

The Mentally Retarded in Bangladesh: Human Rights in Question

by Dr Gyasuddin Molla

In the absence of proper governmental measure, mentally retarded people will not only be deprived of their rights; they might be abused in many phases of their lives.

IN a very simple way, not relying on intellectual jargons, human rights may be termed as those privileges which are inherent in human nature and without which a man cannot live a normal life. People inherit those rights with their birth and irrespective of one's status in the society he/she is supposed to enjoy those rights as human beings. Apart from civil and political rights, social, economic and cultural rights form the ingredients of human rights too. Enjoyment of human rights enables people to develop as worthy citizens and contribute to the society. Hence universal human rights are constitutionally protected by the state. Now the question is: to what extent do people with mental retardation enjoy those rights? Mentally retarded persons in our society are being wrongly bracketed with the lunatics or the mentally ill. They are intellectually handicapped; their intellectual ability do not develop at par with their age

level. Their behaviour, therefore, seems not normal; as a result, people, out of ignorance, treat them as mad men and/or women.

People with mental retardation are slow learners; they can be made productive and self-sufficient by giving them practical training. Mentally retarded persons are neglected, humiliated and even oppressed in most of the houses and places. They are the silent sufferers since they cannot protest for lack of intellectual ability. They deserve full governmental protection to enjoy their inherent rights.

The mentally retarded persons, though intellectually handicapped, are the citizens of a country. Their rights as human beings, belonging to any intellectually and socially disadvantaged group, deserve to be protected by all means. The United Nations in its Declaration adopted in 1971 has called for protecting the rights of the mentally retarded.

The mentally retarded persons, in the group of disabled, are the most disadvantaged. This is because, while the deaf, dumb and other types of disabled persons are normal in so far as their intellectual faculties are concerned, the mentally retarded persons do not have the required intelligence to guide them; they can neither be on their own nor can they take care of themselves properly.

Therefore they are unable to assert their own rights. In such a context a civilised and conscious society cannot keep its eyes shut to the rights of people with mental retardation who are living with others in the same social and family environment. The deaf, the dumb

and physically disabled can claim their own rights but people with mental retardation being unable to express themselves are fully dependent on others for upholding their rights.

From time immemorial parents and guardians have taken lead in protecting, safeguarding and promoting the rights of their mentally retarded children. Their efforts need to be strengthened by the effort of the conscious section of the society. The governmental effort, no doubt, might provide the legal sanction of the rights of the people with mental retardation. But a general awareness in the cross section of people in the society about the rights of mentally retarded is most

needed to improve the situation. Unless there is a common feeling of acceptance and tolerance of people in general for the mentally retarded persons, governmental, legal and constitutional protection will do a little to allow them to enjoy their basic rights. In this respect teachers, social workers, professional experts, lawyers etc. can contribute significantly to create public awareness and thus make governmental protection of basic human rights of mentally retarded persons meaningful.

The UN "Declaration of General and Special Rights of the Mentally Handicapped" provides that the "mentally retarded person has the same rights as other human beings, rights to proper medical care and physical therapy and to such education, training, rehabilitation and guidance as will enable him to develop his ability and maximum potential. He has a right to economic security, a qualified guardian to protect his personal well-being and interests, protection from exploitation, abuse and degradation and due process of law with full recognition to his degree of mental responsibility." In addition, the Convention of the Rights of the Child was adopted by the United Nations General Assembly on 20 November 1989. In January 1990 Bangladesh became one of the first signatories to this

Convention, and the Government of the People's Republic of Bangladesh ratified the Convention on August 3, 1990. Article 23 of the Convention on the Rights of the Child states "that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community."

