



IPCCM : WHY WE DON'T NEED IT

FIRST : LOST OF POWERS BY POLITICIANS

The explicit and implicit effect of the formation of IPCCM is that the real organ which holds the powers of control over the Police will be the commissioners of the IPCCM and NOT the Ministers. Politicians beware that they will eventually lose powers, control and influence over a neutral, professional, people-centered Police (as suggested by the Royal Commission).

SECOND : POLICE FORCE COMMISSION OR IPCCM? A CHOICE

It would appear that if and when IPCCM is formed, it has disciplinary powers over members of the Police Force including dismissal and reduction in rank. These powers are currently within the domain of the Police Force Commission ("PFC") a constitutional body headed by Minister-in-charge of the Police. It is unconstitutional that an organ created by an Act of parliament usurping the function of a body which is a creature of the Constitution. There will be complication as well since the IPCCM has no power to hire but is endowed with the power to fire. Unconstitutional.

THIRD : NO CLEAR, URGENT AND PRESSING NEED

Justification for its existence not compelling. The Police are already answerable and accountable to Parliament through Minister of Internal Security.

There is a strong system of external monitoring and, internally, there is adequate supervision by the PFC and a strong leadership at Bukit Aman.

FOURTH : AGAINST THE FEDERAL CONSTITUTION

Certain provisions of the Bill may offend Article 4 and 7, may breach Article 8, 135, 140 and 152 of the Federal Constitution.

FIFTH : AGAINST THE RULE OF LAW

Conducting investigation and hearing outside the purview of rules and practice of evidence, the right of appearance or representation in a hearing go against the grain of the Rule of Law. This infringement of rights cannot be countenanced under any pretext.

SIXTH : BREACH OF NATURAL JUSTICE

It is settled law that right to be heard cannot be denied to a condemned person. If a hearing is conducted behind his back, he is tried in absentia. He has the right to know and be allowed to examine evidence against him. The rules of Natural Justice are the minimum standards of fair decision-making imposed on persons. It consists of the right to a fair hearing and the rule against bias.

SEVENTH : DISCRIMINATORY : EQUALITY UNDER THE LAW AND EQUAL PROTECTION BEFORE THE LAW

The Police is already subjected to Public Officers (Conduct and Discipline) Regulations 1995. The IPCMC Act will impose on it another layer of punishment separate and distinct from other enforcement agencies in this country.

The Commissioners are given wide powers which can override laws and secrecy, privilege, incrimination and evidence.

Police are asked to respect the laws, follow rules and uphold human rights. But these can be applied to the Police Officers themselves. Discriminatory.

EIGHT : OUSTER CLAUSE : A DENIAL OF JUSTICE

It brings no credit to IPCMC that they need a comfort clause to protect themselves. Their judgment cannot be infallible. It must be susceptible to judicial review. It will bring immeasurable harm to the country. IPCMC's decision cannot be reviewed.

NINTH : THE ENVIRONMENT IS NOT RIGHT YET

The police must first be better equipped and trained to reach the standard of policing in the developed countries. If facilities are in place and the government is ready (when the Police is required to be neutral and people-centric) only then IPCMC could be considered with suitable amendments to the law for fairness to the Police.

TENTH : COMPROMISING COMMAND OF IGP

The IGP's command and control system will be undermined since not only he has to report to the Minister but also IPCMC. It must be remembered that the Police is a security organ of the Federal Government which has to deal, inter-alia, the threat of terrorism. It is not in the best interest of this country to have the Police subservient to a lay person.

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