

DESIGNED TO CONTROL

Is Bangladesh building a digital police state?



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Bangladesh, like many modern states, has a deeply embedded architecture of a surveillance state. But ours was not constructed overnight; it was forged in crises. From the presidential assassinations of the 1970s and 1980s to the attempted assassination of a foreign diplomat, from paramilitary mutinies to terrorist attacks over the last two decades—each national trauma has become a convenient excuse to tighten the government's grip on its citizens. With each incident, the surveillance apparatus grew stronger and less accountable. What started as a response to security threats has morphed into a system for political consolidation and control.

Since the early 2000s, successive governments have steadily restructured Bangladesh's legislative and regulatory landscape to normalise expansive surveillance. Under more than 15 years of Awami League rule, this system has enabled the routine suppression of dissent, arbitrary arrests, enforced disappearances, and extrajudicial killings. Yet, this shift has not occurred in isolation; all arms of the state have been complicit in normalising a surveillance regime that undermines the very principles it claims to protect, whether through active enforcement, silence, or institutional abdication.

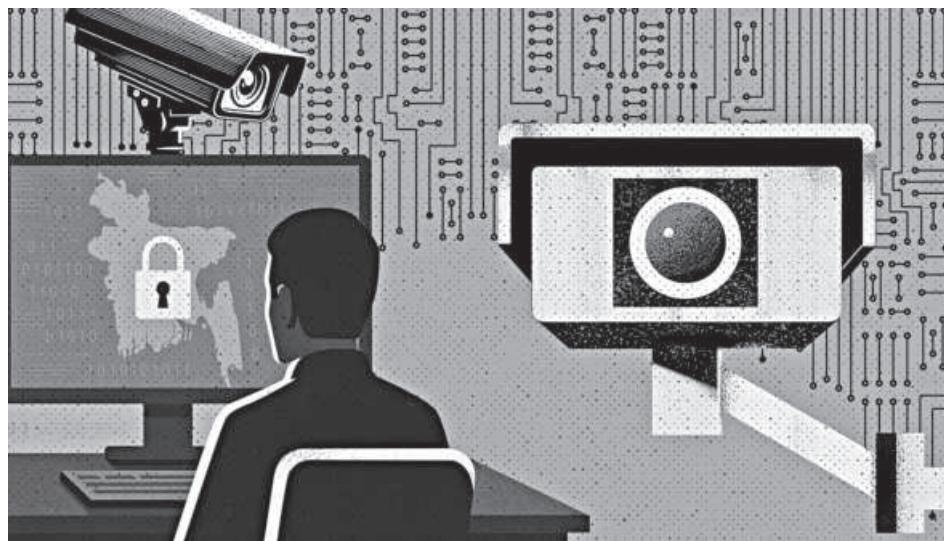
Surveillance at the source

Bangladesh's surveillance capacity does not begin with a camera; it begins with a budget line. In FY2023-24, over Tk 63,000 crore (~\$5 billion) was allocated for the Ministry of Defence, the Armed Forces Division and the Public Security Division, the institutional core of the country's civilian and military intelligence apparatus. This sum feeds the backbone of Bangladesh's surveillance infrastructure, yet how much is spent on technologies that track, profile or monitor citizens remains undisclosed. There is no parliamentary scrutiny and no statutory human rights protection guiding procurement decisions.

According to our investigation, between 2016 and 2024, the country's law enforcement and intelligence agencies procured over 200 surveillance devices and software systems, though the actual number is likely higher given the opacity surrounding these

transactions. These include IMSI catchers, GPS trackers, drone systems, facial recognition technologies, and communication intercept tools—acquired without any meaningful public consultation, export-import controls or legal safeguards.

While laws like the Public Procurement Act, 2006, the Public Procurement Rules, 2008, and the Import Policy Order establish standards for transparency, competition, and import regulation, these frameworks remain



VISUAL: ANWAR SOHEL

conspicuously silent on human rights. There is no legal requirement for the authorities to conduct human rights due diligence or audit to ensure that imports capable of tracking, profiling or monitoring individuals are compliant with the Constitution of Bangladesh or international human rights obligations. Worse still, procurement decisions made "in good faith" are insulated with legal immunities, effectively shielding them from challenge even when rights are violated. In the absence of robust accountability mechanisms, state actors encounter little institutional friction for overreach and, in many cases, are incentivised to pursue it. By design, therefore, the laws are structured to allow systemic and sustained impunity, shielding state actors from legal challenge while leaving citizens with no meaningful avenue for redress.

