

Unregistered marriage and violence against women

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BOKUL (pseudonym) is a 23-year-old married woman from Teknaf, Cox's Bazar. She shared her troubling story in an interview for a recent study by Brac Institute of Governance and Development (BIGD). She is the fifth wife of her husband and has two daughters: a four-year-old and an eight-month-old. Recently, her husband decided to marry again. He wants to leave Bokul and is not willing to provide her with alimony. His actions are not unusual, as polygamy is a common practice among the local, as well as the Rohingya community in Teknaf. Bokul said that her husband kidnapped their eight-month-old daughter to intimidate her and stop her from claiming her rights as his wife.

Bokul got married seven years ago, but the marriage was not registered. She and her husband went to Cox's Bazar, where she put her signature on stamp paper from a computer shop. This is known as "Kagoj er Bia" (stamp marriage/ affidavit marriage). There was no witness. This kind of marriage is not legal but socially acceptable. Bokul was unaware at the time that her marriage had to be registered. In the absence of registration, she cannot seek alimony. Unregistered marriages are a common occurrence in the area where she lives, partly because people lack proper knowledge about marriage registration. At the discussion organised by Brac, which included government education officials and local headmasters, unregistered marriages were discussed as a significant socio-legal phenomenon that needs to be addressed to protect the rights of women and children in the host communities of Teknaf and Ukhiya.

Under Bangladesh's civil law, every marriage must be registered, and the legally married couple must get a marriage certificate, which is the main document to prove the legal status of the marriage. A marriage that is not registered is not legal and therefore, a woman's marital status is not acknowledged. This creates scope for

violence against women, as there are no legal bindings. From the BIGD field work in Cox's Bazar, researchers found polygamy and underage marriages to be the most common reasons for domestic violence. Without the bindings of marriage registration, men can marry as many times as they want, without bearing any responsibility for their wives and children. Prevalence and social acceptance of unregistered marriages also encourage child marriage.

The discussions at the field level identified illiteracy as one of the key reasons why many people do not bother to register marriages. The value of registration in protecting women and children is not understood by the poor and illiterate individuals of that community. Negligence, which can be deliberate on the part of the bridegroom, is also an issue. The bridegroom and his family have clear incentives for not registering the marriage; the absence of documentary evidence makes it easy to dispute the marriage and avoid responsibilities.

Another issue is the need for birth registration. The government has made it mandatory to produce birth registration and the national identification card for marriage registration. While the system is designed to curb child marriage, if the societal attitude does not change, it may, in effect, increase the vulnerabilities by encouraging unregistered child marriage. As the host community, the local community in Teknaf was in a bind because birth registration was suspended from August 25, 2017, as many Rohingyas were trying to get Bangladeshi citizenship certificates. In some cases, people were taking advantage of this situation and promoting child and unregistered marriages, causing the numbers of both to rise. Birth registration for the Bangladeshi population in Teknaf has since been reopened once a writ petition was filed in the High Court by Nasreen Siddiqua Lina, a Supreme Court lawyer and resident of Cox's Bazar, after which the High Court issued a rule asking why the failure of the birth registration programme in certain areas in Cox's Bazar should not be declared illegal.



Under Bangladesh's civil law, every marriage must be registered, and the legally married couple must get a marriage certificate.

PHOTO: STAR

One of the crucial reasons for registering marriages in Bangladesh is to protect the social and economic status of women. The Bangladesh government, as well as many other NGOs, donors, and international institutions are using a variety of platforms to raise awareness and promote compliance with long-standing national laws and policies relating to marriage and family. But awareness among the local community in Teknaf has been found to be low and incentives for not registering the marriages to be high. While increasing awareness of the need for marriage registration has been an important part of legal rights programmes all over the country, it is still not universal.

Bokul shared that her husband did not give her any financial support for the last couple of years and that when she asked for money to buy food for their children, he physically abused her. This incident traumatised her as she was not able to get any legal or social support because she was

unable to prove her marriage was legal.

