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RIGHTS REFERENCE MANUAL FOR ZONES OF GOOD GOVERNANCE



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June 2006

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MACH, Winrock International
RPPR, NRECA
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TABLE OF CONTENTS

PART I: Context, Rationale and Progress to Date.....	1
1. Zones of Good Governance.....	3
1.1 Background.....	3
1.2 Core Obstacles to Improved Local Governance	3
1.3 The Initiative.....	4
1.4 How the Zones Initiative is Designed to Work.....	4
1.5 Expected Outcomes.....	5
1.6 Current Participants	6
1.7 How to Use this Rights Reference Manual and the Rights Reference Cards	6
PART 2: Issue Summary Cards And Further Information For Trainers / Managers.....	7
2. Issue: Child Marriage	9
2.1 Anecdotal Reference: Shumi's shattered dreams.....	12
2.2 Problem Statement	12
2.3 Current Situation	13
2.4 Relevant Right	13
2.5 Key Message	13
2.6 Policy, Legal and Regulatory Basis	14
2.7 Penalties or Sanctions	14
2.8 Responsible or Enforcing Authorities.....	15
3. Issue: Marriage & Dowry.....	17
3.1 Anecdotal Reference: Lakhi Rani's story	20
3.2 Problem Statement	20
3.3 Current Situation	21
3.4 Relevant Right	21
3.5 Key Message	21
3.6 Policy, Legal and Regulatory Basis	22
3.7 Penalties or Sanctions	22
3.8 Responsible or Enforcing Authorities.....	23
4. Issue: De-Watering of Beels, Haors and Other Fishing Sites	25
4.1 Anecdotal Reference: Damage to <i>Hail</i> haor in 2005.....	28
4.2 Problem Statement	28
4.3 Current Situation	28
4.4 Relevant Right	28
4.5 Key Message	28
4.6 Policy, Legal and Regulatory Basis	29
4.7 Penalties or Sanctions	29
4.8 Responsible or Enforcing Authorities.....	30
5. Issue: Right to Access to Information on Reproductive Health	31
5.1 Anecdotal Reference: Shirin could choose	34
5.2 Problem Statement	34
5.3 Current Situation	34

5.4	Relevant Right	34
5.5	Key Message	34
5.6	Policy, Legal and Regulatory Basis	34
5.7	Penalties or Sanctions	35
5.8	Responsible or Enforcing Authorities	36
6.	Issue: Accessible and All-Inclusive Education	37
6.1	Anecdotal Reference: Raju drops out of school.....	40
6.2	Problem Statement	40
6.3	Current Situation	40
6.4	Relevant Right	40
6.5	Key Message	40
6.6	Policy, Legal and Regulatory Basis	40
6.7	Penalties or Sanctions	42
6.8	Responsible or Enforcing Authorities	42
7.	Issue: Empowerment of Rural Electricity Cooperative Members / Owners	45
7.1	Anecdotal Reference: Marium's independence	48
7.2	Problem Statement	48
7.3	Current Situation	48
7.4	Relevant Right	48
7.5	Key Message	48
7.6	Policy, Legal and Regulatory Basis	49
7.7	Penalties or Sanctions	49
7.8	Responsible or Enforcing Authorities	49
8.	Issue: Conversion of Reserve Forests to Khas Lands.....	51
8.1	Anecdotal Reference: <i>Khas</i> land vs. reserve forest	54
8.2	Problem Statement	54
8.3	Current Situation	54
8.4	Relevant Right	54
8.5	Key Message	54
8.6	Policy, Legal and Regulatory Basis	55
8.7	Penalties or Sanctions	55
8.8	Responsible or Enforcing Authorities	55
9.	Issue: Brick Fields Located in or Near Reserve Forests.....	57
9.1	Anecdotal Reference: Managing forests – whose prerogative?.....	60
9.2	Problem Statement	60
9.3	Current Situation	60
9.4	Relevant Right	60
9.5	Key Message	60
9.6	Policy, Legal and Regulatory Basis	61
9.7	Penalties or Sanctions	61
9.8	Responsible or Enforcing Authorities	62

PART I: CONTEXT, RATIONALE AND PROGRESS TO DATE

I. ZONES OF GOOD GOVERNANCE

I.1 BACKGROUND

News reports remind us regularly that corruption slows overall economic growth. At the local level — in rural villages and local government — such corruption and other failures of governance are exacerbated by a rural populace that often perceives itself as powerless against larger forces. At this level, corruption is recognized but allowed to continue because people feel there is nothing they can do about it or, as is increasingly the case, corrupt practices are simply thought to be the way things are done. Most attempts to improve local governance in Bangladesh focus principally on local governing institutions such as the Union Parishad. Such local institutional improvements in governance are much more likely to be made permanent in the company of an empowered and active local citizenry.

The lack of an active and empowered local citizenry is not an abstract governance problem — it impinges on efforts to reduce poverty and to improve education, health care and related economic development efforts. If local government processes do not function effectively, and local citizens do not actively demand a higher level of service from their government representatives and take a meaningful part in local decision making, then the myriad of sector-specific projects and programs purported to improve livelihoods and quality of life are not likely to be sustained and become part of the fabric of rural life.

I.2 CORE OBSTACLES TO IMPROVED LOCAL GOVERNANCE

One important reason local citizens perceive themselves as powerless is that they often do not know their basic rights. Information about who has access and rights to what is often held by established elites and authorities. It may also be the case that local elites and authorities are not aware of their duties or local citizens' rights. And when and if local people are aware of their rights, a second obstacle arises: few associations exist to mobilize citizens to work together with a common voice. Although NGOs may have played this role in the early 1970s, most are now focused on technical service delivery, and are often compromised by the approvals they must receive from Government. And in spite of the ample scope Bangladesh's legal and regulatory framework provides for citizens to take a more active role in local decision making, the realities of local power and political dynamics often outweigh the risk of participation.

While the Government supports a number of major programs intended to improve governance, most of these are process related and rarely focus on the empowerment that helps create an active and at times conflictual citizenry. This antipathy to empowerment at the grass roots level has a spillover effect on major Bangladeshi NGOs, most of whom are funded directly or indirectly in large part by the Government, or on donor-funded and Government-sanctioned programs and projects.

While a small few and growing number of courageous NGOs do in some cases address issues of empowerment and fundamental rights, they do so with clear recognition of the possible retribution that the Government or other local elites may serve on them. And although many projects operate in the field around the country, few of them are well equipped with materials or know-how to support the empowerment of their stakeholders in a multi-sectoral fashion.

1.3 THE INITIATIVE

The "Zones of Good Governance" initiative was developed jointly by seven USAID-financed technical assistance projects¹ with the overall objective of improving local governance by empowering local citizens to become active partners in determining the use and allocation of resources in their 'Zone.' Working in a single pilot Zone of the country — Moulavibazar District — the Initiative seeks to progress in three complementary and overlapping phases:

- *Knowledge Sharing:* Identify key issues in each partner sector and share relevant information, or raise awareness, on citizen's rights and legal recourse with communities.
- *Empowerment:* Provide citizens with the basic skills and tools needed to demand their right to transparent and accountable service delivery and good governance in their Zone.
- *Coordinated Action:* Coordinate partner beneficiaries across sectors within the Zone to mobilize and promote local good governance.

The effort is referred to as an "initiative", since it takes advantage of existing projects by linking them, rather than creating a new structure and requiring extensive new investment. Each participating project already works on citizen education and outreach, but these are limited to the project sectors.

1.4 HOW THE ZONES INITIATIVE IS DESIGNED TO WORK

In the *knowledge sharing* phase, each participating partner pools information about rights that have particular relevance to local citizens in each represented sector. A shortlist of these "relevant rights" is thus prepared and field-tested to be sure that it has the potential of attracting the interest of local citizens and enhancing their involvement and voice in determining local decision-making. Once the "Rights Reference Manual" is finalized, field staff from each project will be trained to understand the content fully and how best to disseminate messages and tools for empowerment and mobilization. AED has a cadre of people who have undergone advocacy training over the last year who may be accessed to carry out a test of the toolkit.

In the *empowerment* phase, these relevant rights from multiple sectors are used by each participating partner to provide their local citizen groups the knowledge and tools necessary to understand and access their rights. Thus a project that works with communities on wetlands issues would begin to work on empowerment in other rights as well, perhaps covering rights on education, health or environment. Since participating Projects are already working with these communities on their sector specific materials, the incremental cost of addressing rights and empowerment issues from other sectors is minimal. In fact, when project field staff can deliver empowerment and rights information and strategies for multiple sectors (rather than just one), it enhances the effectiveness of the project itself, since it contributes to a more active citizenry in that area.

In the *coordinated action* phase, the multiplicity of project partners working within the Zone are linked and coordinated to place special emphasis on select themes of particular potential.

¹ The initial participants included the following projects and institutions (project end-dates are listed in parentheses): Winrock and the MACH Project (11/06); ARD and the LGI Project (completed); Pathfinder and the NGO Services Delivery Project (9/06); NRECA's RPPR II Program (09/07); Save the Children-USA (different end dates for different projects); AED's BHRAP Project (3/07); and, IRG's Nishorgo Support Project (5/08).

Participating USAID partners will identify necessary resources for a local NGO or association with knowledge of the Zone, and a commitment to its betterment to manage the mobilization phase. This NGO or association would work to support the following tasks:

- Continue gathering and collecting knowledge about additional relevant rights,
- Identify key messages, channels and target audience,
- Activate informal communications network,
- Ensure and coordinate a concerted mobilization effort in the Zone to focus on key messages and,
- Reach out to other communities where partner projects are not currently active.

This coordinator is thus a combination of clearing house, social change stimulant and central command of the Initiative as it gets under way. The coordinator is also the means for reaching out to the many other potential participants in the Zone, consisting of the many NGOs and Projects currently operating in the Moulavibazar District.

I.5 EXPECTED OUTCOMES

Within 18 months from start of coordinated work in the Zone, the following outputs could be expected:

- Partner project staff integrates good governance concerns and empowerment strategies into ongoing project activities.
- At community level where participating partners are active, citizens develop awareness of their rights, duties and roles in local decision making.
- Network of concerned citizens undertakes initiatives to bring changes in areas advocated.
- At least two issue-based mobilization efforts have resulted in a change in local government behavior and /or more effective service-delivery.
- Lessons learned and best practices report with recommendations on next steps for citizen based action.
- An informal network of like minded organizations, groups, forums, citizens is established.

I.6 CURRENT PARTICIPANTS

The Initiative has begun with seven partners, as listed here with their respective sector focus areas. All seven of these partners are financed by USAID and are working, directly or indirectly, in the selected Zone of Moulavibazar:

1. MACH works on wetland management.
2. RPPR supports rural electrification.
3. NSDP Project supports health services.
4. SUCCEED supports early childhood education.
5. Nishorgo Support Project works on protected forest area management.
6. Local Governance Initiative (LGI) Project supports local governance, especially UP.
7. BHRAP supports civil society activities and advocacy in defense of human rights.

I.7 HOW TO USE THIS RIGHTS REFERENCE MANUAL AND THE RIGHTS REFERENCE CARDS

A near term objective is for the rights cards to be used by project field workers within low income user groups at the field level of their projects. Training would be required prior to the use of these cards by field workers and facilitators.

At the Zone level, the coordinating NGO (not yet identified) would provide some harmony of thematic focus for the rights within the zone, using these cards and materials to educate the groups.

Based on the knowledge and awareness levels of the groups, social mobilization actions would be undertaken within the zone for issues of common concern to the people of the zone.

PART 2: ISSUE SUMMARY CARDS AND FURTHER INFORMATION FOR TRAINERS / MANAGERS

2. ISSUE: CHILD MARRIAGE

Summary Card English

Summary Card Child Marriage

What is the problem we are hoping to solve?

In Bangladesh, four-fifths of marriages take place before a girl has reached the minimum legal age for marriage. Child marriage is a fundamental violation of human rights, violating a child's right to personal freedom and physical and emotional growth.

What are some of the reasons for this problem?

Marriages are often conducted as an economic transaction between families and as younger brides are more valuable, the cost of a dowry and investment in a child is less the younger she marries. Traditional cultural and social compulsion to marry daughters off at an early age and long standing ideas about a girl's virtue and the risks facing a single girl also are significant causes of child marriage.

Relevant Right:

All children have the right to reject marriages proposed for them until they reach the age of adulthood.

What is our key message?

Child marriage is unhealthy, a human rights violation and against the law in Bangladesh.

What national or international laws or government policies and directives address this issue?

The Government of Bangladesh has signed the following two widely recognized and accepted Conventions which explicitly state that child marriage is illegal: the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention of the Rights of the Child (CRC). It is prohibited by the Child Marriage Restraint Act, 1929 - amended in 1984. In addition, the National Women Development Policy of 1999 directs the Government to strictly implement laws restraining child marriage in order to eliminate all forms of discrimination against women.

What are the penalties/sanctions for going against this law or policy?

Penalties and sanctions against offenders include imprisonment of one month or a fine of one thousand taka or both for both the conductor and promoter of child marriage including a kazi, otherwise performing as a conductor and even the parents for not stopping or encouraging the marriage.

Who is responsible for enforcement?

Responsible authorities include the Ministry of Women and Children's Affairs, locally elected and local government bodies, law enforcement agencies and the parents of the children proposed for marriage.

Summary Card Bangla

সার সংক্ষেপ বাল্যবিবাহ

আমরা যে সমস্যার সমাধান করতে চাই:

বাংলাদেশে চার পঞ্চমাংশ বিয়ে অনুষ্ঠিত হয় কনে তার বিয়ের আইন সম্মত সর্বনিম্ন বয়সে পৌছার আগেই। বাল্যবিবাহ শিশুর মানবাধিকার, ব্যক্তি স্বাধীনতা, স্বাভাবিক শারীরিক বৃদ্ধি ও মানসিক বিকাশের অধিকারের সুস্পষ্ট লঙ্ঘন।

এই সমস্যা বিরাজ করার কারণ:

বিয়ে প্রায়ই দুই পরিবারের কাছে অর্থনৈতিক চুক্তি হিসাবে বিবেচিত হয়। কমবয়সী মেয়েদের প্রতি অগ্রহের কারণে এ সময়ে মেয়ের বিয়ের পিছনে খরচ, যৌতুকের খরচ ও আনুষঙ্গিক খরচ কম হয়। মেয়েদেরকে কম বয়সে বিয়ে দেয়ার প্রথাগত সামাজিক এবং সাংস্কৃতিক বাধ্যবাধকতা, মেয়েদের গুণাবলির ব্যাপারে বহু পুরনো ধারণা আর কোন মেয়ের একার জীবন ধারণে ঝুঁকি ইত্যাদি ধারণাগুলো বাল্যবিবাহের গুরুত্বপূর্ণ কারণ।

অধিকার:

সব অপ্রাপ্ত বয়স্ক ছেলেমেয়েরই প্রস্তাবিত বিয়েকে প্রত্যাখ্যান করার অধিকার আছে যতক্ষণ না তারা প্রাপ্ত বয়স্ক হয়।

আমাদের মূল বক্তব্য:

বাংলাদেশে বাল্যবিবাহ অস্বাস্থ্যকর, মানবাধিকারের লঙ্ঘন এবং আইন এর পরিপন্থী।

এই অধিকার সংক্রান্ত, আন্তর্জাতিক ও জাতীয় আইন, নীতিমালা বা নিয়মকানুন:

বাংলাদেশ সরকার নিম্নলিখিত দু'টি ব্যাপকভাবে স্বীকৃত এবং গৃহীত আন্তর্জাতিক চুক্তিতে সই করেছে, যা প্রকাশ্যেই ঘোষণা করে যে, বাল্যবিবাহ অবৈধ; নারীর বিরুদ্ধে সব ধরনের বৈষম্য দূরীকরণ কনভেনশন - (The Convention on the Elimination of all forms of discrimination against women - CEDAW) এবং শিশু অধিকার কনভেনশন - (Convention of the rights of the Child - CRC)। ১৯২৯ সালের বাল্যবিবাহ রোধ আইন (১৯৮৪ সালে সংশোধিত), ১৯৯৯ সালের জাতীয় নারী উন্নয়ন নীতি সরকারকে বাল্যবিবাহ প্রতিরোধ আইন এবং নারীর প্রতি সব ধরনের বৈষম্য দূরীকরণের জন্য যেকোন আইন কঠোরভাবে বাস্তবায়নের নির্দেশ দেয়।

এই আইন বা নীতিসমূহের বিরুদ্ধাচরণের শাস্তির বিধানগুলো কি?

