

Huge backlog of court cases

Enhance capacity, fast-track disposal

ACCORDING to official data more than 4,300 cases are filed daily, of which 3,278 are disposed of. That our judiciary with all its limitations, especially the paucity of judges, is disposing of such a big number of cases everyday is commendable.

However that still leaves 1,051 cases pending on a daily basis which works out to a total of 384,000 cases in a year. We already have some 3.1 million cases till March 31 looming over the judiciary.

The fallout of such a phenomenal backlog is obvious. Victims tend to suffer years of waiting to see any conclusion to their cases which in a way reminds us of the dictum that justice delayed is justice denied. Add to this, the date extensions for case hearings repeatedly. The resulting procrastination raises the number of under trial prisoners, thereby overcrowding the jails. In a way the current situation is fueling the culture of impunity with the rate of conviction remaining poor. The Law Commission chairman held the police "somewhat responsible" as false cases could be resolved even before beginning of trial proceedings if the police had properly investigated the allegations and submitted reports to the courts.

The overarching point to consider is that public confidence in the justice system must be restored by redressing the situation head on. We feel that judicial reform is the need of the hour. Fill up the judges' vacancies substantially, fast track adjudication of cases, introduce alternative dispute resolution methods and shed false cases from the bunch.

Encroachment on Turag's flood plains

What were the authorities doing?

WE are deeply concerned about the pathetic plight of the once ebullient River Turag, which has been reduced to a narrow stream over successive years as a result of ruthless land grabbing, extensive filling and construction activities by multiple industries and small businesses. Now, a spinning mill is being built on a flood plain of what little remains of the river, choking a vast stretch of it near Dhour Bridge in Tongi, in violation of environment conservation laws and the capital's master plan.

It is flabbergasting that the authorities allowed the construction to be initiated in the first place, even though the floodplain has been reserved as a conservable area. Our reports suggest that they took no steps beyond conducting a farcical drive with only 10 labourers and no proper equipment to remove earth filling and concrete structure early last year. At the time, they knocked down only 100 square feet of a brick wall of the 9292-square metre mill being built. Why, we ask, was no other action taken since then against the deviant mill owners by Rajuk, the official custodian of the master plan, Bangladesh Inland Water Authority, district administrations and Department of Environment?

The apathy and inaction of concerned authorities over the years has turned Turag into a sad shadow of its former self. It's not just the encroachers who must be held responsible for illegal constructions, but also the authorities, who have consistently failed to do their job of protecting the Turag.

Is there a need for another ONLINE POLICY?

MEER AHSAN HABIB

TO enjoy the protection of the law, and to be treated in accordance with law, and only in accordance with law, is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Bangladesh, and in particular no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law' - Article 31 of the Constitution of the People's Republic of Bangladesh.

Laws failed to protect the lives of Rajib, Wasiqur, Avijit, Ananta and Niladri - the bloggers who were killed between February 2013 and August 2015. At least in Niladri's case, his right to be protected was denied by law enforcing agencies as they declined to take any step to protect his life. Avijit returned to Bangladesh only to be hacked to death. Although the law is yet to bring the killers to justice for such worst case scenarios of crime, a new policy is on the card to control the online media including social media, blogs, personal diaries and online versions of print media. At present, there are a number of laws and policies directly or indirectly related to online media, including the Bangladesh Information Security Policy Guideline 2013, National Broadcasting Policy (NBP) 2014, Information and Communication Technology (Amendment) Act 2013 and the draft Cyber Security Act 2015.

Another similar policy, the National Online Mass Media Policy (NOMMP) was initiated by the Ministry of Information (MoI) recently. The ministry shared the draft on its website on July 21 and called for opinions by August 31. The policy is aimed at bringing almost all forms of online activity (both at personal and enterprise level) under the control of the government. If implemented, any form of online media, whether it is operated by individuals or enterprises, will need to obtain the license/permission from the government for its operation. The MoI preferred to play hide and seek and did not officially invite anyone to send in their

opinion. The media, civil society, experts and activists were completely in the dark until the MoI minister talked about it at a public function.

