

## Law and Our Rights

## Tales of Terror

by Prakash Khanal

Ited relatively close to Liwang, teachers and all students over the age of 14 have fled in order to avoid detention by police seeking out "intellectuals". Many of the remaining villagers flee at the sight of strangers, fearing an attack from one side or the other. People have started to eye each other with suspicion, wonder-

ing to millions of dollars since the insurgency began. Many have died although the exact toll is unclear. The SJM's chairman, Dr Baburam Bhattarai, says that 71 Maoists have been killed by police — most of them through extrajudicial killing — with dozens more missing and feared dead.

"The amount and degree of

**Far from the eyes of reporters and headline-writers, villagers in parts of Nepal are covering in the crossfire of a vicious conflict between Maoist guerrillas and a police force determined to crush them. A Gemini News Service correspondent has visited the area to see to make an on-the-spot assessment, and reports that the "people's war" is claiming ordinary people as victims**

ing who in their midst could be a secret Maoist or a police spy.

More than half the village development committees of Rolpa, in the western hills, are under the control of supporters of the United People's Front (SJF), which, together with the Communist Party of Nepal (Maoist), supports the masked rebels.

The guerrillas have spread their "people's war" to other areas, including parts of the east. They have attacked, and in some cases driven out, aid agencies, which they accuse of being agents of foreign powers and of creating wealth for only a chosen few.

Arson attacks have caused damage to public property run-

state oppression, terror and violence in the areas most affected by the people's war in Rolpa cannot be described in words," said Bhattarai in an article in the journal Spotlight.

Police say they have arrested about 1,580 alleged Maoist supporters and released 900 after initial interrogation. Bhattarai disputes these figures, saying that more than 3,000 people have been detained. Women with babies are said to be among those being held in Liwang prison.

Ram Kaji Bantawa, the Deputy Inspector General of Police, says the government is aware that Rolpa is a poor district and is trying to create awareness among the people

about development projects and to provide them with employment opportunities.

"It is this government action which frightens the Maoists," says Bantawa.

He accuses the insurgents of killing 40 innocent people and six police officers, and says 50 Maoists have died in clashes. About 1,000 officers have been mobilised to combat them.

The new chief district officer of Rolpa, Prasad Bhandari, says: "It is a fight between those who follow the constitution and those who do not. The Maoists want to uproot the present system to establish a people's republic by destroying all those who don't support them. Our responsibility is to protect innocent people."

About 250 people wanted by the police have gone into hiding, says Bhandari, while various weapons have been seized by officers.

He denies claims of police brutality and extrajudicial killings. "We have our intelligence source and we have arrested only Maoists," he says, adding that those who have died have been killed either during clashes or while trying to escape from custody.

The present government treated the situation as a law-and-order issue. But the new coalition, which includes the more moderate Communist Party (United Marxist-Leninist), has invited SJF leaders to negotiate over the conflict. However, SJF leader Bhattarai describes the move as psychological warfare.

Before real negotiations can begin, he says, the government must cease acts of terror, pull back its forces, release all prisoners and order an independent judicial inquiry into the cases of alleged extrajudicial killing.

The writer is a freelance Nepalese journalist.

## Expatriate Women: Escapegoats of Ghetto Psyche

by Audity Falgumi and Begum Shahria

RECENTLY, the British Foreign office has undergone a succession of cases in which the British-born women of dual nationality have been abducted to their native lands by their own parents and coerced into marriage. Fatch Osman, a journalist from Sylhet, informed us about a good number of British-Bangladeshi girls so abducted (Independent, 1st Jan. 1997) and given to marriage. Osman, in his report tells us the story of one Parveen, who at her four, went to London from Baurkapon village in Sylhet to live with her parents. Since then, as she has grown up as a British citizen, she has made many British friends and adapted their culture. Her parents, being worried at her changes, brought her to Bangladesh, with a secret plan of marrying her off with a Bangladeshi man. In Bangladesh, they confiscated her British Passport and coerced her to marry with one of her cousins, a teacher at a local madrasa. Finding it as really difficult to live with her husband, Parveen complained to the Deputy Inspector General of Police urging him to recover her passport from her parents and to save her from the wedlock. Finally, police helped her to recover the passport and she left for London.

