

Study on the Necessity and Importance of Hindu Marriage Law

Research Team

Dr. Meghna Guhathakurta – Research Advisor
Dr. Md. Korban Ali – Research Advisor
Sipra Goswami – Legal Analyst
Md. Saidur Rahman – Project Coordinator
Babul Chandra Sutradhar – Field Supervisor
Manasi Chakma – Field Supervisor
Sabita Rani Halder – Field Supervisor
Beauti Halder – Field Supervisor
Rakhi Saha – Research Assistant
Purnima Modak – Research Assistant
Jharna Bepery – Research Assistant
Israfil Bepary – Research Assistant
Nusrat Jahan Chowdhury – Research Assistant
Biplob Das – Research Assistant

**Research Initiatives, Bangladesh, Dhaka
With
Manusher Jonno Foundation (MJF), Bangladesh**

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A Poem

A father asks his daughter:
Study? Why should you study?
I have sons aplenty who can study.
Girl, why should you study?
The daughter tells her father:
Since you ask, here's why I must study.
Because I am a girl, I must study.
Long denied this right, I must study
For my dreams to take flight, I must study
Knowledge brings new light, so I must study
For the battles I must fight, I must study
Because I am a girl, I must study.
To avoid destitution, I must study
To win independence, I must study
To fight frustration, I must study
To find inspiration, I must study
Because I am a girl, I must study.
To fight men's violence, I must study
To end my silence, I must study
To challenge patriarchy I must study
To demolish all hierarchy, I must study.
Because I am a girl, I must study.
To mould a faith I can trust, I must study
To make laws that are just, I must study
To sweep centuries of dust, I must study
To challenge what I must, I must study
Because I am a girl, I must study.
To know right from wrong, I must study.
To find a voice that is strong, I must study
To write feminist songs I must study
To make a world where girls belong, I must study.
Because I am a girl, I must study.

~Kamla Bhasin

This poem originally appeared on peacexpeace.org

Abbreviations and acronyms

BA	Bachelor of Arts
BBS	Bangladesh Bureau of Statistics
GDP	Gross Domestic Product
GPRB	Government of the People's Republic of Bangladesh
HSC	Higher Secondary Certificate
MA	Master of Arts
MJF	Manusher Jonno Foundation
NGO	Non-Government Organization
NHRC	National Human Rights Commission
RIB	Research Initiatives, Bangladesh
SSC	Secondary School Certificate
UP	Union Parishad

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Executive summary

The objective of the study is to find out the prevalence of discrimination and violence against women in Hindu Community due to the absence of Hindu Marriage Law in Bangladesh. The study was conducted in seven divisions of Bangladesh. A quantitative survey was conducted on a sample of 936 people from the Hindu community were interviewed in the 7 divisions through selective random sampling. Out of these 756 (80.8%) were women, and 180 (19.2%) men. The sample size was equally divided between rural and urban areas (50% each). Qualitative data was gained from 36 case studies of women victims and 9 regional workshops with the local civil society.

The main findings of the research was that (a) a majority of women respondents (52.7%) admitted to torture on self, while most men were silent about witnessing violence against women in their own homes or families; (b) 91.3% respondents demanded compulsory marriage registration system out of which 74.5% were women. 61.1% of the responding men alone think that women are facing discrimination or torture due to absence of binding marriage registration law and 88.3% of the men alone think compulsory marriage registration law is a need; (c) With regard to attitude towards divorce a majority of women 29.2% of women wanted provisions for divorce, while 28.20% sought justice for torture, 26.30% wanted separation and 26.1% wanted independent existence. In comparison, 26.7% of men wanted divorce provisions, none wanted to seek justice for torture. 26.70% wanted separation and 28.3% wanted independence of women; (d) 70.4% of the total respondents are not happy with the existing Hindu family laws for properties for women

The case studies and workshop findings demonstrated and substantiated the sufferings of women due to systematic domestic violence, and linked it up with the absence of marriage registration, dowry practices, absence of divorce and maintenance provisions, and also lack of women's inheritance.

Recommendations from the research stressed the need for greater social awareness by consolidating, strengthening local support groups and innovating mechanisms with broader outreach. A step by step legal reform package was suggested as well as critical research on gender ideology and patriarchal values that will help us to understand the social dynamics at work with regard to the linkages between dowry practices, early marriages, lack of inheritance for women, domestic violence and the absence of legal reform in Hindu personal law.

Study on the Importance and Necessity of Hindu Marriage Law

1. INTRODUCTION

1.1. BACKGROUND OF THE STUDY:

There is no binding law for marriage registration for the Hindu community in Bangladesh. This leaves room for oppression, deprivations and violations in various forms against women over decades, and even centuries. The sufferings of the women are mostly unexpressed and unheard. Patriarchal values combined with the conservativeness inherent in our society rather compound the situation, and pressurize women surrender to what are defined for and imposed on them by the family, society and the religious clerics. The precarious situations of the women – their rights violations, early marriage, denial of identity, lack of freedom of expression, practice of polygamy, abandonment of wives and absence of legal protection hitherto, and so on – are manifest in our legal system, which differentiates between criminal law and personal law. The first falls under the public domain, while the latter under personal law. Thus though the Constitution of Bangladesh as well as the legal provisions in favor of women rights protection obliges the State to stop violence and rights violations faced by the women in family and society, there are areas such as marriage, family and property rights that are defined by the respective religious traditions of each community.

The Constitution of Bangladesh provides for equality of opportunity for man and woman. Article 19 (1) states, “The State shall endeavor to ensure equality of opportunity to all citizens.” According to 19 (2), “The State shall adopt effective measures to remove social and economic inequality between man and woman and to ensure the equitable distribution of wealth among citizens, and of opportunities in order to attain a uniform level of economic development throughout the Republic.” Beyond the constitutional provisions, guarantees of equal rights between men and women do not extend to family matters, particularly to Hindu marriage impinging on the rights of the women. Personal laws existing in public sphere are related to family, marriage, divorce, custody of children etc. These matters are sanctified by religious law as per religion codes. Every religion does not see the rights of the women, particularly in marriage practices, with equality.

As regards Hindu marriage in Bangladesh, the Hindu communities still follow the British laws, and there has not been any development in legislations after 1947 in terms of Hindu marriage laws in Bangladesh. The Hindu Marriage Disabilities Removal Act 1946 allowed Hindu women to live separately from their husband, but this law did not allow them to remarry.

India has brought about major changes in its legislatures during 1950s, and has made marriage registration compulsory. Since 1955, India has implemented a uniform marriage registration law, by which women of all religions are protected when they get into a matrimonial relationship. In 1955, new Marriage Act was enacted in India whereby marriage system has totally been changed and polygamy given an end. Divorce system was also introduced. Section 13(1) of Hindu Marriage Act 1955 declares the right of divorce to both the parties on some grounds. Through the enactment of the Hindu Succession Act 1956, sons and daughters were given equal share on the demise of their father or mother while wife or husband was due for one third share. In 1991, the Indian Succession Act 1925 was amended. The amendment eliminates this discrimination against women and provides that both daughters and sons will receive equal shares in the property of both a female and male intestate.

The *Dayabhaga* system of Hindu Law that existed in East Pakistan, remained the same after emergence of Bangladesh till date. Family Court Ordinance, 1985 seeks to resolve legal disputes related to dissolution of marriage, restitution of conjugal relation, dower, maintenance, and guardianship and custody of children. Only when a Hindu woman solemnized by Special Marriage Act 1872, she can seek help from the ordinance. According to *Dayabhaga* law divorce is not possible except on a very limited ground of chastity of wife. But, what would happen if the husband is of immoral character has no answer. As per the law, only five classes of women inherit: wife, daughter, mother, father's mother, and father's father's mother. But these women inherit only when living, that is they are owners with limited rights and on their death the property would pass to the nearest male heir of the deceased male owner and not to the heirs of the female heirs.

