

LAW OPINION

DEVELOPING DEMOCRACY

Role of the young people

FAYAZUDDIN AHMAD

DEMOCRACY has become an important symbol in the world today; however underlying this enthusiasm about democracy are deep rooted contestations about its meaning and relevance in different contexts. Contestations about the meaning of democracy, its manifestations coupled with the progressive disillusionment about its transformative potential has led to theories and debates about different descriptions and types of democracy.

The evolution of concepts such as procedural, participatory, deliberative and redistributive forms of democracy reflects ongoing attempts to deepen the essence of democracy and unlock its transformative potential. All this theorising is happening because we are all seeking to overcome key democracy deficits, including hollow citizenship, lack of vertical accountability to citizens, weak horizontal accountability between state institutions and international accountability dilemmas involving shrinking policy space of nation states as the decision making powers of global markets, multi-national firms and global governance institutions collectively referred to as the "International Community", expands.

Bangladesh like many other global south countries inherited an exploitative predatory state infrastructure set up by the colonialists. We can't hold on to this colonialism argument for too long because our leaders are more to blame today than the colonial legacy. Where colonial governors had ridge fences, our leaders replaced those with high walls, where colonial

administrators plundered for the Crown; our leaders are plundering their country for personal interest. What we have is what may be referred to as a Kleptocracy, rather than a democracy.

A Kleptocracy is an unofficial form of rule of government that takes advantage of governmental corruption to extend the personal wealth and political power of government officials and the ruling class via the embezzlement of state funds at the expense of the wider population, sometimes without even the pretense of honest service.

The youth and younger people more than anyone else should be most interested in the longer term future of this country. I like to talk about the 'young adult' analogy which in simple terms is, take a look at the current leadership in the country, what does this mean for the youth and younger people those who are at their 20's? In simple terms, we should look beyond the current leadership, good or bad. So how do we move forward?

First, we should stop agonising and get organised; we should stop lamenting and act. The political scene today is awash with accusations and counter accusation, character assassination and counter ones. This despite a fair understanding of the systemic challenges of our time: poverty, corruption, unemployment, inequalities, poor service delivery, poor quality education, human insecurity, declining social values, name them, not enough attention is being said about how to overcome them. There are just too many maintainers in our politics today.

The powerful and comfortable have colluded with the powerless and comfortable to create a power alliance that at best can leave the country stagnating and at

worst regressing. We need a new power alliance that will have the powerful and uncomfortable work with the powerless and uncomfortable to generate progress for this country. The youth should avoid being maintainers, just for the sake, they should be at the forefront of changing the status quo and making our country a better place for all irrespective of age, ethnicity, religious or political persuasion.

The first agenda for the youth is therefore to start developing an alternative vision for Bangladesh that we can rally support around with the wider citizenry. The Youth as part of organised civil society can be very important in keeping the little foundation for hope in the future alive. The youth should have a careful reflection about what they want to see change in politics, economy, society and policies in order to achieve a prosperous nation.

The second agenda for the youth is to mobilise fellow youth and to believe in a better Bangladesh from what we see now. The youth in their diversity constitute a numerically formidable number and can thus be a force for change.

Thirdly, the youth should avoid being caught up in the patronage system that is engulfing a vast majority of change agents today. Today we see the religious institutions being patronised, NGOs being patronised, the public sector and other institutions of the state being patronised and even traditional/cultural institutions have not been spared either. The youth can be different and organise around a change logic that will not succumb to short-term patronage logic.

Fourthly and connected to the above is the need for the youth to avoid being hostage to lifestyle and ambition that will destroy the potential they have or terminate their lives before it's their time. Don't be enslaved to money as if it were an end in itself - this will never be and that's why for whatever amount you talk about or write on a cheque, the word 'only' quickly reminds us that there can be more.

Fifth and last, the youth must work hard. Nothing is going to come easy in today's world. So hard work as a value, amongst other important values like integrity, honesty, solidarity, entrepreneurship, sacrifice and selflessness, among others should be the anchors upon which the character of our youth and young people is defined.