Even though the policy talks about governing the online media through a National Broadcasting Commission (NBC), its operational modality will make the commission completely powerless and dependent on the government, especially on the MoI. If formed according to the tabled idea stated in policy, the commission will have no teeth, as it will only be a recommending authority to the government. The coun-

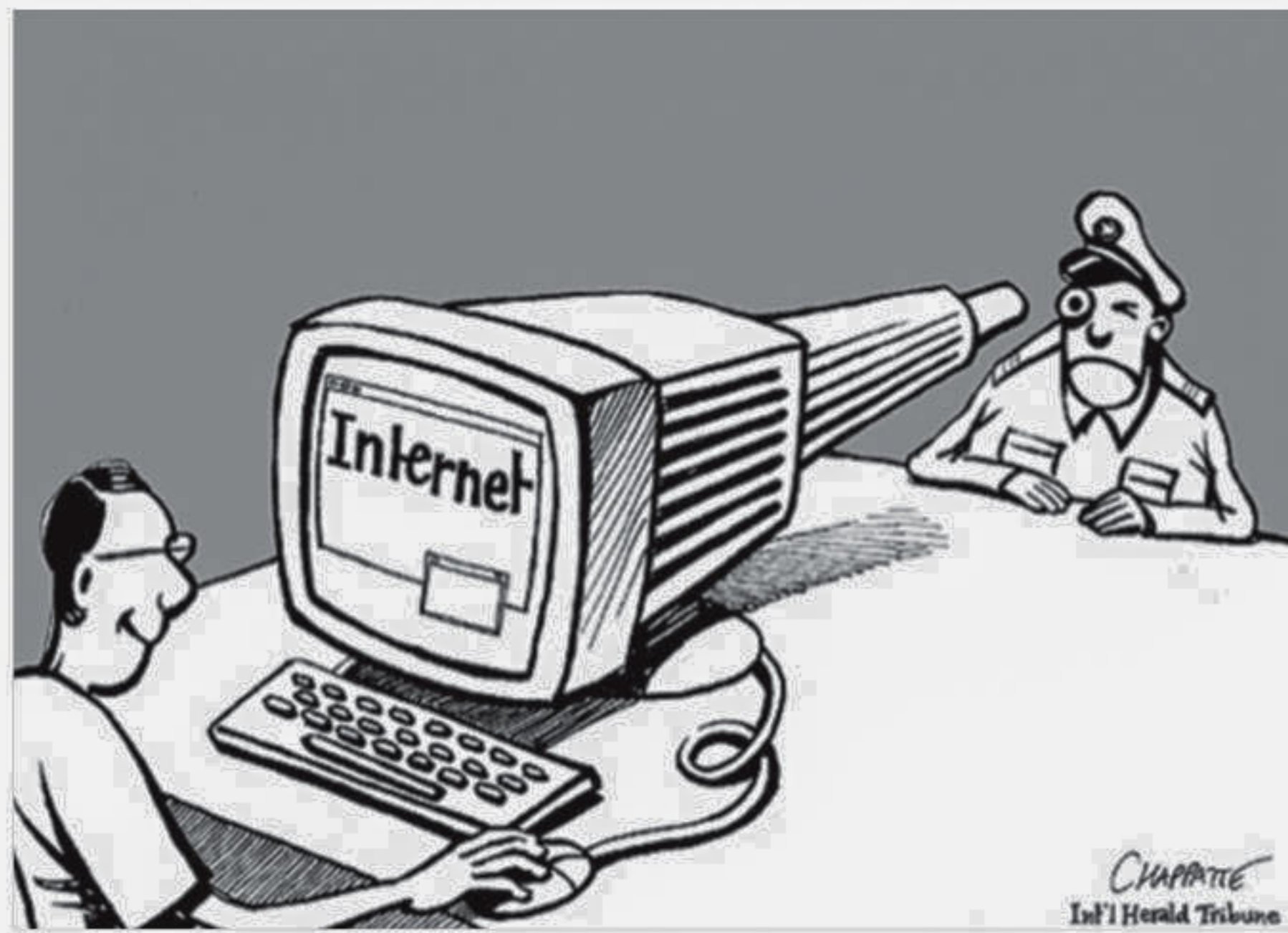
year back, in August 2014, when the broadcasting policy was introduced, ignoring the views of stakeholders, the MoI minister defended the initiative and committed to establish a broadcasting commission, which would implement the policy and bring about the desired changes, within six months. However, no development has yet been made regarding the establishment of the commission. As the government will be in charge of making decisions regarding the NOMMP until the commission is formed, it will only result in further strengthening the government's control

50 clauses list the 'don'ts' while the rest list the 'dos'; failing to obey these rules may result in complete shutdown of any online media. Interestingly, the government is seemingly more concerned about online advertising than the online media industry as a whole. The fourth chapter on advertising is the biggest of all, with 50 clauses imposing a number of restrictions on online media. Besides operations, such restrictions may have significant negative impacts on revenue earning.

