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BDI Lifetime Achievement Award 2021 Lecture

The Challenge of Citizenship in Building a Just Society

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I am truly grateful to the members of the Bangladesh Development Initiative for honoring me with their Lifetime Achievement Award. Thank you so much for making it possible to be together despite these difficult times.

I was quite surprised to receive a message from Professor Munir Quddus informing me about the award. Two of the previous awardees, Dr. Nurul Islam and Professor Rehman Sobhan, have made pivotal contributions in setting economic directions for a new state. The third, the late Professor Jamilur Reza Chowdhury, a leading educationist, was also a part of the government at critical times. Unlike these three previous recipients, I have not been a public figure. Nor have I been involved in making high level policies that shaped the state. But, along with them, I have been a witness to cataclysmic political changes in South Asia, resulting in the formation of three independent states, Bangladesh, India and Pakistan. And, I have seen how citizens can propel change and work for social and economic justice even when they have no official responsibilities.

Professor Quddus' invitation to give a lecture stirred me to look back and reflect on how citizens have worked together to make our society more open and democratic, and to create a space for equal participation for all and to respect human rights. This is what I will speak about today, drawing mainly on my own experiences at various times with diverse groups of citizens - of academics, feminists, and artisans.

The making of states in South Asia has been marked by violence from the start - brutal violence at that. In 1947, the independence of India and Pakistan erupted into massive communal violence on both sides. Scenes from Khushwant Singh's *Train to Pakistan*¹ remind us of that inhumanity. The genocide by the Pakistan army in the 1971 war of independence in Bangladesh came as a culmination of years of discrimination and repression.

These experiences had an enduring impact on people's lives. They demanded a humanitarian response from the community. How did we as citizens respond to this need?

I can recall two formative experiences. The first is from 1947, when I was about 11 years old, and living in Hyderabad, Sindh. I was recruited by my grandmother, Ghulam Fatima Shaikh,² to help look after refugees. They were arriving in trainloads to the new country of Pakistan, leaving their homes in India. We cared for them in an improvised hospital and sheltered them afterwards. Together with fellow students, we also tried to assure safe passage for those who were leaving Sindh for a refuge in India.

The second experience I want to mention is from 1972. There, again in the aftermath of the Liberation War, many helped with the post-war physical needs of survivors, and their emotional trauma. Such support was particularly necessary for women survivors of sexual violence who needed a humanitarian response. I volunteered to help in the Women's Rehabilitation Center set up by Begum Sufia Kamal and Badrunessa Ahmed.³ Maleka Khan was then in charge. We talked with young women who had been raped by Pakistani soldiers, and had taken shelter in the Center, because their families would not, or, did not take them back. They demanded sympathy and support, and justice for the crimes committed.

In 1972, I met with many women who were affected by the war. I heard their stories about survival during the nine months of the conflict. On visits to a village in Kushtia and to Mirpur, in Dhaka, I met women whose husbands or brothers had been killed in the war. They had lost their only financial support and were traumatized. With a few friends, we encouraged them to form self-help groups. We helped them market their beautiful handmade products through *KARIKA* (which I will speak about later), so that they could live independent lives. The women belonged to

different communities and different religions, but they found solidarity in working and marketing their products together.

These experiences guided me at other times to respect diversity, and not to discriminate between peoples of different religions, castes, ethnicities or genders. These experiences also strengthened my belief in nurturing a secular society.

I will turn now to my experiences in Dhaka from the 1960s, and my recollections of how citizens organized to work for social and political change.

First Impressions of Dhaka

In 1958, I came back from Wellesley College in the US to my parents' home in Karachi, then a large commercial city. I had ambitions of a career in research and writing, and started a day job, first at a research institute, later as an editor at the Oxford University Press. I also wrote for *Outlook*, then a progressive current affairs magazine. Martial law had just been imposed and political activities were prohibited. So, there was little space for citizens to express themselves.

In 1963, I took a short break from work to travel to Dhaka, to visit Khursheed [Erfan Ahmed], my sister. Khursheed and Erfan's home was a popular meeting place for many people who were engaged in the political discourse and more actively in political movements. Among others, I met Rehman Sobhan and Kamal Hossain there.

I found Dhaka in a state of political ferment, with demands for autonomy gaining popular support. As I witnessed how ordinary people joined the political movement in the then East Pakistan, I was drawn into the discussions amongst different groups. In the Dhaka University there were academics and professionals propounding their ideas of a new state. A cultural movement had drawn in folk artists and crafts persons. And women's groups engaged with the national movement were also identifying with the struggle for their rights.

