

No DUCSU poll for 27 years

Violation of university rules and HC order

THE failure of university authorities to hold election of the Dhaka University Central Students' Union (DUCSU)—violating the express provisions of Articles 4 and 20 of the Dhaka University Order, 1973 (President's Order No 11 of 1973) and the fundamental rights guaranteed under Article 27 of the constitution—for 27 years now is completely incomprehensible. What is the point of having rules then? How can democracy be said to exist without any election? And yet, what is most ironic is that this most prestigious student body has seen no election precisely since Bangladesh's ascent to democracy in 1991.

In March this year, the high court had even directed the vice chancellor, registrar, proctor, treasurer and education secretary of Dhaka University to show causes as to why "their failure or inaction in discharging their duties to hold DUCSU election for the last 27 years "should not be declared illegal." Disappointingly, similar to the case of another HC directive back in 2012, university authorities have not responded as of yet.

What is worse is that the HC had even directed university authorities to hold polls within a stipulated timeframe, which students too are now demanding. Which begs another question, why should students have to demand that the university comply with the directive? Besides politics, isn't the point of having DUCSU to ensure the welfare of students via the arrangement of extra-curricular activities, etc? Then what example is the university looking to set?

We urge university authorities to comply with the HC directive, wishes of its students and its own regulations by holding DUCSU polls immediately.

Can't a bridge be built?

Local administration least bothered

IT is ironic to think that in this day and age, 3,500 students of four educational institutions in Ranachandi and Garagram unions of Nilphamari's Kishoreganj upazila have to cross a "bridge" made of bamboos twice a day. This makeshift bamboo bridge which has no railings is something that the local people built themselves, as there was no help forthcoming from the local administration. The inaction of the administration was due to confusion over jurisdictional boundaries, i.e. there was confusion about which union Bullai river belonged to.

We are sorry to say that whatever jurisdictional confusion there was or is, it should not take years to resolve and leave people in the lurch. Yet that is precisely what the residents of these two unions who live in the vicinity of this river have been going through. It is understandable that many parents are not too keen on letting their children go to school as they have to walk on this rickety, makeshift structure. Children have been falling off the bridge and it is most fortunate that there have been no serious injuries or fatalities.

We wonder what it would take for the local administration to take notice of this ridiculous situation. With thousands of bridges being constructed all over rural Bangladesh in the name of development, five years have passed and the officials of Ranachandi and Garagram unions have failed to resolve a simple thing like jurisdiction! It is high time that the concerned department sorted out this mess so that both children and their parents can cross this river in safety.

Genocide next door and the pontiff's moral dilemma

STRATEGICALLY SPEAKING



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THE Pope has returned after two significant visits to the region. The countries he graced his visit with are the ones that are in international limelight and for the same reason—Rohingyas. The visit of His Holiness to Myanmar, we believe, was prompted mainly by the plight of the Rohingyas. While his visit to Bangladesh was scheduled well before the start of the latest round of influx of Rohingyas in August, we in particular looked forward to his visit, given the moral authority he commands.

It was therefore a bit disappointing that the Pope during his visit in Myanmar deliberately avoided the term "Rohingya" in referring to the persecution and the victims. It is mystifying that His Holiness would avoid the name of an ethnic community that it is known by across the world! While the Pope has defended his position, the rationale to me is not convincing, and I say this with all the deference to the highest pontiff of the Catholic community.

The world looks up to the Pope as a moral voice against injustice, for the rights of the downtrodden and the marginalised, for the stigmatised and for those that face the prospect of veritable extermination. And we in Bangladesh had hoped the Pope would bring to bear on



Pope Francis meets with a Rohingya refugee during an inter-religious meeting in Dhaka on December 1.

PHOTO: REUTERS

One agrees with the Vatican that "people are not expected to solve impossible problems" and we do not expect the Pope to do so either. But one had hoped that he would have the moral courage to speak truth to power.

the military machine of Myanmar the force of his moral authority to stop the injustices on the Rohingyas in northern Rakhine.

During his Myanmar visit His Holiness did call for every section of the people to be given their rights and to live in safety. And he referred to the violence but only obliquely. He said everything except the word "Rohingya". As much as one can glean from the reported statement, his tone was more conciliatory than necessary to drive his point home to the Myanmar military.