বাল্যবিবাহ পরিচালনাকারী অথবা বাল্যবিবাহকে উৎসাহ প্রদানকারীসহ অপরাধীরা ১ মাসের কারাদন্ড অথবা ১ হাজার টাকা জরিমানা অথবা উভয় দণ্ড বা শাস্তিই ভোগ করবে। এ শাস্তির আওতায় কোনোভাবে বিয়ে পরিচালনাকারী, সহায়তাদানকারী যেমন কাজী, এমনকি মা-বাবা যারা এ বিয়ে বন্ধের চেষ্টা করেনি - এরা সবাই পড়বে।

এই অধিকার বাস্তবায়নের দায়িত্ব কার?

নারী ও শিশু বিষয়ক মন্ত্রণালয়, স্থানীয়ভাবে নির্বাচিত এবং স্থানীয় সরকারী প্রশাসনের প্রতিনিধিবৃন্দ, বিভিন্ন আইন প্রয়োগকারী সংস্থা এবং প্রস্তাবিত বিয়ের বালক/বালিকার মা-বাবা সবাই এই আইন বাস্তবায়নে ভূমিকা রাখবেন এবং দায়িত্বশীল কর্তৃপক্ষ হিসাবে বিবেচিত হবেন।

2.1 ANECDOTAL REFERENCE: SHUMI'S SHATTERED DREAMS

Shumi, a 12 year old girl in class 7, came home from school one day to learn that her parents had arranged a marriage for her to a 22 year old man from a neighboring village. Despite Shumi's protests, her parents insisted the marriage take place as they worried about the cost of Shumi's dowry increasing as she got older. It is said that economically the best age for a girl to marry is 13. Shumi's parents also worried if Shumi was not married soon they would not be able to guarantee her virtue and safety. Shumi was devastated, "I felt totally powerless — like my future was being taken away from me."

Shumi married and moved into her husband's home. She was no longer allowed to attend school and instead worked as an agricultural laborer and took care of the cleaning, washing and cooking when she returned from the fields each day. Shumi's husband frequently returned home late and would scream and beat her demanding more dowry.

During the first year, when it was more than Shumi could bear, she would run away to her parents' home. But they would always send her back. Finally, Shumi returned home and refused to go back to her husband and his family. Shumi then took the next step and did what very few women, let alone girls, do — she demanded a divorce.

2.2 PROBLEM STATEMENT

According to the Child Marriage Restriction Act, 1929, a marriage is regarded as a child marriage if one or both of the parties to a marriage are a minor, *i.e.* if the bridegroom is less than 21 and/or bride is less than 18 years old.

A recent study carried out by BIDS for UNFPA shows that about 23 percent of Bangladeshi women were married by the age of 13, another 19 percent by the age of 14 and 59% of women were married by the age of 15, while an overwhelming proportion of women (80%) were married before they reached 18 years of age. In other words, only one fifth of women were married at the legal minimum age for marriage and four-fifths of marriages were child marriages.²

Child marriage is a fundamental violation of human rights, violating a child's right to personal freedom and physical and emotional growth. Many girls (and a lesser number of boys) are married without free and full consent. Often they have not even reached an age at which they can comprehend or understand the meaning of marriage.

There are many implications of child marriage, from its restriction of personal freedom to its impact on mental growth, health and education. For both boys and girls, early marriage has profound physical, intellectual, psychological and emotional consequences. It cuts off educational opportunities and chances for personal growth. For girls, it will also almost certainly mean premature pregnancy — which causes higher rates of maternal mortality — and is likely to lead to a lifetime of domestic and sexual subservience.

Child marriage is a social norm throughout much of South Asia and Bangladesh is second only to Nigeria in having the highest percentage of adolescent brides in the world; 68% of girls were married by the age of 18 in 2004³.

² Baseline Survey for Assessing Attitudes and Practices of Male and Female Members and In Laws Towards Gender Based Violence, UNFPA

³ National Institute of Population Research and Training (NIPORT), Mitra and Associates (MA), & ORC Macro. (2005)

Consequences of child marriage are wide ranging and long lasting. For example,

- There is a proven connection between child marriage and violence against women.
- Child marriage frequently denies girls the benefits of education which includes improved health, lower fertility, and increased economic productivity.
- In many instances, child marriage marks an abrupt transition for girls into sexual relations with a husband who is considerably older and not chosen.
- Child marriage leads young women to premature pregnancy which makes them susceptible to risks associated with first birth.
- Child marriage is illegal so parents do not register these marriages, and thus deny both parties to the marriage many rights of a legal marriage, particularly rights the girl is entitled to as a wife such as, maintenance, dower, custody of children.

2.3 CURRENT SITUATION

Marriages are often conducted as an economic transaction between families. So, among poor families child marriage becomes a way to lessen the economic burden a bride's family has to bear. Although illegal, both according to civil and Muslim law, demanding and giving dowry is common practice throughout Bangladesh and has increased dramatically in recent years. Since younger girls are generally more valued than older girls as brides, marrying one's daughter at a young age will require paying less dowry. Or for those parents looking to find a "better" husband for their daughter, a young girl will help them attract a groom who would otherwise not marry someone of their economic or social status.

Many families view girl children as an economic burden. Since a daughter is expected to marry and move to her husband's house, parents are reluctant to invest in their daughter's education or future and the sooner a daughter marries the less parents will have to invest in care and upbringing.

Other reasons child marriage is so prevalent have to do with traditional cultural and social compulsion to marry daughters off at an early age and long standing ideas about a girl's virtue and the risks facing a single girl. A girl's virtue and safety is highly prized in Bangladesh. Marrying a girl at a young age is frequently seen as a way to guarantee her safety and virtue — a married girl can be controlled and taken care of so she will not be tempted to compromise her virtue or become a target for unscrupulous men.

2.4 RELEVANT RIGHT

All children have the right to reject marriages proposed for them until they reach the age of adulthood.

2.5 KEY MESSAGE

Child marriage is unhealthy, a human rights violation and against the law in Bangladesh.

2.6 POLICY, LEGAL AND REGULATORY BASIS

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Bangladesh ratified CEDAW on 6 November, 1994. Under *Article 16*, it is stated that

"States/parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- The same right to enter into marriage,
- The same right freely to choose a spouse and to enter into marriage only with their free and full consent,
- The same rights and responsibilities during marriage and at its dissolution."

And under this same *Article 16* it states that:

"The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory."

The Convention of the Rights of the Child (CRC)

Bangladesh is a signatory to this Convention, which was ratified in 1991. The Convention recognizes the right of every child (i.e. person below 18 years) who is capable of forming his/her own decisions to express his/her own views. Directs the member States to ensure in expressing these views with due regard.

Child Marriage Restraint Act, 1929 – amended in 1984

Under this Act, there is a provision for punishment for soliciting any marriage where either or both of the parties involved are under age (Boy= 21, Girl=18).

National Women Development Policy, 1999

This Policy directs the Government for strict implementation of laws restraining child marriage in order to eliminate all forms of discrimination against women.

2.7 PENALTIES OR SANCTIONS

Child Marriage Restraint (Amendment) Ordinance, 1984

The penalties under this Ordinance are:

- *Under Section 4*, "a male above twenty one years old or a female above eighteen years of age conducting a child marriage shall be punishable with simple imprisonment of one month or with a fine of one thousand taka or with both."
- *Under Section 5*, "punishment for performing, conducting or directing a child marriage with simple imprisonment of one month or with a fine of one thousand taka or with both."
- *Under Section 6*, there will be "punishment for a parent or guardian of a child for conducting / contracting a child marriage or of any act to promote the marriage or permit it to be solemnized or negligently fail to prevent it from being solemnized, shall be simple imprisonment which may extend to one month or with a fine which may extend to one thousand taka or with both."

2.8 RESPONSIBLE OR ENFORCING AUTHORITIES

The *Ministry of Women and Children Affairs* has primary responsibility for protecting these rights.

Under the Child Marriage Restraint Act, 1929, Section 8, a *Magistrate of the first class* is the court of first instance for cases of child marriage related violence. Every local government body, i.e. *Upazila Parishad, Union Parishad, and Gram Sarkar* is responsible subject to their respective laws for the initiation of activities for the betterment of children.

Similarly, all local *marriage registrars, police and parents* are also responsible for the prevention of the commission of this offence.

Expected Behavioral Changes from Stakeholders

Stakeholder	Behavioral Change	Benefits
Parents	<ul style="list-style-type: none"> Will not allow their children to marry before reaching the legal age Will keep their children in school longer 	<ul style="list-style-type: none"> Give their children a better chance at a happy, healthy, violence free marriage Give their children more educational opportunities and subsequent chance at better job opportunities
Girls and boys	<ul style="list-style-type: none"> Will talk with their parents and peers about the dangers of early marriage Will stand up for their rights and participate in decisions about their marriage 	<ul style="list-style-type: none"> The chance to build a home as mature adults More likely to build a home free from violence which will allow for healthy mental development of their children Will start reproductive life with a mature body and increase likelihood for healthy reproductive life and children
Community Leaders	<ul style="list-style-type: none"> <i>Kazis</i> will not conduct marriages that involve children Imams, <i>kazis</i>, school teachers and other community leaders will educate people about consequences of child marriage 	<ul style="list-style-type: none"> A more healthy and productive community
Locally elected bodies and government officials	<ul style="list-style-type: none"> Local elected officials and government officials will enforce laws related to child marriages and mobilize community members against child marriage 	<ul style="list-style-type: none"> A more healthy and productive community
Law Enforcement Agencies	<ul style="list-style-type: none"> Law enforcement agencies will enforce current laws and punish perpetrators 	<ul style="list-style-type: none"> A more healthy and productive community

3. ISSUE: MARRIAGE & DOWRY

Summary Card English

Summary Card

Marriage & Dowry

What is the problem we are hoping to solve?

Bridegrooms and their families demand or accept large sums of money from their prospective bride as a precondition to marriage. Dowry has become one of the primary causes of domestic violence against women and an important force behind child marriage.

What are some of the reasons for this problem?

Many families see marriage as an economic transaction and perceive the marriage of their son as a money making proposition. The practice is associated with patriarchic norms long-established, and with a persistent and pervasive subjugation of women within some sectors and areas of the country.

Relevant Right:

Women have a legal right to marry without dowry.

What is our key message?

Giving, taking or supporting dowry is against civil and Muslim law.

What national or international laws or government policies and directives address this issue?

The Dowry Prohibition Act, 1980 includes the clearest statement against dowry, where it is written that: "any person giving, taking or supporting the giving or taking of dowry shall be punished with imprisonment for one year or with a fine which may extend to five thousand taka or with both." In addition, the National Women Development Policy, 1999 and the Women and Children Repression Prevention (Special Provision) Act 2000 both include strong language prohibiting dowry, and calling for the punishment also of family members that try and force dowry to occur against the will of the person being married.

What are the penalties/sanctions for going against this law or policy?

Dowry related offenders can be punished with imprisonment for one year or by a fine (extendable to five thousand taka); with the death penalty or with life imprisonment and also with a fine in addition to the penalties; with rigorous imprisonment for life or for a maximum of 14 years but not less than 5 years respectively and also with a fine in addition to that penalty; with rigorous imprisonment for a maximum of 3 years but not less than 1 year and with a fine in addition to the penalty.

Who is responsible for enforcement?

A number of government institutions are responsible, including the local representative of the Ministry of Women and Children's Affairs & Ministry of Local Government, as well as a Special Tribunal constituted in every district under the Prevention of Women and Child Repression Act 2000. In addition, the Upazila Parishad, Union Parishad and Gram Sarkar are responsible for upholding these Acts.

Summary Card Bangla

সার সংক্ষেপ বিবাহ ও যৌতুক

আমরা যে সমস্যার সমাধান করতে চাই:

বর ও তার পরিবার বিয়ের পূর্বশর্ত হিসাবে কনের পরিবারের কাছ থেকে বিশাল অংকের যৌতুক দাবি করে। নারীর বিরুদ্ধে পারিবারিক নিগ্রহ ও অত্যাচার এবং বাল্যবিবাহের অন্যতম প্রধান কারণ হল যৌতুক।

এই সমস্যা বিরাজ করার কারণ:

অনেক মা-বাবা সাংস্কৃতিক ও সামাজিক কারণে বাধ্য হয়ে তাদের মেয়েদেরকে কম বয়সে বিয়ে দিয়ে দেন। আবার অনেক পরিবার যৌতুক থেকে পাওয়া আর্থিক সুবিধা থেকে লাভবান হতে চান। এই বিষয়টা সুপ্রতিষ্ঠিত পিতৃতান্ত্রিক সমাজ ব্যবস্থার সাথে সম্পৃক্ত যা নারীদের কিছু নির্দিষ্ট ক্ষেত্রে এবং গণ্ডির মধ্যেই সীমাবদ্ধ রাখে।

অধিকার:

নারীদের যৌতুক প্রথা প্রত্যাখান করার এবং যৌতুক ছাড়া বিয়ে করার আইনগত অধিকার আছে।

আমাদের মূল বক্তব্য:

যৌতুক নেয়া, দেয়া বা এর সমর্থন করা দেশের প্রচলিত দেওয়ানী ও মুসলিম আইনের পরিপন্থি।

এই অধিকার সংক্রান্ত, আন্তর্জাতিক ও জাতীয় আইন, নীতিমালা বা নিয়মকানুন:

যৌতুক নিরোধ আইন ১৯৮০-এ যৌতুকের বিরুদ্ধে সুস্পষ্টভাবে উল্লেখ করেছে- “যে ব্যক্তি যৌতুক দেয়, নেয় অথবা দেয়া নেয়াতে সাহায্য করে, তার শাস্তি হবে ১ বছরের কারাদণ্ড অথবা ১ থেকে ৫ হাজার টাকা জরিমানা অথবা উভয় শাস্তিই।”

অধিকর্তা, জাতীয় নারী উন্নয়ন নীতি ১৯৯৯ এবং নারী ও শিশু নির্যাতন দমন (বিশেষ বিধি) আইন ২০০০ দু’টাই যৌতুক প্রথাকে কঠোরভাবে নিষিদ্ধ ঘোষণা করেছে, আর পরিবারের যে সদস্য বা সদস্যরা বিবাহযোগ্য ব্যক্তির মতের বাইরে যৌতুক নেওয়ার জন্য তার উপর চাপ সৃষ্টি করে, তারও শাস্তির বিধান ঘোষণা করেছে।

এই আইন বা নীতিসমূহের বিরুদ্ধাচরণের শাস্তির বিধানগুলো কি?

