

Apex court hit by a judge crisis

Appointing more judges key to clearing huge case backlog

Bureaucracy in Bangladesh seems to thrive on misplaced priorities. A classic example is when undeserved promotions to secretary-level posts are readily approved by the public administration, but essential appointments – of doctors and judges, for example – that have a direct bearing on the wellbeing of citizens are put on the back burner. A continuation of this culture has been reported at the Appellate Division of the Supreme Court, which is facing a shortage of judges. Currently, there are only five judges, including the chief justice, who are having to deal with upwards of 17,500 cases. That's 3,500 cases per head.

We cannot help but wonder: Why would there be a judge crisis at the highest court of the country? The law minister, when approached for comments, had no answer to that beyond the standard appointing judges is a continuous-process response. One would expect a more direct, affirmative response. This crisis, which will only delay justice and thus increase suffering, comes against a backdrop of an already huge backlog of cases across the Supreme Court. At the High Court Division, there are 95 judges in charge of clearing a whopping 5.18 lakh pending cases. Expecting so few judges to dispense so many cases is simply absurd.

The situation may worsen if proactive steps are not taken to shore up the Appellate Division's diminishing ranks, with two judges set to retire next year. Earlier, one of the judges died of Covid-19, another retired, and a third one has been on a long leave pending retirement, bringing down the total from eight to five in less than a year. Experts have expressed concern over the situation, pointing to the fact that, with the existing judges, more than one full bench – for which three judges are needed – couldn't be formed. If two or three full benches could be constituted for the division, more cases could be disposed of, they said.

This is only to be expected. The apex court already has a precedent of having 11 judges at a time. On July 9, 2009, the then president of the country raised the number of judges from seven to 11, prior to the disposal of some important cases including those related to the assassination of Bangabandhu Sheikh Mujibur Rahman and the fifth amendment to the constitution. According to one legal observer, the gazette notification issued in 2009 to raise the number of judges to 11 is still effective, so there is scope for appointment of four or five new judges. The abysmally high number of unresolved cases – at both divisions of the Supreme Court, and at all tiers of courts in the country – makes new appointments only logical.

There is no alternative to protecting the fundamental rights of citizens to have a speedy trial. As well as appointing new judges, preferably under a new law to regulate such appointments, it is also important to ensure best use of existing resources and remove procedural complexities to get rid of pending cases. The authorities must end the suffering of justice seekers.

Take stern action to stop drug trade

Law enforcers must go the extra mile to break the network of yaba traders

While our law enforcement agencies have been intensifying their drives to break the network of yaba traders along Myanmar-Bangladesh borders, their efforts seem to be falling behind, as drug dealers are adopting novel methods of smuggling yaba from Myanmar to Bangladesh. According to a report by this daily, national and transnational syndicates are now using local "drug mules" – also known as "fighters" – who have trained themselves in such a way that they can avert the scrutiny of law enforcers while working as informers of the smugglers.

According to the law enforcers, these "fighters" have trained themselves to hold their breath for a long time, hide underneath riverside mud for hours, motionless, or to stay seated on a tree the whole night – techniques that have made them competent agents of the drug traders. They usually go to the Naf River with fishing rods to keep an eye on law enforcers' movement, and whenever they notice any lax monitoring by law enforcers or gaps during changes in duty, they send signals to the smugglers. Smugglers from the Myanmar side then enter Bangladesh's territory via small, speedy boats, and deliver the consignments to them and return.

After the drugs enter our territory, these consignments are given to the second-tier carriers – usually, transport workers and CNG-run auto-rickshaw drivers – who then carry them to the staff members of some luxury buses or regular trucks to transport them to Dhaka and elsewhere. Currently, along with yaba, "ice" is also smuggled into Bangladesh through some 21 points in Cox's Bazar and two points in Bandarban. From the manner in which these drugs are smuggled into the country, one can easily understand the strength of the transnational drug syndicates.

What we fail to understand, however, is why our law enforcers are finding it so difficult to arrest the drug traders and their local mules since they have ample information on their activities. We think our law enforcers need to come up with some innovative techniques of their own to match the strategies of drug traders. But arresting drug traders alone will not solve the problem. We have seen how our law enforcers waged a war against drugs in 2018 but, unfortunately, that could not stop the proliferation of drugs in the country.

Therefore, we have to find the right ways to put a stop to the scourge of drug trade. Apart from making regular arrests, we should also think of ways to rehabilitate the local people who once were, or still are, involved in drug trade, often because of poverty. Also, arresting only the local drug dealers, leaving their kingpins both in Bangladesh and Myanmar untouched, will not help. To that end, we must create pressure on Myanmar to work with us and take effective steps to stop the drug trade.