In Bangladesh there are over 25 special laws and ordinances to protect and improve the status of children apart from those provided for by the Constitution. But there are dearth of laws protecting specifically the rights of mentally retarded. The organisation, Society for the Care and Education of Mentally Retarded, Bangladesh (SCEMRB) which is carrying out, over the last 20 years, wide range of activities for the benefit of people with mental retardation including promoting their rights held its fifth National Congress in 1985 to elicit valuable opinions of legal experts and involved persons on this issue. SCEMRB in its National Conference in 1992 not only highlighted the Convention on the Rights of the Child but sought its implementation in Bangladesh for the mentally retarded. Now the onus lies with the policy planners in the government to come forward with appropriate legislative and constitutional measures to protect the rights of people with

mental retardation. With the passage of time The Lunacy Act 1912 enacted by the British has become redundant and needs to be replaced by an appropriate legislative measure to ventilate the causes of the mentally retarded. The present law of inheritance does not secure the property rights of the people with mental retardation. Constitutional words are not at par with the words of United Nations Declaration (1971) and with the Convention of the Rights of the Child (1989) to protect basic human rights of the mentally retarded in Bangladesh.

People with mental retardation are not usually educable; they need special type of education to be made productive through appropriate training. They need special courses under the intensive care of specially trained teachers. The education system of Bangladesh has little room for this type of special education. Even in its primary system too, mentally retarded people do not have any access. Governmental effort is very limited to ensure mentally retarded people their right to education. Health-care facilities in Bangladesh are not enough to meet the requirements of the mentally retarded persons. Medical practitioners in hospitals, health centres and elsewhere do not have the expertise to deal with the complex problems of the mentally retarded persons. In the absence of required facilities people with mental retardation are denied of their basic right to health-care.

Mentally retarded persons are also human beings and like others they also grow up as adult and need work for their

survival as well as pursuit. Unfortunately, employment opportunities in our country are very limited even for normal adult boys and girls. Therefore, job opportunities for the mentally retarded whose productivity is poor will definitely be too limited, if at all. Moreover, employment policy of the government also does not provide scope for the mentally retarded person to enjoy his right to employment. To reiterate, the Lunacy Act does not fully protect the property rights of the mentally retarded persons. The unscrupulous relations, in most of the cases, are prompted to grab their properties. Out of sheer lack of intelligence as well as absence of adequate legal safeguard people with mental retardation are deprived of protection from all kinds of exploitation.

People with mental retardation are sure to be deprived of their rights to education, health, rightful guardianship, rehabilitation etc. if those are not protected by law. In the absence of proper governmental measure, mentally retarded people will not only be deprived of their rights; they might be abused in many phases of their lives. The recognition of basic human rights of people with mental retardation in consistent with the Declaration of the United Nations is need of the time. A mentally retarded person must have the right to be protected from exploitation and degrading treatment even from his/her closest relatives. Let the government of Bangladesh come forward to meet the need of the time.

The writer is a Professor, Department of Political Science, University of Dhaka.

Women's Role in Family Size

by Dr Sabrina Rashid

For strangely enough, Bangladeshis love big families. They may not have enough money or food for everybody but still they like to have a house full of children! To keep the family name, they need sons — not one but a few.

BANGLADESH is bursting at its seams with the "baby boom" and consecutive population explosion. If we don't try to contain it timely and effectively, it will hamper all our development works and projects for the country's prosperity.

An important factor that contributes tremendously to family planning is the women — their education, enlightenment and employment. A woman must not only be educated but confident and with modern views, and only then will she keep her family small. Only education is not enough. Employment of the women is also an absolute necessity for her to plan her family. Because even uneducated employed women keep their families small whereas educated unemployed women many times go for a big family as she has ample time to spare. It is because she feels important when she is pregnant as her husband and mother-in-law take special care of her at that time!

But when she is employed, her importance in her husband's and in-law's eyes in-

crease manifold and so she doesn't need to be pregnant to draw their attention! Added to that, when a mother-in-law sees her daughter-in-law free at home, she keeps pressurising and nagging her to have more babies.

So women must be employed in whatever profession, it is not important — garments, mills, factories, business — wherever they can use their time and energy. Rather than spending it in "baby-making" for strangely enough, Bangladeshis love big families. They may not have enough money or food for everybody but still they like to have a house full of children! To keep the family name, they need sons — not one but a few. They are obsessed by the fear that if there is no son in the

family, the family name is doomed to die out. Why does family name matter to them so much? It is difficult to understand. Because when one himself is not in this world what does it matter whether his family name stays or not? For, more important is, if one does good deeds for his country and his countrymen his name will be remembered forever — whether he had sons or not is not important. We remember a person by his own deeds. Also, nowadays, sons can even give a bad name to the family rather than a good one!