The policy ensures government's support and conditional permission for operation of online media, while also looking toward setting an international standard. However, it does not elaborate on any of these points, particularly the conditionality of granting the license/permission to online media, and does not explain in detail about the granting authority. In addition, the policy asks online media to broadcast development programmes, many of which are carried out by the government. Directives in chapter five on ineligibility to broadcast will limit the freedom of online media to a great extent by imposing restrictions on broadcasting political and bilateral issue related news. The most frustrating part of this policy is perhaps its restrictions on broadcasting crime news including rape, violence against women and children, illegal trade involving women and children, and prostitution.

Like any other sector, we definitely need good governance in online media as well. But only laws and policies cannot ensure governance. The NOMMP also indicates that a few more laws and policies are on the cards. We have had enough laws and policies and another one will have no impact on establishing good governance, unless the government is really committed to do so. To this end, the government should establish an independent, powerful and neutral National Broadcasting Commission that would work on making existing laws and policies friendly to the media industry and above all ensure the freedom of the press.

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try's experience with different commissions has not been very pleasant; the Anti Corruption Commission (ACC) has failed to win peoples' confidence as, apart from a few exceptions, it has failed to bring corrupt influential and powerful individuals under law. Most recently, the chairman of the National Human Rights Commission (NHRC) called upon the government to ensure the freedom of the organisation.

In this backdrop, it is not very clear how the proposed NBC will run its activities. Furthermore, there is no proposed timeline on when and how the government will establish the NBC. One

over online media.

The NOMMP does not contain any analysis on the current state of online media. It also failed to justify the need for a separate policy for online media as its different clauses are quite similar to the NBP. If such is the case, it is not clear whether the government really wants to establish good governance in this sector or merely curtail constitutional guarantee of freedom of the press (Article 39). The policy neither contains any online media industry friendly guideline nor provides strategies that would exhibit government's support. The policy contains an estimated 120 clauses, of which

NATIONALISM AND BIMAN

When emotions defy market logic

MUBASHAR HASAN

ACCORDING to a report published by SKYTRAX, a UK based consultancy firm, Bangladesh's national carrier Biman Bangladesh Airlines is one of the worst airlines of the world. Biman, alongside 20 other airlines of the world, received a two-star rating by SKYTRAX. The worst airlines are accorded with one-star ratings while the best ones are marked with five-stars. To be completely honest, Biman's low ranking was neither surprising nor was it unexpected.

Successive governments of the country pumped in millions, if not billions of taxpayers' money, to retain Biman as an effective state-run organisation. The outcome is not very encouraging. Last year, Biman made a loss of Tk. 199 crore, it incurred losses of Tk. 46 crore in 2009-10, Tk. 224 crore in 2010-11 and Tk. 594 crore in 2011-12.

Even though it posted a net profit of Tk. 271 cr in the first seven months of the current fiscal period, according to a report, our national carrier has been posting losses every year since its inception, apart from FY 2007-8 and FY 2008-09.

One should also note that apart from its poor performance as a profit-making venture, previously Biman was severely

criticised by its customers for not demonstrating professionalism. At some point in history, missed schedule of flights, inefficient ground staff and terrible in-flight services were a norm for the airline. Admittedly, things are much better now.

The company also faced criticism for incorporating outdated old flights in its fleet and it faced a ban from the Federal Aviation Administration of the US for failing to meet 'Category 1 rating', as a result Biman is still not allowed to operate the Dhaka-New York route.

What then is the logic of keeping Biman as a public company and what is the point of pumping in billions of tax payers' money into a venture that is neither bringing pride to the nation nor providing exemplary service to its customers? In an era of liberal market economy, considering Biman's empiric record of poor performances, one would see little point of running it as a state-run venture.

