

## Huge case backlog only hurting citizens

### Urgent solution needed to this longstanding problem in the judicial process

We are alarmed to learn that a backlog of around 42 lakh cases is pending with courts across the country, including the Appellate and High Court Divisions of the Supreme Court. Reportedly, of the cases, 7,89,179 have been pending with district courts for more than five years. This is causing immense suffering for litigants who have seen their legal fees increased (making it hard to pursue justice for many) with the addition of stress which comes with long-unresolved cases. If legal redress or equitable relief for an injured party is not forthcoming in a timely fashion, it is effectively the same as having no remedy at all. Justice delayed is justice denied, as the maxim goes. As such, the backlog is putting a big question mark on our justice system.

The pile-up of cases is happening in spite of an increased rate of case disposals in recent years. At present, there are eight judges for the Appellate Division, 90 judges for the High Court Division, and around 1,800 judges for the lower courts. These numbers are minuscule in a country of about 17 crore people, and no amount of sincerity on the part of the judges can meet their legal needs. For years, legal experts have been drawing attention to this crisis. It is, therefore, vital that the government takes it seriously and fast-tracks the work on enacting a law for the appointment of High Court judges, which is reportedly underway. Moreover, as the chief justice himself had previously said, the number of lower court judges also needs to be doubled or tripled to reduce the increasing backlog of cases. Since the number of judges cannot be increased significantly overnight, the government needs to formulate a comprehensive strategy on how to conduct the appointments over time, but also with urgency.

As well as judge shortages, the other major reasons behind the backlog of cases are the extremely slow process of investigation and charge-sheet submission, continued postponement of hearing dates, and lack of witnesses to testify during trials. These are systemic problems that need to be sorted out systemically.

Delay in disposal of cases, which has become a norm these days, is discouraging people from pursuing justice through the legal channel, according to various studies. This shows that on the one hand, people are losing faith in the justice system, while on the other hand, they are pursuing other means of settling disputes so as not to go through hassles – high legal fees, endless court visits, etc. – involved with going to the court. But that is only for those who are privileged enough to find alternative settlement options. What about those who do not even have the means to do so?

At the end of the day, a functioning democracy must be able to equitably deliver justice through the judicial process. This calls for the state to urgently fix all the problems and anomalies associated with case backlog, so that citizens don't have to wait endlessly for a legal remedy.

## Leave no one behind in Sudan

### Trapped Bangladeshis must be rescued without delay amid ceasefire uncertainty

Amid uncertainty over the extension of a fragile 72-hour ceasefire – which was due to expire late on Thursday – in conflict-ridden Sudan, it is the safety of foreign nationals trapped in the country that has emerged as a major headache for all concerned. Even if the so-called truce between the military government and the rival paramilitary Rapid Support Forces (RSF) is extended for another 72 hours, following the initial approval given by the former late on Wednesday, it is unlikely to lead to an immediate improvement on the ground. This makes it extremely important that, whatever window of opportunity is opened in the event of an extension, countries including Bangladesh make the best use of it to evacuate their citizens.

According to an estimate, some 1,500 Bangladeshis, who mostly work in construction or domestic services, are presently in Sudan. It is not a labour-hiring country, so Bangladeshis go there mostly for an opportunity to move to other countries like Libya later. But with the scope of such migrations now diminished, many who could not move to other countries stayed back. We must acknowledge that the government of Bangladesh has been sincere if not decisive enough on the issue of their evacuation since fighting erupted in the country on April 15. After the state minister for foreign affairs announced initiatives to evacuate them on April 25 – when the previous ceasefire took hold – around 500 Bangladeshis reportedly registered, and we are told that they will be evacuated via Jeddah in Saudi Arabia early next month. While we would have appreciated it more if the government had intervened sooner or more strongly, like some other countries, we hope that any casualty can be avoided before that time arrives.

The problem for Bangladesh came into focus after its embassy building in Sudan was hit by bullets on April 22, damaging the third-floor wall. Earlier, on April 15, the residence of Charge De Affaires Tareq Ahmed, which is close to the Khartoum International Airport, had machine gun bullets hitting and piercing through its windows. However, no one was hurt in either of the incidents. Since then, we have come across reports of how trapped Bangladeshis, along with other foreign nationals and the local population, have been struggling to find food, water, electricity, medicine and other basic supplies. Since the fighting began, at least 512 people have been killed in air raids and artillery attacks so far. Thousands have been wounded. The ceasefire has had little effect on this situation, which makes us worried about the outcome of any possible extension.

Still, there is no alternative to a ceasefire and a political solution to the crisis. We urge global leaders to make decisive interventions in Sudan so that a lasting truce can be achieved as soon as possible. Meanwhile, we hope that our government will make sure that all Bangladeshis who want to return to the country can do so without delay or any hassle on the way. Their safety is of utmost importance.

