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## **JUSTICE AND SECURITY – DIVERGENT GOVERNMENT EXPERIENCES AND THE FUTURE OF INNOVATION IN BANGLADESH AND THE UNITED STATES**

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### **Abstract**

The constraint of justice system in penetrating into contemporary crimes that emanate both from within and without is acknowledged. The dramatic decrease in the white Anglo population in the United States has empowered minorities and brought enigmatic cultural change reflected in a new order with changed values. The country is in the midst of an opportunity to witness the ideals of justice put in practice, and to develop a systematic means of seeking the greatest good where diversity is its greatest strength. In Bangladesh, distributive justice is seen as a welcome gesture by people along with eternal vigilance to be maintained by the people at large. Divine law, especially the Quranic scripture, is upheld by the majority of Muslims. In the US, there is a need to address breakthroughs in areas that may be fraught with dilemmas. In Bangladesh, the public/private partnerships and sharing right to information at the right time can make a difference in getting justice. In the United States, new methods can be created by a review of failed experiences in developing problem solving techniques. Innovative ideas are necessary to meet the challenges in delivering justice. Bangladesh government has undertaken and addressed the two critical areas of Legal and Judicial Capacity Building Projects. The

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innovation in justice and security will depend on ingenuity, creativity, breakthroughs in technology, and a commitment to critical thought applied to forecasts that can be more and more predictable. Replication can be used as a tool for justice and security innovation in the United States. This can be done through innovative means to adequately predict experience and applicability keeping the human element in focus. In the paper, a number of recommendations are made in improving and assuring the delivery system of justice and security. Bangladesh has a compendium of rules and regulations but its weakness seems to be in the area of enforceability. Its police force, condition of the jails, rehabilitation of imprisoned persons, border control, Human Rights Commission, empowering women, local government, capacity building, massive and modern vocational, technical, engineering and nursing training programs and education system need improvement. The US can employ basic measures to replicate successful methods to improve disciplinary processes. The balance between government and non-governmental entities can be created through dialogue and debate to make it more structured, focused, and goal-oriented. There is a necessity of cooperation among local, state, federal and multinational governmental and non-governmental organizations.

## **INTRODUCTION**

In this paper, we present both theoretical and practical examples of how our respective government experiences contrast yet establish common grounds to examine creative means of insuring future innovation in justice and security as both dynamic and forward-thinking. An examination of social, economic, governmental and cultural differences and similarities is a tool for greater understanding, cooperation and the establishment of common goals that are meant to improve local, regional and national justice and security measures.

We do not strive nor presume to dogmatically answer how we intend to solve problems associated with justice and security in Bangladesh, the United States or any other country. Rather, it is our intent here to present more questions than answers to begin an international debate in the spirit of working together to solve common problems and achieve common goals. To this end, we have attempted to define the terms, identify what lessons have been learned, look to how we can influence the future direction of innovative enhancements to both justice and security, and recommend what should be done to implement the means of achieving our goals.

## **1. BANGLADESH AND THE UNITED STATES - DIVERGENT AND CONVERGENT EXPERIENCES**

### **1.1. Defining Justice**

Justice is the quality and procedure of doling out the share or the pie that one deserves according to his merit and, at times, according to his needs. It entails the application of the principles of righteousness and rectitude in conducting affairs between one citizen and another, between a citizen and an institution, and between a citizen and the state. It involves equity, uprightness, fidelity, and impartiality. Justice is distinct and more fundamental than benevolence, charity, mercy, generosity or compassion. Equity also implies a leadership quality. Equity theory is fundamental in ensuring successful leadership. Justice also embraces human and divine law. A proper balance between divine and human law is a prerequisite in ensuring justice in this part of the world. Justice may have two perspectives: just behavior, something which is regarded as fair and equal and Administration of Law, which implies dispensation by a Court of Law to protect the victims and pursue the perpetrators lawfully.

#### **1.1.1. Justice in Bangladesh – A Historical Perspective**

Emperors, kings, or the rulers dispensed justice, as seen historically, through separate departments. Such departments generally used to work independently. Men of integrity and wisdom were appointed at different tiers for the job of dispensing justice to different stakeholders. Not only did they follow the rules and edicts as proclaimed by the emperors, they had to also take into consideration the social values, rituals, and customs. They had to take cognizance of the divine laws as also outlined in different religious scriptures. However, the application of divine law would vary from religion to religion. The overriding social customs, rituals, conventions that are seen as the embodiment of expression of common people's hopes and aspirations could not be overlooked while dispensing justice.

With the advent of British rule in the Eighteenth century in South Asia, English laws including the Penal Code, the Evidence Act, certain Anti-state or subversive laws etc. were put into practice. A well developed and structured judicial system was established. It covered different tiers in the state such as the central, provincial, district, and local tiers. Well educated, well trained, and well groomed judicial officials were placed in different tiers. However, at each tier criminal and civil matters were separately handled by different types of courts. Some of the courts enjoyed original jurisdiction while the courts above it enjoyed the appellate jurisdiction.

During the latter part of the British and Pakistan periods, there were subjects which could be handled simultaneously by both the central and provincial courts. Those subjects were called concurrent jurisdiction. Any disputes in such areas were settled by the Supreme Court, the apex court of the Federation. Apart from the structured judicial system, informal courts (an indigenous system called *shalish* courts) were managed by the village elders for dispute resolutions especially with respect to property disputes, inheritance, marriages, divorces, illicit relations, etc. They played an important role and they continue to play a similar role even today.

Under the 1956 Constitution of Pakistan, the Supreme Court of Pakistan was established as the apex court with the appellate jurisdiction over the decisions of the High Courts including the Dhaka High Court. Under the Constitution, High Courts were empowered to issue writs not only to make judicial review of executive actions but also to determine whether any law was made in violation of a provision of the Constitution as well as to declare such law void.

The Constitution of Bangladesh in 1972 established the Supreme Court of Bangladesh comprising two divisions: the Appellate Division and the High Court Division. Generally, the Appellate Division has jurisdiction to hear and determine appeals from judgments, decrees, orders or sentences of the High Court Division while the High Court Division has original appellate and other jurisdictions, powers and functions as may be conferred on it by the Constitution or by any other law. The Constitution of the country provides for the establishment by law of courts subordinate to the Supreme Court. They are broadly categorized as (I) Civil Courts and (II) Criminal Courts. The Constitution also provides for the establishment of Administrative Tribunals. Local *shalish* courts are the legacies of varying past Empires, the British colonial period, and the Pakistani period. They continue to function in Bangladesh society today, with a more structured hierarchy, by mandate of the legislature.

### **1.1.2. Justice in the United States – A Nation of Laws Regulating Quality of Life**

Justice has taken differing meanings depending upon the context in which it has been used. A descriptive adjective preceding the term has given us a multiplicity of forms through which we have perhaps intended to create a vision more associated with the genre under examination. For instance, "social" justice has particular connotations as does "economic" or even "military" justice. The terminology used to express a given

context is more often meant to encapsulate and limit the boundaries within which justice per se may be sought. However, by dropping the adjective there is a greater need for common acceptance of what may constitute justice, albeit a much wider variation of terms that are applicable under various circumstances. Nevertheless, "justice" as a term in its own right has basic premises regardless of the context in which it is used. That is to say, whether it is due process or equity, truth, righteousness or virtue, honesty or impartiality, we are met with synonymous terms applicable without regard to the context. Whether we are describing social justice, economic justice or military justice, we can be assured that the same measure of definition would apply. What is acceptable may vary, since one cannot be expected to equate the terms of social justice with military justice for example.