One understands too that his position was tailored on the counsel of the local Catholic prelate in Myanmar; it was advised, using the word would be "undiplomatic" lest the word "Rohingya" throws up uncomfortable situation for the Pope, and perhaps even, given the militant nature that some monks in Myanmar have assumed, cause the local Christians to be subjected to the same form of violence that the Rohingyas have

been, and continue to be. It was disappointing, to say the least, that the Pope would choose to be politically, rather than morally, correct. The Pope's moral standing, one regrets to say, was subjugated to politics.

The Pope cannot be unaware of the genocide of the Rohingyas. Political correctness in such a situation saps one of the moral weight, particularly of a person who occupies the highest pedestal of moral authority. It doesn't help to stem the tide of violence either. The lives and limbs of an ethnic minority mattered little, in the estimate of his advisers, compared to the ire of the government of Myanmar that political "incorrectness" might have incurred.

Reportedly, the Pope met with the commander-in-chief of the Myanmar armed forces—the very force that the world accuses of indulging in genocide but what it euphemistically terms "ethnic cleansing"—without mentioning the violence in Rakhine. Reportedly, that meeting was a result of a last-minute request by the army.

His Holiness also graced the monks with his audience—some of whom have been inciting Islamophobia and violence against the Rohingyas and in whom the Myanmar military has found a willing accomplice. Some Rohingya refugees were presented to His Holiness during his visit to Bangladesh, and one wonders what he would have replied if any among them had asked whether he visited their homestead (very few Rohingyas are left alive in Rakhine anyway) in Myanmar to see the reason why they are here.

In the past the Pope had spoken up strongly for the Muslims against unjust criticism directed against the entire community by some quarters. The painful truth is, not mentioning the word "Rohingya" or not referring to their situation directly validates the wrongful position of

the Myanmar government on Rohingyas who are referred to, deliberately, in the most corrupt form of the word "Bengali". But this is a position only recently acquired and goes back to 1962 only to the days of Ne Win.

Avoiding saying the word doesn't at all help keep the "dialogue open" as the Pope thinks it would. And to think that circuitous ways of conveying a message to a criminal enterprise like the Myanmar government would "convey the message" is only a pious hope since they have so far cared very little about the global outrage and direct criticism heaped on them by the world community.

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What was needed is the utterance of the two words "genocide" and "Rohingya"—today both have acquired synonymy. The world knows but would not utter the word "genocide" (of course there is the only exception—Canada). One wonders why. The world was too late in acknowledging Rwanda killings as genocide and look what happened. By all accounts, and the latest *New York Times* report confirms that apprehension, the Myanmar government is well on its way to ensure that northern Rakhine is shorn of all Rohingyas.

The Rohingyas are suffering from double jeopardy. They have the misfortune of being both Muslim and labelled as Bengalis. There is always the danger of linking religion to the Rohingya issue, but one wonders whether the Pope would have chosen realpolitik over moral correctness had the Rohingyas been of a different creed or race.

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ICT Act, Digital Security Act and press freedom



AIMAN R KHAN

writers have all the liberty, but in real life, they are encircled by restraints. The media has been subject to constant checks since even before the independence of Bangladesh, when four newspapers including the *Daily Ittefaq* were penalised for criticising the government. Today, with the introduction of laws never before, the circle of limitations keeps on closing in.

ARTICLE 39 of the Bangladesh Constitution impliedly prevents any bar on a person's freedom to write. Although at first glance it may seem journalists or

The laws that impose control over them may now be also applicable on "social media activists" acting as citizen journalists.

Journalists are usually held for the slightest hint against the administration. The most common charges are defamation and sedition. And even if they are not targeted towards the government, another principle further restricts them. Despite constitutional guarantees, press freedom may be suppressed by "contempt of court".

According to Black's Law Dictionary, contempt of court is the act of demeaning the court, preventing administration of justice, or disobeying a sentence of the court. It is criminal and can lead to fines or imprisonment.

