

## Judiciary must reduce its case backlog

Persistent judge crisis requires urgent interventions

It is alarming that the administrative needle on judge recruitment is not moving fast enough, despite the sheer crisis of judges, sufferings of justice seekers, and recent efforts to strengthen the judiciary so that it can function better. According to a report by this daily, Bangladesh has 2,307 judges for 18 crore people—or one judge for every 78,023 citizens—giving it one of the lowest judge-to-population ratios in South Asia. For context, India has one judge for every 68,775 citizens, Nepal one for every 63,000, and Sri Lanka one for every 55,000, as per data from Law Lab. Pakistan and Afghanistan, understandably, fare worse, while the Maldives and Bhutan maintain far higher ratios.

The effects of such a crisis cannot be overstated. In Bangladesh, this is a major factor behind its staggering backlog of 46.52 lakh cases—with each judge handling an average of 2,016—meaning that millions remain trapped in prolonged legal limbo. The severity of the problem is further illustrated by the fact that the Appellate Division has only seven judges handling a total of 37,000 cases. Without urgent action to recruit more judges and overhaul or strengthen the existing judicial infrastructure, trust in the justice system cannot be restored. Ongoing efforts have left a lot to be desired, however.

Although 25 judges were recently appointed to the High Court Division, bringing its strength to 113, several currently remain on leave or sidelined from judicial duties. Moreover, the newly appointed judges have yet to start presiding over benches. These problems compound one another, as the huge backlog of cases makes it extremely difficult to secure hearing dates even for urgent cases. It's worth recalling that the Judiciary Reform Commission suggested raising the number of lower court judges to at least 6,000 from around 2,000. According to sources, there are plans to appoint judges to the lower courts through the Judicial Service Commission, with the appointment of around 100 said to be in its final stages. These initiatives, along with the formation of 13 monitoring committees comprising High Court judges, are meant to keep the backlog at a manageable level.

However, given the scale of the shortage and the mounting caseload, much more needs to be done, and faster. As an expert has said, at least 1,000 judges should be appointed within the next few months both in higher and lower courts, and there should be a centralised system for prioritising cases based on urgency with strict time limits for hearings. One also hopes that the recent High Court ruling—restoring the Supreme Court's authority over the transfer, posting, and discipline of lower court judges, and forming a separate judicial secretariat—will lead to better administration and stronger accountability. But change will not materialise automatically; it will require sustained effort to ensure meaningful reforms that can finally address our crippling backlog, among other problems.

## Rein in mob attacks before the election

Frequent lynchings and crimes call for stronger law enforcement

We are disturbed by the persistent occurrence of mob violence in the country. Between January and August this year, there have been 124 deaths from mob attacks as per data from Ain o Salish Kendra. Continuing this trend, just days after a mob exhumed and set fire to the body of a self-proclaimed spiritual leader in Rajbari, three lynchings occurred this Monday, raising doubt about whether government initiatives in addressing this type of violence are at all working. According to a *Samakal* report, in Dhaka's Mohammadpur, a young man suspected of mugging was killed. In Narayanganj, an alleged robber met the same fate, and in Moulvibazar, a man was lynched for attempting to steal an auto-rickshaw. In each case, ordinary citizens took the law into their own hands.

While there can be no justification for such crimes, it can be said that people often take part in mob violence when they lose confidence in law enforcement to prevent crimes. Indeed, crime statistics by Bangladesh Police show an upward trend in theft and burglary cases between March and July. Crimes like murder, abduction, and robbery continue to persist. Alarming, many areas in the capital, too, have become notorious for crime, including brutal muggings. Recently, Mohammadpur made the headlines as the tyranny of teen gangs forced several residents to leave their homes and shift elsewhere. Similarly, Narayanganj made the news because of the activities of highway robbers. Yet, police response continues to frustrate citizens.

Police are evidently still on edge following last year's uprising and its violent aftermath. They often shy away from taking action during mob violence. In fact, there have been at least two recent instances when police came under planned attacks. But the attackers have not been arrested yet. Meanwhile, the army, which was given magistracy power last year to address law and order issues when the police force was not fully functional, has not been effective in controlling mob violence either. At a press conference on Monday, an army official acknowledged this, saying that they are often called in too late to intervene.

These shortcomings from responsible agencies are only fuelling public frustration. The country's worsening economic conditions—rising poverty, food prices, and unemployment—are also creating desperation and consequently leading to increasing mob formation. Furthermore, certain groups are exploiting politics and religion to stir up violence. To address this multi-dimensional crisis, the interim government also needs to adopt a multi-dimensional approach to restore order. Visible and decisive actions are essential to rebuild confidence in the rule of law and ensure stability ahead of the national election.