The Hindu marriage is carried out with fire taken as a witness. The marriages are conducted according to the religious ritual, without any paper documentation and proof. The existing marriage ritual of the Hindu community, i.e., the *Shashtra* marriage is taken as a sacrament or religious duty, which continues even after death. Unlike the Muslim marriage, Hindu marriage is not looked upon as a contract, and so, the concept of divorce is also absent in Hindu community.

The Hindu communities in Bangladesh, particularly the Hindu women are not able to show their marriage registration, and thus, they face legal complexities in different sectors at home and abroad. The women fall victims to gender-based violence of different forms. The Hindu women cannot divorce their husbands even in dire need, and so cannot remarry legally. According to the rites and rituals of the religion, the women traditionally take their husband as part of their destiny, a woman's husband is her destiny no matter what. If the husband denies the marriage or abandons his wife, she cannot demand alimony. According to Hindu laws, men can remarry, and there is no legal complexity involved. A Hindu woman in Bangladesh on the other hand cannot seek divorce or maintenance even if her husband abandons her. The absence of marriage and inheritance laws makes the women vulnerable, and deprives her of fundamental rights of freedom and expression.

Manusher Jonno Foundation (MJF) has taken an advocacy initiative to review existing Hindu marriage practices. As a part of its advocacy for combating violence against women, MJF has collected 210 cases from its partners to primarily understand the discrimination and violence against women due to existing marriage practices in the Hindu communities in the light of the Hindu women's perception of their situation. As a follow up of this effort, Research Initiatives, Bangladesh (RIB) undertook to conduct a systematic study on the importance of Hindu Marriage Law. The current study focuses on the situations of the women – their rights violations, violence against women, early marriage, denial of identity, lack of freedom of expression, practice of polygamy, abandonment of wives and absence of legal protection hitherto, and so on – and seeks to find the linkage between violence against Hindu women and non-existence of a Hindu Marriage Law with inbuilt provisions for compulsory marriage registration and divorce.

1.2. OBJECTIVES OF THE STUDY

To find out the prevalence of discrimination and violence against women in the Hindu Community due to the absence of Hindu Marriage Law in Bangladesh

1.3. METHODOLOGY OF THE STUDY

Four types of methodology were employed in this study.

- (1) A national survey which also included inter-generational data
- (2) Case Studies based on one on one interviews
- (3) Local workshops to verify the findings*
- (4) Legal analysis*

* Findings from these sources informed the recommendations of the studies.

A total of 936 people from the Hindu community were interviewed in the 7 divisions through selective random sampling. Out of these 756 (80.8%) were women, and 180 (19.2%) men. The sample size was equally divided between rural and urban areas (50% each). A set questionnaire was administered relating to socio-economic profile, information on gender-based violence especially domestic violence, issues of early marriage, practice of dowry, attitudes towards, marriage registration, divorce proceedings and inheritance rights. Inter-generational data from the same households were also collected to understand generational differences in attitudes and response.

36 cases studies 5 from each division were constructed from one on one interview with women victims of domestic violence. A semi open-ended schedule was administered to ensure standardization of the interviews.

9 workshops were conducted after the completion of the survey with distinguished civil society members of the locality to verify and elaborate on the findings of the survey.

The areas including Paurashavas and Unions covered under the survey included:

District	Urban sample	Rural Sample (Union)
Bhola	Lalmohan Paurashava	Kalma Union of Lalmohan Upazila
Barguna	Barguna Parashava	Dauatala Union of Bamna Upazila
Chittagong	Patia Paurashava of Patia Upazila	Kelishahara, Suchakridandi and Brahmanpara Unions of Patia Upazila
Gopalganj	Kotalipara Paurashava	Radhaganj Union of Kotalipara Upazila
Kurigram	Raumari Sadar Union	Rajibpur Union
Madaripur	Madaripur Paurashava	Amgram Union of Rajoir Upazila
Narail	Narail Paurashava	Lohagara Union, Lohagar Upazila
Natore	Natore Paurashava	Bagatipara Union of Bagatipara Upazila
Sunamgonj	Jagannathpur Paurashava of Jagannathpur Upazila	Surma Union of Sadar Upazila

Limitations of the Study

Among the limitations of the study were first, the absence of a base line data relating to the Hindu community in Bangladesh since the census in Bangladesh do not have disaggregated data on the lines of religion and gender.

Secondly, the issue itself was delicate and sensitive to raise in many households, so extra care had to be taken to approach the issue with gentleness and diplomacy and hence much time was spent on rapport-building. Proper guidance to data collectors was a key factor in overcoming this problem.

1.4. REVIEW OF LITERATURE

The following literature survey provides a background to the current study.

Bangladesh belongs to what has been described as a belt of ‘classic patriarchy’ which stretches from northern Africa across the Middle East to the northern plains of the Indian sub-continent. The social structures in this belt are characterized by their institutionalization of extremely restrictive codes of behavior for women. What the

societies have in common are the practice of rigid gender segregation, specific forms of family and kinship and a powerful ideology linking family honor to female virtue. Men are entrusted with safeguarding family honor through their control over female members; they are backed by complex social arrangements which ensure the protection—and dependence—of women (Kabeer, 1988).

Articles 28 and 29 of the Constitution of Bangladesh declare the principles of non-discrimination on the basis of sex, caste, race, etc. Article 28 enunciates that the State shall not discriminate against any citizen on the grounds only of religion, race, caste, sex or place of birth and that women shall have equal rights with men in all the spheres of the State and of public life. It also empowers the State to make special provisions in favor of women or children or for advancement of any backward section of the society. The Government through the Women Development Policy 2011 claimed to strive for gender equality. For the purpose of women's human rights the reform of existing laws and, to the extent necessary, enactment of new laws are pledged (Huda, 2011).

Hindu women in Bangladesh are broadly subjected to three kinds of oppression; as members of patriarchal family, as members of a patriarchal society, and as members of patriarchal nation. Patriarchal Hindu structure of the society gives certain amount of commonality among different castes, especially in respect to marriage, divorce, and property inheritance systems. The inheritance laws of most Hindu people tend to be exclusionary with regard to women. Hindu women are deprived of equal rights due to the existence of the non-amended personal law, which does not allow equal rights of women in different aspects of personal life even though constitutionally women are bestowed with equal rights in the public domain. Patriarchal Hindu laws and patriarchy in general constrain Hindu women in their socioeconomic progress. It is the state's responsibility to dismantle the patriarchal structure that exists in overt and covert layers in the fabric of the society (Halim, 2011).

The National Human Rights Commission (NHRC, 2011) presented in their baseline survey that 74.3% of the respondents want both men and women to enjoy equal rights. According to their survey the women are facing several forms of problems in the community, which include, sequentially, problems of dowry (as answered by 46% of the 3632 respondents), poverty (37.7%), violence by husbands (35.6%), lack of health care (20.4%), and violence by family members (18.9%), physical violence (16.5%). Knowledge of laws that protect women from violence is low, with 68% of survey respondents unable to name any. When asked to identify the most prevalent forms of violence against women, survey respondents clearly identified violations related to dowry demands and domestic violence as the most common. The most common forms of violence against women are violation related to dowry demands (68.5%), beatings of husband or family members (62.5%), physical abuse (43.3%), sexual harassment including eve-teasing (20.3%), mental violence or cruelty (16.5%), sexual abuse (16.1%), economic violence (14.9%), and polygamous marriages (14.6%). While a legal framework exists to address violence by husbands and prosecute offenders, access to justice for victims is limited and beset with obstacles, including social pressure, feelings

of shame, perceived and actual discriminatory attitudes in informal and formal judicial systems, long delays in formal court systems, and geographical distance from legal services. A perceived belief that justice cannot be achieved and perpetrators will always go unpunished was reflected in the Focus Group Discussion (FGD) with survivors of domestic violence, where all participants as they would return to their husbands if given assurance that their violence will stop. They were prepared to risk further violence for the sake of their children, seeing no alternative beyond marriage to raise their children with dignity. Participants also found it difficult to speak out against abuse because of the shame of being left by their husbands. As regards dowry, majority of the respondents could not relate to the problem of dowry as a rights-oriented issue and this is clearly an area where awareness raising is required.

