





# wewfbaekvi vMvfi AvUK wki : nvBtkvfuP wbt` Rbv

wePricuZ Avaj gwZb Ges wePricuZ  
 Zwi KDj nwkgti mgstq MwZ wWfkb  
 teA 3iv AvM-, 2004 evsjv`k  
 wj M'vj GBW GU mwffmm U- (ev-)  
 KZR `vtqi Kiv wiU wcuUkbi ibvbx  
 tktl KtqKuU wbt` Rbv c0vb Ktib| MZ  
 23tk wWtm-af, 2003 mtj tWbjx ÷vi  
 cwI Kvq 00Behind bars sans trial  
 for years” wktivvrtg GKiu msev`  
 cKwkZ ntj ev- MZ 24tk wWtm-af  
 2003 gnvgvb` mpcdg tKvfuP nvBtkvfuP  
 wefvM GKiu wiU wcuUkbi `vtqi Kti| 5  
 Rvbqvix, 2004 nvBtkvfuP GKiu  
 wWfkb teA miKvii Dci i`j wbnk  
 Rwi Ktib Ges miKviiK AbwZvej t-  
 mvi v`tk Kvi vMv mgfn wePvixb  
 gvgjvq AvUK nvRZx`i (hiv 360  
 w`tbi tekx AvUK AvtQ) Zvj Kv  
 `wL.tji wbt` R t`b| D³ wbt` Kki  
 wfuEz miKvi 7,409 Rtbi GKiu

Zvj Kv Av`vj tZ `wLj Kti| H  
 Zvj Kvq t`Lv hvq 16 Rb nvRZx 11  
 eQtii AwA, 10 Rb 10 eQtii AwA,  
 29 Rb 9 eQtii AwA, 51 Rb 8  
 eQtii AwA, 111 Rb 7 eQtii AwA,  
 238 Rb 6 eQtii AwA, 502 Rb 5  
 eQtii AwA, 917 Rb 4 eQtii AwA,  
 1592 Rb 3 eQtii AwA Ges 3673  
 Rb 2 eQtii AwA Kvi vMvfi AvUK  
 itqtQb| G0vov G Zvj Kvq 104 Rb  
 gwjv Ges 51 Rb wki itqtQ|  
 3iv AvM-, 2004 Zwi tLi  
 nvBtkvfuP wbt` Rbv .tjv nj :

1) wewfbaekvi vMvfi AvUK wki mspvS-  
 8wU w`k wbt` Rbv m-aj Z th ivq  
 gnvgvb` nvBtkvfuP BwZcfe` c0vb  
 Kti wQj b Zvi KZUKz KvRi  
 ntqtQ tm mspvS- GKiu wi tcvU`  
 miKviiK 6 gvtmi gta` wLj Kiv;

2) 7,409 Rtbi gta` wki vKtj  
 Zv`i tK wtkvi mstkvabx tKt`  
 cvvtbv;  
 3) wki wtkvii`i c0B eq`d`i mtz  
 GKtI wePvi Kiv hvte bv;  
 4) gvgjvi i`Zi wePbv Kti AvUK  
 e`w³t`i Ri`ix wfuEz Rwigb gP  
 Kivi e`v Kiv|  
 G KvR m-uv` tB Av`vj Z miKviiK ev-  
 Ges Ab`vb` AvBb mnvqZv c0vbKvix  
 ms`v .tjvi mnthwMvz tbqvi Rb` wbt` R  
 c0vb Ktib| D.tj, `\*Z wePvi cvl qv  
 msvneambK AwAki nlqv mtEj hiv  
 `xw`b ati webv wePvii AvUK AvtQb  
 Zv`i Rb` gnvgvb` Av`vj Z D.tM  
 cKvk Ktib|  
 ev- i c`l t`tk gvgj wU cwi Pj bv  
 Ktib GWtftKU wRvgj nK bwmG Ges  
 e`wi ÷vi miv tvtmb| Zv`K mnvqZv  
 Ktib`mq` wRqvDj nvmv| □