যৌতুক সংশ্লিষ্ট অপরাধীদের শাস্তি হতে পারে ১ বছরের কারাদণ্ড অথবা ৫ হাজার টাকা পর্যন্ত জরিমানা। আরও বিধান আছে মৃত্যুদণ্ড অথবা যাবজ্জীবন কারাদণ্ডের এবং তার উপর জরিমানার; সশ্রম ও যাবজ্জীবন কারাদণ্ড অথবা সর্বোচ্চ ১৪ বছরের কারাদণ্ড। কিন্তু এসব ক্ষেত্রে কমপক্ষে ৫ বছরের এবং তার উপর জরিমানা; অথবা সর্বনিম্ন ১ বছর থেকে সর্বোচ্চ তিন বছরের কারাদণ্ড এবং তার উপরে জরিমানা।

এই অধিকার বাস্তবায়নের দায়িত্ব কার?

সরকারি অনেক প্রতিষ্ঠান যেমন-নারী ও শিশু বিষয়ক মন্ত্রণালয়ের স্থানীয় প্রতিনিধি এবং স্থানীয় সরকার মন্ত্রণালয়ের স্থানীয় প্রতিনিধি ও নারী ও শিশু নির্যাতন এবং প্রতিরোধ আইন ২০০০ এর অধীনে প্রত্যেক জেলায় গঠিত বিশেষ ট্রাইবুন্যাল এই আইন প্রয়োগ করবে। অধিকর্তা, উপজেলা পরিষদ, ইউনিয়ন পরিষদ এবং গ্রাম সরকারও এই আইন বাস্তবায়নে দায়িত্বপ্রাপ্ত প্রতিষ্ঠান।

3.1 ANECDOTAL REFERENCE: LAKHI RANI'S STORY

Three years ago Lakhi Rani married Rabindra Chandra Das, a small businessman from her village. Her father paid taka 65,000 as dowry and taka 50,000 as payment for furniture and other household goods bought during the marriage.

At the end of a happy first year of marriage Lakhi got pregnant. Almost all of the money paid by Lakhi's father was spent in the first year. It was then that Rabindra's family began to physically and mentally assault Lakhi. One day Rabindra beat Lakhi until she fell down and was left bleeding. Rabindra's family took her to the hospital and forced her to have an abortion and sent her back to her parent's. Rabindra demanded taka 100,000.00 from Lakhi's father to take Lakhi back.

Anukul Das, Lakhi's father, approached the head of Gram Sarkar (social arbitration) for a settlement but since most of the members of the Gram Sarkr were relatives or friends of Rabindra, the decision went against Lakhi. So Lakhi and her family approached a local NGO. In a subsequent social arbitration in the presence of leaders of several NGOs, journalists, women UP members, elites, and religious leaders the husband's side again demanded dowry while Lakhi demanded the entire amount of money/dowry given to her in-laws in the name of gifts. It was decided that Lakhi Rani should not give any further dowry and her husband should return all her money and the ornaments he received in the first two months of their marriage as dowry.

The Chairman and community leaders of her union demanded a huge sum of money from Lakhi Rani to mitigate the case, so Lakhi, with the help of NGOs, went to the court and a warrant was issued against Lakhi Rani's husband. This finally frightened the community leaders and Rabindra so they were able to reach a compromise agreement with Lakhi Rani.

3.2 PROBLEM STATEMENT

Dowry refers to any property or valuable security given or agreed to be given either directly or indirectly:

- By one party in a marriage to another party,
- Or by the parents or family of either party in a marriage,
- Or by any other person to either party or family in the marriage,
- Or to any other person.

Prospective grooms and their families demand large sums of money or property from a would-be bride's family as a precondition to marriage. In most cases the full dowry is not paid at the time of marriage, rather the bride's family pays part of the dowry before the marriage and promises the remainder soon after the marriage. If the bride's family fails to meet the deadline, it is common for her husband and in-laws to verbally and/or physically abuse the bride in order to compel her family to pay the remainder of the agreed upon dowry. In fact, failure to meet dowry demand is among the most common reasons behind domestic violence in Bangladesh.

3.3 CURRENT SITUATION

In recent years, the practice of giving and taking dowry has increased to previously unforeseen levels. It is widespread in both rural and urban areas. This was not the case even a generation ago.⁴ The practice of dowry is widely criticized, socially maligned, and legally banned. Various anthropological and social science studies identify many reasons as to why dowry and violence attached with it are on the rise in Bangladeshi society including traditional cultural and social compulsion to marry daughters off at an early age and rising unemployment and economic hardship.

Bangladesh is a highly patriarchal society. Women's dependency upon and subordination to men is maintained by a range of institutional practices based on the family and the kin-group. Paying dowry is one of these practices.

Women who pay dowry are significantly more likely to be beaten by their husbands. Reports of dowry related violence, such as acid throwing, burning, grievous hurt, and even murder are common in daily news papers. 251 incidents of dowry-related violence were reported in 2000, of them 125 women were tortured and murdered either by their husbands or their in-laws. In 2001, there were 171 incidents of dowry related deaths reported, and in 2002, the number was 182.⁵

The qualities of the bride can significantly affect the package and amount of money in the dowry. In Bangladesh, dowry increases in tandem with age of marriage. This creates enormous pressure on parents to marry their daughters off at an early age. This is especially true if the bride suffers from other disadvantages such as lower social status or a darker skin complexion.⁶ In Bangladesh during 2004, nearly three out of every four underage marriages took place with dowry.⁷

Another reason for the prevalence of dowry is increased competition among parents for high-quality grooms. As educational and work opportunities for men are increasing, parents prefer that their daughters marry educated men with jobs in and around urban centers. Because these men have higher and more certain incomes that are not subject to seasonal variations and are paid monthly, the wives of such men will be free from rural work.⁸ In other words, dowry is a means by which a bride and her family can raise their status through the marriage of their daughter into a family with higher-status, a practice known as *hypergamy*. It has been observed that the size of the dowry rises steeply in relation to the desirable qualities of the would be son-in-law. Thus, a more correct term for dowry in these cases would be groom price, reflecting the fact that marrying into a wealthier family can “buy” a bride and her family higher social or economic status.⁹

3.4 RELEVANT RIGHT

Women have a legal right to marry without dowry.

3.5 KEY MESSAGE

Giving, taking or supporting dowry is against civil and Muslim law.

⁴ Suran, Sajeda, Huq and Chowdhury, Population Council, 2004

⁵ Violence against Women, BNWLA Reports, 2002,2001 and 2002

⁶ Huq and Amin 2001; Islam and Mahmud 1996

⁷ Suran, Luciana and Sajeda Amin, “Does Dowry Makes Life Better for Brides?” 2004

⁸ Caldwell, Reddy, and Caldwell 1983

⁹ Caldwell, Reddy, and Caldwell 1983

3.6 POLICY, LEGAL AND REGULATORY BASIS

A number of national acts and policies directly address this issue, including the following:

The Constitution

The Constitution includes a number of specific Articles with direct relevance for the issue of women's rights and, by implication, the forcible use of dowry. The following may be noted in particular:

- *Article 19(2)* - For which the Goal is that "The State shall adopt effective measures to remove social and economic inequalities between man and woman..."
- *Article 28(1)* - For which the Objective is that "The State shall not discriminate against any citizen on grounds only ofsex..... "
- *Article 28(2)* - For which the objective is that "Women shall have equal rights with men in all spheres of the State and of public life."
- *Article 28(4)* - For which the objective is that "The State can make special provision in favour of women."

The Dowry Prohibition Act, 1980

This act was enacted in response to growing evidence of cruelty against women for extorting dowry. The Act explicitly prohibits dowry.

National Women Development Policy, 1999

The goal of this policy is to "Eradicate dowry and repression against women". Its explicit objective is to implement the CEDAW Convention and also recommend that the Government enact and amend laws to ensure the human rights of women.

The Women and Children Repression Prevention (Special Provision) Act 2000

The aim of this Act is to make explicit provisions against offences perpetrated in relation to dowry.

3.7 PENALTIES OR SANCTIONS

Dowry Prohibition Act, 1980

- *Under Section 3*, "any person giving, taking or supporting the giving or taking of dowry shall be punished with imprisonment for one year or with a fine which may extend to 5000 taka or with both".
- *Section 4* provides penalty for demanding dowry which may extend to one year or with fine which may extend to five thousand taka or with both.

Prevention of Women and Child Repression Act, 2000

Section 11 of this Act addresses dowry issues in the case that the husband or the in-laws, guardians or any other persons from the husband's side:

- Cause death or try to cause death of that woman for dowry shall be punished with death penalty or with life imprisonment and also with fine in addition to the penalties respectively as the case may be.
- Cause grievous hurt or try to cause grievous hurt to that woman for dowry shall be punished with rigorous imprisonment for life or for maximum 14 years but not less than 5 years respectively and also with the fine in addition to that penalty.
- Cause simple hurt to that woman for dowry shall be punished with rigorous imprisonment for a maximum of three years but not less than one year and also with a fine in addition to that penalty.

3.8 RESPONSIBLE OR ENFORCING AUTHORITIES

The Ministry of Women and Children’s Affairs & the Ministry of Local Government are both responsible for implementing the rights of women.

Under the Prevention of Women and Child Repression Act 2000 there will be constituted in every District a Special Tribunal as the court of first instance for cases of dowry related violence. In this Tribunal, a First Class Magistrate is entrusted with the jurisdiction to deal with cases under the above mentioned Act. The Magistrate will prepare an investigation report and send it to the Judge of the Tribunal who will be a District Judge or a Sessions Judge.

Under the Upazila Parishad Act, 1998 (2nd Schedule), the Upazila Parishad is to take initiatives in creating public awareness against repression of women (under the Act).

Under the Local Government (Union Parishads) Ordinance, 1983, the Union Parishad shall be responsible to adopt measures to prevent crime. It shall also be the duty of the Chairman of the Union Parishad to report to the police any offence, assist in the investigation and prevention of crime, in arresting criminals (Sections 30 and 32). As per Section 75 of this Ordinance all police officers are responsible to give information to the Chairman of the commission of any offence.

Under the Gram Sarkar Act, 2003, the Gram Sarkar shall be responsible to initiate coordinated preventive measures against violence against women and also to submit a report about it to the Union Parishad (Section 16, sub section 1, clause kha).

Expected Behavioral Changes from Stakeholders

Stakeholder	Behavioral Change	Benefits
Prospective brides and their families	<ul style="list-style-type: none"> Refuse to offer or give dowry 	<ul style="list-style-type: none"> Less chance of divorce More likely to live in a marriage free from violence Wife is seen as a human being not a commodity Avoid social stigma that often accompanies practice of dowry
Husbands and their families	<ul style="list-style-type: none"> Stop demanding or accepting dowry before and after marriage 	<ul style="list-style-type: none"> Less chance of divorce More likely to live in a marriage free from violence Avoid social stigma that often goes along with the practice of dowry
Opinion leaders in the community including religious leaders	<ul style="list-style-type: none"> Speak out forcefully against the practice of dowry Help community members understand civil and religious laws against dowry and the consequences which result from the practice of dowry Take necessary steps to enforce laws against dowry 	<ul style="list-style-type: none"> A community with much less violence that adheres to current civil and religious law regarding dowry

4. ISSUE: DE-WATERING OF BEELS, HAORS AND OTHER FISHING SITES

Summary Card English

Summary Card

De-Watering of Beels, Haors and Other Fishing Sites

What is the problem we are hoping to solve?

It has become a regular practice to drain beels, haors and other water bodies in the dry season so as to empty those water bodies of all fish. This draining is called "de-watering". When de-watering occurs, the productivity of surrounding fishing areas is dramatically reduced, mainly because there are few parent fish to re-populate the large wetlands when the rains return. At the same time, other plants and organisms die that would otherwise have supported growth of new fish. Because this draining regularly occurs, surrounding communities, and the country as a whole, has less fish to eat throughout the year.

What are some of the reasons for this problem?

De-watering has become a common practice as lessees of government Jalmahols have taken it as their right under their lessee agreement. Local communities often do not understand the damage caused by de-watering. Even if they do understand, they may hesitate to object to de-watering for fear of retribution by lessee holders and those with whom they are associated.

Relevant Right:

The right to stop damage to fisheries in water bodies resulting from de-watering

What is our key message?

The Government has established a clear policy against de-watering because it lowers productivity of the national fishing stock. Citizens living next to water bodies have the right to know on what grounds a haor/beel lessee is de-watering.

What national or international laws or government policies and directives address this issue?

The National Fish Policy, 1998 and the Protection and Conservation of Fish Act 1950 (as amended in 2002) states that the government can make rules to regulate or prohibit any initiative of de-watering. The Protection and Conservation of Fish Rules 1985 states that in most cases, the lease agreements of fisheries should contain as a condition that there be included a "prohibition on de-watering". These Rules categorically state fishing norms that clarify the timing and type of fish eligible for catch in certain periods of time in the year.

What are the penalties/sanctions for going against this law or policy?

There is no punishment specified for de-watering of water bodies as there is no specific rule on this issue. The Protection and Conservation of Fish Act or Fish Rules states the breach of the above mentioned rules and violation of fishing norms as punishable with rigorous imprisonment and with fine. The Penal Code offers imprisonment and fine and Code of Civil Procedure, 1905 keeps provision for a compensation case for irreparable loss to the fishery to be filed by the Government.

Who is responsible for enforcement?

District and Upazila Fisheries Officers of the Department of Fisheries (DoF) are the responsible authorities for both de-watering and establishing fishing norms. Since a lease is given by the local government bodies, the respective Local Government Administration is also responsible. For the purpose of preventing environmental degradation and loss of bio diversity, Director General of the Department of Environment is responsible.