## THIS DAY IN HISTORY

### First test of Large Hadron Collider

On this day in 2008, the Large Hadron Collider, the world's most powerful particle accelerator, conducted its first test operation. The machine allows physicists to test the predictions of different theories of particle physics and to try to figure out the build of the universe.

# Article 116 restored: Judiciary's long road back to itself



Barrister Khan Khalid Adnan is advocate at the Supreme Court of Bangladesh, fellow at the Chartered Institute of Arbitrators, and head of the chamber at Khan Saifur Rahman and Associates in Dhaka.

KHAN KHALID ADNAN

Recently, the High Court did what generations of lawyers, scholars and, frankly, frustrated litigants wanted the constitution to do for itself: it restored the Supreme Court's authority over postings, promotions, and discipline of the subordinate judiciary, and directed the creation of a separate judicial secretariat within three months. Delivered on September 2, the ruling resolved a previously issued ruling on the matter. This is more than an administrative rejig, however. It's a structural reset that aims to take the lower benches out of the shadow of the executive and put them back where the 1972 constitution intended—under the guardianship of the Supreme Court.

To understand its significance, follow the text. Article 116, as it stood until recently, vested "control" of the judicial service in the president, exercised "in consultation with the Supreme Court." That soothing phrase—"consultation"—enabled decades of executive leverage over careers and discipline in the lower

**For so long, executive 'consultation' with the Supreme Court—too often a one way memo—has been the quiet mechanism for signalling who should rise and who should stall in the lower judiciary. That mechanism is now constitutionally suspect. Expect resistance dressed up as 'efficiency concerns,' but also expect a more credible judiciary if the Supreme Court uses its restored power with transparent criteria and published reasons in place of back channel choreography.**

courts. By declaring parts of Article 116 unconstitutional and void, the High Court has hollowed out that leverage and returned the locus of control to the Supreme Court. It is not radical



VISUAL: ANWAR SOHEL

restoration; it is restitution of the original constitutional design.

The ruling also completes a narrative arc many of us were taught but rarely saw honoured in practice. The original constitution placed the control of the subordinate judiciary with the Supreme Court. The Fourth Amendment in the mid-1970s diverted that control to the president, and the familiar "in consultation with the Supreme Court" compromise locked in a long stalemate. The recent landmark judgment breaks that stalemate in favour of judicial independence.

The court's order to set up a separate secretariat is the operational hinge on which this decision will swing. Without an autonomous administrative backbone—with its own HR, budgeting, and postings pipeline—"control" is performative. With a neshuti and discipline. With a secretariat, the Supreme Court can align articles 109 (superintendence of the High Court Division), 115 (appointment framework), 116 (control and discipline), and 116A (independence of judicial officers) into a single chain of accountability. That is how separation of powers becomes separation of payrolls and postings, which is how independence is actually lived.

This moment also converses with the *Masdar Hossain* line of cases—the jurisprudence that dragged the separation of the judiciary from PowerPoint aspiration to policy reality in 2007. That "formal" separation was a watershed, but it was never complete so long as Article 116 kept a handbrake in the law ministry. This historic ruling picks up where *Masdar Hossain* left

hands off the scales of justice.

None of this erases the hard implementation questions, however. Article 115 still makes the president the appointing authority "in accordance with rules." Those rules now need urgent alignment with a Supreme Court-led control regime so that appointments, postings, promotions, and discipline form one coherent pipeline. If the law ministry still writes the rules while the Supreme Court tries to run the shop, we'll get institutional whiplash and, worse, forum-shopping for influence. The High Court's three-month notice for a separate secretariat is a deadline that should discipline the bureaucracy and the bench alike.

There is also a blind spot we should call out. For years, "mobile courts" and executive magistracy have blurred the line between administration and adjudication. Even after the 2007 separation, those arrangements handed slices of judicial power back to the executive in the name of expediency. The present ruling will not fix that by itself. But it gives the Supreme Court a stronger footing to police those edges and insist that judicial functions—where liberty and property are on the line—remain within the judiciary. If we are serious about independence, we cannot keep exceptions that eat the rule.

The other lesson is institutional humility. This verdict curtails executive overreach, but it equally demands that the Supreme Court earn the trust it now holds. That means building a meritocratic postings and promotion matrix, publishing disciplinary outcomes with reasons, and insulating case assignments from factional pull. It also means confronting performance bottlenecks in the lower courts with data, not folklore—budgeting for more judges and staff, digitising cause lists, and standardising case management. A separate secretariat is only as good as the governance culture it embeds.

Let's be candid: Bangladesh has oscillated between constitutional text and political expediency for half a century. This judgment marks a much-needed return to the framers' architecture: the High Court's superintendence is not decorative; the Supreme Court's control of the judicial service is not optional; and independence is not a poetry word to be recited on anniversaries. If implemented with urgency and transparency, this ruling can finally stitch together the doctrinal wins of *Masdar Hossain* with the practical machinery the lower judiciary deserves. The executive will still wield enormous power, as it should in a functioning state. It just won't be able to reach, quite so easily, into the careers of the judges who must sometimes tell it "no."

