



# The endless agony of HINDU GIRLS

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**L**AST year, I came across an article called, "The Plight of Hindu Girls in Bangladesh" that raised a few concerns. As a Hindu girl born with education and privilege, I wanted to raise the issue to a bigger audience. The author, who went through cruel experiences as a married Hindu girl in Bangladesh posed the question to the members of our society about whether the injustices on Hindu girls would ever stop in our country. I consider this my support to her outcry and an address to the countless girls in Bangladesh who happen to belong to the religious and ethnic minorities in Bangladesh.

Firstly, according to Hindu law, daughters have absolutely no inheritance rights from the father. When a girl gets married, she is ritually

there is no consideration of the protection of the first wife. There is no mandatory registration, therefore, a man can marry multiple times without taking any responsibility and prosecution becomes extremely difficult and reliant on evidence and witnesses. Domestic violence and limited education for girls are extremely common even in educated families where the boy's education is always given priority. Thirdly, the laws practised by the Hindu community in Bangladesh not only affects the Hindus living in the country but also all the religious minorities taking into account the Christians, the Buddhists and the Tribals. Therefore, I reiterate the importance of reforming the backdated Hindu laws that are practised in Bangladesh.

India and reformed property rights of daughters. If Hindu law practices in Bangladesh are compared with the prevalent Sharia'h principles, it is seen that Muslim girls exercise a well-established practice of property rights from the father and a segment of the husband's. In terms of polygamy, a man is restricted to marry more than four wives.

Marriages in Bangladesh still take place without consent where consent is coerced with emotional blackmail and remains a complex area for prosecution, especially in urban societies. Other associated issues involve family members discouraging the prosecution against domestic violence. Girls are brought up in our country with the implied mentality that it is usual for men to have extra-marital affairs, be unfaithful and to hit girls. The author in the article spoke about marital rape which is prohibited in Bangladesh but is recurring.

Divorce is not encouraged and decisions to live independently and to think independently is highly demoralised. Furthermore, there is no formal procedure for divorce in Hindu law. Interestingly enough, individuals who engage in this kind of behaviour are actually educated and prominent members of the community. Independent girls or girls marrying out of religion or doing anything that are not supported by the community is heavily stigmatised. Polygamy is a common practice among Hindu men in Bangladesh and there are no legal implications for that. Even if Hindu law requires the husband to take care of the well-being of the wife, it is a route that is rarely taken, mostly because there is no way to prove whether care has been taken by the husband or not. It is not mandatory for Hindu marriages to be registered. When the Government tried to enforce the mandatory registration of Hindu marriages, Hiren Biswas, the President of the Samaj Sangskar Parishad retaliated it. The Hindu Marriage Registration Bill 2012 was opposed by the Hindu community. However, the decision-makers were male. Hindu women were not consulted about the changes they desire to have implemented.

THE WRITER IS BARRISTER-AT-LAW.



transferred to her husband's gotra and is not entitled to any inheritance from her husband's property either. After marriage, she is entitled to neither her father nor her husband's property. In practice, women without any proper education and who is not encouraged to live independently and lacking any property inheritance faces a battlefield to survive and is often stigmatised. If a father refuses to give his daughter property rights, it can be said he has refused her as a child. If a son's importance can be recognised through property, a daughter's should be the same. However, Hindu practices differ in Bangladesh.

Secondly, Hindu law is not legally restrictive on polygamy of men and

The origin of Hindu marriage can be traced back to the ancient scriptures of Rig Vedas and its rituals to the Sanatana Dharma is a scared communion of informed decision as opposed to practice. The Hindu law is also not a derivative of any religious law like Islam. India has reformed the backdated Hindu practices which are symptomatic of patriarchal roots. Arguably the phenotypic patriarchal practices such as the parda have Islamic and Western influences due to the Islamic invasion and the emergence of the Portuguese and the British. Ancient Indian women were almost never recorded to follow this tradition. Therefore, the patriarchal practices such as polygamy have been outlawed by

## FOR YOUR INFORMATION

### To build sustainable development



#### PREVENTING CRIME TO BUILD SUSTAINABLE DEVELOPMENT

**P**ROTECTION against crime and violence is a top priority of people everywhere. Criminal activities undermine state authority by fuelling corruption and damaging the legitimate economy. This has an impact on the quality of life of citizens, most particularly the poor, women and children. Effective criminal justice systems and respect for the rule of law are crucial for achieving sustainable development. In a globalised inter-connected world the transnational nature of crime is one of the key challenges countries face.

From 12 to 19 April 2015, Qatar will be hosting the Thirteenth UN Crime Congress in Doha which brings together governments, policy-makers and experts to exchange their experiences and intensify international cooperation in tackling the threat of transnational organised crime.

As the international community continues to discuss the post-2015 development agenda, so the 13th Crime Congress will consider how best to integrate crime prevention and criminal justice into the wider UN agenda. It will focus on links between security, justice and the rule of law, and the attainment of a better, more equitable world.

As the Executive Director of the United Nations Office on Drugs and Crime (UNODC), Yury Fedotov, has said, people aspire to be free from the grip of crime, violence, corruption and insecurity: "This basic human aspiration chimes with a growing recognition across the international community that crime is not simply a social problem, but a grave obstacle to achieving sustainable development."

United Nations Secretary-General Ban Ki-moon said that "There is no peace without development, no development without peace, and there is no lasting peace or sustainable development without respect for human rights and the rule of law." The Crime Congress is the world's largest and most diverse gathering of Governments, civil society, academia and experts in crime prevention and criminal justice. For the past six decades the congresses have had an impact on policies and strengthened international cooperation against the global threat of transnational organized crime.