The Hindu married women face violence both physically and mentally by their husbands, parents-in-law, and members of in-law house. Such violence negatively affects women's body and mind, and makes them unmindful in household works. The domestic violence aggrieve women, but due to respect for the family, social outlook, absence of legal protection, and children's future, the women reel under abuses and torture, but cannot resist or break away from it (P. Jeffery and R. Jeffery, 1996). Violence against women results mainly from dowry, household work pressure, early marriage, polygamy, physical weakness, less education, and husband's relation with other etc.

Bates, Islam & Islam (?) saw a great potential for legal registration to protect married women. In the study it was found that women whose marriages were registered felt more secure because their husbands would be unlikely to abandon or severely mistreat them, fearing financial repercussions. Some cited cases in which women did receive compensation when their husbands' abandoned them, by filing a case against the man and his family or by threatening to do so.

Dowry has been one of the major reasons for violence on women in Bangladeshi society. The pace of dowry rise was so great in Bangladesh that by the 1990s, close to 80% of all rural marriages involved payment of dowry, and brideprice marriages have virtually disappeared (Amin and Cain, 1997). As recognized by Bates et al. (2004), dowry is commonly used as a tool of resource extraction and exploitation of the bride and her natal family. Within the backdrop of patriarchy, dowry, with its economic potential, provides husbands an incentive to divorce, abandon, abuse, and even kill wives so that the marital family can acquire yet another dowry when he remarries. Women who bring a dowry feel more entitled and are more assertive, thus provoking a violent response. It is true that in various contexts, research has found that men resort to violence when women's increased bargaining power challenges their sense of control and superiority. The association between dowry and wife abuse should be interpreted taking into account the patriarchal structures and ideology prevailing in the society, which interact with and influence inter-gender relations in the family and among married couples in particular. Patriarchal attitudes expressed in an inability to accept a wife's assertiveness, or in her enhanced bargaining power or in dowry demand, lie at the core of physical wife abuse. (Naved and

Persson, 2010). However, Naved, Azim, Bhuiya, and Persson (2006) reported a lifetime prevalence of spousal violence experienced by women of about 42%.

In Hindu law, marriage is regarded as an indissoluble union between husband and wife. So, neither party to a marriage can divorce the other. In Bangladesh, as mentioned by lawyer Nina Goswami, 'Hindu women do not complain much fearing the marriage will break. That fear grips them because divorced Hindu women find it hard to get remarried...' (Halim, 2011).

Hindu religionist and Professor of Culture and Pali Department of Dhaka University Dr Nirajan Odhikari pointed out that, marriage registration is as necessary as the babies' birth registration. It will be helpful if Parliament makes laws in this regard. A Hindu woman social worker, preferring anonymity, regrets, people in our country only think of the society. They forget that marriage registration is a right of women.' Lawyer Nina Goswami says, in fact, the Hindu women have no right in our country. But we have nothing to do... (Sanchita 2004, cited in Halim 2011).

The inheritance laws of Bangladeshi institutions for instance, since they concede male dominance in terms of rights and resources, simultaneously perpetuate and legitimize domestic violence against women by designating male right to control property, including women. The marital union is perceived to be everlasting, continuing even after the death of the parties. Following the ideal of marriage as a holy indissoluble union, dissolution of marriage is not legally permissible in Bangladesh, whatever may be the cause. As can be imagined, the lack of provision for divorce causes untold misery for the women and in some cases to men. Again, a Hindu man may potentially abandon or desert his wife/wives and marry several times. Financial reasons may be the reason for polygamy (Huda, 2011).

In practice, one of the main problems faced by Hindu couples is related to the proof of marriage. Bangladeshi Hindu law does not provide for registration of marriage and consequentially questions as to the existence of marriage may arise in various cases including those where on party, usually the husband, denies the fact of marriage (Huda, 2011). There have been women in the Hindu community, whose husbands had left them days back, but they could not track them legally due to absence of legal documents. Difficulty in proving the marriage lies in the cases of husbands denying the marriage, proving legitimacy of children, establishing rights to maintenance for the wife and children, criminal prosecutions such as dowry related cases, husband and wife being both government servants and wishing to be posted in the same district or area, obtaining pension upon the death of a Hindu husband, and obtaining visa for spouses. As regards indissolubility of marriage, Hindu husbands may simply desert one wife and marry another, and due to the lack of access to the legal system, a woman has little resource, in reality, of getting maintenance and so forth (Huda, 2011).

As regards maintenance (Huda, 2011), there is no question of post-divorce maintenance under Hindu law. The only relief is provided by an act of 1946 which allows for separate residence and maintenance of the wife. A Hindu woman faces discrimination as regards

her right to inherit. The Hindu daughter in Bangladesh is completely excluded in the presence of a son. When a man dies leaving only one or more daughters and no male issue such daughter (s) right to inherit is solely dependant on her/their having a son or being capable of giving birth to a son. In all cases, if and when a female inherits, she gets a limited estate. The Hindu women have absolute control in the case of *stridhan* property (gifts received by a woman). Over such property a woman has full power of disposal, and upon her death, it devolves on her own heirs.

2. ANALYSIS OF QUANTITATIVE DATA

2.1. PROFILE OF SAMPLE POPULATION

Composition and characteristics

A total of 936 people from the Hindu community were interviewed in the 7 divisions, of whom 756 (80.8%) were women, and 180 (19.2%) men. The sample size was equally divided between rural and urban areas (50% each). Majority of the women (20.9%) fell into the 18-26 years of age category, followed by 27-34 years category (17.1%), 35-42 years (16.8%), Above 50 years (15.1%), 43-50 years (9.8%), and below 18 (1.1%). Among the men, the majority were above 50 years category (8%), followed by 35-42 years (4.2%), 43-50 years (3.3%), 27-34 years (2.6%), and 18-26 years (1.2%). During the household interviews, men found were mostly the family heads, while the most senior women were also interested to talk themselves rather than allow the junior daughter-in-laws for interviews.

Among the interviewees, the majority was married (85.8%), followed by widow/widower category (9%), unmarried (3.3%), separated women (1.5%), divorced women (.3%), and abandoned women (.1%).

Among the women interviewed, mostly were housewives with agricultural activities (70.9%), followed by employees (2.7%), students (2.6%), day labors (1.4%), and other categories. Among the men, mostly were business people (10.1%), followed by students (3.5%), farmers (2.1%), employees (1.5%), and other categories.

Among the respondents 90.2% have children. Among the women, 73.9% were dependent, and 6.8% were the family heads, while among the men, 16.8% were family heads and 2.5% were dependent.

Among the total sample size, 77% were the Shudras, 9.4% Khatra, 7.4% Baishya, 5.1% Brahmin, and 1.1% other small groups. The small groups include, among others, Kashya, Alomaiya, Gangaputra, Shibgotra, Gautamgotra, Maichyadas, Singhamoni, Alambobai etc. who broadly fall in the Shudra category.

Among the family types of the respondents, mostly were the unitary family (63.5%), followed by extended category (26.3%), and joint category (9.8%).

