

FACT file

Ill-paid garment workers toil to save dowry money to buy husbands

SULTANA RAHMAN

KAMRUNNAHAR, a garment worker, earns better than what her rickshaw-puller husband makes. Yet, most often than not the husband comes home late and drunk and beats her up. She endures the violence. "He spends half my salary on alcohol and comes home drunk late in the night. I'm too afraid to protest his immoral activity," says young Kamrun, who looks older than her age. Why does she endure the torture? What keeps her silent? To such questions Kamrun explains, "True, my husband beats me. But it's still my home and it's better to suffer violence from one man than be left on the streets."

Kamrun tells about the days when she fell in love with this man, now his husband. Those days he was a kind and loving young man who used to endear her with sweet words. Little did she know about the cruelty of the man that hurts her now. Kamrun says she gave her husband Idris Tk 15,000 as dowry during their marriage five years ago. "I badly needed the shelter of a man as I joined a garment factory. But I couldn't imagine that this guy would one day become so abusive." "That's not the end of my sad story. He takes account of every penny of my salary. He even beats me when I get part of my salary deducted for not being able to attend office for illness," murmurs Kamrun.

For thousands of unmarried girls working in the country's garment factories security is the main concern. This sense of insecurity is one of the many reasons why the young women tie knots with men they know are not their best choices. They know it well that the men marry them for money not for love. So, the poor garment women forgoes comfort and toils to set aside part of their paltry income to buy husbands.

Consider Saleha, a 17-year-old garment worker who lives in a slum in city's Muhammadpur. Hailing from impoverished district of Noagaon, Saleha walks long to her factory every morning. She repeats the walk back home even though she is exhausted from hours of work. She earns Tk 1100 every month of which Tk 250 is spent on house rent. Occasionally, she has to send money to her parents back in her village. She eats little, walks on foot and holds back the little pleasure of buying an extra sari or some make-up to save some money from her small income. She saves Tk 120 a month with a cooperative society. Saleha says she has been saving the money for her would-be husband.

"I know, my family can't marry me off without giving dowry," says Saleha, panting from a long walk back home one recent night. "I'll have to earn the dowry for my own marriage. My father is a day labour and he can't afford it.

"Saleha says she is not the only woman who saves money for her own marriage. There are many girls like her who set aside part of their income every month for dowry. Among them is Saleha's coworker Shukla.

Shukla says she migrated to Dhaka in 2000 when her planned marriage collapsed after her father failed to pay Tk 50,000 he committed to give his would-be son-in-law as dowry. "That night I tried to commit suicide, but I couldn't. My father had almost lost his head and become bad. Then our neighbours started pointing the fingers at me. It was as if my fault. Finally, I fled my village to come to Dhaka," says Shukla, her eyes wet with tears. Still dreaming of getting married and having a happy family, Shukla says she is



now saving money to give dowry to her would-be-husband. "I don't know whether my dream will at all come true. But I need a husband for security." "Defending her willingness to give dowry for marriage, she says, "I do believe girls should not marry those who demand dowry. But you don't get a man who will marry you without money. And you can't live alone either," says she in a bitter tone. Maleka Begum, a women rights leader, says men use dowry as a ladder to climb to affluence. They want money on monthly basis like salary. That's why many people of lower middle class families go for multiple marriages. She says women in this male-dominated society cannot survive without marriage. They have to endure various social problems such

lack of security and undesired disturbance by wicked men.

Both Saleha and Shukla say that miscreants in there are a good number of slum for which they constantly feel insecure. They are haunted by fear. And they have seen plenty of incidents to prove their fear and anxiety right. One of their neighbors, a young garment worker was recently abducted and raped by a group of men. When newspapers reported the incident, the girl lost her job. Saleha and Shukla feel that their neighbour's staying single made her an easy victim of the rapists. Saleha says some bad youths of the slum where she lives have bothered her by making indecent proposals and they even went to the length of threatening to throw acid on her. "So, I feel that I should have a husband as soon as possible. No matter how," says Saleha.

