

WOMEN ON THE MOVE

Has Women's Position Changed Since Independence?

By Dr. Sajeda Amin

The birth of a nation provides scope for revolutionary change. Post independence Bangladesh was a confusing time: mixed with the euphoria of freedom was a deep sense of loss for the dead and a widespread sense of vulnerability. The turmoil of the war of independence, the tidal bore preceding it, the 9-month long war, and the flood and famine of 1974-75 combined to create a profound sense of insecurity in the society.

The poverty of the 1970s pushed unprecedented numbers of destitute and poor women into the labour market. Women emerged from purdah to take up various forms of manual labour. The extreme crisis of the early 1970s provided the critical thrust needed for society to accept women's participation in income earning activities outside the home.

The number of women in the labour force has increased gradually in the last couple of decades, even though the overall level of participation remains low. In the past five years, the growing garment industry had a widespread and truly visible impact on society in terms of women's mobility. As one occasional visitor to Dhaka observed: the number of women (garment workers) seen these days was unheard of in the early seventies... they alone indicate a sea change in the mobility of women.

The crisis of the 1970s spawned other changes with indirect implications for women. Our dependence on foreign aid increased. Donors sought channels to disburse funds and manage poverty alleviation programmes, giving rise to a new breed of non-profit, non-government organizations — popularly referred to as NGOs. There may be exception, but the ruling ethos of these organizations is to be progressive and oriented towards change — fighting the dead hand of tradition. These organizations often provide a friendly forum for feminist activism and have been effectively used in many instances.

NGOs have brought more concrete benefits to the poor and to women. Some of the large and very effective organizations work all over Bangladesh to provide credit, education and health services that are effectively geared to the poor. Before 1970, institutional credit to assetless rural woman was virtually non-existent. Thanks to the work of Grameen Bank and other agencies, there has been a phenomenal increase in the amount of credit available to women for non-farm operations. The Grameen Bank alone has over 800,000 female bor-

rowers. Similar special credit programmes reached about 1.5 million women in 1985-89, that is 10 per cent of women in families that are functionally landless.

Poverty and increasing landlessness puts pressure on the traditional family structure. Unprecedented numbers of families are now fragmented or nuclear. While western influence and modernization are usually associated with nucle-

lar families, in Bangladesh, when bereft of a male partner, through widowhood, divorce or abandonment, not having a family to fall back on can have excessively negative consequences: as one author describes it, often the only option for elderly widows to turn to is early death. Given the large age difference in marriage, prolonged widowhood is a virtual certainty for the average Bengali woman.

Rapid population growth

much earlier age than men, there are more women than men on the marriage market. The recent high growth rates that we have experienced in the past 30 years or so, has compounded this problem of excess. The emergence of dowry during this same period of rapid population growth bears concrete testament to the deteriorating bargaining position of women in marriage.

By far the most widespread change in women's lives must be in the realm of birth control. In 1970 the average Bangladeshi woman had over 7 births, while in 1991 the average woman has fewer than 4.5 births. Only 7 per cent of married women practiced contraception then while now over 40 per cent practice modern contraception. Even in the remotest areas women have access to multiple methods of birth control. However, since the programme was geared towards reducing population rather than giving women reproductive choice, it has many negative aspects, such as poor care, elements of coercion (women are often forced to accept methods that may not be suitable)—nevertheless, the access to contraception has meant a radical change in the lives of Bangladeshi women in every social class.

In terms of overall change since the 1970s, it is clear that a series of economic setbacks created a situation of particularly high levels of economic uncertainty and instability. The combined effect of events of the 1970s may well have precipitated a welter of social change of which the changing role of women was a part. Unprecedented population growth, led by mortality decline occurring sometime in the middle of the present century, set off a process of impoverishment and land scarcity and finally brought the society to a threshold whereby the traditional patterns of female seclusion, family formation and fertility are no longer sustainable. These varied changes, in the social structure have positive and negative implications for women. Women today have greater autonomy and mobility than they did at the time of independence 22 years ago and they have a better opportunities, especially if they are educated. On the other hand there has been a transformation in the family such that marriage has bleaker prospects. Are women better off then before? The answer can only be yes if we can get a fix on the institutions of marriage and family.

The writer is a research fellow in Bangladesh Institute of Development Studies (BIDS).