## লবণে আয়োড়িনের গুণগত মান এবং সঠিক পরিমাণ নিশ্চিতকরণের জন্য হাইকোর্টের নির্দেশনা

j eY AvtqmWtbi YMZ gvb Ges mwK cwi gvY wbuZKtiYi  
 Rb` 1999 mtj evsjv`k wj M'vj GBW GU mwffmm U-  
 (ev-) Ges KbRgvi Gtmwtqkb Ae evsjv`k Rb` t`  
 1043/99 bs wiU gvgjv `vtqi Kti| gnvgvb` mpcdg tKvfuP  
 wePricuZ kvn AvevBvg tgvvbj ingvb I wePricuZ gBbj  
 Bmjvg tPajxi mgstq MwZ GKiu wWfkb teA MZ 14B  
 wWtm-af 2004 wbtg³ wbt` Rbv c0vb Ktib:

- AvtqmWb tWdwtqiy wWmR wcfbkb Av±, 1989 G  
 thme weavbmgR AvtQ Zv wbcvgZ AbniY Kiv n`Q wKbv  
 Ges hiv AbniY KitiQ bv Zv`i wei`x AvBvbM e`v  
 MhY Kiv Ges miKviiK wbuZ Kitz nte thb mwK  
 gvIvq AvtqmWb wexb jeY evRvi Riv bv nq;
- weUxKZ AvtqWvBRW jeY c0ZKviK c0Zvbt`i  
 Zvj Kv c0Z Kti Av`vj tZ `wLj Kiv Ges AwbuUKZ  
 tKib jeY c0ZKviK c0Zvbt`K jeY evRvi RivZKiY t`tk  
 weiZ ivLv
- b`vkvj me Kigiu Ges ÷vUw`tUw- s Bbw- wJDKtbi  
 gnvcii Pj K evRvi t`tk AvtqWvBRW jeYi bgbv mSth  
 Kti wba`i Z cix`vMvfi cix`v Kiv Ges c0Z eQi Rb  
 Ges wWtm-af gvtm gnvgvb` Av`vj tZ jeYi bgbv mspvS  
 wi tcvU` wLj Kitz nte|

D³ wbt` Rbv .wj miPe, t`v` I cwi evi Kj`vY gS`vj q; miPe,  
 wki gS`vj q; b`vkvj me Kigiu, wWmR, weGmUAvB;  
 tPqivi vb, weimK-tK ev`evqb Kivi Rb` wbt` R t`b|

ev- KZR `vtqiKZ GB wiU wcuUkbi evj nq t`tki RbMvii  
 GKiu eo Ask AvtqmWb t`Zvq fMQtQb| mnR cSiq kixti  
 AvtqmWb MhYi GKgvI c`wZ n`Q Lvevi jeYi mtz  
 AvtqmWb wvktq t`qv wKs`t`tki tekxi fiv jeY wecyb I  
 c0LqvRvZKvix c0Zvbt` GB KvRwU wKgz KitiQ bv| dtj  
 wZMti n`Q Gt`tki RbMY wetkl Kti wkiiv AvtqmWtbi  
 wewfbaefveRvZ tivM fMQtQ|  
 wek` t`v` ms`v WHO - Gi GK mgy`lvq t`Lv tMQt Gt`tki  
 85% RbMY AvtqmWb t`Zvq fMQtQb| mgy`lvq t`Lv tMQt,  
 gibe kixti mwK I wbu` gvIvq AvtqmWtbi Afvte Mj MU  
 tivM nq| wetkl Kti cvvov I ebv wetaSZ AA.tj AvtqmWb  
 t`Zvi nvi metPtq tekx|  
 MfZx gvtqiv kixti AvtqmWb t`ZvRvZ KviY weKj v/2  
 mSth c0e Kti v`tk| AvtqmWtbi t`Zv RubZ KviY A.tBk  
 t`v`i ch`tevEi mSthbi gZiI ntq v`tk| mgy`lvq `ePZv,  
 ehai Zv, eikKw³ nxbZv, wewfba`wK t`wU, gvbwK c0ZeUKZv,  
 mSth eigb nlqv - G aitiYi A.tBk wKQb nZ cvti kixti  
 AvtqmWb t`Zvq| Rb t`tk wZb ermi ch`S wki gw`t`  
 weKviki mgq| AvtqmWb t`Zvq wki gw`t`i weKv  
 gvivZKfite weNz nq|  
 ev- i c`l gvgj wU cwi Pj bv Ktib evsjv`k mpcdg tKvfuP  
 wmbqi GWtftKU Rbve Gg AvB dvi`Kx| Zv`K mnvqZv Ktib  
 Rbve i`uj Kij n, dvi`v Bqimgb, tgyt Avt gvbub Lvb, `mq`  
 wRqvDj nvmv Ges Avki v.dj Avj g| □