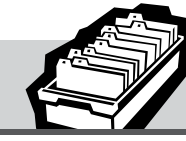
Farida Akhter of Ubiniq, a non-government organisation, says dowry demand has marked a rise because these women have money. They have better access to small credit offered by various NGOs and many women are using the loan in giving dowry rather than investing it in business. Explaining the trend, Farida says poor women think that it's better to suffer from their husbands than being battered by miscreants on the streets. "The harassment, sexual abuse or violence are leading these helpless girls to plunge into bad marriages. They are desperate and don't mind in paying dowry with the money they borrow from NGOs. This is one of the worst aspects of the dowry menace. We have to think about it," she suggests.

Saleha, a garment worker, agrees. "My family as well as my neighbours insist that I get married as soon as possible. No one feels comfortable if the family has a grown-up girl who is unmarried. "Men who take dowry for marriage hardly stay faithful to their wives.

Consider the tale of garment worker Khairunnesa. She married a jobless man three years ago giving him an amount of Tk 22,000 in dowry. The couple soon was blessed with a son. But the husband turned out to be a fraud and disappeared recently, leaving his wife and son in misery. Khairunnesa later came to know that her husband had taken another wife.

According to statistics released by Odhikar, a non-government NGO, a total 166 dowry-related violence occurred across the country in 2001 and 127 women were killed. "The country has many stringent laws to combat violence against women. Yet, women continue to suffer as dowry has become part of our culture," says Tania Ameer, a lawyer and women rights advocate. "To deal with the problem, we need to enforce the laws effectively and ensure quick disposal of such cases." She has echoed the feelings of the battered women.

NewsNetwork



RIGHTS column



Negotiation is second preferred option for governments

JEHAN PERERA

As an island nation at the bottom end of the Asian landmass, Sri Lanka is also far from the scene of major international events. This has two consequences. The first is that most Sri Lankans are not much tuned into international developments. Both the US attitude to Iraq and the British pattern of aid to Nepal suggest that the military option is the preferred one of governments worldwide. This was also the case in Sri Lanka until the present government took power. The general preference for military force rather than negotiations is not difficult to fathom. A military solution is one that is imposed on the opponent without the need to compromise. The practitioner of the military solution can get 100 percent of what is desired, or something close to it, whereas negotiations necessarily imply compromise and getting less than 100 percent. But there is a condition that needs to be satisfied for a military solution to work, and that is overwhelming military power that the US has, and both Nepal and Sri Lanka lack. In utilising its overwhelming military power to compel Iraq to acquiesce to the UN resolution, the US appears to have been able to obtain most of what it wants without having to compromise and yield something in return to Iraq. On the other hand, if the US had renounced the use of its military force and had attempted to negotiate with Iraq, there is no doubt that Iraq would have had a series of counter demands to make of the United States. There are many aspects of US policy that the world would benefit from if they were changed, such as fairer terms of trade for the poor countries of the world, not to mention reducing its own military capabilities.

Attitude of the People's Alliance (PA)

The attitude towards the ongoing peace process in Sri Lanka taken by the PA position that until last year formed the government is in line with the general sentiment among governments worldwide to impose their solutions upon their opponents. The strongly worded statement issued by the PA and articulated at a media conference by former Foreign Minister Lakshman Kadirgamar is premised upon the inequality of the two parties, with the government being a sovereign state and the LTTE being an internationally banned terrorist organisation. But it is well known that in the past the LTTE consistently rejected this negotiating position of the former PA government. Therefore an implication of upholding the PA position is to return to war, which hardly any Sri Lankan will want. The PA statement might have been relevant had the Sri Lankan state that it bequeathed to the present government been a strong state, like the United States is relative to Iraq. Then it might have been possible to impose conditions on the LTTE and force it to conform, like Iraq appears to have done. But the reality of the situation in Sri Lanka also needs to be faced. During its seven-year term in office, the former PA government effectively eroded the military and economic capacity of the Sri Lankan state to wage war. It has left the present government with no responsible option but to give the first (and only) place to negotiations. The failure of the former government to impose a solution upon the LTTE may seem, from a Sinhalese nationalist point of view, to be a catastrophe. On the other hand, to the extent that the LTTE will represent the interests of the Tamil people at the negotiating table, an outcome more favourable to justice is possible. For the first time since Sri Lanka obtained independence in 1948 there will be an opportunity for a negotiated political solution to the ethnic

LAW opinion



Towards a bi-cameral system in Bangladesh

SALAHUDDIN IMAM

Jatiyo Sangsad -- too powerful

Our Jatiyo Sangsad is too powerful, too rich a prize, for its own good, a veritable poisoned chalice. Once a political party has gained, after general elections, a simple majority in the Jatiyo Sangsad there is almost nothing to stop the Prime Minister of Bangladesh from passing any conceivable legislative bills. In effect then the Prime Minister acquires unlimited executive authority for the rest of the period of the mandate.

