Figure Name: Political view)

5.1.6 Religion

Religions are also important element for our country. Although we are believe in secularism, but religious politics is common in our country. Some political party want to establish secularism, some want to establish Islamism, and some want to establish socialism, but no one wants to establish bangle what's we were. Political party's religious perception influence general people. Among the respondent 78% are Muslim, 16% are Hindu and 6% are Others (see figure: 6).
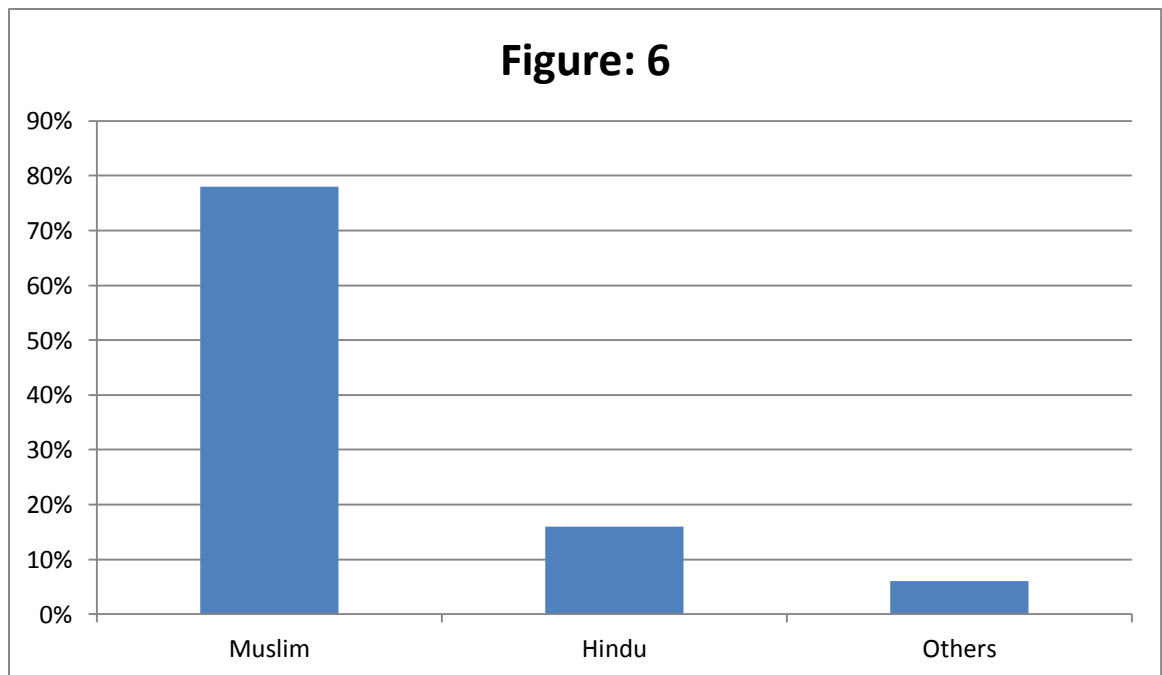

(Figure Name: Religion)

5.2 Respondent Perception about the Law Enforcing Agency (Police) and Governance

In this research, I gather information from different demographic characteristics about their perception to police and governance. Most of the respondents answer that, police are not co-operative. On the other hand, police report that they help people when they came to police for help. Most of people avoid police because of administrative complexity. Although, police claim that they tried best to serve people, but most of time political recommendations create obstacle. Respondent's perception about the police and governance I present here.

5.2.1 Police are Co-operative:

Among the respondent's most of people perception is that police are not co-operative. The highest 71% people answer that police are not co-operative with general people. On the other hand, 22% people answer that police are co-operative with general people and 7% answer that they don't know about it. We can present this data in a diagram (see figure: 7).
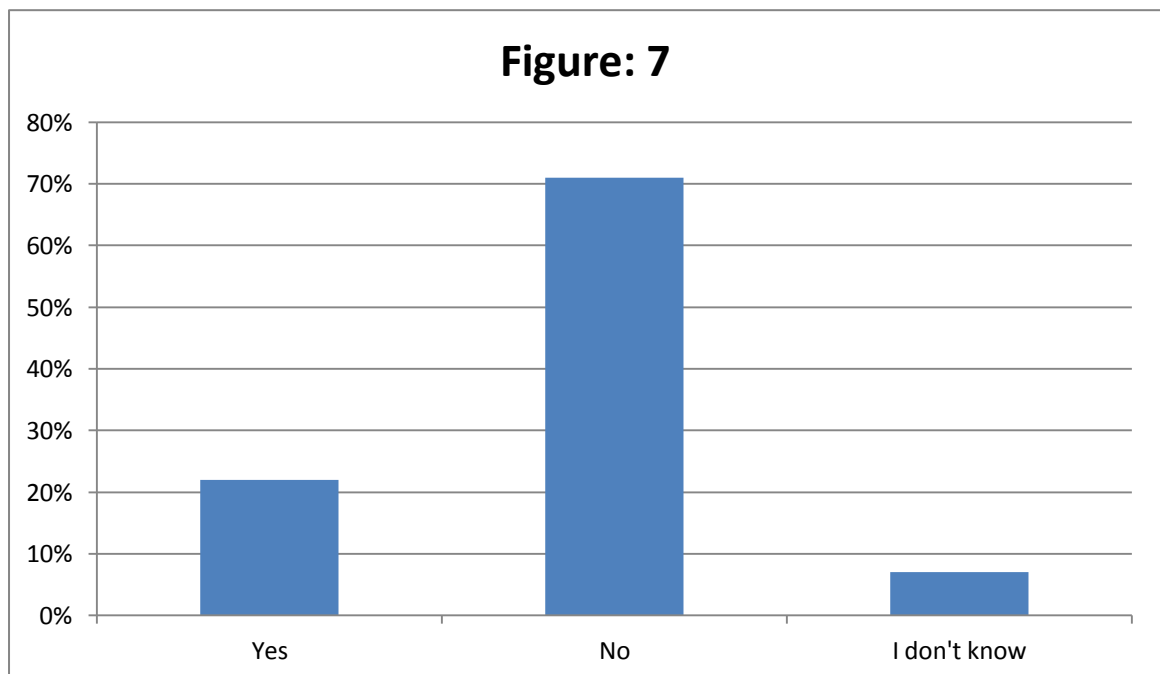
(Figure Name: Police are Co-operative)

5.2.2 Police Handle Properly All Cases

Among the respondents highest 67% answer that police don't handle all kind of cases properly. On the other hand, 25% answer that police properly handle all type of cases and only 7% answer that they don't know about it. From the above data we can draw a diagram (see figure: 8).
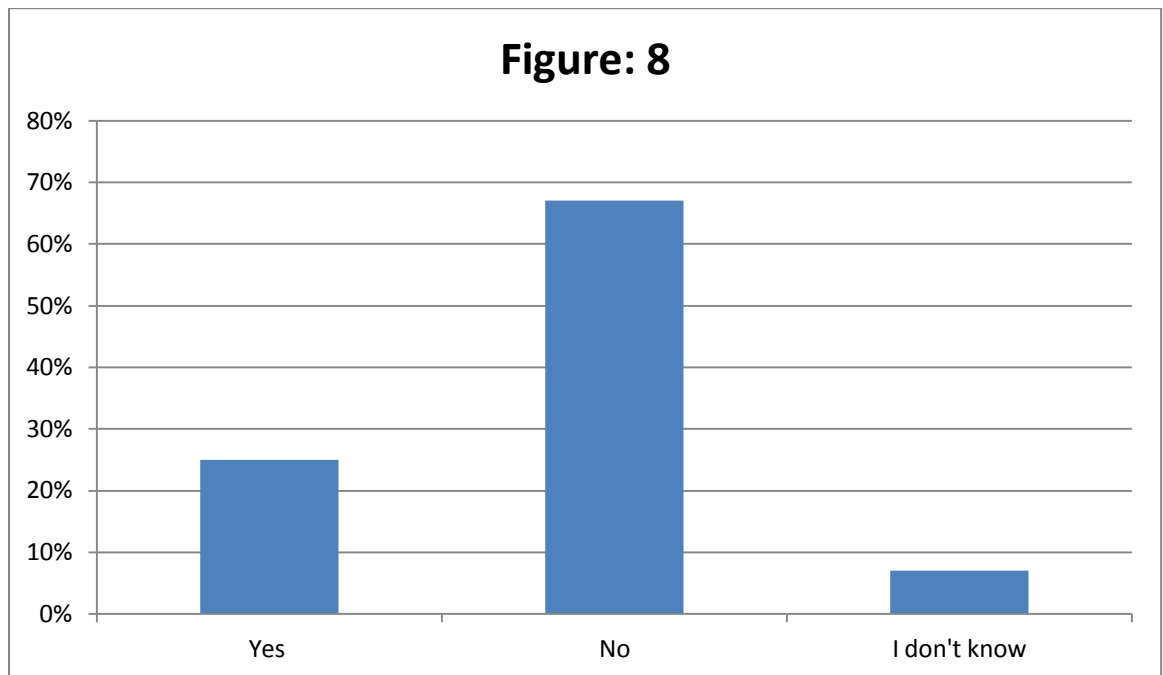
(Figure Name: Police Handle Properly All Cases)

