

Grim prospects for Sonali Bank's loan recovery

Set up a fact-finding commission

AS per a report published in this paper on December 7, State-owned Commercial Bank (SCB) Sonali is in deep trouble, as it is finding it near impossible to sell off Hallmark group's mortgaged assets. We understand that the bank has floated tenders 60 times between 2013 and 2017 but no bidder has displayed any interest in procuring these highly disputed properties worth Tk 3,000 crore! Most SCBs are now stuck with thousands of crores of taka bad loans and recovery isn't going well. Sonali Bank is considering turning the Hallmark factory complex into an economic zone in the hope of recouping the loss. The whole situation is a mess. Despite so many financial scams, we find policymakers pumping in thousands of crores of taxpayers' money into these loss-making SCBs in order to keep them afloat. What we don't hear of course is whether any reforms will be initiated to banking practices in SCBs so that they may not suffer these scams again and again. Now that we are finding out the hard way that it is near impossible to recover monies lent out to dubious companies like Hallmark through legal measures, is it not time that an empowered and independent Commission was set up to find out how these scams have shattered the SCBs?

The Commission must be mandated to reform the sector which will allow for accountability and transparency to become cornerstones in lending practices. That is the only way to improve governance in SCBs. Setting up an economic zone on confiscated property is not the answer to bringing about order in the chaotic banking sector. Heads must roll for criminal conduct in these banks and reforms must be initiated to stop the drain on public money.

Biman needs more than just new aircrafts

It needs to improve the quality of its service

IT is good news indeed that Biman Bangladesh Airlines is adding two new state-of-the-art aircrafts to its fleet. The addition of two Boeing 787-8 Dreamliners—namely Aakashbeena and Hangsabalaka—will certainly contribute to the much-needed modernisation of the national flag carrier. In 2008, Bangladesh signed a USD 2.1 billion agreement with Boeing to purchase 10 new aircrafts. Seven of them, including the Dreamliners, have so far been delivered by Boeing, while two more would be added to Biman's fleet by September next year. We applaud the government for its initiative to modernise the carrier, however, the introduction of aircrafts isn't enough to turn Biman into a competitive airline. Negative feedbacks about Biman include its disregard for punctuality, inefficient manpower, poor management and service. Biman flights are often delayed for hours.

It is Biman's poor quality of service that has been attributed to its gigantic financial loss over several consecutive years. Even the Civil Aviation Minister blasted Biman officials in May for its poor luggage handling. With such flagrant shortcomings, how can the national flag carrier aspire to compete with global airlines? Addressing these issues does not require the authorities to spend a great sum of money. All they need to do is be a little more serious about dealing with these management issues and permanently address them.

When laws fail to protect



SHAKAWAT LITON

THERE is no dearth of laws in our country to protect people from danger. But none of them could protect Aritry Adhikary, a ninth-grade student of the city's Viqarunnisa Noon School & College, who took her life on Monday hours after she and her parents were allegedly insulted by some teachers of the school. She has become the latest victim of the lax rule of law. Aritry would not have taken her life had the rule of law prevailed.

Let's now focus on our legal system the state has built to protect its citizens. Article 35 (5) of the Constitution unequivocally says: "No person shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment." It is one of the fundamental rights of the people of Bangladesh. No law can be made defying the fundamental rights including this one. Even if parliament makes any law undermining any of the fundamental rights, the law shall be declared void by the Supreme Court.

Isn't the alleged behaviour with Aritry and her parents by some teachers of the school "cruel, inhuman and degrading?"

Can anyone treat another in such inhuman and degrading manner? No. This is a criminal offence punishable with jail term and fine according to the Anti-Torture and Custodial Death (Prevention) Act, 2013. The law defines torture both physically and mentally. Any degrading treatment causes mental torture according to this law which has been made in light of the Article 35 (5) of the Constitution. By enacting the law, Bangladesh has fulfilled its commitment to the international community as being a signatory to the UN convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment it pledged to take legislative initiative to prevent acts of torture.

What is torture? According to Article 1 of the convention "the term 'torture' means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or

intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions."

Each person has his/her own idea of self-esteem. Everyone reacts in his/her own way. Aritry also reacted in her own way as she could not bear the burden of the inhuman and degrading behaviour she and her parents had to face. Was there any instigation or abetment to

under eighteen years of age, any insane person, any delirious person, any idiot, or any person in a state of intoxication commits suicide, whoever abets the commission of such suicide shall be punished with death or imprisonment for life, or imprisonment for a term not exceeding ten years, and shall also be liable to fine."

The Penal Code in Section 306 also speaks about abetting suicide. It says: "If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."

during the British rule.

For people, life is more precious than anything. The Penal Code also discourages committing suicide by criminalising any attempt to commit suicide. The Section 309 says whoever attempts to commit suicide and does any act towards the commission of such offence, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

If Aritry failed to kill herself she could have been charged with an offence under section 309. But she did not fail. She is now above all the laws which could not protect her and cannot punish her. Her



Aritry Adhikary

PHOTO: COLLECTED

make Aritry take her life?

What is instigation or abetment? Our Penal Code in Section 107 says: "A person abets the doing of a thing, who, Firstly; instigates any person to do that thing; or Secondly; engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or Thirdly; intentionally aids, by any act or illegal omission, the doing of that thing."

And instigating any person to commit suicide is a grave offence. Section 305 of the Penal Code says: "If any person

If we analyse the two sections—305 and 306—we will find the Penal Code focus more on the offences in regard to instigating a child or someone who is mentally insane to commit suicide, as they are categorised as being emotionally more vulnerable than adults.

Chhattisgarh High Court of India in an order in June 2017 observed that if the accused had created circumstances that led to a situation which made a person feel totally frustrated and, thereafter, commit suicide; it may amount to abetment punishable under Section 306 of the Indian Penal Code.