# So long as DSA exists, free and fair elections are impossible



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Sometimes, the line between reality and fiction becomes blurry, and one must ask some fundamental questions to ground oneself in the truth. In the strange times that we live in today, I would like to posit some fundamental questions to you, dear reader: Can democracy exist without freedom of expression? Can there be free and fair elections without freedom of the press? I believe that, for any soul who believes in the tenets of democracy, the answer will always be a resounding “no.”

On March 29, at about 4am, a group of around 15 plainclothes officers of the Criminal Investigation Department picked up *Prothom Alo* correspondent Samsuzzaman Shams from his residence in Savar. Shams is now facing two legal charges under the Digital Security Act 2018, one of which also names *Prothom Alo* editor Matiuur Rahman.

Unfortunately, this recent abuse of the DSA is only another grim statistic in Bangladesh's morbid trajectory of decline in media freedom. The Centre for Governance Studies' DSA tracker project paints a clear picture of how the law has been turned into a weapon of naked partisanship, primarily used to censor and suppress information that the incumbent government does not want the public to see, and has created a climate of self-censorship among journalists and reporters.

The project's principal investigator, Illinois State University's distinguished professor Prof Ali Riaz, recently stated that at least 355 journalists, 403 politicians and even 26 children were accused under the Digital Security Act. According to his study published in January titled, “What's Happening: Trends and Patterns of the Use of the Digital Security Act 2018 in Bangladesh,” of all those accused under the DSA, 29.25 percent are politicians and 27.21 percent are journalists.

Of the plaintiffs, the study finds, 29 percent were people related to

government service and 40 percent were directly involved with a political party, primarily Awami League.

The heavy-handed application of the law against journalists and opposition politicians is a black mark against the image of Bangladesh both at home and abroad. Not only is the law being used as a tool of censorship, but it also allows the violation of multiple international human rights.

The Office of the United Nations High Commissioner for Human Rights (OHCHR) has repeatedly brought the issue forth to Bangladesh. The response from the Bangladesh side has been agonisingly weak. The “OHCHR Technical Note to the Government of Bangladesh on Review of the Digital Security Act,” issued to



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restricting freedom of expression and access to information.”

In the technical note, the UN Human Rights Office expressed concerns over the power of the DSA to detain those accused without a warrant and under harsh sentencing periods. Various amendments and annulments to and of various DSA clauses were suggested to the government, only to be promptly rejected by the law minister. It now appears that the government has no intention to let go of this weapon before the upcoming national election.

But how can there be any talk of free and fair elections if such draconian laws as the DSA continue to exist? Needless to say, for a democracy to

## Is ‘honest politician’ an oxymoron?



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Politicians come in all shapes, sizes, and colours. Some come from ruling parties, some from the military, some from the world of business and entertainment, while some have their roots deep within the security sector of a state. Some politicians are charismatic, some are boring, and some are full of hot air.

Politics is all about power. And to politicians – most of whom lack an iota of personal integrity – power is control over their citizens, patriotism is servility, and democracy is absolutism. They use power to rig elections by allowing their cadres to stuff ballot boxes, and/or encourage their supporters to vote under the cover of darkness the day before the election. Or like Richard Daly, mayor of Chicago from 1955 to 1976, they are adept at making the dead vote for themselves. Or, as Stalin said, “The people who cast the votes decide nothing. The people who count the votes [lackeys of the politicians] decide everything.” Or, according to a former governor of Louisiana, where election fraud is rampant, he could make the voting machines sing any tune he wants to.

Politicians manipulate public employees, use state funds for political campaigns, resort to terror by unleashing their ancillary groups that are thinly conceived and at times crudely manoeuvred, and grant extensive power to law enforcement agencies to arrest their opponents without warrant.

Before (s)elections, their words are the most beautiful ever uttered on behalf of democracy. But once (s) elected, they conveniently become amnesiac and their eyes become focused on the nation's treasury.

The sense of power leads politicians to indulge in unbridled corruption and ethical lapses. Their colossal hubris, high decibel level of hate speech, intolerance against differing views, use of uncivil language, kidnapping for political ends, and targeted killing to eliminate their foes dominate the political landscape of the third world.

For politicians, save a few, power also goes hand-in-hand with sex, greed, money, crime, and nepotism. That is why they use brute force and dirty tricks to stay in power.