5.2.3 Police Make Anything Lengthy

Police make anything lengthy; about 59% respondents answer that. Among them 27% answer that, police don't make any thing lengthy without any cause, 3% answer that they don't know and 11% answer that, they don't want to answer about it. From the above data we can draw a diagram (see figure: 9).
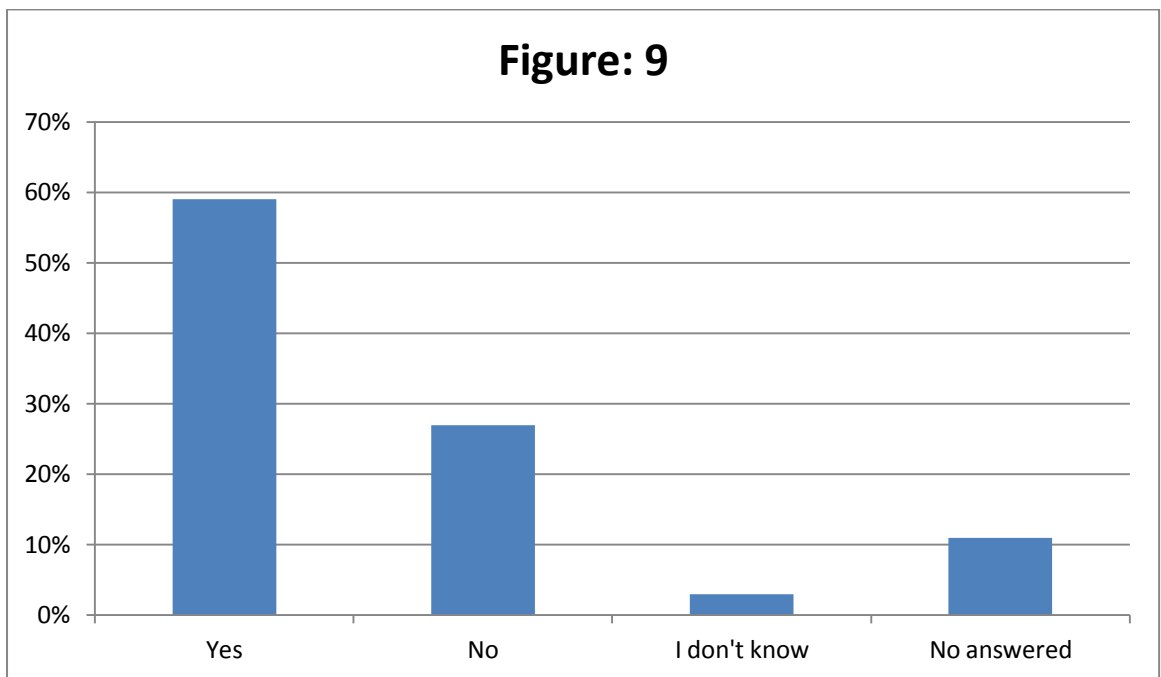
(Figure Name: Police Make Anything Lengthy)

5.2.4 Police Failed To Serve General People

Among the respondents 62% agree with that police failed to serve general people. About 23% people answer that police are successful to serve the general people and 4% say that they don't know about it. Among the respondents 11% don't want to talk about it. From the above data we can draw a diagram (see figure: 10).
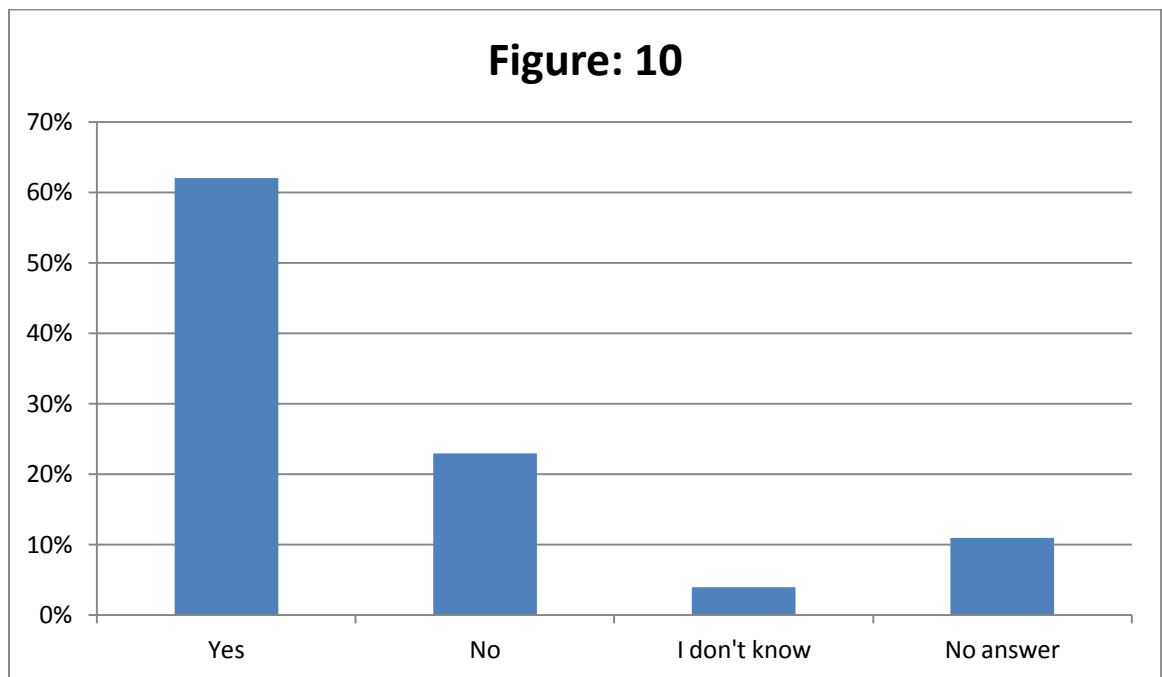
(Figure Name: Police Failed To Serve General People)

5.2.5 Government Use Police for Public Repression

Among the respondents of this research the highest percentage answer that government use police for public repression. About 57% answer yes, 34% answer no, 3% I don't know and 6% no answer. From the above data we can draw a diagram (see figure: 11).
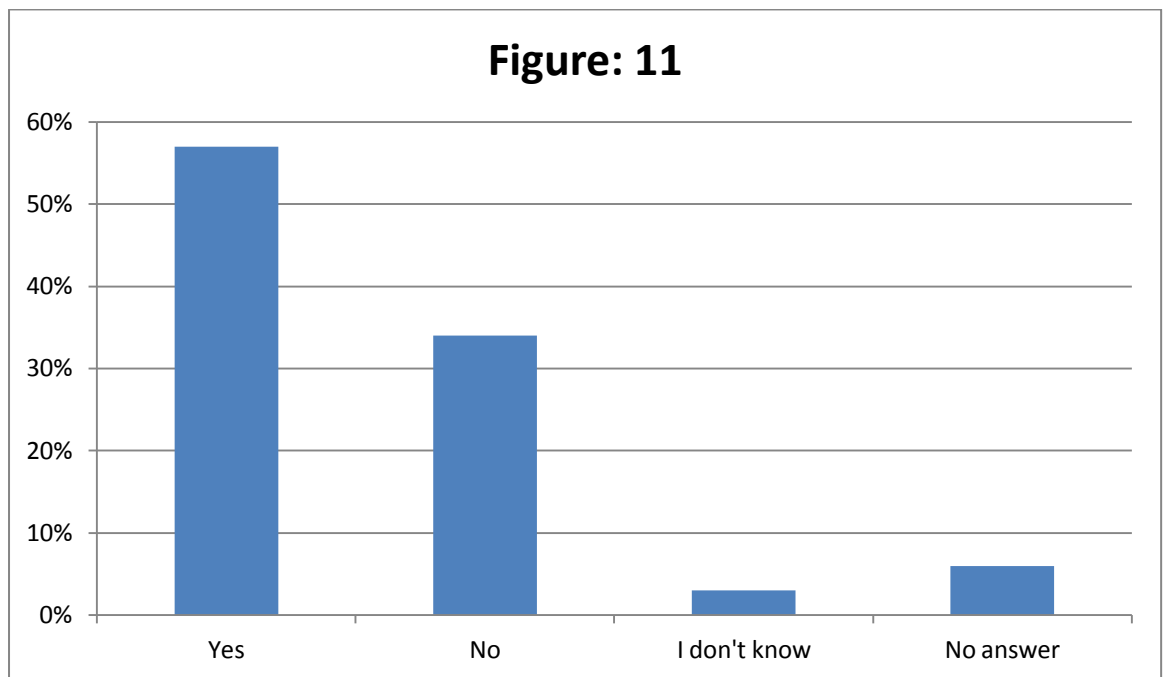
Figure: 11

(Figure Name: Government Use Police for Public Repression)

