



Ministry of Local Government, Rural Development & Cooperatives
Local Government Division
Local Government Engineering Department (LGED)

7.2 Guidelines for Establishment of Law Enforcement Unit (LEU)

Project Coordination Office (PCO)
City Governance Project (CGP)

February 2018



Assisted by
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Urban Management Unit, LGED

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1. Introduction

Rapid urbanization accelerated by industry led economic growth has been taking place in Bangladesh. Potential of economic growth in urban area is worthy of notice. There are 335 Local Government Institutions which cover 8% of total geographical area of Bangladesh and 30% of total population, while it accounts for 60% of total national growth. On the other hand, negative impact caused by the dramatic change in urban area is observed. It is because the functions of municipalities and city corporations prescribed in Local Government (Pourashava) Act 2009 and Local Government (City Corporation) Act 2009 which are very relevant to the demand of city dwellers and urban development are not implemented in an appropriate manner. In order to improve the public services provided by urban local governments, several urban development projects are/were implemented by LGD and LGED with financial assistance of different development partners and government own fund. Based on the experiences gained through implemented projects, effective activities for improvement of urban governance have been formulated as a program, and well accepted. The urban governance improvement programs have been implemented to ensure good governance of those urban local government institutions namely Paurashava for equal, social harmony and planned development. Initiating urban governance improvement, LGD and LGED with financial support of JICA commenced a project named City Government Project (CGP) in 5 City Corporations.

2. Justifications

Enforcement of law and discipline by an organization is the primary criteria for better management and development of an organization and the area under its jurisdiction. It is also a basic condition for rendering better services to the citizens by the organization meant for the purpose.

City Corporation (hereafter CC) is an organization that contains an elected body, which are responsible to provide better services to its citizens. CC had to face multifarious problems to give better services to its dwellers. CC is a local government organization, it needs to generate its own fund through collection of taxes, fees, tolls, etc from the city dwellers and beneficiaries, which is no doubt an unpleasant work. To overcome the manifold problems, C C needs to function smoothly in an uninterrupted way. Law and discipline must be maintained in the CC for smooth functioning of the CC. For the purpose of enforcement of law and discipline, CC has standing committees for Law and Discipline which is consist of elected representatives. The Grievance Redress cell consisted of councilors and concerned officials also functions to maintain law and disciplines by giving solution for dispute and complaints.

Enforcement of law and discipline is the primary and moral responsibility of the elected representatives of the city corporation. To enforce law and discipline, a small body or working group is required to be established in the CC. Hence, a small unit for maintenance of law and discipline termed as Law Enforcing Unit (LEU) involving the law enforcing agencies like magistrate and police is very much justified to be established in the city corporation.

3. Relevant Issues of ICGIAP

3.1 Task

In order for enhancement of law enforcement, CC needs support from concerned national agencies such Deputy Commissioner and police department, DC and magistrate. LEU is established to support law enforcement activities in CC.

Task 1: Circular on LEU signed by Mayor and distributed

Task 2: Form LEU and hold workshop on guideline for LEU activity

Task 3: Make plan for law enforcement

Task 4: Hold training on law enforcement

Task 5: Implement law enforcement activity

Task 6: Produce report on law enforcement

A. Composition

- a) Members of standing committee for Law and Discipline (Mayor) as Chairperson
- b) Magistrate
- c) Law Officer
- d) Police (as and when required)

B. Terms of Reference

- a) Examine proposed action points on law enforcement (activity 7.1, Task 3)
- b) Make plan for law enforcement on proposed action points
- c) Implement legal actions proposed by standing committee, and approved by Mayor

Prepare report on the action taken by LEU

3.2 Action By

Magistrate, Law officer, Police

3.3 Time Schedule

Task 1-2: by mid of 1st year

Task 3, 4: by end of 1st year

Task 5, 6: by end of 2nd year

3.4 Indicators

Indicators

Implement legal actions proposed by Standing Committee and report produced

The Standing Committee on Law and Discipline requires examining the issues on which the legal actions need to be taken. It needs to propose to the LEU on which the legal actions are to be taken. On receipt of such proposal, the LEU will take initiative to implement the legal actions as proposed by the Standing

Committee on law and discipline. The LEU required submitting report to the CC after implementing the legal actions.