As regards the level of education of the woman respondents, the majority were signature literate (16.2%), followed by illiterate (12.7%), class 5 (12.6%), class 9 (9.6%), SSC or equivalent (7.2%), class 8 (6.4%), class 7 (3.5%), HSC or equivalent (2.8), class 3 (2.1%), and class 4 (1.8%), BA or equivalent (1.4%), MA or equivalent (.4%), and of other levels. Their husbands level were also first class 5 (15.7%) and 15.5% signature literate and 13% illiterate. But 11.6% were SSC equivalent 9.95% were class 9 educated and 8.9% class 8 educated. We therefore see more men getting a higher education than their wives whereas in the lower level, both husband and wives were at par in education standards.

In contrast, among the male respondents, the majority were SSC or equivalent (3.6%), illiterate (2.4%), class 3 (2.1%), class 5 (1.8%), BA or equivalent (1.6%), and of other levels.

When the same sample was re-categorized (for the purposes of in-depth analysis) into Illiterate. Primary level (upto class V), Secondary Level (upto SSC) and Above SSC. We found majority of women respondents fall in the primary school level (33.70%), followed by secondary school level (29.6%, illiterate (12.7%) and finally above SSC (4.6%), while male respondents registered equally highest in the primary and secondary level category (38.5 and 38.8% respectively in primary and secondary level, a relatively higher percent than women in illiterate (15.1%) and above SSC category(7.40%).

In terms of district wise education, extreme low and high points corresponded to remote and central areas. For example, Bhola , Narail and Sunamganj registered higher level of respondents in the illiterate category, Chittagong, Madaripur and Natore registered in higher level of education. Needless to mention majority of the samples fell into the middle categories.

Socioeconomic profile of the respondents

As regards land possession of the responding families, the majority have no land (28.6%), followed by ≤ 10 decimals land category (27.1%), >10 and <50 decimals (20.2%), >100 and <200 decimals (10.3%), ≥ 50 and <100 decimals (8.2%), ≥ 200 and <300 decimals (1.3%), ≥ 800 and <900 decimals (.9%), ≥ 100 decimals (.9%), ≥ 300 and <400 decimals (.7%), of other categories.

As regards monthly average household income, the majority responding families earn ≥ 10000 Taka (40.3%), followed by ≥ 5000 and <7000 Taka category (24.7%), ≥ 7000 and <9000 Taka (15.3%), ≥ 3000 and <5000 Taka (12.3%), ≥ 9000 and <10000 Taka (3.2%), <3000 Taka (3.2%), and of other categories.

The monthly household income was re-categorized for analytical purposes into the following groups below, 300 taka, 300 to 7000 taka, 7001 to 10,000 taka and above 10000 taka . the majority of samples fell into the categories of 3001 to 10,000 together, followed by 40.20% in the above 10,000 category.

Among the responding women, 46% have some sort of properties of their own, which include land, jewelry, cash amount, cattle, furniture etc. Only 6 women (.8%) have land

provided by their father's family or brought with the money given by father's family or by selling of jewelry. Out of these 46% of women, 44.8% don't know whether they can use these properties without permission, 43.9% say they can, and 11.2% say they cannot.

As regards occupation of the husbands of the responding women, the majority of their husbands are small business people (30.3%), followed by employees (16.7%), farmers (13.4%), day labors (13%), handicrafts maker (6%), mason (4.6%), and other categories.

As regards level of education of the husbands of the responding women, the majority of their husbands were class 5 (15.7%), followed by signature literate (15.5%), illiterate (13%), SSC or equivalent (11.6%), class 9 (9.9%), class 8 (8.9%), HSC or equivalent (5%), class 7 (4.2%), BA or equivalent (2.9%), MA or equivalent (2.2%), and of other levels.

Analysis and Comment on the composition and socio-economic profile of the sample:

The trend and pattern evident in the above data is in line with the general pattern in the country. Interestingly enough our sample household tended to demonstrate more non-farm sources of income and the majority bracket earned more than Tk.10,000 per month, hinting that they were small traders and businessman or service, although the education level was still low. This was in keeping with the national trend which showed that agriculture constituted only 19% of the GDP (BBS, 2011; GPRB 2011) and that non-farm employment had increased over the years. The data also denotes that majority Hindu households were from the Shudra caste which is also in keeping with common knowledge (the national census do not enumerate population according to caste system anymore).

The general high rate of property among women (46%) has to be qualified by the fact that in Hindu jurisprudence, fixed assets such as land cannot be owned by women to the extent that they are transferable and also the fact that due to lack of inheritance right, women are allocated a part of the parents property as dowry for their marriage. But most women do not retain control over it after marriage.

2.2. SOCIAL ISSUES

About marriage and marriage system

While asked about how the women chose their bridegrooms for marriage, 87.2% said family chose and arranged their marriage, 4.2% chose on their own and then family arranged marriage, 5.4% married on their own out of their love relation. Of the women interviewed, 88.6% said they knew about their bridegrooms and gave consent to marriage, while 1.5% did not give consent to their marriage.

As regards the marriage system, 93.8% of the respondents were married through rituals, 1.8% were married though both law and rituals, while .4% were married only legally.

As regards age of the women respondents at marriage, majority of them were 15-17 years category (38.1%), followed by 18-24 years (36.2%), 11-14 years (17.1%), 25-30 years (3.4%), 6-10 years (1.7%), and below 5 years (.1%).

As regards age of the husbands of the responding women at marriage, majority of them were 25-30 years category (42.7%), followed by 18-24 years (37%), 31-40 years (13.4%), 15-17 years (2.4%), and 41-50 (1.1%).

When asked about their age at marriage, the majority responding men said they were 25-30 years (52.8%), followed by 18-24 years (25%), 31-40 years (12.8%), 15-17 years (3.9%), 11-14 years (.6%), and 41-50 years (.6%).

Among the respondents, only 2.5% said their marriage was registered, of them 1.3% in court, and the rest 1.2% in temple.

Current living place of women

Among the responding women, the majority (72.2%), were living with husbands, followed by the women living with husbands and in-laws (16.4%). 6.2% of them were living in their own parents' house, and 5.2% on their own.

2.1% of the responding women were living alone because of their husbands living abroad, 1.3% of the women are abandoned while their husbands got married again, while 1.2% of the women are driven away by their husbands.

About dowry

Majority of the women's parents (63.9%) had to give dowry during their daughters' marriage. 26.9% gave both money and materials, 23.8% gave materials only, and 13.2% gave money only. Practice of dowry is higher at Bhola (10.4%), followed by Chittagong (8.9%), Barguna (8.7%), Natore and Sunamganj (6.7%), Madaripur (6.1%), Gopalganj (5.7%), Kurigram (5.4%), and Narail (5.2%).

When asked what was taken as dowry during marriage, majority of the men (62.7%) did not admit that they had taken any dowry. However, 37.3% admitted that they received as dowry in either money or materials or both. Practice of dowry is almost equal in rural (17.2%), and urban (20%) areas.

For women respondents majority of the dowry given consisted of both money and materials, and interestingly enough it was not the illiterate who provided the most dowry, but those households having primary and secondary level education.

In terms of monthly household income category, majority of households who conceded dowry were in the 300 to 7000 bracket category. This indicated an interesting fact that dowry or rather demand was a strategy used on households who had lower levels of education but who had minimal accumulation of wealth, which made them vulnerable enough for extortion. Households with higher income perhaps had better standing in society and hence less prone to being extorted. For illiterate and very poor households,

there was very little accumulated wealth that could be extorted and hence the dowry conceded was also low.

89.2% of the total respondents know that there is anti-dowry law in the country.

Analysis and Comment on marriage practices:

The above data denotes that the sample chosen generally conformed to usual and conventional marriage practices. Majority of respondents had family arranged marriages through ritualistic ceremony. The average age of marriage for men was from 25 to 30, but for women they tended to be rather young i.e. 15-17 years and hence can be considered to be early marriages. A slightly less figure (36.2%) for women however was noticed in marriages between 18-24 yrs. There were exceptional cases of child marriage. The majority of women respondents also claimed their living place to be with their husbands (72.2%). With regard to dowry however, we see that despite the fact that 89.2% of the total respondents knew that there was an anti-dowry law in operation in the country, a majority of women's parents (63.9%) had to give dowry in the time of marrying their daughters. A large number of men denied taking dowry but about 37.3% admitted in taking dowry. The occurrence of dowry was more or less similar in urban and rural sectors.

