

DOWN TO EARTH

Tale of Divorce Cases in City

By A S M Nurunnabi

Dissolution of marriage through divorce is a sad phenomenon in most societies. But this is an innumerable part of social ethos in the sociological evolution of man. It is said: Getting married is easy; staying married is more difficult and staying happily married for a lifetime should rank among the fine arts. Thus staying happily married should be regarded as an enviable ideal. But it becomes a tragedy in the life of some, when staying married presents difficulties which end in the marriage being irrevocably broken down.

The procedure through which a divorce is obtained is different in different countries in the light of prevailing religious practices. In our country, divorce proceedings are regulated by the Family Laws Ordinance, 1961. Under this law, when any man or woman wishes to divorce his spouse, he or she shall, as soon as possible after the declaration of *(talaq)* (divorce) in any form whatsoever, give the notice in writing to the Chairman of the Arbitration Council, with a copy to the spouse concerned. The Chairman in this context means (i) the Chairman of the Union Parishad; (ii) the Chairman of the Pourashava; (iii) the Mayor or administrator of the Municipal Corporation.

From available statistics, it appears the divorce has been posing as a growing problem, without going into it in the wider perspective of our society as a whole. During 1992, it appeared from the City Corporation records that the total number of divorce proceedings filed according to law was 1,180. Of this total figure, the number of divorce petitions initiated by the wife was 790 and by the husband 390. For the subsequent year 1994, the total figure was 1,320. The break-up of this total figure was 960 by the wife and 360 by the husband. In 1995, the total figure of divorce petitions rose to 1,720 with the continuing trend of the preponderance of the number of wives seeking divorce from their husbands. Up to June, 1996, the total number of divorce petitions stood at 812 with the rising preponderance of women divorce seekers to the extent of 75% to 80%.

The number of reconciliation that is brought about by the Arbitration Council was reportedly not substantial. But what is very characteristic is the steadily increasing number of cases in the past few years where the wives took the initiative in filing divorce petitions. This is the picture in an urban centre. Similar situation might also be prevailing in other urban centres. What is felt to be of serious concern is that this may be the tip of the iceberg when considered in the context of the larger number of cases of unregistered marriages in the countryside at large, where similar shake-up in age-old social values may be operating. There is no denying that greater job opportunities for womenfolk in the countryside are emerging through various poverty alleviation programmes of the government and the NGOs. Such self-employment opportunities to rural women might be creating an atmosphere of greater self-independence for them, leading to a similar pattern of swing in divorce cases.

The steadily growing preponderance of the wife in the filing of divorce cases seems to be highly significant from the sociological point of view. As already indicated above, the most important factor in this context may be the comparative independence of women in urban areas at present. Previously the comparative economic helplessness of women accounted to a large extent for their acquiescence in accepting their marriages, whatever the causes of their maladjustment with their husbands. The spread of education among women in recent years may have also played a part in their economic independence in a greater degree in urban areas. This trend is also noticeable in advanced countries. This is perhaps inevitable in any country where with the march of education women gradually emerge from the isolation within the four walls of their homes.

It is well known that in western countries which are less conservative and more inclined to move with the times, the number of divorce cases has been steadily increasing over the years. For instance, in the UK, between 1945 and 1990, there has been eight-fold increase in divorce cases.

There is one important feature in our legal system in the matter of granting divorce. The mandatory routing of divorce petitions through the Chairman, Arbitration Council exerts a moderating influence in settling marital disputes leading to divorce petitions. Since a divorce cannot be made absolute within 90 days of the *iddat* period, the Chairmen of the Arbitration Councils play a helpful role in bringing about reconciliation between the parties during the period.

It has been seen that during the long period of *iddat*, much of the intensity of the disputes providing the grounds for divorce is tempered with more cool-headed thought and where there are children to think of, more sobriety prevails in the thought pattern of the parties which tend them more to a reconciliation. In this respect, the intermediary role played by the Chairmen of Arbitration Councils goes a long way to help. Of course there are some intractable cases which are beyond help.