Summary Card Bangla

সার সংক্ষেপ

বিল, হাওড় ও অন্যান্য মৎস্য বিচরণ এলাকা পানিশূন্যকরণ

আমরা যে সমস্যার সমাধান করতে চাই:

বিল, হাওড় ও অন্যান্য বিস্তৃত জলাভূমি গ্রীষ্মকালে পানি শূন্য করে ফেলাটা আমাদের নিয়মিত অভ্যাস হয়ে দাঁড়িয়েছে। যার ফলে ঐ বিস্তৃত জলাভূমিগুলো মাছ শূন্য হয়ে যায়। এভাবে গ্রীষ্মকালে জলাভূমি পানি শূন্য করে শুকিয়ে ফেলাকে 'ডি ওয়াটারিং' বা 'পানিশূন্যকরণ' বলে। 'ডি ওয়াটারিং' হলে পার্শ্ববর্তী এলাকার মৎস্য উৎপাদন ক্ষমতা ব্যাপকভাবে কমে যায়। প্রধানত এর কারণ হল মাতামাছের মৃত্যু, যেগুলো বৃষ্টির মৌসুমে বিস্তৃত জলাভূমিতে বংশবৃদ্ধি করতে পারত। সেই সাথে অন্যান্য গাছগাছালি এবং ক্ষুদ্র ক্ষুদ্র জীব কণিকাগুলো মরে যায়, যা কোন না কোন ভাবে নতুন মাছের বৃদ্ধিতে সহায়তা করত। এই শুকিয়ে ফেলার প্রক্রিয়া চলছে নিয়মিত। ফলে জলাভূমির পার্শ্ববর্তী বসতিগুলো এবং সার্বিকভাবে বাংলাদেশ সারা বছর মাছ খুব কম পেয়ে থাকে।

এই সমস্যা বিরাজ করার কারণ:

পানিশূন্যকরণ একটি স্বাভাবিক প্রক্রিয়া হয়ে দাঁড়িয়েছে। যেমন, যারা সরকারের জলমহাল ইজারা নেয় তারা ইজারা চুক্তির অধীনে ইচ্ছামত কাজ করাটাকেই তাদের অধিকার বলে মনে করে। স্থানীয় মানুষ প্রায়ই পানিশূন্যকরণের ফলে যে ক্ষতি হয় তা বুঝতে পারে না। বুঝলেও তারা ইজারাদার ও সংশ্লিষ্ট ব্যক্তিবর্গের প্রতিশোধ নেওয়ার ভয়ে পানিশূন্যকরণের বিরুদ্ধে অভিযোগ করতে ইতস্তত করেন।

অধিকার:

পানিশূন্যকরণের মাধ্যমে মৎস্যপূর্ণ জলাশয় ধ্বংস না করে সেগুলো থেকে স্থানীয় জনগণের লাভবান হওয়ার অধিকার আছে।

আমাদের মূল বক্তব্য:

সরকার পানিশূন্যকরণের বিরুদ্ধে একটি স্পষ্ট নীতি গ্রহণ করেছেন। কারণ এটি জাতীয় মৎস্য সম্পদের উৎপাদন ক্ষমতা হ্রাস করছে। কি কারণে ইজারাদার হাওড় বা বিল পানিশূন্য করছে তা বিভিন্ন জলাশয়ের আশেপাশে বসবাসকারী মানুষের জানার অধিকার রয়েছে।

এই অধিকার সংক্রান্ত, আন্তর্জাতিক ও জাতীয় আইন, নীতিমালা বা নিয়মকানুন:

১৯৯৮ সালের জাতীয় মৎস্য নীতি এবং ১৯৫০ সালের মৎস্য প্রতিরক্ষা ও সংরক্ষণ আইন (২০০২ সালে সংশোধিত) অনুসারে সরকার পানিশূন্যকরণ নিয়ন্ত্রণ বা নিষিদ্ধ করার জন্য আইন করতে পারেন। ১৯৮৫ সালের মৎস্য প্রতিরক্ষা ও সংরক্ষণ বিধি অনুসারে বেশিরভাগ ক্ষেত্রে মৎস্যায়নের ইজারা চুক্তিগুলির শর্তসমূহের মধ্যে পানিশূন্যকরণের উপর নিষেধাজ্ঞামূলক অনুচ্ছেদ অন্তর্ভুক্ত থাকবে। এই বিধিগুলির মধ্যে সুনির্দিষ্ট কিছু নিয়ম থাকে যা বছরের নির্দিষ্ট কিছু সময়ে মাছ ধরা এবং মাছের ধরন সম্পর্কে আলোকপাত করে।

এই আইন বা নীতিসমূহের বিরুদ্ধাচরণের শাস্তির বিধানগুলো কি?

জলাশয়ের পানিশূন্যকরণের ব্যাপারে কোন সুনির্দিষ্ট আইন না থাকায় কোন সুনির্দিষ্ট শাস্তির ব্যবস্থাও নেই। মৎস্য প্রতিরক্ষা ও সংরক্ষণ আইন এবং মৎস্য নীতিতে উপরে উল্লেখিত বিধিবিধান এ কঠোর শাস্তি ও জরিমানার কথা বলা হয়েছে। পেনাল কোডে এই অপরাধের শাস্তি হিসাবে কারাদণ্ড ও জরিমানার বিধান রয়েছে এবং ১৯০৫ সালের কোড অফ সিজিল প্রসিডিওর-এ মৎস্য সম্পদের অপূরণীয় ক্ষতির জন্য ক্ষতিপূরণের মামলার ব্যবস্থা রয়েছে, যা দায়ের করবে সরকার।

এই অধিকার বাস্তবায়নের দায়িত্ব কার?

মৎস্য বিভাগের জেলা ও উপজেলা মৎস্য কর্মকর্তাগণ পানিশূন্যকরণ নিয়ন্ত্রণ এবং মৎস্য বিধি প্রণয়নের জন্য দায়িত্বপ্রাপ্ত কর্তৃপক্ষ। যেহেতু স্থানীয় সরকারি পর্যায়ের লোকজন ইজারা দিয়ে থাকে, তাই স্থানীয় সরকার ও প্রশাসনও এ জন্য দায়ী। পরিবেশ বিপর্যয় রোধ এবং জীব বৈচিত্র্য হ্রাস রোধ করার ব্যাপারে পরিবেশ অধিদপ্তরের মহাপরিচালকও দায়ী।

4.1 ANECDOTAL REFERENCE: DAMAGE TO HAIL HAOR IN 2005

Resource Management Organizations (RMOs) are CBOs that have been working to make fishers, farmers and lessees aware of the serious negative impacts of fishing through dewatering of beels and about relevant rules under the Fish Conservation & Protection Act. The local administration, UNO, with the assistance of SUFO of Sreemangal Upazila took an initiative to seize pump machines used for complete dewatering of remaining water in the beels in the dry season in Hail haor at Sreemangal in the beginning of the dry season (March) in 2005. Administrative action was taken against them. RMOs are working in collaboration with the local administration to curb fishing through dewatering and this has succeeded in reducing dewatering in perennial water bodies.

4.2 PROBLEM STATEMENT

Dewatering is a serious problem for the survival of fish, aquatic vegetation and a threat to biodiversity and production of fish in the country. If someone does dewatering in a natural wetland (*i.e.* Beel or Haor) it will affect the entire floodplain or wetland resource base. Dry season water is very limiting and is the only water habitat that can hold fish and other aquatic life during the dry season until the rains fill the wetlands again. Complete dewatering means that all fish for example are harvested from the dry season pools, resulting in fewer parent fish to repopulate the vast wetlands that are created after the rains come. Both production and diversity of aquatic animals is significantly reduced through complete dewatering of dry season water pockets.

This problem is closely linked to the problem of lack of fishing norms. Fishing norms include prohibition of catching under-sized fish (fish fry/ fingerling) and brood fish of some species during certain period of the year.

4.3 CURRENT SITUATION

The Government is against de-watering of any fishery or wetland. Yet, dewatering has become more of a common practice of the lessees of government Jahlmahols as it enables them to take every last fish from dry season beels / haors. Similarly private landowners dewater smaller ditches in the wetlands. This causes a decline in the overall production of the water body in the following year as well as reducing the catch for everyone in the entire floodplain/wetland system. It is an unsustainable method and one which is adding to the decline of some of the major wetland fisheries.

Lack of fishing norms has also given rise to some severe problems. According to the Fish Act no person shall catch or cause the catching or destruction of fry of Shol, Gazar and Taki moving in shoals guarded by the parent fish in the rivers, canals, khals, or beels during the period from 1st April to 31st August each year. In addition, it is also declared by the Government that no one shall catch or cause catching of carp fishes that is Rui, Catla, Mrigal, Kalbaus and Ghania of any size in the water of the rivers and khals during 1st April to 30th June in any year. Although intended to ensure that fish can safely reproduce, these rules are not followed because the resource is shared and there is a lack of long term incentives for fishers and leaseholders to protect fish stocks.

4.4 RELEVANT RIGHT

The right to stop damage to fisheries in water bodies resulting from de-watering.

4.5 KEY MESSAGE

The Government has established a clear policy against de-watering because it lowers productivity of the national fishing stock. Citizens living next to water bodies have the right to know on what grounds a haor/beel lessee is de-watering.

4.6 POLICY, LEGAL AND REGULATORY BASIS

National Fish Policy, 1998

One of the objectives of the National Fish Policy, 1998 is not to de-water any khal, beel or other natural open water body. The Policy also calls for necessary steps to stop catching fish fries and to enhance fish breeding and population and to conserve the breeding ground of fish.

National Water Policy 1998

This states that no remaining wetlands will be drained.

Protection and Conservation of Fish Act 1950

Under Section 3 of this Act, "The Government can make rules to regulate or prohibit any initiative of de-watering in any fishery through gazette notification."

Protection and Conservation of Fish Rules 1985

Under these Rules, the lease agreements in the fisheries sector should contain the condition of "prohibition on de-watering". Specifically, *Rule 7* provides that "no person shall, during the period from 1st day of April to 31st August each year, catch or cause to be caught or destroy fry of Shoal, Gazar, Taki moving in clusters or the parent fish while guarding them in the rivers, canals, khals, beels or any other water bodies which ordinarily has direct communication with any river, canal, khal or beel. This prohibition shall not be extended for carp culture".

According to *Rule 8*, no person shall catch or cause catching of carp fishes, that is Rui, Catla, Mrigal, Kalbaus and Ghania of any size in the waters of the rivers, khals, etc., specified in the First Schedule unless he has a license therefore issued by a competent officer in this behalf. The licensee shall be allowed to catch above named fish only for the purpose of pisci-culture.

Environment Conservation Act, 1995

Under Section 4 of this Act, the Director General of the Department of Environment (DoE) can take initiative to prevent degradation of the environment and to direct remedial measures for that action.

4.7 PENALTIES OR SANCTIONS

Protection and Conservation of Fish Act or Fish Rules

Under these Rules, there is no punishment specified for de-watering of water bodies as there is no specific rule on this issue. However, the breach of the above mentioned rules and violation of fishing norms shall be punishable with rigorous imprisonment for a term which shall not be less than one year and may extend to two years or with a fine which may extend to 5000 taka or with both.

Code of Civil Procedure, 1905

Under this Code, a compensation case for irreparable loss to the fishery can be filed by the Government.

Environment Conservation Act, 1995

Under the Environment Conservation Act, 1995, the Director General of the Department of the Environment can, if anybody violates any direction given by his office for the purpose of preventing environmental degradation, punish such person with not more than 10 years rigorous imprisonment or with a fine not exceeding taka 10 lacs or with both.

4.8 RESPONSIBLE OR ENFORCING AUTHORITIES

District Fisheries Officer and *Upazila Fisheries Officer* of the *Department of Fisheries (DoF)* are the responsible authorities in this regard. However, DoF has little control over the actions of a leaseholder within a leased Jalmohal. The *Local Government Administration* (District and Upazila) which grant leases are responsible to insure the lessee observes the terms of the lease.

For the purpose of preventing environmental degradation and loss of bio diversity, the *Director General DoE* is responsible.

5. ISSUE: RIGHT TO ACCESS TO INFORMATION ON REPRODUCTIVE HEALTH

Summary Card English

Summary Card

Access to Information on Reproductive Health

What is the problem we are hoping to solve?

Women in rural Bangladesh too often make decisions about their reproductive health without access to information on healthcare and options and without understanding the full implications and the range of family planning choices available.

What are some of the reasons for this problem?

Poverty and illiteracy are general obstacles to accessing information on reproductive health.

Relevant Right:

My body, my choice (Amar Sharir, Amar Adhikar)

Every woman has the right to a healthy life and choose appropriate reproductive healthcare service based on free access to information.

What is our key message?

My body, my choice (Amar Sharir, Amar Adhikar): Every woman should have free access to the information she needs to make informed decisions about her reproductive health and understand the services and healthcare options available to her related to reproductive health.

What national or international laws or government policies and directives address this issue?

- (a) International Conference on Population and Development, 1994
- (b) The Beijing Women's Conference, 1995
- (c) Article 12 of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW)
- (d) National Health Policy 2000,
- (e) National Women Development Policy, 1999
- (f) The Constitution of Bangladesh
- (g) Local government related ordinances and laws specifically spell out provisions promoting this right.

What are the penalties/sanctions for going against this law or policy?

The Constitution of Bangladesh makes it binding upon the state to ensure these rights. If these rights are violated, if any statutory agency neglects to perform its statutory obligation, any aggrieved person can file a writ petition under Article 102 of the Constitution.

Who is responsible for enforcement?

Ministry of Health and Family Planning, Ministry of Women and Children Welfare, Mayor of respective City Corporations, Commissioner in the Paurashava, Upazila Parishad, Gram Sarkar are responsible authorities for enforcement of this right.

Summary Card Bangla

সার সংক্ষেপ

প্রজনন স্বাস্থ্য রক্ষার উপর প্রয়োজনীয় তথ্য পাবার অধিকার

আমরা যে সমস্যার সমাধান করতে চাই:

বিভিন্ন ধরনের জন্ম নিয়ন্ত্রণ পদ্ধতি ও প্রজনন স্বাস্থ্য রক্ষার বিভিন্ন উপায় সম্বন্ধে গ্রামীণ এলাকার নারীদের যথাযথ তথ্য ও ধারণা নাই। কোন ধারণা ছাড়াই তারা প্রজনন স্বাস্থ্য রক্ষার ব্যাপারে সিদ্ধান্ত গ্রহণ করে।

এই সমস্যা বিরাজ করার কারণ:

দারিদ্র্য এবং অশিক্ষা, প্রজনন স্বাস্থ্য রক্ষার জন্য প্রয়োজনীয় তথ্য পাবার ক্ষেত্রে সাধারণ বাধা হিসেবে কাজ করে।

অধিকার:

‘আমার শরীর, আমার অধিকার’। প্রত্যেক নারীরই স্বাস্থ্যকর জীবন ও যথাযোগ্য তথ্যের ভিত্তিতে সঠিক প্রজনন স্বাস্থ্য রক্ষার সেবা গ্রহণ করার অধিকার আছে।

আমাদের মূল বক্তব্য:

‘আমার শরীর, আমার অধিকার’। প্রত্যেক নারীর তথ্য পাবার স্বাধীনতা থাকা উচিত। ফলে তার প্রজনন স্বাস্থ্যসেবা ও স্বাস্থ্যের যত্নের বিভিন্ন সহজলভ্য উপায় সম্বন্ধে ধারণা থাকবে। তাতে সে জেনে বুঝে তার প্রজনন স্বাস্থ্য রক্ষার ব্যাপারে সিদ্ধান্ত নিতে পারবে।

এই অধিকার সংক্রান্ত, আন্তর্জাতিক ও জাতীয় আইন, নীতিমালা বা নিয়মকানুন:

- (ক) জনসংখ্যা ও এর উন্নয়নের ওপর ১৯৯৪ সনের আন্তর্জাতিক কনফারেন্স
- (খ) ১৯৯৫ সনের বেইজিং উইমেনস্ কনফারেন্স
- (গ) নারীর প্রতি সকল ধরনের বৈষম্য দূরীকরণ সনদের (সিডোর) অনুচ্ছেদ- ১২
- (ঘ) ২০০০ সালের জাতীয় স্বাস্থ্য নীতি
- (ঙ) ১৯৯৯ সালের জাতীয় নারী উন্নয়ন নীতি
- (চ) বাংলাদেশের সংবিধান
- (ছ) স্থানীয় সরকার সম্পর্কিত অধ্যাদেশসমূহ ও আইনসমূহ সুনির্দিষ্টভাবে এই অধিকার সংরক্ষণ ও প্রচারের কথা বলে

এই আইন বা নীতিসমূহের বিরুদ্ধাচরণের শাস্তির বিধানগুলো কি?