5.2.6 Police Have Enough Effort to Perform Their Responsibility

Among the respondents of the research the highest percentage of answer is that police have not enough effort to perform their responsibility. About 34% agree with that police have enough effort to perform their responsibility, 53% answer that police have enough effort to perform their responsibility, 12% answer that they don't know about it and 6% unable to give answer. From the above data we can draw a diagram (see figure: 12).
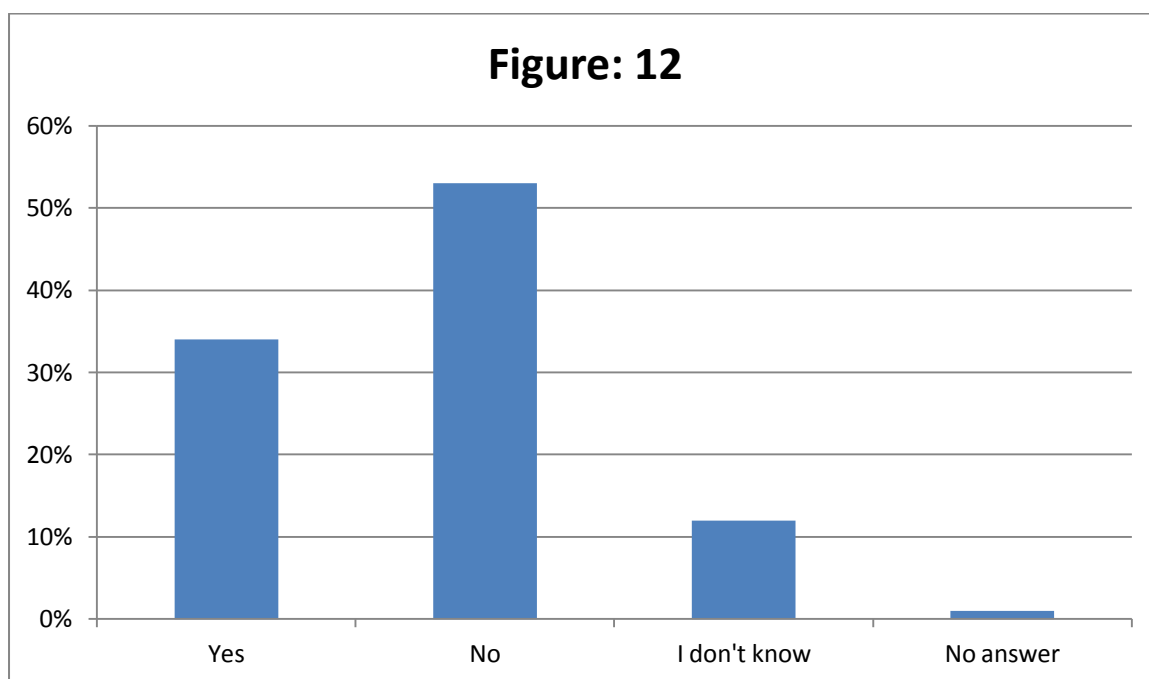
(Figure Name: Police Have Enough Effort to Perform Their Responsibility)

5.2.6 The Administrative Structure of Police

About the administrative structure of police the highest percentage became 45%. 21% answer that the administrative structure of police is appropriate, about 14% are confused that administrative structure of police is appropriate or not, 7% answer that they don't know about it and 3% answer that they don't like to answer about it. From the above data we can draw a diagram (see figure: 13).
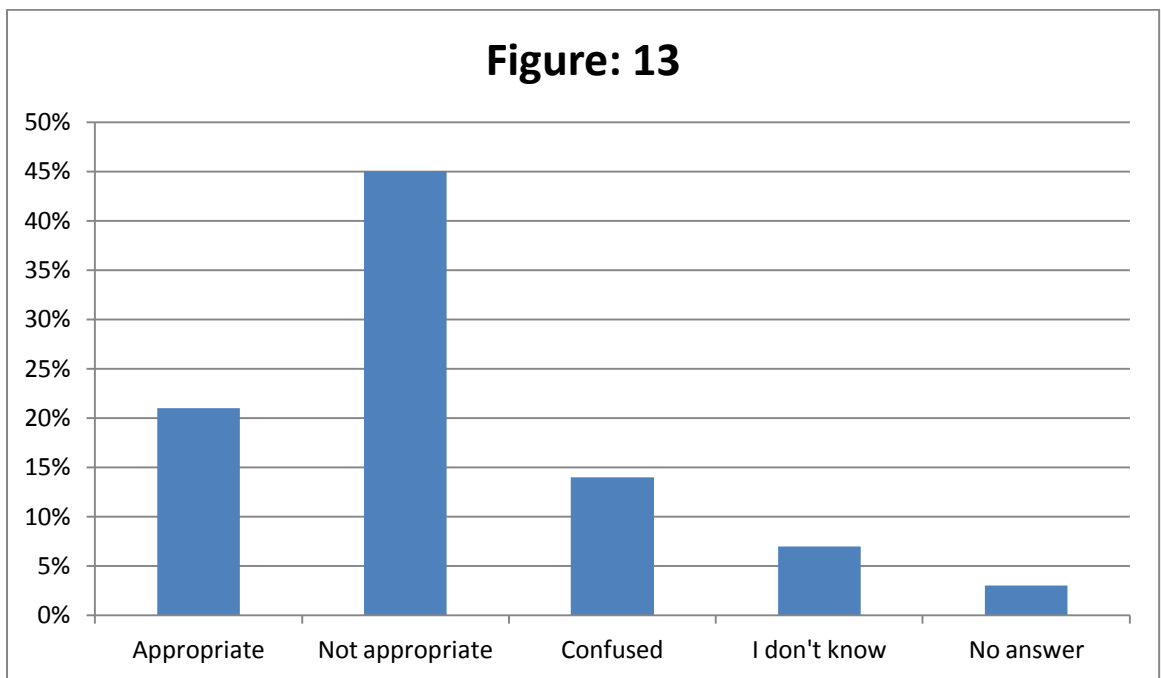
(Figure Name: The Administrative Structure of Police)

5.2.7 Government Takes Proper Steps for the Improvement of Infrastructure

About the infrastructural development of police taken by government most of the respondents answer that no. 65% of respondents answer that government doesn't takes proper steps for the improvement of infrastructure, 31% of respondents answer that government takes proper steps for the improvement of infrastructure, , 2% answer that they don't know about it and 2% unable to give answer. From the above data we can draw a diagram (see figure: 14).
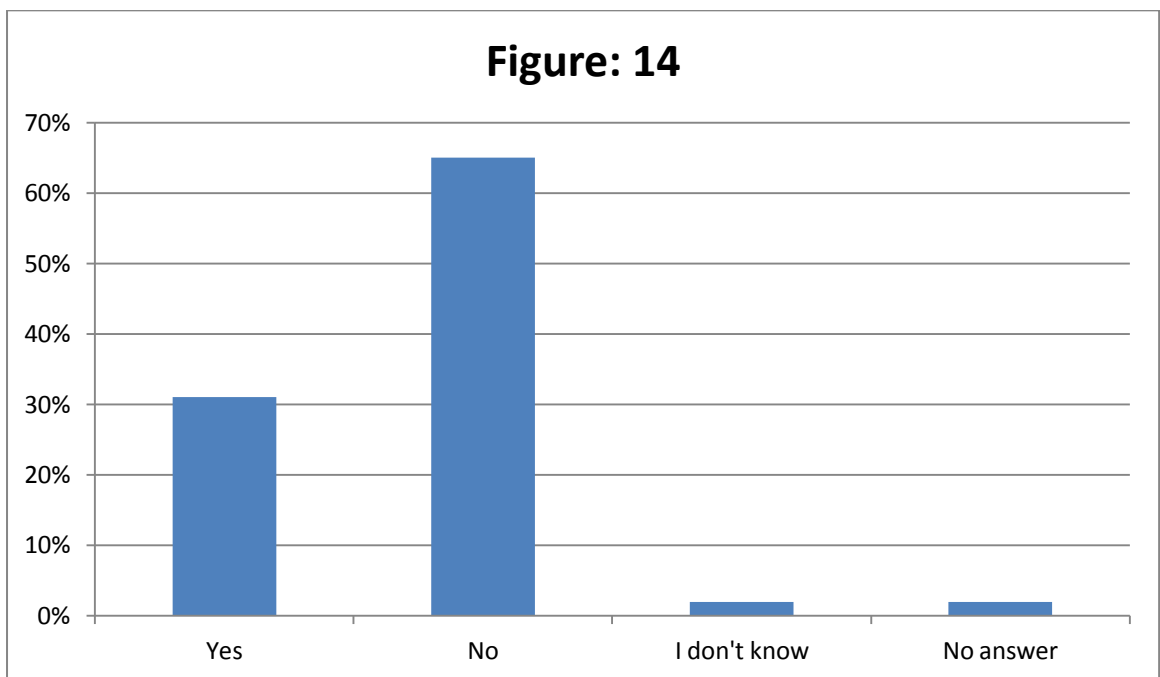
(Figure Name: Government Takes Proper Steps for the Improvement of Infrastructure)