For five years the Government is subject to no formal accountability and does not have to take account of any alternative center of executive power. The President has been reduced to a figurehead. The Judiciary, and especially the higher Judiciary, has powers of redress over the government's executive actions but these are tangled up in convoluted procedure and, being essentially passive in nature, cannot be a substitute for an institution with an active checking role.

Winner-takes-all is inherently unstable

All-or-nothing nature of the power conferred by control of the Jatiyo Sangsad is responsible for the ferocity of the combat between the various political forces in the country, and their total unwillingness to accommodate each other. In Bangladesh the party which loses the elections and so loses control over the Jatiyo Sangsad, is reduced to zero. In view of its utter powerlessness and lack of leverage the ruling party has no incentive whatsoever to accommodate it. No matter how cogent the arguments made by the Opposition in any legislative debate in the Jatiyo Sangsad the ruling party can blithely ignore it and proceed on its way unchallenged.

In fact the Opposition starts to feel that its only role is as a cipher serving to legitimize all the actions of the governing party, no matter how unreasonable or whimsical these may be. In reaction the Opposition looks only for ways to de-legitimize the proceedings of the Jatiyo Sangsad, either by disruptive behaviour in the House, or by not attending it at all. Opposition starts to believe that the only way to oppose the juggernaut of the executive machinery of the state is to resort to street agitation, hartals and other extra-Constitutional methods.

A bi-cameral system for Bangladesh

In view of this sorry state of affairs a change in the structure of power relations in Bangladesh has become long overdue. The most tried and tested such change would be to introduce an Upper House, in a form suitable to the temper and needs of the polity, to function side by side with the Jatiyo Sangsad (the Lower House). While there may be other Constitutional reforms that could be envisaged it is felt that this is certainly one that should be the focus of careful study by all well-meaning advocates of good governance.

The Upper House -- a permanent Caretaker Government

Given that the concept of a bi-cameral system for Bangladesh is accepted there still remains the question of what form this should take. It would not be wise to simply copy the system in existence elsewhere. In Bangladesh we should try to build on that aspect of our Constitution which has been a truly original and largely successful development, namely the concept of the Caretaker Government. Thus the Upper House in Bangladesh should not be yet another body made up of professional politicians who have been elected under the auspices of one or other political party. Rather it should resemble a council of elders, which is effectively what the Chief Adviser and his Council of Advisers (who make up the Caretaker Government) represent.

Composition

The Upper House should be made up of 12 members, headed by a Chairperson, all serving a single 7-year term. These persons, and the Chairperson, would be nominated by the President of the Republic and the same selection principles would be followed as for the Advisers of the Caretaker Government, namely that they would have to be people of the highest integrity and renowned in their own fields, as well as non-political in the sense of having no formal or informal ties to any established political party or any known biases. A mix of backgrounds such as business, professional, NGO, academic, media, ex-military and so on, would clearly be desirable. Gender,

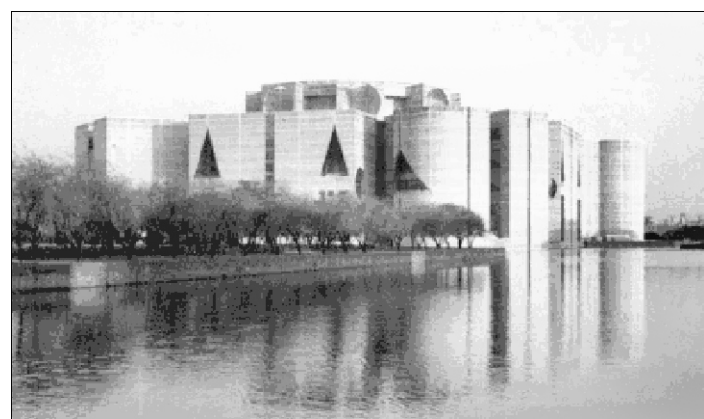
minority, provincial and ethnic representation would also need to be assured. These nominations of the President, including that for the position of Chairperson, would need to be approved by the sitting Chief Justice of the Supreme Court.