বাংলাদেশের সংবিধান এসব অধিকার সংরক্ষণ রাষ্ট্রের উপর বাধ্যতামূলক করেছে। যদি এই অধিকারগুলো ভঙ্গ হয়, যদি কোন সংবিধিবদ্ধ এজেন্সি এই আইনগত বাধ্যবাধকতা বলবত করতে অবহেলা করে, সংবিধানের ১০২ অনুচ্ছেদ অনুসারে যে কোন ক্ষতিগ্রস্ত বা ক্ষুণ্ণ ব্যক্তি আদালতে রিট পিটিশন দাখিল করতে পারবেন।

এই অধিকার বাস্তবায়নের দায়িত্ব কার?

স্বাস্থ্য ও পরিবার পরিকল্পনা মন্ত্রণালয়, নারী ও শিশু কল্যাণ মন্ত্রণালয়, সিটি কর্পোরেশনসমূহের মেয়রগণ, পৌরসভাসমূহের কমিশনারগণ, উপজেলা পরিষদসমূহ এবং গ্রাম সরকার এই অধিকার বাস্তবায়নের জন্য দায়বদ্ধ।

5.1 ANECDOTAL REFERENCE: SHIRIN COULD CHOOSE

When Shirin was 13 her father wanted to arrange a marriage for her with a local wealthy businessman in his late twenties. Shirin's mother, a head mistress at the local school, convinced her husband that Shirin was a good student and should continue her studies, become a school teacher and that Shirin should have a say in the matter of who and when she marries. Shirin was not yet interested in marriage.

Seven years later when Shirin, by then a primary school teacher and part time college student, married the husband of her choice. She and her husband jointly decided to build a family. Together, based on their knowledge that a woman's body is not mature enough for pregnancy until age 22 – 23, they decided to adopt a suitable family planning method and delay starting their family until Shirin was physically ready.

5.2 PROBLEM STATEMENT

Women in rural Bangladesh have little access to information on general health issues and less on their reproductive health. They thus make decisions about their reproductive health without understanding the full implications and the range of reproductive health choices available.

5.3 CURRENT SITUATION

Most people lack information on reproductive health care and services. Poverty and illiteracy act as barriers to accessing information.

5.4 RELEVANT RIGHT

My body, my choice (*Amar Sharir, Amar Adhikar*):

Every woman has the right to a healthy life and choose appropriate reproductive healthcare service based on free access to information.

5.5 KEY MESSAGE

My body, my choice (*Amar Sharir, Amar Adhikar*): Every woman should have free access to the information she needs to make informed decisions about her reproductive health and understand the services and healthcare options available to her related to reproductive health.

5.6 POLICY, LEGAL AND REGULATORY BASIS

The International Conference on Population and Development, 1994

Goal: Make family planning universally accessible to all by 2015.

Objective: To attain reproductive health and reproductive health rights.

The Beijing Women's Conference, 1995

Goal: Establish better health facilities and reproductive health rights.

Objective: To establish women socially, economically and politically.

Convention on Elimination of All Forms of Discrimination against Women (CEDAW),

Article 12:

Goal: Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care.

Scope: This covers reproductive health, access to health care services including informed choice of family planning methods.

The Constitution of Bangladesh

- *Article 15:* To secure for citizens the basic necessities of life including medical care.
- *Article 18:* To raise the level of nutrition and the improvement of public health.
- *Article 28 (4):* Empowers the state to make laws in favor of women or children or for the advancement or any backward group of citizens.
- *Article 32:* Ensures the right to life which means the right to a healthy life.

National Health Policy, 2000

Goal: Facilitate more reproductive health medical benefits.

Policy Principles & Objectives: To ensure proper and adequate health, nutrition and reproduction services; to promote family planning programmes which take more effective and dynamic measures to attain the objectives of a replacement level of fertility; to make family planning programmes more acceptable, accessible and effective for poor and low income groups; to apply proper and adequate human resources to make family planning and health management answerable and cost-effective.

National Population Policy 1976

Agenda: Family Planning is needed to reduce the growth rate of the country and to regulate family size to ensure better (reproductive) health for women and children and a higher standard of living and welfare of the family.

Paurashava Ordinance, 1977

Sections 69 and 70: Every Paurashava is responsible for the promotion of public health which includes reproductive health and family planning.

Local Government (Union Parishads) Ordinance, 1983

Section 30: The UP Chairman shall adopt and implement schemes to develop health, including family planning.

All City Corporation Laws

Promote public health including education in health and adopt the necessary measures to promote the health and welfare of women, infants and children.

The National Women Development Policy 1999

Agenda: To consider the reproductive health rights of women while formulating and implementing population planning. It also ensures equal rights of men and women in deciding matters relating to family planning and child bearing.

5.7 PENALTIES OR SANCTIONS

Fundamental rights – Articles 28 and 32 of the Constitution are binding upon the state to ensure these rights. If these rights are violated or if any statutory agency neglects to perform its statutory obligation any aggrieved person can file a writ petition under Article 102 of the Constitution.

5.8 RESPONSIBLE OR ENFORCING AUTHORITIES

The *Ministry of Health and Family Planning*, (MoHFP) is the implementing authority for international commitments and the *Ministry of Women and Children's Affairs* is responsible for implementing the right to a healthy life.

At the national level the *Mayor* of his/her respective *City Corporation* is responsible to promote public health, as is the *Commissioner* in the Paurashava. Under the Upazila Parishad Act, 1998 the *Upazila Parishad* must ensure services regarding family planning and initiate programs for the welfare of women. All *Union Parishads* under the *Local Government – Section 30, Union Parishads Ordinance, 1983* is responsible for the promotion of family planning. According to the Gram Sarkar Act, 2003 Section 16, sub section 1, clause the *Gram Sarkar* must assist in the implementation of family planning programs and submit a regular report to the *Union Parishad*.

Expected Behavioral Changes from Stakeholders

Stakeholder	Behavioral Change	Benefits
<ul style="list-style-type: none"> Women of reproductive age 	<ul style="list-style-type: none"> Ask questions about their reproductive health and seek information regarding services 	<ul style="list-style-type: none"> Freedom and ability to make informed decisions about family planning Better reproductive health Control over her own body
<ul style="list-style-type: none"> Health service providers 	<ul style="list-style-type: none"> Inform people about different options and consequences for family planning 	<ul style="list-style-type: none"> Better service provision as clients will be more informed
<ul style="list-style-type: none"> Family members 	<ul style="list-style-type: none"> Learn about reproductive health care and options Support and encourage a woman's right to understand her options and participate in family planning decisions 	<ul style="list-style-type: none"> More healthy and happy family

6. ISSUE: ACCESSIBLE AND ALL-INCLUSIVE EDUCATION

Summary Card English

Summary Card

Accessible and All-Inclusive Education

What is the problem we are hoping to solve?

Many children who are disadvantaged, whether by their socio-economic status, ethnicity, religion or physical disability, are not given equal and fair opportunities or access to education or in the classroom.

What are some of the reasons for this problem?

Disadvantaged or physically challenged children frequently suffer from low self esteem and are reluctant to enroll in school due to fear of the unknown or inability to learn. Often they are not encouraged by their families. Teachers do not have the knowledge, training or materials to address their needs. Schools often lack the physical facilities to accommodate all children.

Relevant Right:

All children have an equal right to education.

What is our key message?

Education should be available and accessible to all children regardless of their physical, social, cultural, gender, ethnic or other disadvantages.

What national or international laws or government policies and directives address this issue?

- (a) Dakar Declaration
- (b) Millennium Development Goals (MDGs)
- (c) Convention of the Rights of the Child (CRC)
- (d) Children Policy 1994, PRSP, Primary Education (Compulsory) Act 1990
- (e) National Plan of Action for Education for All (NPAEA) 2002-2015

What are the penalties/sanctions for going against this law or policy?

Discrimination is prohibited according to Article 28 of the Constitution. Under this any person aggrieved of this fundamental right has the right to move to the High Court Division, invoking writ jurisdiction as stated in Article 102, for the enforcement of his/her fundamental right (Article 44). Every member of the Compulsory Primary Education Committee who fails to fulfill his/her duty will be punished with a fine of BDT 200 (two hundred taka) only. If a guardian fails three times consecutively to comply with the direction given by the Committee, s/he will be punished with a fine of BDT 200 (two hundred taka) only.

Who is responsible for enforcement?

Ministry of Primary and Mass Education, MoPME, Ministry of Women and Children's Affairs (MoWCA), Compulsory Primary Education Committee are responsible for enforcement.

Summary Card Bangla

সার সংক্ষেপ সকলের জন্য উন্মুক্ত ও সার্বজনীন শিক্ষা

আমরা যে সমস্যার সমাধান করতে চাই:

অনেক শিশু যারা তাদের আর্থ-সামাজিক কাঠামো, শ্রেণী, ধর্ম, বর্ণ বা শারীরিক অক্ষমতার দরুন প্রতিকূল/অসুবিধাজনক অবস্থানে রয়েছে, তাদেরকে কোনধরনের শিক্ষা বা শ্রেণী কক্ষে অন্যদের সমান বা অবাধ কিংবা ন্যায্য সুযোগ দেয়া হচ্ছে না।

এই সমস্যা বিরাজ করার কারণ:

প্রতিকূল বা শারীরিকভাবে সমস্যার সম্মুখীন শিশুরা প্রায়শ হীনমন্যতায় ভোগে এবং না জানার ভয় বা শিথতে না পারার কারণে স্কুল বিমুখ হয়ে পড়ে। এমনকি তারা তাদের পরিবার থেকেও কখনো উৎসাহ পায় না। শিক্ষকদের কাছে এ ধরনের শিশুদের অভাব/চাহিদা পূরণের জন্য প্রয়োজনীয় জ্ঞান, প্রশিক্ষণ বা অন্যান্য উপকরণও নেই। এমনকি স্কুলগুলোরও সব ছাত্র-ছাত্রীদের বসতে দেওয়ার মত প্রয়োজনীয় কাঠামোগত সুযোগ-সুবিধাও নেই।

অধিকার:

শিক্ষার উপর সকল শিশুর সমান অধিকার রয়েছে।

আমাদের মূল বক্তব্য:

শিক্ষাকে শিশুদের শারীরিক, সামাজিক, সাংস্কৃতিক, লিঙ্গ, শ্রেণী বা অন্যান্য বিবেচনার উর্ধ্বে রেখে সব শিশুদের জন্য সহজলভ্য ও গ্রহণযোগ্য করে তুলতে হবে।

এই অধিকার সংক্রান্ত, আন্তর্জাতিক ও জাতীয় আইন, নীতিমালা বা নিয়মকানুন:

- (ক) ডাকার ঘোষণা
- (খ) মিলেনিয়াম ডেভেলপমেন্ট গোল্‌স্ (এম ডি জি)
- (গ) কনভেনশন অফ দি রাইটস অফ দি চাইল্ড (সি আর সি)
- (ঘ) শিশুনীতি ১৯৯৪, পি.আর.এস.পি, প্রাথমিক শিক্ষা (আবশ্যিক) আইন ১৯৯০
- (ঙ) সবার জন্য শিক্ষার জাতীয় কর্মপরিকল্পনা (এনপিএইএ) - ২০০২-২০১৫

এই আইন বা নীতিসমূহের বিরুদ্ধাচরণের শাস্তির বিধানগুলো কি?

বাংলাদেশের সংবিধান-এর ২৮ অনুচ্ছেদ অনুযায়ী পক্ষপাত/বৈষম্যমূলক আচরণ নিষিদ্ধ। কোন ব্যক্তি তার এই মৌলিক অধিকারের ক্ষেত্রে বৈষম্যের শিকার ও ক্ষুব্ধ হলে তার (নারী/পুরুষ) মৌলিক অধিকার (৪৪ অনুচ্ছেদ) বাস্তবায়নের জন্য ১০২ অনুচ্ছেদ অনুযায়ী উচ্চতর আদালতে রীট আবেদন করার অধিকার সংরক্ষণ করে। আবশ্যিক প্রাথমিক শিক্ষা কমিটির প্রত্যেক সদস্য (নারী/পুরুষ) তার দায়িত্ব পূরণে ব্যর্থ হলে শাস্তিস্বরূপ সে ২০০ টাকা জরিমানা/ক্ষতিপূরণ প্রদানে বাধ্য থাকবে। যদি কোন অভিভাবক পরপর তিনবার ধারাবাহিকভাবে কমিটি কর্তৃক নির্ধারিত পদক্ষেপ নিতে ব্যর্থ হন তবে তিনি (নারী/পুরুষ) শাস্তিস্বরূপ ২০০ টাকা জরিমানা প্রদানে বাধ্য থাকবেন।

এই অধিকার বাস্তবায়নের দায়িত্ব কার?

প্রাথমিক ও গণশিক্ষা মন্ত্রণালয় (এম.ও.পি.এম.ই), নারী ও শিশু বিষয়ক মন্ত্রণালয় (এম.ও.ডব্লিউ.সি.ডব্লিউ) এবং আবশ্যিক প্রাথমিক শিক্ষা কমিটি এই অধিকার বাস্তবায়নের জন্য দায়িত্বপ্রাপ্ত।

6.1 ANECDOTAL REFERENCE: RAJU DROPS OUT OF SCHOOL

Raju is confined to a wheel chair. The doors at his school are not wide enough for a wheel chair. He cannot stand up and reach the blackboard. Teachers are sympathetic but do not pay much attention to him. Raju dropped out of school after class III.

6.2 PROBLEM STATEMENT

Ten percent of children in Bangladesh suffer from some form of disability and only 22% of these children have access to education. There are 16 million school age children from ethnic communities in Bangladesh and only 23% of them attend school. Girls' enrollment is 10% less than that of the boys. Children who are disadvantaged, whether by physical disability, socio-economic background, gender, ethnicity or ability, are not given equal and fair opportunities to education. An inaccessible physical or cultural environment and structural designs unfriendly to physically challenged children deprive them of educational opportunities.

