

FOCUS

Law and Our Rights

Dowry : A Deadly Practice of Greed Grows in Bangladesh

by Naseem Jahan Eva

"The poor, both men and women, ranked dowry as their third most acute problem and their fourth resolvable aim for government action," said 1996 report of the United Nations Development Programme (UNDP) on human development in Bangladesh.

Quoting a survey the report said, "anecdotal evidence suggest that the dowry is increasing in both frequency and size of the payments."

(Second Amendment Ordinance) and Family Court Ordinance 1985.

Yet, Dowry caused death to Anwar and Rokeya and hundreds of other like them. The provision of even the death penalty has not been able to deter dowry violence.

Why? "As per Dowry Act of 1980, both dowry giving and taking are punishable offences. Yet, due to ignorance and the inaccessibility of poor villagers to law enforcing authorities, the Act is ineffective and has failed to protect victims from dowry demand," said Ms Abdullah.

The menace is not only killing helpless women. Dowry practice has many other consequences, the UNDP observes: physical, psychological and sexual abuse of women, divorce, men having several wives, female suicide and parents becoming landless.

Abandoned and divorced destitute women are often forced into occupations such as prostitution to survive.

A recent survey by the Bangladesh Institute of Development Studies (BIDS) lists dowry as one of the five "most common crisis" events responsible for income erosion in rural areas.

Demographic character of Bangladesh where male population outnumbers female by 51 to 49 is not suitable to dowry to breed. Yet it spreads because of traditional societal outlook of considering women a burden to family.

"Dowry is the single most

convincing reason for parents considering that — a daughter is a burden", says the UNDP report.

"For millions in Bangladesh, dowry leads to treatment as inferior human beings and consequent feelings of inferiority from birth onwards. Dowry is a financial transaction, perpetuated by economic need or greed and agreed only because women are socially valued as inferior beings," says the report.

Research reports say the predominantly Muslim Bangladesh inherited the menace from the Hindu society which gives "pon" during the daughter's marriage since she does not own her father's property.

Several parts of Bangladesh, where Muslim society had been less influenced by Hindu manners and customs, it was the groom's family, and not the bride's, which used to pay for marriage expenses and offer presents. A study made by IARD in the early sixties shows that before 1935, the Muslim

groom's family never demanded dowry from the bride's family.

However, at present Muslim society in Bangladesh no longer lags behind the Hindu community. Bride's family is squeezed for cash and kind, even in educated urban families. How much the groom's family demands depends on the relative social and economic position of the bridegroom.

"Rising unemployment, landlessness, the growing monetization of the economy and commercialization of societies have all contributed to the growing popularity of dowry practice," observes UNDP report.

Unregistered marriages is an hindrance to make the laws effective. Poor families hardly go for registration because of fees and procedural hazards. Some parents avoid registration if their daughters are below the age of 18.

The social stigma attached to police and courts prevent women from seeking redress. The delay-prone court proce-

dures discourage people. And, above all, most people are not even aware of their marriage rights and legal protection.

"While Legislative change is necessary, it is not always enough to realize the rights of women. Gaps remain between legal provision and social practice. Dowry remains as a scourge, even though laws prohibiting dowry have been operative since 1984", says the UNDP report.

Legislation is crucial but equally important is social awareness.

A number of NGOs have undertaken legal education programmes to make women conscious about their rights and various legal issues including Dowry Act. However, studies show that there has been little impact to date.

UNDP advocates that the women's movement and NGOs need to take up the dowry issue in a more forceful and united manner. There should be assertive lobbying to push dowry issue in parliament, to change social attitudes and to identify specific achievable aims.

"Educational programmes can help create an atmosphere where dowry taking and giving is looked down on by society," said Ms Abdullah.

"Enactment of law and legal education alone are not enough to eliminate the evils of the dowry system. We must find out the root causes of the system and fight them if we are really serious about eliminating dowry," she said. — News Network

Law Scape

Legal Notice to Abandon Construction on Greenery of Dhanmondi Lake

BANGLADESH Environmental Lawyers Association (BELA), served a legal notice upon the Secretary, Ministry of Housing and Public Works, the Chairman, Public Works Department (PWD), Rajdhami Unnayan Kartipakkha (RAJUK), the Chief Engineer and the Executive Engineer-II of Public Works Department (PWD) demanding abandonment of the construction of housing apartments on the greenery of the Dhanmondi Lake. The notice was served on the 17th October, 1996.

