

'EQUAL PROPERTY RIGHT'

MUCH ADO ABOUT NOTHING

KABERI GAYEN

This article was written shortly after the National Women Development Policy was drafted in 2011, and remains as relevant eight years on as the day it was penned.

The present government declared the draft 'Jatiyo Naree Unnoyon Neeti 2011' (National Women Development Policy 2011) on March 8, 2011. The alleged aim is 'to improve the socio-economic condition of women in Bangladesh'. The cabinet has approved this new draft policy. From the very day of the declaration, religion-based political parties not only boycotted the policy but also declared resistance against it, claiming that it gave men and women equal inheritance rights. All the religion-based groups and parties, including Jamaat-e-Islami, termed the policy 'anti-Quran' and proclaimed that the government would fall if the policy were enacted. In the gathering organised by the Islami Ain Bastabayan Committee on March 8, the day of the declaration, Mufti Amini, leader of a faction of the Islami Oikya Jote, called for a strike against the policy on April 4. Besides the anti-government Islamic groups and parties, pro-government religious groups and parties, such as The Islami Oikyo Jote, led by Misbahur Rahman, also opposed the policy. In an interview with the national daily *Samakal* on March 8, Rahman said, "The Grand Alliance made a clear commitment not to develop any law that goes against Quran and Sunnah before the election. Now if they develop a women's policy that goes against the Quran, why should we accept it?"

Citizens observed the strike on April 4 with utter dismay, which was perhaps the first of its kind in their collective memory. The members of this religious group mobilised a militant force of considerable size, including madrasa students, many of whom were mere adolescents. They came out on the streets in funeral garb—indicating their readiness to sacrifice their lives to resist this policy—and with lethal weapons. They put up a fierce fight against the police. Their brutality extended to burning and wrecking over 100 parked buses in Chittagong and setting ablaze a petrol pump. Even religious people questioned the use of children with Qurans slung round their necks on the streets.

The reaction to this threatening activity

was neither positive for women activists who have forever demanded equal property rights, nor for the women of this country in general. The government was unsure about its decision from the first hour. Right after the declaration of the women's policy, Mahbub Alam Hanif, the Joint Secretary of Awami League, said in an interview, "The government has not brought any change to the Muslim property distribution law. The government has simply stated women's right to property through inheritance that Islam has given to both men and women." Afterwards, Dr Shirin Sharmin Chowdhury, the honourable state minister of the Ministry of Women and Children Affairs, and the honourable Prime Minister Sheikh Hasina herself, assured that no law going against the Quran would be enacted. The latest update is that while addressing about 150 leaders of the Bangladesh Jamiatul Modarasin, a pro-Awami League platform of madrasa teachers, on April 20, the Prime Minister re-assured that her government has already removed all contradictions regarding religion from the National Women Development Policy

least till the policy reached our hands, to understand that the policy did not provide equal property rights.

In clause 25(2), the section that deals with the economic development aspect of the 2011 policy, it is stated that women would be given full control over the wealth that they have obtained so far through earnings, inheritance, loan, land and market management. Awami League, the main party of the present Grand Alliance Government, made the commitment in their election manifesto of 2008 to fully implement the Women Development Policy 1997. In section 7.2 of the 1997 policy, it was stated that "Women would be given full and equal rights, and control over earnings, inheritance, wealth, loan, land and wealth earned through technology and market management, and new laws would be enacted to achieve this goal." Thus, the Women Development Policy 2011 is clearly a step backwards from the Women Development Policy of 1997, at least in terms of the right to inherited property. According to the newly proposed policy, if enacted and implemented properly, women would get the control over their



On April 4, members of the religious group set fire to over 100 parked buses in Chittagong and set ablaze a petrol pump.

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to make it confusion free. In her own words, "After examining the Quran, especially Surah An-Nisa, we have removed existing contradictions from the policy" (*The Daily Star*, April 21, 2011). However, despite assurances from the Prime Minister that nothing would be done against the scriptures, Amini's party, under the banner of Islamic Law Implementation Committee, has announced country-wide protests on May 6, 7, 11, 12, 16 and 22 at divisional headquarters and in the capital on May 27, against the implementation of the Women and Education Policy. Jamaat-e-Islami will also hold a country-wide demonstration on May 7 demanding scrapping of certain provisions of the policy.

THE CLAUSE IN DISPUTE

On March 9, the day after the declaration, a very misleading headline was published in many of the national dailies saying that the National Women Development Policy 2011 had the provision of equal property inheritance rights for men and women. The headlines were so convincing that many—even conscious citizens and women activists of the country—thought these were genuine. It took a while, at

property, only if it is already allowed by religious laws. This is far from the equal property right of 1997.

Awami League thus did not keep its promise from its election manifesto. The question that arises then is why there is so much frenzy around the issue?

We get three different views about the policy. The government says that the policy is a progressive move to ensure women's rights but that it does not conflict with the Quran; the religious groups and parties which claim that it is anti-Islamic and should be scrapped; and there exists a third force constituting women activists and the female wings of some leftist parties who refuse this policy on the grounds that it has not given equal property rights to women, which in turn betrays the commitment that Awami League made in its election manifesto. The third force even thinks that with the amendments to the 1997 policy in relation to the inheritance law and the comments repeatedly made by the Prime Minister, there is very little difference, if any, between the position of the government and that of Amini's.

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