

# NOTARISING CHILD MARRIAGE!

NILIMA JAHAN and SHAHEEN MOLLAH

Fatema Begum of Kalyanpur slum, locally known as the "Kalyanpur Pora Bosti", got married to Md Mohsin in March, this year.

According to Fatema's birth certificate, issued by the office of the birth and death registration of Ilisha Union of Bhola Sadar, she was born on January 1, 2008. She is only 12-year-old, although the legal marriage age of girls is 18 years in Bangladesh.

However, the copy of her marriage affidavit, signed by supreme court lawyer Farhana Quddus Sweetey, and declared by Dhaka Judge Court Advocate Md Johayedul Islam, states that Fatema is 18.

According to her cousin, Fatema is 12-years-old, and she used to study in class five. But the groom married her by completing the legal formalities through a broker, in exchange for Tk 5,000, without registering the marriage.

Although an affidavit must be signed in the presence of at least two witnesses, the paper shows that Fatema and Mohsin were the two witnesses of their marriage.

Law and Justice Division in 2015 announced that legally there is no scope to issue marriage and divorce affidavits through the Notary Public, as it is a violation of The Muslim Marriage and Divorce Registration Act (1974).

If anyone engages in such activities, his/her notary certificate can be cancelled.

But since families are required to produce their daughters' birth certificate during marriages, many, especially, those who belong to low-income groups and live in urban settlements, forge the certificates through brokers. The latter get these false documents attested by a notary public.

The practice has become pervasive during the pandemic as families are desperate to marry off their daughters to ease their economic burden.

The Daily Star contacted the notary public advocate Farhana Quddus Sweetey, who introduced herself as a Supreme Court lawyer. She admitted that she signed the paper, without independently verifying the matter, in absence

of the bride and groom, since the lawyer who brought her the papers confirmed that they are adults.

Farhana could not provide any details of the lawyer and said that since she "works with many lawyers every day, she doesn't keep the contact details of every one of them."

Asked, SC lawyer Tanzim Al Islam said, "It is the duty of the notary public to verify whether the affirmed information is true or not and sign the affidavit in the presence of both parties and

both. And in default of payment of fine, s/he will be punished with imprisonment which may extend to three months, it mentions.

According to Islam, the marriage affidavit only affirms that the parties are of age and that they are willingly getting married and intend to live together as husband and wife.

However, according to the law, every marriage solemnised under Muslim law shall be registered through the Nikah Registrar.

Legally there is no scope to issue marriage and divorce affidavits through the notary public, as it is a violation of The Muslim Marriage and Divorce Registration Act (1974). If anyone engages in such activities, his/her notary certificate can be cancelled.

#### AT A GLANCE

- Bangladesh is home to 38m child brides
- Families marrying off daughters to ease economic burden
- The practice became pervasive amid pandemic
- Brokers for Tk 5,000 forge birth certificates
- They are later attested by notary public

#### RECOMMENDATIONS

- Notary public must verify documents
- Sign affidavit in presence of both parties, witnesses
- Strict punishment for those involved in child marriage
- Awareness campaign by government

With the money from the parents of the girls or from the grooms, the brokers usually prepare or manage forged birth certificates, where the girls aged between 10-14 are shown as 18-19 so that it does not cause any problem legally.

PRESIDENT OF KALYANPUR SLUM DEV COMMITTEE

witnesses. However, the custom has not developed here."

In such cases, the Ministry of Law, Justice and Parliamentary Affairs has the authority to cancel their license, added advocate Islam.

Besides, Section 9 of the Child Marriage Restraint Act, 2017 also states that if any person solemnises or conducts a child marriage, it shall be an offence for which s/he shall be punished with imprisonment for a maximum of two years, and a minimum of six months, or with a fine of maximum 50,000 or with

According to Mawlana Abdu Sobhan, president of Korail Slum Development Committee (Boubazar Unit), child marriage is taking place in the slums through some brokers who forge documents for around Tk 5,000.