At one point, Bokul decided that she would take matters into her own hands. She went to the local government representative and community leaders to ask for help. This action led her husband to kidnap their 8-month-old daughter. Bokul went to see the community leaders again. However, the second time around, they told her that since she already had two girls to support, losing one daughter would be beneficial in the future. They expressed that girls are a burden and have no financial use. The local police were unable to help since she had no proof of marriage.

The socially acceptable practice of "Kagoj er bia", causes women like Bokul and children to suffer. Bokul had to run from door to door, seeking justice. After being rejected repeatedly, she visited the Brac legal aid office. The relevant officer called the local police station, but the legal authorities informed him that this was a complicated

situation in the community because of the Rohingya crisis, and since Bokul did not have any legal marriage documents they could not help her immediately. They advised her to go to the court. Bokul broke down, saying that she just wanted her daughter back and that she was worried for her safety. At that point, the legal aid officer called Bokul's husband and told him that what he had done was illegal. At some point in the conversation, the husband seemed to understand the consequences.

The case of Bokul illustrates that even when all the necessary laws exist, they may not have much effect on the lives of women and children for a variety of reasons. Legal actions are almost always complex and expensive, and the loopholes are abundant, particularly in cases where incentives are strong. Till today, marriage and family issues are dealt predominantly as social, not legal, matters. Thus, building mass awareness and creating grassroots activism and social capital may be more effective against child and unregistered marriages and violence against women and children. The government must recognise that having laws in place is just a first step. To protect women's rights, it must work with grassroots organisations to gradually change the social and cultural norms and values that make women vulnerable.

Taslima Aktar is Research Associate, BIGD. **References:** Kamal, S. M. Mostafa, Che Hashim Hassan, Gazi Mahabubul Alam, and Yang Ying. "CHILD MARRIAGE IN BANGLADESH: TRENDS AND DETERMINANTS." *Journal of Biosocial Science* 47, no. 1 (January 2015): 120-39. <https://doi.org/10.1017/S0021932013000746>. Mian, Nannu. "MODERNIZING MARRIAGE REGISTRATION LAW IN BANGLADESH" 3 (July 31, 2013): 127-46. "Muslim Marriages and Divorces (Registration) Act - Bangladesh (Act, Bangladesh, Marriages and Divorces, Muslim, Registration)." Accessed January 26, 2021. <https://unstats.un.org/unsd/vitalstatstk/ KnowledgebaseArticle50367.aspx>. "How to Do a Court Marriage: Legal Formalities." Accessed March 1, 2021. <https://www.observevrbd.com/2015/07/30/101997.php>. "HC issues rule for resuming birth registration in Cox's Bazar." Accessed March 1, 2021. <https://www.thedailystar.net/country/high-court-issues-rule-resuming-birth-registration-in-coxs-bazar-1823533>. "HC issues rule over failure of birth registration program in Cox's Bazar." Accessed March 1, 2021.

When women want to study abroad

Chains that hold them back



SOHANA MANZOOR

LAST summer, one of my dissertation supervisors approached me as she plans to go abroad for higher studies. This

is nothing unusual. Every year, a number of students, both graduate and undergraduate, ask for advice, suggestions and in the end some of these people also require recommendation letters. Finally, a fortunate few fly out to pursue their cherished dreams. I asked my rote questions—when she plans to go and if she plans to apply for funding or if she plans to pay on her own. And then I asked reluctantly if her parents would not object to her going on her own. This is a question I hate to ask, but when it comes to female applicants, I have learnt to pose it. This is because there have been occasions in the past when even after securing the funds, the student's family objected by saying that she would need to get married first. Once, a young woman who complied with her parent's wishes had to cancel her plans as per instructions from her in-laws who told her: "You're married now. Have a baby first. Then we'll see."

