

Reforms in Banking Laws

After a clumsy start, about two years back, to rein in the so-called defaulters, the government is now reportedly going for a drastic change in the legal framework to tackle the problems of people who do not return bank loans. We consider it to be a step in the right direction. Though better late than never, yet we cannot but raise the question as to why so much time has been allowed to lapse in this matter.

The banking circle's view that 35 per cent of the total loans are technically defaulting, leaves little to be said. This is a serious situation. With such chaos and anarchy in the financial sector, the economy cannot be expected to show the type of growth and dynamism that is critical for our future.

Let us first be very sure in our mind as to what it is, that we want. The government can be said to have blown hot and cold in this matter. First it went public, and published a long list of bank borrowers, without discriminating between genuine and the willful defaulters. Subsequently, about a year back, the finance ministry provided an opportunity to them to settle account with their respective banks. But most of the cases remain undecided to date. And now, the move for an all out drive with new laws. So, the government must first clearly spell out its own policy in this matter. As far as we are concerned, the aim of the new laws should be to create the necessary 'facilitating legal framework' in which the deserving entrepreneurs receive the necessary financial backing so that they can start their productive ventures in the shortest possible time, and with the least amount of bother.

If we go back to see how the so-called 'defaulting culture' began and later settled in, it will be clear, that one of the major reasons was, of course, the political interference with the operation of the nationalised commercial banks, the so-called NCBs, and influence peddling in the private banks. The clear message here is that non-financial considerations were used to interfere with the decisions of the professionals in the banking field. There are also instances — thankfully, not that many — of private banks doling out credit to their own directors, or the favoured few, without ensuring the guarantees for return. So the first task is to protect the banks from outside interference, and allow professionalism to have sway.

What is really of concern, and what prompted the government to go for new laws, is the view of the bankers that "most defaulters do not repay their loans deliberately." Taking advantage of the legal loop-holes, unscrupulous people damage the system for the whole nation. It is this group, a small one that has played havoc with our financial system, and given such a bad image of our business community.

The new law, we hope, will help to sufficiently tighten the credit mechanism to ward off the fake businessman. At the same time, it will be more liberal, more forthcoming and more supportive of the genuine ones. The reason why this distinction is vital is, because in the market economy, towards which we are striving, the chances of some loans turning bad always exists. In fact risk taking is central to the ethos of open economy, and makes the private sector as dynamic and vibrant as it is the world over. We must not only recognize the 'risk-taking' element in private sector, but in fact encourage it, within the realm of feasibility, projection and reasonable uncertainty factor.

So, as we welcome this, rather belated, but necessary legal reform to streamline the operation of our banks, we caution our law makers not to "throw out the baby along with the bathwater." At the same time, we would like to appeal to our business community to devise its own voluntary self disciplining mechanism so that 'one rotten apple' does not spoil the image of the whole pack. At a time when macro-economic reforms are in place, and the nation is waiting for the private sector to take the lead, the proposed banking laws, we hope will help improve our banking system, and contribute to accelerating our economic growth.

Congratulation to Art Biennale

Prime Minister Begum Khaleda Zia today opens the Sixth Asian Art Biennale Bangladesh 1993 at the Osmani Memorial Hall. This is indeed a great cultural event on our calendar. There are not many areas in which Bangladesh has achieved a focal position in as vast an array of nations as Asia denotes. The two-yearly festival of Asian art held in Dhaka since 1981 is one event that places this nation very securely on the cultural map of Asia.

Painting has been a lively pursuit of the Bengali people for ages. Bengal statuary, cut out of stones not locally available, made its mark of distinction in the millennia old world of subcontinental art. Our people specially excelled in terra cotta. The high watermark of painting achieved in the Pala dynasty manuscripts were nearly matched centuries later by the Tagore brothers Abanindranath, Gaganendranath and Samarendranath, and their disciples in Nandalal Bose, A R Chughtai, Asit Haider etc. It was a big crop of painters and sculptors that the pioneers raised in the late nineteenth century.

Dhaka became a centre for the pursuit of visual and plastic arts only after the partition of India. This nation will remain ever grateful to Zainul Abedin, a product of the Calcutta-based art movement, and his students turned later into colleagues for laying the foundation of cultivation of art in this country. Ever since the inception of the first Institute of Arts and Crafts, led by Zainul, art has played a central role in the unfolding of this nation's cultural and political strivings. As a matter of proud distinction, the products of this institution who constitute almost the whole of Bangladesh's world of artists, have all along demonstrated an abiding commitment to the society alongside their commitment to art.

There is still a very big gap between painting as it is done today and popular appreciation. Shows such as the great one that will be on today for the whole of November will help bridge that gap very effectively.

We congratulate the local organisers of the great feast of art as we welcome the artist-delegates of the participating countries to a creative and joyful sojourn of this ancient land of arts.

THOSE were relatively civilised days, though I am speaking of a time when Ayub Khan was ruling in Pindi, Monem Khan, his lieutenant, in Dhaka, and N S F, a student organisation consisting mostly of musclemen and set up by the authorities with the express purpose of controlling the university campus, was proving itself troublesome on our campus, too, at Rajshahi.