EDITORIAL

Why is workplace safety for women such a big ask?



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When we talk about Bangladesh's development journey, the role that women have played in propelling up the economy is inevitably a part of the conversation. Whether it is as RMG workers, small entrepreneurs or migrant workers, we routinely cite how women's participation in the labour force has not only been beneficial for their economic empowerment, but for the nation as a whole. This is especially true in terms of the RMG industry, where around 60 percent of the workforce are women.

But this proportion has been steadily declining.

In fact, female labour force participation as a whole took a hit during the pandemic, but it is back on the rise again. And, according to data from the International Labour Organization (ILO), it continues to be higher than the South Asian average: in 2021, Bangladesh's female labour force participation rate was 35 percent, whereas India's was 19 percent and Sri Lanka's 31 percent.

However, once you get past the microcredit-induced smiles on the glossy papers of different brochures that focus on the transformational abilities of women's labour – and there's no denying that economic empowerment has changed the fates of hundreds of thousands of our women – there are a lot of questions that can be asked about the state of women's work.

How irregular is it? What is the wage gap? How much of their earnings is under the control of other members of the household? How much longer/harder do they have to work compared to their male counterparts? How do they balance paid employment and the unpaid care work they do at home? How do self-employed women deal with the risks and sudden losses resulting from unprecedented situations such as a pandemic?

And the question that is usually near the top of this list: how safe/secure are women's workplaces? This is important not only because the reality is a grim one, but because this reality is regularly used as an excuse to discourage or directly obstruct women from seeking economic empowerment.

Take, for example, the sexual violence incident that occurred earlier this month, when a woman who provides at-home salon services was called into a house where three men gang-raped her. Of course, this inevitably led to



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the "What was she doing there?" kind of questions that misogynists love to ask, with the implication being that it is somehow not "decent" to be doing the sort of work that takes you to the privacy of someone's home to provide your service.

However, the truth is that women are at risk of violence regardless of whether they work in homes, factories, fields or offices. Last year, the Asia Floor Wage Alliance found that RMG workers in six Asian countries, including Bangladesh, faced more violence and harassment during the pandemic, and that Bangladesh was one of the countries where the increased intensity of work was used by managers to get sexual favours. Research suggests that at least 23 percent of female migrant workers have faced physical/sexual abuse abroad, and that female tea workers are much more vulnerable to violence and discrimination than men.

Studies routinely find that women can and do face sexual harassment at workplaces, as well as during commutes to and from work – the fact that every few months we read reports of women facing sexual violence on moving

buses is proof of this. Yet what usually happens is, instead of asking why it is so unsafe for women in this country to occupy public spaces, we either advise caution ("If only she had been more careful") or use such crimes as an excuse for why women shouldn't be working in the first place ("Women are safer at home").

The assumption here is that it is up to

a country that takes so much pride in the inclusion of its women into the economy, the ministry meant to represent women was taking steps to make that inclusion gendered, instead of doing more to ensure women's safety.

Why should public spaces be so unsafe that women have to take up work that can only be done from the security of home? Why can't women

the individual woman and her alone to ensure her own safety. Not only does she have to support her family financially – by looking after dependents and taking on all household responsibilities – she has to do so within the set boundaries of traditional society, in a way that is "respectable" enough to ensure she is free from violence.

This is especially ironic given that a lot of government and NGO support is in the form of loans that encourage women to become entrepreneurs and set up their own businesses or make their own products, to sell which they inevitably have to travel to markets. ILO data suggests that 66 percent of working women are self-employed. If these women have to depend on someone else to sell their own products (or services), how can we guarantee that the money earned from it won't end up in the hands of the seller (usually a male member of the family) instead?

Quite a few years ago, I interviewed the former state minister for women and children's affairs, who told me that the government was investing in employment that women can pursue from home. It is astonishing that in

work on factory floors, tea gardens or someone's residence without worrying about being subjected to violence? Do law enforcement, policymakers and employers have no responsibility in ensuring their safety?

We must remember that it is not just traditional gender roles that stand in the way of women. There are times when violence is deliberately used as a tool to discourage women from becoming empowered enough to fend for themselves, or simply from occupying public spaces. Only last month, a female zila parishad member candidate told reporters she had been gang-raped in order to be stopped from contesting elections.

In Bangladesh, women are not only held to impossible standards, they also have to overcome impossible hurdles to establish themselves as equal members of society.

