

But such dissection may deter the business community in general in investing money in the commerce sector. One cannot simply overlook the prevalent view that whatever the sanctions that may be imposed, those "all too known" and "evergreen" major defaulters of loans will remain untouched at the end of the day and the harsher consequences are meant for only those in the middle string. It is basic object to doing business to make profit and many such directors who invest their last coin in the business should not be deemed as having committed a villainous act by becoming as such. One also wonders why should the status of being married should lead to such disability.

The majority of those who came under the hammer and could afford the top lawyers of the country decided to resolve the issue in the court of law and no less than 21 Writ Petitions were filed before the Hon'ble High Court Division and Rules were issued upon the State, represented by the Secretary, Ministry of Commerce to show cause as to why provisions of Section 48B(1) (b) and (c) as amended by the Insurance (Amendment) Act 1990 should not be declared to be ultra vires and why members of Bangladesh and who were insured on various dates by the Contrivance Insurance on the basis of those provisions should not be declared to have been made without lawful authority and of no legal effect. Since all these Rules issued pursuant to these Writ Petitions involved common question of law, these were being disposed of by a single judgment delivered by the High

In reply to these allegations, the State contended that the amendment in question had been made with a view to controlling monopoly of capital which is not only detrimental to the interest of the economy of the country but also destructive of initiative for the economic growth or progress of the nation. Such amendment would go a long way to prevent accumulation of capital in the hands of one family or group of persons closely related to each other. Thus, the State's contention was that such prohibition in no way violates those provisions of our Constitution as alleged by the petitioners. It was further argued that the prohibition abolished discrimination and provided all citizens equal opportunity of participating in trade or business. The impugned amendment was made on the basis of the recommendation of the Industrial Commission 1988 in public interest for ensuring mass participation in the field of banking, insurance and financial institutions.

The recommendation made by the Insurance Industries Commission observed that under Rule 4 of the Insurance Rules 1958, a sponsor of a bank could not be a sponsor of an insurance company. This object of preventing control of business in the hands of few persons was being frustrated by allowing the members of the family of sponsors of banks to become sponsors of insurance companies. Ebadul Hoque J observed that the legislature accepted this recommendation by imposing the said restriction. These institutions deal with people's money and provide capital for business etc. to other organisations. If the sponsors of an insurance company have control over majority shares then they are in a position to control the annual general meeting of the company and can also elect directors among themselves to run the affairs of the company and this is precisely what happened in cases of the petitioners in most of these Rules. Dismissing the argument of the petitioner who is the wife of such sponsor/director to the effect that she is not dependent on her husband as she has independent business, the learned judge observed, "... in our society, almost all wives with few exceptions are dependent on their husband even for their sustenance. Very few of them have property or income of their own, is hardly free from the influence of her husband and both of them normally act in union to preserve and further their 'self interest' (at page 549).

According to the judgment

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Stop Dishonouring Women

Despite the new attention given to this issue, domestic and sexual violence against women still remains as 'one of the most serious and under-reported human rights violations in Bangladesh'. But it essential for every citizen, not just women, to break through the barriers of injustice, be they in national policies, preconceptions, or prejudices — to treat

There is nothing visibly wrong with the picture. But when some of those women go home at night, they live with fear. This fear is not of a natural disaster; they fear the very people -- family members -- whom they are supposed to depend upon for help and comfort. That is the trust-destroying fear

It is always said that 'right without remedy is like life without water. Both right and remedy are therefore to be needed and looked at as an integral parts. Committed attention needs to be emphasised not only to recognise the "rights", but also the "nature" of the right and its enforceability. Here the role of the media becomes very important. There should be a close working coherence among the rights-activists (preferably lawyers), truly enlightened individuals, social services organisations; and the pressmen. The rights of the poor and women here are always prone to fall victim and majority of them live below the subsistence level. And only due to the prohibitive cost of litigation, they

As long as women are held back from full participation in the lives of their countries by any means, including by the kind of violence women disproportionately suffer, ideals of equality will remain a far cry. So no woman, no girl, should have to live helplessly any longer under the shadow of any

A Maiden Venture

WITH an intention to serve its role as a playing field for academic exercises towards a better understanding of our legal system, Bangladesh Journal of Law has appeared. The first volume of the BJL was published in June 1987. BJL is a biannual publication of Bangladesh Institute of Law and International Affairs.

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Bangladesh Journal of Law
Vol. 1, No. 1, June 1997
Editor : **Shahdeen Malik**
A biannual publication of
Bangladesh Institute of Law
and **International Affairs**
Taka 65/- US\$ 8 (South Asia)
US\$ 12 (Europe/Americas)

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