IN THE SUPREME COURT OF BANGLADESH  
HIGH COURT DIVISION  
(SPECIAL ORIGINAL JURISDICTION)

WRIT PETITION NO 7578 of 2003

IN THE MATTER OF

An application under Article 102 of the  
Constitution of the  
People's Republic of Bangladesh

-And-

IN THE MATTER OF

Bangladesh Legal Aid and Services Trust  
-VS-

Bangladesh and others

Mr. Md. Nizamul Haque .... For the petitioner  
Mr. Adilur Rahman Khan , D.A.G with  
Mr. Razik-Al-Jalil, A.A.G. ... For the Respondents

Present:

Mr. Justice Md.Abdul Matin.

And

Mr. Justice Tarik Ul-Hakim

Heard on 26.7.2004, 2.8.2004 and  
Judgement on 3.8.2004

Md. Abdul Matin J:

This Rule was issued calling upon the Respondents to show cause as to why they should not be directed to conduct an immediate review of the cases of the prisoners and other 155 'under trial' prisoners held in Dhaka Central Jail for periods over 360 days and to submit the report of the result of the review to this court within 4 (four) weeks from date and furnish a list of such 'under trial' prisoners in the Dhaka Central Jail and other Jails this country and or pass such other or further order or order as to this court may seem fit and proper.

It has been asserted that the petitioner is a National Legal Aid and Services Organization, which has been providing legal advice, assistance and representation to the poor and marginalized sectors of society, for over ten years. The Daily Star, a reputed national newspaper published a front page

news report dated 23 Dec.2003 entitled 'behind bars, sans trial for years: 155 Dhaka Central Jail inmates languish with no witness to 'pin them down.' The news report stated that one Mohammad Jahangir, son of Abdul Rahman of Dholairpar, PS Demra (the prisoner) Dhaka has been remanded in custody from 12.9.92 to date. Despite having been in custody for over 11 years, and having been produced on over 78 occasions before the court in the Second Additional Metropolitan Session Judge, Dhaka, he remains under trial due to the prosecutions failure to produce witness. The report further states that up to another 155 prisoner remain under trial in Dhaka Central Jail for periods of five or more years due to the prosecution's failure to produce witness. The report further alleges that may other such 'under trial' prisoners languish in other prisons across the country for the same reason. The news report as published in the Daily Star, dated 23.12.2003 and an editorial published therein dated 24.12.2003 has been annexed as Annexure – A.

It has been further asserted that the continued incarceration of the under trial prisoners and an alleged 155 further under trial prisoners by the respondents is without lawful authority inasmuch as it is in violation of the prisoner's fundamental rights to personal liberty and to a speedy trial as guaranteed by Articles 31, 32 and 35(3) of the Constitution and it is also violative of the Government's obligations under Human Rights treaties in particular Article 14 of the International Covenant on Civil and Political Rights to a speedy trial, as ratified by Bangladesh in the year 2000.

In a supplementary Affidavit on behalf of the petitioner another list of 7402 persons who are under trial prisoners has been furnished by the petitioner to show that these persons are also languishing in the custody without trial for indefinite period. The respondents appeared and furnishing a list of under trial women prisoners who have been in custody for more than 360 days. It has further been stated in the supplementary affidavit of the petitioner as contained in Annexure -1(c) that the respondents admitted that 104 female and 51 children are languishing in different district jails for more than 1 year and 16 under trial prisoners are languishing in custody for more than 11 years, 10 for more than 10 years, 29 for more than 9 years, 51 for more than 8 years and 111 for more than 7 years, 238 for more than 6 years, 502 for more than 5 years, 917 for more than 3 years, 3673 for more than 1 year. It has been

further asserted that respondents government is committed to provide legal aid to such under trial prisoners under Government Legal Aid Scheme under the Legal Aid Services Act 2000 and as such these 7409 under trial prisoners are entitled to receive the State Legal Aid. It has further been asserted that under trial prisoners have been in different jails for periods longer than maximum term which they could have been sentenced if convicted at all.

Respondents have furnished list of women prisoners in the Dhaka Central Jail who have been languishing there for more than 360 days with the number of the cases and the period of confinement Respondents have also furnished other list of total 7409 prisoners.

Thus it appears that there is no dispute about the allegation made in the petition about continued custody of the under trial prisoners including the woman and the children. There is also no dispute that such action is a total denial of the fundamental; rights of the prisoners as guaranteed by the Constitution specially Articles 31, 32 and 35(3) of the Constitution.

