



सुरक्षा र न्याय अध्ययन केन्द्र
CENTRE FOR SECURITY AND JUSTICE STUDIES

SEMINAR REPORT

NEPAL POLICE AND PUBLIC EXPECTATIONS

DR. GOVIND PRASAD THAPA
FORMER ADDITIONAL INSPECTOR GENERAL OF POLICE
NEPAL POLICE

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The talk program on 'Nepal Police and Public Expectations' was organized by Centre for Security and Justice Studies (CSJS) on 30 May 2014 (16 Jestha 2071) at Mahendra Police Club, Kathmandu. Senior police officers including IGP Mr. Upendra Kant Aryal and other senior DIGs, SSPs and SPs were present in the program. Also present in the program were retired IGPs, Mr. Kuber Singh Rana and Mr. Hem Bahadur Singh. Other scholars and professionals were also in the talk program.

Dr. Govind Prasad Thapa, President, highlighted on the objectives of the talk program. He spoke about the responsibilities of police as per the Police Act 2012 BS. He stressed upon the basic elements required to fulfill these. He stressed on the need for clear vision, organizational structure, infrastructures, governance system, policy, institutional capacity, resources, administrative and management system and collaboration with other stakeholders. He reiterated that it was high time Nepal Police draw a long-term strategic and operational plan.

Resource persons were invited from different institutions to highlight on their expectations from Nepal Police. They were Mr. Budhi Narayan Shrestha (eminent researcher and writer on the issues of borders), Mr. Yubraj Ghimire (eminent journalist), Ms. Mohna Ansari (Member, National Women Commission), Mr. Deependra Bickram Thapa (Professor at TU), and Mr. Bhoj Raj Pokharel (retired Government Secretary and former Chief Election Commissioner).

Budhi Narayan Shrestha, an eminent surveyor, briefed about the border problems along the India-Nepal open borders. He shared the information that a Nepal-India Joint Border Management Committee was formed to control trans-border crimes, terrorist activities, drugs trafficking, smuggling, human trafficking, kidnapping and other organized crimes on 2053 Fagun 17. The first meeting of this committee, headed by home secretary, was held on 2054 Srawan 2-4 in Kathmandu. The fourth and last meeting was held on 2070 Jeth 18. The main agenda of the meeting was to control trans-border terrorist activities and crimes.

The main intention of the joint committee was to control borders from terrorist activities and trans-border crimes. However, this committee failed to achieve its objectives. The borders are misused for criminal and terrorist activities. Though there are regular meetings held with the Indian counterparts on these issues, yet the problems remain unsolved. He stressed on the trans-border crimes that take place along the open borders. Some of them could be listed as under.

Border Encroachment: Aggression of boundary line and encroachment on the Nepalese territory is the by-product of the open border system. People are free to cross the border without any restriction. Some of the inhabitants who reside in the frontier area do not hesitate to destroy and pull off the main boundary pillars. He said that Nepalese territory has been disputed, conflicted, encroached and cross-holding occupied in 71 spots and places. He cited example of Nepali territory of Kalapani-Limpiyadhur which has been encroached by India. He listed out several problems arising across the borders due to open border between India and Nepal. He cited the cross-country organized crimes taking place across the borders.

Cross-border terrorism: Open border has provided as safe passage to the terrorists. India has been blaming Nepal that Pakistani ISI agents are infiltrating into India via Nepalese territory. But it is the fact that Pakistanis must travel to India at first to come to Nepal, if they use the land route. Most recently Abdul Karim Tunda was handed over to India by Nepal Police. A most wanted criminal Umesh Mahato was arrested by Nepal Police with the help of Indian Police in India. These are only few examples. There are many examples of cases which have taken place in Nepal mainly due to open border. The Indian government has deployed 45000 strong Seema Surakhya Bal (SSB) along the borders since 2059 Baisakh 21. India is keeping very close eye on the terrorist organizations like Laskar-E-Toeba, Huzee, Mujahedeen etc.

Trafficking of girls: More than five thousand Nepalese girls have been sold annually in the Indian brothels. U.N. Women Development Fund, UNICEF Nepal field office mentions that there are near about two hundred thousand Nepalese girls and women in total in India. They are as the consuming commodity in the red-light and prostitution areas of Bombay, Calcutta, Darbhanga, Betia, Siligurhi and some other cities of India.