2.3. ON VIOLENCE AGAINST WOMEN

Violence Against Women

Majority of the responding women (52.7%) narrated torture on self, while 22.3% narrated about their neighbors or friends, and 5.8% narrated about their family members or relatives. Majority of the men (15%) narrated torture on women in neighbors' or friends' houses, 2.4% about their family members or relatives, and 1.9% narrated about their own houses.

Majority of the respondents (53.3%) admitted that women were physically tortured. 38.5% of them said, women were tortured by their husbands, followed by their parents-in-law (10.4%), and members of in-law house (4.6%).

As regards mental torture on women, 68.7% of the respondents admitted such incidences. 48.9% said women were mentally tortured by their husbands, 14.4% said they were tortured by parents-in-law, while 5.8% by members of in-law house.

While asked about why women are physically or mentally tortured, majority of them (14.9%) said it was for money and works in the household, followed by 12.8% for family complicity, 11.9% for dowry, 8.4% for less education, 4.8% for relation (of husband or wife) with others, 4.4% for physical weakness or beauty, 3.2.% for early marriage and 2.1% for polygamy. On the other hand, majority of the men (4.7%) identified dowry as the main reason for torture on women, followed by 2% for less education, 1.5% for physical weakness, 1.4% for money and household works, 1.3% for relation with others, 1.2% for polygamy, 1% for family complicity and .9% for early marriage.

Most of the women (26.2%) who are physically or mentally tortured turn mentally depressed, followed by 7.1% turning inattentive in work or study, 6% turning unmindful in home and office works.

The respondents expressed that 7.8% of the husbands physically unfit, 10.3% mentally unfit, and 2.6% having contagious diseases.

Among the respondents, 2.4% said they don't know where the husbands of the tortured women were living.

In 9% cases, the husbands have married for the second time in presence of the first wife being abandoned or separated, while 6% husbands married before their current marriage.

In 7.8% cases, the responding women admitted that tortured women's husbands had relation with other women.

When asked whether the separated or abandoned women were receiving any maintenance costs from their husbands, mostly (9.9%) said no, and 1.9% said yes.

Response to the torture on women

While asked what would stop the abandoned and separated women, and the women whose husbands took second wife, if they want to remarry, 53.3% did not answer, 17.6% identified family and society as barrier, 17% identified as religion, 10.9% saw no barrier, and 3.3% think law does not allow remarriage.

Following torture, 55.8% women yielded to the torture by husbands or members of in-law house and remained silent, 12.5% of the women came to fathers' house, while 31.6% did not answer.

48.9% of respondents think the women want remedy for such torture on them, but cannot do so for a number of reasons. Majority of them (24.3%) said it was because family values does not permit it, followed by 15.4% for fear of having to go to father's house, 14.5% for not being independent, 11.2% for second marriage being difficult, 8.5% for society does not see it good, .2% for children's future, .1% for relatives don't want it, and .1% for daughter's future.

Arbitration or justice against torture

Following torture on women, the issue of torture in majority cases (22.8%) was taken to family members or close relatives, followed by 20.4% to the samaj (society), 12.5% did not want solution, 9.8% to the Union Parishad, 5.2% to the court, and 1.7% to legal aid agency or NGO.

51% of the women who sought remedy for torture on them, received any attention for solution, while 4.8% did not receive importance for their issue.

For improvement of the situation on torture on women, the respondents suggested a number of immediate and long-term steps. As immediate steps, the majority of the respondents (66.6%) look for mediation by family member or relatives, followed by

45.1% for mediation by neighbors or elderly, 32.6% for mediation by UP chairman or member, 17.3% for local arbitration, 12.6% for court action, 9.1% for compulsory Hindu marriage law, 7.9% for police action, 5.9% for further understanding between husband and wife, .4% see no way, and .3% suggest remaining silent.

As long-term steps to stop torture on women, the majority of the respondents (62.2%) suggested strict application of laws, followed by 38.1% looking for creation of self-dependence among women, 24.3% for creation of social awareness, 21.2% for establishment of equal gender rights, 10.7% for family education and value creation, and 7.4% for improvement of girls' education.

Following such torture, the women have taken different alternatives if they were capable enough. The majority of them (28.7%) would have asked for maintenance for self and children, followed by 26.5% choosing to do a job or study, 21.5% to seek justice under law, 14.6% to live separate or return to father's house, 11.8% to leave husband, and 1.4% to seek mediation and justice under law.

Family position about torture on women

While asked about family position on the torture on women, 31.3% of the respondents did not answer. In 30% cases family wants to solve such crisis, 26.4% do not see it something to be resolved, 11.1% do not give attention to it, and 1.4% rather try to drive the tortured women away.

Social outlook on torture on women

While asked about the response of the society elderly on torture on the women, the respondents said the majority (20.9%) want to solve the crisis through medication, while 14.4% of them take it as usual as happens in the family, 21.4% don't care for the crisis, and 2.6% give solution but don't watch the situation.

Analysis and Comment on Violence against Women:

Contrary to expected response a majority of women respondents (52.7%) admitted to torture on self, while most men were silent about witnessing violence against women in their own homes or families. Majority women admitted to physical torture (68.7%) and said they suffered from mental depression as a result of it. However the silence of women in doing anything about it was overwhelming. 55.8% women yielded to the torture by husbands or members of in-law house and remained silent, 12.5% of the women came to fathers' house, while 31.6% did not answer. Yet 48.9% of respondents think the women want remedy for such torture! The obstacles were mostly family and societal values. When they have sought justice, a large number went to family and friends for mediation. But as long term solution, the majority of respondents asked for proper and strict implementation of law. We thus see that greater social awareness must go hand in hand with legal intervention if this scourge is to come to an end. Counseling of both men and women were needed in addition to improving the outreach of legal mechanisms to remote villages and areas.

Summary Findings: Compulsory Registration

91.3% respondents demanded for compulsory marriage registration system out of which 74.5% were women.

61.1% of the responding men alone think that women are facing discrimination or torture due to absence of binding marriage registration law and 88.3% of the men alone think compulsory marriage registration law is a need.

2.4. NECESSITY OF (BINDING) MARRIAGE REGISTRATION

91.3% respondents demanded for compulsory marriage registration system although only 2.2% of the respondents faced some sort of trouble due to absence of marriage registration document. This indicated that there was a general impression that the benefits of the registration would largely outweigh the any negative impacts.

The respondents pointed at a number of advantages out of marriage registration system. The majority (52.5%) think it would stop denial of marriage, followed by 49% who think a present of document for marriage is needed, 40.6% think this would deliver justice if needed under law, 26.4% think it would stop polygamy, 24.9% who think this would strengthen family relation, 20.3% think it would make the men responsible, 19.2% think it would make (oppressive) husband afraid of 18.2% think it would make way for alimony, pension, and ease foreign visit etc., 11.4% think it would help arbitration if needed, and 9.2% think it would reduce early marriage.

93.5% of the respondents think there is no barrier from religion for a compulsory registration system.

When asked about whether there is any negative relation between marriage registration and law, the majority (54.7%) did not give direct reply. However, 21.3% think people will benefit out of registration, so religion will rather support it, 5.7% have fear of disrespecting rituals, 3.2% think law can stop existing trend of women repression when religion cannot do so, 1.8% think religion and law both mean to benefit people, 1.6% think people will not accept excuse of barrier from religion, 1.4% think this will not affect religion, .7% think religious practice will be less, .5% think this will disturb conjugal life, .3% think the priests may not comply.

