

We must protect Hindu women's right to inherit property

ANUPOMA JOYEETA JOYEE

In a landmark decision, the High Court has recently ruled that Hindu widows are entitled to inherit shares in all properties of their husbands including agricultural land. Previously, their inheritance rights were limited to homesteads and non-cultivable land only. The decision must have frustrated at least 4 percent of the population of Bangladesh who happen to be Hindu men, including Jyotindranath Mondal who had filed the above case in 1996 seeking a court order to deprive his deceased brother's wife of their father's property. Certainly, Jyotindranath Mondal expected an outcome in his favour and there was every reason for him to do so. After all, Hindu women's inheritance rights in Bangladesh have always been in what can only be termed as an awful mess.

It's quite evident that Hindu legislators and leaders do not want Hindu women to inherit property. The Hindu Women's Right to Property Act 1937, a notorious British-era piece of legislation that the Hindu legislators of Bangladesh have never bothered to revisit, entirely excludes Hindu women from getting a share of their father's or husband's property if there are sons in the family. In the absence of a male heir, only the unmarried daughters and married daughters with sons can inherit property while childless widowed daughters or married daughters without sons do not inherit anything. Those who do inherit properties this way have limited ownership and are not allowed to sell the properties (which the September 2 court ruling also addressed). After their death, the ownership moves to the next male heir of the person they had inherited the property from.

While all reasonable people must

find this law discriminatory against Hindu women, Gobinda Chandra Pramanik, a male lawyer and Secretary of the Bangladesh National Hindu Grand Alliance, thinks differently. In an article published on the Union of Catholic Asian News website, he stated, "Most women have accepted the way God has created them compared to men, so they don't care much what is in the laws, because men ensure they are protected and enjoy their due benefits in the family and the society." He added, "I don't think ordinary Hindu women have called for legal changes. Only some so-called women activists and NGOs with vested interests are crying foul over the issue, which surely disrupts the peaceful life of Hindus."

This is a man making assumptions about the experiences of women who will never enjoy any rights over property. A lot of those women often do not have a source of income or any relatives to fall back on and will suffer through the rest of their lives with extreme difficulty after being widowed, or in some cases when they do not have a son. A 2012 Law Commission study finds that 86 percent of Hindu women want their share of their fathers' and husbands' property, but they cannot speak up in fear of stirring up trouble within their families. Therefore, I do believe when Gobinda Chandra Pramanik claims that ordinary Hindu women have not called for legal changes, not because of the reason he cited, but because they are busy trying not to be ostracised by their families and often the whole community.

The plight of Hindu women in Bangladesh can be further attributed to the woeful lack of female Hindu legislators in parliament. Since 2008, the number of male Hindu MPs in the 9th, 10th and 11th parliaments has been 14, 15 and 16 respectively. On the



File photo of a Hindu woman praying at her home in Kurigram, Bangladesh, on June 11, 2015.

PHOTO: STEPHAN UTTOM/UCANEWS.COM

contrary, the number of female Hindu MPs has been 2, 1 and 2 respectively. In 2008, both women were elected in the reserved seats for women, and in the current parliament, one of the two female MPs occupies a reserved seat. At no point have these legislators made the effort to present a new bill to parliament that accords the right of inheritance to Hindu women. If the female MPs are to come up with an updated bill, it would realistically need the support of their male colleagues to counter any backlash. The remarkable silence of the Hindu male legislators on this issue helps safeguard their position within the community that falsely portrays that Hindu women do not want inheritance right.

India was also left with the same 1937 Act by the British but a mere nine years after the independence, they

passed the Hindu Succession Act 1956 (later amended in 2005) which granted equal inheritance rights to women, while Bangladeshi Hindu women have been stuck with an 83-year-old law. This is in part because of the fear that if Hindu women who can inherit and own land later marry men belonging to a different religion, the total area of land owned by Hindus in Bangladesh will decrease. In Hindu-majority India, legislators were not bothered by this notion, and consequently enacted laws which equally protect women's interests. So, it seems that by not inheriting lands, Hindu women in Bangladesh are bearing the burden of protecting the cumulative area of land owned by Hindus in the country. This is a predicament that the leaders of the community do not wish to resolve because it also protects their interests.