The development of American justice, based upon English Common Law, employs equitable remedies depending on circumstances and facts. New areas of law that have been outside the realm of operating within any governmental-imposed rules, regulations or laws, have manifested themselves in interacting with other areas subject to regulation. These new areas develop with technological advances in fields such as aeronautics and space exploration, medicine, computer applications, food production, water conservation, energy alternatives and transportation, and information delivery among others.

The changing paradigm of how we define justice in the United States is often juxtaposed against a backdrop of correcting perceived wrongs in society. Those certain interests that are brought to the fore by spokesmen and groups seeking to advance causes that capture the attention of key decision makers, lobbyists and government representatives help define how justice is applied. It is noble and right for moral values to be weighed and measured. Yet we have had a tendency in the United States to translate moral values into laws that impose those values on society. The purpose of justice is to recognize basic human rights and to offer protection against wrongs suffered at the hands of those who violate agreed-upon principles of accepted truths. Community standards may differ and laws regulating quality of life issues after having made a determination of what is fair and perhaps ethical, provide a framework within which people strive for justice as a vague and sometimes ambiguous ideal.

There is an ever simmering conflict between state and federal government initiatives regarding what is acceptable and in the interest of justice when enforcing laws relating to controlled substances. Similarly, there are historical differences between voter-approved state measures

and what courts have held to be either unconstitutional or unenforceable because of conflicts with other laws having precedence. Although interest groups often define the will of voters, a conflict exists in defining what justice is, what justice should be, and how justice can be carried out. There can be no resolution of a dilemma without acceptance of an agreed upon principle. Though the United States Supreme Court building in Washington, D.C. bears the inscription above its entrance “Equal Justice Under Law,” in an apparent reference to the concept of due process equating justice as applied to all, the ever-changing opinions of the court shape and mold what is meant by “equal” justice to address inequities without specifically determining the purpose of the scales of justice themselves.

Costa Rican President Oscar Arias Sanchez (2008) speaks of *Lessons of the 20<sup>th</sup> Century* in describing changing values and what values should be when we identify societal wrongs and recognize what should be versus what is. Acceptance of noble ideals is admirable, yet we cannot realistically strive for unattainable goals or expect to codify equality in a manner that the former English Court of Chancery had been relied upon so strictly as to create opportunity for further injustice.

As civilization in the United States progresses in “raising the bar” with respect to what minimum standards are to be maintained and expected relating to quality of life issues, and as multi-cultural diversity accepts those standards amidst a global economy, enforcement of laws in their interests may be at odds within communities, other societies and countries. Changing values establish and characterize how laws are applied, and justice as a goal is met through regulation of our nation of laws.

## **1.2. Defining Justice – The Common Thread**

### **1.2.1. Basic Guarantees of Justice in Bangladesh**

Public awareness is the greatest guarantee of justice in Bangladesh. The Constitution of the Republic proclaims all powers in the Republic belong to the people, and their exercise shall be effected only under, and by the authority of the Constitution, the supreme law of the Republic. The Constitution stipulates the Republic shall be a democracy in which fundamental human rights and freedoms and respect for the dignity and worth of the human person shall be guaranteed. The national parliament is the embodiment of people’s hopes and aspirations. Parliament is the nerve centre of all activities of the state. The government in power is collectively responsible to the parliament.

Fundamental human rights (including the right to speech, thought, conscience, religion, assembly, the right to move freely, and to reside and settle anywhere in Bangladesh, etc.) are guaranteed by the Constitution. All citizens are deemed equal under law and are entitled to equal protection of law. No citizen is discriminated against on grounds only of religion, race, caste, sex or place of birth. Even the parliament on its own cannot alter the provisions regarding fundamental human rights enshrined in the Constitution. An arrested person has to be produced before the nearest magistrate within 24 hours after his arrest excluding the time necessary for the journey from the place of arrest to the Court of the Magistrate.

The High Court Division has writ jurisdiction over a dispute that violates the fundamental human rights of a citizen. The Constitution makes it mandatory for the state to ensure that fundamental human rights are enjoyed by all citizens except under certain exceptional circumstances. Every citizen is afforded an equal opportunity with respect to employment or office in the services of the Republic as enshrined in the Constitution.

The Supreme Court, the subordinate courts and local level courts ensure that justice is dispensed to every citizen of the Republic. The Executive organ of the state is also responsible to dispense justice to all its citizens, and citizens are afforded equal opportunity depending on the merit. The Executive organ, for dispensing justice to its citizens, is accountable to the Courts of Law and to the Parliament. Parliamentary standing committees are the watchdogs of the activities and performance of the Government. The Government in power is bound by oath to preserve, protect and defend the Constitution of the Republic. The Human Rights Commission, Anti-Corruption Commission, Law Commission, and Ombudsman are other institutions already functioning or in the offing that play a pivotal role in facilitating justice to the people.

Apart from the protection provided by the state, society at large, the civil society, media, the student community, labor unions etc. are ever vigilant to ensure justice for the people of Bangladesh. Even the political parties, that aggregate peoples' demand, have a solemn responsibility of venting peoples' grievances in the parliament and elsewhere to facilitate and ensure justice to the people. A divine law, depending on the religion one is pursuing, ensures justice to the people. However, in case of a distorted interpretation of law, the Courts of Law as established under the Constitution, assume the dispensation of justice.

### **1.2.2. Justice in the United States – The Paradigm Shift of Punishment, Rehabilitation and Prevention**

Throughout the evolution of the criminal justice system in the United States, theorists have influenced the purpose of justice by defining it through either punishment, rehabilitation, prevention, or various combinations meant to satisfy the needs of society in maintaining order. Similarly the degree and extent to which each component has been used to achieve specific goals has been met with mixed reviews. In the United States, the rate of recidivism by criminal offenders has been historically high. To reduce the high rate of recidivism, there have been a myriad of attempts at programs designed to rehabilitate offenders to teach them trades, offer education, allow for religious practices and psychological treatment to channel their emotions and interaction with society. The increasingly significant proportion of those incarcerated for drug-related offenses has also resulted in diversion programs designed to reduce dependency and therefore the need for engaging in related criminal activities. Prevention through educating and preparing juveniles and adults to be productive members of society through gainful employment has been more accepted than investment in human resources while they are incarcerated. There can be no doubt that the first reason for incarceration is punishment for criminal offenses. Yet once incarcerated, the debate begins regarding what rights should still be maintained by convicts. Over the last century, prisoners have gained more freedoms as a result of court decisions aligned with interpreting basic human rights as applicable regardless of the degree of heinous criminal activity committed. The perception by society influenced by journalist reports of those freedoms has resulted in fewer acceptances of rehabilitation programs that are characterized as favoring inmates over those who are disadvantaged members of society. This shifting paradigm becomes more problematic with jail and prison overcrowding, early release, “three strikes” laws (where life sentences may be imposed after three felony convictions in some instances), a higher percentage of a total population incarcerated, and a racial divide with a higher proportion of male blacks incarcerated than any other segment of society.