Isn't it high time to improve their situation?

ation, in fact, there is probably a more rapid nucleation in progress that is triggered by landlessness, poverty and population growth. While nuclear living arrangements may be heralded because they represent a certain degree of freedom from patriarchal control, there are substantial costs that have to be borne by women. Since most women still have limited access to income earning opportunities,

Photo by Stuart Rutherford has some adverse effects for women in the 'marriage market' the root cause for which is a cultural preference for husband's to be much older than wives. Man are on average 8 years older than women when they first marry. As a result, there are many more ever-married women than men — one study estimates a 30 per cent excess of ever-married women. Since women become 'eligible' for marriage at a

The Harassed Housewife

By Parveen Anam

A man works for a number of years, till he reaches the age, when society decides, that he needs to retire and take things easy. It is his birth right. No two way about it. His active contribution to the development of mankind is done with, he can now take an elevated back seat and continue to guide the destiny of man from a position of grace; with a suitable remuneration to show for the years of hard work he has put in. But, strangely enough, not so the woman. Somehow, birth rights only belong to men. Men has decided on that too. Women do not deserve such rights. If they deserve anything at all, in the eyes of the man, Men are the ones who decide

that they can sit back and enjoy themselves, without having to account for their time, either to themselves or to the woman. They can enjoy the benefits of a pension at the end of years of 'hard labour' toiling away selflessly, to keep body and soul together. It has never entered their minds, that the woman probably deserves as much credit, in keeping the body and soul together as the man. If not more. She toils, year in and year out, in a thankless, honourary job, without the benefit of a pension, of course. If that brilliant man, with his brilliant calculative brain, would only once, take the

trouble, to work out how many hours, the woman puts into her day, without a days leave, payment, sick leave, casual leave, overtime, you name it, even he would balance and the labour laws would have him behind the nearest bars, for gross violation. The only problem being of course, that the labour laws are made by men.

The man retires; the woman does not. Her job is endless; not a moments rest, the first one up in the morning, the last to go to bed. If both husband and wife go out to work, the husband, on his return home after a long day, will promptly put his feet up, with a cup of tea, (probably

made by her) while she, after an equally long day, bustles around, making sure, things are organized.

And if she does not go to work outside the house, her hours are even more hectic.

The time is probably approaching, when something should be done, to compensate the harassed housewife, for the years of honourary service, rendered without a complaint. The work she does, without any remuneration, would cost a fortune, to be done by somebody, employed to do so. The added benefit of love and sincerity, would cost more. Pension and retirement is due to all, we must remember, men and women alike.

Towards Equality of the Sexes At Work

Stereotypes

Father earns money to keep his family, mother looks after the children (and of course, does the household chores).



Reforming to



Women and men work together in a laboratory

Courtesy Unesco publication

CRIME COUNTS

Looking behind just five days

A 14-year-old girl committed suicide at Dhamrai on December 20 as her love was denied by a cousin.

Hosne Ara, a daughter of one Azimuddin of Gopal Krishnapur village in Dhamrai, took poison as her cousin with whom she had fallen in love refused to marry her, relatives said.

Family members also alleged that Hosne Ara became pregnant by her cousin who pretended as her fiancé but later refused to marry. Hosne Ara had an abortion at a local medical centre on December 9, they added.

A young housewife Monwara Begum committed suicide by taking poison over a row with her husband at Sardaganj village in Gazipur on December 19.

Relatives said that Monwara's husband Rahamat Ali who was addicted to gambling and alcohol more often than not tortured her.

As a sequel to a quarrel between the two on December 18 night Monwara took insecticide on the following morning, said relatives.

A 20-year-old house wife committed suicide by hanging at Sagordari village in Jessore over a news of her husband's second marriage on December 19.

When Sufia Begum heard that her husband Abdur Razzaq married another woman, Sufia, hanged herself, family members said.

Abdur Razzaq was at large since his first wife committed suicide.

— Compiled by Farid Ahmed

Diary of a Working Mother

By Shaheen Anam

NOW what is she really like, the Bengali Working Mother? One thing is certain — She is tired! She is tense and she is always guilty, always going around with the feeling that she is not doing enough for the family. But she is also loving and caring, looking after the needs of the family, however unreasonable and demanding, trying to accomplish so many things at the same time. She is also difficult to live with at times and of course the family has to take the brunt of her anger when things are not going too well at the office or at home.

