

## Rise in tax-free income level

### Revision should be substantial

Officials from the ministry of finance have indicated that the government intends to raise the tax-free income from the current Tk 250,000 annually to Tk 270,000. That is a marginal increase and falls far short of what the various chambers of commerce have been advocating. Given today's rate of inflation, the average real wage of citizens have been eroding steadily over the past few years. The runaway increase in prices of house rent, healthcare, education and transportation costs have put a real squeeze on middle class incomes and these realities should be looked into when the new income taxation regime is revised in the coming fiscal. People could also get some relief if the personal income tax slabs are widened. According to a local think tank, the first taxable slab can be increased from 7.5 percent to 10 percent. This would give some additional relief for the average tax payer belonging to fixed income or limited income groups. The tax-free income should be raised to at least Tk 350,000 annually so that service holders can get the benefits with increased purchasing power.

It would be more prudent for the NBR to expand its tax net to bring business people in rural areas under the income tax bracket as a means to expanding the tax net. Presently, it is only the urban populace that the authorities concentrate on and this has to change if some relief is to be given to fixed income groups who are being squeezed due to inflationary pressure.

## Ensure women migrant workers' rights

### Ministry's inertness surprising

ACCORDING to two leading NGOs, at least 4,000 women workers returned home last year having endured physical and sexual abuse by their employers in KSA. But yet the government is sending more women workers to this country without even ensuring their basic rights and safety. We wonder why the Ministry of Expatriates' Welfare and Overseas Employment is inert to their plight. By now there should have been some policy changes with regard to sending our women workers to Gulf countries.

Time and again, we have urged the government to reconsider its decision to send our women workers to Gulf countries, citing the examples of Philippines and Indonesia. But sadly, our call fell on deaf ears. It is understandable that the remittance these expatriate workers send to the country is very important for our economy. But we do not need remittance in exchange for our workers' rights, safety and dignity.

Since mostly unskilled domestic workers are the victims of sexual abuse and physical torture in these countries, we should only send our skilled workers there. The government should arrange skill development trainings for workers who wish to go abroad. There is a good demand for skilled and professional women workers in these countries, including nurses, caregivers, babysitters, drivers (taxi cab domestic), front desk attendants, receptionists and cashiers. Furthermore, in order to save our women from exploitation, the ministry concerned must take stringent measures against the fraudulent agencies. Most importantly, the government must discuss this issue with the Saudi government and find a permanent solution.

## LETTERS TO THE EDITOR

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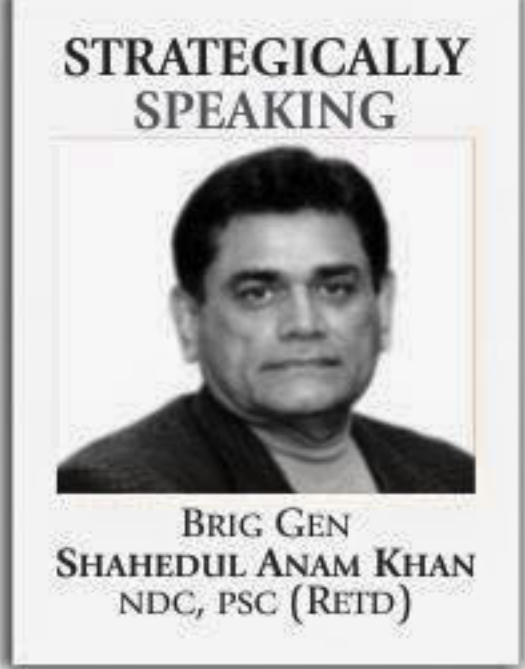
### A confusing war on drugs

We are confused about the anti-narcotics drive currently underway across the country, which has claimed more than a hundred lives. In Teknaf, a ward councillor, Ekramul Haque, was killed by the Rapid Action Battalion (RAB) in a "gunfight". The security forces claimed that he was a top drug dealer. On other hand, those who knew him vehemently denied the assertion, according to media reports, saying that he had never been involved in drug trade.

A local municipally mayor even wrote an open letter to the prime minister, claiming that Ekramul Haque had rather been outspoken against Abdur Rahman Bodi, a local MP listed as a top drug dealer by several government agencies.