Parveen is not alone. Beauty, daughter of Tachaddar Ali of Keshabpur village, Rushna Begum, daughter of Abdus Sattar of Jalalabad area, Rupa Chowdhury, daughter of Pijush Chowdhury in Chatak thana, Sheuli Begum of Jagannathpur thana etc are a few names of many unfortunate victims.

Not only Bangladeshi girls, such sort of "common fate," i.e. abduction by parents and forcible marriage is equally shared by girls from other immigrant nations in UK. Such a girl might be Ishya Mohammed, a 15 years old Cardiff school-girl, who was taken to Yemen on an ostensibly holiday, or she might be that poor Pakistani creature, that 13 year old Nazia, who was forced to marry a man of 40. Remember the blood-chilling report on Shazia, that Pakistani maiden of Sheffield, by Carol Sarler, which was broadcasted all over the world through BBC. Shazia Shafie, one among countless children caught in cross-cultural conflict — Shazia, who, only at her 9 or 10, was usually called as "adopted white bastard" in her family owing to her mere fascinations for chips, western clothes and ice-skating. At her 13, her family sent her back to rural Pakistan, where she turned into a slave labourer.

Now, the entire discussion rests on the question: why such incidents are happening? To answer this question, one thing must be noted that is, only the girls and not the boys are being subjected to such "family violence." Mainly it has two causes: First, after the 2nd World War, once imperialist Great Britain, for whatever might be the reason, adopted a liberal immigration policy. During this period, people from different countries of Third World started migrating towards Great Britain, amidst whom the then East Pakistani citizens, particularly from Sylhet region, occupied a remarkable percentage. Gradually, these migrants established their permanent residence, business etc. and got British citizenship. Even

among the Bangladeshis, there are many who had been British citizens for 2nd, 3rd or 4th generation. But, the paradox lies in the fact that these migrants, despite enjoying all the rights and privileges of the British citizenship, they strictly maintain their traditional values and customs in family lives. And what is most common all over the world, in cases of minority communities, that they strict to their old values, due to their identity crisis. And, it is the women who have to sacrifice most of their lives and freedom for the sake of so-called "family honour." Ecofeminist philosophers Vandana Shiva & Maria Mies have shown in one of their studies, that how the access of Muslim women to various spheres of public life, including movies, theatre or music, has greatly been reduced in post-independence period in India, due to "over-protective" attitude of their males. The story is exactly the same in case of Hindu women in Bangladesh.

According to Engles, "..... over centuries women have been seen as the symbol of sacred property and land in patriarchal social systems. Men try to dominate women's free movement and sexual choice, and thus, they think that they have served the honour of their community." — This very attitude, as prevalent in every social system since the primitive age, is responsible for the abduction and consequent coercive marriages of women of dual nationality.

Recently, our High Court Division has decided two cases (writ petition no 2490 of 1996 and writ petition no. 1548 of 1995) concerning the above stated problem.

In the first case (Anny Hall V. Anwar Ali & others), Anny Hall, a representative of a British Women's Aid Organisation, filed a writ petition in the High Court Division under Art. 102 of the Constitution. According to the petitioner's statement, the detainee Nipa Sultana is a 19 year old dual Bangladeshi and a British national of Aberystwyth, Wales, UK. She was born in Bangladesh but since her birth she has been residing in UK with her parents. Her father Anwar Ali is the owner of a restaurant in Aberystwyth, Wales. She is also a student of Business Studies in a school of Aberystwyth on May, 1994 she met a boy Erich Williams, a student of Economics in the Wales University. They continued their friendship for two years and completed their engagement in January, 1996. Knowing it, her parents became aggressive at her and kept her in confinement. However, at that time she was rescued by the local, social service and police. Later on, Nipa's father, with her brother and uncle, attacked Erich's apartment. They dragged her out of the apartment and also hit Erich on his elbow.