Illegal import of arms and ammunitions: Various types of guns, fire arms, gun-powder, grenades and its raw-materials, used by the Maoist terrorists have been confiscated by the army men, especially in the western hill districts. These unregistered and unlicensed arms and ammunitions might have been transported illegally because of the weakness of unrestricted border.

Smuggling of goods, material and machinery: There is always a possibility to be transported market goods and merchandise through the illegal entry points of the border, where there is no custom or police post.

Smuggle of archeological artifacts: Archeological materials such as ancient bricks and materials of Lumbini area (birthplace of Lord Buddha) have been smuggled to Piprahawa of India. Because India is going to construct duplicate structures to draw attention of the world, saying as Buddha was born in India. They are trying to distort the historical facts due to lack of the controlled border system between two countries.

Cross-border crime: Criminal activities such as murder, theft, and rape cases have been increased on the frontier of both the countries due to open border. There are other criminal problems like: robbery and theft; infiltration of Bhutanese refugees; deforestation and exploitation of medicinal plants and herbs; illegal migration; trafficking of narcotic drugs, encroachment on the Nepalese culture and traditions; leakage in revenue collection; distribution of fake academic certificates; prevalence of anti-social activities; rape cases; construction of dams and embankment submerging the borderline are also the result of thorough passage from the uncontrolled and wanton border.

Kidnapping: Kidnapping of businessmen and children of well to do family is due to unrestricted movement in the borderline.

Hijacking: Indian aircraft IC 814 to Delhi was hijacked from Tribhuvan international airport on 24 December 2000. It was ultimately landed at Kandhar, Afganistan and the aircraft with the passengers were stranded for complete one week. People realized that open border is the cause of hijacking. It is to be noted that passport / identification card or controlled border system was introduced for the air passengers at Tribhuvan international airport Kathmandu and New Delhi Indira Gandhi international airport after the Indian aircraft hijacking incident.

Shrestha stressed that police must be vigilant along the borders to control encroachments and various types of crimes. The borders must be restricted for the terrorist, controlled for smugglers, obstructed for the girl traffickers, checked for the criminals, stopped for narcotic holders but managed for the genuine passengers and regulated for legal export and import. He is worried that the geography of the country is going to be shrinking, but it has to be protected. He recommends that the local people must be made aware about the misuse of borders and their cooperation must be ensured. The two countries must work out to solve the border disputes and problems. The government has to create congenial environment to protect the territory and to resolve the dispute through high level committee. If it is not settled amicably, it has to take the help of international world.

Yubraj Ghimire, an eminent journalist, said that the police must be responsive to public. He said that the public attitude towards police is not very positive for various reasons. He said the police need to improve their attitude and behavior. They should be more professional and efficient in their profession. The police need to reach to people for their cooperation and participation for policing crimes. The police must be clean. The police need to think about the new structure when there will be federal system in the country.

Mohna Ansari stressed upon the need to make police more gender sensitive and conduct investigation of crimes and violence against women in a more sensitive manner. She cited examples of cases where police have been criticized for their way of handling cases related to rape and murders. She appreciated the efforts of Nepal Police to improve the image through various ways. She suggested that the police become more professional and effective to control crimes and punish criminals.

Deependra Bickram Thapa delivered his notes by saying that any government must fulfill three objectives such as i) Protection and regulation ii) Economic stabilization iii) Redistribution. Under the first objective, three sub-objectives of paramount importance are expected to be achieved. These are like: Internal security; defense; and protecting one from inflicting harm to oneself. He said that Nepal Police, through its various structures at center and local levels, fulfills this one of the major objectives of Nepal Government of providing protection and regulation to general populace. The protection and regulation objective cuts across all sectors of the economy as all sectors are largely contingent on law and order of the country. Without law and order, an economy cannot perform as expected. Under this broad framework, the writer feels that reform

in police is needed in some very specific areas mentioned below resulting a performing and professional Nepal Police:

Need of an umbrella policy: Nepal police is running still through the Act of 2012 B.S. and Regulations of 2049. On one hand, these instruments are obsolete to deal with growing number and complexities of security and crime while on the other hand, there is a lack of a consolidated and umbrella policy. It seems that the whole police administration is running in a very traditional and casual basis. Now is the time for the police administration to run with strategic direction and long term vision. Therefore, amendment of the old act and regulations with respect to the growing challenges and problems must be done at the earliest together with devising a Nepal Police Umbrella policy.