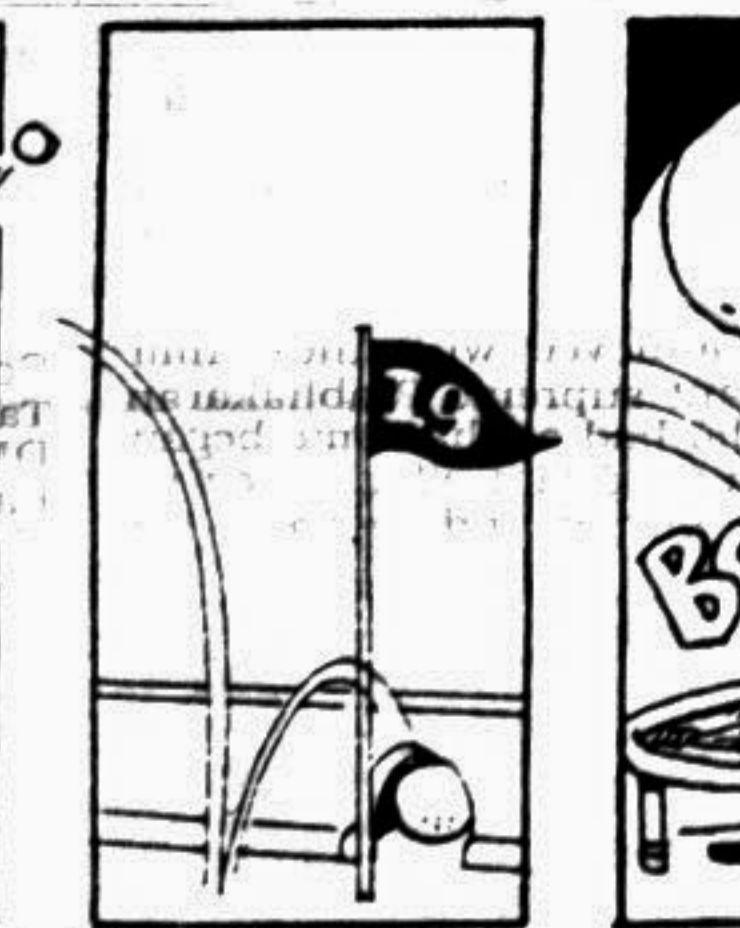
A decade ago it was possible for a fixed income family to have many children and raise them properly. Now it is simply impossible to do so with more than two children, unless the

bread-earner can make some extra money rightly or wrongly. So it seems that if the family size is not limited then the head of the family is compelled to indulge in corruption, just to support his big family. Strange, that they never think of this before, when having child after child. But, when three or four children start going to school and college, only then they realise how difficult it is to make ends meet. But now there is no way out except corruption!

Therefore, men should also take part actively in family planning rather than putting the whole responsibility on their wives which most men in our country do. This is really unfair. The responsibility should be shared equally by both the partners. Only this can bring happiness and harmony in the family.

We should also think patriotically. Since our country is one of the world's most densely populated but poorest, by taking too many children we are putting a burden on our society as well as our country, not to mention on our own selves.