### **1.3. Defining Security – The Need for Preservation and Protection**

#### **1.3.1. Protecting the People and Preserving the Government in Bangladesh**

Bangladesh has a security dilemma; the dilemma is between the traditional security and the human security. Bangladesh suffers from the tyranny of geography, and as such it has defense vulnerability. Its geo-



strategic location is peculiar; its proximity to two giants i.e. India and China make it unique. In their play of the game of geopolitics, Bangladesh has to do balancing and look for multilateralism. Once again, Bangladesh is a soft state plagued by overpopulation, unemployment, transnational crimes, weak governance, skyrocketing inflation of the prices of essentials, and confrontational politics. Human security is quite critical in ensuring the state security as well. Unless both the aspects of security are taken care of sufficiently, when one has impacts on the other, Bangladesh would fail to protect its peace and preserve its territorial integrity and political sovereignty. Both aspects give rise to certain core values of the nation, and those are territorial integrity, political sovereignty, social and religious values, economic and social progress and justice, democracy, and state building.

In order to take care of these values, Bangladesh orchestrates symbiotic strategies in its national policies including democratic pluralism, the development of skilled/semi-skilled manpower mostly for remittance earning, and a vibrant economic diplomacy to uphold and reinvigorate its age-old social and religious values through extensive motivation programs to revamp its state building capacity especially its seemingly degenerated bureaucracy, and slowly and gradually modernize its military, para-military and police forces. Bangladesh is a resource starved country except that it has an enormous manpower that can be called a comparative advantage which can be converted into a competitive advantage. Bangladesh has a magnificent potential of earning billions of dollars by exporting this manpower, once turned into human resources.

Bangladesh is acutely subject to climatic change likely to result from the rise in sea level; such a sea rise, as the forecast made by the Intergovernmental Panel on Climate Change (IPCC), may engulf a substantial portion of southern Bangladesh by the end of the century at the latest. International cooperation and support are necessary to obviate the effects of this menace, and to combat transnational crimes including gun running, child and women trafficking, drug trafficking, avian influenza, AIDS, etc.

There is a lurking possibility of militancy or terrorists disturbing the integrity and fabric of Bangladesh society. Bangladesh is deprived of its genuine share of water in most of its lower-riparian rivers. It disturbs its ecology and life sustenance facilities. And that also calls for a vibrant diplomacy backed by reasonable military prowess and the support and cooperation of the international community and agencies. For state building capacity responsible for preserving the government, there is a

need for concerted efforts by all including the development partners. Bangladesh's governance is declining because of a not-so-efficient bureaucracy that also lacks transparency and accountability. Thus, capacity building is the order of the day.

### **1.3.2. Public and Private Security in the United States**

Generally, security in the United States is a constitutional guarantee that presupposes a protection afforded to all its citizens. It may be defined as a consensus of interpretations with agreement that lack of conflict involving either the person or their property is the line that may not be crossed. In fact, the Fourth Amendment to the *Bill of Rights* (the first ten amendments to the U.S. Constitution) provides: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." The Fourteenth Amendment states in part: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." Although these are protections against governmental intrusion, the intent to protect all rights has framed the governments' responsibilities to its' citizens.

Jail overcrowding in the United States has in some instances resulted in competition with government by private enterprise. Preservation of human rights, societal order and protection from victimization have also been the subject of acrimonious debate since the protections afforded to government peace officers are not completely afforded to private security officers. Further limitations on prohibited actions by private security question limits of risk and liability that are difficult to completely overcome, especially when we examine the role and responsibility of government in maintaining order.

Police powers have been transferred in some instances to typically non-police government agencies specializing in a particular area of law, such as housing, transportation, health, animal control, etc. Focus by police on keeping the peace in communities generally is related to enforcement of penal codes, although additional state and local laws that are not the jurisdiction of other agencies may be relegated unto the local

police agency. The cross-jurisdictional multiplicity of law enforcement's response to the need to exercise peace officer powers has blurred the definition between peace officer and public officer status. However, the partnership between public and private interests has increasingly become a means for democratic representation to address issues in striving to employ a greater focus on equal justice.

## **2. BANGLADESH AND THE UNITED STATES - LESSONS LEARNED**

### **2.1. Stare Decisis – Building a History of Justice**

#### **2.1.1 The Bangladesh Experience – Changing Dynamics and Justice**

Bangladesh is undergoing phenomenal changes in its social, political and economic life. This is generally abetted and also exacerbated by its poverty, corruption, unemployment, price spiral, transnational crimes and natural disasters which broadly impact human security. A kind of human insecurity is giving rise to new social dynamics exemplified by the enormous migration of village people for jobs to the urban centers; transnational crimes including gun running, drug smuggling (Bangladesh is mostly used as a transit route), extensive addiction by the younger generation to opium based pharmaceuticals like Phensydyl syrup, Yaaba tablets and other drugs such as white heroine coming from across the border; corruption and various other kinds of social tensions. Social habits and customs are changing with smaller family structures replacing the larger family structures, age-old family ethos and ties somewhat waning, and western lifestyles replacing the antiquated social practices of the society.

Hundreds and thousands of Bangladeshis are moving overseas for jobs. In the process, a vicious cycle has developed presumably to help the job seekers. In the sequel many of the job seekers have a problem once they are overseas. However, a huge remittance that these Bangladeshis send back to their country sustains the economy to a great extent. This again gives rise to social changes. Many rural families change their lifestyles by their exposure to modern society, education and entertainment.

Another spectacular change that is taking place in the society is the empowerment of women. Bangladesh is one country which is credited with meeting one of the United Nations Millennium Development Goals (MDGs) in the form of achieving gender parity in primary and secondary education. At the university level, there is a huge influx of women

students. Women are now occupying key positions in government, semi-government, NGOs, Police, and even in defense services. Government rather encourages employment of women by providing them an especial privilege in the form of quota. Hundreds and thousands of women are employed in the garments sector of the country, the sector responsible for 76% of its export revenue.

However, many women and children are being trafficked to different parts of India, the Middle East and elsewhere. Syndicates are working to traffic these children and women who are then usually employed in sex trade. Poverty and unemployment and the failure of the government to haul up the syndicates are primarily responsible for this social curse. Such syndicates are also likely to be involved in the gun running, smuggling and drug trafficking. It is reportedly known that there are at least 128 syndicates in Bangladesh engaged in crimes like gun running, human trafficking, extortion, prostitution, illegal occupation of land especially for shrimp cultivation and real estate business, smuggling of contraband items, drug peddling, drug dealing, money laundering, election rigging and tender snatching.