"With the money from the parents of the girls or from the grooms, the agents usually prepare or manage forged birth certificates, where the girls aged between 10-14 are shown as 18-19 so that it does not cause any problem legally," he said.

"They even prepare the affidavit

such that the brides and grooms do not need to be physically present there," he added.

Incidents of child marriages had decreased in the slums for a few years as a result of massive campaigns, but they have increased again due to Covid-19, he opined.

Kamal Hossain, a resident from Kallyanpur Pora Bosti, shared similar concerns.

"In the slums, girls as young as 12 are spotted by older males in the area. Sometimes these men convince the girls to elope with them, and other times parents are insecure about their daughters' safety and so marry them off," he said.

"In both cases, they depend on the agents, who help them with papers," he added.

Since the affidavit of marriage through the notary public has no legal base, there is no scope for the brides and the grooms to ask for any legal remedy.

Slum dwellers said an overwhelming majority of girls in their areas are married off before they turn 14.

According to a 2020 Unicef report, Bangladesh is home to 38 million child brides, including currently married girls along with women who were first married in childhood; of them, 13 million married before age 15.

The Multiple Indicator Cluster Survey (MICS) 2019 of Unicef also shows that 51 percent of young women in Bangladesh were married before their 18th birthday.

Shahana Huda, senior coordinator of Manusher Jonno Foundation, said the government must publicise that there's no scope of marriage registration through the notary public and send a strong message to the notary association so that they discontinue such practice.

"The government can distribute posters and leaflets to every locality, especially in slums. At the same time, in case of notary public's continuous practise, their certificate should be cancelled," she said.

"We have seen that the nikah registrars nowadays at least fear to conduct child marriage, as there have been instances of cancelling their licences," she added.



Cook's Cardinalfish



Twinbar Cardinalfish



Pinstripe Cardinalfish

Approximately over 750 species of marine fish have been recorded from the brackish and marine waters of Bangladesh. Species of fish are still being added to the existing fauna of Bangladesh and several new fish species were added into the countries fish checklist in the last few years.

PROF KAZI AHSAN HABIB  
SHER-E-BANGLA AGRICULTURAL UNIVERSITY

## Uncovering mysteries of the sea

3 species of fish recorded in St Martin's Island

MD ASADUZZ ZAMAN

While life under the sea still remains a mystery for many, there are some noteworthy breakthroughs. Case in point: a group of researchers from Sher-e-Bangla Agricultural University recently recorded three new marine fish from the waters of Saint Martin's Island.

They are Cook's Cardinalfish (Scientific name: *Ostorhinchus Cookii*), Pinstripe Cardinalfish (*Lepidamia kalosoma*) and Twinbar Cardinalfish (*Apogonichthys sialis*). In Bangla, these fish are known as Duiddya mach, Dagi Duiddya mach and Dui Dagi Duiddya mach, in that order.

It took two years of extensive research conducted partly at the Aquatic Bioresource Research Laboratory (ABR Lab) of Department of Fisheries Biology and Genetics at Sher-e-Bangla Agricultural University and partly at Saint Martin's Island to confirm this finding.

Three research assistants, Md Jayedul Islam, Najmun Nahar and Amit Kumer Neogi, led by Prof Dr Kazi Ahsan Habib of Sher-e-Bangla Agricultural University and closely aided by Thomas Henry Fresher, a fish taxonomist at the University of Florida in US, worked on this research from 2017 to 2019.

It was during their research work on DNA barcoding of coral and associated

organisms in Saint Martin's Island that they chanced upon this information.

The species were identified and confirmed following analysis of their features and DNA barcoding. Not all the work went down in a lab though. The researchers collected photographic evidence of the species when they went scuba diving in the waters of Saint Martin's Island during the study period.

"Approximately over 750 species of marine fish have been recorded from the brackish and marine waters of Bangladesh. Species of fish are still being added to the existing fauna of Bangladesh and several new fish species were added into the countries fish checklist in the last few years."

