



Bangladesh

Bangladesh – BGD36801 – interfaith relationships – First Information Reports – police protection in Dhaka

9 July 2010

1. How common are interfaith relationships between Muslims and Catholics? Are they tolerated by the community?

It is unclear whether interfaith relationships between Muslims and Catholics are common. There are no official statistics available on mixed marriages and the extent to which interfaith relationships occur between Muslims and Catholics is not discussed in open sources. Despite this, there are infrequent reports and discussions on interfaith marriages in the media. One report in June 2010 implies that Muslim–Catholic relationships have occurred although often fail due to different religious backgrounds compounding existing challenges associated with poverty and lack of education.¹

In Bangladesh, couples of different castes and faiths can marry under the Special Marriages Act and the 2009 US Department of State Human Rights Report on Bangladesh (published in 2010) notes that there are no ‘legal restrictions on marriage between members of different faiths’.² According to DFAT advice of 1999, mixed marriages were more frequent in urban than in rural areas.³ Although this advice may appear dated, it is consistent with 2006 DFAT advice regarding community tolerance, which states that mixed marriages are not considered taboo in urban areas.⁴ This degree of community tolerance would indicate that interfaith relationships were regarded similarly. The DFAT advice of 1999 goes even further to state that interfaith marriages are ‘readily accepted in Bangladesh’.⁵ However, in some situations it is conceivable that a Muslim family might be opposed to their daughter’s relationship with a Catholic, particularly if the relationship was serious and the family’s conviction of faith was strong.

According to a member of Bangladesh’s Supreme Court, in Bangladesh and under Shariah law, the generally accepted position is that Muslim women cannot marry non-Muslims unless the non-Muslim party converts to Islam.⁶ Although Shariah law is not implemented formally in Bangladesh, it plays an influential role in civil matters pertaining to the

¹ The report was sourced from a Christian-affiliated news website with a Catholic focus. See Gomes, W. 2010, ‘Mixed marriages often do not work, but some mixed couples are happy, Bangladeshi priest says’, *AsiaNews.It* website <http://www.asianews.it/news-en/Mixed-marriages-often-do-not-work,-but-some-mixed-couples-are-happy.-Bangladeshi-priest-says-18859.html> 7 June – Accessed 7 July 2010 – Attachment 12.

² US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Bangladesh*, March, Section c. Freedom of Religion <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136085.htm> – Accessed 7 July 2010 – Attachment 4.

³ DIAC Country Information Service 1999, *Country information Report CIR No. 171/99: Bangladesh Mixed Religion Marriages*, (sourced from DFAT advice of 19 May 1999), 27 May – Attachment 1.

⁴ Department of Foreign Affairs and Trade 2006, *DFAT Report 552 – Bangladesh: Mixed Marriages: RRT Information request IND30692*, 19 October – Attachment 2.

⁵ DIAC Country Information Service 1999, *Country information Report CIR No. 171/99: Bangladesh Mixed Religion Marriages*, (sourced from DFAT advice of 19 May 1999), 27 May – Attachment 1.

⁶ In 2004, M Moazzam Husain of the Supreme Court of Bangladesh wrote an advice column in *The Daily Star* (one of Bangladesh’s major newspapers) advising on legal issues in respect of mixed Christian–Muslim marriages, see: Husain, M. M. 2004, ‘Law and Our Rights: Your Advocate’, *The Daily Star* Internet edition, 4 January – <http://www.thedailystar.net/law/2004/01/01/queries.htm> – Accessed 5 July 2010 – Attachment 3.

Muslim community, such as matters of inheritance, marriage and divorce.⁷ If the non-Muslim party converts, then the couple can marry under the Muslim Marriages Act. Where conversion is not an option, couples have recourse to the Special Marriages Act. This Act requires couples to state that they do not follow any particular religious denomination and results in a civil marriage before the Metropolitan Magistrate. For a Muslim family that believes in the necessity for conversion, the prospect of an interfaith relationship resulting in a civil marriage could conceivably cause family opposition to the relationship. In turn, this could cause the community to be against it; according to 1999 DFAT advice, resistance to a marriage begins in the family, however if the family accepts the marriage then so does the community.⁸

Relevant excerpts of the October 2006 DFAT advice on the issue of mixed marriages appear below:

A. The Post talked to the Chief Metropolitan Magistrate and the Deputy Attorney General of Bangladesh to seek statistical information about mixed religious marriages. Both sources indicated that **no official statistics are available on the incidence of mixed religious marriage in Bangladesh. Marriages are registered at the District level and not recorded centrally.**

B. The High Commission routinely monitors the media in Bangladesh including the major Bangla and English language newspapers. While the focus of the monitoring is on political and economic affairs, the three officers who undertake this task cannot recall any reports of problems arising out of mixed religious marriages. Media reports on difficulties in marriages reflect the broader problem of violence against women in Bangladesh, particularly at the hands of their spouse, in-laws or disgruntled suitors.