# Digital wages can unlock women's economic power

Stefan Liller is resident representative at UNDP Bangladesh.

L. Nshuti Mbazzi is managing director at United Nations' Better Than Cash Alliance.

STEFAN LILLER and L. NSHUTI MBAZZI

Bangladesh's garment factories once marked payday with long queues and thick bundles of cash. Today, in many of those same factories, wages land in workers' mobile wallets with a single tap. This quiet shift from cash to digital wages is doing more than speeding up payroll. It is opening accounts, building credit histories, and giving millions of women greater control over their earnings. Among Bangladeshis who have a bank account, 78 percent used digital payments in 2024, evidence that usage follows access.

The country's economic rise is undeniable. Its GDP increased from just over \$100 billion in 2009 to more than \$450 billion in 2024. Yet, prosperity has not kept pace with everyone. Less than 40 percent of Bangladeshis women participate in the labour force, and most who do are in informal and insecure employment. Over half of the world's unbanked adults—which is 53 percent or more than 650 million—live in just eight economies, including Bangladesh.

Nationally, according to the 2025 World Bank Global Findex, 34 percent of adults made or received a digital

payment in 2024, while 11 percent saved and 13 percent borrowed formally. Basic connectivity exists as 82 percent own a mobile phone, but only 44 percent use the internet. Closing the gender gap in financial inclusion could add an estimated 14 percent, or around \$50 billion, to the national output. Much of today's growth is driven by the RMG sector, which exports apparel worth close to \$40 billion and employs more than 40 lakh people. Yet, many of these workers still receive wages in cash, leaving them outside formal finance.

These women, often unseen and unheard, are the invisible engine powering Bangladesh's exports. Every day, they craft the garments that hang in shop windows from Stockholm to Sydney. Most are young. Studies suggest that the majority are 29 years old or younger, yet for decades, their labour was paid in the least empowering way possible: in cash, handed out under fluorescent lights, overseen by male supervisors, and later often handed over to their husbands or other male family members.

A 2019 public-private pledge—to digitise 90 percent of garment wages and the rapid push that followed during Covid—proved what is possible. At the pandemic's peak, 82 percent of factory wages were paid digitally, phone ownership among female workers in supported factories jumped to over 90 percent, and savings account use more than doubled. When incentives ended, some factories reverted to cash, but the lesson was clear: with the

right ecosystem, paying wages electronically works.

However, progress in Bangladesh and in South Asia remains uneven. Among account owners, women's adoption of digital payments lags behind men's across the region by 15 percentage points. A recent review of garment payrolls in Bangladesh and the National Digital Payments Roadmap shows that uptake is high for receiving wages but low for saving, spending, or borrowing. Nearly half of the workers resist cash-out fees, and cost-sharing rules remain unclear.

Weak onboarding and patchy merchant acceptance push many users back to cash. Discomfort at agent points affects one in three women, while women-led micro and small enterprises still face disproportionately high loan rejection rates. Closing these gaps through clearer fee policies, consumer-first design, stronger merchant networks, and targeted digital literacy are critical areas for support.

Bangladesh's next transformation lies in the informal economy. Beyond the loom and needle, 78 lakh small and medium enterprises—employing 2.1 crore people—offer enormous potential. Yet, a large share of them remains unregistered, unbanked, and offline. Women lead many of these ventures, balancing budgets and managing micro shops, but often remain invisible to formal finance.

Building an inclusive digital economy already aligns with Bangladesh's broader development priorities: stronger financial

ecosystems, greater resilience, and increased opportunities for women and young entrepreneurs. Digital wages are only the first step. Pairing them with skills training, safe savings products, and access to markets turns digital payments into a pathway out of poverty.

Several small-scale programmes in climate-affected districts show what is possible. When low-income women received short-term jobs paired with savings groups and mobile wallets, household incomes nearly tripled, and mobile payment use reached almost universal levels. Scaling such community initiatives, backed by evidence, can turn today's isolated successes into national progress and keep Bangladesh on course to meet its 2030 ambitions.

By 2030, digital finance could be near-universal in Bangladesh, but only if every common payment flow runs on responsible, interoperable rails. The task now is to move from access to active use, especially for women workers and women-led businesses, by fixing frictions in the last mile and making digital the path forward.

It is time to scale what is working. Tracking progress on the three core World Bank Global Findex indicators—account ownership (43 percent), digital payment use (34 percent), and the women's account gap (20 percentage points)—would make inclusion targets concrete and comparable. Implementing the National Financial Inclusion Strategy (2022-2026) and monitoring progress across sectors will be key.