The challenge for reclaiming and redirecting trends in this country is a long and an unenviable one, however, as young people it's your duty. The wellbeing of future generations rests on what you decide to or not to do in your times. For many of us who are between youth and mid-adulthood, we do not have much time either.

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Securing a knowledge based cyber world

Kashif A. Khan is the Executive Director of Insight Bangladesh Foundation, an organisation specialising on research of ICT advancement & technology modulation. Adib Shamsuddin from Law Desk talks with him on the following issues.

LD: In Bangladesh, as of 2015, we have 10 million active Internet users. Despite the number, we are yet to know of the security threats that lurk in the virtual world. Would you explain 'Cyber Security' in simple terms for us? What are the goals of Insight Bangladesh in that regard?



KAK: Security or protection of Information system is termed as Cyber Security. It's a robust word with in-depth meaning and understanding. We (Insight Bangladesh Foundation- IBF) want to secure this cyber world with whatever knowledge and experience we have. We want to contribute to the nation through knowledge sharing & knowledge transfer in terms of public awareness, capacity development & policy-making.

LD: Is the existing Information and Communication Technology Act being effectively implemented in Bangladesh? Is it just enough for the challenges we come across?

KAK: Honestly speaking- No. But we have drafted a new law, which is under approval process. Once that is finalised then we should be able to combat most of the challenges. But again, practice makes a law perfect. Once the Act gets to be practiced often then some fine adjustments or amendments can be done to strengthen it.

LD: Recently, we have seen a rise in E-governance measures such as SIM card registration, IMEI registration,

Smart Card etc. Would Insight Bangladesh comment on their aims and objectives?

KAK: We are very happy on this step of Government. Actually, we have been saying this for last 2 years through TV interviews, conferences and talkshows. Finally the implementations initiated. But again there will be challenges in doing it, like more than 70% duplicate or fake IMEI is there, so Government needs to take proper measures to allow those. Moreover, everyday thousands of fake IMEI entering market. It will be interesting to see how Government runs the process for long-term.

Actually, this process is very important on security aspects. For example, if a computer crime takes place then through Digital Forensic Investigation we can trace the

IMEI/MAC address and thus it's essential to know the owner of that device.

LD: What are some of the conditioning or training programmes that Insight Bangladesh provides or has provided to Law Enforcement Agencies to tackle the challenges in Cyber Security?

KAK: Well, we have small Scale Digital Forensic Lab., our team & experts are always doing the RnD with tools & equipments to cater the challenges.

We have provided Law Enforcement with some training on tools & also supported them in investigation process.

LD: Often social media is at the hands of delinquents, who abuses its scope to promote false propoganda, debauchery or hate speech. What, in your suggestion, is an effective strategy to deal with this?

KAK: Awareness is the key. People using social media must know the etiquettes. Freedom of speech doesn't mean to malign image of others.

However, there are various tools to monitor social media activities & government has already formed Social Media Monitoring cell to combat these activities. Actually, nothing gets deleted or unnoticed in Cyber world; just we need proper tools & infrastructure with right people at right place.

LD: Is it the high time for Social media hubs such as Tweeter, Facebook and also payment gateway

methods such as PayPal to recognise Bangladesh as a potential market? What are some of the benefits that might be availed if they choose to set up regional offices here in Bangladesh?

KAK: Yes, very true. But in that case Government needs to understand the threats & deal with individuals separately. Like our neighboring country, India have separate agreement with these bodies thus protecting privacy & information of the users.

LD: What are some of the available measures that a victim can take against his/her online abuser? Would you please share with us the services Insight Bangladesh provides in that regard?

KAK: First of all, don't share password/personal information/pictures with unknown, respect your own privacy and determine to what extent you will share your activities on Social Media even with freinds and family. Check privacy setting & security option; always keep software updated; don't accept friend requests from unknown; keep strong password & change frequently.