C. Since the 1999 report, **there have been two additional high-profile mixed religious marriages between celebrities in Bangladesh.** In early 2000 two popular Bangladeshi singers were married – the woman being a very famous music artiste from a Muslim family, and the man from a Hindu family. Another celebrity mixed marriage was between a leading female television actor, a Muslim, and an Indian model/actor, a Hindu. **While both the marriages ended in divorce there was no indication that these marriages broke up for social, religious or political reasons.** These marriages both attracted public attention on the basis of the celebrity nature of the union, rather than the religious identities of the people involved.

D. We are not aware of public comment on this issue from religious leaders. Post contacted a number of respected religious leaders of the Christian and Hindu communities and were advised that there had been no public comment on this issue from their denominations. We have been informed by Christian church leaders that mixed religious marriages are neither encouraged nor discouraged. Since there is no legal barrier for mixed religious couples to get married, the Churches have an understanding approach to the issue. Hindu individuals have informed us that Priests do conduct mixed religious marriages at temples. The Post was not able to get a response from the Director of the Islamic Foundation Dhaka because of his tight schedule during Ramadan.

⁷ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Bangladesh*, March, Section c. Freedom of Religion <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136085.htm> – Accessed 7 July 2010 – Attachment 4.

⁸DIAC Country Information Service 1999, *Country information Report CIR No. 171/99: Bangladesh Mixed Religion Marriages*, (sourced from DFAT advice of 19 May 1999), 27 May – Attachment 1.

E. Marriages between people from different religions are recognised under the Special Marriages Act of 1872. Two marriage acts exist in Bangladesh. **Generally, a non-Muslim wishing to marry a Muslim is required to convert to Islam and then the pair can be wed under the Muslim Marriages Act. However, if the non-Muslim party declines to convert to Islam, the marriage may take place under the Special Marriages Act.** This Act was enacted during the British colonial era specifically for inter-caste and inter-faith couples. Marriages under the Special Marriages Act are registered before the Metropolitan Magistrate, to whom the inter-faith couple declares, “We do not follow any particular religious denomination and therefore want to marry each other before the Metropolitan Magistrate”. The Magistrate then solemnises the marriage and registers it on a standardised Registration Form. **There are no statistics or data on the impact of mixed religious marriages. While it is possible that in rural Bangladesh communities may not look upon such marriages favourably, in the urban areas such a pairing is not considered a big taboo. If problems arise in such marriages, it is generally personal first and familial second. Post is not aware of any incidents of social, religious or political repercussions towards these mixed marriages in Bangladesh...**⁹

It is important to also note that interfaith relationships are not the only type of relationship that can encounter resistance. According to DFAT advice of 1999, mixed marriages of Sunni-Shia, rich-poor, educated-uneducated can also present problems. There may be other factors that cause families to oppose such relationships, including, but not limited to, religion.

2. Deleted.

3. Deleted.

4. **In cases of assault what steps would police normally take after receiving a General Complaint?**

By law, or in ideal circumstances, when members of the public make an oral or written complaint at a police station, they lodge a First Information Report (FIR). The FIR initiates the criminal justice process after which police investigate the case, collect evidence, obtain warrants, arrest the alleged criminals and produce them before the relevant court.¹⁰ Every occurrence that is brought to the knowledge of police is entered in the police station’s general diary. At the conclusion of a police investigation, a Police Report is forwarded by the investigating officer to the court. The Report can take the form of a Charge Sheet or Final Report, depending on whether the charges are proven or not. In a case of assault the above procedures would apply.

The ‘Frequently Asked Questions’ page on the Dhaka Metropolitan Police website provides an overview of the requirements for registering an FIR, and other explanations of related issues, including police investigation of cognisable and non-cognisable offences, the general diary, and the difference between a Charge Sheet and a Final Report. An excerpt appears below:

⁹ Department of Foreign Affairs and Trade 2006, *DFAT Report 552 – Bangladesh: Mixed Marriages: RRT Information request IND30692*, 19 October – Attachment 2.

¹⁰ Md. Ashrafuzzaman, 2008 ‘The disposable prosecutors of Bangladesh’, *Focus: prosecutions in Asia*, vol. 07, no. 01, March, pp.59-65 <http://www.article2.org/pdf/v07n01.pdf> – Accessed 6 July 2010 – Attachment 7

What do you mean by FIR?

FIR means First Information Report. It is a written or oral complaint to the officer in charge of a police station of any cognizable crime mentioned in the section 154 of the Code of Criminal Procedure.¹¹ The complaint is recorded in a Government prescribed form BP 27.