Instead of being run by the state, Biman could have been handed over to a professional private civil aviation management company that would oversee its smooth operation and maintain an international standard. However, one should note that civil aviation is not a normal industry. Here

nationalism supersedes market logic even if nationalism in the case of Biman has proven to be costly. Nevertheless, Biman's case is not the most unique in the world.

For example, if one looks at the history of the management of civil aviation industries in Europe, they would find an uncanny similarity between keeping national flag carriers as government run companies despite registering losses.

The political view of ordinary people regarding their national carriers in Europe comes from nationalism. For instance, the people of Belgium, Holland and Switzerland, Britain, France, Germany, have developed a strong degree of familiarity, and even affection, for their flag carrier. European passengers may want their flag carrier to give good service and value for money, but they expect it to continue flying even if it does not stand up to the test of good service. Europe's airlines have become embedded in the tapestry of nation states that make up the continent, and this is one of the reasons why they have survived for so long in such a notoriously unprofitable business. In Europe, there are many cases of airlines such as Air France, Sabena and Iberia Airlines, taking refuge in gov-

ernment subsidies and financial aid packages.

It is ironic because civil aviation is one of the major carriers of globalisation; it helps businesses cross state boundaries while reducing the time for travelling and fostering migration. In other words, civil aviation brings speed and connectivity into human life. Despite today's trend toward global markets, free trade, the internet and the economic integration of entire continents, one of the most globalised, technology-intensive industries remains encumbered by too many rules inspired by nationalist sentiments that stifle competition and prevent airlines, communities, passengers and shippers from benefiting to the fullest. In short, the global civil aviation industry differs from most businesses involving services or commodities by directly engaging the national security interests, the sovereignty, and the nationalist prestige of almost all countries of the world.

The writer is a Research Fellow at the Bangladesh Institute of Social Research Trust (BISRT). He is the author of the book Politics of Global Civil Aviation Industry, available on Amazon. He also authored Transatlantic Open Aviation Area: A Template for a Globalised Civil Aviation Industry? published in the Netherlands based online journal, Aerials Magazine. Email: mhasan21981@gmail.com

COMMENTS

"Hike in power, gas tariffs likely"
(August 27, 2015)

Margaret Roomy

It wouldn't be good for the lower and middle income people.

"The definitive writer's guide to surviving this democracy"
(August 27, 2015)

Noor Fatima

If there's no freedom of expression, then there's no democracy at all.

"Shortfall likely up to 30pc"
(August 27, 2015)

Rakibul Hasan

India exports beef to other countries and makes billions of dollars. So why ban cattle export only to Bangladesh?

"EC deputy secy withdrawn over journo beating"
(August 26, 2015)

Marjanul Fattah Aziz

Good move. I urge the government to set a clear message for all government officials that nobody is above the law and everybody will get punished for their misdeeds.

Nina Gupta

It seems assaulting journalists has become a fashion to some insensitive people nowadays!

LETTERS TO THE EDITOR

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PHOTO: SK ENAMUL HAQ

Mayor's quick action in removing waste

This refers to the back page photo of dumped domestic waste on the road near Malibagh kitchen market published in your daily on August 26, 2015. I thought that photo would



PHOTO: DSCC

never catch the attention of the Mayor concerned. But someone brought it to his attention or he himself saw it on the newspaper and acted on it. He visited Malibagh kitchen market and oversaw the waste removal there. Thank you Mr. Mayor for your quick action. Amina Razia Dhaka

A lotus in the midst of gloom

After reading stories about migrants trying to seek better opportunities elsewhere even at the stake of losing their lives, I had almost given up on humanity. However, seeing one of your photos -- on the front page of your newspaper yesterday -- of little children collecting water lilies from a lake, made me smile. That photo remains as a ray of hope among the dark and gloomy Facebook posts about human trafficking and dead Syrian refugees. Hopefully, there will more good news from home and around world in the coming days. Hopefully, in the coming days, all of us will be able to ensure smiles on the faces of those in need and who are now dying at sea, trying to cross the border in search a little refuge, safety and food. Esha Rahman Dhaka