

Do we need another law to stop sexual harassment?

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MUHAMMAD NURUL HUDA

THE delinquency pertaining to harassment and stalking of girls, called "eve-teasing" in this part of the world, has once again attracted widespread public and media attention. *The Daily Star* newspaper has editorially commented on the scary scale and intensity of this deviant phenomenon of stalking and harassment and has urged upon the authority to take adequate administrative action. It had also impressed upon the urgency of initiating social action to counter the menace of so called eve-teasing.

On the governmental front, a very high level meeting under the stewardship of the principal secretary to the Hon'ble prime minister has been held to chalk out a comprehensive and coordinated plan of action to thwart and punish the stalkers by means of appropriate measures, including penal and preventive.

Some concerned quarters have suggested enacting very stringent law to take care of the so-called "eve-teasers" and their depredations. The question is, are existing laws inadequate to fight the delinquency of stalking and harassment of young girls and women?

This writer is of the considered view that there are at least two laws -- two sections within the Bangladesh Penal Code (BPC) and one from a special law -- that may be resorted to for tackling the menace of stalking or eve-teasing.

For facility of understanding, those laws are reproduced below:

Section 341 of the BPC states that "whoever wrongfully restrains any person, shall be punished with simple imprisonment for a term which may

extend to one month, or with fine which may extend to Tk.500 or with both."

Section 354 of the BPC states that "whoever assaults or uses criminal force to any women intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

Section 10 of the Nari O Shishu Nirjaton Ain, 2000 states that "if any person with a view to illegally satisfying his sexual lust by any of his organ or matter touches genital organ or any part of the body of a woman or child or violates her modesty, such act of that person shall constitute offence of sexual oppression and he shall be liable to rigorous imprisonment for a term not exceeding ten years but not less than three years and shall be also be liable to fine."

In addition, Section 9A of the aforementioned Act states that "if a woman commits suicide because of violation of her modesty by willful acts of any person without her consent or against her will, such person, for the offence of instigating her to commit suicide by his aforesaid act shall be punishable with rigorous imprisonment for a term not exceeding ten years but not less than five years and shall be also be liable to fine."

We may now venture to examine if the past and present incidents described as acts of eve-teasing attract the penal provisions of the preceding paragraphs. Legally speaking, to constitute an offence of wrongful restraint, the slightest unlawful obstruction to the liberty of a person to



go when and where that person likes to go is sufficient. At the same time, fear of immediate harm restraining a person out of the place where that person wishes to be is sufficient to constitute an offence of wrongful constraint.

In fact, the offence of wrongful restraint may be committed by words alone or acts alone or by both or by merely operating on the will or by personal violence or by both. Any effective restraint on the right of freedom, whether caused by threats or by actual physical force, is sufficient for purposes of committing wrongful restraint. The coercion of the mind can, in certain circumstances, be as effective as coercion of the body, in order to bring the wrongdoer within the ambit of the offence of wrongful restraint or wrongful confinement.

Section 354 of the BPC has been enacted in the interest of decency and morals. It has to be remembered that an indecent assault upon a woman being an index of a depraved soul and often causing intense shame and suffering to the sufferer, arouses the just

indignation both of the person assailed and of the public. This Section is intended to punish a special vice and an offence against public morality and decency.

It needs to be mentioned here that attempts to cause wrongful restraint and to outrage modesty of women are also punishable offences, the same being the last proximate act before the committing of actual offence.

The two sections of the Nari O Shishu Nirjaton Ain, 2000 cited above may be suitably resorted to for creating effective deterrence. A reasoned view is that prompt registration and speedy criminal investigation under the existing laws backed by sensitised public and a supportive judiciary may effectively minimise the incidents of eve-teasing and stalking. Such an observation is not meant to belittle the hugely durable impact of appropriate social action geared towards fighting the scourge of harassment and indignity of women in our society.

Muhammad Nurul Huda is a columnist for The Daily Star.

Change of horses: US midterm elections

Voter rebellion or answer may be late, but if history provides any clue it is that voters are seldom wrong. In our relatively short democratic history we have seen the see-saw of politics and complete sweep of one party by another. The tragedy is that while the electorate remembers this historical fact, the elected never seem to remember or care.