4. Objectives

4.1 To streamline smooth functioning of CC

As City Corporation is a local government body, it requires generating its own income to carry out its functions as indicated above. As a result, City Corporation needs to impose Taxes, rates, tolls, fees, etc to generate its own fund. The provision for imposition of taxes, toll, fee, have been provided in Section-82 of the LG (CC) Act, 2009, the details of which has been laid down in Schedule-4 of the Act. To carry out functions and collection of revenue is not always a very easy task. There is a provision of law regarding offences against CC Act, but there is not appropriate institutional arrangement for implementation. CC is to take action against offences under the Act, but sometimes CC had to face lot of hazards to carry out its functions, such as –

- (a) Nonpayment of Taxes, tolls, rates and fees by the persons and organization concerned;
- (b) Encroachment of public land by the unauthorized occupants creating obstructions to development works;
- (c) Violation of traffic rules by the persons and agencies disobeying laws causing traffic jam in the CC area, etc.
- (d) Operating any licensed business without licenses.

To overcome such situation, enforcement of law is necessary in the interest of the public for smooth functioning of the CC.

4.2 To take lawful measures against unlawful activities

City Corporation needs to fulfill its commitment to the people providing basic amenities to its dwellers. To attain its commitment, a congenial working condition and smooth living in the city area is required. City Corporation needs to create such atmosphere in the city area eliminating hazards and unlawful activities. The role of people's representatives in the various committees, such as Standing Committee and Grievance Redress Cell is very important in this respect. To motivate the people for obedience to lawful activities of the CC is one of the primary responsibilities of the people's representatives for such acts. The members of the standing committees and grievance redress cell needs to be aware of the relevant rules of the CC. In Section-92 of LG (CC) Act, 2009, the offences has been indicated, the details of which has been laid down in Schedule-5 of the Act. The punishment of the offences under Section -92 of the Act has been laid down in Section-93 of the Act.

Hence, lawful measures against unlawful activities needs to be taken by the Law Enforcing Unit (LEU) against the offenders as laid down in Section-92 and Section-93 of the LG (CC) Act.2009.

4.3 To implement lawful functioning of the CC

Law Enforcing Unit (LEU) is mainly composed with the chairperson and members of the Standing Committee for Law and Discipline apart from the Magistrate and police. LEU can play vital role to motivate the people with a view to abide by the lawful functioning of the CC. Hence, LEU is established to draw program and assist implementation of law enforcement activities in CC.

5 Relevant Organizations, Stakeholders and their role

5.1 Role of the Deputy Commissioner

The role of the Deputy Commissioner is very important factor for enforcement of law against unlawful activities within the CC area. There is a provision for deputing a magistrate by the Deputy Commissioner as member of the LEU on request from the CC. Apart from that, the Deputy Commissioner depute executive magistrate for holding mobile courts on request from the CC for offences under LG (CC) Act, 2009 and that of Motor Vehicle Act, 1983 to bring the traffic system in order within the CC area. The Deputy Commissioner depute executive magistrate to remove unauthorized structures from the CC land on request from the CC. The Deputy Commissioner fix up periphery of the market in the district including that of the CC area as a disciplinary measure. The Deputy Commissioner plays coordinating role between Central Government and Local Government Bodies for maintenance of law and discipline. The Deputy Commissioner plays vital role in the disaster management as per Disaster Management Act, 2012 to bring law and discipline within the CC area at the time of natural calamities and play a coordinating role with the Local Government Organizations.

5.2 Role of the Superintendent of Police

The Superintendent of police acts as head of the police department within the district. He plays a vital role for maintenance of law and order in the CC area. He deposes a police officer as a member of the LEU on request from the CC. He also deposes police force for holding mobile court by the magistrate for offences under LG (CC) Act, 2009 on request. The Superintendent of police also deposes police personnel for recovery of CC land from the unauthorized occupants under the Government and Local Authority Lands and Buildings (recovery of possession) ordinance, 1970. The Superintendent of police also place police personnel at the vital points of the city roads to keep the traffic system in order as per Motor Vehicle Ordinance, 1983. In case of accident by fire in the CC area, the Superintendent of police deposes necessary police personnel to help the fire brigade personnel for maintenance of law and order. Apart from the above, the Superintendent of police deposes police personnel in the CC area for enforcement of law and discipline on the following issues-

- (i) To prevent commission of offences and public nuisances;