Predictable Career development path: Promotion is the prime motivator. This is a universal truth. However, the promotion in Nepal Police especially of high rank officers has always been a controversial phenomenon. There is a lack of transparent and predictable promotion system. Political maneuvers seem to be the modus operandi of this very crucial aspect of police administration. Therefore, a predictable and transparent promotion system is a must. For this, promotion based on seniority could be one viable option with negative and positive list of dos and do not's. An officer at least should be in a position to tell when s/he is going to be at least DIG of police. After becoming DIG, introduction of leadership assessment centre can be done for selecting special class officers.

Need of a Police Service Commission: Fairness, neutrality and meritocracy away from nepotism, favoritism and politicization are the building blocks of professionalism. Time is high for ever shouted police service commission to be in place. Alternatively, Public Service Commission can also be mandated to recruit and select police personnel by expanding the scope of this commission. For this, Nepal Police Service should be included in civil service which is there in Indian Administrative Service in India. Amendment in Civil Service Act of Nepal will serve the purpose.

Issue of practical accountability: As per the business allocation regulation of Government of Nepal, Nepal Police is under the Ministry of Home, but nothing is done to delineate the roles and responsibilities between Nepal Police and the MOH. There is an ample opportunity of political intervention in the absence of such mechanisms and provisions. Therefore, Nepal Police is extremely politicized. It has been used and abused till date. Mal-practices, favoritism, cynicism and others must not be the criteria for promotion and career development. At times, this has resulted into a very humiliating situation where the whole police service is being defamed. Politics never shouldered the moral accountability in the case when some very serious incidents done under the political coverage.

Adherence to the concept of service, group, sub-group and professional group: As of today, Nepal Police has two categories of personnel: general and technical. The human resources

system is primarily generalist whereas the range of work that the police personnel are supposed to deliver is catching pick-pocketers to fighting international terrorism, money laundering, human trafficking, boarder security, biological warfare and cybercrime and so forth. Nepal Police must function through highly specialized approach. The present day generalist approach cannot deal with the growing complexity and categories of criminal activities.

The police service needs to be organized into various specialized groups, sub-groups and professional groups. The adherence to service, group, sub-group and professional group should be done at least up to SSP. It is also a fact of life that the junior positions need technical skills while the higher positions need conceptual skills. So, a detail O and M survey of Nepal Police is advisable at this point of time.

Accentuating the positive and starting with doable for winning public support: Many a times, Nepal Police has been applauded for doing small but tangible deeds by public in general. The actions taking on meter tampering by taxi operators, the inspection on alcoholism by vehicle drivers, role performed during disasters and so forth are some of the examples. On one hand, such inspections must be continued while on the other hand, there are some areas where some actions of similar kind are deemed necessary. For example, danger driving (high speed and recklessness), high pitched horns, use of foot paths by shop keepers, harassment to girls, parking in foot paths (Baneswor area for instance) and so forth are some pertinent areas where immediate actions are needed. These are very small steps but doable ones.

Finally, Mr. Thapa said that law and order is one of the major and vital components of good governance. Only a professional and performing Nepal Police can ensure internal security and peace.

Bhojraj Pokharel, former Chief Election Commissioner and former secretary of ministry of home affairs, started his deliberation with the note of vast change in the situation of law and order in the last couple of years in the country after the peace agreement. He emphasized on the need for a more systematic, professional, and impartial police force to control the crime in the country. He said that the police leadership is key to gear up the police organization. The leadership must be exemplary for the force. He also said that the ministry of home must work hard to administer and manage the security agencies that are directly under it.

After the presentations of views by the resource persons, IGP Mr. Upendra Kant Aryal spoke on the occasion. He accepted that the police have not been able to deliver services in the manner that people are expecting due to lack of resources. He also mentioned that Nepal Police is heading towards right direction. IGP admitted that police have not been efficient in some cases at the same time he also said that police have not got due appreciation from the society for the good jobs done. There were many reasons for police failing to meet the expectations of people. He said that the government has allocated only 4% of total budget for policing in the country. Most of the budget is spent on salary and ration. So little or nothing is left for policing. He said that

Nepal Police is doing its best within the given mandate and resources. He said that Nepal Police is planning to host an interaction program with civil society in near future to share police expectations from general public and government agencies.

Please find two short notes of two of the resource persons attached herewith.