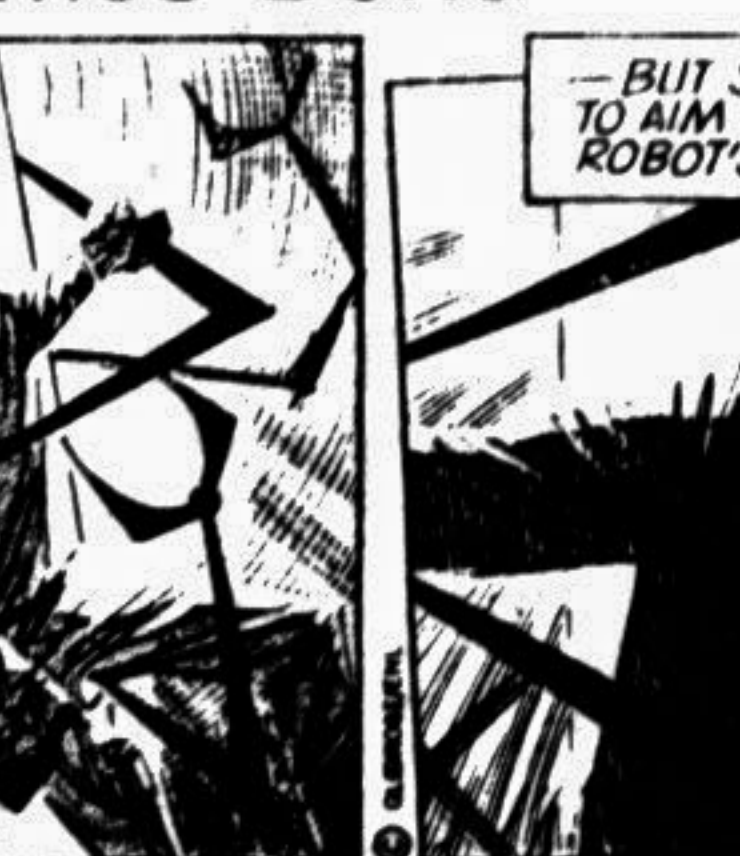
Tom and Jerry



IAN FLEMING'S

James Bond

DRAWN BY JOHN MCLUSKY



537

Metropolitan

'Maulana Bhasani was a leader of working class'

Participants at a discussion yesterday termed Maulana Abdul Hamid Khan Bhasani a leader of the working class, who always fought to establish a society free from oppression of the ruling class, fundamentalism and social injustice, reports BSS.

"Shaheed Asad Parshad" and "Garib Mukti Andolon," jointly organised the discussion on "Secularism in running the state at the floor of the Swapnashakti Shadhinata" of Dhaka University yesterday evening to mark the 21st death anniversary of Maulana Bhasani.

Presided over by president of the Asad Parshad Prof Sakawat Ali Khan, the discussion was addressed, among others, by Faiz Ahmed, Tipu Elias, Haseera Sultanah, Dr Jasmuddin, Dr Meshah Kamal, Shamsuzzaman Milon, Mozammel Haque Birpratik and Hamidul Haque.

Prof Sakawat Ali Khan said the political thinkers as well as the people have now appreciated the necessity of running the state on the basis of secularism. "There must be no relation between the state and religion," he stressed.

Faiz Ahmed said Maulana Bhasani in his life long political struggle didn't compromise with fundamentalism, though he was a religious personality. The speakers urged all to fight against fundamentalism.

Japanese team meets FBCCI president

A seven member high-powered business and trade delegation from Japan led by Shinomiya Shigeyuki, President, Why Management Consultant Co-Ltd. Japan called on Yussuf Abdullah Harun, President of the Federation of Bangladesh Chambers of Commerce and Industry (FBCCI) Sunday at the federation office, reports BSS.

Expansion of trade between Japan and Bangladesh and setting up of suitable industries for creating employment opportunities for eradication of hunger and poverty were discussed at the meeting.

Yussuf Abdullah Harun, assured the Japanese delegation of all cooperation and support in undertaking joint ventures in Bangladesh in collaboration with local entrepreneurs.

The Hunger Project of Bangladesh and the Hunger Project of Japan jointly organised the visit of the trade delegation.

Kazi M Shafiqul Islam, Vice-President of FBCCI, was also present.

Betar, Sri Lanka clinch 2nd position in SAARC quiz

Bangladesh Betar and Sri Lanka have jointly clinched the second position in the SAARC radio quiz competition held in New Delhi recently, reports BSS.

According to a Bangladesh Betar press release issued here, the competition was held on November 14 where Nepal won the first place.

