

E-commerce sector needs a major overhaul

Why couldn't the authorities protect customers from Evaly and RingID?

ACCORDING to Evaly's own data obtained by *The Daily Star*, the controversial e-commerce platform owes at least Tk 408 crore to 1,026 sellers. This amount is nearly double of what Evaly claimed to be the case to the commerce ministry on September 5. The actual amount could be even higher as there may be more data outside of what this newspaper obtained. Out of the 1,026 merchants, most are owed between Tk 5 lakh and Tk 30 lakh each. Around 70 sellers are owed over Tk 1 crore, and over 10 sellers north of Tk 5 crore each.

There are more than 500 small traders—each owed Tk 10 lakh or less—who are still waiting to be paid. Many of them are now stuck in a limbo, as the amount they are owed is quite substantial for a business of their size, and could be the difference between them continuing their operations and going out of business. According to Rab, Evaly had only Tk 30 lakh in its bank accounts, which is nowhere near enough to repay the vast majority of its merchants. The question is: Where has all the money gone? Experts have already called on the authorities to investigate the money laundering aspect of it. If the money is not in the banks, chances are that it has been laundered abroad.

Following in the disgraced footsteps of Evaly, social network platform RingID has also recently come into the limelight after one of its directors was arrested. According to our report published on Sunday, RingID had been running a type of pyramid scheme that promised to reward members for drawing in more clients. It was also conducting transactions through e-wallets in the name of selling various products at unusual discounts, even though the company did not have the authorisation to collect such deposits. Nevertheless, between May and July, RingID collected a total of Tk 212.3 crore by selling memberships.

These two cases and others that have come to light recently have exposed the stark weaknesses of the country's various regulatory bodies that allowed these companies to operate and defraud people for too long. One may recall that it was in August 2020 when the media first reported that the Bangladesh Bank would investigate Evaly's financial transactions. At that time, Evaly had told the commerce ministry that it owed its customers Tk 311 crore, and that it had 207,741 customers. Why was the company still allowed to continue with its fraudulent operations? Why is it taking the various government bodies so long to complete their investigations? Is it due to a lack of coordination? What about the merchants and customers, who have fallen victim to Evaly's tricks? Who will pay for their losses?

While the authorities should take every step necessary to recover the money lost by clients and customers of both Evaly and RingID, they also need to take a good hard look at their own failures which allowed these companies to defraud people. Additionally, there has to be better regulatory supervision of the e-commerce sector, which doesn't deserve to get mischaracterised because of a few bad apples.

Mohib Ullah's murder exposes many fault lines

The masterminds must be arrested

THE killing of Rohingya refugee leader Mohib Ullah exposes several systemic loopholes. Firstly, the security in the Rohingya camps is abysmal—so much so that the killers were able to enter a refugee camp, kill the person in cold blood, and make their escape with ease. What is the point of placing security around his house now, after he has been murdered? Secondly, small arms and weapons are not only freely accessible in the area, but people can move about with them with near impunity.

Regrettably, the Rohingya issue has also become intertwined with national and international politics with multiple stakeholders, each having their own agenda to advance and interest to uphold. Unfortunately, Bangladesh finds itself caught up in the middle of a complex problem, with little chance of a quick solution. Mohib Ullah's murder has further complicated the matter. And the sooner the brains behind the killing are detected, the easier it would be for the administration to deal with the issue more efficiently, and—hopefully—start the process of repatriation.

It is no secret that Mohib Ullah was the leading spokesman for the Rohingya cause. He worked hard to record the atrocities perpetrated by the Myanmar military on the Rohingyas. He had also been calling for holding the perpetrators to account and ensuring justice for the Rohingyas. He advocated for the rights of Rohingya refugees in Bangladesh and consistently urged the Myanmar government to recognise and guarantee the rights of the Rohingyas as a condition for their safe, voluntary, and dignified repatriation. Because of his activism in the camps, he fell into the bad books of the authorities, and received numerous death threats from his enemies.

But, reportedly, what might have done him in was his eagerness to return to his homeland—to the country he belonged. But he also stressed that the return of his people should be safe, voluntary and dignified, and that they should be guaranteed the rights that are given to any citizen of Myanmar. His detractors opposed the idea on the grounds that they would return only after Arakan was liberated. Needless to say, it is a long shot and doesn't conform either to Bangladesh's policy nor enhances its national security. There is, we dare say, more to the killing of Mohib Ullah. Clearly, there is a powerful group working behind the scenes against repatriation. And they may have the backing of regional or international players. It's now for our law enforcement agencies to expose and quash them.