If the government truly wants to disrupt the drug trade, it must take action against the godfathers. Also, it must be cautious in terms of using force and ensure the rule of law in dealing with those accused of being involved.

Fouzol Kabir, By e-mail



STRATEGICALLY  
SPEAKING

BRIG GEN  
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into a month of man's exasperations caused by a handful of people, which often times turn into collective anger at the helplessness of the many in the hands of the few. I am tempted to appropriate Churchill's famous saying, extolling the RAF pilots' gallantry during the Battle of Britain, and apply that to our country in the negative sense—never has been the life of so many made hell by the dishonesty and inefficiency and incompetence of so few.

Cost wise, life for the majority becomes worse, though it is a month that comes as a boon to the traders who spike prices manifold for no good reason. For them excuses are not hard to come by. They will invent the pretext of excessive rain when there was no abnormal rain at all. Shortage is a common refrain that the consumers have to hear, when actually everything is plentiful, being held in stock only to be released at the "right" time so that the profit that traders in civilised countries make in a year, ours can make in a month.

"Bad harvest" of vegetables that are in greater demand during the month of Ramadan is a shamefaced explanation for spiking prices of items that were in abundance only a few days before the start of the fasting month. One has heard of some countries where during this month shops bring down their prices much below the normal levels so that people would be less burdened. They forego profit for the month. While that would be too much to expect from our traders, the least they can do is to keep the prices at the normal level and not increase them in a Mephistophelian manner.

And as usual, the commerce ministry's promises to keep the prices at the normal level and warnings of dire consequences for dishonest trading turn out to be only sound and fury signifying nothing. The city corporation officials look sheepish at their inability to do anything either. Not that they do not benefit from the price hike though.

But we as consumers do add to our own woes. We are overtaken by an overwhelming urge to overindulge, and a month of abstinence becomes a month of lavishness. Hotels with all kinds of stars attached to their name offer so-called economy rates for Iftar and

# Travails of festivals



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PHOTO:  
PRABIR DAS

Sehri encouraging extravagance in a month whose fundamental teaching is sobriety, moderation, and abjuration of actions and behaviour which are blatantly ostentatious.

Commuting in the streets during this month in Dhaka, which has the most disorganised traffic system in the world (not entirely the fault of the police), becomes a nightmare. And that is particularly so when people are making for their homes after office. The snags are further compounded by VIP movements that disrupt normal flow of traffic. It is irksome to see everyone that is anyone with a staff on his car and an escort to boot forcing their way through by stopping other commuters on both sides of the lane. One thought it was the prerogative of the honourable president and the prime minister to have exclusive use of the roads, and we have come to get used to it. But manifestation of the VIP culture on the busy streets of the capital inflicts great pain on the common man.

Eid travelling has become a nightmare too. The prospect this year is more frightening than the previous years. A mix of nature's whim—untimely rain, effects of climate change I understand—and poor planning of various departments has left the traffic system in a

shambles. The end of the fiscal year has coincided with the month of Ramadan and Eid-ul-Fitr. That is why the spending spree to expend the budget allocation, particularly on road repair and extension. But bad roads are a repetitive phenomenon as is the yearly assurance we get from the minister for road transport every year that the highways would be in a better condition than the previous year and the journey home on Eid holidays would be more comfortable, only to be disappointed. Regrettably, normal flow of traffic on highways, wherever possible, is hampered by load carriers being stopped by the police for illegal toll. After all, this is the month of Ramadan, and everyone needs the extra buck! And this is one of the reasons why prices of essentials are hiked to defray the extra cost and it is the poor consumers who suffer.

Every year, we hope and pray for a hassle-free month, but it turns out to be worse than the previous years. That is perhaps a way of expiation for our individual sins suffered collectively. And the only comfort we can take from these travails is that this suffering may lessen our burden in the hereafter. Amen.

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# Colonial law doesn't do justice to rape victims



TASLIMA YASMIN

THE current definition of rape in our Penal Code was formulated in 1890 back in colonial times. Even when the *Nari-o-Shishu Nirjatan Daman Ain* (Women and Children Repression Prevention Act) came into force in 2000, this new statute retained the colonial definition of "rape" almost as it is with only a few additions.