The system of justice, as in vogue now, is finding it difficult to penetrate into contemporary crimes that emanate both from within and without. The justice arena has been widened to cover the areas as much as possible. Separate courts and systems have been introduced to tackle various types of crimes such as loan default, quick disposal, serious cases, torture or trafficking of women and child, jail appeals, anti-money laundering, and anti-corruption. However, for each level there is a trial court followed by an appellate court. There is also the administrative tribunal as prescribed in the Constitution, for disposal of cases relating to public servants. However, there are weaknesses in the investigation and prosecution of the cases. Police are responsible for such actions, yet they are not adequately staffed and trained or motivated for such disposal. There are weaknesses in the availability of modern gadgets like DNA analysis, forensic tests and facilities for interception of communication of the criminals.

Government is, however, thinking of creating a separate investigation and prosecution department independent of the police. Government is already in the process of creating more independent attorneys, who would have no political leanings or inclination. A good move has been made to completely separate and make independent the judiciary of Bangladesh from the executive organ. However, there are shortages of well-trained and well-motivated judicial officials at every tier. One of the reasons could be a lack of enough incentive in the form

of perks, pays and privileges for the judicial officials. There is a tendency for corruption to creep into the judicial system which needs to be checked comprehensively.

### **2.1.2. Historical Influence and Agents of Change in the United States**

The system of justice in the United States is based on English Common Law. This historical influence has been the foundation of a system that in its own right continues to develop and change over time. As the rate of crime and especially violent crime increases, we have experienced a concomitant need for increased security especially in urban areas that have become more densely populated. Over the past 50 years, there has also been a dramatic decrease in the white Anglo population that has empowered minorities and brought somewhat enigmatic cultural change reflected in a new order with changed values. Change manifests the diversity of the citizenry while justifying its legitimacy in relation to historical elements of development. The preservation of values, inimical to a new majority of immigrants, disproportionately impacts the degree of reliance upon stare decisis in setting a new direction and redefining the attributes of justice per se. Over the two hundred and thirty two year relatively short span of its history, the United States more recently has withstood revolutionary changes causing a paradigm shift in public perception of perpetrators as victims. Perpetrators themselves have become agents of change through misdeeds causing behavioral adjustment in the daily lives of citizens.

Agents of change act through self-interest while ostensibly furthering societal beneficence. Although people in the United States have become closer through lower-cost travel and advances in technology, the individual's need for protection in a more transient population is exemplified by building both real and artificial barriers such as fences and telephonic caller identification devices. These temporary measures result in isolation and restricted freedoms threatening quality of life and the foundations of justice.

Small town America, farmlands, and small businesses, although diminished, are increasingly popular ideals perhaps unrealistic and unachievable as population increases and the competition from big business further erode a way of life reminiscent of the 1950s. The challenge then is to accept a new vision of change where improvements in quality of life issues and greater freedoms will strengthen American society with a resolve that diversity is its greatest strength.

We are now in the midst of an opportunity to witness the ideals of justice put in practice, and to develop a systematic means of seeking the greatest good through stable interpretation and direction. New agents of change must not act through self-interest, and society must demand adherence to consistent standards of change. The new agents of change, though somewhat esoteric, will forge a new sense of justice, and the realization that historical influence is less defining will open up new frontiers approaching true justice.

## **2.2. Application of Elements of Justice in Modern Society**

### **2.2.1 Identification of Elements of Justice in Bangladesh**

The Bangladesh Constitution guarantees a citizen from being harmed by any other party. The citizen may be a child, a minority, a woman, a tribal, a rural, or even an illiterate. The state is honor bound to satisfy all the citizens' basic needs of food, shelter, health, education and other basic amenities of life. Professor Yunus is even talking about a micro credit program as practiced by Grameen Bank as a right to credit to the citizens of Bangladesh. However, government is finding it difficult to satisfy all the needs comprehensively, especially because of the sky rocketing of prices of essentials.

Bangladesh provides equal opportunity and equitable distribution of resources based both on merit and needs. However, extra privileges, as stipulated in the Constitution, are provided to the underprivileged sections of the society including women, tribal, physically handicapped people, etc. But the government is yet to ensure the proper availability of services in terms of education, shelter, and health to all its citizens across the board. Therefore, although desired, at times it fails to ensure the same standards in terms of justice and security, between privileged and non-privileged sections of the citizenry.

However, eternal vigilance is the price of freedom, as the saying goes, is greatly upheld by a broad cross-section of the people of Bangladesh. It really puts a check on the perpetrators against justice, systems, values and ethics as expected in the Bangladesh society. People of Bangladesh are extremely politically conscious and are critical of any violations. Such a critical attitude may be seen positively, and works as a deterrent against any injustice meted out to any citizen or a group. However, there is a tendency of an overbearing attitude of the perpetrators due to the laxity of law enforcement agencies and slow disposition by the judicial organ.

There is lack of openness, transparency and accountability in the working procedure of the government, especially in the civil service. Even the parliamentary standing committees sometimes do not have enough teeth to check such violations. Now this gives rise to corruption resulting in a huge wastage of resources that retards development. Justice and security to the people to a great extent are therefore denied to the common mass.

Distributive justice, by any authority in Bangladesh society, is seen as a welcome gesture by people at large. If properly ensured, justice based on merit, work, needs and output, will allow Bangladesh to reach the pinnacle of development within a short time. However, the leadership, both at the political and bureaucratic level, often fails to ensure ideal distributive justice to the citizens, and as such it gives rise to social tensions.

Divine law, especially the Koranic scripture, where the faith, conviction and emotions of the Muslims are involved, is strictly followed by the vast majority of Muslims. As such, any law enacted by the parliament has to take this aspect into serious consideration. Even any Court of Law would not gamble transgressing the Koranic edicts.

### **2.2.2. The Changing Role of Justice in Modern America**

The current economic crisis in the United States, coupled with the burdensome human and monetary costs of the war in Iraq, has fueled fear and uncertainty that either delay or divert investment in improving the delivery of justice in the United States. “Justice delayed is justice denied,” is however a certainty when the realization of how we recognize the preservation of values cannot be attained without reinvestment in a mechanism of modern improvements. The framework and context of elements of justice is changing globally just as former U.S. Vice President Al Gore and American oilman T. Boone Pickens have initiated a process unprecedented since the industrial revolution, to deal with global warming and domestic sources of fuel through renewable energy.

There is no doubt about a resurgence of the disregard for human life by terrorists and urban gangs. Education, faith-based initiatives, real and meaningful enforcement that significantly and measurably reduces recidivism, and for the citizenry to be inculcated with responsibility for generational and family values, are goals that must be achieved to preserve, enhance and advance a civilized society. The investment and commitment cannot be unilaterally imposed as the sole responsibility of

the law enforcement community. Rather, it needs to be broad-based with a public and private partnership to re-establish and change values to rehabilitate the meaning, purpose and goals of justice.

As we apply new elements of justice in a modern society that is among the leaders in science and technology, health and medicine and service delivery, there is a need to address breakthroughs in these areas that may be fraught with dilemmas. Just as America will need to choose whether to resume allowing offshore drilling for oil or to protect the environment, we will also need to address dilemmas in redefining and administering justice. Shall we reinvest in education, faith-based initiatives, and meaningful enforcement, or shall we continue to outsource, continue to separate religion from government, and continue to punish transgressors? The blurred line between freedom and democracy becomes even more problematic when certain freedoms must be sacrificed to ensure security of the populace. Protections that are meant to prevent harm to many may result in unwanted searches, restrictions of movement, and submission to what some may characterize as personal injustices.