The notice pointed out that a recent Project undertaken by the Public Works Department (PWD) of the Ministry of Housing and Public Works titled "Residence for Judicial Officers-Dhanmondi Residential Area" proposes for constructing two multi-storied housing apartments for the Judicial Officers on the lake-side land at the end of Road #6 of Dhanmondi Residential Area. The construction of a 16' wide road is underway on the lake-side green space connecting Road #6 with the said proposed housing units.

It further submitted that the said Project, if implemented, will harm and seriously damage the ecological balance of the area causing severe environmental hazards and disruption to its residents. It is worth mentioning here that the execution of a similar Project of PWD proposed earlier in the year 1995 for constructing four multistoried apartments comprising 40 flats by filling up a portion of the lake and its adjacent green space area were postponed following vehement protest from the residents of the area. The drawing of the present Project which appears to be a revised edition of the plan of 1995 evidences the reluctance in respecting the views of the residents and caring for their comfort.

It also revealed that such unlawful and inconsiderate actions threatening the aesthetic attraction of the Lake and DRA have consequently interfered with the lawful rights of the residents to enjoy property and a healthy environment and have consequently infringed their constitutional right to life. Being aggrieved by such actions and inactions the residents of DRA through the Dhanmondi Residents' Association for Welfare (DRAW) on several occasions made representations and urged to cancel/abandon the said unlawful project but was of no effect.

Finally, the notice stated that if BELA do not receive any satisfactory response from the concerned authorities within a specified period appropriate legal action would be initiated.

Barriers Still Blocking Road to Rights

By Sue Montgomery

Breaking the chains

India, Indonesia, Sri Lanka and the Philippines already have human rights commissions. Thailand, Pakistan, Nepal, Bangladesh and Malaysia are planning to set them up.



THREE years after the government promised to make human rights a priority, a Bill to set up Thailand's first human rights commission has been presented to cabinet.

But instead of rejoicing, non-government organisations (NGOs) say it is unacceptable because the new commission would not be independent; it would be chaired by the Prime Minister, with the Attorney General as secretary. "Governments — even democratically elected ones — are not good at monitoring themselves in terms of their respect for human rights," says Brian Burdakin, special adviser on national institutions to the United Nations High Commissioner for Human Rights.

To be credible, such a body must be autonomous and run by people of integrity and independence, he says.

"If you don't have that, frankly, you have wasted your time and money," Burdakin says. "It doesn't matter how good the law is. Unless the people responsible for the conduct of the commission's activities are people of independence and integrity, the commission won't be successful."

It won't enjoy respect and support, and people won't come to it with their concerns and complaints about human rights abuses.

Thais have seen their share of brutal suppression. Dozens of pro-democracy activists were killed by security forces in October 1976 at Thammasat University, and again in May 1992 in central Bangkok. Twenty years after the Thammasat massacre, there has still been no inquiry, even though many killings were captured on film.

More recently, as Thailand's economic development races ahead, people increasingly find their rights to land, resources and a clean environment in jeopardy. This makes the need for an independent commission urgent, says lawyer Somchai Homlaor, chairman of the Union for Civil Liberties of Thailand.

"Thais don't understand their rights, but they know that the existing system doesn't protect them," he continues. "They need something to solve their problems, but they may not know what this is. Even the government knows this is urgent, otherwise people will stage demonstrations in front of parliament every two months or so."

This is already happening. A group called the Forum of the Poor, a loose grouping of students, academics, needy people, members of NGOs and business people supporting social justice, was set up last December.

It has staged three major demonstrations in front of parliament to bring attention to

problems caused by dam construction, poor working conditions, and development schemes. So far, their complaints have fallen on deaf ears.

Meanwhile, there have been disturbing cases recently of community activists being murdered and people being threatened or harassed for taking part in protests against development projects. The victims have no impartial body to turn to that could investigate.

Thailand declared at an international conference in Vienna in 1993 that it would give priority to creating or strengthening national institutions for the protection of human rights.

Since then, the road to establishing a commission has been hindered by barriers — not least the frequent changes in government. The most recent government, plagued by corruption scandals, has dissolved parliament and called an election for 17 November.

Suthin Nophaket, the former vice-chairman of the House Standing Committee on Justice and Human Rights and one of the key lobbyists for the commission, says establishing an independent body should be a priority after the poll.