Obviously the picture of Dhaka's increasing divorce rate is, as hinted at already, of a wider picture of the country. But, according to sociologists, such a process is inexorable. After all, marital relations are at bottom a question of personal relationship, which is the product of sum total of values of a particular generation, which are always in a state of flux in a fast changing society.



Prime Minister Sheikh Hasina returned home yesterday after performing Umrah in Saudi Arabia. — Star photo

Hasina

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of the three services, cabinet secretary, secretary to the prime minister, foreign secretary and home secretary. Dean of the Diplomatic Corps and Palestinian Ambassador to Bangladesh Shahta Zarab and Charge d'Affaires of Saudi Arabia were also present at the airport.

Hasina said King Fahd of Saudi Arabia had assured help to Bangladesh in its march forward and "we broadly discussed stronger ties in the Muslim Ummah."

Replying to a question on bilateral talks, the Prime Minister said "My visit was basically a Umrah-tour, yet I took the opportunity to take up some issues involving our interests."

The Saudi government, she said, assured greater cooperation for infrastructure development and rural electrification. Besides, "we had talks on the interests of seven lakh Bangladesh nationals living in Saudi Arabia," she added.

Hasina said that she had requested the Saudi government to recruit doctors and engineers from Bangladesh in addition to workers for the Kingdom's big labour market.

"During an one-hour stopover at Karachi, Governor of Sindh and some ministers received me and I sent a goodwill message to Pakistani Prime Minister," said Hasina.

Turning to domestic affairs, Hasina said, "During my stay abroad, I kept myself informed of what was happening in the country everyday."

Referring to the first session of the seventh Jatiya Sangsad scheduled for tomorrow, she urged the opposition BNP to play a constructive role in the House and come forward to work together on the basis of a national consensus for achieving "our common goals of building a buoyant economy and a terrorism-free country."

When her attention was drawn to some recent remarks by BNP chairperson Begum Khaleda Zia, the Prime Minister said, "Well, if law enforcing agencies catch culprits on charges of burglary and dacoity and then, claiming the accused as their partymen, they go for movement and hartal, I will leave it to the peoples' judgement."

New mark in DSE All Share Price Index

Star Report

Share Trading at the Dhaka Stock Exchange (DSE) boomed further last week setting new records in the All Share Price Index and other market indicators.

Although, the price index declined slightly in the last two days of the week, the overall share trading performance was very bright during the week.

The All Share Price Index crossed 1000 mark on Sunday and continued jumping in the following days of the week.

On Tuesday, the All Share Price Index and market capitalisation reached 1047 points and Tk 7109 crore respectively breaking previous records.

The average transaction in volume and value also registered new records as more than 4 lakh, 89 thousand shares and debentures valued at Tk 12.73 crore were traded daily during the six-day business.

Out of 103 traded issues, on an average shares of 60 issues gained and these 39 suffered losses while 4 remained unchanged.

In comparison to the previous week's closing day record, the price index rose by 29.29 points and the market capitalisation increased by Tk 198.90 crore in the last week.

The market operators and DSE members said that the share market boomed because the number of investors increased.

Due to heavy speculation, the prices of some blue chip shares reached sky high which pushed the market indicators up, they pointed out. The market would have expanded further if the one year lock-in rule for the foreign investors had been withdrawn, they observed.

The foreign portfolio investment remained almost nil since the lock-in system was imposed in February 1995, the mentioned.

The lock-in system should be withdrawn immediately, said Shahidullah, a member of the DSE. Lutfur Rahman, another member, said instead of the lock-in, the government

The Midnight File

Russian planes drop explosive on Chechen village

GEKHI, Russia, July 12: Russian warplanes dropped tonnes of high explosive on the Chechen village of Gekhi today, perhaps aiming to kill rebels fighters but flattening the homes of villagers in the process, reports Reuter.

Seventh Jatiya Sangsad

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resentation in Parliament: Awami League — 169, BNP — 110, Jatiya Party — 30, Jamaat-e-Islami — 3, JSD (Rab) — 1 and Islami Oikya Jote — 1.