The role of justice in modern America needs to be redefined with clear understanding by the citizens it serves. No longer can we assume that greater protections must be instituted at the expense of an erosion of freedoms. It is incumbent upon government to develop an innovative means of offering greater protection with a concomitant atmosphere of more not less freedoms. This is a challenge not just to the justice community, but to all our modern society in instituting a system with goals that clearly demonstrate a commitment to preserve freedoms, democracy, civilized qualities of life, and justice to serve those ends.

### **2.3. The Future of Justice in Bangladesh and the United States**

#### **2.3.1. Measuring Justice – New Techniques of the 21<sup>st</sup> Century**

Measuring justice, overall, should be seen from the point of developmental aspects of a society. Development entails, apart from economic growth, the peace and harmony existing in the society, adherence to the values and ethics enshrined in its social custom and followed by the society at large and creating a knowledge based and crime free society. Once such a scenario prevails, although it may be thought to be utopian, one can assume justice has rightly impacted the culture and ethos of the society, assuming the society aims for a high value culture. Bangladesh lacks quite a bit in achieving such objectives. Currently, its development objectives are mainly oriented towards



economic growth. However, economic growth contributes to other strands of development.

Equality before law and equal opportunity for all its citizens, as directed by the Constitution, are yet to be fully realized in Bangladesh society. Dispensing justice is generally a time consuming matter in Bangladesh society. Most of the time marginalized groups cannot reach the door-steps of the Courts of Law for justice and security, mainly because of a lack of knowledge and availability of means. Some of the NGOs operating in Bangladesh do assist the victims in getting justice by often intervening in gender-biased and class-biased aspects. In order to ensure justice to the vast majority of poor people, Legal Aid Committees, created under the Legal Aid Act of 2000 headed by respective District Judges, have been constituted with a panel of lawyers in each district. The National Legal Aid Committee is looking into the hitherto neglected jail appeal matter for poor convicts. One especial Bench has been constituted in the High Court Division to hear only jail appeals. However, at times the rule of law is not followed in letter and spirit and thereby justice may be denied.

Complete separation and independence of the judiciary could be taken as a yard stick to measure justice. The government, after a historic judgment given by the Supreme Court of Bangladesh to separate the judiciary (especially the lower judiciary) from the executive in 1998, implemented the Supreme Court Directives in 2008. This is indeed a positive landmark development. However, there are lacunas in terms of selection, training and motivation of the judges. Political inclination and corruption tended to corrode the efficiency of the courts.

Courts of Law generally become helpless if the investigation and prosecution of the cases are not conducted objectively and meticulously. This is primarily the responsibility of the Bangladesh Police. Police many a time fail to fulfill the expectation level of the society. Unless this is corrected, justice in Bangladesh society is likely to become stunted.

Extensive training and changing the mindset of the bureaucrats, police officials and at times the judges would also make a considerable difference in measuring the criterion for dispensation of justice. There is enough room for improvement in this aspect. Empathic and people-oriented training is lacking in the Bangladesh environment. Oftentimes elitism becomes overwhelming and thereby justice is denied.

In Bangladesh, there are increasing caseloads in traditional courts. The introduction of Alternative Dispute Resolution (ADR), negotiation, mediation, collaborative law, and arbitration that fall outside of the

government judicial process, helps in dispute resolution. ADR has gained widespread acceptance among both the general public and the legal profession in recent years all over the world. In fact, various courts now require parties to resort to ADR of some type, usually mediation, before permitting cases to be tried. The process has started gaining ground in Bangladesh with the support of donor agencies. The Civil Procedure Code (Amendment) Act, 2002 has been enacted for early and consensual disposal of civil suits which had been made effective from 1 July 2003. A substantial number of suits have been settled through the ADR process.

As a matter of fact, the local level courts like *Shalish Courts*, basically resort to ADR type of solutions. *Shalish Courts* have the option of engaging in either mediation or arbitration to reach a solution, and they generally choose arbitration. At times, solutions are based on subjective judgments rather than on civil and other laws. However, Bangladesh has greatly structured these courts. Bangladesh needs to put much more emphasis on popularizing the technique of dispute resolution.

### **2.3.2. The American Model – A System of Justice by Example**

The flood of immigrants, who founded the United States of America to escape religious, economic, and political persecution, continues into the 21<sup>st</sup> century. The recent rise of protectionism and concerns over resource depletion early in this century has caused the American model of justice to be reexamined amidst the same reasons for emigration from other countries. The United States has historically provided a source of refuge to those seeking a better life with unlimited opportunities. This example has also melded into societal elements including a system of justice by example. While some other countries and international organizations have turned to the United States as a leader in the effort to memorialize the system of justice delivery, others are bound by differing belief systems and expectations of what government restrictions should or should not be imposed upon their respective societies.

States' rights that conflict with national purpose, the transient movement of segments of the population, and a lack of confidence in government in general are elements that tend to cause us to restrict our ability to advance our civilization in the United States. We have yet to cast off these ties that bind us as a nation, and as a consequence change to improve our system of justice has been a slow process. If our purpose is defined, our mission is unobstructed, and our role as a world power is to be trusted by other nations, then it is clear that we must refine our system of justice to continue leading by example. Global interests

should be the objective of all people throughout the world, where our futures are intertwined by our actions today. Government self-interest is global self-interest, and to act accordingly with responsible leadership portends of acting in the best interest of all people. Thus, the American model of a system of justice should be characterized by universal principles with consideration to other experiments whether we learn from the results of justice in the former Soviet Union or in today's Bangladesh. The recipe for our success lies in taking the best ingredients from each, and then creating an even better and more palatable platform that is both transparent and convincing.

Abraham Lincoln proffered "a nation divided cannot stand," and we have learned that lesson throughout our history. The future of justice in the United States should depend upon our view of, to paraphrase Robert Kennedy, "not how things are, but how things should be." To advance our system of justice, and to continue the American model as an example for other nations to follow, those elements that are restrictive need to be reexamined with a view toward eliminating unintended consequences. Constitutional interpretations affecting the evolution of states' rights by diminished local authority with greater powers delegated to the federal government are conflicts causing expected consequences that fade over time. American citizens should not be treated differently by a system of justice in one state than in any other. Similarly, the freedoms that are enjoyed by all should not be restricted by a federal system that abridges individual rights.

### **3. JUSTICE AND SECURITY INNOVATION IN BANGLADESH AND THE UNITED STATES**

#### **3.1. Creating the Environment for Innovation**

##### **3.1.1 Justice and Security Environment in Bangladesh Public/Private Partnerships in Bangladesh – A New Means of Assuring Justice and Security**

Without public/private partnerships it would be well nigh difficult to ensure justice and security to the people, given the all-pervasive corruption, unemployment, degeneration of values, and upsurge in the transnational crimes that have engulfed the body politic of Bangladesh. Without social mobilization, these all encompassing crimes cannot be tackled only by the public police, civil administration, prosecution, and the justice system.