Burdakin, who is involved in helping at least seven countries — including Thailand — at various stages of setting up commissions, points to a government trend across south and south-east Asia to set up independent rights bodies.

"That is why we have seen commissions set up in India and Indonesia," he says. "This isn't a sneeze when two of the world's most populous countries — and two countries who have a pretty healthy regard for their own independence — set up human rights commissions."

The Philippines also has a commission, the Sri Lankan government has recently passed laws to set up one, and Bangladesh, Malaysia, Nepal and Pakistan are all interested in following suit.

The trend, says Burdakin, stems from governments realising that respect for human rights can affect regional security. Rights abuses in one country, for example, often translate into a refugee problem for another.

Rights commissions can act as a preventive measure in dealing with conflicts before they flare out of control, such as in the Balkans, says Burdakin, Australia's former human rights commissioner.

Such a healing process "takes generations. What we have to understand is that if we are serious about human rights, we have to get in at the front of the equation."

Sue Montgomery is a Canadian journalist formerly with Canadian Press news agency. She is currently working in Thailand.

SONY

সনি আনন্দ সংবাদ
৫০ বর্ষ পূর্তি উপলক্ষে
২রা নভেম্বর থেকে শুধু
তিন সপ্তাহের জন্য
বিশেষ মূল্য ছাড়
এছাড়াও পাচ্ছেন টি সার্ট
এবং '৯৭ এর আকর্ষণীয় ক্যালেন্ডার।

50 YEARS
OF INNOVATION

কমপক্ষে বিশ হাজার টাকা বা তার বেশী মূল্যের সনি সামগ্রী কিনে
মেম্বারশীপ ডিসকাউন্ট কার্ড লাভ করুন যা দিয়ে পুরো দুই বছর
বিশেষ মূল্যে সনি সামগ্রী কিনতে পারবেন।

ব্যাংকস ইলেকট্রনিকস লিমিটেড

দেশব্যাপী আমাদের যে কোন শোরুমে সনি সামগ্রীর জন্য আসুন।

<p>ঢাকা : পুরানা পল্টনঃ ৬৬ পুরানা পল্টন ফোনঃ ৯৫৬০৩২-৩৩</p> <p>বিহার সরণি : ১১৭/১ এয়ারপোর্ট রোড ফোনঃ ৮১৮৮০-৮১</p>	<p>গুলশান : আলম আর্কেড (২য় তলা) ৪৩ উত্তর গুলশান সার্কেল-২ ফোনঃ ৮৭১৫৭৬</p> <p>উত্তরা : ৬৭/এ রবীন্দ্র সরণি উত্তরা স্টেট-৭ ফোনঃ ৮৯১৯৭১</p>	<p>মিরপুর : ১০৭ সেনপাড়া পর্বতা বেগম রোকেয়া সরণি মিরপুর-১০ ফোনঃ ৮০৬১৭৪</p> <p>নারায়নগঞ্জ : নারায়নগঞ্জ ক্লাব শপিং কমপ্লেক্স বি.বি. রোড ফোনঃ ৭২৮৩২</p>	<p>চট্টগ্রাম : ৪২ লালখান বাজার ওয়াসা কর্পার ফোনঃ ৬১১৩৩৪, ৬২১৭৩৬</p> <p>৫৪৬ শেখ মুজিব সড়ক দেওয়ানহাট আগ্রাবাদ ফোনঃ ৭১২৮১০</p>	<p>খুলনা : ৮৩-৮৪ হার্ড মেটাল প্যালারী খান এ সবুর রোড ফোনঃ ২২৬০৫</p> <p>যশোর : এম.কে রোড ফোনঃ ৭২২৬৪</p>	<p>রাজশাহী : সাহেব বাজার ঘোড়ামারা ফোনঃ ৭৭৪৬৭৫</p> <p>বগুড়া : নওয়াব বাড়ী ফোনঃ ৪৯০৪</p>	<p>সিলেট : লতিফ সেন্টার (৩য় তলা) জিন্দা বাজার ফোনঃ ৭১০১৭১</p> <p>মৌলভি বাজার : মতলিব সেন্টার শ্রীমঙ্গল রোড ফোনঃ ৫৩৭০৭</p>
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অনুমোদিত ডিলারদের কাছেও পাওয়া যাচ্ছে