JS Speaker leaves for NY today

Speaker Humayun Rasheed Choudhury will leave Dhaka for New York to attend the meeting of the "Council of Presidents of the United Nations" to be held in New York from November 19 to 21.

The council is a forum of the former presidents of the UN General Assembly.

The meeting is likely to discuss a wide range of global issues including the present socio-economic and political condition of the world.

Humayun Rasheed Choudhury was the president of the 41 UN General Assembly.

Death anniversary

The 23rd death anniversary of Syed Badrudduza, the renowned orator, legislator, parliamentarian and statesman of India, will be commemorated today, says a press release.

Popularly known as the "Edmund Burke of India", Syed Badrudduza was the fourth and last Muslim Mayor of Calcutta in British India. He was a Member of Legislative Assembly for 25 years and a member of Lok Sabha for 15 years. He was also the first Bengalee to become the president of Anjuman-e-Taraqqi-e-Urdu in India. He presided over the All India Muslim Convention held at Aligarh in 1953 and earned the epithet "Qaid-e-Akbar".

He was imprisoned seven times for a total period of five and a half years for his struggle to champion the cause of minority in India.

Ershad to visit Laksham, Barura Thursday

Jatiya Party (JP) chairman and former President Hussain Mohammad Ershad will leave the city Thursday for Laksham and Barura in Comilla district, reports BSS.

According to a party press release, Ershad is scheduled to address two separate public meetings on Barura High School and Laksham High School premises at 10 am and 3:30 pm respectively. Besides, he will address different road side meetings.

JP secretary general Anwar Hossain, additional secretary general Nazim Rahman Manju, presidium members Monirul Huq Chowdhury and Sheikh Shahidul Islam will accompany him.

Ershad will return to the city on the same day by road.

7-member team leaves for China

A seven-member delegation headed by Attorney General Barrister K S Nabi left yesterday for China on a week-long visit at the invitation of the Chinese government, reports BSS.

The other members of the delegation are Deputy Attorney General S K M Saifuddin Ahmed, Mamtazuddin Ahmed, Mohammad Farooq, Assistant Attorney General Obaidul Hasan Shaheen, Senior Advocate of the Supreme Court Barrister Shafiq Ahmed and Senior Vice-President of the Supreme Court Bar Association Syed Abdur Rahim.

During the visit the delegation members will meet leaders of the Chinese government.

BANGABANDHU MURDER CASE

Verbatim Text of Cross Examination of 40th Prosecution Witness

Following are the excerpts from cross-examination of Hon Lt (dismissed) Syed Ahmed by Advocate Khan Saifur Rahman, the defence counsel for Lt Col (dismissed) Syed Farooq Rahman:

Q: After a punishment, you were dismissed from the army.
A: Yes.
Q: Due to good service record, you were promoted as Honorary Lieutenant from the position of JCO.
A: Yes.
Q: Did you do any intelligence course during your service life?
A: Yes, in 1964 at Muree.
Q: Did you go for any assignment as an intelligence man?
A: Yes, I was posted for intelligence work.
Q: Names of those, who did any intelligence course, are listed with army intelligence.
A: Yes.
Q: When were you dismissed from the army?
A: In 1976.
Q: A court of enquiry took place to dismiss you.
A: Normally, a court of enquiry takes place before dismissing anyone.
Q: Dismissal takes place after the authorities accept the findings of the court of enquiry.
Q: You lost your job by this process.
A: Yes.
Q: 1st Bengal Lancer was later disbanded.
A: Yes, in 1976.
Q: Did you meet with the intelligence people during August, 1975?
A: No.
Q: There were clocks in barracks, regimental offices, home and other important places.
A: Yes.
Q: Did you do any winter exercise in Pakistan?
A: Yes.
Q: Artillery, Lancer and Infantry had a combined training.
A: Yes.
Q: As a dismissed officer, you don't have any connection with the cantonment.
A: No.
Q: Did you tell anyone about the incident except the IO?
A: No.
Q: How were you summoned to the CID office?
A: Thana police informed me showing a written paper.
Q: Did you sign that paper?
A: Yes, I signed and they gave a copy of the paper, but now that is not with me.
Q: You went to the CID office with that paper.
A: Yes.
Q: How many days were you with the CID office?
A: Two hours.
Q: You did not tell any lie to the IO.
A: No.
Q: You told the IO that Major Rashid and Major Farooq boarded a jeep and there was a bren gun on the jeep.
A: Yes.
Q: You told the IO: Starting from the jeep, Farooq told you SM sahibs are going to topple the autocratic government.
A: Yes.
Q: LMG and bren gun are two types of arms.
A: Yes.
Q: At the time of occurrence, you were a Risaldar Major.
A: I was an Hon Lt., but used to do the duty of a Risaldar Major.
Q: The abbreviation of Risaldar Major is RM.
A: Yes.
Q: How many hours later you went to the treasury after taking leave from the parade?
A: After about 6-7 hours.
Q: Money was kept inside a safe locker in the treasury.
A: I can't say.