The learned Deputy Attorney General filed a report from the Additional Inspector General of Prison dated 31.7.2004 which admits that out of 7402 under trial prisoners 118 women 214 are children below the age of 18 years which also supports the contention made in the petition. The learned Deputy Attorney General submits that of this listed prisoners there are also prisoners who have been already convicted but facts remain that they have the right to file appeal. It has been submitted that some Jail Appeals are awaiting disposal and it is appreciated that this court has arranged for disposal of those Jail Appeals expeditiously.

It appears that a Suo Moto Order No. 248 of 2003 after hearing the petitioner and the learned Attorney General was passed with the following directions:

- (1) Trial, if any, of all Juvenile accused to be completed with utmost expedition by the Juvenile Courts and the concerned Law enforcing agencies. Prosecuting agencies and Legal Aid Committees be directed to take immediate steps in the matter.
- (2) Taking into consideration of the provisions of sections 82 and 83 of the Penal Code. It is directed that the Government do consider making prayers to the Courts concerned for discharging the Juvenile accused in appropriate cases. Order of discharge may also be sought for pursuant to section 53 of the Children Act 1974.

- (3) The Government also do consider withdrawal of Juveniles accused from prosecution under section 494 of the Code of Criminal Procedure in appropriate cases specially from the cases charged under ordinary penal laws.
- (4) The Local Legal Aid Committees formed by the Government be instructed to move the Courts for bail of the Juvenile accused.
- (5) Juvenile accused in Jail must be kept apart from other prisoners.
- (6) Non-Official Jail Visitors should include Human Rights Activities specially the representatives of Children Organization of the Country.
- (7) Juvenile accused are to be transferred to correction house and other Approved Homes with utmost expedition.”

It has been asserted by the petitioner that despite such direction there is no meaningful implementation by the respondents. On the other hand the learned Deputy Attorney General submits that the present petitioner being the largest Legal Aid Organization of Bangladesh and also the member of national Legal Aid Trust may take step for implementation of the order but from the facts as we have stated above it appears that no meaningful step has been taken to improve the over all situation despite such direction. It is expected that this petitioner and the National Legal Aid and others will come forward to solve the problem with maximum promptitude and expedition by implementing the aforesaid directions to make fundamental right of the prisoners meaningful. It is noted that children are entitled to trial before the juvenile court and not to be tried jointly with the adults. The learned Deputy Attorney General submits that there is no other under trial accused in the Dhaka Central Jail but the learned advocate for the petitioner disputes the submission. In such circumstances the petitioner should also collaborate with the government to implement the directions of this court about the under trial prisoners.

In such view of the matter, this rule is disposed of with the aforesaid direction upon the respondents to comply with the direction in Suo Moto Rule 248 of 2003 and report compliance within 6(six) months from date.

Let a copy of this judgment be communicated (1) to the Office of the Attorney General and (2) the Secretary, Prime Minister Office for necessary action.

M.A.Matin,  
Tariq Ul Hakim, j:

**I agree**







# চুয়াডাঙ্গায় পুলিশ কর্তৃক গৃহবধু নির্যাতন

## সূচনা

PqyWv/zi Avj gWv/zn vbvi tMvKj Lvj x  
 cjj k dmoi 14 Rb cjj k m`m` MZ 18  
 Wf`m` 2004 kubevi ivtZ Gwj LvZb  
 (27) brtg GK MneaK MYal Kti |  
 kubevi wetKtj Gwj fivvBcj tgv  
 msj Me nWZfv/zn t`tk `tgi ewo  
 we`c`pi hwr`Qtj b| G mgq Gm.AvB  
 Avaj Kij m I nwej`vi tivKb/4vgvbi  
 tbZiZi 14 cjj k tMvKj Lwj cjj k  
 K`v`su` wbtq wRAvmvev`i  
 brtg cvkueK wbfZb Pjv q|  
 NUbvU gvbewaKv`i i Pig  
 j`Nb Ges cjj k emvbx  
 KZK m`m`i` weKZ I wsm`  
 AvPi`Yi ewncKvK |  
 NUbvi cUzev` PqyWv/zn  
 we`q`vf I mgvtek n`q`Q,  
 XvKvq Zxe`cUzev` Rwb`qtQ  
 wef`be gvbewaKvi I bvi x  
 msMVb| evsj v`k wj M`ij  
 GBW GU mwf`mm U`-  
 (e`-), AvBb I mwij k  
 tK`-` Kgrxer brix,  
 evsj v`k g`nj v cwi I` Ges  
 cw`q`K Abb`-i mgstq  
 NUbvi ciw`b XvKvq t`m Kbdv`i Y Kiv  
 nq Ges th`f`vte GKwU wbt`c`q` Z`SZ  
 Kvh`rg MhY Kiv nq|