"As researchers, we are constantly working to find unknown marine resources of the vast water bodies of Bangladesh," said Prof Habib.

The findings were published on August 23, 2021 in Russia's Journal of Ichthyology (springer publication).

According to the Eschmeyer's Catalogue of Fish (California Academy of Science), a total of 382 valid cardinal fish species have been identified in the world so far. At least 50 new marine fish, several crabs, shrimps and snails from the marine waters of Bangladesh have been added to the country's checklist in the last one decade, Prof Habib said.

## Dengue cases cross 9,000 mark

STAFF CORRESPONDENT

At least 267 more dengue patients were hospitalised in the last 24 hours till 8am yesterday.

According to the Directorate General of Health Services (DGHS), 50 of these cases are from outside Dhaka.

With the new cases, a total of 6,462 were diagnosed this month, out of the total 9,120 infected this year. Of the total, 655 cases are from outside Dhaka.

At least 2,286 patients were hospitalised in July, 272 in June, while 43 were infected in May.

According to the DGHS, 40 people have died of dengue infection in the country this year, all whom died between July and August. 12 people died in July while 28 have died in August so far.

Though most hospitalised patients have been released, 1,090 are still undergoing treatment at hospitals in Dhaka, while 125 are under treatment outside the capital, the DGHS data shows.

Amid the rise in dengue cases, the Directorate General of the Health Services (DGHS) on August 23 announced six hospitals dedicated to treating the dengue patients.

The hospitals are: Sir Salimullah Medical College Hospital, Shaheed Ahsan Ullah Master General Hospital in Tongi; Railway General Hospital at Kamalapur, 20-bed Aminbazar Govt Hospital, Lalkuthi Hospital in Mirpur, and 31-bed Kamrangirchar Hospital.

Some 101,354 dengue cases and 179 deaths were recorded in Bangladesh in 2019.



Death toll 40  
28 died in Aug so far,  
12 in July  
267 more hospitalised  
yesterday



With the clear blue of a ready-to-rain sky in the background, two women were busy at work yesterday afternoon, stacking up jute sticks they've spent the last few days collecting. One of their toddlers was in tow, who also lent a hand, as mischievous clouds kept giving and taking away shelter from the brimming sun. This photo was taken from Dhaka's Dhamrai upazila.

PHOTO: PALASH KHAN

## MJF concerned over surge in rape incidents

Urges govt to take effective steps

STAFF CORRESPONDENT

Manusher Jonno Foundation (MJF) yesterday expressed grave concern over the increasing rate of rapes across the country in recent days.

MJF addressed the issue a day after incidents of a child being killed after rape and a woman being raped in Pabna and Sirajganj were reported in the media, according to a press release.

The organisation called upon the government to take effective steps to prevent such incidents of torture and violence against children and women, it said.

According to data of Ain O Salish Kendra, 506 children were victims of rape from January to July. Of them, 49 were under six years old, and 93 were aged between seven and 12.

During the same period, 818 women were raped,

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## 'One-stop service for female migrant workers'

Speakers demand at online dialogue

STAFF CORRESPONDENT

A fully-functional "one-stop service centre" should be created to provide all kinds of support and information to female migrant workers regarding their safe migration, said speakers during an online dialogue yesterday.

Besides, steps should be taken to provide employment contracts that uphold different rights for their benefit and to ensure accountability of recruiting authorities, they said.

WARBE Development Foundation, CARE Bangladesh and The Daily Star jointly organised the dialogue titled "Women Migration with the Relevant Government Officials, CSOs (civil society organisations) and Stakeholders".

Mahjabeen Khaled, secretary general of Bangladesh Parliamentarians Caucus on Migration and Development (BPCMD), said the service centre should provide all kinds of services for female migrant workers.

The centre will not only focus on the

workers' departure, job and return home, but there will be processes to provide information regarding mental stress, psychological and physical conditions and incidents of abuse, she said.