Besides, 16 seats have been vacated by MPs who were elected by MPs who were elected by-elections to those vacant seats will take place later. Four seats were vacated by Begum Khaleda Zia, four by HM Ershad, two by Sheikh Hasina, one each by Oli Ahmed and Saifur Rahman (BNP), Tofael Ahmed, Abdur Razzak and Mohammad Nasim (AL), and Anwar Hossain Manju (JP).

After recitation from the holy Quran, the members will elect the speaker and deputy speaker. A five-member panel of chairmen will also be formed on the opening day.

The House then will go into brief recess when the President will administer the oath of office to the newly elected Speaker and Deputy Speaker at his Sangsad chamber.

After the House resumes, Leader of the House and Prime Minister Sheikh Hasina will move obituary reference which will cover the names of those who died in recent days, especially those killed in last two year's movement.

The first Parliament, elected through the March 7, 1973 polls, was opened on April 7, 1973. It was dissolved by then President Khandaker Mushtaque Ahmed on November 6 in 1975 after 134 working days in eight sessions.

The second Parliament was elected through February 18, 1979 elections and went into session on April 2, 1979. It could hold eight sessions in 206 working days before being dissolved by General Ershad who staged a military coup on

March 24, 1982.

The Third Parliament elected through May 7, 1986 polls was opened on May 7, 1986 and dissolved on December 6, 1987 after holding four sessions in 75 working days.

The fourth Parliament elected through the controversial election of March 3, 1988 was opened on April 25, 1988, and dissolved on December 6, 1990. It had 168 working days in seven sessions, including a one-day sitting.

The fifth Parliament was constituted through February 27, 1991 elections under the caretaker government of Justice Shahabuddin Ahmed that was rated as the most fair polls since independence. It was dissolved on November 24, 1995.

The sixth Parliament was formed through the controversial February 15, 1996 elections and dissolved on March 30, 1996 after only one session having three working days.

Sheikh Mujibur Rahman was leader of the First Parliament. Shah Azizur Rahman in Second Parliament, Mizanur Rahman Chowdhury in the Third, Moudud Ahmed and Kazi Zafar Ahmed in the Fourth, and Begum Khaleda Zia in the Fifth and Sixth Parliament.

Hasina apprises Biswas of her visit to KSA

Prime Minister Sheikh Hasina, setting a new trend in the country's parliamentary history, met President Abdur Rahman Biswas yesterday and apprised him of her visit to Saudi Arabia, reports UNB.

Hasina, who returned to the capital earlier in the afternoon ending a four-day state visit to the desert kingdom, went to Bangabhaban at about 6:10 pm and spent some time with the President.

The prime minister conveyed to President Biswas the best wishes of King Fahd bin Abdul Aziz of Saudi Arabia whom she met during her stay as a guest of the Royal family.

Hasina also presented the President with *jainam*, *tashih* and *jam/jam* water, all brought from holy Makkah where she performed umrah during her first trip abroad as the country's new prime minister.

President Biswas thanked the prime minister for apprising him about the visit to Saudi Arabia. He also expressed satisfaction hearing that the Saudi assistance to Bangladesh would continue in future.

This was the first time the president (head of state) was briefed by a prime minister about the state visit abroad as per the constitutional provision since the introduction of parliamentary democracy in the country in 1991.

Under the constitutional provision, the prime minister is to apprise the country's president, who is the head of state, about his/her state visit. But the provision was not followed in last five years.

Banking sector still fragile

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later by Prof Atwar Hossain, the government had received 110 million dollars from the WB under the Financial Sector Adjustment Credit to reform the sector. Under the credit, a 10 million dollars component — FSRP funded by the USAID — was initiated in 1989, which ended this June.

The World Bank noted that none of the NCBs met the capital adequacy requirements, the debt recovery environment had not improved, the proportion of classified loans was high even under the present "tax" requirements and lack of effective competition due to the absence of differentiation in loan pricing and accumulation of excess liquidity.