A legal system built for control?

Existing legal and regulatory architecture governing surveillance in Bangladesh is a fragmented patchwork of laws that confer expansive, largely unchecked powers to state agencies. Our research found that over 20 different laws enable surveillance. Often, terms like "monitoring" and "interception" appear repeatedly across laws, not as narrowly defined legal authorisations, but as vague placeholders that open the door to arbitrary surveillance under the catch-all justifications of public safety and national security.

At the heart of this framework lie legacy statutes such as the Bangladesh Telecommunication Regulation Act, 2001 and the Telegraph Act, 1885, which allows the executive branch to monitor, intercept, record, and collect vast troves of user data throughout the entire telecommunications value chain—from international gateways to mobile network operators and internet service providers. These

monitoring by security agencies like the National Telecom Monitoring Center (NTMC). Operators must also identify and report users flagged as national security threats. While the exact nature of compliance remains opaque, these obligations are likely carried out without meaningful user knowledge or informed consent. What is clear, however, is that compliance is not optional; it is enforced not only through the threat of criminal prosecution and financial penalties, but also through coercive administrative pressures such as licence non-renewal or permit withholding, making resistance commercially untenable. Nevertheless, the silent acquiescence by multinational subsidiaries reflects a profound abdication of corporate responsibility, and raises serious concerns under both domestic legal standards and international frameworks such as the UN Guiding Principles on Business and Human Rights.

Government surveillance overreach is not limited to telecommunications. An illustrative example is the collection and retention of expansive demographic and biometric datasets by the Bangladesh Election Commission under laws like the Representation of the People Order, 1972 and the National Identity Registration Act, 2010. Once collected, these datasets are routinely cross-linked with other databases, including health records, passport data, banking information, and tax filings maintained by other state agencies. Data flows across these networks through opaque bureaucratic pipelines, leaving citizens visible to power, and power invisible to them.

Even more concerning are the state's intelligence agencies, operating in near-total darkness. Central state intelligence agencies like the NTMC, the Directorate General of Forces Intelligence (DGFI), and the National Security Intelligence (NSI) operate without public-facing mandates or accountability. Other surveillance behemoths—like the Special Branch, the Police Bureau of Investigation (PBI), the Criminal Investigation Department (CID), the Counter Terrorism and Transnational Crime (CTTC) unit, and the Rapid Action Battalion (Rab)—are only nominally governed by colonial era laws like the Code of Criminal Procedure, 1898, Special Powers Act, 1974, and Police Act, 1861, with their methods often outpacing both legal text and judicial oversight.

Violation of constitutional rights

These sweeping powers have gutted the very rights the constitution promises, at least in two critical ways. First, the lack of legal clarity and institutional accountability undermines Articles 31 and 32, which guarantee equal protection under the law and prohibit the deprivation of liberty without due process. Second, while Articles 39 and 43 allow the curtailment of fundamental rights to

privacy and freedom of expression, such restrictions must be reasonable and grounded in legitimate aims such as national security or public order. In practice, however, these safeguards are routinely ignored, reinterpreted or bypassed altogether. What was meant to be the exception has become the norm.

Exacerbating this structural permissiveness is a judiciary that has largely remained on the sidelines. Unlike comparable jurisdictions such as India, where courts have articulated strong constitutional limits on surveillance, courts in Bangladesh have remained largely passive. A rare exception is *The State vs. Oli* (2019), in which the High Court held that warrantless, routine collection of telecommunications data violates the right to privacy under Article 43 of the constitution. Yet, no clear guidelines were issued, nor has there been consistent judicial oversight since. Surveillance continues, undisturbed and unaccountable.