- (ii) To detect and bring the offenders to justice;
- (iii) To enter and inspect any drinking shop, gaming house or other place of resort of loose and disorderly character;
- (iv) To keep order on public roads and in public streets, thoroughfares, ghats and landing places and at all other public resort.
- (v) To prevent obstructions on the occasion of assemblies and processions on the public roads and in the public streets.
- (vi) To prevent in the neighborhood of places of worship during the time of public worship and in the case when any road, street, thoroughfare, ghat or landing place is thronged or liable to be obstructed;
- (vii) To prevent any person who keeps any cattle or conveyance of any kind standing longer than is required for loading and unloading or for taking up or for setting down passengers, or who leaves any conveyance in such a manner as to cause inconvenience or danger to the public.
- (viii) To prevent any person who is fund drunk or riotous or who is found incapable of taking care of him.
- (ix) To prevent any person who willfully and incidentally exposes his person or any offensive deformity or disease, or commits nuisance by easing him, or by bathing or washing in any tank or reservoir not being a place set apart for that purpose.
- (x) To prevent any person to sell or offer for sale any ticket once issued for admission as spectator to any place of entertainment at a price higher than the price at which such ticket was originally issued.

5.2.1 Role of the Police Commissioner where Metropolitan Police exists

The role of the Police Commissioner is the same as that of the Superintendent of Police in relation to the CC. The metropolitan police functions in the City where it exists. Otherwise the Superintendent of police normally functions in the whole district including urban areas.

6 Necessary Tasks and Procedure

6.1 Task:

6.1.1 Law officer / Officer in charge assigned by Mayor

To carry out functions of LEU the law officer needs to be assigned by the Mayor. If the law officer is not appointed, an officer needs to be assigned by the mayor to carry out the functions of the LEU.

6.1.2 Formation of Law Enforcement Unit (LEU)

The Composition of Law Enforcement Unit needs to be formed beforehand according to the guideline as indicated in the ICGIAP.

Composition of LEU

1. Member (Mayor) of the Standing Committee on Law and Discipline - Chairperson
2. Magistrate (Nominated by the Deputy Commissioner if the magistrate is not appointed in the CC) - Member
3. Police Officer (Nominated by the Superintendent of Police preferably ASP) - Member
4. Law Officer - Member-Secretary

6.1.3 Circular on LEU signed by Mayor and distributed

A circular needs to be issued by the Law officer under the signature of the Mayor to all the members of the LEU after it's formation of the LEU. The Circular requires to be distributed to all the members of the LEU properly, the receipt of which needs to be confirmed by the Law Officer.

6.1.4 Terms of Reference (TOR) of Law Enforcement Unit

Law officer hold meeting with member of LEU, and propose action points on law enforcement. After drafting TOR of LEU, Law officer requests standing committee of Law and Disciplines to review it. Once the standing committee gives comments on the proposed TOR, LEU hold workshop on LEU activity (described 4.1.5 below).

6.1.5 Hold Workshop on Guidelines for LEU activity

A workshop required to be held about the formation of the LEU, focusing its objectives, terms of references and the tasks to be performed by the LEU. The total planning of the LEU may be discussed in the workshop by splitting the same under different topics. A sample schedule for holding of such workshop has been shown in **Annex-I**. The objectives and TOR examined in the workshop are submitted to City Council for approval.

6.1.6 Plan for Law Enforcement Unit

A total planning for enforcement of law is prepared by LEU. The law officer collect the legal issues involved for execution of works of each department of City Corporation. On receipt of the legal issues the law officer will consolidate the same, examine and prepare a brief of the issues, and submit to the standing committee on law and discipline for examination. The standing committee needs to examine the law issues and proposed legal actions. On receipt of the comments from the standing committee on law and discipline approved by mayor, the law officer will draw a detailed plan in consultation with the magistrate and the secretary of the CC. The LEU will examine the plan and approve it. The LEU needs to obtain formal approval of Mayor.

A sample pro forma for collection of legal issues from all the departments of the CC has been shown in **Annex-II**.

6.1.7 Training on Law Enforcement activity

A training activity indicating various legal issues needs to be drawn up by the LEU based on the format given by CDU. The proposed training activity is submitted to CDU for examination, and being compiled as a part of Capacity Development Program. The training needs to be given subject wise by the senior officials of the CC and the resource persons.