Dwelling on the "key" lessons learned, the WB noted that complex, multi-faceted reforms must extend beyond "stroke of pen" type measures and be backed by vigorous enforcement and a firm commitment carry them through in their entirety.

Deputy Governor of the central bank said that there had been some reforms of banking laws. The Banking Company Ordinance, 1962, had been replaced with a new ordinance in 1992. There had been no law to regulate the functioning of the non-banking financial institutions and subsequently the Non-banking Financial Institution Ordinance, 1993, had been formulated. The Company Act had been updated and the Bankruptcy Act has been drafted, he added.

The loan monitoring system of the banks have been upgraded and the banks can not now show their bad debts as assets," Mahubur Rahman Khan pointed.

Some positive changes have also taken place regarding appointment of bank officials. "No banks, excepting the NCBs, can appoint their executive heads without permission of the BE, and the central bank can also raise objection about any particular director of any bank and also ask for his removal," Rahman maintained.

A senior banker said the debt recovery did not improve upto the desired level and the reform of laws to recover loans was "proved to be defective."

"It still takes between 10 and 15 years to recover a bad debt through the court. The hope that the central bank's supervisory ability would improve drastically was also not

materialised," he noted.

The WB in its evaluation on FSRP said that though the government increased capital requirements to 8 per cent of risk-adjusted assets, in fact the earlier capital requirement of six per cent of the total demand and liabilities of the banks was not enforced.

Similarly, the government's intention to privatise one or two NCBs was not acted upon although the WB had carried out a study on privatisation of Rupali Bank and recommended a strategy for its restructuring and privatisation, the WB observed.

"Finally, GOB's plan to strengthen NCB management and management systems, improve personnel and incentive policies, and significantly increase the autonomy given to the NCBs through additional reforms which went with only marginal success," it added.

Termining the BB's performance "mixed," the WB said that the central bank was not "fully equipped" to implement effectively some parts of the reforms due to lack of resources including a shortage of skilled staff.

"In addition, the performance of BB was also affected because of a lack of political support which was needed in the absence of full autonomy," the WB said.

The Bank added that financial sector reforms normally take a long time to bear results and some reforms required other policy measures that were not taken.

"In case of Bangladesh, it now appears that the success of the financial sector reforms could have been enhanced if they were preceded by a successful restructuring of real sectors, specially the state-owned enterprises whose continuing losses were financed by the NCBs," the WB noted.

The Bank said that the "inherent rigidities in the banking system undermined the effectiveness of the interest rate liberalisation efforts."

The Financial Sector Development Project (FSDP) is expected to concentrate on four areas: Gradually help privatise the NCBs, regulate capacity of the Bangladesh Bank (BB), and help train staff of all banks, enforce debt recovery and disciplines in the sector and restructure the private bank's equity base.

Experts from Mexico and Pakistan will be brought in to

Legal reforms

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ready expressed its willingness to assist in setting up such a secretariat.

In reply to a question whether mere transfer, posting and promotion of the judges by the Supreme Court authorities were all about the government's view of separation of Judiciary from the Executive, Khasru said: "We are also planning to introduce Judicial Magistracy in order to strengthen the judicial system in the country."

When asked whether the Supreme Court would have the authority to appoint the judicial magistrates, he, however, said the government would appoint them through the Public Service Commission. The government would consult the SC in making the appointments, he added. "But initially, the Administration cadre officials would be sent on deputations to do the job of the judicial magistrates. Later, they would be given an option to choose whether they want to remain in the magistracy or return to the administration."

Asked whether the Administration cadre would continue to enjoy the magisterial powers even after the "separation of Judiciary," the state minister said, "I have already started seeking opinions of different quarters concerned on the issue with a view to preparing a 'flawless' draft of the law, and giving a universal approach to it." He hoped that the opposition BNP would come forward to help passage of the bill in parliament, seeking independence of the Judiciary.