More often than not, many of these families are educated and claim to be progressive, and while they do not object to their sons going abroad for higher studies, they do have major reservations about their daughters doing the same. There was a time when education was reserved for boys only. It is widely known how Begum Rokeya practically had to go from door to door to get female students. But that was a century ago and we have certainly come a long way since then. In the recent past, the Bangladesh government has taken various steps to get girls educated. The HSC and SSC results also reflect that girls are as good as, if not better, than boys when it comes to performing brilliantly in these exams. Unfortunately, however, the general assumption that women are less intelligent than men is still prevalent in society. I have heard not just men, but women saying with derisive condescension, "She's a girl; she can't possibly do it". Or, "Male brains are bigger than female ones; naturally, men are more intelligent." Well, there certainly are many racist theories that try to prove that white people are superior to blacks and there is no dearth of theories that try to make women appear less than men.

The main problem lies with the structure of the patriarchal system that holds up the prevalent notions. In spite of the fact that women are working side by side with men, they are studying and getting into the same programmes at the universities, women are considered to be less than their male counterparts. Hence, it is expected that as soon as a young man finishes his studies, he should look for a job and if he wants to go for higher studies, that is also fine. For a young woman, it is more likely that she would be married off to a "suitable boy." I have asked quite a few parents what they think will happen to their precious daughter

the same woman advising another male graduate student, "Bring your wife as soon as you can. How long will you be burning your hands while cooking?" I could not help noticing the difference. It is assumed that a wife will follow her husband wherever he goes; her job or career dreams being immaterial. "A good woman takes care of her family first," they say. But if a husband is willing to do what a wife is universally expected to do, he becomes a source of comedy: "So and so cooks at home and waits on his wife hand and foot. What a joke!"

Another time, before an Eid function, another Bangladeshi PhD

grewl, "I am not a woman." And unfortunately, many women do not realise it either. One group strives to become like the goddess Durga trying to do everything and another takes on to mock their sisters who they see as ambitious and unfeminine creatures trying to rise in a man's world. In the middle are those who get nabbed as "feminists" because they dare to raise their voices.

Hence, oftentimes families cannot accept that their daughters-in-law are getting degrees. It is a general assumption that when a woman goes into higher studies,

she invariably neglects her family. But if we dig into history, we will see that this is exactly how society reacted when women first strove into the job market: "Children of a working mother don't get proper care. They are raised by the servants." No offense to any mother, but the difference lies in methods, not intentions, rarely in results.

Let me then finish with a brighter picture. I started with my student asking me about graduate studies; so, I will get back to her. We were chatting on Google Meet when I asked her if her family would not object to her going for higher studies

by herself. She looked at me with bright eyes and replied with a big grin, "No, Ma'am. My father does not even mention marriage. He insists that we, that is my sister and me, study to our heart's content. He says, 'Live, study and be happy. Marriage will come when it comes.'" I smiled back, "That's great news indeed." My heart soared and I prayed, "Let there be many such fathers in Bangladesh. And mothers too. Only then will we be a truly independent nation."

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if they let her go abroad by herself. Most avoid giving a straightforward answer. Some just laugh it off and say, "She won't be able to cope by herself. We did not raise her like that." I wonder what exactly do they mean by "like that"? My experience says that Bangladeshi men are no more equipped to live on their own. Most don't know how to make a cup of tea the first time they go abroad. But by the end of their first year, they may even turn into quite good cooks. Unfortunately, many parents are afraid that their daughter will go "wild" on her own, her reputation will be tarnished and her prospects of a "good marriage" will be ruined. In Bangladesh, marriage is still the most important thing for a woman.

During my graduate studies, I realised that the mistrust of lone women among Bangladeshi communities works at an obnoxious level. When I went for my PhD, I was 37, far from a fresh graduate. Yet I was told by the wife of a Bangladeshi faculty member, "Go home. Why are you here alone? Who will look after your husband while you are getting a PhD?" A few days later, I heard

student's wife asked me as we met at the grocery store, "Apa, what will you cook for the upcoming programme?" The semester was about to end and I was drowning in grading papers and my own papers were due soon. I am an even-tempered person, but somehow, I lost it that day and asked, "What's Delwar cooking?" She burst out laughing, "He doesn't have time to even eat, let alone cooking." She added somewhat smugly, "He'll starve if I don't cook."