93.5% of the respondents denied any negative social effect if a marriage registration system is to be effected

Majority of the respondents (83.4%) want wedding to be carried out by both legally and rituals. 2.7% want it legally alone, while 13.4% want it through rituals.

61.1% of the responding men alone think that women are facing discrimination or torture due to absence of binding marriage registration law. 88.3% of the men alone think compulsory marriage registration law is a need.

In terms of level of education, almost all categories among male and female respondents responded positively to compulsory marriage registration.. In terms of monthly income, higher income households for both female and male respondents voted in favor of compulsory marriage registration compared to lower income households.

The responding men are mostly in favor of the compulsory marriage registration law with a number of reasons stated as herewith. 42.2% of them think under this law women will be able to demand their rights, and will be saved from oppression, 26.1% think women will be able to take shelter, 13.9% think oppressed women will not tolerate oppression, 2.8% think women will be saved from dishonest husband through divorce, 3.3% think this law will remain a proof, a way for protest, legal protection and divorce in case of oppression.

10.6% of the responding men alone expressed that they are in a position to divorce their wives, but they cannot due to absence of rule.

When the question of marriage registration was raised to understand conservativeness among the men about law and perceived divorce, 80.6% of the men did not see that such law could influence divorce, while 16.7% thought it might, and 2.8% did not answer.

2.5. ABOUT PROVISION FOR DIVORCE

Summary Findings: Divorce

With regard to attitude towards divorce a majority of women 29.2% of women wanted provisions for divorce, while 28.20% sought justice for torture, 26.30% wanted separation and 26.1% wanted independent existence. In comparison, 26.7% of men wanted divorce provisions, none wanted to seek justice for torture. 26.70% wanted separation and 28.3% wanted independence of women.

10.6% of the responding men alone expressed that they are in a position to divorce their wives, but they cannot due to absence of legal provision.

When the question of marriage registration was raised to understand conservativeness among the men about law and perceived divorce, 80.6% of the men did not see that such law could influence divorce, while 16.7% thought it might, and 2.8% did not answer.

Majority of women in the income groups 3000 and above said they wanted divorce provisions, while those below 300 taka preferred justice against torture.

In terms of level of education, majority of women at the primary level asked for divorce provisions followed by those in the secondary level.

Analysis and Comments on Divorce:

Divorce is a sensitive subject to discuss in Hindu households as most tended to think that it was prohibited legally and socially. But despite that we saw a majority of women respondents (29.2%) opining that they would like to see this as a legal provision. A large number of male respondents (26.7%) also wanted to see divorce provisions enacted. But although a large number of women wanted to seek justice in case of torture, no men voiced such an opinion. Rather they gave the most votes for setting up the independence of women with work/study or job. Since no distinctive pattern came up on other parameters like education, family type or location, we can see that there is a gendered bias in the attitude towards divorce. This needs to be corrected through further social awareness.

2.6. INHERITANCE LAWS

Summary Findings: Inheritance Law

70.4% of the total respondents are not happy with the existing Hindu family laws for properties for women.

The reasons for not being happy with inheritance law are many. The majority (29.2%) think there cannot be two separate rules for two children of the same parents, followed by 17.4% who think women are more affected without property, 13.1% think women are deprived of properties from both parents and husbands, 2% think women's property rights would lessen oppression on them, 3.6% demand property from husbands, 2.5% want properties from parents, .7% want property rights as like the Muslim women.

Among the respondents 53.3% want both boys and girls to equally inherit properties from their parents. Women (44.2% out of 80.8%) are more in favor of equal rights for boys and girls than men (9.1% out of 19.2%) are.

There are a number of reasons shown by the respondents in favor of equal property rights for both boys and girls, which include: girls being parent's children require equal rights (40.0%), for social security (4.0%), to overcome negligence (4.0%), to establish women's self-reliance (2.9%), both the sons and daughters have equal demand (2.9%), without property, they are doubly deprived (2.9%), and to establish women's freedom of movement (.2%).

The respondents gave choices to property law to include: equal property rights for both sons and daughters (31.7%), 1 percent share from parents' properties (17.1%), equal rights of property from both parent's and husband's (14.1%), as sons protect family tradition, law should give priority to them (12.2%), equal share in husband's properties

(4.1%), property from husband's, not from parent's (3.1%), written government law like the Muslim's (2.6%), half of what brother gets (2.1%), and full rights in husband's properties (.3%).

In terms of education categories there were no significant difference among women respondents in their expression of dissatisfaction towards existing inheritance laws except perhaps that in the illiterate group about half said yes and in all other groups more than half said no.

In terms of income group it was interesting to note a rather high percentage of household in the above 10,000 taka bracket that said yes to existing systems of inheritance (11.3%) compared to other groups, although in the same group they were far outnumbered by women who said no(29%)

Analysis and Comments on Attitude to Inheritance Law:

Although the focus of the survey was on marriage registration and divorce the discussion of inheritance law also came into the picture as women who had problems in marriage was left nowhere to go because of lack of resources besides from their father's house. Women in Hindu family could claim only their dowry from their natal family and very few retained control over them after marriage. In case of violence it was often more important for them to seek maintenance (*bhoronposhon*) rather than seek a complete break from the marriage. Hence during a pre-testing of the questionnaire this issue was discussed in full details. Thus we find that a majority recorded their dissatisfaction over inheritance law. But at the same time when asked what kind of property rights they wanted, majority of respondents (31.7%) asked for equal inheritance between sons and daughters, and second came a 1 percent share (17.1%) This was a concept that was found mostly among very poor households who were left with no resources. They opined that at 1 per cent was better than nothing at all. 14.1% wanted equal share of property from father and husband and 12% opined that sons should be given preference since they protect the family.

From the above we can deduce that since inheritance law decides the gendered base of resource in the family and that majority thinks that it creates an imbalance in the status of women in the family and leaves her destitute in times of separation or divorce, it is important to factor in possible reforms of the law when discussing reform or enactment of a Hindu Marriage Act.

2.7. INTER-GENERATIONAL DATA

Although the main respondents in each household were either male or female, there was an attempt to survey in each household persons of another generation, older or younger to the respondent to gauge attitudinal differences in terms of generation. Here are some characteristic responses of the survey.

Majority of senior female respondents were above 50 and majority of junior female respondents were between 18-26. Majority of both groups were married and signature literate, though more senior persons were illiterate and more junior persons were SSC and equivalent.

Among the issues discussed were divorce, remarriage, steps to be taken on violence against women, marriage practices and inheritance.

On the immediate steps to be taken on issues of violence against women, Both groups were in favor of mediation by family relatives and neighbors and also equally by Chairman and members of Union Parishad. But younger members voted more for institutional processes such as village arbitration and court action while senior members emphasized on understanding between husband and wife.

On the long term steps, both categories emphasized almost equally for self-reliance of women and effective application of laws. Interestingly enough it was the senior group who favored establishment of equal rights (though they may have different notions of rights) and also increased education for girls. Younger generation placed emphasis on social awareness and family awareness and seniors placed emphasis on family values.

More seniors preferred to seek divorce while more juniors preferred to seek justice. Many more younger generation women emphasized study and career to offset divorce possibilities.

Equal amount of women across generations thought that law did not permit remarriage of the girl in case of divorce/separation. A large number of women (almost half) did not answer the question. More younger women thought there was no barrier to remarriage than older women, and more younger women thought family and society were the obstacles.

Both groups were in favor of the marriage registration act and a law for divorce provision and the majority in both groups did not think there would be any negative effects (though more younger women said no than older women). Majority in both groups said they wanted marriage to be carried out both religiously and legally.

Less younger women were happy with existing Hindu family laws than older women and more younger women said they wanted equal inheritance between boys and girls and more senior women said no.