I feel it is important to share my experiences in Dhaka in the 1960s because they tell a story of how citizens came together to resist controls and worked for a more egalitarian society in many different ways.

My first visit to Dhaka University was very exciting. On a casual visit to the Teachers' Common Room, I found teachers and students involved in debating the possible constitutional arrangements for implementing the Six Points program announced by the Awami League.⁴ At these informal discussions, I listened to Professor Abdur Razzaq, Professor Anisuzzaman, Dr. Khan Sarwar Murshid, Professor Salahuddin and several others, expound on their vision of democracy and secularism, nationalism, and human rights. Professor Abdur Razzaq was at the center of the debates. What I found particularly remarkable was how easily and regularly they were able to communicate with political leaders. Politicians then were more open to the ideas of academics and involved citizens.

I found myself engrossed in these discussions. I was thrilled when Dr. Murshid, a senior professor in the English Department, invited me to assist in editing a volume of his periodical *New Values*. This journal of humanist thought had, over 17 years, published a wide circle of writers from across South Asia including Abu Sayeed Ayyub, Ahmed Ali, A.K. Brohi, M.N. Roy, and Zillur Rahman Siddiqui. My work at *New Values* became a political education for me. I met scholars who were deeply involved with their society, including those who participated in labor movements and in the Language Movement, such as Kamruddin Ahmad. Rehman Sobhan and Kamal Hossain were also involved.⁵

In 1965, after I married Kamal, I came to live in Dhaka. I got to meet many women and men who were politically active. I was most impressed by their determination to work for change.

Rehman and Kamal used to meet with a small group of friends. They engaged in long political discussions. Erfan Ahmed, Zeaul Huq (Tulu), and Mueyedul Hasan were generally present. Mosharaf Hossain and Badruddin Umar used to join them intermittently on their visits from Rajshahi. Some of us from this group decided that we needed to reach a wider public, so we applied for permission to publish a weekly magazine. In November 1969, we published the first issue of *Forum*, a political weekly. Rehman was the executive editor; Kamal was the publisher, and I took on the responsibility of being editor. We worked out of a small garage behind our house in Circuit House Road (this garage has now become part of the building housing the Press Institute of Bangladesh!).

Forum's influence was far more than suggested by its low circulation. We were able to run articles by well-known economists and journalists, from across South Asia and beyond. They included Neville Maxwell and Joan Robinson from London, Kumari Jayawardene from Colombo, Mueyedul Hasan and Rehman Sobhan from Dhaka,

Mazhar Ali Khan from Lahore, M.B. Naqvi from Karachi, and others. *Forum* became a bold voice for a democratic, secular transition in what was to become Bangladesh. Analytical articles from economists, such as Anisur Rahman, argued for a socialist economy. Political commentators proposed constitutional changes for regional autonomy. In our first editorial, titled “In Search of Freedom”, *Forum* affirmed a belief in “fundamental changes in our institutions ... to liberate the energies of citizens and to give them a stake in society”. But these ideas were not acceptable to the establishment. In two instances we were summoned by the military officer at the Information Department and warned not to write about politics. I’d had an earlier experience of the limits to free expression when I.H. Burney, my editor at *Outlook*, a progressive weekly magazine in Karachi, informed me that he’d received a warning from the authorities about my article “Polygamy Outvoted.” But in both cases, we went ahead with the publication of the articles in question.

Forum was forced to close down after the Pakistan Government’s military operation on 25th March. Our editorial in the last publication before the crackdown was titled “Options for a Sane Man”. It warned that in the absence of a peaceful settlement, the people would be pushed to a point of no return. And indeed, within nine months, we became citizens of the new nation of Bangladesh.

Working with Artisans

In 1972, after the end of the war, it was obvious that there was much to be done in independent Bangladesh. I had been fascinated by Bengal’s rich cultural traditions since I first came here in the 1960s. I had toured many villages in 1963 and did so again in the early 1970s, meeting rural artisans, and discovering their traditional crafts. *Shilpacharjya* Zainul Abedin and Professor Razzaq had been my entry to understanding visual arts in East Bengal. I remember being surprised then that the craft products made by village artisans were not to be seen in Dhaka. Instead, East Pakistan had become a market for goods from West Pakistan. A few of us came together in the sixties and set up an outlet in a garage in Dhanmondi. We called it *Arunima* and projected it as an artisans’ center. Through *Arunima* we helped several crafts persons reach out to urban markets at their own initiative, and not beholden to middlemen or trade agents. Weavers, potters, and others, who had never been outside their villages, were encouraged to introduce their wares to Dhaka. This was an example of what we expected from autonomy for East Pakistan.