5.2.8 Only Police Responsible for the Decline of Law and Order Situation

Among the respondents of the research the highest percentage of answer is that only police responsible for the decline of law and order situation. About 47% agree with that only police responsible for the decline of law and order situation, 43% answer that not only police responsible for the decline of law and order situation, 6% answer that they don't know about it and 4% unable to give answer. From the above data we can draw a diagram (see figure: 15).
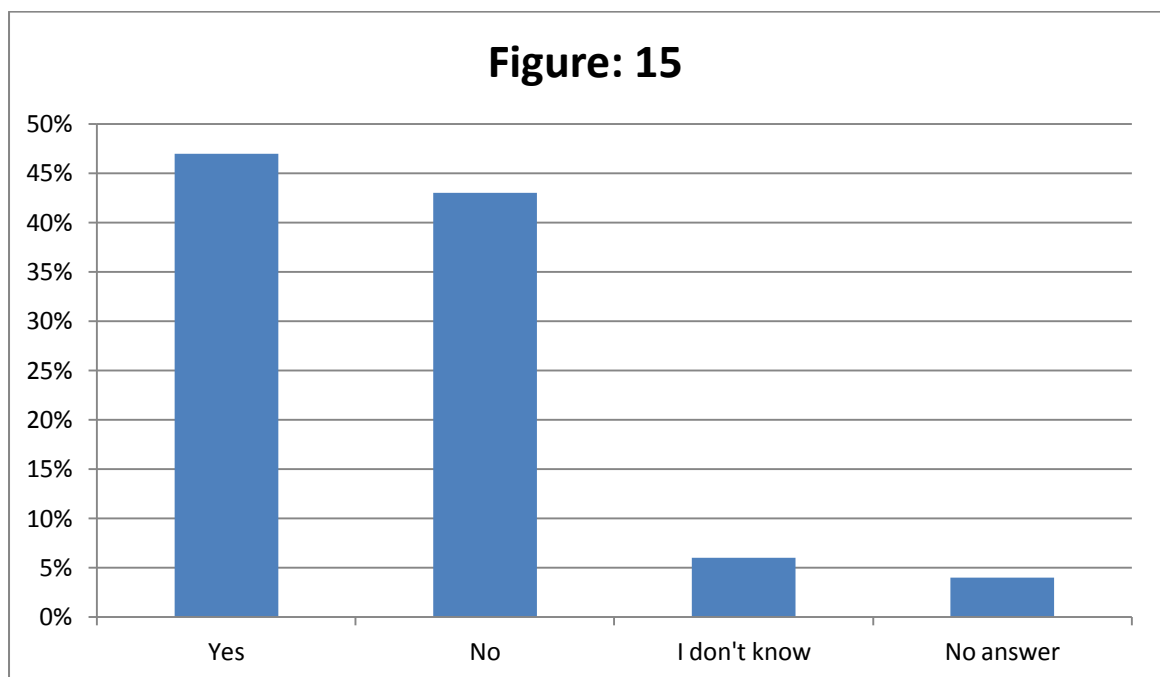
(Figure Name: Only Police Responsible for the Decline of Law and Order Situation)

5.2.9 Discrimination in Punishment

Among the respondents 29% answer that police discriminate in punishment of criminal offence. 53% percent answer that police don't discriminate in punishment, 13% answer that they don't know about the punishment of criminal and 5% unable to give answer. From the above data we can draw a diagram (see figure: 16).
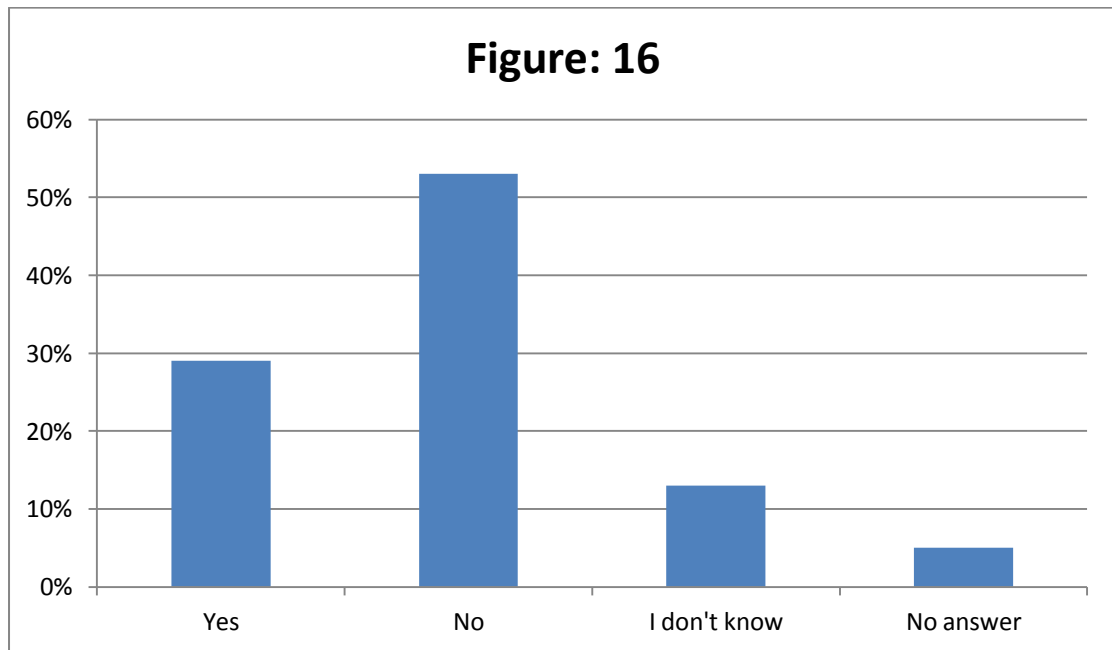
Figure: 16

(Figure Name: Discrimination in Punishment)

5.2.10 Relationship between Police and Ruling political Party

The highest percentage of the respondent answer that there are a relationship between police and ruling political party about 63%, 21% answer that there are no relationships between ruling political party, 11% answer that they don't know about the punishment of criminal and 5% unable to give answer. From the above data we can draw a diagram (see figure: 17).
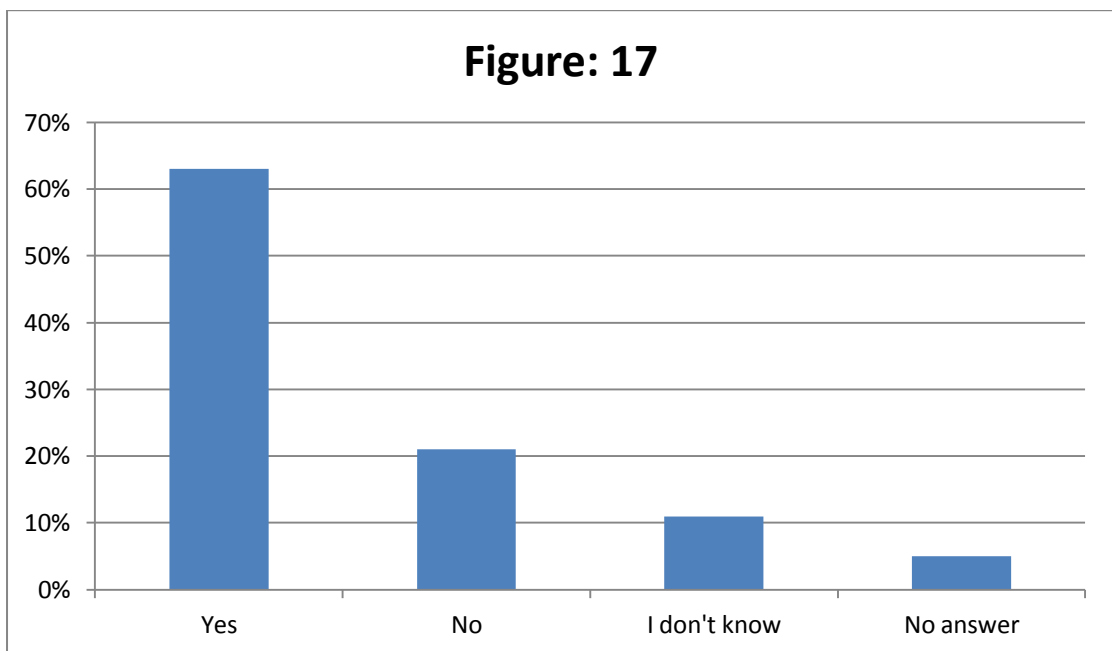
Figure: 17

(Figure Name: Relationship between Police and Ruling political Party)