Analysis and Comments on Intergenerational Data

From the above it can be seen that on very key issues such as violence against women, or marriage practices and divorce options there was not much difference in inter generational terms. However on issues that are less socially acceptable such as remarriage, or equal inheritance, younger generation raised their voices more. Younger generation tended to respond more pragmatically, taking into account the challenges of meeting social obstacles and barriers than the older generation who were often emotive in their response.

3. ANALYSIS AND COMMENTS ON CASE STUDIES

About 36 case studies were conducted in the 7 divisions of women who were direct victims of violence to find out the internal dynamics of the conditions, coping mechanisms, response and attitudes of these women towards the issues of compulsory registration of marriages and provisions/options for divorce and remarriage.

The following are some of the thematic highlights of these cases. It should be noted that all these themes feature in an interrelated way in each case study.

3.1. Physical and mental violence

Since all our interviewees were chosen as victims of violence, all cases registered physical and mental abuse by husbands and/or in laws. The nature and range of physical abuse varied from systematic beating and mental abuse to even hitting and denying food and nutrition to pregnant mothers. One young woman said that when she was attacked she used to run and hide in the jungle. One woman was hit regularly even while pregnant and was not given food and proper medical care. When her son was born, naturally undernourished, both mother and child were denied adequate nutrition and health care. The mother still resides in the in-laws place as her parents have no clout and is too poor to support her so she is counting her days till she dies.

But even if the abuse is not as extreme as in the case above, systematic beating and verbal abuse leaves the women with great mental depression. It maybe mentioned that the physical abuse is seen in instances where the marriage is arranged by the family, friends or by themselves. In most cases the women complaint being abused by both husband and in laws. In exceptional cases, there were reports of abuse by in laws but not by husband and also vice versa.

3.2. Early marriage/widowhood

One of the striking facts in the marriages in the case studies was that the woman was almost always under aged or at the minimum age allowed for marriage. This meant that

she came as a dependent and had almost no power in the family she entered unless she was backed by her own family. One of the characteristics of self-arranged marriages was that the daughter was often lured under false pretenses and then abandoned or even left at her father's place without the marriage being recognized, socially or ritually. The want of maturity at that age has also resulted in the lack of coping mechanism and support base in order for her to overcome the domestic crises. In cases of early widowhood similar consequences were to be seen.

3.3. Prevalence of Dowry

Dowry was seen to be largely prevalent across marriages, although it was known that there is an anti-dowry law in the country. In cases of where the dowry was promised and not delivered there was of course violence against the women, but even when the dowry was delivered, subsequent hardships to the household often created a demand for more resources and the wife would be pressurized to bring more from her natal family. There are enough evidence in these cases in which justifies the fear that very quick and rash marriages are often made to accumulate enough capital through dowries in order to start a new business, go abroad or even to get married again.

3.4. 2nd marriage and extra-marital affairs

Some women in the case studies got married only to find out that the husband already had a second wife or he married again after some time. In most cases like these the first wife was neglected and their marriage was often denied by the husband, his family and society. This no doubt creates great distress in the daughter's family, psychologically as well as economically and is seen to be one of the crucial moments when documentation of the marriage is deemed necessary as was voiced by all interviewees.

3.5. Niruddesh or Missing Husbands

A common term has crept up in the vocabulary of those whom we interviewed and also in the various valedictory workshops we undertook in each region. This was called *niruddesh* and referred to when the husband was considered missing or have gone away permanently to another country abandoning the wife. This indicates that such a phenomena may quite be likely especially when there is reportedly a trend of silent migration of Hindu families to India. In case where abandonment has resulted due to this phenomenon, there is a dire need for both marriage registration practices and divorce provisions to be incorporated and enacted.

3.6. Need for Shelter

Women who find themselves victims of oppression after marriage are often under the double pressure to find a safe place to stay. They have the unpleasant option of staying on in their in-laws place where they are subject to continuous violence and abuse or they have the equally unpleasant task of burdening her natal family by returning to her father's house. This dichotomy has raised demands (especially in families that are poor and vulnerable) for compulsory marriage registration, provisions for divorce with

maintenance and also share in husband's inheritance as a precondition of divorce procedures.

3.7. Need for Local Support group

Women who face dire consequences of neglect, violence and abandonment often find themselves alone only their own family as a support base. If the woman comes from a very poor family with meager resources and clout in society, then it is possible that she will not find any solace from her own family as well. Many among our interviewees reported that friends and relatives could only blame her fate and would feel totally helpless in seeking a way out, since separation, divorce or even seeking justice for violence was so highly stigmatized in society. More social awareness needs to be created on issues of women's rights as well as better and wider reaching mechanisms of psycho-social counseling needs to be available.

3.8. Apathetic and helpless society

Very few women found support for their condition in society. Public opinion in general was either apathetic or helpless when it came to doing something about the women's vulnerable position. Conservative elements in society discouraged her from taking any action like going to court or formal mediation procedures. Those who wanted to help her could not find any moral authority as a mere well-wisher that enabled them to suggest a way out of the woman's distressing situation. It had to be her family who could take such a stance. In other words there had to be someone who was legally and morally the woman's guardian. This too is a reflection of women's legal position.

3.9. Poverty/resource squeeze

Besides dowry, independent economic equations also enter marital relations. Many marriages have built in economic benefits and ways of accumulating capital through such bonding. Our case studies also reveal such elements. In one case it was not only the woman who was punished for not being able to deliver the land from her father's family but also her brother and husband was physically abused for not giving in to the desires of the in laws family demands. This is an extreme case where violence and abuse took place due to the greedy ambitions of the father in law, but other less extreme and more systemic patterns of abuse follow the failure to deliver money, favors from the wife's family in times of crises. In addition the family wealth also plays a significant part in influencing public opinion with regard to attitudes towards the wife in cases of abuse. This will be dealt with in a later section.

3.10. Power relations in the family

The power relations that the girls family enjoy vis a vis the power relations enjoyed by the boy's family are often deciders of the girl's fate in case of abuse more than anything else. In our cases we found instances where the girl's family because it was influential could seek legal redress either formally or informally. In other cases where no social influence of the girl's family was evident, the girl felt trapped in her situation and had to surrender to her fate of having to stay on in a household where she was constantly abused.

3.11. Informal arbitration

When women were in distress the first steps they took was to mediate through friends and relatives and secondly through *gram salishes* (village arbitration) either led by Union Parishad or by other village elders (*shomaj*). In most cases the settlement did not favor the women, in some cases it did. Often the families in question would be able to pull strings through influencing the decision. When the balance was tipped in favor of the boy, the woman usually got short shrift. In some cases, where the abuse was extreme, the *salish* suggested separation, but it also maintained that if the woman went away first to her father's house, then the husband would not be responsible for the separation and would not be bound to pay her any maintenance. Thus naturally this led to two consequences: (a) the boy's family is sustaining their abuse so that the woman was driven away to her father's home; and (b) trapped the woman into staying on at the place she was being abused for fear of society blaming her for the failed marriage and as well not gaining any legal redress or social recognition for her plight.

3.12. Formal Mediations

Instances of formal mediation were very scanty in our cases. Only where the girl's family was influential enough could they afford to take her to a legal aid organization or a formal court. Mediations such as these were generally more acceptable to the girl's family, but often resulted in separation without social acceptance. This meant that the woman had to forge a life of her own with or without maintenance from the husband. The absence of social acceptance often prevents a woman from taking such a road in the first place.

3.13. Response to compulsory marriage registration

A hundred percent of the woman interviewed said that they would have benefited to a system where their marriage was registered, so that they could have proof of their marriage when needed and also would have been able to end it when needed. The women said that even if they could not enjoy such a facility in their own lives, they would certainly want to see their daughters and the future generations enjoy such a facility.