## এলি গণধর্ষণ : যেভাবে শুরু

MZ 18/2/2004 Zwi`L wCZvi ewo  
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 mgq wZwb f`v`bi Rb` A`c`q`v  
 Kin`Qtj b| G mgq tMvKj Lwj cjj k  
 K`v`su`i nwej`vi tivKb/4vgvb, wmcvnx  
 mwkj, wmcvnx nvi`b (1) wmcvnx nvi`b  
 (2) m`n`ce`K Zv`K cvk`Zx`v`v`v`bi  
 wC`b` wbtq wM`q cU`g wRAvmvev` Kti  
 Ges GK ch`q` Gwj i B`Qvi wei`t`x Ges  
 m`b`w` A`w`f`th`M QovB av`v`Z av`v`Z  
 K`v`su` wbtq Av`m| K`v`su` wbtq G`m  
 Duj w`Z cjj k m`m`iv tgvvBj t`dv`b  
 wmcvnx nvi`b (1) I K`v`su` BbPvR`  
 GmAvB Avaj Kij m`t`K K`v`su` Avm`Z  
 etj b| Gici ivZ 11 Uvi w`t`K cU`g  
 GmAvB Kij m` K`v`su`i i`g wbtq  
 wRAvmvev` i`i` Kti | wRAvmvev` i` GK  
 ch`q` tRvi ce`K cU`g GmAvB Kij m` I  
 c`i nwej`vi tivKb/4vgvb Gwj t`K al`  
 Kti | Gici Avil 12 Rb cjj k m`m`  
 Zv`K al` Kti | G mgq Gwj i fivY

i`c`vZ nwr`Qj | al` t`k`i K`v`su` BbPvR`  
 Avaj Kij m`n AvURb cjj k GKwU  
 Avj gmav (Bib`AbPw`j Z GK cKvi f`vb  
 Mvox) th`v`M Av`c`j bvgK GKwU `v`b  
 hvq| ZLb AvbgvmbK ivZ 1.30 w`ub`U |  
 G mgq iv`Zvq Avj g mvaj wBfvi`K  
 `uo Kw`t`q GmAvB Avaj Kij m` %Zqe  
 Avj`xi t`v`Kv`bi wC`b` wM`q Gwj t`K  
 weKZfvte wbfZb Kti | G`Z Amvq  
 Gwj ewg KtiZ `v`Ktj cvk`Z`



t`v`Kv`bi `Zqe Avj x tR`M I`Vb|  
 cP`U Am` Ae`v`q Gwj i gv`v`q cw`b  
 tX`j wC`b`v` m`y` Kiv nq| `Zqe Avj x`K  
 w`t`q GmAvB Kij m` cw`b Avbv`b| GB  
 NUbv Pvcv w`Z H M`t`gi KtqKwU  
 ewot`Z Gwj t`K wbtq wM`q t`j`v`K t`Lv`bv  
 t`i`W t`l`q nq Ges Gi wC`b`v` ci  
 c`p`ivq Avj gmav th`v`M Gwj t`K fivvBcj  
 tgvto wbtq Avm`v nq| Gici cU`g  
 evRv`i b`v`B`U`w`P` tndvR`t`Z ivL`Z  
 PvB`j tm Gwj t`K ivL`Z A`Kw`Z  
 Rvbv`q| ivZ AvbgvmbK 3.30 Gi w`t`K  
 fivvBcj M`t`gi i`e`Dj Bmj`v`gi ewot`Z  
 g`j NUbv Avovj Kti, w`v`v` etj Ges  
 tRvi ce`K f`q`f`w`Z t`w`L`q Gwj t`K t`i`L  
 hvq|