Whenever the issue of Hindu women's property rights comes up, influential Hindu leaders, who are conveniently male, vehemently oppose it. They worry that if women start owning property, they will feel empowered enough to divorce their husbands. In fact, the lack of ownership of property is often the reason why Hindu women are subjugated and stay in an unhappy or abusive marriage.

Hindu women's right to inheritance is often brushed away as a non-issue because, according to the leaders, in a country where Hindus as a minority barely have any basic rights to begin with, they should not be bothered about gender discrimination within their own community. This is a classic case of using one wrong to justify another one. If the situation of Hindus never improves in Bangladesh, so to speak, then should Hindu women just have to accept their sufferings which are amplified twice over (by religion and by gender) in their own country, simply because they are minorities?

The most ignorant argument of the leaders is that changes to Hindu personal laws will be devastating for Hindu families and traditions. If the tradition they are talking about is "patriarchal entitlement", which does not deem women worthy of owning property unless they give birth to a son, then certainly it will be destructive. They seem to have forgotten that due to the demands of time and to align laws with societal progress, many traditions like *Satidaha* had to be legally banned too.

Have you noticed that I am literally bringing up *Satidaha* to speak for women's rights in 2020? If that does not show how cruel the current law is, then I do not know what will.

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A British fiasco derived from algorithm

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It was a British fiasco, but Prime Minister Boris Johnson termed it a "mutant algorithm". The fiasco is about the exam results of both GCSE and A-level involving millions of pupils. Though both these exams are run and managed by British authorities, any fallout is felt by many thousands around the world including Bangladesh. According to *Dhaka Tribune*, this year about 8,000 Bangladeshi youngsters received their A-level grades and a similar number of them got International GCSE results. As the Covid-19 pandemic made holding of any examination impossible this year, the results given were based on mathematical calculations, known as algorithm, which caused a national scandal. Hence, PM Johnson, after almost two weeks of silence, told pupils at a school, "I'm afraid your grades were almost derailed by a mutant algorithm and I know how stressful that must have been."

Initially, an algorithm was used to determine A-level grades for about 7,00,000 students this year. But it was scrapped after a nationwide outcry following detection of serious problems. Initially, government ministers defended the grades produced by the algorithm saying that it was a world-class procedure. But following widespread anger over major flaws detected in the algorithm-based grading, the government made a U-turn and decided to use predicted grades from teachers instead. The GCSE result was delayed to replace algorithm-based grades following the A-level fiasco. A sudden and last-minute change in GCSE results of more than four million school-leavers means generous grading, which has been described as a grade inflation. In England, the official exam

regulator, Ofqual, is responsible for awarding grades, and this year it had asked teachers to supply—for each pupil for every subject—an estimated grade as well as a ranking compared with every other pupil at the school within that same estimated grade. These were put through an algorithm, which also factored in the school's performances in each subject over the previous three years. The idea was that the grades this year—even without exams—would be consistent with how schools had done in the past. Ofqual said this was a more accurate way of awarding grades than simply relying on teachers' assessments. The rationale behind Ofqual's preference for algorithm was that teachers would likely be more generous in assigning an estimated mark, which might lead to a much-higher number of pupils getting the top grades.

Once A-level grades were announced, it showed that nearly 40 percent of students got lower grades than teachers' assessments. More shockingly, the downgrading affected state schools much more than the private-sector run schools. Owing to the stress on past school performance, a bright student from an underperforming school was likely to have their results downgraded through no fault of their own. Likewise, a school which was in the process of rapid improvement would not have seen this progress reflected in results. As private schools are selective and better-funded, in most years they perform well in terms of exam results. Therefore, an algorithm based on past performance puts students from these schools at an advantage compared with their state-educated counterparts.