3.14. Divorce, maintenance and remarriage

The attitude towards divorce, maintenance and remarriage as an option was more conservative since they felt it was not socially accepted. However their notions on maintenance even in separation were strong and they thought that the marriage registration process would help it. Many however did raise their voice in favor of divorce procedures and in one case the girl was even preparing remarriage as she had been abandoned by her first husband. She claimed that there were no religious barriers to it.

4. RECOMMENDATIONS

The recommendations have been informed by both the qualitative and quantitative study as well as workshops with local stakeholders and community leaders and generally they fall under the following categories as well as by a legal analysis (see Annex).

(1) Mandatory Marriage Registration Act

It is necessary to make the Marriage Registration compulsory and binding and applicable for all Hindu marriages. It has been discussed in many of the workshops as well as by the legal specialists that unless this is done there is no legal foundation to the marriage. Stakeholders suggest that such a law will not only benefit women, but also men who wish to dissolve the marriage for various reasons. It will enable families to gain travel documents for their family, seek livelihood options and also reduce early marriages, which has been seen to dominate Hindu families especially in remote areas. It will also reduce violence against women, because women will not have to be suffering in silence in their in laws place or wait for her marriage to be socially recognized if her husband denies the marriage. She will have documents in court especially if the new Prevention of Domestic Violence Act is to be made effective. It will be also helpful to widows for the claiming of conjugal property or maintenance in case of separation where existing laws allow her to do so.

(2) More Effective Application of Existing Laws to Prevent Violence Against Women

Throughout this research it was made evident that the existing laws are ineffective in preventing domestic violence against women. Among these laws are the Anti Dowry Act, Prevention of Violence Against Women, Early Marriage Prevention Act and the newly enacted prevention of Domestic Violence Act. The incidence of dowry or demand made by the husband or by the in-laws at different stages of a marriage, has been one of the major causes of causing marital strife and root causes of violence against women.

(3) Social awareness through both campaign as well as one on one psycho-social counseling:

It was seen in both the surveys and the case studies that huge gaps remained in public opinion as to the understanding of a woman's role in family and society. Organizations working with an agenda to stop violence against women should increase their outreach to remoter areas and underserved groups such as minority women who do not always have access to legal redress and justice. There is an urgent need for developing a system of psycho social counseling at an individual and community level not only for the victims but also for the perpetrators (husband, in laws etc.). Perhaps such a system can also exist under the Ministry of Social Affairs and the Ministry of Women and Children, whereby cases of violence should be followed by family visits and medical, health and other safety net measures should be made available to victims especially for poverty-stricken households.

(4) Building local social support groups and platforms

There is a need to consolidate and create new support bases for women suffering violence at the local and village level. Such groups should incorporate the idea of zero tolerance towards violence against women. Participatory methodologies such as Participatory Action Research to form such groups can be engaged.

(5) Legal mechanisms

Community legal services should not only offer legal services when case are brought to them, but should take pro-active stand on issues of violence against women, early marriage, dowry-practices and women's decision to separate, divorce or remarry in case of Hindu women. Appropriate training and capacity-building should be undertaken. Each police station should have officers specialized in these matters.

(6) Long Term Legal reforms

Discourses and debates on legal reforms especially with regard to compulsory marriage registration, and divorce options and a review of the debates on equal inheritance of property rights should be revisited with special focus on Hindu women.

A step by step process maybe followed in legal reform taking into consideration the existing consensus in society. For example the reforms needed for a compulsory marriage registration may take place immediately as in our survey 91.3% in our survey showed consensus on it. On other cases like reforms for divorce and inheritance the reform process should be accompanied with preceding consensus-building measures in society. This can be an agenda for the future.

(7) Gender ideology/patriarchal values

Critical research on patriarchal values and structures in society should be sustained with a view to contesting the misperceptions and anomalies in society with regard to dowry practices, gender violence and early marriage.

5. SUMMARY CONCLUSION

The objective of the research was to find out the prevalence of discrimination and violence against women in the Hindu Community due to the absence of Hindu Marriage Law in Bangladesh. As such it has explored the links between domestic violence, social and economic conditions and attitudes and relate them to the inadequacy and gaps in legal mechanisms that guide and control marriage practices and rituals in Hindu community. The study has adopted both quantitative and qualitative methods and have come up with interesting findings and suggestions.

From a sample that was relatively conventional and nationally representative , we found that early marriage was particularly prevalent in the communities surveyed and the reasons could be both related to special security concerns of a minority group and also the

legal loopholes available in circumstances where the act of marriage is not documented. The fact that dowry or demand that occurred at different stages of married life (mostly occurring from circumstances of poverty) was one of the root causes of domestic violence was supported by other national studies. Other reasons were of course embedded in the patriarchal system and received notions of male dominance that had been passed on for generations. The staggering point remained that even when the laws of the land were explicit on issues of dowry, early marriage, domestic violence, criminal offenses such as these were being perpetrated in every corner of Bangladesh. A more enhanced, effective and perhaps a *more holistic form* of law implementation mechanism seems to be the need of the hour. This would mean not only stronger punitive measures, effective legal support and action but also supportive social services (governmental and non-governmental) which link issues of discrimination with social security, psycho-social counselling of both victims and perpetrators and pedagogic approaches to social awareness building.

The research also foregrounds the need for scholars, researchers, activists and policy-makers at all levels to pay attention to the particular and gendered needs and services accessible to minority groups who being situated in remote areas and consequently suffering social and spatial discrimination do not readily have access to such services as provided by the politico-legal apparatus of a modern nation-state. In order to rectify this situation one should pro-actively engage minority rights in the processes and agenda of social and legal reform.

References

- Aktar, Sharmin, and Abdullah, Abu Syead Muhammed. 2007. A Comparative Study on Hindu Law between Bangladesh and India, Asian Affairs
- Amin, S., and Cain, M. 1997. The rise of dowry in Bangladesh
- Bates, Lisa M.; Islam, Farzana; Islam, Md. Khairul; and Schuler, Sidney Ruth. (?). Legal registration of marriage in Bangladesh: An intervention to strengthen women's economic and social position and protect them against domestic violence. Academy for Educational Development, Washington DC
- BBS, NEWSLETTER, April-June 2011
- Government of the People's Republic of Bangladesh (GPRB), UNDP. 2011. Assessment of Investment and Financial Flows to Adapt to the Climate Change Effects in the Agriculture Sector
- Halim, Sadeka. 2011. Status of Hindu Women: Spheres of Human Rights Violation in Bangladesh, Sage Publications
- Hossain, Hamida; Guhathakurta, Meghna; and Sur, Malini. (?). Freedom from Fear, Freedom from Want? Re-thinking Security in Bangladesh
- Huda, Shahnaz. 2011. Combating Gender Injustice: Hindu Law in Bangladesh, The South Asian Institute of Advanced Legal and Human Rights Studies (SAILS)
- _____. 2004. Personal Laws in Bangladesh: The Need for Substantive Reforms, Dhaka University Studies
- Jeffery, P. and R. Jeffery. 1996. Don't marry me to a plowman! Women's everyday lives in rural north India, New Delhi
- Kabeer, Naila. 1988. Subordination and Struggle: Women in Bangladesh, New Left Review 1/68
- Menski, Werner F., and Rahman, Tahmina. 1988. Hindus and the Law in Bangladesh, South Asia Research
- National Human Rights Commission (NHRC). 2011. Perceptions, Attitudes and Understanding: A baseline survey on human rights in Bangladesh, Summary Report, Dhaka
- Naved, R. T., Azim, S., Bhuiya, A., & Persson, L. A. 2006. Physical violence by husbands: Magnitude, disclosure and help seeking behavior of women in Bangladesh. Social Science & Medicine, 62, 2917-29
- Naved, Ruchira Tabassum, and Persson, Lars Ake. 2010. Dowry and Spousal Physical Violence Against Women in Bangladesh, Journal of Family Issues