As a global forum, UN Crime Congresses enable the exchange of information and best practices among States and professionals working in this field. This year, the Crime Congress will focus on four areas:

- Successes and challenges in implementing comprehensive crime prevention and criminal justice policies and strategies to promote the rule of law nationally and internationally and to support sustainable development;
- International and regional cooperation to combat transnational organized crime;
- Comprehensive and balanced approaches to prevent and adequately respond to new and emerging forms of transnational crime; and
- National approaches to public participation in strengthening crime prevention and criminal justice.

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## LAW EVENT Preaching human rights education



**I**T is undeniable that young people in a society can play pivotal role to disseminate human rights knowledge with a view to ensuring human rights culture. With this vision of fostering human rights education, Empowerment through Law of the Common People (ELCOP) facilitates a program called Street Law (Protidiner Ain) which aims to educate people about basic human rights, democratic norms, rights and duties, and other petty legal issues. Street law program has been running by young law students from public and private university of Bangladesh since 1998. On part of this, ELCOP organised a seminar titled "The Idea of Human Rights: From Theory to Practice" in its premises on April 4, 2015. Around 30 bright and diligent young street lawyers attended the seminar with their enthusiastic mind and interest.

Mr. Ruslan Khusainov, Activity Director of Youth for Human Rights International (YHRI), and Mrs. Sandra Lucas, International Ambassador of YHRI, spoke in the seminar. Youth for Human Rights International (YHRI) is a USA based nonprofit organization which aims to teach human rights among youth and inspires them to become advocates of human rights.

Mrs. Lucas emphasised on the importance of protection and promotion of 30 human rights contained in the Universal Declaration of Human Rights (UDHR). The essence of her discussion was to simply present and talk about the basic concept of human rights by showing 30 short-storied videos for each of the Article of UDHR. The seminar was moderated by Mr. Mohammad Golam Sarwar, Program Coordinator, ELCOP-Street Law and Lecturer of Law, Eastern University. Mr. Sarwar substantiated the discussion between discussants and participants by giving inputs on the issue of human rights from his experiences. Mr. Saimum Reza Talukder and Mr. Mostafizur Rahman, two young human rights activists, also shared their experiences.

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## LAW WATCH

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**M**ORE often than not when we think of ourselves being a private individual-a citizen of Bangladesh-a consumer, we think about what we purchase through a physical exchange of money for goods or services, ranging from things as simple as fruit or grain to home appliances to cable television, either in a store or through an online exchange where they enter in our credit card information and receive our purchase. Certain services that we-citizens' use may, by its very nature, put an extraordinary amount of sensitive personal information into the hands of vendors. Typical examples include hospitals, banks and telecommunications.

The Organisation for Economic Co-operation and Development (OECD) guidelines drafted in 1980 provided a useful set of 'fair information practices' within which confidentiality of citizens may be evaluated. Briefly, the major principles declared were: 1) there should be limits to the collection of data, 2) data should be accurate and relevant to the purpose collected, 3) there should be openness about data policies and changes thereof and 4) enabling the individual to find out if data is being held about him and to obtain a copy of the data and make corrections.

The European Union (EU) data protection directive is another broad directive adopted by the European Union designed to protect the confidentiality of all personal data of EU citizens collected and used for commercial purposes, specifically as it relates to processing, using, or exchanging such data. It established a broad regulatory framework which sets limits on the collection and use of personal data, and requires each Member State to set up an independent national body responsible for the protection of data. In the United States of America (USA) the most comprehensive act for the citizens is the Fair Credit Report Act, which was passed in 1970. Enforcement of the Act is vested in the Federal Trade Commission. The FCRA applies to how citizens' information is collected and used, and applies to insurance, employment, and other non-credit transactions.

In India, broadly, there are four potential avenues for the protection of citizens' confidentiality. Firstly, individual organizations may voluntarily commit to protect the information of their clients through "Confidentiality Policies". Secondly, certain professions and industries have codes of confidentiality that they must statutorily

## Is Bangladesh ensuring citizens' confidentiality?

abide by. Thirdly, citizens' confidentiality may be enforced by the specialised Consumer Dispute Tribunals and lastly, the newly amended Information Technology Act imposes an obligation on anyone controlling data to indemnify against losses caused by the leakage/ improper use of that data.

The International Guide to Confidentiality suggests the following be included in confidentiality policies:- i.e. description of the personal information collected by the website and third party, description of how the information is used

open? The Right to Information Act clarified no information which would harm the confidentiality of the personal life of an individual needs to be disclosed. The Consumer Protection Act was enacted with the objective to provide for better protection of the interests of the citizens' has emerged as a major source of possible relief to those who have suffered violations of their confidentiality.

It is important to consider some salient elements when looking at an effective protective regime for citizens' confidentiality- i.e. a) is a

## PROTECT YOUR PERSONAL DATA



and list of parties with whom it may be shared, a list of the options available regarding the collection, use, sharing and distribution of the information, a description of how inaccuracies can be corrected, a list of the websites that are linked to the organization's site and a disclaimer that the organization is not responsible for the confidentiality practices of other sites, a description of how the information is safeguarded against loss, misuse, and alteration, consent for use of personal information.

In Bangladesh the Information and Communication Technology Act included a relief to people when a breach of confidentiality is occasioned by the leakage of data from computerised databases. While categorising- what is not

comprehensive data protection more suited to the needs of Bangladesh? b) does Bangladesh want to become compliant with international standards for data protection? c) how will confidentiality policies be enforced and how will organizations be held accountable for the protection of client confidentiality under the legislation? d) will citizens' be notified if their information is breached? If so what will be included in the breach notification? e) how can legislation ensure that citizens are aware of their confidentiality rights? and finally f) how can confidentiality legislation address the need for different levels of protection for different types of data?

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