

RIGHTS CORNER



Right to safe motherhood

OLI MD. ABDULLAH CHOWDHURY

GROWING trend among a section of doctors to earn money adopting any means has been discussed widely among different social tiers for a long period of time. Bangladesh Maternal Mortality Health Survey 2010 though appreciated an overall improvement in maternal health condition, also revealed a sharp increase in caesarean section deliveries. Many of the readers might be attracted to the news published in The Prothom Alo (April 19, 2011) revealing almost five-fold increase in caesarean deliveries in the last decade. Were all those caesarean sections necessary?

Progress in reducing maternal mortality
Bangladesh has made commendable progress in reducing maternal mortality. The survey has reported a decline of 40% in the maternal mortality by 2001 and 2010. Therefore, Bangladesh is progressing well towards achieving the MDG 5 related to maternal mortality. There are several factors contributed in reducing maternal mortality rate. They include behavioural change in seeking health care and reduction in fertility.

Health care is a basic necessity
Health has been mentioned as basic necessity in the constitution of Bangladesh. As stated in Article 15(a) of the constitution, it is the fundamental responsibility of the state to secure the basic necessities of life, including food, clothing, shelter, education and medical care. The successive governments have committed resources to improve health condition in the country. However, efforts made by different non-government agencies and private facilities have significantly contributed in



improving maternal health condition and reducing maternal mortality.

Money-making trend
Private facilities contributed to the two-thirds of deliveries occurred through caesarean sections. Many of those private facilities consider financial benefit ahead of the best interest of the patients. There are also reported incidents when poor patients had been trapped in the cycle of money-lenders having illicit ties with private facilities. They had no other option but to borrow money from money-lenders in order to carry out cesarean section.

Conveyance of the doctor and patience
The report further indicates that many women who needed a caesarean section could not avail it. Researchers found around 19 percent caesarean sections among women who reported no complications, had undergone through caesarean section presumably for the convenience of the women or the provider.

Hastiness on the part of obstetricians
Obstetricians do not want to wait for cervical dilatation that takes even four to six hours or more. Due to clinical impatience, doctors tend to conduct caesareans in the absence of medical reasons. Some faculties have expressed their concern because caesarean sections had been so common even in training institutes that fresh graduates were unable to learn normal deliveries.

Demand Side Financing
The practice is widespread not only in private hospitals, monetary incentives in selected government hospitals have also contributed towards increasing number of caesarean sections. A project, namely Demand Side Financing (DSF) implemented by the government provides extra incentives for doctors and health workers involved with cesarean sections in government facilities. Although the project aims to promote safe birth, medical professionals took this opportunity to earn an extra sum of money.

Caesarean sections have its impact on children also. A woman who has a caesarean usually has less early contact with her baby and is more likely to have initial negative feelings about her baby. Best interest of the child needs to be taken into consideration while making a decision of caesarean section. High rate of caesarean section in the country is alarming and there must be an accountability mechanism to check this growing trend.

The writer is human rights worker.

FOR YOUR INFORMATION



'Multiculturalism' debate and European Muslim identity

KAZI HAQUE

LIKE many social concepts, 'multiculturalism' has multiple definitions varying from one source to another. Such definitions refer to anything from people of different communities living side-by-side to ethnic or religious groups leading completely separate lives. The Oxford English Dictionary offers a broader definition of multiculturalism as the "characteristics of a multicultural society" and "the policy or process whereby the distinctive identities of the cultural groups within such a society are maintained or supported." There's a more comprehensive definition from UNESCO that defines multiculturalism "as a systematic and comprehensive response to cultural and ethnic diversity, with educational, linguistic, economic and social components and specific institutional mechanisms." This is the definition of multiculturalism for this write-up since it complies most with general body of research on the subject.

Multiculturalism was regarded for a long time as an effective governance approach in culturally and ethnically diverse contexts as Europe until recently when some major European leaders denounced it. German Chancellor Angela Merkel, British Prime Minister David Cameron and French President Nicolas Sarkozy - all are saying in unison that multiculturalism has 'failed' causing furor in all sides of political divide throughout Europe. This wave of political rhetoric against multiculturalism began with Angela Merkel's outburst that "this approach (multi-

culturalism) has failed utterly." She was soon followed by David Cameron, "we failed to provide a vision of society (through multiculturalism) to which they (immigrants) feel they want to belong." Then Nicolas Sarkozy enthusiastically joined the bandwagon: "yes, it's (multiculturalism) a failure."

But is multiculturalism really not working? If not, why not? What underlies the dynamic of this 'fail-

ments. Moreover, his comments came at a security conference in Munich where all the major western powers were present.