At this time, Nipa's parents confiscated her driving license, passport and bank card, closed her Bank account and sent her to her grandmother's house. Her parents started continuous physical violence on her finally, she fled from her house and took shelter in a Women's Aid Organisation, of which the petitioner is a trustee. She lived there for few months. Later she returned back Aberystwyth and re-established the relationship with her parents. Her parents,

then, requested her to go to Birmingham with them on a visit to their relatives. Nipa agreed but before going to Birmingham, she informed her friends that she would return by 18/4/96. Failing the date, Erich got anxious and informed the police about probable abduction of Nipa. After making inquiry, UK police informed that she has boarded a KLM flight for Bangladesh on 17/4/96 with her parents. However, on 4/9/96, Erich got a short note from Nipa, saying her parents are trying their best to arrange marriage for her. That they have snatched her return-ticket and they physically assault her almost everyday. It is in these circumstances, that the petitioner has been bound to file the writ petition, on request of Erich.

But, Nipa's parents, i.e. the respondents denied all the allegations, saying that after they had come Bangladesh, a lot of marriage proposals for Nipa were offered to them. Among those proposals, her parents liked one Bachu and they told Nipa about their choice. But, hearing this, as she got very depressed and excited, they gave up the idea to give her in marriage. In the meantime Nipa posted the letter with the "false story" to her boyfriend.

Before the Notary Public, Nipa supported her parents' statement saying that she really wrote "false story" to get immediate help from her boyfriend as she was afraid that her parents would give her in marriage to a strange man in a unknown strange country.

The learned JJ Mainur Reza Chowdhury and Md Iftekhar Rasul, finally, laid down that although Nipa had made "false story," she did all these things only from the fear of coercive marriage. That every person is entitled, as per constitution guarantees, to the right of inviolability, -- the inviolability of individual against any sort of detention, physical or mental torture. Henceforth, Nipa is entitled to go Britain either alone or with the Petitioner or even with her parents, whatever she likes.

Now, the second case (writ petition no. 1584 of 1995). The petitioner Cathy Sufia is a British Citizen. Her mother is British and father is Bangladeshi. By faith, she is a Christian. She is 28 years old. On 12 July, 1984, she married a Bangladeshi citizen in England in a civil ceremony and she got four beautiful children from the marriage.

On 12 November, 1993, she came to Bangladesh with her husband and children for a holiday. After coming to Dhaka, her husband took all the passports of Cathy and her four children. Everytime she asked to return to England, her husband became violent and aggressive.

On 9 May, 1995, her husband, Zamirullah forcibly took away the children and issued a Muslim Notice of Divorce on her. On the day of Eid, she was forced out of her then husband's residence in Dhaka. Being penniless and very ill, she went to her father's home.

Not knowing what to do, Cathy approached the British Embassy in Dhaka and told them that, she wished to recover her children. They gave her the name and telephone number of a lawyer. Cathy contacted the lawyer who took up her case and the lawyer advised her to return to England and obtain

orders for custody of her children (Shah Yusuf-12 years, Daisey-9 years, Sharlean-6 years and Alam-4 years).

After obtaining the orders, she served them upon her former husband who ignored of them. It is to be noted here, that, the meantime, Cathy's husband has gone to England and sold all the properties, which were in the joint names of both Cathy and Zamirullah.

However Zamirullah did not comply with the orders of British court, rather filed a plaint in Family Suit No. 145/95, in 30 July, 1995. On the same day Cathy filed her writ petitions in the High Court Division of Dhaka. Although, Cathy and her lawyer succeeded in having the children brought from Noakhali to Dhaka, but that was when her nightmare began.

Day after day Cathy went to Court and saw her children from a distance as she was not permitted to go near her children. After a long struggle she was allowed to see her children for a few minutes in the opposite parties' Chamber along with the children's father, his advocates and a gang of men. Her next access was for two hours a week in her lawyer's chamber with her ex-husband and his advocate present.