After independence, under Zainul Abedin’s advice and leadership, I persuaded some friends to join me in setting up a crafts marketing cooperative in Dhaka. *KARIKA* was the first initiative owned and run by artisans. In particular, it welcomed women artisans. I was able to persuade some of the women I had met during my travels, and particularly a number of *Birangona*, to join the *KARIKA* cooperative.

The Struggle for Women’s Rights

My awareness of the “woman question” began in the early 1960s, when I read about women such as Begum Shamsunnahar Mahmood and Begum Shaista Ikramullah⁶ raise questions about the Muslim Family Laws Ordinance, 1961. After I came to Dhaka, I met Nurjahan Murshid, Rokeya Rahman Kabeer, and Razia Khan Amin, among others. They were very visible in neighborhood meetings and also in public rallies where they voiced women’s demands.

For example, I remember that during an episode of communal violence, Rokeya Rahman Kabeer challenged the men and insisted that women activists join peace processions alongside the men. In the 1960s, the *Nari Sangram Parishad* campaigned across the country on the Six Points program. At the same time, they were pressing their demands for equal opportunities for women in education and employment. By 1970, the *Atto Rakkha Samitis* and *Sangram Parishad* came together to form the *Mahila Parishad* under the leadership of Begum Sufia Kamal. Maleka Begum and later Ayesha Khanam worked as her assistants. In addition to reforms in family laws, the *Mahila Parishad* raised women’s demands for fair representation in public institutions. They demanded a number of reserved seats to which women could be elected through direct voting. Initially the reservation was for 15 seats, which was raised to 30 seats after 1975. But, instead of direct elections, the representatives were nominated by their party or party leader. Begum Sufia Kamal was outspoken in her defense of women’s rights and, in particular, she promoted notions of a secular society, which would not be subject to religious orthodoxy. After she came to Dhaka in 1947, she played a leading role along with Lila Nag to prevent communal attacks on Hindu women through the neighborhood committees.

From the 1970s onwards, women activists throughout the nation began to connect with the growing international women’s movement. I attended the UN Women’s conferences in Mexico in 1975 (where I was invited

by Judith Bruce⁷ to participate in a panel on crafts), and Nairobi in 1985. These meetings introduced me to feminists from other countries, many of whom, such as Devaki Jain and Kamla Bhasin, have remained close friends till today.

In Mexico I was able to engage with leading crafts persons such as Jasleen Dhamija of Delhi, who had set up crafts institutions in India under the leadership of Srimati Kamladevi Chattopadhyay. I learned much from this meeting and was able to retain contacts between such groups in Bangladesh, India, and Mexico. At Nairobi, women were now raising the issue of legal rights. It was as an outcome of these discussions that women's groups in several countries were encouraged to set up legal aid support groups. Bangladesh, too, was one of them.

Along with others, I was able to link up with networks across South Asia and beyond. This is how I became involved with the Asia Pacific Forum on Women, Law and Development. A regional network, it started to systematically look at women's legal rights and at how existing legal frameworks discriminated against women. My first task, under Nimalka Fernando's advice, was to write a report on the network's activities. Later I was inducted onto its Regional Council. Devaki Jain invited me to a meeting of Development Alternatives for a New Era (DAWN), in preparation for the Nairobi conference. DAWN was one of the first feminist organizations to project the voices of women from the Global South onto a global platform, and to provide a feminist analysis of the development framework. Involvement with these international networks helped to strengthen our national movements. For example, after Bangladesh ratified the UN Convention on Elimination of All Forms of Discrimination against Women in 1984, I participated in a committee led by *Mahila Parishad* and others to submit shadow reports. These reports contributed to the CEDAW Committee's assessment of Bangladesh's compliance with its international obligations. After the Mexico Conference, new groups, including development organizations across Bangladesh, took up the cause of equal opportunities for women.

In the 1980s, in protest against the growing violence against women, many of us campaigned together under the banner of *Oikkyobodho Nari Samaj*. At the same time, we were involved in the movement against General Ershad's autocracy and military rule.

In 1995, the rape and murder of Yasmeen, a domestic worker, by four policemen led to a nation-wide movement by women's groups. Some of them campaigned for legal reforms under the banner of *Sammilito Nari Samaj*. At the time I was with *Ain o Salish Kendra* (ASK). Barrister Amirul Islam, then on our Executive Committee, took up the case, while we campaigned for recognition of domestic work. Eventually the four policemen were convicted, and the court's final judgment was an important landmark on securing accountability for custodial rape.