6.3 CURRENT SITUATION

Disadvantaged and challenged students are not motivated to enroll or stay in school because of low self esteem, unfamiliarity with the environment or culture at school and inability to learn. Teachers lack the knowledge and effective and adequate materials and resources to understand and address these children's needs. Teachers and parents are also unaware of the current government requirements to support challenged or disadvantaged children at school and no broad based initiative has been undertaken to inform them of the requirements of the government and what is needed to help include all children access education. Furthermore, little or no encouragement is given to those students to enroll in school. And when they do, they receive little assistance in the classroom.¹⁰

6.4 RELEVANT RIGHT

All children have an equal right to education.

6.5 KEY MESSAGE

Education should be available and accessible to all children regardless of physical, social, cultural, gender, ethnic or other disadvantage.

6.6 POLICY, LEGAL AND REGULATORY BASIS

Dakar Declaration & Millennium Development Goals (MDGs):

Specific provisions for achieving education for all.

The Convention of the Rights of the Child (CRC)

Bangladesh is a signatory to this Convention and ratified it in 1991.

Article 28: The Government recognizes the right to education and also accepts its obligation to provide facilities for free and compulsory education for all children.

¹⁰ Consider what has been done in the past and why it didn't work. Why didn't a message get out or properly delivered to an audience in a way that behavior change was made? The issue of inclusion still has yet to be properly addressed in Bangladesh. Currently, there are NGOs that provide services for children with disabilities, but mainstreaming children of ethnicity or disabilities into the classroom is yet to be broached.

Constitution of Bangladesh

Article 15: Considers education a basic necessity of life and one of the ‘fundamental responsibilities of the State to the citizens’.

Article 17: The State shall adopt effective measures for the purpose of – establishing a uniform, mass-oriented and universal system of education and extending free and compulsory education to all children to such a stage as may be determined by law...

Article 19: The State shall endeavour to ensure equality of opportunity to all citizens.

Article 28(1) (clause 2 of the Article): The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth. Women shall have equal rights with men in all spheres of the State and of public life.

(Clause 3 of the Article): No citizen shall, on grounds only of religion, race, caste, sex or place of birth be subjected to any disability, liability, restriction or condition with regard to access to any place or admission to any educational institution.

Article 28(4): The State can make special provision in favour of children.

Primary Education (Compulsory) Act 1990

Section 3: Primary education is compulsory for children between the ages of 6-10 years. Unless there is reasonable cause, the parents of children of this age shall be bound to send their children to primary school and no body should prevent any child from attending any primary school by engaging him/her in any work.

Section 5: Compulsory Primary Education Committee of every Ward, constituted under Section 4, shall be responsible to ensure the admission and attendance of every child in primary school and can take any step as it thinks fit or as directed by the Government. It shall prepare a list of children residing in the area highlighting the names of children whose admission in the primary school are compulsory and who are exempted from admission. Each year an amended list will be sent to the Primary Education Officer and schools situated within the two k.m. of the respective Ward. Every school Principal shall send a list of children admitted in his/her school in January and in each month s/he shall also send a list of children absent at least seven days in the last month. Where the Committee found that a child has not yet been admitted to a primary school without any reasonable ground or is absent for at least seven days in the last month without permission of the Principal, upon hearing the guardians and after necessary investigation, will direct in writing to get admission or attend the school within a specified time.

Children Policy, 1994

Objective: To ensure proper facilities for education of children, to ensure free and compulsory primary education for all children, to ensure free and compulsory education for girls up to class VIII.

National Education Policy 2003

Implementation of a uniform, mass-oriented and universal system of education and Primary education for all by 2015.

PRSP

Achievement of universal primary education is a prerequisite for PRSP.

National Plan of Action for Education for All (NPAEA) 2002-2015

Goals: Embraces all the goals of Education For All (EFA) for making education compulsory, accessible and all-inclusive. It encourages girls to participate, is pro-poor, and works toward targets on enrollment, dropout, completion and literacy.

6.7 PENALTIES OR SANCTIONS

Since *Article 28 of the Constitution* is a fundamental right, any person aggrieved has the right to move the High Court Division, invoking writ jurisdiction as stated in Article 102, for the enforcement of his/her fundamental right (Article 44).

Primary Education (Compulsory) Act of 1990

- If a Committee (Compulsory Primary Education Committee at the Ward level) fails to perform its duty, every member of the Committee will be punished with a fine of BDT 200 (Two hundred taka) only.
- If a guardian fails three times consecutively to comply with the direction given by the Committee, s/he will be punished with a fine of BDT 200 (Two hundred taka) only.

6.8 RESPONSIBLE OR ENFORCING AUTHORITIES

- *The Primary and Mass Education Division (PMED)* under the Ministry of Primary and Mass Education, MoPME is the primary government body responsible for the implementation of national and international commitments.
- *The Ministry of Women and Children's Affairs (MoWCA)* is responsible for implementing the Rights of the Child Convention.
- Department of Primary Education (DPE).
- Stakeholders including the *TEO/ATEO* at the local level, are directly involved.
- *The Compulsory Primary Education Committee* is the implementing authority under the Primary Education (Compulsory) Act, 1990. The members of this Committee are: one UP/Municipality Ward Member, as Chairman; two selected educated men; two selected educated women; selected Principal of a primary school as Secretary and all Principals of primary schools situated within the Ward.

Expected Behavioral Changes from Stakeholders

Stakeholder	Behavioral Change	Benefit
Parents	<ul style="list-style-type: none"> ▪ Make sure all their children attend school regardless of gender, disability or other disadvantage 	<ul style="list-style-type: none"> ▪ Children will be better educated and more independent
Teachers	<ul style="list-style-type: none"> ▪ Encourage all students to attend class and participate ▪ Give equal and fair attention to all students ▪ Accommodate their teaching and lessons to the needs of all the students in the classroom 	<ul style="list-style-type: none"> ▪ Increased professional capacity ▪ Better participation in the classroom ▪ Increased professional recognition
School Administrators	<ul style="list-style-type: none"> ▪ Support and encourage all students to attend school 	<ul style="list-style-type: none"> ▪ Increased professional recognition
Government Bodies	<ul style="list-style-type: none"> ▪ Provide the support and resources necessary so schools can serve all children regardless of their abilities or background ▪ Provide teachers with the training and materials needed to manage a diverse classroom and address the needs of all of their students 	<ul style="list-style-type: none"> ▪ Increased recognition by constituencies ▪ Professional and political prestige ▪ Better educated and more productive population
Communities	<ul style="list-style-type: none"> ▪ Support and encourage education for all members of the community 	<ul style="list-style-type: none"> ▪ A better educated and more productive community

7. ISSUE: EMPOWERMENT OF RURAL ELECTRICITY COOPERATIVE MEMBERS / OWNERS

Summary Card English

Summary Card

Empowerment of Rural Electricity Cooperative Members/Owners

What is the problem we are hoping to solve?

Each PBS has a Board of Directors made up of elected area representatives of the member-owners. The Board is responsible for overseeing the affairs of the PBS at the policy level. Selection of the Board of Directors is important. Unless a consumer or member-owner properly understands that s/he can and must exercise his/her power through the Board of Directors, s/he cannot make informed decisions with respect to electing his/her representatives to the Board. The member-owner must also recognize that the Board is accountable to the members.

What are some of the reasons for this problem?

Many consumer-owners are not aware or do not understand their right to select their own representative to the PBS Board of Directors or their right to hold that person accountable.

Relevant Right:

Consumers have the right to participate in the management of PBS

What is our key message?

PBS member-owners' have the right to choose through election and hold accountable the Board of Directors of the PBS.

What national or international laws or government policies and directives address this issue?

The Rural Electrification Board Ordinance, 1977 provides the legal basis for operation of the PBSs. REB-PBS Model By-laws state that "... the business and affairs of the Samity shall be administered by a Board of Directors which shall consist of not more than fifteen (15) Directors. ... Power of the Samity Board shall be exercised only by actions and determinations taken in a regular or specially called and legally held meeting of the *Samity Board*."

What are the penalties/sanctions for going against this law or policy?

The provisions written in the Rural Electrification Board By-Laws regarding the Board of Directors can be enforced. A consumer can take legal action as per its Constitution if the provisions as stated in the constitution of the PBS regarding the Board of Directors' responsibilities are violated.

Who is responsible for enforcement?

The Ministry of Energy and Mineral Resources (rural wing) is responsible for guiding and directing concerned agencies in matters relating to rural electrification. For the purpose of consumers' rights and duties, the REB and all PBSs are also responsible. The Board of Directors of the PBS is responsible for carrying out its functions as per the By-Laws and PBS Constitution.

Summary Card Bangla

সার সংক্ষেপ

পল্লী বিদ্যুত সমবায় সমিতির সদস্য/মালিকদের ক্ষমতায়ন

আমরা যে সমস্যার সমাধান করতে চাই:

প্রত্যেক পি.বি.এস.-এর নির্বাচিত সত্ত্বাধিকারি বা প্রতিনিধির মাধ্যমে তৈরী পরিচালক পরিষদ রয়েছে। বোর্ড নীতিমালার ক্ষেত্রে পি.বি.এস.-এর কর্মকাণ্ড তত্ত্বাবধানের জন্য দায়বদ্ধ। পরিচালক পরিষদের নির্বাচন এ ক্ষেত্রে গুরুত্বপূর্ণ। যদি না একজন ভোক্তা, সদস্য বা স্বত্ত্বাধিকারি যথাযথভাবে বুঝতে পারে যে, সে পরিচালক পরিষদের মাধ্যমে তার ক্ষমতা ব্যবহার করতে পারে, সে (নারী/পুরুষ) তার প্রতিনিধি নির্বাচনের ক্ষেত্রে তথ্যের ভিত্তিতে সিদ্ধান্ত গ্রহণ করতে পারবে না। মালিক/সদস্যকে অবশ্যই বুঝতে হবে যে বোর্ড/পরিষদ তার সদস্যদের কাছে জবাবদিহি করতে বাধ্য ও দায়বদ্ধ।

এই সমস্যা বিরাজ করার কারণ:

অনেক ভোক্তা/মালিক বুঝতে পারে না বা এ বিষয়ে সচেতন নয় যে পি.বি.এস.-এর পরিচালক পরিষদে নিজেদের প্রতিনিধি নির্বাচন তাদের অধিকার অথবা ঐ ব্যক্তিকে জবাবদিহি করানো তাদের অধিকার।

অধিকার:

ভোক্তাদের পি.বি.এস.-এর ব্যবস্থাপনা প্রক্রিয়ায় অংশগ্রহণের অধিকার রয়েছে।

আমাদের মূল বক্তব্য:

পি.বি.এস. মালিক/সদস্যদের নির্বাচন প্রক্রিয়ার মাধ্যমে প্রতিনিধি নির্বাচন এবং পি.বি.এস.-এর পরিচালক পরিষদকে জবাবদিহি করানোর অধিকার রয়েছে।

এই অধিকার সংক্রান্ত, আন্তর্জাতিক ও জাতীয় আইন, নীতিমালা বা নিয়মকানুন:

পল্লী বিদ্যুতায়ন বোর্ড অধ্যাদেশ, পি.বি.এস.-এর কার্যক্রমের আইনগত ভিত্তি নির্দেশ করে। ১৯৭৭ সালের আর.ই.বি.-পি.বি.এস. মডেল উপবিধি অনুযায়ী - ব্যবসা ও কাজের ক্ষেত্রে সামিতি সর্বোচ্চ ১৫ সদস্যের পরিচালনা পরিষদের মাধ্যমে পরিচালিত হবে। সমিতি পরিষদের নিয়মিত বা বিশেষ এবং বৈধ সভায় এর কর্মকাণ্ড দৃঢ়ভাবে পরিচালনা ও সিদ্ধান্ত গ্রহণের মাধ্যমে তার ক্ষমতা প্রয়োগ করবে।

এই আইন বা নীতিসমূহের বিরুদ্ধাচরণের শাস্তির বিধানগুলো কি?

পল্লী বিদ্যুতায়ন বোর্ডের উপবিধিসমূহে বর্ণিত ব্যবস্থাগুলো পরিচালনা পরিষদকে পরিচালনায় ব্যবহার করা যেতে পারে। পি.বি.এস.-এর সংবিধান অনুযায়ী এতে বর্ণিত প্রতিশ্রুতি ভঙ্গের ক্ষেত্রে একজন ভোক্তা এর পরিচালনা পরিষদের বিরুদ্ধে আইনগত ব্যবস্থা গ্রহণ করতে পারেন।

এই অধিকার বাস্তবায়নের দায়িত্ব কার?

জ্বালানী ও খনিজ সম্পদ মন্ত্রণালয় (গ্রামীণ শাখা) পল্লী বিদ্যুতায়নের সাথে সংশ্লিষ্ট এজেন্সিকে সঠিকভাবে দিক নির্দেশনা প্রদানের জন্য দায়বদ্ধ। ভোক্তাদের কর্তব্য ও অধিকার সংরক্ষণের কাজে আর.ই.বি. এবং সকল পি.বি.এস. সমূহ দায়বদ্ধ। পি.বি.এস.-এর পরিচালনা পরিষদ উপবিধি ও পি.বি.এস.-এর সংবিধান অনুযায়ী এর কার্যক্রম পরিচালনায় দায়বদ্ধ।

7.1 ANECDOTAL REFERENCE: MARIUM'S INDEPENDENCE

Two thousand people, mostly women, make baskets from date-leaf and straw in Jhikorgacha and Sarsa Upazila of Jessore District. Marium Begum is one of them. On average, a basket maker earns taka 3000 per month; some can earn as much as 7000-8000 taka per month. Most of their products are exported to Europe.

After being abandoned by her husband, Marium learned from a neighbor how to make baskets. The materials (date leaf and straw) were available locally at virtually no cost and so, with the use of an electric bulb she was able to produce enough baskets at night after finishing her daily work to add 600 taka per month to her income.

Marium's electricity at home was disconnected six years ago because she could not pay the bills. She is now working at her brother-in-law's house at a cost of 50 taka per month for the use of one bulb for up to 11 hours per night. The light allows her to produce high quality baskets and she is now earning about 2000 taka per month. Marium is thus able to survive and provide education for her children without support from her husband. She hopes also to save enough to get her electricity connection restored.

7.2 PROBLEM STATEMENT

Each Pally Biddhut Samity, Rural Electric Cooperatives, (PBS) has a Board of Directors made up of the elected area representatives of the member-owners. The Board is responsible for overseeing the affairs of the PBS at the policy level and working with the General Manager of the PBS on everyday business and administration.

The selection of the Board of Directors is an important issue of PBS management. In order to effectively support the development of PBS activities, member-owners need to understand the inherent meaning of the role of the Board of Directors. Unless a consumer or member-owner properly understands the PBS cooperative concept – where the members exercise their executing power through the Board of Directors — s/he cannot make informed decisions with respect to electing his/her representatives to the Board. The member-owner must also recognize that the Board is accountable to the member-owners.