Four weeks later, on 30.8.95 the High Court passed the order giving Cathy the custody of her three younger children, but not her eldest child according to the Hanafi Muslim Law of guardianship. But, Zamirullah then went to the Supreme Court and had the High Court's Order stayed. So she was left with a few pages of paper and no children again.

Going into the Appellate Division of the Supreme Court, Cathy found that religion has pushed itself into this matter. As Cathy is not of the Muslim faith, she is deemed to be an unfit person to look after her Muslim children. No matter that she gave birth to them.

However, finally, on 30 March, the Supreme Court of Bangladesh passed an order giving Cathy the custody of her three young children, but not the eldest child, exactly the same judgement as laid down by the High Court.

With due regard to the Supreme Court, we want to ask one or two further questions: for why Cathy has been deprived of her right to get her eldest child? No doubt, Zamirullah abducted his wife and children to Bangladesh in a deceitful manner, divorced Cathy unjustifiably and misappropriated their joint property.

Zamirullah, here, is also a person susceptible to minority ghetto sentiment. Possibly he feared of his identity absorption by majority British-Christian culture, which led him in committing such cruel behaviour. And, it is the women, Nipa or Cathy, — who have to pay the toll. Pay the toll of minority psyche. It is that minority psyche which led the few phantasmagoric to hate Christians with such ferocity, as his own daughter married a Christian. It is the same minority psyche which drives Nipa's father to abduct her own daughter. But everywhere the escapegoat of the ghetto sentiment is: women and women only.

The writers are the post-graduate students of Law, University of Dhaka.

## Lawscape

## The Number is Increasing!

by Saira Rahman

I wrote an article titled "Escalation of Incidents of Rape" in the 27th April '97 issue of the Daily Star. Unfortunately, there was some mistakes in the data contained in the table of rape incidents which was published with the Article. The actual figures are as follows.

Year	Number of Incidents
June-December 1993	33
January-December 1994	161
January-December 1995	217
January-December 1996	277
January-March 1997	126

It must be noted here that in April 1997 there have been approximately 52 reported incidents of rape reported by different daily newspapers many of the victims being minor girls of 7 or 8 years.

Rape is tool of subjugation and as more and more women are becoming assertive and learning to stand on their own two feet, the men they associate with their co-workers, admirers, the local men in the neighborhood feel threatened and some react violently when rebuked or their advances rejected. Thus, as reports go, the men are known to their victims and could be easily arrested by the police. The lack of implementation of the existing laws and the lack of deterrent punishment, the fear of social stigma and ostracism from the family still prevent or make women hesitate before reporting that they have been victims of rape.

Furthermore, the patriarchal set up of society—specially village society—make it even more difficult for women to seek effective remedy. Cases of rape brought to the village shalish instead of the police station, are turned around and the victim accused of adultery instead—thanks to fatwa-mongers and the village elite who are usually bribed to save the culprit. One wonders whether the law-enforcing agencies in rural Bangladesh heed these cases and whether they investigate the matter. According to the evidence of escalating incidents of rape, it seems that they do not pay much attention to incidents of violence against women—unless pressurized by NGOs and other women's organizations — which is evident in the case of fatwa, where there are many more reported incidents than cases filed.

The writer, an advocate, is a member of Ain O Salish Kendra.

## HC Issued Show Cause for Restraining Handicaps in the BCS Examination

by Iqbal Kabir

A Division Bench of the Supreme Court comprising Mr Justice Mainur Reza Chowdhury and Mr Justice M A Aziz issued a Rule Nisi, returnable within two weeks, yesterday (11 May '97), upon the Secretaries, Ministry of Establishment and Social Welfare, Chairman and Director of Bangladesh Public Service Commission (BPSC) for cancellation of admit card and restraining the petitioner from sitting in the recently held 18th Bangladesh Civil Service (BCS) preliminary examination on the ground of disability due to handicaps.