Rather than reversing this trajectory, emerging policies appear to entrench the status quo. Take, for example, the proposed Personal Data Protection Ordinance, which adds newer dimensions of risk. With expansive exemptions for crime prevention and national security, and vague provisions for data localisation, the law risks legitimising, rather than restricting, invasive surveillance. History has shown us that such provisions function less as protective safeguards and more as tools for consolidating state power in Bangladesh.

A panopticon state by design

Bangladesh now possesses the infrastructural capacity to watch more people, more closely, and for more arbitrary reasons than at any other time in its history. Surveillance in itself is not inherently illegitimate; the state has both the right and the responsibility to ensure national security and public safety. But over the past three decades, the balance between liberty and control has tilted decisively, away from constitutionalism and towards authoritarianism. Surveillance is no longer a targeted tool; it is the default operating system of governance. It is embedded in the circuitry of daily life, normalised through bureaucracy, and reinforced by fear. What stands today is the quiet entrenchment of a panopticon state. The result is an Orwellian reality in which the state sees all, knows all, and answers to none.

Despite its reported extensive use during the 2024 "Monsoon Revolution" and promises of reform by the interim government, no meaningful efforts have been made so far to dismantle or restrain this machinery of control. Too many lives have already been lost, too many freedoms eroded, for the state to persist in these excesses. Now is the time to act, not with rhetoric but with reform. And it must be done with urgency and resolve, to honour those who have suffered—and to ensure such abuse is never repeated.

The struggle continues



BLOWIN' IN THE WIND
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SHAMSAD MORTUZA

The clock was ticking towards a potential trade deal with the US when, on Thursday afternoon, we gathered at ULAB to discuss the enduring relevance of the recently deceased Kenyan author Ngũgĩ wa Thiong'o. Our session was the concluding panel of the conference themed "*La luta literaria continua*" ("The literary struggle continues") with a particular focus on Ngũgĩ from a Global South perspective.

I began by reflecting on the possible consequences for Bangladesh's RMG sector if tariff rates remained higher than those of our competitors. Thankfully, by Friday, we received welcome news: the rates had been finalised at 20 percent. The White House's official statement listed Bangladesh among the "trading partners [who] have agreed to, or are on the verge of agreeing to, meaningful trade and security commitments... to align with the United States on economic and national security matters."

While we heave a huge sigh of relief, we are compelled to dig beneath the surface. Ngũgĩ's play, *I Will Marry When I Want* (1977), provides an opportunity to look for parallels. In the play that got the author imprisoned, Ngũgĩ narrates the tale of a peasant couple, Kigũnda and Wanjikũ, who are promised upward social mobility through marrying their daughter into a rich family. They are led to believe that by mortgaging their only piece of land for a church project, they would earn social prestige and become worthy of their in-laws. Instead, they fall prey to the trap of the wealthy elite and the church and end up losing their land. Ngũgĩ's allegory is not just Kenyan. It is the post-colonial condition that we experience on a daily basis.

To support the RMG business sector, we are already hearing that the national flag carrier will buy 25 Boeing aircrafts worth Tk 50,000 crore. There will be additional purchases of wheat, cotton and other items for a more balanced trade. We want to become an upper-middle-income country, and our paths are stewed with promises. This is a continuing struggle that is mirrored in literature. Our ability to decide on our own is often compromised.

For long, education has been seen as the

Jacob's Ladder to climb into an alternative state. But it is education that has reminded us of its entrapment. Man is born free, but everywhere he is in chain, said French philosopher Jean-Jacques Rousseau. Ngũgĩ adds, "Colonialism planted its flags not only on our land but in our minds." Today, when we question whose education it is, we return to Ngũgĩ's first novel, *The River Between* (1965). The river separates two ridges of Kamen and Makuyu representing the local Gikuyu traditions and Christianity. An idealistic young leader, Waiyaki, tries to bridge the divide through education, but fails only to realise that the colonial wound has cut too deep to heal. Our ambivalent position on the language question allows our education to be the ground zero of discrimination. From the primary level, we are sifting which medium of education will head towards which possible pay scale. The spirit of July that calls to end discrimination must solve this question once and for all.