ADR is a good vehicle to take care of these menaces. People in general should be made aware of its usefulness. There are hundreds and thousands of cases piling up, especially the civil suits. Unless this is

corrected, justice would continue to be denied to the people of Bangladesh. The process has started but it needs the mobilization of the social leaders.

The social contract has to be maintained, but Bangladesh society finds difficulties in its true implementation. Due to resource constraints, lack of education, and value degeneration, the social contract in its true understanding cannot be fully realized. Now, in Bangladesh public/private partnerships would play an effective role in ensuring justice and security to the people. Civil society intervention is the key to ensuring the true spirit of social contract. In Bangladesh today, civil society is gradually growing and it is playing a commendable role in alerting people about their constitutional, political and consumer rights. Civil society groups also assist the marginalized or victimized sections of the society in getting their justice and rights realized.

Lack of right to information in Bangladesh is a hindrance to ensuring justice and security to the people. Right information at the right time for the right people can make a lot of difference in getting somebody's share in due time and in due proportion. The government has already promulgated the Right to Information Ordinance 2008 which would ensure the useful information, less the classified security information, to the whole community. This would make the government agencies, responsible for certain services, more accountable and transparent. Media would then be more effective in highlighting the strengths and weaknesses of different agencies. However, in Bangladesh the media should be more responsible by being more objective in reporting. There is a lack of objectivity in the Bangladesh media.

Ensuring human security for all citizens of Bangladesh is a great challenge for the Bangladesh government. Freedom from want and freedom from fear have to be tackled comprehensively. The country has 150 million people in too little a space. Private entrepreneurs, especially the garment industries, are doing a commendable job in providing employment to thousands of people. However, government support in terms of infrastructure development, deregulation, maintenance of law and order, etc. needs definite improvement in ensuring better private/public partnerships. Costs of doing business are too high in Bangladesh. For such cost ineffectiveness, there is a need to take care of the delayed disposal of cases, too much government control, and lack of adequate support in terms of providing security.

Bangladesh is a unitary system where, however, the Constitution has made it obligatory to run the local governments by elected peoples'

representatives. But sad enough, over the years local government institutions have not been developed by successive governments as stipulated in the Constitution. Such institution building would greatly enhance better private/public partnerships in terms of development, security and to some extent, justice to the people. Decentralization would curtail the bureaucratic powers to a great extent. The human aspect of the administration will be better focused.

In Bangladesh, the police to people ratio is 1:1400 when it is around 1:400 in developed countries. So, police are finding it extremely difficult to tackle diversified crimes perpetrated by miscreants operating within a population of 150 million people, nearly half of whom live below the poverty line. The answer to this critical problem is community policing. Bangladesh has already undertaken a community policing project under the direction of the government police and in collaboration with general people. Strengthening of local government institutions would also contribute in popularizing and activating community policing. However, much care has to be taken in recruitment and motivating the people selected for community policing.

Education is a great vehicle that can ensure justice and security for the people of Bangladesh. A lack of proper education makes it extremely difficult to sensitize common people about their rights and privileges. There are different streams of education in Bangladesh which affect the social cohesion. However, education sponsored by private entrepreneurs is gaining ground in Bangladesh, especially at the university level. Although the quality is still far from satisfactory, still without private entrepreneurship, education will not make much headway. There are now more than 50 private universities with appreciable quality. This partnership has to be fostered to contribute in alleviating poverty, and make people conscious about their rights and privileges.

As discussed previously, in much of the areas there is duplication of efforts by government and non-government agencies. Such duplication complicates the systems and the result is not seen to be cost effective. However, government may gravitate toward regulatory functions and encourage the private sector and NGOs to be attracted to activities that would ensure all-round development.

### **3.1.2. The Importance of Justice and Security in the United States – Trends of Innovation**

Innovation is associated with creative, new and different techniques, processes, methods and outcomes that are generally meant to support

optimum operational improvement and efficiency. The historical confines that define methodology and practice are within accepted parameters often building a somewhat insurmountable wall between theory and practice. Innovative ideas originating from those involved in practice tend to center on improvements in process, whereas theorists may look to solve problems by utilizing new processes. This asymmetrical frame of reference characterizes the limitations of innovation in an environment.

If we seek to create an environment more favorable to innovation in both justice and security, the lines of demarcation between practitioners and theorists should not be so defined as to prevent the genesis of new and different techniques, processes, methods and outcomes. The frame of reference should necessarily be redirected away from limitations and toward elements conducive to promoting innovation.

Problem solving techniques have traditionally built upon a platform historical in nature, taking past positive experience and changing it in some manner to create new methods. Yet often overlooked are past experiments that have failed and been discarded due to a miscalculation, an invalid assumption, or lack of adequate analysis to determine applicability. New methods can be created by a review of failed experiences with a view toward developing a multitude of new problem solving techniques. Learning from mistakes is key to success, and the risk of failure should not be an impediment to innovation.

Innovative ideas are necessary to meet the challenge in delivering justice when for instance we know that a high crime rate is unacceptable, that a high rate of recidivism is unacceptable, that high caseloads among probation and parole officers are unacceptable, and that disparity in sentencing is unacceptable. Similarly, challenges to security require innovative ideas when costs of incarceration are disproportionate to the costs of education, when one segment of the population is disproportionately responsible for criminal activity, and when gangs threaten both police and communities creating fear and dysfunction. Innovative ideas are necessary when we rely on new technology that is developed for a single purpose rather than being developed as a tool to enhance our ability to solve problems. Indicative of this is the use of DNA to prove or disprove guilt, rather than as a tool. Most recently, testing of DNA databases in Arizona has questioned the validity of statistical probability of matches, and we are left with a public less certain that DNA is proof positive as a litmus test of guilt or innocence. (*Los Angeles Times*, July 20, 2008.)

The environment for innovation in justice and security does not exist in a vacuum, and it can only be open to positive change through those who share the responsibility for encouraging both practitioners and theorists to maximize their creativity without fear of failure, retribution or distrust. The synthesis of their interaction may be synergetic if there is mutual respect, understanding, assistance, and open dialogue. While this will facilitate an environment for innovation, the results are interdependent upon independent variables the impacts of which may be reduced through identification, planning and anticipated consequences.

The first decade of the new millennium has witnessed the depletion of a significant portion of the manufacturing sector in the United States, and yet the service industry continues to flourish as global interdependence tests American resolve to protect advanced technology and natural resources. The security of the nation has taken precedence over local and regional investment in community needs, resulting in the flow of federal funds to communities to strengthen homeland security.

Computer security, integrity among justice and security officials, public trust, prioritization with emphasis on women, children, the disabled and the elderly, are but a few areas of emphasis that currently are the subject of trends in justice and security reform. Trends of innovation require more effective means of service delivery, while the importance of each area demands an ever increasing commitment of both capital and manpower at the most local level where needs can be directly fulfilled with minimum bureaucratic restrictions.