## সাক্ষাৎকার

### w`Kw`U`G Gwj i mv`q`v`v`Kvi :

Gwj LvZb fivvBcj evRv`i bvgvi ci  
 tMvKj Lvj x cjj k K`v`su`i nwej`vi  
 tivKb/4vgvb, kw`Kj Ges nvi`b (2 Rb)  
 t`v`Kv`bi wC`b` tW`t`K wbtq wM`q Zv`K  
 wRAvmvev` Kivi ci m`n`RbKfvte  
 fivvBcj tgvto t`K e`v`v`t`K (tMvKj  
 Lvj x cjj k K`v`su`i) wbtq b`P` Zj`v`q Zv`i  
 `v`Kvi N`ti iv`L` nwej`vi tivKb/4vgvb  
 mU`v 6:30 w`ub`Ui w`t`K K`v`su` BbPvR`

Gm.AvB Kij m`i KvtQ tgvvBj t`dv`b Kti  
 Rvbv`q GKRb g`nj v`t`K a`i`w`Q, Zvi KvtQ  
 tgvvBj Av`Q`| m`n` nq, Av`c`b` P`j  
 Av`mb`| Gi wC`b`v`Y ci Kij m` `v`i`v`Mv  
 K`v`su` Av`m Ges Avgt`K wR`t`Am Kti  
 Zvg m`S`ym` w`K`v, t`Zvgvi KvtQ tgvvBj  
 t`dv`b t`Kb, t`Zvgvi `t`gx w`K Kti, Zvg  
 m`S`ym`x` i t`Kv`b t`m`v`w`K`v` BZ`w` | Gwj  
 LvZb wbt`R`t`K m`S`ym` Ges m`S`ym`x` i  
 t`m`v`w`m`v`te A`K`v`i Kiv`q `v`i`v`Mv Kij m`  
 Zv`K etj, `O`Avgt`v`i t`m`v`w`m`v`te KvR  
 Kti w`Z` nte, t`Zvgv`K A`b`K UvKv  
 w`e`l m`S`ym` Zcb`t`K a`i` w`t`j 50 nRvi  
 UvKv, wRn`v`t`K a`i` w`t`j 1 j`v`L UvKv

Ges Zgt`Q`i`K a`i` w`t`j  
 20 nRvi UvKv w`e`l`O` Gwj  
 Zvi K`v`q ivR`x` bv n`j  
 tgvvBj t`dv`b mn Gwj t`K  
 Pjv`v` wj`t`L t`d`t`j Ges etj  
 `v`bv`q Pjv`v` Kti t`t`e`l`  
 Gwj i Kvt t`t`K tgvvBj  
 tmU` `v`U` wbt`q hvq| GB  
 mgq nwej`vi  
 tivKb/4vgvb Gwj t`K Ab`  
 N`ti tW`t`K wbt`q wM`q etj,  
 `O`Avgt`v`i m`v`i`i m`v`\_  
 (`v`i`v`Mv Kij m`) GbRq  
 Kij Zvg t`Zvgvi tgvvBj  
 t`d`i`Z` c`v`e` Ges t`Zvgv`K  
 `v`bv`q Pjv`v` t`q`v` nte bv`l`O`

Gwj Rvbv`q, `O`Awg Zvi K`v`q ivR`x` nBib`|  
 ZLb H i`g` t`t`K tivKb/4vgvb tei n`q`  
 hvq, Kij m` `v`i`v`Mv tX`v`K Ges Avgt`K  
 evi`vi GKB K`v`v` ej`t`Z` i`i` Kti |  
 Gfvte A`b`K mgq t`K`U` hvq| Avgt`K  
 Qv` wbt`q th`Z PvB`j Awg Am`v`Z  
 Rvbv`t`j Kij m` `v`i`v`Mv Avgt`K j`m`dv`qvi  
 Kti t`g`i` t`d`j`vi f`q` t`L`v`q|  
 ivZ AvbgvmbK 10.30 w`ub`Ui w`t`K  
 Avgt`K K`v`su`i Qv` wbt`q wM`q cU`g  
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 Kti | Gici ivZ AvbgvmbK 1:30  
 w`ub`Ui w`t`K Avgi Kixi Lvivc `v`Kvq  
 Liv (cjj kiv) wbt`Riv Avt`j`v`bv` Kti  
 Avgt`K t`K`v`q w`Kfvte ivL`te | Avgt`K  
 K`v`v` w`t`q Rwo`t`q Avj gmav`Z` Kti  
 Av`c`j M`t`g wbt`q GKwU t`v`Kv`bi cv`k  
 iv`L` Ges Gm.AvB. Kij m` Avgi m`v`\_  
 weKZ AvPi`Y Kti | Awg bvf`m` n`q` hvB  
 Ges ewg KtiZ `w`K`| ZLb Avgi  
 i`q`i`Y nwr`Qj | Liv (cjj kiv) Avgi  
 gv`v`q cw`b t`q`| Av`c`j M`t`g t`Kv`b  
 ewot`Z Avgt`K bv ivL`Z t`c`i` Avevi  
 Avj gmav`Z` I`v`q Ges KqivWv/zn M`t`gi  
 GKwU t`v`Kv`b wbt`q Av`m`| GB t`v`Kv`b  
 Liv Pv Lvq | Liv t`t`K Avevi Avj g  
 mvav`Z` Kti th`Lv`b t`t`K Avgt`K a`i`w`Qj  
 tmB fivvBcj tgvto wbt`q wM`q evRv`i`i