The frequent reporting of gender-based violence, in turn, prompted women to file individual complaints. In addition, our collective campaigns to ensure prosecution of the perpetrators and protection for the survivors led to the enactment of laws in support of women such as the Dowry Prohibition Act in the 1980s, or the *Nari o Shishu Nirjatan Daman Ain, 2020* [Prevention of Oppression against Women and Children, 2020]. Special Tribunals were set up for the cases of violence against women and children. They were seen as a process for deterring violence on women and ensuring accountability.

Defending Human Rights

I think my most meaningful work in promoting women's rights and human rights has been during my association with ASK. A few of us, including Salma Sobhan, Khurshed Erfan Ahmed, Barrister Amirul Islam, F.H. Abed, Justice Subhan, and I (among others) started this organization in the early 1980s. It soon expanded, with young lawyers, most of whom had been Salma's students in the Dhaka University Law Faculty, joining us. We initially worked out of a garage in Dhanmondi which was lent to us by Nurjahan Murshid.

At ASK, we started with a focus on mediation to help people resolve problems within their families or in the community. Those who brought complaints to us included women trying to secure maintenance or protection from violence. Workers also came asking for help in industrial disputes.

At this time, some of our founder members, and young lawyers, were active in the movement against Ershad's military rule. We started receiving complaints regarding violations of rights by state authorities. These included cases of arrest and detention. Some of the young lawyer members carried out investigations into these incidents. We published their report under the title of "Lawless Law Enforcement".

One day I received a call from a friend who said that bulldozers were demolishing the shanties of families living in Taltola, a slum in Gulshan One (now a park across from the Shooting Club). We immediately contacted our

lawyers. A petition was filed by Tahmina Rahman and moved by Barrister Amirul Islam. The High Court's order made it possible to stop the eviction process, but only after a little child had been bulldozed to death. Subsequently ASK filed several petitions for the protection of slum dwellers. We gained favorable directions from the High Court that there should be no eviction without resettlement or rehabilitation of slum residents. We await government policies and programs in drawing up such plans in defense of the right to shelter. Our campaigns in defense of the right to shelter have continued unabated.

These experiences challenged us to rethink ASK's goal as defending rights, and not only resolving disputes informally. We moved ASK's work from problem solving to addressing more structural issues, claiming rights, and demanding changes in the system. We often obtained the help of senior lawyers such as Kamal Hossain, Aminul Huq, and Amirul Islam to argue public interest petitions. Their support, and the justice of the cause, enabled us to win recognition from the Supreme Court of the right to shelter, and protection from custodial torture. After a particularly long running set of cases, the Supreme Court also declared illegal the practice of issuing so called *fatwas* that imposed penalties on women.⁸

ASK, therefore, expanded its work: to make citizens - women and men - aware of their rights, to investigate and document violations, and to conduct research into human rights issues. This was followed by action, through public campaigns and advocacy and through public interest litigation. Thus, ASK became a human rights organization, with a special emphasis on promoting women's rights.

As ASK's mandate for the defense of human rights expanded, I took on its research and advocacy portfolios. I followed many of the cases in which ASK was involved and wrote about them in ASK's *Bulletin* or in daily newspapers for dissemination to the public. I edited ASK's annual human rights report, which was in demand by organizations in Bangladesh and outside. We undertook research on topical issues. In the early 1990s, when the *Gono Adalat*⁹ was called by Jahanara Imam, and there was rising public demand for the trial of war criminals, we decided to assist the process by collecting oral histories from survivors. One of the first persons we talked to was Ferdousi Priyobhashini. We formed a team with Meghna Guhathakurta, Suraiya Begum, Hasina Ahmed, Shaheen Akhter, Shameem Akhter, and Sultana Kamal, among others, who took these interviews. These were later published in the original Bangla as *Narir Ekattor*¹⁰ and in translation into English as *Rising from the Ashes*.¹¹

We obtained quite a few important judgments on a range of issues for individuals across the country. In particular, I remember a news report on how a young domestic worker, who had her throat split by her employer, was in a hospital. Fortunately, she survived but her speech was badly affected. ASK arranged for a doctor to look after her and she was ultimately able to speak again. We also took legal action. The Court appointed me as her legal guardian and this responsibility ended only when she became an adult. She lived in the ASK shelter for many years. We arranged for a very experienced criminal lawyer, Advocate Zahirul Islam to travel to Sherpur to argue her case along with ASK's staff lawyer, Advocate Nina Goswami. I also went with them a few times. The case continued for many years, but we were not able to secure a conviction for the employer. ASK kept in touch with the young woman who went on to work in a garment factory, and to live independently for some time before she married.¹²