5.2.11 Government Use Police to Protect Public Movement or Procession

Among the respondents the highest percentage answers that government use police to protect public movement or procession. 71% answer that government use police to protect public movement or procession, 23% answer that government doesn't use police to protect public movement or procession 1% answer that they don't know about the punishment of criminal and 5% unable to give answer. From the above data we can draw a diagram (see figure: 18).
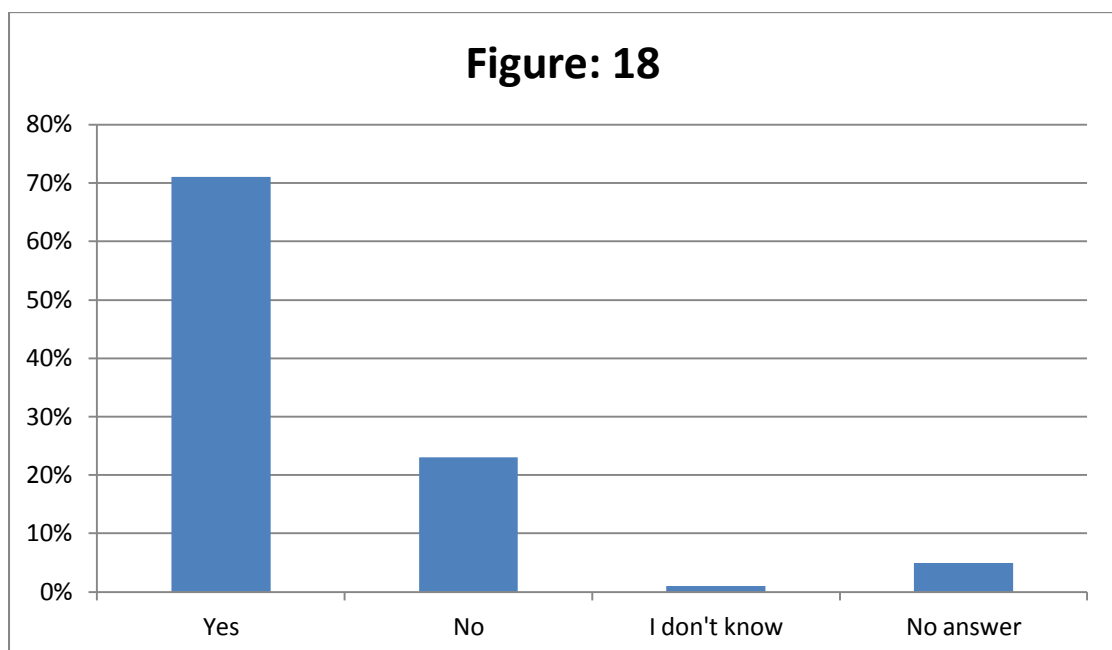
(Figure Name: Government Use Police to Protect Public Movement or Procession)

5.2.12 Technology can minimize the Indiscipline and decline of law and order

The highest percentage of the respondent's answer that technology can minimize the indiscipline and decline of law and order situation. About 72% answer that technology can minimize the indiscipline and decline of law and order situation, 24% answer that technology can't minimize the indiscipline and decline of law and order situation, 3% answer that they don't know about it and 1% unable to give answer. From the above data we can draw a diagram (see figure: 19).
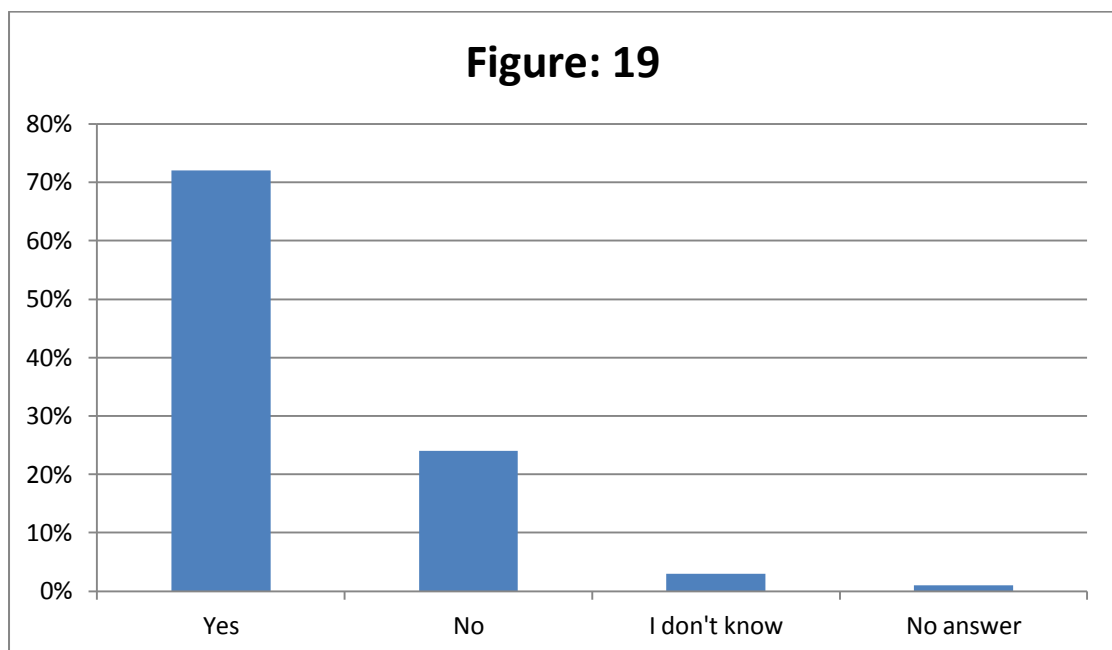
(Figure Name: Technology can minimize the Indiscipline and decline of law and order)

5.2.13 Management System of Government Responsible for Degradation of Police

The highest percentage of the respondents answers that management system of government also responsible for degradation of police. About 41% answer that management system of government also responsible for degradation of police, 38% answer that management system of government aren't responsible for degradation of police, 17%% answer that they don't know about it and 5% unable to give answer. From the above data we can draw a diagram (see figure: 20).
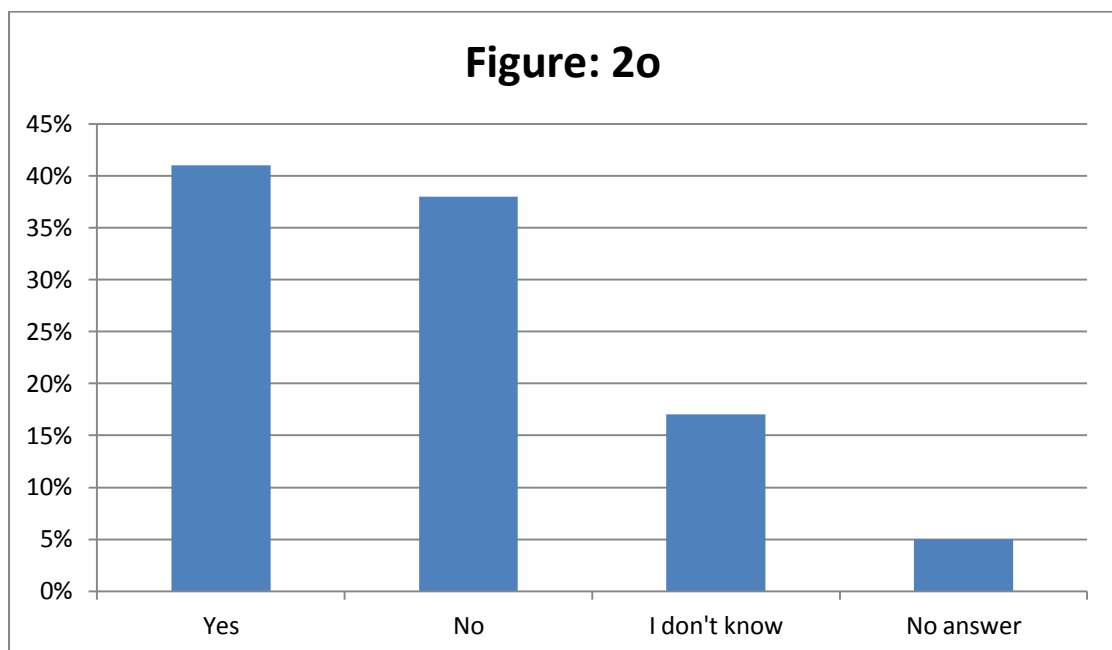
(Figure Name: Management System of Government Responsible for Degradation of Police)

Chapter Six

The Law Enforcing Agencies and Governance

The Bangladesh Police is the main law enforcement agency of Bangladesh. It is administered under the Ministry of Home Affairs of the Government of Bangladesh. It plays a crucial role in maintaining peace, and enforcement of law and order within Bangladesh. Though the police are primarily concerned with the maintenance of law and order and security of persons and property of individuals, they also play a big role in the criminal justice system. If we see the history of Bangladesh Police we can see that Police history started from the main sources of the Bangladesh Police force's history come from Manushanghita, which are the hieroglyphics of Emperor Ashoka, and the stories of renowned travelers. In Orthoshastra by Koutilla, nine types of spies are mentioned. During that period, policing was confined in the efforts of collecting intelligence in order to curb anti-governmental activities, and to maintain law and order in the society. The duties of spies were varied, such as conducting surveillance over the activities of ministers, civil, and military officials, for which, different means of temptations and instigations were used.