The High Court issued this Rule upon petition filed by Mr Iqbal Hossain, Resource Teacher at Shamari High School in Sherpur represented by Dr Mohiuddin Farooque, Secretary General, Bangladesh Environmental Lawyers Association (BELA) to whom the legal assistance has been provided on Pro Bono basis.

Dr Farooque on behalf of the petitioner stated that Mr Hossain submitted application for taking part in the 18th BCS examination 1996/97 and the (BPSC) accordingly issued him admit card for sitting in the said examination. Afterwards, on 30 April '97 he being a handicapped person approached the BPSC for providing a scribe but the authority unlawfully rejected his appeal by issuance of the impugned letter and cancelled his admit card on the ground of his blindness stating that as per the Government decision applicants without vision are not eligible for taking part in the BCS Examination.

The petitioner further stated that the cancellation of the admit card and restraining to appear in the examination on the ground of his disability, although he complies with the requirements, is contrary to the provision of the Constitution, Law and National Policy on the Matters Relating the Handicaps.

After hearing the matter the Court issued a Rule Nisi as to why the cancellation of the admit card of the petitioner and issuance of the impugned letter shall not be declared to have been made without lawful authority and is of no legal effect and also show cause why respondent no. 2 (Ministry of Social Welfare) should not be directed to implement the National Policy on the Matters Relating the Handicaps and ensure that all other respondents provide the same and also directed to take all appropriate measures.

The writer is a Staff Lawyer of the BELA

## Metropolitan

## FEJB seminar on uses of pesticides Strengthening of IPM system suggested

Speakers at a workshop in the city yesterday suggested strengthening Integrated Pest Management (IPM) system to reduce dependence on chemical pesticides for a sustainable development of agriculture in the country, reports BSS.

They said that the farmers should be trained on IPM so that the users may opt for chemical pesticides only after all the natural methods of pest control are exhausted.

Participating in the discussion research director of Bangladesh Rice Research Institute (BRRI) Dr Rezaul Karim said Bangladesh had a unique geographical location where the environment and ecological balance was subject to continuous change due to changes in the flows of her hundred of rivers including 54 international rivers.

He said flows in the rivers determine the nature of vegetation and the changes in lifestyle and lifeways of the pests and BRRI was making research on different aspects of IPM keeping in view all these natural factors.

Organised by the Forum of Environmental Journalists of Bangladesh (FEJB) the workshop on "uses of pesticides: environmental concerns" was presided over by the FEJB chairman Ahmed Nure Alam. Held at the VIP lounge of Jatiya Press Club it was also addressed by team leader of NEMAP programme formulation mission Dr Mahfuzul Haque.

Vice-chairman of FEJB Gazir Rahman, country man-

ager of Novartis (BD) Ltd Gerhard E Doege, crop protection sector head of Novartis Sarwar Ahmed, general secretary of FEJB Quamrul Islam Chowdhury, FEJB members Mrinal K Roy, Sarwar Jahan and Enamul Haq.