### **3.2. Justice and Security – The Future of Innovation**

#### **3.2.1. Internal and External Influence on Innovation in Bangladesh in the Context of Justice and Security**

Globalization has somewhat changed the concept of the nation-state which directly impacts state building or the capacity building of the institutions. Globalization has its pitfalls also, as it tends to distort the age-old local values, ethos and social fabric. Any system that does not take the indigenous culture along may find it difficult to sustain itself. Such innovation may not last, rather it might bring about social disorder as it has in Africa.

However, because of the impact of globalization, Bangladesh government with the support of CIDA and DANIDA has undertaken and addressed the two critical areas of Legal and Judicial Capacity Building Projects. The Legal Capacity Building portion includes institutional capacity building of the legislative drafting wing of the Ministry and the

Law Commission. The Judicial Capacity Building portion includes technical reforms with respect to court administration and case management in the Supreme Court as well as in District Courts' infrastructural development of 23 district court buildings, and introduction of MIS in Judiciary and human resource development. Foreign donor assistance may support the capacity or infrastructural development, but unless the values are strictly upheld by all stakeholders, justice and security would continue to remain under strain in Bangladesh. Values have degenerated in Bangladesh society to such an extent that it needs concerted social movement by the social leaders to stamp out this degeneration. Bangladesh will continue to suffer at least in the foreseeable future. This is such an intricate vexed issue that it cannot be stamped out by imposing something from without. The solution has to be sought from within.

Information sharing with the developed world on prosecution, investigation, use of modern gadgets and tests, training methodology, case studies, court management, etc. can greatly influence the innovative dimension of the justice system of Bangladesh. Innovative ideas are being generated in Bangladesh, but there is enough slackness in its true implementation. There is a crisis of leadership in such areas. Leadership development and training would facilitate the forward journey of innovativeness in the justice system of Bangladesh. Stereotyped transactional management styles would not do; it demands transformational leadership at every tier for a sustained period of time.

Fast growing urbanization has given rise to newer types of crime previously identified. Urbanization has its own dynamics. Dhaka city alone has about 15 million people, many of whom are slum dwellers. Poverty, malnutrition, unhygienic condition, prostitution, drug use, breeding of terrorist activities, etc. are the hallmarks of the life of the slum dwellers in varying degrees. Many NGOs operate in the slum areas to ameliorate their condition. Donors come forward to educate the children or provide better healthcare or dissuade them from getting involved in child labor. But the problem is too gigantic to be handled in a bits and pieces manner. It needs a holistic approach where local government, central government, donor agencies, and UN agencies have to chalk out a comprehensive plan to ensure their physiological, hygiene, and social needs and thereby ensure their security. Innovative methods have to be devised to tackle these myriad problems. However, the institutions like ICDDR, B, BRAC, Proshika and a few other NGOs are doing commendable jobs in ensuring better security for these people.



Related to the problems associated with urbanization, tackling food and energy crisis for the people of Bangladesh is a gigantic task for Bangladesh, especially when there is skyrocketing of prices of food and energy in the international market. Growing high breed crops or going for energy efficiency or conservation or alternative methods of energy generation could be other means of tackling this kind of appalling problems. Innovativeness is the way forward with examples like higher breed seeds and biotechnology and genetic engineering. Such innovativeness is possible when there would be better fusion between the indigenous system and international support. Unless this synergy is developed to create new ideas, people's human security cannot be ensured in a comprehensive manner.

There is a great need of private/public partnerships in leadership development programs in every tier of social life of Bangladesh. Bangladesh needs transformational leadership if it wants to meet the challenges of the 21<sup>st</sup> century. And such leadership is in dire need in every segment and strata of social, political, administration and judicial system of Bangladesh. The leadership should be able to display commitment, fairness, vision, integrity, patriotism without which country's human security and dispensation of justice will be in jeopardy, even if intensive economic activities are undertaken.

### **3.2.2. Replication as a Tool of Future Justice and Security Innovation in the United States**

Crime detection and prevention, and security in protection and defense suggest a guarantee of trust and greater freedom. Public demands for verifiable improvements motivate both practitioners and theorists to constantly review what they do, how they do it, and how they can do it better. Technological advancements that once were dreams are now common throughout the United States not just in communication, global positioning systems, camera and laser equipment and advanced weaponry, laboratory analysis, and improved means of identification, but also in improved organizational development and accountability that streamline processes and service delivery. The human element has also been the subject of a higher percentage of work hours devoted to a greater focus on training and knowledge acquisition with advanced training methods and practical applications.

The future of innovation in both justice and security will depend on ingenuity, creativity, breakthroughs in technology, and a commitment to critical thought applied to forecasts that can be more and more predictable. The explosion of information and access to instant

communication allow us to build upon successes without duplication or having to “reinvent” what has been developed. That is not to say that “reinventing” government or government response will not be necessary. On the contrary, the need for reinvention underscores needed change but within curtailed parameters setting the context for improvement.

Innovation requires more than reinvention to prove results justifying expedient means of solving problems and meeting challenges. How can we better prepare our practitioners and theorists? What can we do to improve human brain function and capacity? What can be done to create and improve the relationships between artificial political, economic and social barriers? How can we better predict human behavior and more precisely forecast impacts upon our systems of justice and security?

Replication can be used as a tool of future justice and security innovation in the United States. Over time, we can determine how well an innovative technique, process, method or outcome provides experience that is measurable. The challenge is to reduce the amount of time necessary for both review and replication. This can only be done by innovative means of identifying both dependent and independent variables affecting the community, to adequately predict experience and applicability. The future lies more in process than invention, more in the human element than technology, and more in prediction than application. Questions more than answers will determine how replication in future justice and security innovations can be effective.

#### **4. CONCLUSIONS AND RECOMMENDATIONS**

##### **4.1. The Need for Enhanced Means of Assuring Justice and Security in Bangladesh**

Bangladesh has an adequate compendium of rules and regulations relating to ensuring justice and security to the people. However, what it lacks is the enforceability. Laws, rules and regulations are at times flouted even by the enforcement agencies. Corruption, nepotism and favoritism oftentimes overtake the strict adherence and enforceability of the fine laws passed by Parliament.

As a case in point, the police force in Bangladesh needs a complete overhaul. The need for their better training system, motivation level, logistics, internal discipline, pay and perks, more police to people ratio, more officers at the supervisory level, more sophisticated gadgets and arms is to be addressed and necessary changes and modernization are to be brought about. Related to it is the revamping of bureaucracy in a

similar fashion. Mindset change for the bureaucrats is of urgent necessity. They also need to be depoliticized.

The dilapidated condition of the jails stunts the fundamental human rights; this also tells upon their human security. Overcrowding of the jails and the lack of adequate physiological and psychological needs make the case all the more complicated. The government formed a Jails Reform Commission; however, there is slow progress in implementing its recommendations due mainly to budgetary constraints and bureaucratic tangles. Languishing in the jails without being tried over a protracted period of time, when there are hundreds of cases pending in the Courts of Law, is a glaring example of denial of justice and security. Donor agencies may come forward more enthusiastically with systems and money to assist the government in the implementation of the Jail Reforms Commission report.