Jinnah Hall — since renamed Sher-e-Bangla Hall — was having its annual dinner. I, as the Provost of the Hall, had invited Professor Abu Hena to be our chief guest. Prof Hena had retired from active service but was rendering services to Dhaka University in various positions of responsibility, one succeeding the other. — Inspector of Colleges, Provost, Salmullah Mualim Hall, and finally, Treasurer of the University. At that time, protocol-wise, the Treasurer came next to the Vice-Chancellor. Professor Hena was known to be a fine teacher and a witty speaker. He stayed with me at Rajshahi, and one of the first things he wanted to be assured of was about the language of his speech. I had some hesitation in suggesting that though he was free to choose but our preference was for Bangla. How would he take the suggestion, I wondered. But he agreed readily. Professor Hena was used to speaking in English. This we knew. But once he started in

Bangla, the smoothness, the assurance, the wit, — every thing was there. The whole speech was finely structured and beautifully delivered. I was very much impressed since I had not heard him before. In fact I hardly knew him, and his agreeing to accept our invitation I partly attributed to a personal consideration: I happened to be the son of a college friend.

There was one surprise in his speech. The day he left Dhaka, he had seen something which had moved him profoundly. In his immediate neighbourhood, there was a death and there was a wedding. He had seen the funeral preparations and the wedding party arriving, the two contrasting sights juxtaposing. It was as if the meaning of life, the chain of life, had forced itself into his consciousness, the entrance and the exit. Was he contemplating on this theme and transposing it to a smaller and an immediate context, in terms of the bright young faces at the dinner and an old man, a frail figure with a small voice — himself — facing them, youth and age at a moment of conjunction? At a point of confluence?

Quite banal, quite an ordinary observation, one might object. But in actual fact, in the manner it was presented, it was not. I can say this because this is the one thing about that re-

markable speech I remember. And the other thing I remember is that despite this digression, this intrusion of a solemn note, the speech itself was what one might expect of an after-dinner speech, a beautiful combination of sense and humour. How I wish I had the whole speech tape-recorded.

FNERALS and festivals. The other day I had to face the fact and to accept the challenge. It is true that it is a daily phenomenon

Funerals and Festivals: Fact and Challenge

The coincidence of the two events posed a problem for a while. There was no question as to the relative importance of the two. The Qul was a must. I was told on good authorities that the Qul, particularly in the form it is observed, invariably within the conventional frame work of a *milad*, has no religious sanctions behind it. But the convention is a strong one, almost inviolable. I have seen but one departure as far from this social custom: It was a Qul without a *milad*, recitations from the Quran and orations on the man

PASSING CLOUDS
Zillur Rahman Siddiqui

But sometimes, once in a while, it will come with a personal message. The Qul of my friend, S M Ali and the sixty-fifth birthday of another friend, Shamsur Rahman, the celebrated poet, fell on the same day and almost at the same hour. The Qul had attracted relations, friends and admirers in every respect. It was a most noteworthy congregation. One of the most representative gatherings I have seen in recent years. The other event was exceptional, festive but not in a conventional way. It combined the concept of a birthday with that of doing honour to a poet for his achievements.

West has Politicised Human Rights

by Luis Fernando Jaramillo

The West has failed to apply the concept of human rights in a manner which is consistent with its universality and indivisibility, contends the Colombian ambassador to the United Nations. Its selective treatment of human rights violations is a result of the politicisation of the concept.

The defence and promotion of human rights requires a clear definition of the concept so as to avoid excesses and confrontations between States and between individuals within the same State. Human rights must be understood as a whole. This means, in the indivisibility, universality, objectivity, impartiality, interdependence and non-selectivity of the same, and it is a responsibility to comply with these obligations that no State can refuse.

The Interdependence and Indivisibility of Human Rights

By interdependence and indivisibility we mean the defence and promotion of economic, social and cultural rights along with political and civil rights. It is necessary to recall that economic, social and cultural rights, known as the second generation of human rights, were elevated to constitutional norms at the beginning of the century by the democracies. They were not considered an additional element of protection, since, without their minimal fulfillment it is not possible to enjoy effective political and civil rights.

The Right to Development

It is indispensable that broad, international cooperation not be selective or discriminatory. This would permit the countries in the South to reach a level of development that would guarantee minimal levels of subsistence in order to attain the effective enjoyment of fundamental rights. I refer here to the Right to Development which is an inalienable right, as established in the declaration approved by the United Nations in 1986.

Intervention for Humanitarian Reasons

The United Nations system is debating over the search for efficient mechanisms for ending the massive violations of human rights, to protect those persons who are displaced inside their own territories and, on the other hand, to respond to natural catastrophes.

To the Editor...

Letters for publication in these columns should be addressed to the Editor and legibly written or typed with double space. For reasons of space, short letters are preferred, and all are subject to editing and cuts. Pseudonyms are accepted. However, all communications must bear the writer's real name, signature and address.