ZIAUDDIN M. CHOUDHURY

THE much-anticipated Democratic Party debacle in US midterm elections has finally happened, toppling more than sixty House Representatives of the party and ushering in an equal number from its opponent, the Republican Party. Add to this the ouster of six Senators from the Democratic Party, and their replacement by their Republican opponents.

The voters have made over control of the House from the Democrats to the Republicans -- a party that they had overwhelmingly rejected only two years earlier in what was dubbed at that time as the Great Obama Sweep. It is hard to imagine that a nation that had seemingly turned giddy with the victory slogan of "yes, we can" only two years ago would turn about face now with a new slogan "no, we cannot."

The pundits have come out since last Tuesday with every explanation for such a rebellious voter behaviour in their arsenal. There is a whole new industry of experts who are now trying to analyse voter psychology and voter angst that seemed to have guided this Republican sweep. Barack Obama called the election results "shellacking," but added that the "voters sent us a message, which is they want us to focus on the economy and jobs."

The causes for this Democratic Party blood bath or the November massacre are not far to seek. The pundits and the media experts may have a field day explaining voter psychology, or blaming it on the resurgence of right wing politics that draws upon anti-Obama sentiments. But the real truth is economy, economy, and economy.

The average person who voted for

mortgage.

With every passing day, the future started to look more and more bleak when stories of home foreclosures and people eking out a living from retirement savings hit the news. Barack Obama and his new administration may have earned enough accolades from partisans and patted themselves on their legislative victories (health care, financial overhaul).

But these legislations did not bring

Unfortunately, unlike the United States, we do not have any provision for midterm elections to our Parliament. We elect our legislators for a five-year term, and that for some people seems to be a very long period. That is why we see how some of them behave as though they would be there in perpetuity. They do not have a midterm barometer to assess voter angst, and possible voter turn about as in the US.

From what we learn from newspapers and other media we cannot vouch that promises of our legislators have been met. The latest UN index for human development (education, health, and sanitation) still puts Bangladesh much below India and Pakistan. The most recent index for perception of corruption from Transparency International put us twelve places lower than the year before, 139th among 180 countries.

We have curtailed the independence of our anti-corruption agency instead of empowering it further. Instead of focusing on improving on efficiency and productivity of our public services we continue to be bogged down on debates on partisan loyalty or disloyalty of our public servants. Somehow, it seems to me that we have our priorities in a tangle, or we do not know what they are.

Voter rebellion or answer may be late, but if history provides any clue it is that voters are seldom wrong. In our relatively short democratic history we have seen the see-saw of politics and complete sweep of one party by another. The tragedy is that while the electorate remembers this historical fact, the elected never seem to remember or care.

The November message by US voters will hopefully translate for Obama a different tack to bring about his promised change. At least, he has got another two years. Sadly for the legislators in our country there is no midterm message. They have to interpret it themselves from the writing on the wall, and take corrective actions. It may be too late if they act later.

Ziauddin Choudhury is a former civil servant who now works for an international organisation in USA.



Shaking up the Democrats.

the change in 2008 expected that the leaders they put in charge would be able to lift the country from the economic morass that the country had fallen into. They expected that the change would save them from the impending threat of losing their jobs, their homes, and health care. They expected that the legislators they sent to Washington would heed to their needs, address their causes, and bring back a stumbling economy to its feet.

But they were disenchanted. They were distressed when the economy would not recover even with jumpstarts, many of which they did not understand (such as the federal stimulus fund, or bail out of failing banks). They were deeply troubled when after a year of remaining unemployed they found no hope of getting hired anytime soon. They were scared when they realised that they would not be able to hold on to their homes because they would not be able to afford the

jobs to the average person. Nor did they alleviate their fears and personal anxieties about the future, at least immediately. Instead, they were told by the opposition that the new legislations would only impoverish them further with greater national debts. The average voter neither had the means nor the will to go check the facts. He went with his gut, and voted his current legislator out.

Like the 2008 Congress in the US, the current Parliament in Bangladesh was installed with a thumping victory for the ruling party. It was swept to power by the people that had suffered misrule and grand scale corruption and larceny by people in authority, and wanted relief from human misery. The new legislators and the party that led them to victory also came with a promise of change, a change for the better. And people trusted them with their votes.