A: Yes.
Q: You gave the key of the quarter guard, but not of the safe locker.
A: I gave the whole bunch of keys and the key of the safe locker was also there.
Q: You gave the external key of the safe locker, but not the inner key.
A: The inner key was to be kept inside the safe locker.
Q: How far was the quarter guard from your residence?
A: About 300 yards.
Q: Quarter Master Capt Delwar was your direct boss.
A: No, CO Major Farooq was my boss.
Q: You were bound to carry out the order of Capt Delwar.
A: No, he had to come through a proper channel.
Q: You did not tell the IO that you brought the parade to fall-in.
A: I told him.
Q: You did not tell the IO that a sepoys coming to you said that RDM had asked you to go to the JCOs mess.
A: I told him.
Q: Did you sleep that night?
A: No, I was sitting in the verandah.
Q: At what time, you started for the quarter guard after recalling about the money in the treasury?
A: At about 3:30-4 am.
Q: You were aware about sending breakfast outside the cantonment in the morning about 30 soldiers who took part in the parade.
A: Yes.
Q: What was the normal time for the soldiers of taking their breakfast in the mess?
A: 7 to 7:30 am.
Q: You gave order to the mess to prepare breakfast the earlier night.
A: Yes.
Q: When did you give the order to the mess to prepare the breakfast?
A: Standing orders were there as per the programme. Food were prepared as per weekly routine and my duty was to see if food were prepared timely and served to the soldiers timely.
Q: Did you go to the mess on August 15 morning to see whether the breakfast was prepared or not?
A: No, I was not required to go.
Q: You knew the places where to send those breakfasts.
A: No.
Q: You told the IO that you took account of how many soldiers went out of the cantonment and informing the JCO quarter master, you left for home.
A: I can't remember.
Q: Did you talk to the quarter master JCO about the preparation of the breakfast?
A: Yes.
Q: Where did you talk to the JCO?
A: Inside the mess.
Q: When?
A: Before the Fajr prayers.
Q: Did you hear the sound of the tanks at that time?
A: Tanks left the place before that (Fajr prayers).
Q: As per the chain of command, CGS Brig Khaled Mosharrar was above your CO.
A: No, As per chain of command, Maj Gen Shafiqullah was above my CO.
Q: Khaled Mosharrar used to look after the unit.
A: Yes.
Q: How much earlier the breakfast was prepared before being served?
A: About 10 minutes ago.
Q: When the incident at Bangabandhu's residence took place? Was it before or after the breakfast?
A: I can't say.