News starvation

Sir, The Administration's information service to the general public through the press media does not appear to be systematic.

The current mode of releasing information on the government's activities, policies, and policy changes is via the Ministers at the public speeches, seminars, opening ceremonies and receptions. This is one-way communication, and that too with restrictions: it is incomplete in the sense that the official decides what to say, and what not to say; and secondly, there is no feedback, or scope for asking questions to get new or additional information. There is no interview and question-and-answer opportunity (it may be for five minutes only if pressed for time). Where are the regular meet-the-Press sessions?

Therefore it might be a good idea if each Minister were to meet the press at regular intervals, to keep the public informed. The journalists are trained to ask questions on behalf of the readers of the newspapers. At present, some additional information is available when the JS is in session, but that too is scanty, and of the defensive sort.

Priority has to be accorded to

S M Ali Road

Sir, This has a reference to the Star reader's letter (30th Oct) proposing renaming of the Tophkhana Road to S. M. Ali Road. There could be no better way of paying tribute to a great journalist of an international stature. Syed Mohammed Ali served this nation with great distinction and was a trail blazer for others to follow.

"The endless beggars"

Sir, I have just read the piece written by Parveen Anam about labloids (Dhaka day by day, 4-10-93). I couldn't agree more with the writer on the issue of the evil caused by these 'uncontrolled' release of labloids.

Who is accountable? Sir, The Postmaster-in-charge, Savings Department of General Post Office (GPO) asked me to deposit the Post Office Savings Bank pass books so that up-to-date interests could be entered therein. After a week the relevant official informed me that the interest calculation upto June 30, 1989 had been finalised only, and they were not sure when the interest calculations for the years ending 30th June '90, 30th June '91, 30th June '92 and 30th June '93, would be completed. Under the above backdrop, who is really accountable?

A Mawaz Dhaka

There can be many constructive ways in which we can both remember him and, at the same time, bring forth the best in the budding journalists. There could be an S. M. Ali Foundation, which could assist the Departments of Journalism in Dhaka, Chittagong, Rajshahi and Khulna Universities by creating S. M. Ali professorships.

Being an activist of the Bangladesh Cancer Society, I know how excruciatingly painful an ailment could be. But like a brave soldier, Syed Mohammed Ali went on with his writing till the very end. May his soul rest in peace.

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with orations on the dead as the main feature, within a religious frame of recitals and a prayer — the idea deserves serious consideration. It will not find easy acceptance in a society which is custom-bound to the point of being stifled and stunted, but the one instance of departure I have quoted makes me believe that the changed format can be given a trial.

In S M Ali's case, I will admit the format I have advocated would have posed a formidable problem for the family. — the problem of choosing the speakers. At least fifty people would have liked to say a few words and not every body could be accommodated. A spate of obituary notes — and not in The Daily Star only — and in Memorials that have followed Ali's death would indicate that the system of orations, of paying personal tributes in Qul may need a framing of rules, limiting the number of speakers being one of them.

While pleading for orations I have not lost sight of the fact that we now live in a world of prints, and that orations were things of days when the spoken word ruled supreme. Today, we have both, and though the printed word has its own importance, the spoken word remains the mode for all ceremonies, religious or secular. This we realized once the

The Universality of Human Rights

Returning to the matter of the conceptualization of human rights, I would like to talk about universality. When we speak of the universality of human rights we refer to the need to approach all those phenomena that affect humanity without distinction or bias. Human rights violations are not a phenomenon only of the South. Recent manifestations of systematic and flagrant violations of human rights in some countries in the North, such as the alarming intolerance, racial discrimination, xenophobia, neo-Nazism, ethnic cleansing and abuses of migrant populations, are crimes against humanity. Discrimination is the absolute negation of the United Nations charter and a violation of the liberties and most elemental rights proclaimed in the Universal Declaration, the international pacts and specific accords on the fight against discrimination.

The panorama at present is worrying. Despite the greater awareness of the international community in relation to the principles of dignity and equality inherent in all human beings, and aside from the law and the rhetoric, new expressions of racism and discrimination are seriously altering social harmony, and threatening the validity of human rights and respect for them.

Conclusions

Human rights need to be addressed seriously. The World Conference needs to do an exhaustive review of the manner in which the fundamental concepts of human rights are being applied today as well as of the system and the instruments for improving their implementation. It is not a matter of creating new instruments, but of using those that already exist. The proliferation of extraordinary and ad hoc mechanisms should be avoided, since it has been demonstrated that they are largely ineffective. The mandate of the different regional systems needs to be clearly delimited.

To conclude, I want to affirm emphatically that in the world today there is not a universal concept of human rights that incorporates interdependence, universality, objectivity, impartiality and non-selectivity. The responsibility of States in complying with their obligations, under the commitment to defend human rights, should be framed with respect for the principles of self-determination and non-intervention.

If all countries had the honesty to recognise this lack of commitment and if all of us were willing to accept the integral nature of human rights, I can say to you today that we would be sowing the seeds for a lasting peace founded on respect for human rights.

Any doctrine of differentiation is morally wrong and so

— Third World Network Features