To perpetuate their rule, politicians eliminate space for dissent by the opposition, and fine-tune the constitution more to their liking by eliminating amendments after amendments and introducing new amendments. They pass draconian laws to stifle dissent on social media, websites, and other digital platforms with the argument that times have changed and surely the founding fathers would not want them to live in an “analogue” age that is horribly out of sync with the modern digital age. Their target includes journalists, cartoonists, musicians, activists, entrepreneurs, students, peasants who cannot read or write, and even minors, among others.

Politicians seem to have a visceral need for enemies. They love enemies because by bashing them, they can stir up public's sentiment and distract their attention from the myriad of problems facing their nation.

Most politicians are egotistical, narcissistic maniacs, completely detached from their people, surrounded by stooges, toadies, and overzealous, greedy enablers. Their mind is programmed to believe that

they are indispensable to the stability and well-being of their nations. Hence, they control the entire machinery of the state and its security apparatus.

Political hooliganism and criminal activities by politicians and their surrogates have lent credence to George Bernard Shaw's characterisation of politics as the “last

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resort for the scoundrels.” If blanket use of Shaw's definition of politics and politicians seems derogatory, then a more pliant definition could be that it is the profession of people who lack talent for other professions.

Today, with the exception of a few, most politicians are liars extraordinaire. To score political points and advance their self-interest, they lie left, right, and centre. After all, when Bill Clinton said, “I did not have sex with that woman,” he lied through his teeth to maintain a facade of morality. Exaggeration, omissions of truth, bending of truth, and sometimes flat-out lies are part of the arsenal of a competent politician in a high office.

People's perception of politicians worldwide is more strident. Most of them are seen as crooks who are corrupt to the core. When Nixon said,

thrive, press freedom is essential. To ensure that individuals in authority are held responsible to the public, journalists must have the liberty to probe and report on government acts, policies, and decisions. In order to form educated opinions about their government and actively engage in the democratic process, citizens need access to this data.

Without press freedom, governments may censor or restrict information, preventing the public from receiving important information about their leaders and the policies they are enacting. Corruption, power abuse, and a decline of the public's faith in government are all possible outcomes of a breakdown in accountability and transparency. The right to free speech and expression is also intrinsically tied to journalistic freedom. A free and open press is crucial to foster an atmosphere where differing viewpoints may be heard and debated.

A tell-tale sign of an authoritarian regime is the undermining of journalistic institutions. The most common play in the dictator's handbook is to paint the media as the enemy of the people. There can be no proper election if the government keeps using the DSA against journalists. A free and independent press plays a critical role in informing citizens about the electoral process, including the positions of candidates, the issues at stake, and particularly the conduct of the election itself.

Furthermore, a free press is needed to provide a platform for all candidates and parties to present their views and engage in public debate, helping to ensure a level playing field and preventing any one group from dominating the discussion.

Without a free press, citizens may be subject to biased or incomplete information, and this can impact their ability to make informed choices at the ballot box. Bangladesh is already mired in accusations of electoral fraud, election time violence, and abusing law enforcement institutions to harass opposition candidates.

Whether or not Bangladesh can salvage its image as a democracy will entirely depend on how the next election is conducted. However, the government's stubborn refusal to get rid of its tools of censorship does not bode well for us in the slightest.

“I personally thought it [Watergate cover-up] was a stupid thing to do, apart from being an illegal thing to do,” he negated his earlier utterance of the infamous five words “I am not a crook.”

Crookery and double-dealing are what the Republicans in the US Congress are doing today. They sing songs of praise of their leader Donald Trump – the greatest thug, sexual predator, and tax dodger in the history of US politics. They are doing so in order to get reelected to serve their personal interests, to make deals on expediency, not principle, and cynically seek to manipulate the fragile democratic process rather than preserve it.

Bernard Shaw summed up a politician as a scoundrel who “knows nothing and he thinks he knows everything.” The political satirist Jarod Kintz describes most of the scoundrels more bluntly. He notes, “I once saw a politician walking a dog and I thought, how absurd – an animal walking an animal. Then I thought, if given the choice, I'd rather vote for the dog.”

So, what can be done to pull a politically sick country out of the morass of “filth, corruption, dishonesty and above all the criminalisation that has come to afflict” its social fabric? We often hear people saying, “Vote out the incumbents. If we cannot vote them out, then impose term limits.” But the dynastic succession that is in vogue in many countries makes it difficult to bring about a change in the existing political culture. Furthermore, injecting integrity into and changing the status quo of a corrupt system is too unpalatable to politicians.

Finally, is it possible for a politician to be honest? Can we equate morality and politics? Is “honest politician” an oxymoron? Maybe yes, maybe no. Although honesty and politics are strange bedfellows. Historically, there have been examples, albeit rare, of patriotic and altruistic politicians. However, a politician who admits that he/she does politics for money and power is definitely an honest politician and deserves our kudos!