Functions

The basic function of the Upper House would be to serve as a check on the activities of the Lower House and through it, of the government. The Upper House would not itself have the power to initiate legislation but all Bills passed by the Jatiyo Sangsad, including the Budget, would need to be approved by a simple majority of the Upper House before coming into force. If not approved, the Jatiyo Sangsad would have the power to overturn the Upper House by a 2/3rd-majority vote.

The Upper House would be free to hold hearings on such Bills and the Prime Minister and Cabinet Ministers could argue in favour of their proposed measures. The Leader of the Opposition and other MPs could be invited to give their views. Independent experts could also be consulted as required. The effect of such scrutiny would be two-fold:

a) The ruling party in the Jatiyo Sangsad, i.e. the government, would be forced to limit the range of its legislative options to those which fall into the mainstream of the country's economic and social life. For example, the



A Second House may ensure long-term stability and good governance

legislation passed by the last Jatiyo Sangsad under which the status of the Prime Minister's official residence was changed to permit Sheikh Hasina to continue to use it even after leaving office would probably never have been approved by an Upper House constituted as suggested above. In fact such obviously egregious legislation would probably never have been even considered if a potential check had been in place, under the influence of which has been described above as the deterrent effect. The prior elimination of such extremist choices can only be healthy for the political life of the nation taken as a whole.

b) The mere existence of an Upper House would tend to moderate the behaviour of the Opposition who could recognise in it the elements of a "court of appeal." Thus if, for example, a major issue, such as gas export, were being discussed in the Jatiyo Sangsad the Opposition's arguments in such a debate would not fall totally on deaf ears. Even if the ruling party steamrollered the Opposition in the Jatiyo Sangsad there would still be the possibility of another hearing of the issues in the Upper House.

The Second House thus serves as a "safety-valve" which siphons off the kind of excessive pressures which otherwise tend to build up in a unicameral system (in which winner takes all, and the loser is left totally subjugated).

Other specific responsibilities

In addition to the function of legislative review described above, the Bangladesh Upper House could be given some other oversight responsibilities as set out below:

a) Most important of all would be to conduct the general elections every five years by taking on all the rights and duties currently envisaged for the Caretaker Government. In this way this great innovation in the Bangladesh Constitution would be further strengthened and given permanent institu-

tional support.

b) Another major responsibility would be to serve as a Super-Ombudsman, with powers to investigate and set right abuses of authority by government officials of all ranks. As a logical corollary of such a role the government Audit Office and the Anti-Corruption Directorate would be placed under the direct authority of the Upper House. The Human Rights Commission would also be sponsored and protected by the Upper House.

c) One of the reasons that every government in this country has so far hesitated to implement the complete separation of the executive and the judiciary is the fear that the judiciary will then become a completely uncontrolled power in its own right, which, it must be admitted, is a very real concern under today's Bangladesh perspective. In order to bring the judiciary also under the ambit of the system of checks-and-balances it is proposed that the Upper House should have the power to impeach judges/magistrates and other judicial officials for flagrant abuses of office. Furthermore the Upper House should also have the power to impeach the President and the Prime Minister on very strict and narrowly defined grounds, such as gross and persistent violation of their respective oaths of office.

d) The Upper House could be required to issue an annual report on the State of the Nation which could serve as a general report card on the activities of the Lower House and the government in the areas judged to be of key concern. At the same time major policy proposals could be broached for consideration by the government and the general public.

The ruling ethos

The Upper House in Bangladesh will tend to allow the Lower House and the Prime Minister a large measure of freedom of action. The Upper House should construe its role mainly as that of a watchdog, stepping in only when it appears that the Government is going seriously off the rails. After all, the members of the Lower House are directly elected representatives of the people and they should enjoy a degree of freedom of action commensurate with such a responsibility. It is only when it seems that the MPs, whether of the Ruling Party or the Opposition, are collectively violating this heavy responsibility that the Upper House will need to provide a dose of wisdom and a gentle nudge back to the proper exercise of its functions. The last thing that would be wanted is for the Upper House to become a source of permanent and unreasonable blocking action, which ends up paralysing the Government.