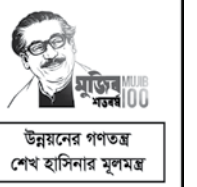
I smiled thinly, "Exactly. That's the same with me. I don't have time to cook."

Noting her uncomprehending look I added, "I, too, am a PhD student. I do just as much work as your husband does. And you expect that I will cook when your husband does not have time to even eat?"

Perhaps I was rude, but this is the general scenario for women pursuing higher studies on their own. Today's women are expected to do the household work and beyond after finishing the school work. I know some men who do help their wives but they are few in number. Most would either keep silent or

Government of the People's Republic of Bangladesh

Local Government Engineering Department
Office of the Executive Engineer
District: Thakurgaon
www.lged.gov.bd



Date: 01/03/2021

Memo No. 46.02.9400.000.14.001.21-390

Specific Procurement Notice

Country: Bangladesh
Name of Project: "Rangpur Division Agriculture and Rural Development Project" in Bangladesh

Procurement of Works

Sector: Agriculture and Rural Development
Mode of Financing: Istisna'a Loan
Financing No. 2BD-0186
Contract Title: "W-15(Lot-2): Construction of Bridges (Thakurgaon District)"

NCB Reference No. 02/2020-2021

- The People's Republic of Bangladesh has received financing from the Islamic Development Bank (ISDB) towards the cost of Rangpur Division Agriculture and Rural Development Project and intends to apply part of the proceeds toward payments under the contract as mentioned in table below.
- The Executive Engineer, Local Government Engineering Department (LGED), District: Thakurgaon, Bangladesh now invites sealed bids from eligible bidders for the following works under the above project.

Sl. No.	Contract No.	Description of works	Price of bid documents (in BDT)	Amount of bid security in BDT	Contract completion time (days)
1	LGED/RADARDP/Thakurgaon/W-15(Lot-2)	Construction of 60m RCC Girder Bridge on Jadurani GC - Amgaon UP office via Nilgaon Road at ch. 5000m (ID No. 194513006) under Horipur Upazila, District: Thakurgaon.	1,000.00	8,50,000.00	540 days

- Bidding will be conducted through the National Competitive Bidding (NCB) procedures as specified in the ISDB's Guidelines for Procurement of Goods and Works under Islamic Development Bank Financing (Current Edition), and is open to all eligible bidders as defined in the Guidelines. In addition, please refer to paragraphs 1.18-21 setting forth ISDB's policy on conflict of interest.
- Interested eligible bidders may obtain further information and inspect the bidding documents during the office hours 09:00 to 15:30 hours on all working days up to 18 April 2021 at address given below.
- A complete set of bidding documents (in English) may be purchased by interested bidders on the submission of a written application to the Office of the Executive Engineer, LGED, District: Thakurgaon, Bangladesh, Telephone: 0561-52042, Email: xe.thakurgaon@lged.gov.bd and upon payment of a non-refundable fee as mentioned in table above only during office hours on all working days until 11:00 hours on 18 April 2021. The method of payment will be in the form of Cash, Pay Order/Bank Draft from any scheduled bank in Bangladesh, drawn in favor of Executive Engineer, LGED, District: Thakurgaon.
- Bid must be delivered to the address below on or before 11:30 hours on 19 April 2021. Electronic bidding will not be permitted. Late bids will be rejected. Bids will be publicly opened at 11:30 hours on 19 April 2021 in the presence of the bidders' designated representatives and anyone who choose to attend at the address below.
- All bids must be accompanied by a security of amount as mentioned in the table above.
- Address referred to the above is:

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