We have the same Section 306 in our Penal Code 1860 which was enacted

death is not a mere death. It's a protest against the corrupt and immoral system that, in recent years, has forced more and more children to take their lives.

It should be kept in mind that the main purpose of the law is to protect people from danger, manage societal life and achieve conditions for life to prosper. The law guarantees the life and limits the criminal by imposing an order. But if laws are not properly enforced, nobody is held accountable for wrongdoings and unlawful acts. In such a situation, the purpose of making laws becomes redundant.

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Different corners of Modi's diplomacy

PALLAB BHATTACHARYA

PRIME Minister Narendra Modi attended two separate trilateral summit meetings in quick succession on the side-lines of the G20 Summit in Buenos Aires, Argentina, underlining India's diplomatic efforts to position itself as a key player in the evolving international order, staying away from the pitfalls of strategic alliances caused by rivalry among leading powers.

The first was a three-way summit between Modi and the Chinese and Russian presidents. This was followed by

ramped up its economic and defensive ties with the US and Russia, shedding what Modi described as "hesitations of history" which saw New Delhi avoiding such course in the name of non-alignment during the time of the Cold War.

Modi termed the trilateral meeting with Trump and Abe as "historic" and once again went public with his love for coining acronyms. He said the coming together of Japan, America, India becomes "JAI" which means success. He has reasons to do so. First, Modi pointed to the main pillar of the meet-

While some may view this three-way group as being set against China, both Japan and India, who have territorial disputes with China, have always focused more on economics when it comes to their relationship with the US. Another thing to remember is that all three countries have robust economic and trade ties with China which effectively works as a bulwark against any military face-off—even when other factors are not considered.

Earlier in June, Modi articulated his vision of the Indo-Pacific at the Shangri-La Dialogue in Singapore, making it clear

tionship. After the trilateral meetings and a quadrilateral meeting which included Australia, India was careful to dismiss the perception about any move to gang up against China. The US, for its part, should think hard before seeing India or Japan, or any other country, as a military counter-weight against China. India and Japan have separately reached out to China. Modi and Xi have met several times over the last few years to keep up the momentum at the summit level. Washington too has expressed a desire to work with China if the latter, in its view, plays by the rules relating to trade and currency.

The economic relations between India and Japan and India and the US have strengthened remarkably over the last two decades. The US has emerged as India's biggest trade partner with trade in goods and services touching USD 127 billion, thus becoming the most important source of investment. Japan has invested heavily in India's industrial and rail corridors, bullet-train project and road connectivity projects in the north eastern part of India which will act as a big boost to India's outreach to South East Asia. During Modi's visit to Japan in October this year, India and Japan agreed to explore collaborative projects in Bangladesh, Myanmar, Sri Lanka and African countries in competition with China's Belt and Road Initiative. As India aims at a USD 6 trillion economy in the next decade or so, an environment free from hostilities is needed. The US too stands to benefit from it by joining in the enhancing of infrastructure capability of developing countries.

If there is a meeting ground between the US, Japan and India as key democracies, one cannot be oblivious of the fact that there are also differences among them. India and Japan, along with China, are among those at the receiving end of Trump's unsettling trade (tariff) war. Besides, India and Japan are also concerned about the impact the US sanctions on Iran will have on their energy security. Overall, the trilateral meeting has as much to celebrate together as had work to do to polish off the rough edges among them. At the end of the day, more important than meetings—whether bilateral, trilateral or quadrilateral—is to judge if they contribute to a stable rule-based multipolar world order.

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PHOTO: REUTERS

US President Donald Trump meets Japanese Prime Minister Shinzo Abe and Indian Prime Minister Narendra Modi during the G20 leaders summit in Buenos Aires, Argentina November 30, 2018.

another featuring the Indian prime minister, his Japanese counterpart Shinzo Abe and US President Donald Trump.

The Modi-Putin-Xi meeting was the second instance of such a trilateral meeting and it took place after a gap of 12 years. But more interest centred on the Modi-Trump-Abe meeting as it was the first time that the top leaders of the three countries met in the trilateral format. Prior to this, trilateral meetings between the three countries had remained confined to involving only their senior officials.

Over the last three decades, India

ing—shared democratic values. Second, which flows from the main pillar, he cited as the commonalities between India, Japan and America in aiming to keep "free, open, inclusive and rule-based order" for prosperity and peace of the huge geographical region stretching across the maritime boundaries of Asia. Third, the Indian Prime Minister laid out the contours bringing the three countries together: i) Maritime security; ii) Unfettered mobility along the oceans and seas; iii) Building connectivity; iv) Sustainable development and; v) Disaster relief.

that India does not see the region as a theatre of strategic power-play. In his words, Modi left no doubts that he wants the Indo-Pacific as a hub of development and investment.

There is no doubt, that defence cooperation between India and the US and India and Japan have gathered considerable strength in the last five years. But given the asymmetry between China's economic and military power compared to that of India and Japan, it makes sense for both New Delhi and Tokyo to focus just on the economic dimension of their rela-

LETTERS TO THE EDITOR

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Coaching business must be abolished

The recent premature death of Aritry Adhikary, student of Viqarunnisa Noon School and College, is just one aspect of the state of our education system.

Most school teachers in our country are not interested in teaching students in class as they are heavily involved in the coaching business. The whole system has become ineffective due to the corruption of teachers and the coaching business.

Parents pay a lot of money to schools every year as admission fee, development fee, session fee, exam fee, etc. And the education system has turned into one kind of big business.

To save the future generations of this country, the practice of coaching needs to immediately end.

Biplob Biswas, Faridpur



PHOTO: PRABIR DAS