

There can be No Judicial Neutrality under Capitalistic Democracy; It is as corrupt as the system itself

News:

On 24th May 2016, the Supreme Court of Bangladesh dismissed government's appeal against High Court guidelines aimed to prevent torture or ill-treatment of individuals arrested without warrant on suspicion of committing an offence or taken into police remand for interrogation, under sections 54 and 167 of the Code respectively. The Supreme Court had also provided an elaborate 15-point guideline on arrest without warrant, detention, remand and treatment of suspects to be followed by law enforcement agencies and magistrates.

Comment:

After 14 years of long struggle, this 'historic verdict' came as a sigh of relief for the civil society and pro-democratic actors of the country. Now it is being said that safeguarding citizens' rights would be easier with this judgment which is being considered as a crucial tool to stop police from making arbitrary arrests on suspicion and torturing arrestees on remand. According to senior advocates and prominent civil society members of the country, this is a landmark judgment to protect people's right to personal liberty. They are enchanted to see the abolishment of such colonial laws that will help us to move into a more democratic and civilized society.

However, people's trust on the legal system of democracy cannot be altered as they have already realized that it is inherently corrupt. Through this judgment it is being tried to restore people's faith in the so-called Rule of Law which is nothing but a western myth being kept alive by the secular elites through TV talk shows and newspaper editorials. Reality is Bangladesh is ruled by western-backed totalitarian government and our judiciary is also part of the same corrupt system.

The verdicts of the judiciary including the apex court are not free from the influence of government intervention and/or fanatical secularism. There is no such thing in Bangladesh or in any other parts of the western democratic nations that neutral rules are objectively applied by the judges. Laws and verdicts are rather purposefully manipulated by the government to attain its political benefits. Will the Supreme Court in Bangladesh defend fundamental principles of freedom and equality by lifting the unjust ban on the righteous political party Hizb ut Tahrir? Now as we are being asked to put faith in democracy in Bangladesh, will we be able to see that our apex court will play its greatest power through judicial review to strike down the cruel anti-terrorism laws being misapplied on the Hizb on the grounds that it is violating basic principles of the Constitution? How can this 'historical verdict' put an end to the tortures that take place after the forced disappearance of political opponents by the state machineries? Even the strenuous Democratic protagonists in Bangladesh will be tight-lipped on the above questions. No judicial verdicts under the man-made flawed democracy can pull out the country from the ongoing environment of fear and anxiety.

The work for real comprehensive change has to start from the root, that is, the democratic political system itself. Keeping this very system alive, it is mere wishful thinking that judiciary - an integral part of corrupt democracy - could emerge as a savior to defend peoples' right to live with honor and dignity. The only alternative to manmade democracy, the Khilafah (Caliphate) on the method of the Prophethood, is on the horizon of Bangladesh.

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