What is interesting to note is that Cameron's Munich speech made much more sense until it reached the parts on multiculturalism. He alleged that the root of terrorist attacks lies in the ideology of Islamic extremism but emphasized that it cannot be equated with Islam. He

recognized that Islam as a religion is peacefully followed by its billion plus followers. The Islamic extremists who are driven by a particular interpretation of Islam are a small minority, he said. He even asserted that western values and Islam can be entirely compatible. Moreover, like a social scientist, he linked extremist inclination of some immigrant Muslim youth with their confused identity perception. But from thereon he himself confused reality while seeking a redress of extremist elements among immigrant Muslims.

Cameron said that "the doctrine of state multiculturalism" is a strategy that "encouraged different cultures to live separate lives, apart from each other and apart from the mainstream." He argued that there was "hands-off tolerance" to unacceptable practices of non-white communities (mainly Muslims) that encouraged extremism and then stressed on a stronger national identity as the way out.

(To be continued...)

The writer is senior researcher and faculty of BRAC University's Institute of Governance Studies (IGS).



ure? Does the problem lies with the very model of multiculturalism as proposed by the three European leaders or is it rather the faulty (or half-hearted) application of this model and/or conflicting ideas about its elements? This writing tries to explore these questions. My discussions will be mainly in the light of Cameron's above mentioned speech with occasional references to the other leaders. Because he presented an extensive criticism of multiculturalism while Merkel and Sarkozy made occasional state-



YOUR ADVOCATE

This week Your Advocate is Barrister Omar Khan Joy, Advocate, Supreme Court of Bangladesh. He is the head of the chambers of a renowned law firm, namely, 'Legal Counsel', which has expertise mainly in commercial law, corporate law, family law, employment and labor law, land law, banking law, constitutional law, criminal law, IPR and in conducting litigations before courts of different hierarchies. Our civil and criminal law experts from reputed law chambers will provide the legal summary advice.

Query

My sister who was married to a police constable of our area of residence which is outside Dhaka city, I am writing on behalf of my sister and my family.

The problem started when my sister's husband (designated as a police constable in local police station) asked for 3 lacs Taka so that he can migrate himself in a foreign country. He pressurise my sister even he abused her brutally. He believed that my family has lots of money as 3 of my brothers' reside abroad. But it was really difficult for my father to arrange the money as a result, the brutalities of torture were increasing day by day and finally we got the news of her death. My father went there and they were saying that it was a suicide committed by my sister.. But then again when my father went to the police station to file a case, initially they refused to take the complain but later the officer in charge filed a complain but not disclosing the exact matter of the complaint to my father (who is not that much educated or aware of the legal matters) and forcefully took the sign from him. Later we find that the case was filed on s.306 of Penal code.

Now I really want to know that how do we get justice?

In trouble,
Comilla

Response

I would like to thank you very much for your inquiry. From your query it is clear that you and your family is seeking justice into the alleged inci-

dent of suicide committed by your sister. Accordingly, the provisions of the Code of Criminal Procedure 1898 and Penal Code 1860 are likely to be relevant.

Section 173 of the Code of Criminal Procedure provides that the officer-in-charge of the Police Station shall submit report to the empowered court. However, the informant or the

with the offences of culpable homicide, murder etc. shall be mentioned. The contents of this petition are very important for determining the outcome of the case forcefully filed under Section 306 by the Police.

Considering your fact it is clear that your sister was a victim of dowry. Every year, many women are killed in our country because of dowry.



complainant has the opportunity to submit objection against the aforesaid report. This is known as Naraji Petition. Thus, you may submit your objection once the Police submit the investigation report in relation to the case filed under Section 306 of the Penal Code. Following the submission of the Naraji Petition, the court may order further investigation into the incident.

You must be cautious enough while submitting the Naraji Petition. The Petition should contain details of the incident. For instance, relevant sections of the Penal Code dealing

Causing the death of someone for dowry is also an offence under the Nari O shishu Nirjatan Daman Ain.

From a social point of view, it is not possible to prevent the demand of dowry only by means of legal provisions but it is very important to raise social awareness, which can be the most effective means to encounter this social disorder.

I hope the aforesaid opinion will help you to take appropriate step towards the solution of your problem.

For detailed query contact:
omar@legalcounselbd.com.