Q: You served under Martial Law after the incident.
A: Martial Law was not promulgated after the incident. And I did not serve under martial law.
Q: After going out with tank, a tank commander needs to come back with the tank.
A: There was no such rule.
Q: Was any written record kept of who took out a tank?
A: No.
Q: You used to distribute salary among all members of the unit.
A: Yes.
Q: Did you disburse the salary of those who did not come back to the cantonment even after August?
A: They were informed and given their salary when they came.
Q: You could not take rest on that night as you were busy with different works.
A: I took rest lying on an easy chair.
Q: Could they have taken out arms and ammunition if you had not given the key?
A: Yes.
Q: You did not commit any crime by giving the key.
A: No, I was shown a slip of Capt Delwar.
Q: All the members of the unit went out under an emergency to maintain peace in the city.
A: After I heard the radio announcement, I locked the gates of my unit to stop the movement of soldiers.
Q: Who came with the order to lock the gates?
A: I myself gave the order.
Q: Did you tell the IO that after going to the quarter guard, the guard commander informed you that the force had taken away the arms and ammunition and the tank and the artillery moved out?
A: Yes, I told him.
Q: Farooq gave the order to lock the gates after hearing the radio announcement.
A: It is not true.
Q: CID wanted to make you an accused. So, you gave the statement as you were asked to say.
A: It is not true.
Q: You gave a different statement to the court, which deviated from the one you gave to the IO, because you were asked by the prosecution to do so.
A: It is not true.
Q: The troops of your unit went out to maintain peace in the city after the chiefs of the armed forces took a joint decision and informing the JCO quarter master, you left for home.
A: I didn't hear about such a decision.

Q: CGS Brig Khaled Mosharrar used to reside in a bungalow south of the Lancer unit.
A: Yes.
Q: Injured or sick army personnel were taken to CMH for treatment.
A: Yes.
Q: Did you go to the CMH after August 15 to see the dead or injured army personnel.
A: No.
Q: Col Huq was the head of CMH at that time.
A: Perhaps, it was Col Khurshid.
Q: Did you see Major Momen on August 15?
A: No, He was on leave at that time.
Q: When did you see him last before August 15 and after that date?
A: I saw him last on August

10 before the incident and again perhaps on August 20 or 21.
Q: When did you again unlock the gates of the Lancer unit?
A: After jumma prayer.
Q: You told a lie that you gave the key after you saw the slip.
A: My statement is true.
Q: You did not show that slip to the IO.
A: No.
Q: Did you discuss the matter with your colleagues after the incident?
A: Yes.
Q: Did you go to any of your superior or did anyone come to you after the incident?
A: No.
Q: Who was the chief of Field Intelligence Unit (FIU)?
A: I don't remember.
Q: The office of the chief of FIU was to the south of the Lancer unit.
A: Yes.
Q: How many gates you locked?
A: Two, in and out.
Q: You performed your duty on August 15 and continued to do so afterwards.
A: Yes.
Q: Brig Khaled Mosharrar and Col Shafat Jamil visited your unit on August 15.
A: No.
Q: Did you see them in the unit after August 15?
A: No.
Q: How long you were in the job.
A: Till August 2, 1976.

Q: You heard that Mush-taque has become the President. Did you know him?
A: I heard it on radio. I never saw him, but saw his photograph in newspapers.

Excerpts from cross-examination of Hon Lt (dismissed) Syed Ahmed by Advocate TM Akbar, the defence counsel for Lt Col (LFR) Muhiuddin:

Q: FIU was under the Military Intelligence.
A: Yes.
Q: FIU had two sections. One with the Army headquarters and the other with 46 Brigade.
A: Yes.

Excerpts from cross-examination of Hon Lt (dismissed) Syed Ahmed by state defence counsel for absconding accused Lt Col (ret'd) Khanderak Abdur Rashid:

Q: Did all the four squadrons fell-in for parade on August 14 night?
A: Yes.
Q: How long did the night parade continue?
A: Normally, night parades used to continue till 12 midnight, but on that night it continued till 4 am as per the CO's order.

Q: Did you have any responsibility about the arms and ammunition?
A: Only the key of the armoury was kept with me. But I didn't have any power to issue, nor to take deposit of arms and ammunition.
Q: When did you take leave (from the parade ground)?
A: At about 8:30-9 pm (August 14).

Excerpts from cross-examination of Hon Lt (dismissed) Syed Ahmed by state defence counsel for absconding accused Major (ret'd) Ahmed Sharful Hasan:

Q: To how many places the breakfasts were sent?
A: Four to five places.

Further texts of cross examination will be published as and when received.