On his party's election pledge of appointing MPs, instead of ministers, chairmen of the parliamentary standing committees, Khasru said that the government was still committed to the idea. "However, the issue would be left to the wisdom of the House."

ICC chief tells IMF delegation

Laws need to be reformed to check menace of non-performing loans

A leading business leader yesterday emphasised that laws be reformed allowing banks to force-close on mortgaged property without going through the existing procedures, reports UNB.

The laws need to be reformed also to combat the menace of non-performing loans, said Mahubur Rahman, International Chamber of Commerce (ICC)-Bangladesh President, in a meeting with IMF delegation.

Rahman made the suggestions when the International Monetary Fund (IMF) delegation sought views on measures which are needed to expedite economic re-generation, including acceleration of financial sector reforms.

The high-powered delegation was led by IMF deputy managing director PR Narvekar. It also included Deputy Director of the IMF South-east Asia and Pacific Department Anoop Singh.

Welcoming the IMF team, Mahubur Rahman said the reform measures suggested under Financial Sector Reform Project should be implemented at the earliest, keeping in view accumulated problems in the banking sector.

He pointed out that country's potential or economic efficiency was given necessary incentives, and in this regard, enumerated the factors which had been limiting the growth of private sector.

The ICC-Bangladesh president also pointed out how the continued weakness of the financial sector, coupled with economic distortions created by the huge loss of the public sector enterprises to the tune of Tk 25 billion annually, limited the growth potential.

While stressing on reforms in banking sector, the ICC president suggested that at the same time, privatisation programmes must go ahead with any further loss of time.

Commenting on WTO, he expressed grave concern on the move by industrialised nations about inclusion of social clause and environmental standards in the WTO rules, to the detriment of development countries as well as free market operations.

The meeting stressed that inflationary pressures must be kept under check and expressed the hope that the inflation control, as announced by the finance minister, should be a fundamental objective of the new government.

It also stressed that if public sector losses were controlled and unproductive expenditures contained, savings could be diverted to meet the investment needs.

Without manifold increases in investment it would be impractical to expect a GDP growth of 6-8 per cent which was essential to neutralise the threat to macro-economic stability achieved in the recent years, they observed.

ICC-Bangladesh vice presidents Lutfur Rahman and Abdur Rab Chowdhury also participated in the discussion.

MCCI president Samson H Chowdhury, DCCI president Ali Hossain, BAIIRA president Mosharrar Hossain, Oil Refineries Association President Usuf Abdullah Harun, Insurance Association Chairman Moyeedul Islam, former MCCI president Anis-ud Dowla and former DCCI president R Maksud Khan were present.

N'ganj Clash

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Police force from Fatahah, Shiddiganj and Narayanganj Sadar thanas rushed to the spot and quelled the violence after firing about 50 blank shots and three teargas shells, police said.

The clashes which broke out at about 11 pm was sequel to a row between the transport owners and workers that followed an alleged assault of a bus driver that led to the suspension of bus service from Hajiganj Bazar to Narsingdi, Demra and Daudkandi for the last three days.

The injured persons were sent to different clinics and hospitals including the Dhaka Medical College Hospital.

Murder

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arrested till last night but Tejgaon thana police said they were conducting raids in different parts of the locality to arrest the persons involved in the killing.

Tejgaon thana police said there were three cases against Rana filed earlier.

Diana

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that exasperated Queen Elizabeth and exposed the monarchy to ridicule in the eyes of her people.

Diana, who said it was the saddest day of her life when the couple decided to divorce, has been separated from 47-year-old Charles for more than two years. Under English law, they can divorce on the grounds of this two-year separation.

The world watched with misty eyes when Charles married the shy, blonde Diana in St Paul's Cathedral in 1981. But the couple became increasingly estranged from the mid-1980s. They separated in December 1992.

The separation plunged the monarchy into what some commentators said was its worst crisis since the abdication of King Edward VIII in 1936.

The divorce will not change Charles's position as supreme governor of the church of England, Britain's state religion, and will not affect his right to be king. He would be the first royal for 280 years to take the throne as a divorced man.