MACRO MIRROR



FAHMIDA KHATUN

THE most important climate talk at the highest political level—since the Paris climate conference in 2015—is set to take place in Glasgow, Scotland this year, from October 31 to November 12. This is the 26th Conference of Parties (COP26) of the United Nations Framework Convention on Climate Change (UNFCCC). This is not only the largest global climate summit, but also the largest global event as the sheer existence of the world will depend on the outcome of this year's conference.

This climate summit carries a lot of significance for Bangladesh. The country is highly vulnerable to the impact of climate change, regularly experiencing floods, cyclones, storm surges, droughts, and other extreme climate events. Bangladesh faces the risk of sea-level rise due to global warming. The severity of the impact of climate change has already been scientifically proven. The sixth assessment report of the Intergovernmental Panel on Climate Change (IPCC), published in August 2021, has projected various scenarios to indicate where the world stands right now in reaching its targets for reducing the rate of global warming, and what it means in terms of the impact of global warming. The intensity and frequency of extreme precipitation and the severity of droughts and heatwaves due to the warming of the Earth will be insurmountable. Some of the consequences of climate change, such as melting ice sheets, rising seas, loss of species, and acidic oceans will be irreversible. The findings of the IPCC assessment report are far more bleak than ever, and a wake-up call for the global leaders to take meaningful actions.

The significance of COP26 originates from the commitments of COP21, held in Paris in 2015. At the Paris summit, countries agreed to bring down their carbon emission levels to limit the rising temperature below 2 degrees Celsius, to adapt to the climate impacts, and to make funds available to achieve the objectives of the Paris Agreement. The Paris Agreement is a legally binding commitment. However, the countries agreed to reduce emissions voluntarily by setting their emission reduction targets in their national plans. This is termed as Nationally Determined Contributions (NDCs), which spell out how much the countries would reduce their emissions. They also agreed to review and present

their updated reduction plan every five years.

Bangladesh, along with other climate vulnerable countries, has active interest in the outcome of COP26. In the run-up to the conference, a number of issues have been raised by these countries. Among these, at least five specific agendas are critically important for these countries, which are being discussed by experts and activists at various forums around the world. First, the major emitting countries

developed countries to mobilise USD 100 billion per year by 2020 remains unfulfilled. At the 76th United Nations General Assembly this year, the US committed to increase its contribution to climate finance by 2024. Earlier, a number of other developed countries also made pledges to increase their contributions to climate finance. However, there should be new pledges by the developed countries for the vulnerable countries. Experts and various climate action groups called for

related challenges with limited resources, and often with indigenous technologies. However, given the enormity of the problem, the country needs to enhance its adaptive capacity and strengthen its resilience. This will require higher resources and technology transfer to make a successful green transition. Moreover, we must keep in mind that the Covid-19 pandemic has put additional pressure on climate vulnerable countries. The pandemic is considered to have increased inequality not only within countries, but also among the countries. Therefore, without enhanced finance, these countries will face difficulty in recovering from the fallout of the pandemic and build their economies better.

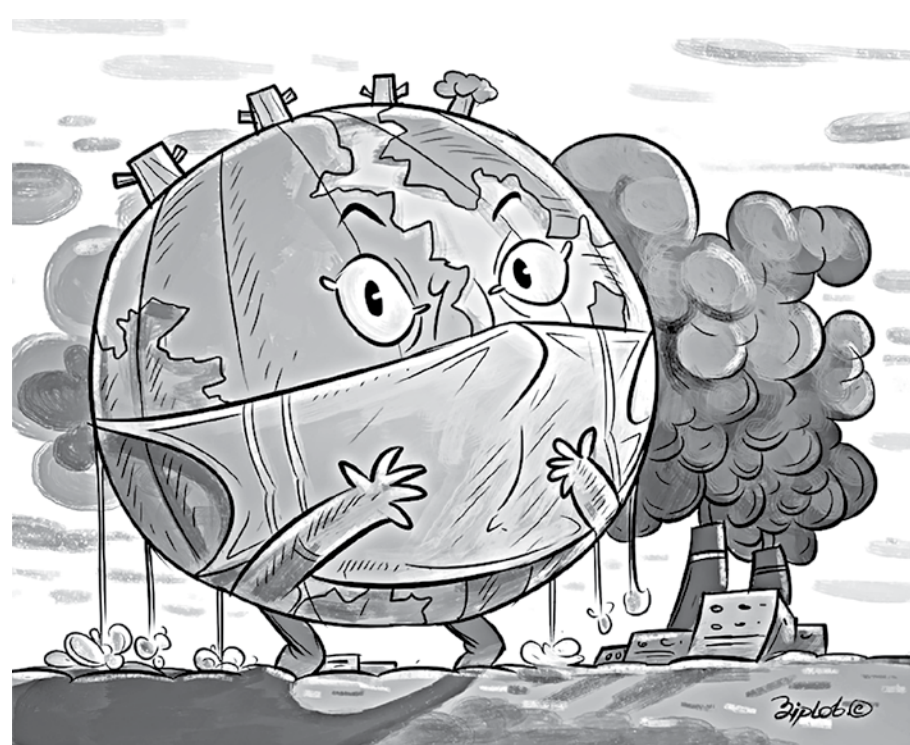
Fourth, Bangladesh also expects that the details of the Paris Rulebook are finalised at COP26, so that the accountability of the activities of all countries is established. Three important components of the rulebook are: a) Guidance to facilitate global stocktaking for assessing collective progress on the long-term goals of the Paris Agreement; b) Establishment of a five-year time frame for NDCs by the countries, instead of a 10-year time frame, so that the progress can be tracked more often and measures can be taken accordingly; and c) Finalisation of Article 6 of the Paris Agreement, which sets rules for carbon markets in a way that financial support for adaptation is made available and human rights are safeguarded. This is important, since credible and tangible emission reduction is critical for environmental integrity.