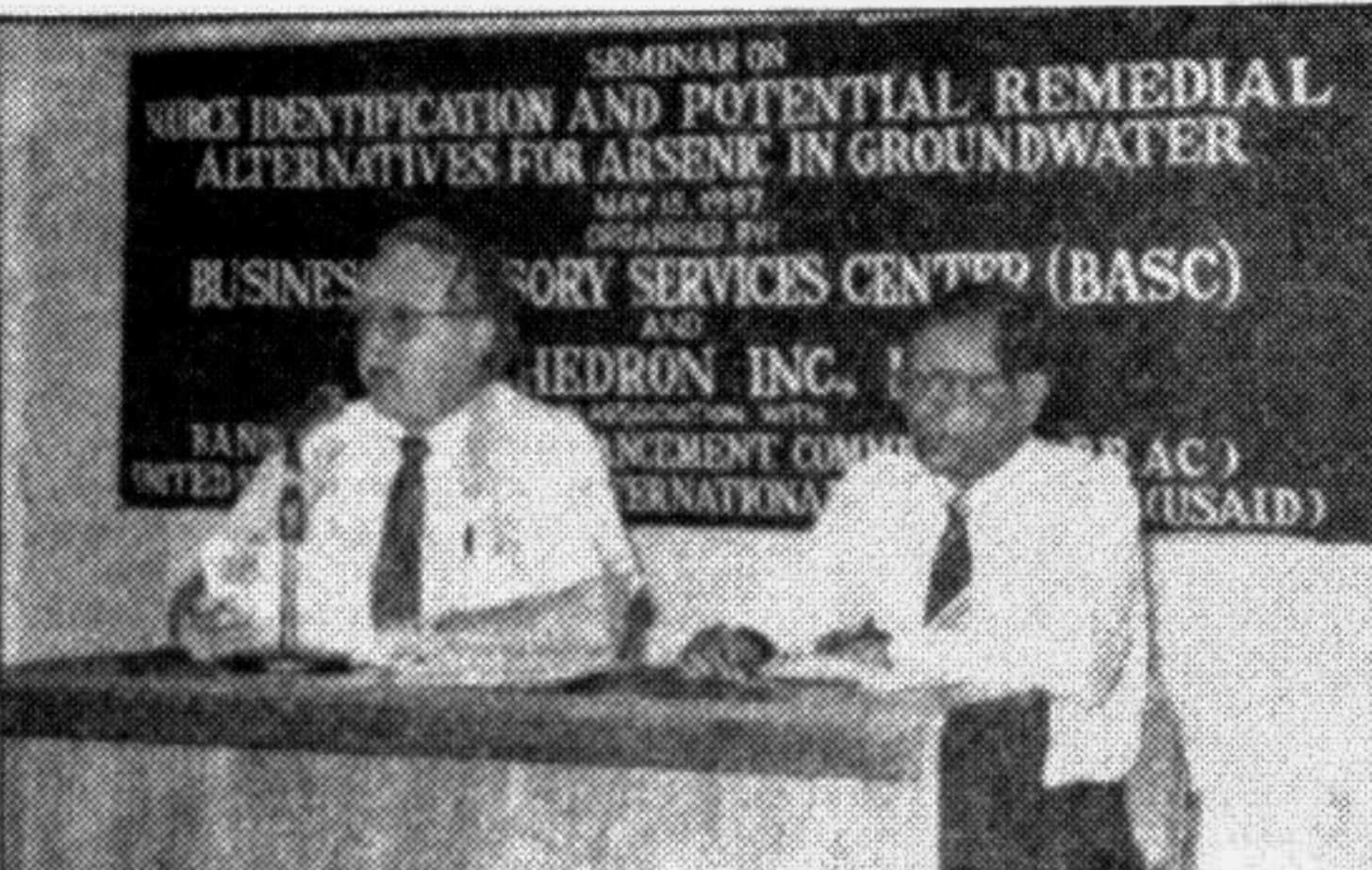
The NEMAP team leader, Dr Mahfuzul Haque pointed out that the environmental experts had identified excessive use of chemical pesticides as a major cause of environmental degradation in the agriculture sector.

## Certificates awarded

A ceremony to distribute course completion certificates among the participants of the recently concluded second training workshop on "ISO 9000" was held at a local restaurant, says a press release.

The chief guest, Nuruddin M Kamal, chairman, Bangladesh Power Development Board, emphasised the need for training and in this respect he said that he did not find efficient management in his own organisation. He mentioned that the root cause was lack of properly trained manpower.

Twenty-five senior executives from 18 organisations and companies who participated in the workshop, received certificates. The function was also addressed by SK Bhattacharya, an expert from India who conducted the workshop, and M Mosharraf Hossain, Managing Director, Rapport Bangladesh Limited.