7.3 CURRENT SITUATION

Many consumer-owners are not aware or do not understand their right to select their own representative to the PBS Board of Directors or their right to hold that person accountable.

7.4 RELEVANT RIGHT

Consumers have the right to participate in the management of PBS.

7.5 KEY MESSAGE

PBS member-owners' have the right to choose through election and hold accountable the Board of Directors of the PBS.

7.6 POLICY, LEGAL AND REGULATORY BASIS

Rural Electrification Board (REB) Ordinance, 1977

One of the functions of the Board is to organize the prospective consumers of electricity into formal and non-formal groups, such as PBS “... for the purpose of the execution and management of schemes and providing related services.” (clause g of Section 8). Another function is to prescribe by-laws for the Samities and other groups for their registration with the Board and to determine the manner of their functioning (clause h of Section 8).

REB-PBS Model By-laws/Article VIII / Samity Board / page 7

“... The business and affairs of the Samity shall be administered by a Board of Directors which shall consist of not more than fifteen (15) Directors. The Samity Board shall exercise all of the powers of the Samity except those which are by law or Rural Electrification Board By-Laws and the Electricity Act, 1910, with all amendments thereto or these By-Laws conferred or vested in the members of the Samity or reserved by the Rural Electrification Board. Power of the Samity Board shall be exercised only by actions and determinations taken in a regular or special called and legally held meeting of the Samity Board.”

7.7 PENALTIES OR SANCTIONS

The provisions written in the Rural Electrification Board By-Laws regarding the Board of Directors can be enforced. A consumer can take legal action as per its Constitution if the provisions as stated in the constitution of the PBS regarding the Board of Directors’ responsibilities are violated.

7.8 RESPONSIBLE OR ENFORCING AUTHORITIES

The *Ministry of Energy and Mineral Resources (rural wing)* is responsible for guiding and directing concerned agencies in matters relating to rural electrification. For the purpose of consumers’ rights and duties, the *REB* and all *PBSs* are also responsible. The *Board of Directors of the PBS* is responsible for carrying out its functions as per the By-Laws and PBS Constitution.

Expected Behavioral Changes from Stakeholders

Stakeholder	Behavior Change	Benefits
Member-owners of the PBS	<ul style="list-style-type: none"> ▪ Cooperate with the PBS management team ▪ Actively take part in the election of representatives ▪ Hold the Board of Director accountable 	Quality electric service at the lowest possible price
PBS Management Team	<ul style="list-style-type: none"> ▪ Cooperate with member – owners of PBS to address their electricity needs 	
REB	<ul style="list-style-type: none"> ▪ Disseminate information to member-owners about their rights and responsibilities regarding PBS 	

Note:

PBS	=	<i>Pally Bidyut Samity</i> , the Rural Electric Cooperatives
REB	=	Rural Electrification Board, a semi-autonomous government agency having overall responsibility of implementing the nation-wide rural electrification program through PBSs
Member-owners	=	The member-owners of the PBSs are the member as well as the owners of the PBSs.
PBS Board of Directors	=	Elected representatives of the member-owners of the PBS who are held responsible for overseeing the execution of the business of the PBS which is carried out by the General Managers of PBSs along with their staff.

8. ISSUE: CONVERSION OF RESERVE FORESTS TO KHAS LANDS

Summary Card English

Summary Card

Conversion of Reserve Forests to *Khas* Lands

What is the problem we are hoping to solve?

In many rural areas, government officials (from the Ministry of Lands, the Forest Department or Local Government) work to re-classify Reserve Forest (or other officially declared forest lands) as *khas* land. They do this by cutting or burning the forest, and then quietly requesting appropriate authorities reclassify the land. Once the land has been classified as *khas* land, it can be legally leased out.

What are some of the reasons for this problem?

Most local rural households are not aware of the distinction between *khas* lands and Reserve Forest lands in terms of tenure and of physical demarcation. They are also often unaware that land officials, sometimes with support from Forest Department officials, are working illegally to get Reserve Forest land reclassified as *khas* land.

Relevant Right:

Local communities have the right to stop reclassification of Reserve Forests to *khas* lands.

What is our key message?

Not only the government but the local communities can also practice their right to stop reclassification of Reserve Forests to *khas* lands.

What national or international laws or government policies and directives address this issue?

Environment Policy, 1992 directs the elimination of shrinkage and depletion of forest land and forest resources. National Land Use Guidelines, 2001 promotes the conservation of natural forest area, the proper implementation of Environment Policy, 1992 and the Forest Policy, 1994. The Forest Act, 1927 includes measures against fresh clearing in, removal of any timber from or unauthorized felling of any tree from the reserve forest and de-reserving (reclassification) of Reserve Forest lands.

What are the penalties/sanctions for going against this law or policy?

The penalty for fresh clearing, unauthorized felling on or removing timber from Reserve Forest lands is not less than six months and not more than five years and with a fine of up to 50,000 taka and not less than 5,000 taka and appropriate compensation as directed by the Court for any damage done.

Who is responsible for enforcement?

The Forest Department is responsible for any actions concerning the Forest Act, 1927.

Summary Card Bangla

সার সংক্ষেপ সংরক্ষিত বনাঞ্চলকে খাস ভূমিতে পরিবর্তন

আমরা যে সমস্যার সমাধান করতে চাই:

অনেক পল্লী এলাকায়, সরকারী কর্মকর্তারা (ভূমি মন্ত্রণালয়, বন বিভাগ অথবা স্থানীয় সরকার মন্ত্রণালয়) সংরক্ষিত বনভূমিকে (অথবা অন্য কোন সরকারী বনাঞ্চলকে) খাস জমি হিসেবে পুনরায় শ্রেণী বিন্যস্ত করে। তারা এ কাজটি করে বনভূমি কাটা বা পোড়ানোর মাধ্যমে এবং পরবর্তীতে নীরবে যথাযথ কর্তৃপক্ষের কাছে একে পুনরায় শ্রেণী বিন্যস্ত করার জন্য অনুরোধ করে। একবার যদি ভূমিকে খাস জমি হিসেবে শ্রেণী বিন্যস্ত করা যায় তখন এ জমিকে বৈধভাবে ইজারা দেওয়া যায়।

এই সমস্যা বিরাজ করার কারণ:

অধিকাংশ পল্লী এলাকার পরিবারগুলো খাস জমি ও সংরক্ষিত বনাঞ্চলের ভোগদখলের ক্ষেত্রে সময়সীমা ও ভৌগোলিক সীমানা নির্ধারণের ব্যাপারে সচেতন নয়। এমনকি তারা এ বিষয়েও সচেতন নয় যে, অনেক ভূমি কর্মকর্তারা বন বিভাগের কর্মকর্তাদের সমর্থন পেয়ে সংরক্ষিত বনভূমিকে খাস জমিতে পরিবর্তনের জন্য কাজ করে।

অধিকার:

স্থানীয় সমাজ ও জনসাধারণের অধিকার রয়েছে সংরক্ষিত বনভূমিকে খাস জমিতে পুনর্বিन্যাস বন্ধ করার।

আমাদের মূল বক্তব্য:

শুধুমাত্র সরকারের নয় বরং স্থানীয় জনসাধারণও সংরক্ষিত বনভূমিকে খাস জমিতে পুনর্বিन্যাস বন্ধ করার অধিকার প্রয়োগ করতে পারে।

এই অধিকার সংক্রান্ত, আন্তর্জাতিক ও জাতীয় আইন, নীতিমালা বা নিয়মকানুন:

১৯০৫ সালের পরিবেশ নীতি বনভূমি ও বনজসম্পদের অবৈধ ত্রাসকরণ ও শূন্যকরণ বন্ধের নির্দেশ দেয়। ২০০১ সালের জাতীয় ভূমি ব্যবহার নির্দেশিকা, ১৯৯২ সালের পরিবেশ নীতি ও ১৯৯৪ সালের বনায়ন নীতি প্রাকৃতিক বনাঞ্চল সংরক্ষণকে উৎসাহিত করে। ১৯২৭ সালের বনায়ন আইন এ বনভূমি উজাড়, সংরক্ষিত বনাঞ্চল হতে যথাযথ কর্তৃপক্ষের অনুমতি ব্যতিত বৃক্ষনিধন অথবা সংরক্ষিত বনাঞ্চলের পুনঃশ্রেণী বিন্যাসকরণের ফলে সৃষ্ট ক্ষতির বিরুদ্ধে ব্যবস্থা গ্রহণের বিষয়গুলোও অন্তর্ভুক্ত।

এই আইন বা নীতিসমূহের বিরুদ্ধাচরণের শাস্তির বিধানগুলো কি?

বনভূমি উজাড়, যথাযথ কর্তৃপক্ষের অনুমতি ব্যতিত বৃক্ষনিধন অথবা সংরক্ষিত বনাঞ্চল হতে কাঠ সংগ্রহ এর শাস্তি হলো সর্বনিম্ন ৬ মাসের এবং সর্বোচ্চ ৫ বছরের কারাদণ্ড সাথে সর্বোচ্চ ৫০,০০০ এবং সর্বনিম্ন ৫০০০ টাকা পর্যন্ত জরিমানা এবং অন্য কোন ক্ষতি সাধনের জন্য আদালতের নির্দেশ অনুযায়ী যথাযথ ক্ষতিপূরণ প্রদান করা।

এই অধিকার বাস্তবায়নের দায়িত্ব কার?

১৯২৭ সালের বনায়ন আইন এর আওতাভুক্ত যে কোন কাজের জন্য বন বিভাগই দায়ী।

8.1 ANECDOTAL REFERENCE: KHAS LAND VS. RESERVE FOREST

The mid and late 1980s saw a scramble for wood resources and land within the Chunati Reserve Forest, near Cox's Bazar. Mature garjan and other hardwoods covered these hilly areas south of the then rapidly growing city of Chittagong. In 1986, the Government declared a large part of the Chunati Reserve Forest a Wildlife Sanctuary, further fueling tree felling and land conversion. During this period, hundreds of individuals proceeded to clear fell parts of the forest hills, and then made claims to the court that the land should be converted from Reserve Forest status to *khas* lands. In many cases, the courts have issued the required notices, and lands are taken from Reserve Forest lands and placed as *khas* lands. Many of these "docks" (or sites) within the Reserve Forest (now sanctuary) are then claimed by individuals who claim to hold leases for *khas* lands, although the terms by which they were "converted" from Reserve Forest to *khas* lands is unclear. This process of conversion in the local courts happens on a regular basis throughout the country.

8.2 PROBLEM STATEMENT

In many rural areas, Government officials (from the Ministry of Lands or the Forest Department or Local Government) work to re-classify Reserve Forest (or other officially declared forest lands) as *khas* land. They do this by cutting or burning the forest, and then quietly requesting the appropriate authorities reclassify the land. Once classified as *khas* land, the land can be legally leased. Rural dwellers are often hired for the forest destruction or conversion process, only to find later that use of the land for other activities will require payment to leasing authorities.

8.3 CURRENT SITUATION

Reserve Forests can provide a number of tangible benefits to rural households at no or little cost. But, once land is classified as *khas* land, lease payments are typically required for access to or use of the same land. The Forest Act of 1927 was designed to make it difficult to "de-Reserve" land or to clear or convert Reserve Forest, but few people are aware of the process. If local poor households were aware that forest lands from which they can benefit are being converted to lease-hold, they might act to stop such re-classification.

At the root of the problem are a number of associated causes. Local rural households are not aware of the distinction between *khas* lands and Reserve Forest lands in terms of tenure and of the physical demarcation. Even when aware of the differences between tenure regimes, rural people are often not aware of the relative difference in benefits they receive from Reserve Forests compared to converted *khas* lands.

Moreover, local households are often not aware that land officials, sometimes with support from Forest Department officials, may be working to get Reserve Forest land re-classified as *khas* land. Typically, local people do not know how to find out whether land had been legally re-classified. They just don't have the knowledge of these processes, and if/when they do obtain it, they hesitate to challenge those involved in making these decisions.

8.4 RELEVANT RIGHT

Local communities have the right to stop reclassification of Reserve Forests to *khas* lands.

8.5 KEY MESSAGE

Not only the government but the local communities can also practice their right to stop reclassification of Reserve Forests to *khas* lands.

8.6 POLICY, LEGAL AND REGULATORY BASIS

National Land Use Guidelines, 2001

Objective: to conserve natural forest area, proper implementation of Environment Policy, 1992 and the Forest Policy, 1994.

The Environment Policy, 1992

Directs the elimination of shrinkage and depletion of forest land and forest resources.

Forest Act, 1927

Section 26(1A): There can be no fresh clearing in, removal of any timber from or unauthorized felling of any tree from Reserve Forests.

Section 27: Any forest or any portion thereof reserved under this Act shall cease to be a reserve forest only after issuance of a gazette notification by the Government in this regard. Under the Forest Act, no leasing of Reserve Forest lands is allowed. Thus one needs to determine if the lands have in fact been de-reserved or not if they are already being leased.

8.7 PENALTIES OR SANCTIONS

The penalty for fresh clearing, unauthorized felling on or removing timber from Reserve Forest lands is not less than six months and more than five years and with a fine of up to 50,000 taka and not less than 5,000 taka in addition to the appropriate compensation for any damage done to the Reserve Forest as directed by the Court.

8.8 RESPONSIBLE OR ENFORCING AUTHORITIES

The *Forest Department* is the responsible authority for any actions concerning the Forest Act, 1927. Any fresh clearing or unauthorized felling on Reserve Forests requires the Forest Department to initiate legal proceedings.

Expected Behavioral Changes from Stakeholders

Stakeholder	Behavioral Change	Benefits
Forest Department Officials	<ul style="list-style-type: none"> ▪ Inform local communities about their implicit rights for fuel wood collection and other non destructive materials from local Reserve Forest Lands ▪ Help local people understand the terms of <i>khas</i> lands and difference in terms of Reserve Forest ▪ Inform local communities of different land boundaries and provide FD maps ▪ Make official request from LGED to acquire maps of Reserve Forests as needed or requested by local community 	<ul style="list-style-type: none"> ▪ Sustainable Forest
Low Income Households that live next to Reserve Forests	<ul style="list-style-type: none"> ▪ Work with FD to obtain clear land demarcation ▪ People will challenge land conversion processes 	<ul style="list-style-type: none"> ▪ Access to Reserve Forests for fuel wood and other non-destructive materials for household needs ▪ Access to social forestry opportunities ▪ No leasing payments ▪ Healthier and sustainable forest

9. ISSUE: BRICK FIELDS LOCATED IN OR NEAR RESERVE FORESTS

Summary Card English

Summary Card

Brickfields Located in or Near Reserve Forests

What is the problem we are hoping to solve?

In many places of the country, brickfields are established near Reserve Forests or other legally declared forests that also provide fuel wood and other benefits to people living in those areas. For brickfields in remote areas where gas is not available, the forest provides the cheapest and most accessible energy source. These brickfields consume huge quantities of fuel wood, reducing nearby forest cover and making it harder for the local people to find fuel wood.

What are some of the reasons for this problem?