I also remember Limon, the young boy who was shot in his leg, by a RAB personnel while he was grazing cattle. Although the RAB officials admitted he had been shot mistakenly, they filed two criminal cases against him. ASK intervened. His mother also filed a case against RAB regarding the shooting. Limon had to have his leg amputated. ASK filed his case in court and looked after him. Khushi Kabir and I, accompanied by others, went to attend court hearings in Jhalakathi. We participated in a discussion at the Jhalakathi Press Club and visited Limon's mother to honor her courage in seeking justice. After his studies at the *Gono Bishwabidyalay* [People's University], Limon went on to become a lawyer, but is still waiting for justice.

The fire in Tazreen Garments and the collapse of Rana Plaza devastated the lives of thousands of workers including many women. Some changes have been put in place to ensure safety, but the struggle for compensation for workers and accountability for such deaths continues. These cases point to the impunity of the powerful which has enabled them to escape justice.

In following the above cases, I came to appreciate that legal rights have to be understood in terms of people's lived experiences, not merely as exchanges between lawyers and judges in courts. I knew little of the law when I first started with ASK. But as I was involved in its work over the years and met women such as Ferdousi Priyabhashini, who told

us of her experiences of sexual harassment in 1971, or Taslima Akhtar, who continues to fight for workers' rights, I was reminded of the critical importance of citizens' activism in defense of human rights.

It is gratifying to see that some of the work we have done together has led to institutional change. This in turn demands a response from the community. For example, a criminal case against an *Imam* and others for penalizing Nurjahan Begum with a *fatwa* in 1993 started legal action that, some twenty years later, resulted in a judgment holding such *fatwas* unconstitutional. Community members can now report such incidents to the police or local authorities to take action. To give another example, complaints of sexual harassment in a university ultimately contributed to the Court's directions to set up institutional mechanisms as deterrents to further harassment. On May 1, 2009, the High Court Division of the Supreme Court of Bangladesh issued a set of guidelines to prevent any kinds of physical, mental, and sexual harassment of women, girls, and children at their workplaces, educational institutions, and in any public places.¹³

As I recall these incidents and experiences, I realize that there are many challenges ahead which call for collective action. It is likely to be a difficult struggle. The history of resistance over the years shows how citizens have confronted authoritarianism and repression. Today there are many different groups raising their demands for justice and equality. We need to recognize the diversity of these voices and movements – whether they are women or third gender, ethnic or religious minorities, workers and self-employed and, above all, citizens demanding freedom from violence. We need to work together with everyone, without exception, to promote a democratic culture and respect for rights.

Endnotes

¹ Singh K. (1956). *Train to Pakistan*. India: Chatto & Windus.

² Shaikh G.F. (2011). *Footprints in Time* (Husain R., Trans.) Pakistan: Oxford University.

³ The Rehabilitation Center was set up for women survivors of rape in the 1971 war. It was located in New Eskaton Road Dhaka. Women were provided training and employment opportunities.

⁴ The Six Points Program announced by the Awami League in 1966 was for autonomy of East Pakistan.

⁵ Many of these articles have been republished by the Bangla Academy in a volume entitled *New Values for a New Generation*.

⁶ Both were members of the Parliament in the first Constituent Assembly of Pakistan.

⁷ Director of The Population Council in New York.

⁸ *Bangladesh Legal Aid and Services Trust and Ors. v. Government of Bangladesh and Ors.* 63 DLR (2011) 1; *Tayeeb and Ors. v. Government of Bangladesh and Ors.* 67 DLR(AD) (2015) 57.

⁹ Lit. People's Court.

¹⁰ Akhter, S., Begum, S., Guhathakurta, M., Hossain, H. & Kamal, S. (Eds.) (2001). *Narir Ekattor o Juddhoporoborti Kottho Kahini* [Women's 1971 and post war stories]. Dhaka: Ain o Salish Kendra (ASK).

¹¹ Akhter, S., Begum, S., Guhathakurta, M., Hossain, H. & Kamal, S. (Eds.) (Zaman N., Trans) (2019). *Rising from the Ashes: Women's Narratives of 1971*. Dhaka: The University Press Limited.

¹² Thanks to Advocate Nina Goswami.

¹³ *Bangladesh National Women Lawyers' Association v. Bangladesh* 31 BLD (HCD) 31.