

FALLOUT OF WEAKNESS IN NHA CASE

# Organised gangs grab, sell Rupnagar's main outlet

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Following cases lodged by the National Housing Authority (NHA) against unauthorised occupiers, the latter have speeded up their efforts to grab, fill up and sell plots in the main drainage canal area of Mirpur section 2 and Rupnagar residential area.

The local police station complained that after arresting 3 persons in connection with the cases, they found themselves in an awkward situation because the NHA had not accused anyone by name.

In the meantime, gangs of organised land grabbers have been capitalising on the embarrassment of the police and loopholes in the NHA cases. They have already speeded up their initiatives for selling filled up plots with forged documents.

According to the master plan of the Ministry of Public Works and Housing, map no m-77188 designed in 1984 for the huge residential area, the western part of the allotted plots are designated for the main drainage canal and a 60 feet wide ring road from Avenue

3 to road number 33 of Rupnagar.

An engineer of the Dhaka Division-1 of the NHA said that the housing authority would surely have developed more plots if they could have, but unfortunately the design did not leave space for anything except the canal and the ring road.

The canal now aids ground water recharging for the area and without it the whole area could suffer a crisis of water for daily use or during fire accidents in future, he cautioned.

"If the main drainage canal is completely blocked, the sewerage system of the whole area will collapse," he added.

The Dhaka Division-1 of NHA has filed at least 5 cases at Pallabi police station since June 22 for preventing the illegal filling up and unauthorised occupation on the main drainage canal.

Nurul Islam, executive engineer of Dhaka Division-1 said, "We recommended higher authorities to conduct eviction drives against those illegal encroachers to keep the drainage canal free."

Police visited the area and cautioned the related people on the

illegal filling up of the canal. Later, 3 persons were arrested from the spot on charges of filling up the canal and occupying public land illegally.

Pallabi police station informed Star City that the NHA had not specified the names of the encroachers, making their cases very weak, and placing the police in an awkward position. "The NHA should mention the names because they know who occupied their land, but they did not mention it in the general dairies," said a station official.

Among the three persons arrested by the police over this issue, Tayab Ali, laboratory in-charge of the National Heart Foundation was one. A spokesman for Pallabi police said that after the arrest of Tayab, the hospital suffered lot and pressure mounted on police to release him. He even denied ownership of land there. "All this confusion happened due to unspecified cases by the NHA. We requested NHA verbally to file general dairies with specific information," he said.

However, since the police cautioned some organised land

encroachers at road number 23, 27, 28, the latter have not shown any respite in their activities.

Star City on Thursday found some people filling up the canal in defiance of laws and constructing structures on the filled space as soon as possible. The encroached plots were found to have unsafe and illegal connections for gas, power and water.

After police withdrew from the area, contractors even increased their price for filling up the canal.

While engaged in filling a plot with rubbish, Rana, a construction contractor, told Star City, "The situation is different now. I worked here for lower price but now the owners are in rush so I increased my rate."

Abdul Mannan, owner of such a plot at road number 28 at Rupnagar said, "I have documents with seal and signature of the officials of the housing authority over my right to the land and the government registered them. Now, the housing authority is claiming the land as a sewerage canal. Legal cases are pending. How can the housing authority do this?"



A makeshift toilet on an encroached portion of Rupnagar main drainage canal.

STAR PHOTO



## GUARDIANSHIP AND CUSTODIAL RIGHTS

# Age-old act needs changes

Sultana Yasmin, 24, always hurries back home after office hours. She hardly spends any time whiling away.

"I rarely have any spare time to spend with colleagues and friends. I'm always worried about my seven-year-old boy thinking what he is doing back home," she said.

Sultana, once a witty girl, now remains gloomy and depressed. She has gradually withdrawn herself from everything.

Her neighbours and colleagues wonder what has happened to her.

Sultana was married off to Mozammel Haque, 34, an official of a private firm, after passing her HSC examination. Her family members did not bother to find out Mozammel's education and family backgrounds before arranging the marriage.