Brickfield owners can act with impunity in establishing or maintaining brickfields next to forests because they have connection with high level officials or elites who have local political protection. Local people do not make any public objection in fear of retaliation.

Relevant Right:

The local community has the right to access and utilize forests for living.

What is our key message?

The local community has the right to access and utilize forests for living not brickfield owners.

What national or international laws or government policies and directives address this issue?

Among national policy instruments, the Environment Policy 1992, directs to reduce the use of fuel wood, agricultural residues to meet the energy need and stop shrinkage and depletion of forest land and forest resources. Brick Burning (Control) Act, 1989 deals with brickfields setting clear limits to location, issuance of license, height of chimneys etc. Saw Mills (license) Rules, 1998 says no saw mills shall be established within the 10 km of any reserved or other kind of forests. Environmental Conservation Act, 1995 further reinforces the verification processes for establishing brick fields.

What are the penalties/sanctions for going against this law or policy?

Brick Burning (Control) Act presents imprisonment for not more than one year or with fine not more than 50,000 Taka, or with both. Moreover, on court's decision confiscation of bricks and fuel wood can be done. Saw Mills (License) Rules, 1998 present penalty of maximum three years imprisonment and also with fine not exceeding 10,000 taka. An offence for not obtaining an environmental clearance from DOE is punishable with no more than three years of imprisonment or with a fine not to exceed 3 Lac taka or with both under the Environment Conservation Act, 1995.

Who is responsible for enforcement?

Ministry of Environment and Forest, the District Commissioner for granting license to brickfields, Forest Department for Reserve Forest lands themselves, forest officers at the local level, conservator of Forests in FD for an area for establishing new Reserve Forests, Committee formed under section 4(3) and persons mentioned in section 6, Brick Burning (Control) Act for investigation on brickfields.

Summary Card Bangla

সার সংক্ষেপ

সংরক্ষিত বনাঞ্চলের কাছাকাছি বা মাঝে ইটের ভাটি স্থাপন

আমরা যে সমস্যার সমাধান করতে চাই:

দেশের অনেক স্থানে, সংরক্ষিত বনাঞ্চল বা বৈধ ঘোষিত বনাঞ্চল যা থেকে ঐ অঞ্চলের বসবাসরত লোকজন জ্বালানী ও অন্যান্য সুযোগ সুবিধা ভোগ করে থাকে, তার আশে পাশে বা মাঝখানে ইটের ভাটি স্থাপিত হয়েছে। দূরবর্তী অঞ্চলের ইটের ভাটির জন্য যেখানে গ্যাস সহজলভ্য নয় সেখানে বনাঞ্চলই সংস্থান করে সবচেয়ে সস্তা এবং সুলভ জ্বালানী। এই ইটের ভাটিগুলো কাছাকাছি বনাঞ্চল হতে প্রচুর পরিমাণে জ্বালানী কাঠ সংগ্রহ করে বনাঞ্চলকে নিঃশেষ করে। ফলে স্থানীয় জনগণের পক্ষে জ্বালানী কাঠ সংগ্রহ আরো কঠিন হয়ে পড়ে।

এই সমস্যা বিরাজ করার কারণ:

ইটের ভাটির মালিকরা বনাঞ্চলের পাশে ইটের ভাটি স্থাপনের পরও শান্তি থেকে রেহাই পায় কারণ উচ্চ পর্যায়ের রাজনৈতিক অফিসে এবং সরকারি কর্মকর্তাদের সাথে সক্রিয়ভাবে তাদের যোগসাজশ ও স্থানীয়ভাবে তাদের জন্য রাজনৈতিক (protection) সুরক্ষা বা আশ্রয় থাকে। স্থানীয় সাধারণ মানুষ পাল্টা আক্রমণের ভয়ে সাধারণত কোন ধরনের খোলাখুলি অভিযোগ করে না।

অধিকার:

জীবন ধারণের জন্য স্থানীয় মানুষের বনে প্রবেশের এবং তা হতে বনজ সম্পদ সংগ্রহ ও ব্যবহার করার অধিকার আছে।

আমাদের মূল বক্তব্য:

জীবন ধারণের জন্য স্থানীয় মানুষের বনে প্রবেশের এবং তা হতে বনজ সম্পদ সংগ্রহ ও ব্যবহার করার অধিকার আছে, ইটের ভাটির মালিকদের নয়।

এই অধিকার সংক্রান্ত, আন্তর্জাতিক ও জাতীয় আইন, নীতিমালা বা নিয়মকানুন:

জাতীয় নীতিমালার আওতায়, ১৯৯২ সালের পরিবেশ নীতি, জ্বালানী কাঠ এর ব্যবহার হ্রাস করে কৃষিপণ্যের অবশিষ্টাংশ দিয়ে প্রয়োজন মিটিয়ে বনভূমি ও বনজ সম্পদের সংকোচন ও শূন্যকরণ বন্ধের নির্দেশ প্রদান করে। ১৯৮৯ সালের ইট পোড়ানো (নিয়ন্ত্রণ) আইন, ইটের ভাটি স্থাপনে স্থান সংক্রান্ত সীমাবদ্ধতা, লাইসেন্স নবায়ন, চিমনির উচ্চতা ইত্যাদি বিষয়ে নির্দেশ প্রদান করা নিয়ে পর্যালোচনা করে। ১৯৯৮ সালের স'মিল (লাইসেন্স) বিধি, বলে যে, কোন স'মিল সংরক্ষিত বা অন্য কোন ধরনের বনাঞ্চলের ১০ কি.মি. এর মধ্যে স্থাপিত হতে পারবে না। ১৯৯৫ সালের পরিবেশ সংরক্ষণ আইন, ইটের ভাটি স্থাপনের ক্ষেত্রে তথ্য সত্যতা ও বাস্তবতা যাচাইয়ের প্রক্রিয়া আরো জোরদার করে।

এই আইন বা নীতিসমূহের বিরুদ্ধাচরণের শাস্তির বিধানগুলো কি?

ইট পোড়ানো (নিয়ন্ত্রণ) আইনে শাস্তিস্বরূপ সর্বোচ্চ একবছরের কারাদণ্ড বা সর্বোচ্চ ৫০,০০০ টাকা জরিমানা বা একত্রে উভয়ের বিধান রয়েছে। উপরন্তু আদালতের সিদ্ধান্তের উপর নির্ভর করে ইট ও জ্বালানী কাঠ বাজেয়াপ্ত করা যেতে পারে। ১৯৯৮ সালের স'মিল (লাইসেন্স) বিধি, এ শাস্তিস্বরূপ সর্বোচ্চ তিন বছর কারাদণ্ড এবং সর্বোচ্চ ১০,০০০ টাকা জরিমানার বিধান রয়েছে। ২০০৫ সালের পরিবেশ সংরক্ষণ আইন অনুযায়ী ডি.ও.ই. থেকে পরিবেশ পরিচ্ছন্নতা বিষয়ক ছাড়পত্র না নিয়ে এই আইনের লঙ্ঘন করলে শাস্তিস্বরূপ সর্বোচ্চ তিন বছরের কারাদণ্ড বা সর্বোচ্চ তিন লাখ টাকা অথবা একত্রে উভয়েরই বিধান রয়েছে।

এই অধিকার বাস্তবায়নের দায়িত্ব কার?

পরিবেশ ও বন মন্ত্রণালয় ইটের ভাটির লাইসেন্স গ্রহণের জন্য; জেলা প্রশাসক, বনবিভাগ সংরক্ষিত বনভূমির জন্য; বন কর্মকর্তা, স্থানীয় ক্ষেত্রে; নতুন বন সংরক্ষণের জন্য এফ.ডি.-এর বন সংরক্ষণ কর্মকর্তা; সেকশন- ৬ এর উল্লিখিত ব্যক্তিবর্গ ও সেকশন- ৪(৩) অধীনে গঠিত কমিটি যারা ইট পোড়ানো আইন অনুযায়ী ইটের ভাটি পরিদর্শনে দায়িত্বপ্রাপ্ত তারা এটি বাস্তবায়নে দায়বদ্ধ।

9.1 ANECDOTAL REFERENCE: MANAGING FORESTS WHOSE PREROGATIVE?

Just west of Whykeong town in the Teknaf peninsula is the northern border of the Teknaf Game Reserve and the southern border of a Reserve Forest. Between these two forest areas lie two brickfields. These brickfields rely almost entirely on wood from the Reserve Forest and the Game Reserve for fuel, so much so that the forest will soon be little more than a grass land. The Monipuri, Chakma and other communities in this area are traveling further and further to find fuel wood for their household needs. And even though these same communities are eligible to receive social forestry agreements in the Reserve Forest, and benefits from income related to the Game Reserve the situation of households gets grimmer in their search for fuel wood and with their loss of the Reserves. All while, the brickfield owners continue reaping rewards from their operations. Location of brickfields next to Reserve Forests was made illegal precisely to stop this sort of situation and to enable local poor to benefit from forests in a sustainable way rather than the brickfield's destructive damage of the forests.

9.2 PROBLEM STATEMENT

In many places of the country, brickfields are established near Reserve Forests or other legally declared forests that also provide fuel wood and other benefits to people living in those areas. If asked, brick field owners will typically state that they don't use any fuel wood, except for what is needed to start the kilns. For those brickfields in remote areas where gas is not available, their claims are usually false, since fuel wood is the cheapest and most accessible energy source. These brickfields can consume huge quantities of fuel wood, reducing nearby forest cover and making it harder for the local people to find fuel wood.

9.3 CURRENT SITUATION

The Brick Burning (Control) Act, 1989 prohibits establishment or presence of any Brickfield within a three kilometer perimeter of any Reserve Forest or other declared Forests. Many brickfields are placed next to such Forests precisely because the Forests provide an easy source of fuel for their kilns – exactly the problem the Law was designed to stop.

Those same Forests under threat from these brick fields can or already do provide essential goods and services to low income rural households. Reserve Forests can be used for social forestry activities, benefiting low income households. They can be sources of fuel wood for households. They also provide important environmental system services such as regulation of the local hydrological system. Unfortunately, few rural households know what can be done to remove the brickfields, or to stop them from being established. Few even know the brickfields are illegally placed.

Brickfield owners act with impunity in establishing or maintaining brickfields next to forests because they usually have high level and local political protection. In most cases, the ownership of brickfields located next to Reserve Forests is easily determined. In spite of that, local people expect to face retaliation if they make any public objection to such well connected powers, even if they are promoting adherence to the existing laws.

9.4 RELEVANT RIGHT

The local community has the right to access and utilize forests for living not brickfield owners.

9.5 KEY MESSAGE

The local community has the right to access and utilize forests for living not brickfield owners.

9.6 POLICY, LEGAL AND REGULATORY BASIS

The Environment Policy, 1992

- *Clause 3.4.2* - Directs to reduce the use of fuel wood, agricultural residues to meet the energy need.
- *Clause 3.7.3* - Directs to stop shrinkage and depletion of forest land and forest resources.
- *Clause 3.7.4* - Speaks of developing and encouraging use of substitutes of forest products.

Brick Burning (Control) Act, 1989

- *Section 4(5)* - No brickfields shall be located within 3 kilometers of Reserve Forest, Protected Forest, Vested Forest, Acquired/Notified Forest. Any brick field already situated within this should be relocated to a suitable place within the specified time limit failing which the license will be cancelled.
- *Section 5* - "The use of fuel wood in any brick kilns" is prohibited.
- *Section 4(3)* - An investigation should be conducted prior to granting of any brick field license. The investigation is to be done by a Committee where a person (not below the rank of Additional District Commissioner) nominated by the Deputy Commissioner(DC), an officer of the Forest Department (FD) where there is no officer of the Department of Environment (DoE), Upazila Health Administrator, and Union Parishad Chairman are represented.
- *Section 6* - Inspection is to be carried out from time to time by any officer authorized by the DC, an officer (not below the rank of Assistant Conservator of Forest) of FD or DoE or Chairman of Upazila Parishad, whether fuel wood is used or not. If any fuel wood is found, the same along with bricks are liable to be seized. If any brick field is established without any license, all apparatus, bricks and other things found in it will be seized.

Notification dated 20 Oct 2002 under this Act

The height of chimneys to brick kilns should be a minimum of 120 feet. Without getting environmental clearance from the DoE, no license can be granted by the DC. Also no license will be renewed unless getting environmental clearance from the DoE. In the hill districts, after doing local investigation, respective district administration and Divisional Forest Officer will decide the place for establishment of brickfields.

Saw Mills (license) Rules, 1998

Rule 8 - No saw mills shall be established within the 10 km of any reserved, protected, vested or any government owned forest.

Environmental Conservation Act, 1995

An environmental clearance certificate is required from the Department of the Environment for activities such as brickfields. Some brickfield owners may claim to have an environmental permit granted by the Department of the Environment under the Environmental Conservation Act, 1995, but such a permit would in any case be invalid if it had been granted within the boundaries specified by the Brick Burning Act.

9.7 PENALTIES OR SANCTIONS

Brick Burning (Control) Act

Section 7 - The violation of any provision of the Act or Rules made there under, is punishable with imprisonment for not more than one year or with a fine not more than 50,000 Taka, or with both. Also, confiscation of bricks and fuel wood is done if decided by the Court.

Saw Mills (License) Rules, 1998

If the provisions are violated, the penalty will be a maximum three years imprisonment and also with a fine not exceed 10,000 taka.

Environment Conservation Act, 1995

Section 15(8) - Offence for not obtaining an Environmental Clearance from DOE is punishable with no more than three years of imprisonment or with fine not to exceed 3 Lakh taka or with both.

9.8 RESPONSIBLE OR ENFORCING AUTHORITIES

Reserve Forest is a Government property and *Ministry of Environment and Forest* is primarily responsible to protect it.

For the purpose of granting license of brickfields, the *District Commissioner* is the responsible authority.

Reserve Forest lands themselves are explicitly under the authority and jurisdiction of the *Forest Department*.

At the local level, all *forest officers* are responsible.

The responsible authority at the FD concerning establishment of new Reserve Forests is the relevant *Conservator of Forests* for that area.

For the purpose of investigation regarding brickfields, the responsible authority is the Committee formed under Section 4(3) and persons mentioned in Section 6 of the Brick Burning (Control) Act.

Expected Behavioral Changes from Stakeholders

Stakeholder	Behavioral Change	Benefits
Low income fuel wood consuming households near Reserve Forests and Brickfields and other members of the local communities in/near Reserve Forests	<ul style="list-style-type: none">▪ Make themselves aware of the exact location of the brickfield vis-à-vis the Reserve Forest▪ Bring pressure to bear on local authorities, armed with maps and facts, through inquires, community mobilization and if necessary court action	<ul style="list-style-type: none">▪ Greater quantity of fuel wood available from forests near people's homes▪ Social forestry opportunities¹¹ for longer lasting and more beneficial returns from the Forests▪ On-going and longer lasting ecological services provided by the forest

¹¹ Social forestry refers to the making of agreements between the Government and local citizens under whom individuals or groups protect forest in return for the right to benefit from agreed upon uses of forest resources from the protected areas.