The ultimate basis-moral authority

The Upper House will need to derive its power largely on the basis of its moral authority, exercised in full view of the citizens of the country. In fact this is exactly the basis on which the Caretaker Governments are expected to perform and, to their credit, have actually performed in Bangladesh. The Upper House can work as an institutional voice for Civil Society!

The need for an enlightened trade-off

Looked at from a purely structural point of view this proposal for a bi-cameral system in Bangladesh is intended to provide a relative de-centralization of power relations, compared to what exists today. Instead of 100%, it is hoped that something like 70% of the executive power of the polity will be lodged in the Jatiyo Sangsad with the balance 30% being exercised by the proposed Upper House. Such a distributed weightage will make for an inherently more stable system.

Under the present unicameral system the Prime Minister of the day cannot help but take on monarchical trappings. It would take a person of long-term vision to accept the loss in prestige and position, albeit relatively minor, that would inevitably accompany the introduction of an institutional check.

But it is to hope that the members of the political class will see that the gain in the prospects for a peaceful, sane and healthy governing system in Bangladesh more than justifies the trade-off. The current Ruling Party, in particular, may resent this additional constraint on itself but it could find itself grateful for the safeguards afforded by an Upper House if one day it becomes again a party in Opposition.

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conflict in which the interests of all the communities are met, rather than the interests of only the majority community. But this would require that the LTTE should also renounce its own self interest in monopolising power and put the interests of the Tamil people foremost at the negotiating table. It would also mean that both the government and LTTE should find an acceptable way to bring the interests of the Muslim community equitably into their deliberations.

Norway's role

The conference organised by the European Platform of peace organisations gave a special place to Sri Lanka. While there are many ethnic and internal conflicts in the world, the Sri Lankan case was singled out for special discussion. A Dutch government state secretary and a Norwegian government Foreign Ministry representative were present at the conference. But while this may suggest that Sri Lanka is making the news in Europe, the reality is that the mass media has very little to say about it. The interest in Sri Lanka is by and large limited to some foreign governments and to peace organisations. It does not extend to the mass media and the general population of those countries. In this context, the Norwegian government's heavy investment in the Sri Lankan peace process has been a serendipitous boon to Sri Lanka. At the Netherlands conference the role of Norway as a facilitator and its possible motivation was frequently commented upon. The most popular view at the Netherlands conference was that a primary motivating factor behind the Norwegian interest in making a success of the Sri Lankan peace process was due to its failure in the Israel-Palestinian conflict. The Oslo accords of 1993 have been buried in the subsequent US intervention and the scores of bomb blasts and invasions of towns in the past three years. As a country that seeks to establish its identity as a peace maker in the world Norway requires a success. Certainly the desire to have an identity as a peace maker is a very good one, and is not a bad one. Sri Lanka offers the best opportunity to turn round a seemingly intractable conflict into a solvable one. The present peace process in Sri Lanka is based upon the learning of previous efforts to resolve the conflict through a combination of military and political strategies. But they all failed as the Sri Lankan state proved too weak to be able to perform highly on either strategy and on the two in combination. Similarly the LTTE proved unable to secure a comprehensive military victory despite its ability to eliminate individual army camps and weaken the country's economy. In today's peace process the principle of negotiations between opponents takes the primary and only place. This means that neither the Sri Lankan government nor the LTTE will get 100 percent of what it wanted. Whatever may be the motivations of the Norwegians, their intervention in Sri Lanka has brought positive results to the country for a year. The dramatic progress in the peace process would not have been possible without a trusted third party in the middle. The trust that both the government and LTTE have placed in the Norwegians has led the two sides away from their preferred option of a military solution that was nevertheless dooming the people and the country to death and destruction. While most of the world remains uninterested in Sri Lanka, Norway's good offices and its readiness to seek international assistance for Sri Lanka's economic development has served to make the second preferred option of negotiations more palatable to both the government and LTTE.

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