LAW WEEK

Mirpur SI, ASI face arrest warrant

A Dhaka court on May 26 issued arrest warrant against two police personnel of Mirpur Police Station in a case filed against them for extorting Tk 10,000 from the complainant on March 20. Metropolitan Magistrate AK Azad passed the order after finding allegations of extortion against the policemen. The accused are: Sub-Inspector (SI) Azizur Rahman and Assistant Sub-inspector (ASI) Mizanur Rahman. Md Shafiqul Islam Ranju, a resident of Shenpara of Mirpur, filed the case against the duo on March 27 with the Chief Metropolitan Magistrate's Court of Dhaka. In the complaint, Ranju alleged that the two officials on March 20 took him to the police station from his residence and forced to give the amount. They also threatened him not to disclose the incident to anybody. -The Daily star online edition May 26 2011.

Kibria Killing Case

Six years after the murder of former finance minister Shah AMS Kibria, the Criminal Investigation Department (CID) is ready to submit charge sheet where names of 14 people including former state minister for Home Affairs Lutfozzaman Babar were included. Fourteen people including Babar and Indian national Abdul Aziz Batt alias Abdul Majed are going to be included in the charge sheet of Kibria murder case, said Rafiqul, also ASP of the Criminal Investigation Department. Earlier, the CID remanded Babar and interrogated him in February last year with links to Kibria murder. The former state minister was shown arrested in the case. -The Daily star May 26 2011.

Sayedee faces tax evasion charges

A Dhaka court on May 25 adjourned till July 6 the hearing on charge framing against detained Jamaat-e-Islami Nayebe-e-Ameer Delwar Hossain Sayedee in connection with a tax evasion case. Judge Mohammad Mozammel Hossain of the Special Judge's Court-3 passed the order after Sayedee's lawyer submitted a petition seeking adjournment of the hearing. Sayedee was produced before the court during the hearing. Earlier, Last August 19, Deputy Tax Commissioner Masuma Kahtun of the National Board of Revenue filed a case against the Jamaat leader for dodging income tax of around Tk 56.45 lakh for the fiscal years from 2005-2006 to 2009-2010. -The Daily star May 26 2011.

Ministry investigator quizzes Limon

A home ministry assigned investigator questioned Limon Hossain, maimed in a Rab shootout, and his father at a city hospital on May 24. Additional Divisional Commissioner of Barisal Mohammad Shawkat Akbar quizzed the teenager and his father Tofazzal Hossain thoroughly for over two hours at a special cabin of National Institute of Trauma and Orthopaedic Rehabilitation (Nitor). He threw a volley of leading questions minutely examining the alibi of Limon and parents. The home ministry had asked Shawkat Akbar to submit a report within 15 working days after the probe began on April 29. -The Daily star May 25 2011.

Pilkhana Carnage Case

The prosecution on May 23 completed reading out charges against 847 accused, including former BNP lawmaker Nasiruddin Ahmed Pintu and Awami League leader Torab Ali in the BDR carnage case. Charges against 47 accused, including 23 civilians, were read out at a makeshift court in the capital's Bakshi Bazar area. On April 12, 26 and May 9 charges against 803 accused were read out by the prosecution. Of the 850 accused, three have died while 21 others are absconding. Prosecutor Mosharraf Hossain Kajol read out the charges before Judge Mohammad Zohurul Hoque and then prayed for framing charges against all the accused. After completion of the prosecution submissions, lawyers of 11 accused made submissions to discharge their clients from the charges. The court adjourned the trial proceedings till June 13. -The Daily star May 24 2011.

HC asks for law on migrants' rights

The High Court (HC) on May 23 issued a rule upon the government to explain within 15 days why it should not be directed to enact a comprehensive law and formulate a guideline to ensure rights of Bangladeshi migrants and workers abroad and to prevent human trafficking. An HC bench of Justice Farid Ahmed and Justice M Shawkat Hossain issued the rule after holding a hearing on a writ petition filed by Bangladesh Woman Lawyers Association (BNWLA). -The Daily star May 24 2011.

Ctg Arms Haul, CID grills Rezzakul, Rahim

Investigators on May 23 interrogated two former National Security Intelligence (NSI) directors general at Chittagong Central Jail gate in connection with the 10-truck arms haul cases. Investigation officer of the cases Md Muniruzzaman Chowdhury, also a senior assistant superintendent of Criminal Investigation Department, quizzed Brig Gen (retd) Rezzakul Haider Chowdhury and Brig Gen (retd) Abdur Rahim. Two other CID officials assisted him in the three-hour long interrogation. The IO declined to make any comment on the outcome of the grilling. Earlier, Muniruzzaman moved a petition on April 12 before a Chittagong court for quiz-

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You may send us your daily life legal problems including family, financial, land or any other issues. Legal experts will answer those.

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