Human development in Bangladesh

UNDP report should be a spur to better performance

GOOD news has always a cheery ring to it. There are all the moments when the state of the country's politics has a disquieting effect on us all and for the right reasons. Even so, for all the confrontational nature of politics, for all our feeling that we may have been caught up in a morass, we do get to be encouraged when we are given a glimpse of the inner strength of our people which reports of a global nature sometimes hold up for us. The UNDP's Human Development Report 2010 is one of those instances that should be acting as a spur to our goals, to a fulfillment of them, for the future. In a wide-ranging survey of countries, the report places Bangladesh in third position among 95 countries in terms of an improvement in the quality of life. For good measure, the report shows that the Human Development Index in Bangladesh has gone up by as much as 81 per cent since 1981. Of course, one does not really require a report to know of the various areas where the country has made advances. In terms of the economy, such fields as garments have performed remarkably. In similar manner, the remittances that have made their way into the country from abroad, owing to the presence of a large body of Bangladeshi manpower in various countries, have brought about qualitative changes in life, particularly at the rural levels.

The UNDP's Human Development Report 2010 makes note of a remarkable improvement in life expectancy in Bangladesh. In the last forty years, life expectancy has surged by 23 years, which is again a good indication of the possibilities before the country. The need now is focus. We cannot afford to lose more time in trying to catch up with the rest of the world. Let us be under no illusion that as a nation we have emerged from the trap of poverty. We have not and all signs indicate that poverty alleviation will require a maximum of effort in the years ahead given that the projections about population increase are rather uncomfortable. Unless we are able to prioritise policies and policy implementation effectively at present and in the immediate future, we will be facing a population figure of 220 million by the year 2050. The negative impact of such a phenomenal rise on development can only be imagined. Which is why the UNDP report should act as a guideline, broadly speaking, in how we can handle conditions from here on.

Given all the difficulties, political and social and those caused by nature, we are usually confronted with, our position in the report can be looked at as a mark of the resilience that can help us turn conditions around. Overall, our rank is 129 among a total of 169 nations. Of course, there is no reason to feel complacent about such a placing. With all the necessary steps that need to and must be taken in the varied region of national development, we can surely look forward to a better position on the global development index in the future. The prerequisite here is a focused assessment of the ground realities and a subsequent carving out of a path toward making things better than what we have achieved so far.

Women entrepreneurship

Its vulnerability should be mitigated

AS successful women entrepreneurs are leading the way, more and more women are being drawn to follow in their footsteps. It is at this stage of edging out in different directions of enterprise that they are having to face newer challenges. These are in terms of access to information and resources, acquiring required entrepreneurial skill, overcoming vestigial remnants of social barriers and, above all, tiding over their vulnerability to corruption.

A study titled "The impact of corruption on women entrepreneurs" encompassing 300 women in business in the six divisional headquarters of the country, has brought into a sharp focus their susceptibility to corruption and malpractice. We regarded it as a timely and relevant study conducted by Bangladesh Women's Chamber of Commerce and Industry (BWCCI) in view of a spurt in allocations of credit to them under the micro credit and SME financing programmes.

The women interviewed have a common story to tell: they are facing corruption from the start through the pick-up phase to the commencement of the project. They encounter pressure for bribe while procuring trade licence, garnering seed money, expanding their businesses through bank loans and payment of utility charges, particularly electricity. The statistics speak for themselves: 60 per cent were asked to pay bribe when applying for trade licence, 10 per cent had to give bribe to get the licence; 20 per cent fell victim to corruption while applying for bank loans with 37 per cent asked to pay bribe; and 47 per cent were asked to pay bribe in obtaining TIN.

We endorse the major recommendations of the study and wish to see them implemented. Indeed, the government should announce a Women Entrepreneurs' Development Policy designed to facilitate growth of women enterprise through a removal of impediments they are currently hamstrung with. Secondly, there should be adequate budgetary allocations to boost women entrepreneurship. Last but not least, there should be one-stop service for them at all points involved in promoting their enterprise.