Such a centre is functional in the Philippines and several other labour-sending countries, said WARBE Chairperson Syed Saiful Haque.

The centre can act as a platform for workers to get sufficient information before going abroad and can be used to report incidents of abuse after returning, he said.

Addressing as chief guest, reserved seat lawmaker and BPCMD member Aroma Dutta said action should be taken against unscrupulous syndicates and intermediaries to stop exploitation of female migrant workers.

She blamed intermediaries in the migration sector for the exploitation.

Whether employment contracts given to the workers incorporate their due rights should be looked into, said UN Women Programme Analyst Tapati Saha.

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## 7 hurt in Mirpur fire

STAFF CORRESPONDENT

Seven persons were burnt in a fire, following an explosion "due to a gas leak" at a house in Dhaka's Mirpur area on Wednesday night.

The injured were taken to Sheikh Hasina National Institute of Burn and Plastic Surgery early yesterday.

They are Rawshan Ara Begum (70), mother of the house owner Rafiqul Islam; Rafiqul's brother Shafiqul Islam (35); Rafiqul's step-mother Rina Begum (50); tenant Naznin Akhter (25); Naznin's daughter Nawshin (5); Renu Begum (35); and Sazzad Hossain Sumon (40).

Condition of all were critical with burns in their respiratory tracks and 15 to 85 percent burns on bodies, hospital sources said.

Four of them -- Rawshan, Shafiqul, Sumon, and Rina -- were shifted to intensive care unit.

The fire originated following an explosion around 11:30pm on Wednesday on the ground floor of a six-storey building at Section-11. Fire fighters doused the blaze around 12:30am, said Ershad Hossain, duty officer of Fire Service and Civil Defence Headquarters.

"We suspect that gas accumulated in two rooms due to a leak in the pipeline and an explosion took place after accumulated gas came in contact with fire," he said.

House owner's son Rafiqul Islam said there was a problem in the gas line of the building.

"We called a technician on Wednesday night. After repairing the line, when he has tried to check the connection and ignite the burner in the ground floor, it exploded," he said. Later, the fire spread, he added.

A team of Bomb Disposal Unit of Counter Terrorism

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## 2 children drown in Dhaka pond

STAFF CORRESPONDENT

Two children drowned in a pond at Dhaka's Azimpur Government Staff Quarter yesterday afternoon.

The deceased are Lota (11) and her friend Razia (10), both homeless children. Locals said they were seen going to the pond for a bath, along with some other friends, around 12:30pm.

As they drowned, their companions -- who knew how to swim -- rescued them, Mominul Hasan, one of the children there, said.

Razia was taken to Azimpur Maternity Hospital where doctors declared her dead while Lota was declared dead at Dhaka Medical College.

OC Ashraf Uddin of Lalbagh Police Station said police have been sent to the site and hospital to investigate the incident.

MEGA PROJECT AT SUHRAWARDY UDYAN

## Is there any violation of law? HC asks petitioners

STAFF CORRESPONDENT

The High Court yesterday asked the petitioners whether there was any violation of law or directives of its 2009 verdict in implementing the Independence Monument Development project at capital's Suhrawardy Udyan.

The court asked advocate Syeda Rizwana Hasan, who moved the writ petition on behalf of six rights organisations, to mention in the petition if there is any violation, and proceed with it on August 31.

The HC bench of Justice Farah Mahbub and Justice SM Maniruzzaman passed the verbal order during a hearing on the petition filed by the rights bodies on May 9 this year seeking its directive on the government to refrain from any further tree felling in the historic Suhrawardy Udyan for commercial purposes.

Following a petition, the HC on July 7, 2009 directed the government to identify and preserve all the important historic places related to the republic's Liberation War.

During hearing yesterday, Hasan told the HC bench that the Liberation War affairs ministry had submitted the resolution of a views-exchange meeting on the project to the HC, without any commitment for preserving mature, old and ecologically important trees.

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