6.1.8 Implementation of Law Enforcement activity

The law enforcement activity needs to be implemented according to the program drawn up by the LEU, the details of which have been described later.

6.1.9 Reporting of Law Enforcement activity

A report needs to be submitted to the Mayor through the Secretary and CEO by the law officer after implementation of the law enforcement activity.

6.2 Procedure: Preparation for Law Enforcement:

6.2.1 Assignment of Magistrate as member in the LEU

The LEU needs to be formed at the first instance according to the composition laid down in the ICGIAP. The chairperson, members of the Standing Committee on law and discipline and the law officer/officer in charge is already supposed to be available within the City Corporation. But the magistrate and the police officer requires to be assigned as member in the LEU by the Deputy Commissioner and the Superintendent of Police respectively on request from the Mayor.

Hence, a letter of request to assign a magistrate as member in the LEU to be issued to the Deputy Commissioner of the district concerned under the signature of the Mayor. But in case of deputation of executive Magistrate with required power in the CC by the government, the same magistrate may be assigned by the Mayor in the LEU.

6.2.2 Assignment of Police officer as member in the LEU

Under the same circumstances as described above, the Mayor needs to request the Superintendent of police/Police Commissioner of the district/ Metropolitan area to assign a police officer preferably with the rank of Assistant Superintendent of Police/ Assistant Commissioner of Police (ASP/ACP) in the LEU.

6.2.3 Examine proposed action plan for Law enforcement

After composition of the LEU, the law officer will collect the legal issues, if any, for actions from the department concerned and submit to the LEU for

examination. While examining the legal issues, the law officer needs to suggest various methods for law enforcement against unlawful activities. .

LEU makes draft of law enforcement activity with budget for selected issues, and submit it to standing committee of law and discipline for examination. After the revision of the plan, it goes to Mayor for approval.

6.2.4 Preparatory activity for law enforcement on proposed action points

After examination of the proposed action points for law enforcement, the law officer in consultation with the Magistrate and Secretary of the City Corporation will prepare a detailed plan for law enforcement on the issues examined by the LEU. Before initiating law enforcement activity, the law officer needs to conduct preparatory activity to inform citizen to be aware of it as following;

- a) Holding of workshop/Seminar involving elected representatives, like members of the Standing Committees. Grievance Redress cell, Community Based Organization, elites of the city, concerned private organizations and journalists;
- b) Distribution of leaflets, fixing of banners and placards at the conspicuous places in the city, miking and involving various TV channels and radio. LEU may take the assistance of MCC of CC for this purpose;

During preparatory activity for law enforcement, it needs to be kept into mind that there are various stages of law enforcement, namely-

- (i) Some of the legal issues are resolved through awareness campaign for rule of law;
- (ii) Some of the issues can be mitigated by arbitration through the people's representatives like members of the standing Committees who are councilors, by the members of the GRC and CBOs;
- (iii) A good number of legal issues can be solved by issuing notices to the defaulters and by issuing public notice;
- (iv) Some of remaining legal issues needs to be taken by the law officer before the executive magistrate, who may implement the same with the help of the police force;
- (v) Some of legal is required to be taken before the Court of the judicial magistrate through filing Complain by the law officer.
- (vi) And finally, in some cases like title suit, Arbitration cases in respect of payment of compensation in land Acquisition cases and other related civil suit matters it needs to be brought before the Civil Court by the law officer for remedial measures.

6.3 Implementation

6.3.1 Implementation program be drawn up by the LEU

After the preparatory activity, concerned people will be aware of law enforcement in the selected issue. Collecting fee, toll, taxes, imposing a fine against unlawful activities, and other law enforcement is initiated by LEU.

6.3.2 Start Implementation according to program

The implementation of the approved action points needs to be carried out according to the program of implementation drawn up by the LEU. Necessary logistics needs to be provided by the CC to LEU during implementation works.

6.3.3 Progress of Implementation noted

The progress of implementation of law enforcement against the action points requires to be recorded for further necessary action by the CC. A list needs to be prepared about the action taken against the action points by the law officer and be placed in the LEU for subsequent actions; if any.

6.3.4 Problems encountered, if any

The problems encountered during implementation of law enforcement on action points are noted by the concerned officer for further necessary action.