The history of policing activities, during the periods of the great sultans, an official holding the position of Muhtasib used to perform the duties of policing. This person was the chief of police, in charge of public works, and the inspector of public ethics simultaneously. In urban areas, Kotwals were responsible for performing police duties. The policing system introduced by Sher Shah Suri was further organized during the period of Emperor Akbar: the Emperor organized his administrative structure introducing Fouzdari (the principal representative of the Emperor), Mir Adal and Kazi (the head of judicial department), and Kotwal (the chief police official of larger cities). This system was effective in maintaining the law and order in cities, and was implemented in Dhaka. Many district sadar police stations are still called Kotwali police stations. In the Mughal period, Kotwal emerged as an institution.

In that time of Mughal Emperor a Fouzdar was appointed to every administrative unit of the government (district), under whom there were some artillery and cavalry forces. There was a disciplined police system during the Mughal period, though there was no professional police force like that in the British period. It has been opined that there was a remarkable development in the maintenance of law and order and criminal administration during the reign of the Muslim rulers. The system of law enforcing and administrative structure was established as a public institution to serve general people keeping consensus with social structure of India subcontinent and geographical condition.

On the other hands, during the British ruling period the administrative structure and police administration built for their (British ruler) own interest not for the service of general people. The administration was built following the British administrative structure.

In the early stage of the Industrial Revolution, when England was facing grave crisis due to socio-economic transformation, the necessity of an effective organized police service was keenly felt. Sir Robert Peel, then the Prime Minister, introduced a bill in

the British Parliament in 1829 which created an organized civil police in London. The success of the London police in controlling social disorder and crime was admired by not only the people of England but also of European and American countries: New York City copied the London model with some modifications when it organized the first Municipal Police Force, in 1833.

In 1858, full control of the Indian Territory was taken over from the East India Company by the British government. The success of the London police organized under Peel's Act of 1829 prompted the British government to reform the police system in the sub-continent in a similar way to British constabularies. With this end in view, a police commissioner was set up 1840, and on the recommendation of the commission of the Police Act (Act V of 1861), was passed by the British Parliament. Under this Act a police force was created in each province of British India, and placed under the control of the provincial government. The administration of the police force of a province was vested upon an officer styled as the Inspector-general of police. The administration of the police in a district was placed under the Superintendent of Police. The Act is still in force throughout the sub-continent, and regulates the function of police in Bangladesh, as well as the other countries of the sub-continent.

The administration was built following the British administrative structure. Previous Kings or ruler who came from the outside of India subcontinent live here for forever and built administration for the development of their kingdom, but British was the first ruler who came here as a foreign ruler and built administration for exploitation and repression. As a result, previous administrative structure of India sub-continent damaged by the British ruler.

In the Pakistan Ruling period British administrative structure was same and it continued to function on the same lines as during the British rule. Moreover, still now in the independent country the administrative structure is still in force. Bangladesh Police is primarily responsible for the preservation of peace and order, protection of life and property of the people and prevention and detection of crime. The traditional role of police in Bangladesh has not change after the liberation: the role of police is no longer confined to maintenance of law and order and prevention of the security of the state. It is further playing a vital role in dealing with insurgency in some areas of the country which impedes development activities and threatens the security of the state. From the research data collected from general people we see that police aren't co-operative with the general people. On the other hands, police also claim that general people don't like to go to police for legal rights and didn't help them by giving correct information. From the British period general people had a fear about police which is continue still now. (See figure: 13)

Bangladesh Police work as the law enforcing agency of Bangladesh Government. So, it is normal condition that police guided by the government, but it is abnormal when police guided by the existing ruling party. Today in Bangladesh government called the existing ruling party. In this research we find that most of the respondents answer

that leader of the ruling party keep in pressure police for their own interest. Government ruling party abuse police for their personal work illegally and they pressure police to stop investigation in some cases. In British period we had seen that police attracted in any public movement of Indian. In independent Bangladesh we also see that police attract in public movement and protest. In this subject they (police) says that do it according to current law of country which was established by British ruler. In a democratic country this law is in consensus. British ruler used police to repress general people and still today police use by government in public repression (see figure: 11)

Now-a-days are science and technology based world. Using technology police can control all internal activities of a country. In developing country police is one of the most highly technology based department. But in our country police administration, infrastructure and space, technology and instrument are poor (see figure: 12).

Governance of the Government of Bangladesh plays a vital role for the guidance of Bangladesh Police although it follows the penal code of the country. To explain the governance and the law enforcing agencies of Bangladesh firstly we need to know the governmentality and the system of governance of Bangladesh. The concept of "governmentality" develops a new understanding of power. Foucault encourages us to think of power not only in terms of hierarchical, top-down power of the state. He widens our understanding of power to also include the forms of social control in disciplinary institutions (schools, hospitals, psychiatric institutions, police etc.), as well as the forms of knowledge. Power can manifest itself positively by producing knowledge and certain discourses that get internalized by individuals and guide the behavior of populations. This leads to more efficient forms of social control, as knowledge enables individuals to govern themselves.

Governmentality can be understood as:

1. the way governments try to produce the citizen best suited to fulfill those governments' policies
2. the organized practices (mentalities, rationalities, and techniques) through which subjects are governed

Governmentality may also be understood as:

1. the art of government
2. the how of governing (that is, the calculated means of directing how we behave and act)
3. governmental rationality
4. a 'guideline' for the analysis that Michel Foucault offers by way of historical reconstructions embracing a period starting from Ancient Greece right through to modernity and neo-liberalism the techniques and strategies by which a society is rendered governable.

Good Governance is a so much talk about and most wanted issue of the day. It is also define as the exercise of economic, political and administrative authority to manage a country's affairs all level. Here are some important components of good governance. Good governance presupposes a legitimate government a government elected through free and fair election. An autocratic or illegitimate government can notch up spectacular economic development but in the absence of free expression of thought and freedom of speech, good governance will remain an elusive goal. Hence an autocratic or illegitimate government is an anathema to good governance.

The rule of law implies that all citizens irrespective of their race, religion, sex and political affiliation are equal in the eye of law and are entitled to equal legal protection. Another important component of good governance is protection of human rights. Custodial deaths, torture, degrading treatment of victims by law enforcing agencies, illegal detention and engaging somebody in any unethical profession or in any profession against his/her will are examples of violation of human rights. Accountability is the hallmark of good governance and lack of it breeds corruption and encourages highhandedness and excesses on the part of the executive organ of the state.

Transparency means that the government must share information with the people and ensure its wide dissemination to them. People should have access to all the documents of the government except those which have bearing on national security. Lack of it results in misuse of power and breeds corruption (see figure: 19).

Efficiency, an important component of good governance, depends on proper recruitment, training, posting and promotion on the basis of merit and not on any extraneous factor. Speed of work is also a hallmark of efficiency. Though an electoral democracy, Bangladesh lacks in many of the components of good governance. A democratic culture is yet to take its root in Bangladesh. Politics has been confrontational instead of being consensual. State machinery is characterized by pettiness, ill will and use of resources in personal and party interests. Transparency is poor and accountability is almost non-existent. The administration is dubbed corrupt and inefficient. The civil society is fragmented. Establishing good governance demands a policy package which should incorporate the following.

Political culture has important bearing on good governance. Success of a democracy is not a matter of having the most perfect institutional structure that we can think of. It depends inescapably on our actual behavioral patterns and the working of political and social interactions. The politicians must be honest and committed. If they can rise above corruption and set self-sacrificing examples, it will help establish good governance. The process of decision-making has to be consensual, as in the contemporary political philosophy, democracy is seen as a government by discussion and as the exercise of public reason through deliberations by citizens on public political questions. People of Bangladesh bored for the political culture (see figure: 5). we need to create a fresh environment in political culture.

If appointments, transfers and promotions of government servants are made on the basis of well-defined criteria and their jobs are well protected by law, there will be no scope of using them in party/personal interest. Public servants must maintain neutrality, which is the fundamental characteristic of bureaucracy. Stern action should

be prescribed in law if CBAs (collective bargaining agents) attend political meetings during office hours and shirk their duties.

Print and electronic media, a vibrant civil society and responsible opposition parties can create public opinions to check the misuse of authority by the rulers and their cohorts. Journalists' right to freedom of expression can be protected if the journalists become united and thwart any covert or overt attempt of the government to muzzle their voice (see figure: 19).

Good governance depends on the proper functioning of three organs of the state-the executive, legislature and the judiciary. For ensuring good governance, one organ of the state should not encroach upon the domain of the other. The head of the government, the head of the party in power and the leader of parliament should be three persons for the sake of ensuring check and balance in exercising powers. There should be a constitutional provision against involvement of law-makers in selection of development projects and distribution of relief which should be left to the local bodies and administration. Constitutional provisions should also be there for review of appointments to constitutional posts and to the Anti-Corruption Commission and the Human Rights Commission by a Parliamentary Committee consisting of an equal number of members from both treasury and opposition benches.