The definition in section 375 of the Penal Code describes that "penetration" is sufficient for it to be considered as sexual intercourse. However, the definition of "penetration" is not given anywhere in the existing laws. Because the definition falls short of illustrating the meaning of "penetration", the traditional meaning of sexual intercourse is used by the courts to define rape, which leaves out several other ways of sexual penetration which are generally conceived as rape in many jurisdictions. The definition also fails to explain the meaning of the term "consent".

traumatising for a male child. On the other hand, the *Nari-o-Shishu Nirjatan Daman Ain* does not differentiate between a boy and girl child in its definition of "child". But because of how rape is defined by the Penal Code and how "penetration" is traditionally interpreted, a male child, or any victim of rape by a same sex perpetrator for that matter, will not find redress under the special statute—and such case can only fall under section 377.

One of the worst gaps in the existing definition of rape is that forcible intercourse with a girl child who is not below 13-years of age has not been criminalised as rape when the child is married to the offender. Although the *Nari-o-Shishu Nirjatan Daman Ain* sets the age for statutory rape at 16, it doesn't address marital rape of child brides and actually reinforces the Penal Code's definition by clearly specifying that the 16 year's age limit below which any sexual intercourse would be considered as rape will not apply to cases where the offender is in a marital relation with the girl.

This position is particularly challenging as it tacitly allows child marriage leaving no legal redress for a potential child victim of rape. This is not only contradictory to Bangladesh's international

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In the absence of such explanations, in many cases, courts have in the past relied on evidence of "force" to show lack of consent and eventually interpreted rape from a gender-stereotypical perspective.

Another significant gap in the definition of rape in the Penal Code is that it refers only to a "woman" with whom a non-consensual intercourse would amount to rape. This clearly excludes a male child from the purview of the law. If a man rapes a minor boy of any age, he will be charged with an offence under section 377 i.e. "unnatural offences", and not for rape although the experience should be equally brutal and

commitment to protect young girls from sexual exploitation, particularly its obligations to ensure the best interest of the child under the UN Child Rights Convention, but it also contradicts the existing domestic law of the country. Although, the recently enacted Child Marriage Restraint Act criminalises marriage of a girl below the age of 18-years, a penal law giving immunity to a perpetrator of rape if he can prove that the victim is his 13-years old "wife" is clearly an expression of the legal validation of child marriage. This encourages the culture of forced marriage of a child rape victim with the offender, which is again a

violation of Bangladesh's obligations under various international treaties as well as its own constitutional guarantees.

Another important area where the existing provisions lack sufficient focus is rape by fraudulent enactment of marriage or by deceitful promise to marry. On several occasions, our Supreme Court had to adjudge whether sexual intercourse with a woman who believed that she was married to the offender because of some false staging of marriage, or that he intended to marry her based on a false promise, amounted to a rape or not. However, although the definition of rape given in our Penal Code does not specifically address this situation, a careful reading of section 9 of the *Nari-o-Shishu Nirjatan Daman Ain* says that a fraudulent promise to marry to induce consent in sexual intercourse, can very well be criminalised as rape. The explanation to Section 9 clearly states that a man would be said to commit rape when he "fraudulently" obtains consent. As such, legally, a false staging of marriage, or promise of marriage in order to induce consent to sexual intercourse, will certainly fall within the definition of rape given in section 9. However, because in such cases courts are usually overwhelmed by the "absence of force" during the time of the sexual intercourse, the initial "fraudulent" means or intention which induced such consent takes a backseat in the judicial consideration. In most such cases, the woman victim is left to bear the social reprimands for engaging in a premarital sex by the offender, along with the lone responsibility of an unborn "illegitimate" child.

Such gaps in the legal definition of rape impede the victims' right to get effective justice. It is unfortunate that our criminal justice system still defines rape in colonial language—without much change—compared to how the Indian Penal Code has moved on from this old colonial formulation of rape, and how British law itself has moved ahead with a separate statute for sexual offences. And so, formulating a definition that can more efficiently address the plight of rape victims remains long overdue.

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