With more and more educated, modern women opting for a career, things are not what they used to be at the workplace or at home. Not only do these women want a good professional career, they also want a loving, considerate and supporting husband plus at least a pair of the most well behaved and intelligent children who need no persuasion to do their homework! Well unfortunately, things do not work out the way they are supposed to much to the disappointment of the working mother. She has to contend with first of all her own frustration at not being able to be the 'Super Mom' that she so desperately wants to be, then the inefficient secretary, the demanding boss, the well, unreasonable husband (not always), the moody teenager, the cranky 4-year old, the terrible cook etc.... the list could go on for ever. You would ask then why does she do it? Why? Because she loves it, make no mistake about it, in spite of everything, she does manage to enjoy herself. She is confident, she is poised and she is ready to take on the world. There are of course the rural working women in our society, who form the vast majority of working mothers, who are still very oppressed,

whose contribution to the family and society still remains unrecognized. But this column is only addressed to the modern, educated, urban Bengali women, who in spite of all odds are trying to make it in a man's world.

Readers response and feedback will be highly appreciated. Please send your comments, anecdotes, snippets

ray plate is shown to another doctor who is not very sure, because the picture is not very clear. By this time the three-year old is taking full advantage of the situation. She has suddenly forgotten to walk, go to the bathroom or even lie down. She just feels good when mummy holds her. It is now 8:30 at night, the illustrious father has just walked in, my back and arms are still from holding her for so long.



Working round the clock without proper recognition!

experiences, and help me make this column interesting.

It has been a long hard day at the office. The boss has made me write a letter three times, the secretary has made the most atrocious mistakes, I am all ready to go home and steal a few minutes of sleep, but no not on your life, the four-year old has hurt her hand (by just jumping down three stacked pillows) and is screaming, insisting that she has broken it. Rush to the clinic for an X-ray, the first clinic of course is closed because the machine is out of order, the second one kindly agrees to do me the favour of making the X-ray, but the report cannot be given tonight because the doctor has left. After much persuasion the X-

suddenly she forgets all about her pain, she jumps and runs straight into his arms. Abboo, why are you home so late? I missed you so much, with the look that makes daddy's heart melt. I am just about to ask her What about your pain? but am too relieved to know she is alright. Well, I tell myself, this is it, now for the delicious dinner that mother has cooked. As we all sit down the cook announces unremorsefully if we could mind having vegetables for dinner as the chicken roast was burnt while heating. More next week!

The writer is the programme officer with United Nations Capital Development Fund (UNCDF). She is a marriage counsellor by training.

Male Bias and the Validity of Hindu Marriage in Bangladesh

By Tahmina Rahman

THE legal system of Bangladesh, is characterised by the co-existence of a general national law, applicable to all citizens, and a system of concurrent personal laws of the Muslims, Hindus, Christians and Buddhists. The Hindu law of Bangladesh is thus applied as the personal law of the Hindus, who constitute approximately 13 per cent of the total population of 110 million.

The Hindu law of Bangladesh today is a peculiar mixture of Anglo-Hindu law and local customary laws, with the latter given very limited official recognition. Any of the old Hindu law enactments have not been repealed or amended since 1972. Thus it is quite apparent that the Hindu law of Bangladesh has been left almost untouched by the legislature.

Incidentally, this seems to be a common fate of minority laws in the subcontinent. In Pakistan, too, the Hindu, Christian and Parsi laws are very outmoded and have remained almost untouched by the Muslim majority. In India, the Muslim personal law has been left largely uncodified, as much for reasons of political expediency as because of traditional resistance to reforms.

The sources of the Hindu law of Bangladesh is a complex subject about which much has been written, and still too little is known. Textbooks on the personal laws of the Hindus in Bangladesh follow the traditional pattern of descriptive analysis. Some contains repetitions and contradictions. In the traditional view, the ultimate basis of Hindu law are the Vedic scriptures, which rest on divine authority, i.e. *Smriti* 'what was heard', and the *Shruti* 'what was remembered', and precedents.

It is still Anglo-Hindu law, as far as its official operation is concerned, in real life it appears to be a largely localised customary law. Hindu law in India on the other hand are mostly statutes as codified in the *Hindu Marriage Act 1955*, *Hindu Succession Act 1956*, and *Hindu Minority and Guardianship Act 1956*.

Marriage according Hindu law in Bangladesh is a sacrament i.e. a 'Sanskara', not a

contract, and an indissoluble union. Following the traditional Anglo-Hindu pattern, polygamy is allowed without limitation to Hindu males, intermarriage between members of different castes (varna) will be more or less forbidden, divorce will only be available at custom, since *sastric* law does not allow it.