The English fiasco happened within

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The result fiasco also caused considerable logistical problems for universities too. Some of the students who lost out on their first-choice course and university due to lower grades rushed back, causing oversubscription in many universities. It forced the government to lift its cap on the number of students each institution can admit. But admitting more students means tackling other challenges such as capacity, staffing and facilities. Though this cap and advance offer for courses by universities do not have any direct impact on international students, including those from Bangladesh, the grading fiasco had some unsettling effects on many Bangladeshi families. Many of our friends and relatives made their children's result known only after the revised grades were announced. The obvious reason was that the initial results were not what they expected.

The fiasco raises questions about the oversight of algorithms used at all levels in society, ranging from very basic ones to complex examples that utilise artificial intelligence. Tech giants like Facebook, Twitter, and Google use algorithm, and whatever we see on our newsfeeds on social media platforms are chosen by such mathematical tools. The exam results produced by the algorithm left everyone unhappy, and now the Office for Statistics Regulation (OSR) says that it would conduct an urgent review of the approach taken by Ofqual. The algorithm fiasco also suggests a sense of powerlessness felt by those students disappointed by their results. Now, many experts want to find a human way back, instead of the computer deciding such crucial things for us. One may wonder whether such desire will extend to other things too.

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A-level students protest the grading fiasco in London, UK, on August 14, 2020.

PHOTO: REUTERS/PETER NICHOLLS

two weeks of the Scottish experience where algorithm-based results of their higher qualification, comparable to the A-level, was overturned by the government as soon as the fault was detected. But the government in London responsible for England, Wales and Northern Ireland's exam results seemed reluctant to take lessons from Scotland and insisted that its algorithm was a robust one. Prime Minister Johnson was on summer holiday and his silence caused widespread anger. One tabloid not known for political journalism splashed a single-word headline: "Missing"—with a manipulative caricature of Mr Johnson—asking its readers, "Have you seen him?" The fallout of the scandal continues and the National Education Union (NEU) called Johnson's "mutant" algorithm comment "brazen", and accused him of trying to "idly shrug away a disaster that his own government created."

QUOTABLE Quote

LUCIUS ANNAEUS SENECA
(4 bce-65 ce)
Roman philosopher, statesman, and orator.

It is not because things are difficult that we do not dare, it is because we do not dare that they are difficult.

CROSSWORD BY THOMAS JOSEPH

ACROSS

- 1 Au naturel
- 5 Fancy buttons
- 10 Spring sign
- 12 Art supporter
- 13 Black shade
- 14 Game site
- 15 Hot blood
- 16 River blocker
- 18 Little lie
- 19 Amateur
- 21 Shades
- 22 Dishdrying aids
- 24 Colorful tops
- 29 Shrewd
- 30 Corner
- 32 Phone download

DOWN

- 1 Pesto herb
- 2 Turkish peak
- 3 Steakhouse choice
- 4 Long swimmer
- 5 Jeans joint
- 6 Pitch's kin
- 7 Practical
- 8 Refuses

33 Bible vessel

34 Commotion

35 Sandbar

37 Touches down

39 Refinement

40 Game host

41 Holds back

42 Signing needs

9 Thick cuts

11 Calms down

17 One more

20 Pirate address

21 Body pump

23 Iron target

25 Formal headwear

26 Uncover

27 Somnolent state

28 Make blue

29 Extreme diets

31 Sits for a portrait

33 Pub brews

36 Money machine

38 Music booster

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YESTERDAY'S ANSWERS

P	E	S	O	S	A	D	D	E	R
A	L	E	R	T	S	E	I	N	E
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BEETLE BAILEY BY MORT WALKER

BABY BLUES BY KIRKMAN & SCOTT