Governance demands that citizens should be ruled by laws and rules and a government must take decisions in the light of set criteria and not on the basis of whims and caprices. The ruling parties need to behave as democratic political party. Today politician of ruling party take advantage from government illegally. Most of political leader engage with crime and corruption and they are out of law and order, but police do anything against these political leaders (see figure: 16 and figure: 17).

The decision-making processes (powers of Local Government Engineering Department and the Public Health Engineering Department) are highly centralized and hence these two departments should be abolished and the functions of these two departments should be vested in the district and sub-district (Upazila) councils. The district councils must be run by elected representatives as per Article 59 of the Constitution. The provision of appointment of administrators for district councils should be immediately rescinded. For establishing good governance, the government machinery should be transparent and people should have easy access to information. There cannot be a co-existence between corruption and good governance. The Anti-Corruption Commission must be manned by honest and courageous people so as to daunt the corrupt elements. It should have its own intelligence unit to collect information on corruption and should not merely depend on allegations. For the centralized power and decision making process most of time it becomes impossible to control right and urgent decision. Technology can help us to control the crime and offence in Bangladesh. If government enlarges the technology and others structural development most of the political person and other corrupted person catch by police for this reason government doesn't take any steps to the infrastructural development of police (see figure: 13)

The study of governmental structures must be approached with great caution, for political systems having the same kind of legal arrangements and using the same type of governmental machinery often function very differently. A parliament, for example, may be an important and effective part of a political system; or it may be no more than an institutional facade of little practical significance. A constitution may

provide the framework within which the political life of a state is conducted; or it may be no more than a piece of paper, its provisions bearing almost no relationship to the facts of political life. Political systems must never be classified in terms of their legal structures alone: the fact that two states have similar constitutions with similar institutional provisions and legal requirements should never, by itself, lead to the conclusion that they represent the same type of political system (see figure: 20)

The Constitution of Bangladesh has formed the basis for the nation's political organization since it was adopted on November 4, 1972. Many abrupt political changes have caused suspension of the Constitution and have led to amendments in almost every section, including the total revision of some major provisions. It is notable, however, that every regime that came to power since 1972 has couched major administrative changes in terms of the Constitution and has attempted to legitimize changes by legally amending this basic document.

According to the Constitution, the state has a positive role to play in reorganizing society in order to create a free and equal citizenry and provide for the welfare of all. The government is required to ensure food, shelter, clothing, medical care, education, work, and social security for the people. The government must also build socialism by implementing programs to remove social and economic inequality and ensure the equitable distribution of wealth among citizens.

The framers of the Constitution, after emerging from a period of intense repression under Pakistan, took great pains to outline the fundamental rights of citizens even before describing the government's structure. According to the section on fundamental rights, all men and women are equal before the law, without discrimination based on religion, race, caste, sex, or place of birth. The Constitution also guarantees the right to assemble, holds public meetings, and form unions. Freedom of speech and of the press is ensured. Persons who have been arrested must be informed of the charges made against them, and they must be brought before a magistrate within twenty-four hours. The Constitution, however, adds that these guarantees are subject to any reasonable restrictions imposed by law, leaving open the possibility of an administrative decision to revoke fundamental rights. Furthermore, there is a provision for preventive detention of up to six months. Those being held under preventive detention do not have the right to know the charges made against them, nor to appear before a magistrate, and a legal advisory board may extend this form of detention after seeing the detainee. The Constitution does not define the circumstances or the level of authority necessary for the revocation of constitutional guarantees or for the enforcement of preventive detention. During the many occasions of civil disorder or public protest that have marked Bangladeshi political life, the incumbent administration has often found it useful to suspend rights or jail opponents without trial in accordance with the Constitution.

The Islamic religion was the driving force behind the creation of Pakistan, and it has remained an important component of Bangladeshi ideology. The Constitution as

originally framed in 1972 explicitly described the government of Bangladesh as secular, but in 1977 an executive proclamation made three changes in wording that did away with this legacy. The proclamation deleted secular and inserted a phrase stating that a fundamental state principle is absolute trust and faith in the Almighty Allah. The Constitution is patterned closely on the British and United States models inasmuch as it includes provisions for independent legislative, executive, and judicial branches of government. When it first came into effect, the Constitution established a British style executive, with a prime minister appointed from a parliamentary majority as the effective authority under a titular president. Now, the present Government back to the constitution of 1972. So we can say that Bangladesh although an independent country its constitution follow the colonial law and colonial culture. Government use police to protect the public movement and procession (see figure: 18).

Most of the people of Bangladesh think that because of political instability, corruption of political leader, unhealthy political culture and lack of consciousness among the people about their rights police failed to serve the general people (see figure: 10).

Although normally we think that only police responsible for the decline of law and order situation of the country, but from the above discussion we can say that not only police responsible for the degradation of law and order situation of the country. As a part of government it works following the rules and regulation, act of penal code. They have nothing to do out of their   rules and regulation and the guidance of government. From the data analysis of the research we seen that respondent also think that for the decline of law and order police not only responsible (see figure: 15).

Chapter Seven

Conclusion

To conclude, police as a law enforcing agency of government follow the guideline of government and the rules and regulation. The governments were made numerous recommendations by member states to undertake further steps to effectively investigate alleged human rights violations by Law Enforcing Agencies and to bring to justice to police or other security personnel who were allegedly engaged in acts of brutality and torture. The Ministry of Home Affairs is one of the vital organs of the Government, in which providing security to life and property, conduct rescue operations, investigate criminal cases, fight criminals, crimes and militancy, protect boarder and coastal belt, check smuggling, formulate immigration and emigration related polices and combat trafficking in humans and drugs are inter twined. Thus, The Ministry of Home Affairs is relentlessly working to create a safe habitable human environment by ensuring peace and security throughout the country. Bangladesh Police work as a law enforcing agency of GOB under The Ministry of Home Affairs.

To increase the law and order situation of Bangladesh we need to take proper steps which I discuss above perfect structure of governance of the state, good politician and perfect administrative law and structure for law enforcing agency. If we acquire these issues we can able to serve the general people what were our dream from long day ago.

7.1 Highlighting on the Findings

Among the different law enforcing agencies of government this research concentrates on Bangladesh Police. Bangladesh Police is the core law enforcement agency of Bangladesh. It is administered under the Ministry of Home Affairs of the Government of Bangladesh. It plays the prime and pivotal role in maintaining law and order of the state. Though, police is primarily concerned with maintaining law and order assuring security of public life and property. In Bangladesh, the formal and organized policing with varieties of activities as of today have come to this stage through lots of evolutions and developments across the long time. Policing of a country depends upon the governance of a country and political culture.

Politics of Bangladesh takes place in a framework of a parliamentary representative democratic republic, whereby the Prime Minister of Bangladesh is the head of government, and of a multi-party system. Executive power is exercised by the government. Legislative power is vested in both the government and parliament. The Constitution of Bangladesh was written in 1972 and has undergone fifteen amendments.

The Government is led by the Prime Minister, who selects all the remaining Ministers. The Prime Minister and the other most senior Ministers belong to the supreme decision-making committee, known as the Cabinet. The President is the head of state, a largely ceremonial post. The real power is held by the Prime Minister, who is the head of government. Bangladesh is governed by a multi-party parliamentary system of government. The executive power of the republic is exercised by or on the advice of the Prime Minister who commands the support of the majority members of Parliament and is appointed by the President. Other ministers, state ministers and deputy ministers are appointed by the Prime Minister. The Prime Minister nominates cabinet members from among Parliament members and one-tenth of the total members are external. The cabinet is collectively accountable to the Parliament. The

roles of head of state and head of government are separated. In the Bangladesh government system, the head of state, the President, is generally a ceremonial position; operational power lies with the Prime Minister.

Governance system of the state becomes corrupted due to unethical and unfit political person. They represent the hopes, aspirations and the interests of every citizen in the state. For this reason we need a good political leader. Having some qualities of a politician necessary. These qualities are-

Politician qualities are his characters that are natural, while some of the qualities are as a result of external influences. Promising politicians qualities are often backed by skills, experiences, intelligence, integrity, with instincts -all combined together to achieve their goals. First and foremost, the best quality of a politician is honesty, God fearing and loving. A faithful and effective politician is trustworthy and reliable. He must capture the essence of truth, display sincerity, candor and practices what he preaches. He makes decisions and accepts responsibility for his actions and his words. The same is true in his dealing with his people. He makes promises and keeps those promises. Somebody that people may be relied upon. Loving people with all his heart, might, mind, soul and striving to help them as a true mark of responsible politician. Moreover, a fake politician, will after taken the oath office with the Holy book and lousy thanksgiving services, use their power as an end in itself, rather than for public good, making them indifferent to the progress of their citizens. A good politician becomes the image of his creator. A good and responsible politician will give high regard for morality, law abiding with no tendencies to corrupt even a single cent or kobo. The greatest strength of good politicians is deriving joy in serving people and not to steal tax payer's money. They know that a fulfilling and meaningful life is created through service to others. To be an effective politician, your followers must have trust in you. And the very best way for a politician to build trust is to display good sense of characters and qualities composed of values, beliefs, traits and skills. Another important quality of a good politician is integrity and technical skills to handle those challenging assignments, fiscal matters, policies, plans, projects, ideas and initiative solutions to problems. Integrity is consistency of actions, methods, measures, values, principles, expectations and outcomes.