Fifth, the mechanism of loss and damage should be established. At COP19 in November 2013, the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts was established. The objective was to address loss and damage associated with the impacts of climate change in vulnerable developing countries. Article 8 of the Paris Agreement reaffirmed the Loss and Damage Mechanism as the main vehicle under the UNFCCC process for addressing the issue. The demand for loss and damage has been a long-standing issue. The developed countries have been resisting the idea.

Along with the concerned global citizens, Bangladesh also recognises that failure to deliver on the climate commitments by global leaders in Glasgow will be devastating for the present and future generations. Leaders have expressed their hope for a positive outcome. The world is eagerly waiting to see how the fate of climate vulnerable citizens is determined at COP26.

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What is at stake for Bangladesh at COP26?



The upcoming climate conference is crucial for the world to set its course on combating the impacts of climate change.

ILLUSTRATION: BIPOB CHAKROBORTY

have to commit to deeper emission cuts by 2030 in order to achieve the target of keeping the global temperature rise within 1.5 degrees Celsius. A number of advanced countries as well as China have already raised their ambition levels through higher reduction of greenhouse gas (GHG) emissions, while many have reiterated their commitment to reduce emissions. As of September 28, 2021, a total of 89 countries have submitted new NDC targets, four countries have proposed new NDC targets, while 71 countries have not updated their targets.

Second, scaling up climate finance is urgently needed, so that vulnerable countries can make higher investments into reducing the risk of climate change with better adaptation schemes. Besides, vulnerable countries like Bangladesh have to invest in renewable energy and make such energy accessible to the poor. Unfortunately, the pledges made by the

a minimum of USD 500 billion during 2020-24. Of course, a much bigger amount is needed. The commitment to increase the fund contributions is only one part of the story. For Bangladesh, accessibility of the climate fund is also challenging since a significant part of this fund is in the form of loans and non-concessional instruments.

Third, Bangladesh and other climate vulnerable countries need more financing for adaptation. Regrettably, the climate fund is more focused towards mitigation, which is used mostly by the developed countries—who emit GHGs more. Mitigation funds comprise 75 percent of the total climate finance, and are mostly used for energy and transport sectors. Least developed countries are not responsible for creating the problem of climate change, but are the worst victims of its negative impacts. Bangladesh has been successfully tackling various climate-

An efficient justice system can boost business growth



MD SHAMSUL AREFIN

AN effective and efficient justice system is essential for sustained economic growth anywhere in the world. In a well-functioning justice system, decisions are made within a reasonable time frame, which contributes to a country's economic growth. In Bangladesh, more than 30 lakh cases are currently pending with higher and lower courts across the country. "Justice delayed is justice denied"—this is a legal maxim. It means that if legal redress or equitable relief to an injured party is available, but is not delivered in time, it is the same as providing no remedy at all. As the late Martin Luther King, Jr rightly said, "Law and order exist for the purpose of establishing justice, and when they fail in this purpose, they become the dangerously structured dams that block the flow of social progress." There is another legal maxim: "Justice hurried is justice buried." If there is any hurry in the proceedings, there is a high probability that efficient justice won't be delivered.