Numerous ceremonies are observed in a Hindu marriage, but the two essential as declared by the Supreme Court in the case of *Amulya Chandra Modak Vs. the State* (1983) are (i) the invocation before the sacred fire i.e. the performance of the nuptial homa and (ii) *Saptapadi* (the 'seven steps').

The case is a good example of the difficulties faced by modern courts in developing countries to bring local and national legal systems into a satisfactory pattern of legal regulation.

The case was brought as a criminal prosecution under section 493 of the Penal Code, 1860, the accusation being that Gita Rani a young woman had been made to agree to illicit sexual intercourse as a result of the deceitfully induced belief that she was lawfully married to her lover. She claimed that he proposed to marry her by exchanging garlands, and that he would marry her later with full ceremonial.

Thus, a secret exchange of garlands took place between the accused and the girl. The girl cohabited with the accused, allegedly in the belief that she was married to him. In an informal gathering (*salish*) the villagers put pressure on the man to honour his responsibilities, but he refused to marry the girl. The girl's father then took the matter to the official legal system.

The court took a very formalistic approach to the girl's case, refused to listen sympathetically to her and was convinced that 'the story of exchange of garlands... has been introduced subsequently by way of embellishment. Gita Rani was for 'her folly' of agreeing to illicit sex without realising the potential consequences.

The court stated that two *sastric* ceremonies are essential for the validity of a Hindu marriage. In conclusion, it was held that even if there

had been a garlanding ceremony, the girl should have known that mere exchange of garlands secretly in the night could not lead to a legally valid marriage. Thus, the accused was acquitted, since,

"In the social and religious background of the prosecutrix... the exchange of garlands can not be said to be an act by the accused to induce a belief in the mind... that she was lawfully married to the accused."

Several aspects of this case require brief comment. First of all, the court assumed that the girl voluntarily agreed to the sexual act and clearly blames the girl fully for what has happened.

The girl's lawyers seem remarkably uninterested in her case, raising a suspicion of male collusion. They could have raised the issue of presumption of marriage. They could also have brought in the Hindu law on *gandharva* marriages (the equivalent of a modern love marriage) to show that a self-arranged union may be subsequently sanctioned by the performance of appropriate customary rituals. No attempt was made by anyone to ascertain whether it is perhaps customary among some low castes of Bangladesh to have arrangements of this kind.

"Love-marriage" is not unknown to Hindus elsewhere; subsequent parental approval, however reluctant, is mostly forthcoming. The locally perceived obligation system could have been considered. But the entirely male-biased approach must have prevented this.

The judgement was raises some questions. Amulya Chandra Modak is likely to be relied on as a precedent in the development of Hindu law in Bangladesh. That invocation before the sacred fire and *saptapadi* as being two essentials for a valid marriage under Hindu law is liable to be misunderstood. Local and caste custom is undervalued, since there may be very little formal ritual, or even no ritual at all, depending on the circumstances. The court's comments on the requirements of Bangladesh Hindu customary law presume an extent of formality which may not in all cases be followed. Only detailed fieldwork could answer such questions. It is quite ap-

parent, though, that the informal local process of mediation would have yielded a very different result, preferable to what the official legal system had to offer in the end.

As it stands, Amulya Chandra Modak contributes little to the development of a satisfactory Hindu law of marriage, in fact it could be a formidable obstacle for Hindus seeking to prove less formal entries into Hindu marriage in Bangladesh.

The writer is a lawyer. Her article on *Hindus and the Law in Bangladesh* has been published from the University of London.

SPEAK OUT

I have been horrified by the increase in abduction, rape and kidnap threats as well as actual kidnaps taking place in Bangladesh today. Very often the abductors or kidnappers are caught, but other a short period of falling, get out and are free to repeat these atrocities. I think that the present government must take severe measures. The abuse of the women and children of our society should not be tolerated. During my service as a doctor in Nigeria, I have witnessed the government of that country take such a measure when armed robbing became a very frequent menace, where victims were often killed. The government ordained that those caught red-handed, be shot or hanged publicly and these executions were televised. The menace lessened very rapidly. I think the govt. of Bangladesh should also take similar steps for surely we cannot condone the robbing of our school and college children or our vulnerable housewives?

Dr. Altima Siddique spoke to Rumana Siddique

If there is any particular problem that you face as a woman, we would like you to share it with us through this column. Mail it to — The Editor, 'Women on the Move', The Daily Star, House-11, Road-3, Dhanmondi-B/A, Dhaka.