6.3.5 Problems encountered be brought to the notice of the higher authority

The problems encountered which have been recorded by the concerned officers and the law officer during implementation is brought to the notice of the higher authority immediately for taking further necessary measures. The problems are enlisted for a reasonable solution with comments. The LEU will examine the list of problems on an emergency basis, and send their plan for solution to the standing committee of law and discipline for comments on implementation of the remaining action points. On receipt of the comments from the standing committee on law and discipline, the LEU will draw further program of implementation on those action points after taking approval from the City Council.

6.3.6 Law officer submit report of implementation to the Mayor through CEO

The law officer requires preparing a detailed report of implementation and submits the same indicating the whole picture of implementation to the Mayor through Secretary and CEO. A sample format for reporting is shown in **Annex-III**.

7 Cost of Implementation (if necessary)

7.1 Budget provision

The budget provision needs to be provided by the CC for implementation of law enforcement as approved by the Mayor. Law officer may take initiative for the same.

7.2 Logistics for implementation

During implementation for enforcement of law, necessary logistics required to be provided by the CC. Law officer needs to co-ordinate for availability of such logistics.

8 Long term Program for Law Enforcement in CC

8.1 Establishment of Trial Court in CC

- (a) A trial court may be established in the CC on regular basis to try offences under LG (CC) Act, 2009
- (b) Arrangement of deputation of Judicial Magistrate may be made by the Government in the CC.
- (c) Arrangement for assigning of one Bench Assistant in the court of the Judicial Magistrate in the CC is made by the CC.
- (d) Arrangement for assigning one MLSS in the court of the Judicial Magistrate in the CC is made by the CC.
- (e) Arrangement for necessary logistics to establish Judicial Magistrate's Court in the CC is provided by the CC.

8.2 Functioning of Executive Magistrates in CC

- (a) An arrangement to depute Executive Magistrates in the CC may be made by the Government for taking legal action against some of the offences under LG (CC) Act, 2009
- (b) Arrangement for assigning one Staff to each Executive Magistrate is made by the CC.
- (c) Arrangement of assigning one MLSS to each Executive Magistrate is made by the CC.
- (d) Arrangement for providing necessary logistics to the Executive Magistrates is made by the CC.

Annex I Sample Schedule of Workshop on Law Enforcement

-----City Corporation
Name of the Event: -----
Schedule of Workshop

Venue: -----

Duration: ----- day (-----to-----)

No. of invitees:

List of Participants: Appendix- A

Coordinator:

| Day | Time | Events | Resource Persons |
|------|--------------------------|--|--|
| | ----- | Registration | - |
| Day- | Inaugural Session | | |
| | ----- | 1. Recitation from Holy Quran 2. Welcome Speech 3. Keynote Speech 4. Inaugural Speech | 1. ----- 2. ----- 3. ----- 4. ----- |
| | Business Session | | |
| | ----- | Topics: a) Presentation on the topics b) Discussion c) Decision | 8.2.1.1 ----- |
| | ----- | Closing Remarks: | |

Day:.....

Name of the Event:.....

List of Participant

| Sl. No. | Name of Participant | Designation | Mobile No./Telephone No. | Signature |
|----------------|----------------------------|--------------------|---------------------------------|------------------|
| 1. | | | | |
| 2. | | | | |
| 3. | | | | |
| | | | | |

Annex II Format for Legal Issue Assessment

-----City Corporation

-----Section

-----Department

Legal issues involved for enforcement of law

| SL. No. | Subjects for enforcement of law | Short descriptions of legal issues involved for enforcement of law | Remarks |
|---------|---------------------------------|--|---------|
| 1 | 2 | 3 | 4 |
| 1 | | | |
| 2 | | | |
| 3 | | | |
| | | | |

NB: If no legal issue is involved, please write "Nil" in Column-3.

**Name and Designation
of the reporting officer**

Date:

Annex III Sample Report Format for Implementation

-----City Corporation

Implementation Report

Name of the Event: **Law Enforcement**

Reporting Officer: Name

: Designation.

To whom reported: MayorCity Corporation

Date of reporting:

| SL. No. | Date of Implementation | Name and Designation of Implementing Officer | Methods of Implementation | Issues for Implementation | Implemented Status | | | | Problems encountered | Remarks |
|---------|------------------------|--|---------------------------|---------------------------|--------------------|--------|---------------|-------|----------------------|---------|
| | | | | | Fully | Partly | unimplemented | Total | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| | | | | | | | | | | |
| Total | | | | | | | | | | |