But how are women meant to pursue employment opportunities and achieve economic independence, if the authorities cannot give any assurance that they will be free of violence while doing so?

Our food production is badly hit by erratic weather

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The Sixth Assessment Report (AR6) by the Working Group II of the Intergovernmental Panel on Climate Change (IPCC) shows how food production is at risk because of the heat and drought. The report anticipates more severe food security risks due to climate change, leading to malnutrition in South Asia, one of the global hotspots of high human vulnerability, due to global warming of two degrees Celsius or higher. Unfortunately, it is already evident in countries like Bangladesh, especially in climate-vulnerable areas.

In July 2022, Bangladesh experienced the lowest rainfall in 41 years. It has significantly affected climate change adaptation practices in vulnerable communities, causing more loss and damage. In the short run, these impacts fuelled food price hikes and reduced household income. The health risk of malnutrition because of the low level of adaptation, in short to middle run, has been estimated as well.

Aman rice, one of Bangladesh's major contributors to staple foods, is grown between June and November. Land preparation and seed germination are usually done in June and July. Then farmers transplant the paddy saplings into the main field. Because of low rainfall this year, most farmers could not prepare their fields

and sow the saplings.

Farmers in the northern part of the country, with the opportunity to use groundwater, prepared the bed and sowed the saplings. The plants somehow matured, but would have a lower yield because of such a change in rainfall and monsoon this year.

This impact on paddy crops not only affected the farmers, but the day labourers as well. A vast number of agri-labourers, being unskilled, had no alternative livelihoods. Such loss and damage to livelihood opportunities forced the locals, especially daily wage earners, immediately to (mal)adapt through reduced meals and less food intake. And this, in the mid-term, continuing for almost three months, influenced migration.

The impact on women day labourers was disproportionate as they could hardly adapt to this loss and damage. They, having limited scope for migration, must (mal)adapt through capitalising the minimal savings (if any), reduced food intake, less access to other essential commodities, and taking on the financial burden of a loan. Ironically, such maladaptation is widely ignored and unaddressed.

The situation in the climate-vulnerable areas, such as the southwest coast, because of a change in land use

patterns, especially after cyclones Sidr in 2007 and Aila in 2009, is dire. For long, coastal people have adapted to alternative crops due to increased soil and water salinity. This year, they had a different experience. For instance, there was evidence of loss and damage in growing the most common crops as farm products or homestead gardening, such as brinjal, long gourd, okra, red spinach, and climbing spinach.

"I planted brinjal seedlings as it gives a good harvest at the end of the rainy season. I usually manage the expenditures of my family for around four months from these earnings. In my field, the plants are not growing right now, so I do not expect a good yield. I am unsure how I will support my family for the next few months," said Yousuf Jomaddar, from Pajakholia village in Morrelganj, Bagerhat.

They tried hard, even carrying water from distant places, but it did not help. Rijia Begum, a woman farmer from Lakshmikholia village, lost almost all of her investment of Tk 20,000. Her crops grew, but ultimately there was no yield. Her loss was greater than her investment as she took out a loan from an NGO. "I must pay the loan instalment every week, including the interest. My husband had to move to Khulna city; he is pulling a rickshaw to cover the expense," Rijia said.

There are several cases of such adaptation failure in coastal areas. For instance, farmers have been producing off-season watermelon for the last couple of years as it has a good yield and financial return. The Department

of Agriculture Extension (DAE) has also been promoting it to ensure food security and enhance climate resilience. Watermelon takes around three months to grow and mature. A group of five farmers from Banka Paschim Para in Paikgacha, Bagerhat invested around Tk 1 lakh on a 60 decimal land to grow watermelons. Previously, they grew watermelons weighing six to seven kilograms each by the first week of August. This year, they waited for the rain but got a heat wave instead. Despite their effort to irrigate the field, most watermelons that grew weighed a maximum of three kilograms. And later, in the middle of August, the green watermelon field faded gradually.

In such a circumstance, the Bangladesh government and relevant actors should come forward with more investment in research work to understand the dynamics and impact of loss and damage in climate-vulnerable communities. The government must recognise the impact of slow-onset factors, identify the communities impacted by such loss and damage, and define how to bring them under the umbrella of social safety nets. Most importantly, as such loss and damage are likely to increase due to global warming, a response mechanism and climate financing must be established. And for this, there is no alternative but to strongly place the issues on the agenda of the upcoming 27th UN Climate Change Conference (COP27), and raise voices to remind the polluters about their commitment to the UNFCCC and Paris Agreement.