My findings in this research are-

a) Police failed to serve general people and it is not meaning that police is only responsible for their inability. The try their best to serve people but due to rules and complex formalities people avoid police.

b) Administrative weakness is the major problem of police. Maximum acts of police formed in British ruling period. Still now we carry the colonial administrative culture and structure which became usefulness.

c) Weakness of governance of government of Bangladesh is mainly responsible for this problem of police.

d) Scarcity of accommodation, technology, tools and infrastructural weakness is also responsible for the degradation of police and the decline of law and order situation of the country.

e) In our country governmental ruling party and government relationship always criticize by people. As ruling party most of the time political party abuse police for their illegal work and corruption and exercise illegal power.

f) Government management system and political party responsible for the all kind of crime and criminal act.

So we can say that the hypothesis and objectives of the studies successfully observe in this research.

7.2 Implication of the Findings

In this research the findings become successful when it imply on the society. For healthy environment of the city (Shahbag Thana) proper law enforcement of the rule of law are important. It is not enough that the proper enforcement of law for the well environment of the city. For this need appropriate law and law enforcement agency. It's depends on government strategies and planning. In this research I describe the problem of government and the system of government, political party's contribution and their functions and political leader. If we investigate the problem of society it is easy to overcome. So implementing the findings of the research we can change our city or society.

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Annexure One: Questionnaire

Questioner

Part 1: Personal Information

1. Name:
2. Male/Female:
3. Age:
4. Living Place:
5. Profession:
6. Education:
7. Political view:
8. Religion:

Part 2: Personal View about Police as Law Enforcement Agency

1. Did you personally face any type of issue which is related to police?
   a) Yes
   b) No
   c) I don't know
   d) No answer
2. If yes, then what types of problem briefly discuss and how you can overcome it?
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   …………………………………………………………..…………………………………
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3. Have you seen any type of criminal incidence/offence which is properly handled by police?
   a) Yes
   b) No
   c) I don't know
   d) No answer
4. Do you think that, police are co-operative with general people?
   a) Yes
   b) No
   c) I don't know
   d) No answer
5. "The suppressive attitude of police was seen since British ruling according to history", do you agree with this statement?
   a) Yes
   b) No
   c) I don't know
   d) No answer
6. Did you think that, Police make any fact lengthy unnecessarily?
   a) Yes

      b) No
      c) I don't know
      d) No answer

7. "Police failed to serve general people", do you agree with the statement?
      a) Yes
      b) No
      c) I don't know
      d) Not answered

8. Do you like politics and is it any necessity for our country?
      a) Yes
      b) No
      c) I don't know
      d) Not answer

9. Do you think that, Bangladesh is a proper democratic country?
      a) Yes
      b) No
      c) I don't know
      d) Not answered

10. Whether, government of our country maintain democratic characteristics?
      a) Yes
      b) No
      c) I don't know
      d) No answer

Part 3: Overall Situation of Police and Government

1. Do you think that government use police to repress public?
      a) Yes
      b) No
      c) I don't know
      d) No answer

2. If yes, what type of repression?
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3. What is your opinion about law and order situation of our country?
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4. Do you think that, police have enough effort for maintain law and order situation of the country?
      a) Yes
      b) No
      c) I don't know
      d) No answer

5. What is opinion about the administrative structure of police?

      a) Appropriate
      b) Not appropriate
      c) I don't know
      d) Other opinion………………………………….

6. Whether the government takes proper steps for the improvement of infrastructure of police?
      a) Yes
      b) No
      c) I don't know
      d) No answer

7. If no, why government doesn't takes proper steps?

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8. Do you think that, only police is responsible for indiscipline and decline of law and order situation of our country?
      a) Yes
      b) No
      c) I don't know
      d) No answer

9. If no, who is responsible for the indiscipline and decline of law and order situation of our country?

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10. Whether any type of discrimination is happen in the punishments to criminal or deviance?
      a) Yes
      b) No
      c) I don't know
      d) No answer

11. If yes, what type of discrimination you seen?

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12. Is there any relationship between the police as law enforcing government and ruling party?
      a) Yes
      b) No
      c) I don't know
      d) No answer

13. If yes, what type of relationship and is it well for people?

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14. Do you see that, police attack in public movement police attack?
    a) Yes
    b) No
    c) I don't know
    d) No answer

15. If yes, what is your opinion about it?

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16. In democratic country, is government use police to protest public movement or procession?
    a) Yes
    b) No
    c) I don't know
    d) No answer

17. Do you think that, uses of technology can minimize the indiscipline and decline of law and order?
    a) Yes
    b) No
    c) I don't know
    d) No answer

18. Now-a-days political party control police, is it true to you?
    a) Yes
    b) No
    c) I don't know
    d) No answer

19. Are ethical issues of police and public related to the decline of law and order situation of our country?
    a) Yes
    b) No
    c) I don't know
    d) No answer

20. Do you think that, management system of governance is responsible for degradation of police?
    a) Yes
    b) No
    c) I don't know
    d) No answer

Contact Address:

Present Address:

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Permanent Address:

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Mobile No: ……………………………………… (If any)

Annexure Two: Checklist

- Did you personally face any type of issue which is related to police?
- If yes, then what types of problem briefly discuss and how you can overcome it?
- Have you seen any type of criminal incidence/offence which is properly handled by police?
- Do you think that, police are co-operative with general people?
- "The suppressive attitude of police was seen since British ruling according to history", do you agree with this statement?
- Did you think that, Police make any fact lengthy unnecessarily?
- "Police failed to serve general people", do you agree with the statement?
- Do you like politics and is it any necessity for our country?
- Do you think that, Bangladesh is a proper democratic country?
- Whether, government of our country maintain democratic characteristics?
- Do you think that government use police to repress public?
- If yes, what type of repression?
- What is your opinion about law and order situation of our country?
- Do you think that, police have enough effort for maintain law and order situation of the country?
- What is opinion about the administrative structure of police?
- Whether the government takes proper steps for the improvement of infrastructure of police?
- If no, why government doesn't takes proper steps?
- Do you think that, only police is responsible for indiscipline and decline of law and order situation of our country?
- If no, who is responsible for the indiscipline and decline of law and order situation of our country?
- Whether any type of discrimination is happen in the punishments to criminal or deviance?
- If yes, what type of discrimination you seen?
- Is there any relationship between the police as law enforcing government and ruling party?
- If yes, what type of relationship and is it well for people?
- Do you see that, police attack in public movement police attack?
- If yes, what is your opinion about it?
- In democratic country, is government use police to protest public movement or procession?
- Do you think that, uses of technology can minimize the indiscipline and decline of law and order?
- Now-a-days political party control police, is it true to you?
- Are ethical issues of police and public related to the decline of law and order situation of our country?
- Do you think that, management system of governance is responsible for degradation of police?

Annexure Three: Case Study

Case Study 1:

Plaintiff: Ali ahmed khan, s/o Abdul karim khan, shimultoli, Tangail.

Description of the case and investigation: Plaintiff was going to house by riding motorcycle. When he was crossing south nilkhet residential area 3 persons hijacked his motorcycle by showing arms.Khan Mohammad Jubayer (PPM), SI was in charge. The vehicle was rescued after investigation and the accused was arrested. Under section 164 of CRPC Act, the statement of the accused was taken at court. Chargesheet will be given.

Case Study 2:

Plaintiff: Mohammad Jahangir (26)

Description of the case and investigation: Around 7-8 person hijacked a goods carrying pickup by using another pickup. After hijacking they went towards Gazipur. Before moving they beat the driver of the goods carrying pickup. After investigation the pickup was rescued. 4 accused people were arrested. The looted goods were missing. Chargesheet is not given.

Case Study 3:

Plaintiff: Mohammad Mojibur Rahman, SI, Police Department

Description of the case and investigation: Offence is human trafficking and resistance act. Under section 11/21(1) of CRPC Act revised in 2012. Turns out to lure someone into prostitution. It is done by mutual connection. 7 people are arrested. Among of them male are 3 and female are 4. They were arrested from Hotel Bonvozon situated at Segunbagicha.

Case Study 4:

Plaintiff: Sharif Ibne Shahid (26)

Description of the case and investigation: Plaintiff was travelling by rickshaw. When he was in front of Guruduara Nanakshahi at University of Dhaka an unknown motorcycle rider steal the handbag of him. Afterwards during the investigation, the stolen passport with Indian visa was rescued. By using passport number, the passport was rescued from travel agency.

Case Study 5:

Plaintiff: Monirul Islam, Security Incharge (Narsingdi Bari), Empire Reba (Ongoing construction apartment), Segunbagicha.

Description of the case and investigation: During the construction work 3 extortionist (involves with extortion, snatching and different types of offence) want extortion from the site. They bit the workers after getting no money. Afterwards they were arrested. Then they were taken to remand. The Chargesheet against them was filed although they did not confess about their guilt.