Revolutionary literature all over the world has shown the frequent bitterness of post-independence betrayal. *Petals of Blood* (1977) by Ngũgĩ serves as an example. The drought-stricken villagers of Ilmorog sends their elders to Nairobi seeking aid. The relief comes not as salvation but as development projects. Villagers see how money flows in to make them landless. Imagine the people who thrived next to the Padma, and once the bridge was built, although it brought a lot of benefits to the region, how many of those people lost their livelihood depended on the people who came to the river port. The masked progress that hides the teeth of dispossession is common to every country in the Global South, making Ngũgĩ relevant.

In *Devil on the Cross* (1980), Ngũgĩ unleashed a grotesque vitriol of greed that shows no shame. The shameless admission by the former premier that her attendant had accrued Tk 400 crore offers a local example of Ngũgĩ's devil's feast. The feast of the devil returns when we see that cost of metro rail expansion has skyrocketed.

Last year, when the students extended the calendar to include the days of July in the

month of August, they wanted to decentre the fascist mindset. Ngũgĩ's collection of essays, *Moving the Centre* (1993), teaches us how we can rethink the centre. He shifts the focus from economics to culture. The traditional "centre" of cultural authority, enjoyed by the Global North, needs to be decentred. He relocates the centre to the spaces where most of the world population lives. And to do so, Ngũgĩ argues, we need to stop seeking validation of the Global North, to measure our cultural worth. This is the hardest challenge: are we ready to think of a university as world class if it is not ranked by QS or THE? Are we willing to think of an author powerful without a review in *The New York Times* or a prize in Stockholm?

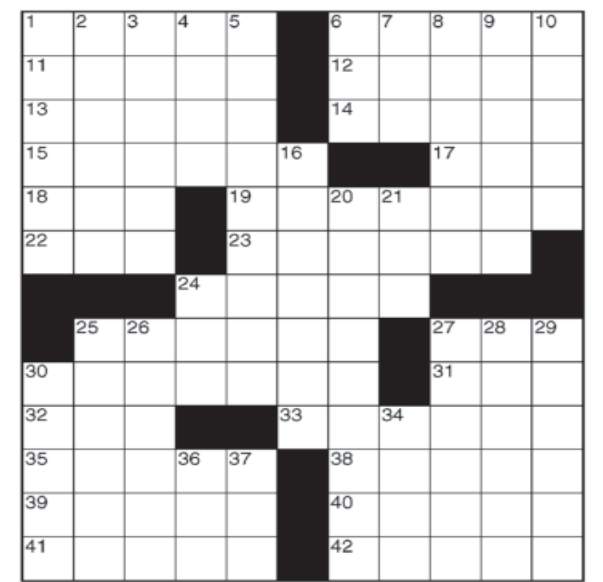
To decentre, we need to create an alternative space that celebrates local knowledge, curates indigenous performances and traditions, and intellectually engages with the world on equal terms. This will require our ability to translate both at human and AI-enabled levels so that there is a seamless correspondence with the world.

Remembering the rebel writer Ngũgĩ as part of our celebration of July created an opportunity to examine different layers of oppression, and the liberation that we seek both economically and culturally. We become aware of the tariff relief as a strategic concession that limits our sovereignty. Culturally, we recognise that our fates in the Global South are intertwined. Kenya and Bangladesh are no different in their negotiations with what George Gordon Byron once called "moral North." What is required, then, is to take control of our economic and cultural productions. It requires what Ngũgĩ labels as the decolonisation of the mind. There are three imperatives that can be applied to our context. First, we need to learn to write for ourselves first. Second, we must form a South-South circuit where we learn from one another and pursue mutual growth. Third, we must create our own canon. We need to revisit our pedagogical model to understand what is important for us without the agenda-ridden prescriptions coming from the West.

The literary struggle that we are pursuing today must be guided by a type of decolonisation that refuses to mortgage our future, land or imagination. We need to stop seeking external validation when we set and prioritise our national goals. As for members of the English department, the struggle, *la luta literaria*, means to keep on telling our own stories without seeking permission. It means creating a creative and critical mass that mirrors our history without propagating someone else's hierarchy.

CROSSWORD BY THOMAS JOSEPH

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42 Graceful birds



YESTERDAY'S ANSWERS

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