Actually IBF is non-profitable organization & provides one-stop solution for all cyber security needs. We also have ICT Lawyers to help victims.

You can call at our Help Desk (24/7) 01766678888 or visit: www.cybernirapotta.net.bd or www.insightbangladesh.org.bd

HUMAN RIGHTS RIGHTS ADVOCACY

THE DALITS in Bangladesh

KHAN FERDOUSOUR RAHMAN

THE Dalits are known as the 'untouchables' in many parts of South Asia. They face discrimination at all levels of social interaction such as from hotels, to barbershops, from temples to mosques and schools. Socially their standing is negligible. They are not involved in social dynamics and are often used by influential people to pursue their unholy aims. Tolerated and patronised as long as they remain in their traditional social roles, they are openly threatened and insulted, and beaten while attempting to bring changes among them. This sort of ongoing discrimination has taken a toll on more than 6.5 million Dalits in Bangladesh.

A large number of Dalits living in the municipal areas are employed in the public/private sectors as sweepers and cleaners with very low salary. As an excluded community, they continue to work in some of the most menial and low paid dangerous jobs in the country, such as cleaning toilets, sweeping streets, and emptying the septic tanks of others. They generally do not get equal treatment and legal protection when a crime is committed against them, as most cases are settled or negotiated through informal authorities often arbitrarily or on a discriminatory basis. Backward in outlook they are mostly illiterate falling prey to child-marriage, dowry and superstitious behaviour in general. Sometimes they face severe forms of human rights violations, including abduction, rape, torture, destruction of houses, land grabbing, eviction from land, threats and intimidation.

Key challenges to the full enjoyment of fundamental human rights for Dalits in Bangladesh include lack of access to education, extreme poverty issues, health and housing problems, and unequal access to work and employment. The Dalits are usually very poor leading a hand to mouth kind of existence. Most of them in rural areas are landless and live in houses built with straw and



mud, often on common land, under constant threat of eviction. They are not allowed to rent or build houses outside their designated localities. The worst affected are the Dalit women who suffer from multiple forms of discrimination. They are yet to be empowered to take an active part in the socio-cultural, economic and political arena in the community and the country. Discrimination against Dalit women and children should be prevented and measures should be taken to empower them through national initiatives, such as income generating activities.

Although the Constitution of Bangladesh promises equal rights for all citizens, thousands of members of the Dalit community are treated as 'untouchables' and are ostracised by the society. The equal rights for all citizens and prohibition of discrimination by the State on the grounds of religion, race, caste, sex or place of birth is guaranteed in article 28(1) of our Constitution. The principle of non-discrimination is also enshrined in other constitutional provisions. Despite these Constitutional guarantees, political-economic-and-social-exclusion on the basis of caste is practiced across the country. As such social exclusion is manifested in the physical structure of both rural and urban areas throughout the country.

It is the responsibility of the State to ensure their basic human rights and protect them from all sorts of discrimination. As a signatory to the core international human rights treaties, the Government of Bangladesh has the obligation to promote and protect human rights for all, including those discriminated on the grounds of caste, work and descent. With a view to upholding its international obligations to eliminate all forms of discrimination, the Government needs to duly consider and implement elimination of caste-based discrimination. In order to improve the lives of Dalits, there is an urgent need for legislative changes such as the adoption of anti-discriminatory law, recently proposed by the Law Commission of Bangladesh. To promote the socio-economic status of Dalits and other excluded groups in Bangladesh, the Government should establish a special commission or create a special cell in the National Human Rights Commission (NHRC) to oversee the developmental affairs of the excluded groups. For effective implementation of the human rights obligations of the Government, the NHRC should furthermore address the Dalit issue as a priority agenda by requesting a national study on discrimination on the grounds of caste, work and descent. The key national priorities to improve the situation of Dalits in Bangladesh should be set in a comprehensive national action plan to eliminate caste, work and descent based discrimination.

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