Benjamin Franklin, one of the US' founding fathers, said, "It is better (that) 100 guilty persons should escape, than that one innocent person should suffer." This principle has been a staple for legal thinking for centuries. The efficiency of a judicial system is important for an emerging economy in order to create a good business climate, and is essential for attracting foreign direct investments, ensuring smooth collection of tax revenues, timely mitigation of tax and custom disputes, and resettlement of cases related to loans and credit—which ultimately support economic growth. Say, if we consider one plaintiff, one accused, one witness, one prosecutor, and one investigation officer being involved in one single case, then 30 lakh cases have 1.5 crore people engaged with the case-related dealings. As the cases are still pending, the economy is losing out on support and contribution from the income-generating economic activities of these people in their

fullest capacities.

The number of judges per 100,000 people in developing countries differs from country to country. In 2020, the number of judges per 100,000 people in India was over 1.4. India's judge-population ratio has improved over the last few years. Considering this ratio, Bangladesh, with its 16 crore population, should have at least 1,600 judges actively serving at courts across the country.

In one of the World Bank's World



FILE PHOTO: REUTERS

A country's development depends on how efficient its judicial system is.

Development Reports published several years ago, the importance of well-functioning courts to strengthen economies and their investment climates—and ultimately reducing poverty and boosting business growth—was highly acknowledged by the bank's researchers. Indicators of court performance were a part of the World Bank Group's country-level investment climate assessments and Ease of Doing Business reports up to 2020. But this year, the World Bank stopped the assessment of the performance for the Ease of Doing Business report. Now it is time for each country to assess its own performance to find the state of the administration of justice relating to business climates in order to boost their economies. This is how important it is: for instance, countries seeking accession to the European Union (EU) or to the Organisation for Economic Co-operation and Development (OECD) need to demonstrate their satisfactory and time-bound performance of legal proceedings in association with other indicators.

When it comes to commercial,

corporate and financial cases, enforcing contracts and settling disputes are critical parts of smooth business operations and sustained economic growth. Economies with efficient judiciary—in which courts can effectively and timely enforce contractual obligations of business entities—have better developed credit markets as well as people's trust, and have domestic and international financiers for business as well. Timely judicial verdicts can assist rapid growth of small firms and improve the business climate, foster innovation for small businesses, attract foreign direct investments, and secure strong tax revenue collection that ensures economic and business growth.

To ensure an efficient trial system, the time schedule for every event of a court proceeding—such as hearing, framing charges, recording depositions of witnesses, arguments, and delivering judgment—needs to be carefully tracked. The time limit for adjournment of each event should be defined. The number of times a time petition may be granted should be articulated clearly. According to Section

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339C of the Code of Criminal Procedure, a magistrate needs to conclude the trial of a case within 180 days from the date the case is accepted for trial. Meanwhile, sessions judges, additional sessions judges or assistant sessions judges need to conclude the trial of a case within 360 days from the date the case is received for trial.

The staggering backlog of pending criminal cases at the country's courts is likely causing frustration and resentment, not to mention leading to the waning of people's faith in the criminal justice system, according to some lawyers. The

court proceedings should be conducted within a reasonable time frame. The lawyers also say that adequate opportunity should be given to the parties of a case to put forth their contentions and produce evidence. The court ensures that the laws have been strictly adhered to, so that frequent adjournments may be avoided, but a recurrent submission of time petitions by the parties creates delay and makes it difficult to maintain the time limit. The courts alone cannot follow the time limit for trials if the parties do not cooperate. Meanwhile, some say the delay in trial proceedings are a result of a lack of adequate number of judges and public prosecutors. Delay in the serving of summonses, the parties seeking frequent and long adjournments, and recurring time petition by advocates are some other reasons why the disposal of a case takes so long.

According to some legal experts, a permanent and well-equipped prosecution office would help develop the professionalism and quality of criminal justice in the long run. The development of infrastructure of the criminal courts, with innovative exploration of modern digital technology, is indispensable for the proper administration of criminal justice in Bangladesh.

If we consider the legal maxim of "justice delayed is justice denied," then a good number of judges needs to be recruited in the country as soon as possible, and a big investment in modernising the digital platform for judiciary is essential to avoiding inordinate delays. Furthermore, laws need to be amended to allow recording to deposition through videoconferencing or mobile apps such as WhatsApp on smartphones instead of issuing conventional summonses. Accelerating economic development of the country depends not only on infrastructural development, but also on the overall development of the administration of justice, including the modernisation of the digital platform of judiciary, following the best practices of the courts systems in developed countries.

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