**Introduction:**

A report published in The Daily Ittefaq on April 20, 2004

study rather it was based on general observation of his daily life. He said, "I see

Later, we visited Mancone Union and contacted some local persons we met before. They sat with us in the bazaar with some other locals and discussed the issue. Gradually lots of child marriage instances were revealed. For example, Mainul a participant in the discussion, who was incidentally visiting his in-laws house, himself was married at seventeen, then a student of class eight.. We visited some of those houses to conduct interviews but most of the people were not at

## Research Report

### Child-marriage in Muktagacha

entitled "Endemic Violation of Child marriage Prohibition Act in Muktagacha" drew the attention of the authorities of Bangladesh Legal Aid and Services Trust (BLAST). Pursuant to this report BLAST

young girls on many social occasions putting 'Shidur' (vermilion) on their forehead; I know people wedding little girls; I know it is happening here and there on numerous occasions. I can show you

decided to conduct an on-site investigation into the matter. A team of two members including Mr. Abdul Malek, Coordinator, Investigation and Abu Ala Mahmudul Hasan, Asst. Researcher, PIL & Advocacy



Cell, BLAST was sent to Muktagacha on 22nd April 2004 for the purpose.

The team reported as follows:

**Field Experience:**

We went to the Muktagacha press club shortly after our arrival there. We looked for the Daily Ittefaq correspondent who wrote the article in the newspaper that triggered our investigation. Though, he was not a member of the press club we got his address there and eventually met him. From the conversation with him it was revealed that his report was not based on any intensive

many of them but at present I am very busy, give me some days or a week or two, I shall go there with you." We insisted that it would be very useful if he could show us few cases of child marriage, at least give us some addresses and names of persons with whom we could get in touch with and seek further information. After some haggling he took us to the vicinity and asked people whether they were aware about any child marriage or not. Every one informed about such cases among their neighbours or peers.

home. They went out; some of them were engaged in occupations such as rickshaw pulling and daily labourer. Disappointed, we decided to start interviewing Mainul.

**How Child Marriage Occurs:**

Officially registration and arrangement of a child marriage is not possible because law precludes marriage of a man under the age of twenty-one years and for a woman under eighteen. However, surprisingly most of the cases of child marriage were registered. We interviewed a "Kazi" (marriage registrar) and also inquired among other informants about the matter. The query revealed that whatever the real age are, the parents and the "Kazi" always forge the age. Therefore, from the registers it is impossible to identify any child marriage.

People said, some “Kazi” do it for extra money. Some others reasoned that since every marriage brings handsome amount of money for them so “Kazis” are interested to register and conduct as many marriages as they can.

The local “Kazi” and schoolteacher Mr. Habibur Rahman said - now there is a “Kazi” in every ward; besides, some “Kazis” give sub-contracts and appoint unauthorized clerks for marriage registration. There is no dearth of “Kazis”. The alluring circumstances have triggered competition among them for registering as many marriages as possible.

Mr. Rahman also said that in the past marriage registrars were appointed through competitive examinations, they had to have some knowledge about religion, ethics etc.

However, nowadays they are appointed indiscriminately; many of them are not qualified enough, their only consideration is money and nothing else.

On the other hand, birth registration is yet to be a common practice in Bangladesh, almost no one in the villages register birth of a newborn. Hence, for measuring age, one has to rely on declaration of the concerned bride, groom or their parents or medical testimony.