Rehabilitation of the persons who have undergone the imprisonment period, especially with employment, motivation, moral education, should be undertaken comprehensively. There should be more rehabilitation centers and preferential employment opportunities provided, based on competencies and skills. This will dissuade them from further pursuit of their criminal activities.

Border control in Bangladesh, which is porous, can greatly contribute in curbing transnational crimes. Women and children trafficking has taken a serious proportion. For this, apart from modernizing the police, manpower increase and equipment procurement of Bangladesh Rifles, the paramilitary border security force, need to be further strengthened. Added to these, the criminal justice system should speed up the disposal of the cases.

A Human Rights Commission has been constituted in Bangladesh. This watchdog body can greatly contribute in ensuring justice and security to the people of Bangladesh. However, its performance is yet to be evaluated. The Commission needs to be supported by all stakeholders.

Bangladesh has done spectacularly well in its empowerment of women, especially in education, at the primary and secondary level, as already highlighted, and in employment generation, above all in the garments sector. Sad enough in Bangladesh society principally at poorer and lower middle class level, women are oftentimes persecuted and denied their basic human needs and social justice. Now better empowerment of women can greatly ensure their justice and security.

Bangladesh needs to resuscitate and activate its local government system which would greatly contribute in decentralization and devolution

of power. It is extremely difficult for the central government to reach its service to every nook and corner of the country which ultimately tells upon the justice and security of the people. Decentralization will ensure better participatory management in Bangladesh which is a crying need of the society. Local level disputes, their resolution, local level development of infrastructure, employment generation, better local level participation in development activities and even developing community policing can be a great panacea for ensuring justice and human security to the cross section of the people.

Capacity building in all the state institutions starting from local government to the central government, covering all the tiers and organs, branches and departments, is the way forward for Bangladesh in order to reach the level of the middle income group countries which it expects to reach by 2020. A lack of capacity building, slackness, complications or inefficiency resulting in delaying the delivery of services even affects investors, both local and foreign. Unless this project is undertaken on a war footing, maybe with the assistance of development partners, human security and speedy and proper delivery of justice will always remain an enigma in a Bangladesh environment. However, there is enough potential in the private sector.

Bangladesh needs to undertake massive and modern vocational, technical, engineering and nursing training programs for the vast majority of young people, who are otherwise brilliant and bright. Upon conversion into skilled human resources, they may then either be employed internally or exported overseas, where there is a great demand especially in the Middle East, Europe, US, and Malaysia, which would boost the remittance earning substantially. The projected 20 billion dollar remittance earning by the year 2020, if the human resources development projects are taken up in right earnest, would greatly address Bangladesh's human security problems.

Bangladesh desperately needs to revamp its education system that should also cater to regenerate values, ethics and standards to the younger generation. Value laden education can wriggle out Bangladesh from injustice and human insecurity to a great extent.

#### **4.2. Interdisciplinary Influence in Improving the System of Delivering Justice and Security in the United States**

Both justice and security have become specialized areas somewhat detached from other related disciplines including the arts and sciences, humanities, information systems and technology, education, business and management. There can be no dispute of the interrelationship, and yet the more detached justice and security become from other disciplines the

less likely they are to maximize the efficiency and effectiveness from the source of influence. This interdisciplinary influence is meant to improve the system of delivering justice and security in the United States, however it is diminished by specialization and lack of adequate coordination.

The systematic delivery of outcomes is somewhat dependent upon equal expectation and application of law. Just as in scientific analysis, interpretation and prediction, the fields of justice and security in the United States can equally employ basic measures to replicate successful methods to improve disciplinary processes. Crime and punishment, education and prevention, training and prohibition are areas of justice and security that demand greater integration and influence of other disciplines for their improvement.

In modern society, the identification of Constitutional rights should not be wholly dependent upon historical influence. As we meet new challenges and determine the extent of their effect on existing rights, we tend to broaden our outlook with a seeming intent to justify means to accomplish intended results. Arguably, the well-articulated justification for any outcome is more acceptable with historical bases.

Several questions become the subject of focus on how we can improve the system of delivering justice and security with interdisciplinary influence. What is the role of government in providing security and protection? Is there a real or perceived need for increased security? Why should we be more concerned with victimization? How does social isolation by communities affect both justice and security, and what can be done to reduce and reverse adverse consequences? What is meant by "quality of life," and is there an acceptable definition that can be universally employed to preserve its fundamental characteristics? Can we direct how ideals of justice are put in practice?

Artificial political, economic and social barriers that impede interdisciplinary coordination and influence will need to be diminished or changed to allow for more flexible adaptation. The need for meaningful influence to positively affect change in the delivery of justice and security in the United States is clearly dependent upon the development of new means to identify both dependent and independent variables. It is incumbent upon theorists and practitioners to work together to improve process, prediction and the state of the human element to reach the goals of markedly different enhancements to refine and transform the innovative approach.

The balance between diametrically opposed elements of security and freedom has been difficult to achieve, and yet we are faced with a new challenge to innovatively develop a means for government and non-governmental entities to create such a balance. The meaning, purpose and goals of justice can be redefined through introspective interdisciplinary thought and analysis. What we have taken for granted as a “system” demands reinvention, and through disciplinary diversity our strengths become the American ingenuity to reach for a more perfect union.

What we have attempted here is to begin the dialogue. There can be no mistake that there is inequity in the delivery of justice and security. Similarly, there are no easy answers, no agreed upon quick fixes, and certainly nothing that can be changed without acrimonious debate. Our experience has been both pragmatic and revolutionary. It has been met with successes and failures, and yet we have built a foundation upon principles and laws that are meant to serve our nation and our people through the tenets of what is right and moral. We have learned lessons that have changed the course of our development as a society, and we cannot discard them without trepidation.

Let the debate continue. There is a need to introspectively ask more questions that reach the fundamental roots of why we deliver justice and security in the manner we do. The comparison to other countries, other systems and beliefs, and others’ definition of what justice and security means and should mean, is paramount to our own improvement. The global perspective cannot be ignored as we become more interdependent. Definition, application, and the future of justice and security through reinvention and replication demand an environment that is free to experiment and learn from successes and failures. Fairness and equality amidst changing paradigms can be both divergent and convergent, and we are left asking fundamental questions with incomplete answers. There is no “one right way” to accomplish any objective, and there is no better exercise than to juxtapose a zero-based examination of justice and security against other interdisciplinary methods.

So much is changing in our world, it seems on a daily basis we are confronted by new options that require strategic planning with potential outcomes defined by a multitude of hypothetical situations. In this new millenium we are more structured, more focused, and more likely to achieve predetermined goals through perseverance and determination, creative solutions to remove roadblocks, and cooperative diligence to jointly succeed on a global basis. Justice and security in the United States is so integrally interwoven not just between local, state and federal agencies, institutions, and non-governmental entities, but also between countries that our dynamic changes must not be counterproductive. The

view toward democracy, freedom and common purpose should not be compromised.

Decisions that are made locally affect not only state and federal laws and practices, but also have an international effect. This, then, is a call for greater cooperation between local, state, federal and multinational governmental and non-governmental organizations considering enhancements to their own justice and security initiatives.

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