A seminar on "Source Identification and Potential Remedial Alternatives for Arsenic in Groundwater" was held at the BRAC Centre auditorium on Thursday. The seminar was organised by the Business Advisory Services Centre (BASC) and Tetrahedron Inc USA in collaboration with Bangladesh Rural Advancement Committee (BRAC) and United States Agency for International Development (USAID), Dhaka. Muhammad Ali, executive director, BASC, presided and Flynn Fuller of the USAID, Dhaka, delivered the inaugural address.



Nuruddin M Kamal, chairman, BPDB, speaking after presenting certificates among the participants of the second training workshop on ISO 9000.

## HERE and THERE

## Bangladesh Scouts

Bangladesh Scouts organised a day-long public relations seminar-cum-workshop on May 15 at Shams Hall of the National Scouts Headquarters, in the city, says on press release.

The inaugural ceremony was held with Saiful Islam Khan, National Commissioner (PR & Publication), Bangladesh Scouts, in the chair. Mahfuz Anam, Editor, The Daily Star inaugurated the workshop as chief guest, while Manzoor Ul Karim, Chief National Commissioner, Bangladesh Scouts, was the special guest.

The keynote paper on "Role of Public Relations in Enhancing the Image and Visibility of Scouting" was presented by Dr Sitara Parvin, Chairperson, Public Relations and Journalism Deptt, Dhaka University.

Among others, Golam Sarwar, News Editor, The Daily Ittefaq, drama artist Ali Zaker, Syeda Shamse Ara Hossain, Principal, Siddheswari Girls College, and National Commissioner (programme) Habibul Alam, Bir Pratik, took part in the discussion.

## Bangladesh

**Fertility Society**  
Bangladesh Fertility Society organised a discussion meeting in observance of Family Day on May 15, says a press release.  
Dr MA Bashed, embryologist and secretary general of the society among others, spoke on the different aspects of the day.

## Lions Clubs Int'l

JMA Hadi was elected Vice District Governor of Lions District 315 A-1, Bangladesh for the year 1997-98, at annual district convention held at a city hotel recently, says a press release.

Hadi is the managing director of Adwin Ltd. and Dreamland Fashions Ltd.

## Two get BWSA Gold Medal

Two eminent women scientists of Bangladesh Council of Scientific and Industrial Research (BCSIR) have been awarded the Bangladesh Women Scientists Association (BWSA) Gold Medal for their brilliant research performances, says a press release.

Hosneara Mokbul-e-Khuda, former Principal Scientific Officer, BCSIR, received the award for her contribution in research findings of the first world report on "cure and control of pigmentation disorder by riboflavin therapy".

Dr FZ Majid, Chairperson, BCSIR, received the award for her outstanding contribution in spirulina culture.

Prof Aminul Islam, Vice Chancellor, National University, distributed the medals at the 9th biennial conference of BWSA on Friday.  
Held at Dr Malika University College, Dhanmondi, the inaugural session of the conference was presided over by Dr Malika Al-Rajee, president, BWSA.



The 10th branch of Southeast Bank Ltd started its operation at 155, Sir Iqbal Road, Khulna from May 15. M A Kashem, chairman, Board of Directors inaugurated the branch, Managing director Syed Anisul Huq, directors Azim Uddin Ahmed, MA Ahad, Jalalur Rahman, Akkur Rahman, M Masihur Rahman, Mostori Miah, Syed Shahid Ali, Abdur Rouf and vice chairman, Ragib Ali (L to R) were also present.

## President, PM greet King, PM of Norway

President Justice Shahabuddin Ahmed yesterday greeted the King of Norway, King Harald-V, on the occasion of the Constitution Day of the Kingdom of Norway, reports BSS.

In a separate message Prime Minister Sheikh Hasina felicitated Thorbjorn Jagland, Prime Minister of the Kingdom of Norway on the occasion of the Constitution Day of his country.

## Ahle Sunnat Waal Jamaat meet held

Speakers at a meeting in the city yesterday called for unity of all religious minded people to resist anti-liberation forces engaged in political hypocrisy in the name of Islam, reports BSS.

The meeting was presided over by Jamaat presidium member Syed Gholam Musabir Hossainee Chishty.