A person may be found guilty of contempt of court if his actions intervene with the administration of justice. The

of public confidence to be undermined due to the publication, to satisfy the requirement of contempt of court. The US Supreme Court has made it clear, in a series of cases, that the publication must create a "clear and present danger" to the administration of justice [*Bridges v California*, 314US 252]. In the Indian case of *Duda PN v Shivshankar, P*, it was held that criticism of the judicial system should be welcomed so long it does not impair administration of justice.

In Bangladesh, the 1926 Act had been replaced by a new one in 2013. The new Act is relatively lenient as section 4(1) declares that no publication is contempt if it is done in good faith. But apart from all these, the court still has an inherent power to punish anyone whom it finds to have interfered with court proceedings.

Now that the strict laws of contempt

and a maximum fine of Tk 1 crore on someone found in violation of it. An accepted translation of Section 57(1) of ICT Act 2006 has been given below:

"If any person deliberately publishes or transmits or causes to be published or transmitted in the website or in any other electronic form any material which is false and obscene and if anyone sees, hears or reads it having regard to all relevant circumstances, its effect is such as to influence the reader to become dishonest or corrupt, or causes to deteriorate or creates possibility to deteriorate law and order, prejudice the image of the state or person or causes to hurt or may hurt religious belief or instigate against any person or organisation, then this activity will be regarded as an offence" ("Free Speech vs Section 57", *The Daily Star*).

Therefore, a person updating a status on social media, writing a blog or running a news portal is also under the ambit of the section. Section 57 allows a third party to file a case against a person in violation of it. Hence anyone may file a case if they feel like the article on the paper or a Facebook status has even a remote possibility of deteriorating someone else's image. Hence, in front of it, press freedom becomes vulnerable.

And while now, there is talk of removing the section from the ICT Act, the draft Digital Security Act contains a very similar provision. Experts have pointed out repeatedly how removing Section 57 would be useless, if the same threats to press freedom are reintroduced through another law which too disproportionately penalises similar "offences."

Journalists in all forms are now stuck between a rock and a hard place. When one law shows them their rights, the other takes it away. The challenges posed by the laws curb not only freedom of the press but also citizens' liberty to express their opinions. While international instruments like the ICCPR or the ECHR emphasise the freedom of expression, journalists in Bangladesh still struggle to identify the line between independence and possibility of an offence.

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As we stepped in the digital age, the definition of press and journalists has been extended. The media is now in everyone's hands, making each person a citizen journalist. Freedom of the press may now seem vast in the online world. But historically, the press has always been under direct scrutiny of the different governments in Bangladesh.

law, which used to be governed by The Contempt of Court Act of 1926, may be violated if a publication of article, report or broadcast is likely to cause interference with ongoing proceedings. Contempt of court is a major concern all over the world due to its implications for press freedom.

In the UK, there needs to be a real risk

of court have been relaxed a little, journalists are concerned over the application of a new law. Section 57 of the Information and Communication Technology Act 2006, according to experts, directly undermines freedom of the press. The section imposes a penalty of a minimum of seven years and a maximum of 14 years of imprisonment

LETTERS TO THE EDITOR

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Digitisation with security in focus

Digitisation of the regular operations of financial institutions yields efficiency and convenience for the customers. But on the other hand, it may expose the whole system to hacking, stealing and other security threats.

As countries like Bangladesh resort to relatively weaker technical protections than developed countries, our vulnerability is much larger. For both the public and private sectors, ensuring the security of financial and private personal data is a growing challenge. One can remember the cyber robbery in which USD 81 million was siphoned off from the account of Bangladesh Bank through undermining the BB security system.

Therefore, the government and the private sector must focus on cybersecurity while digitising their operations, functions and services.

Abul Khaer, By email

Smartphone addiction

The news item titled "Smartphone addiction—It can lead to an imbalance in brain" published by this newspaper on December 1 caught my attention. The study says smartphone addiction could cause serious chemical imbalances, leading to anxiety and tiredness. Nowadays, it is common for students to spend time in unproductive deeds online, stay up late (even whole nights), browsing the internet needlessly while studying, etc.

It is high time for us to be careful about this. Parents and guardians must prevent their children from being accustomed to such habits which harm them.

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