**Reasons for Child Marriage:**

There is plethora of causes for child marriage; social, economic, political even religious reasons. Some of

these are stated in the following parts-

**Social Reasons:**

- a. There is an acceptable age in every community for marriage. That is traditionally set by long practice. People do not like to choose partners beyond that age limit. If some one fails to do so, he and his family is criticised for the failure.
- b. If some one fails to arrange marriage for his/ her daughter within that age limit, she may be looked down upon which makes the marriage all the more difficult.
- c. Parents fear that if they make delay to arrange marriage for a daughter (sometimes son) she will choose her own partner or engage in illicit relation that will bring disrepute to her and also to her family. Those in turn will bring shame and disgrace as well as affect marriages of other relatives. As a result, there is a natural tendency amongst anxious and risk averse parents to arrange early marriage for their children.

**Economic reasons:**

- a. Poor parents, who face economic hardship and survive on the fringes of existence, are keen to marry off their daughter as early as possible. They also believe that their daughters would live a better and secure life after marriage.
- b. They cannot provide education for their children because of

poverty, owing to which young girls mostly engage themselves in chores and parents think they get enough leisure to be misguided. Thus, they try to avoid potential trouble.

- c. Poor boys and their families become interested in child marriage because they get dowry from the brides parents. They are lured into early marriages on account of financial reward that they receive both in cash and in kind. . Some times the groom is presented with a Rickshaw or Rickshaw Van as a gift from bride’s family. Cash money is also demandable as dowry.

**Political Reasons:**

- a. Poor and powerless people are vulnerable to gossip, rumour and scandal against their daughters; therefore they have to be extra cautious about their reputation. Enemies often take advantage of that weakness; hence poor parents do not want to leave any chance for rumour and gossip by letting their daughters remain unmarried for long.

**Religious Reasons:**

- a. Among some religious groups, there is a belief that early marriage (at the time of puberty/ menstruation) for young girls is virtuous and preferable; that amalgamated with other causes increase the practice of child marriage.

**Case studies**

**Case study- 1**

Mainul is a resident of Zhanka, a village nearly 15 km away from Muktagacha. He is approximately 17 years old. He left school while studying in class eight. He was born in a peasant family and had chosen farming as his own profession. He got married one and half years ago. Subsequently he abandoned studies. His family arranged his marriage. He had a love affair with one of his classmates. When his mother noticed the matter, she was not happy with it, because the girl was not pretty. She was afraid that her son might marry that not so pretty girl. So, with a view to preventing her son from getting married to the said girl; his family arranged marriage with a girl of their choice.

His wife is about 14 years old. She has studied up to class three or four. When we asked his father in law, Md. Abdul Khalek in his own house at Shivpur, Muktagacha, that why he arranged marriage for her daughter so soon, He answered, "What could I do? It is a local tradition to arrange marriage for a girl of her age. Marriage of two of her elder sisters was also arranged at that age. Later, in course of our conversation, he said that child marriage brings lots of trouble. The little girl cannot carry out the daily chores for which her in-laws are very

complaining. In the past, such marriage did not yield any conflict because child bride used to stay with her mother in law for couple of years, later, after having some maturity; the new couple was allowed to live together. Those days have long gone. ----.

**Case study-2**

Md. Julhash Uddin is now twenty-two. He is a carpenter and bamboo craftsman. He got married in 1997, when he was only fifteen and his wife was

with the aim that he would fulfil the need of a guardian in absence of his father.

He said that early marriage is not convenient; child couples do not understand the economic management of household for which they suffers from frequent economic hardship. They give birth to more children. Both the children and young mother suffer from ill health, they become prone to diseases.

**Suggestions to prevent recurrence of Child Marriage:**

- ⊙ Awareness about the disadvantages of child marriage should be raised through intensive counselling and advocacy.
- ⊙ Effective implementation of child marriage prevention Act is necessary.
- ⊙ Economic prosperity could help bring a positive change to reduce child marriage.
- ⊙ Anti-Dowry laws should be implemented strictly.
- ⊙ Opportunity for education and schooling of poor girls should be increased.
- ⊙ Marriage registrars should be made accountable for child marriage.
- ⊙ Birth registration should be made compulsory, and strictly implemented.
- ⊙ Related topic should be incorporated in the curriculum.



only thirteen years old. His father was seriously ill, he wanted to see his daughter in law before death. There were other considerations as well, he was the eldest son, and he had no uncle or someone who could be his guardian, in case of his father's death. So the marriage was arranged with his father's friend's daughter,

**Abu Ala Mahmudul Hasan,**  
Asst. Researcher, PIL &  
Advocacy Cell