After the marriage, Sultana came to know that her husband was an addict. At one point she became frustrated and left her husband with her baby boy and ultimately got separated. She worked hard to bring up the boy and complete her Masters degree. Then she managed a job in a private firm.

When she had been a bit settled with the job her ex-husband asked

his son back saying that he is the boy's legal guardian.

In 1890, during British rule, a law was enacted barring women from enjoying equal rights to the custody and property of their own children. Over the years, there have been extensive changes in the Guardianship and Custodian Act in Britain itself and now a British child is identified as per his or her mother's name.

Unfortunately, there has been no amendment to the law in Bangladesh since its enactment 117 years ago.

Custody is the right to look after an individual and his property, mostly a child.

According to section 6 of the Guardianship and Custodian Act, if there is a question regarding the custody of a minor it has to be considered as per one's family law. There are three types of custody in the Muslim family law -- custody of children, custody of children's property and custody of children's marriage.

In Muslim family law, the father is the natural legal guardian of children. The mother cannot be the guardian. But, a mother can keep her sons until they reach seven

while she can have her daughters

till their puberty, which is called 'hijana' (only responsibility). If the mother gets remarried, she will be deprived of the priority of her right, hijana.

As per this law, though the mother is not the real guardian, she can apply for the custody of the children if she feels that the real guardian cannot perform the responsibility. In that case it will be 'hijana'. She will have no right to their property whatsoever.

In case of the custody of children's property, the Muslim family law in Bangladesh recognises three types of custody--legal guardian, guardian determined by court and virtual guardian.

In case of a minor's property, people recognised as guardians are father, an Executor nominated by him through a will, grandfather and an executor nominated by him through a will.

A virtual guardian is that person who willingly takes the physical responsibility of the children and their property with no right to buy or sell the property both moveable and immovable ones. The mother, paternal uncle, brother and father in-law can be the virtual guardians.

The Guardianship and Custodian Act, enacted by the

British rulers, has been applied for 115 years without any amendment. It is applied in determining custody, supervision and dependency of children of all religions.

But the Bangladesh constitution in its articles 26, 27, 28 and 29, especially article 27, clearly says all the citizens are equal in the eyes of law and everyone is entitled to equal rights.

Section 5 of the convention of the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the UN General Assembly, states that the issue of recognition of identical responsibilities of both men and women in raising children and their development will have to be included in the family education properly considering motherhood as a social work keeping in mind 'the interests of children and the main things.'

Salma Jabin, an official of Ain O Salish Kendra, said, "Among all the laws that are discriminatory to women, the custody Act is the worst. How come a mother who carries the child in her womb for 10 months and bring him up, is not the guardian of the child."

Jabin says, "Today's women are miles ahead as the law was enacted

in 1890. Nowadays, a woman can take her decisions."

Dr Taslima Mansur, chairman, Law Faculty, Dhaka University, said, "There has been no amendment to the law yet simply because of chauvinist attitude. When a father enjoys all the rights, a mother is allowed to rear the children. Amendments to the law have been essential."

Advocate Maksuda Akhter of Bangladesh Mahila Parishad said women hardly have any right to guardianship of their kids in Bangladesh. 'There is no harm in ensuring this right, this not a big deal.'

Mosharraf Hossain, director, Bangladesh Children's Rights Forum, said, "The provision of equal right for the women relating to children's custody should be in the law so that a mother can be the guardian of children's physique and property in the absence of their father."

Advocate Elina Khan, executive director, Human Rights Implementation Organisation, said, the country's policymakers will have to come forward to change the law, or else, the women will continue to suffer.

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Iffat Jerin, NewsNetwork.

# health, bus services, airlines & train timing

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Leaves Dhaka at 12:45 pm  
Leaves Dhaka at 9:45 pm  
Leaves Dhaka at 7:00 am  
Leaves Dhaka at 5:00 pm  
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Reaches Chittagong at 10:55 pm  
Reaches Sylhet at 6:40 am  
Reaches Sylhet at 2:30 pm  
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