The FIR should contain the following information:

- Date and time of occurrence
- Name, address & cell phone number (if any) of the complainant
- Place of occurrence
- Description of the event/incident
- Mode of operation of the incident
- Description of the arms, knives or any others (as an evidence, if used any)
- The complaint must be signed by the complainant and by the recording officer.

In a nutshell, the FIR should contain the answers: who, what, when, where, whom, why and how.

What do you mean by cognizable and non-cognizable offence?

...

...cognizable offences are those offences where a police officer may, in accordance with second schedule of the CrPC [Criminal Procedure Code] or under any law for the time being in force, arrest a person without a warrant.

A few examples of cognizable offences are: murder, dacoity [robbery by groups of armed bandits], robbery, theft, rape, attempt to commit suicide, wrongful confinement, assault, kidnapping, extortion, house trespass, & rioting etc.

Non-cognizable offence: Non-cognizable offence are those offences where police officer may not arrest without a warrant.

...

What do you mean by GD? Do I need to pay to make an entry into the GD?

GD means general diary. It is a valuable register maintained at the Police Stations and at the police outposts. The general diary as prescribed under section 44 of the Police Act 1861, 377 of the Police Regulation and 154 & 155 of the Code of Criminal procedure is written in duplicate with carbon paper. Each book contains 200 pages, duly numbered. The diary is closed and dispatched at 0800hrs.

...

What do you mean by a Police Report? What is a Charge Sheet and what is a Final Report?

...

Charge sheet: Charge sheet is a report submitted to the court, on the completion of an investigation, by the investigating officer, when the charges against the accused are found proved and the investigating officer proposes to proceed against the accused. It is submitted in a govt. prescribed form.

Final Report: Final report is a report submitted to the court, on the completion of an investigation, by the investigating officer, when the charges against the accused are not found proved. It is also submitted in a govt. prescribed form.¹²

¹² 'Police Matters' (undated), Dhaka Metropolitan Police website
<http://www.dmp.gov.bd/static/faq1.php?Category=Police%20Matters> – Accessed 10 July 2008 – Attachment 9.

For an extensive overview of the articles, scope and application of the Bangladesh Code of Criminal Procedure as it relates to the recording and investigation of information by police (Sections 154 to 176) see Attachment 8.¹³

5. Is the current system of police protection in Dhaka regarded as non discriminatory?

The current system of police protection in Dhaka is regarded as discriminatory. Sources indicate the system discriminates against people who are poor or politically weak. As a result, access to state protection cannot be guaranteed for individuals lacking the ability to pay bribes or wield political influence. For example, according to information published in 2008 by the Asian Legal Resource Centre,¹⁴ lodging complaints against wealthy and politically connected persons is fraught with difficulties, despite there being recourse to sidestep lodgement of a complaint at a police station and instead lodge directly to the magistrate. However, this is not without its difficulties as wealthy or politically connected offenders will collude with police to block the victim before a complaint is made:

...In such cases, the other option is to lodge a complaint directly to a magistrate's court. The court can then order the officer-in-charge of the relevant police station to "take necessary steps" or "take legal steps followed by inquiry" or "register as a complaint following inquiry". Such cases are identified as CR cases: those on the Complainant Register.

CR cases are fraught with difficulties, as the police will usually thwart the investigation unless they have no personal interests in the outcome and the victim is now prepared to pay more than the other party to succeed. They may issue a final report, closing the inquiry without trial, or issue a report that will not stand up in court.¹⁵

Information was also found to indicate that the justice system discriminates against religious minorities including Christians who comprise about 1 per cent of the population. According to the 2009 US Department of State Human Rights Report on Bangladesh:

Discrimination...existed at both the governmental and societal levels, and religious minorities were disadvantaged in practice in such areas as access to government jobs, political office, and justice.¹⁶

The 2009 US Department of State International Religious Freedom Report on Bangladesh notes that religious minorities lack influence with political elites. It also notes that police were 'frequently ineffective in upholding law and order and sometimes were slow to assist religious minorities', which promoted a greater atmosphere of impunity for acts of violence against them.¹⁷

Discrimination against minorities is likely to be made worse by the generally high level of corruption among police. Transparency International's 2007 national household survey on

¹³ Huq, Z. 2003, 'Part V Information to the Police and their Powers to Investigate', in *Law and Practice of Criminal Procedure*, Bangladesh Law Book Company, Dhaka, pp.210-324 – Attachment 8

¹⁴ The Asian Legal Resource Centre is an independent regional non-governmental organisation holding general consultative status with the Economic and Social Council of the United Nations. It seeks to strengthen and encourage positive action on legal and human rights issues at local and national levels throughout Asia.

¹⁵ Md. Ashrafuzzaman, 2008, 'The disposable prosecutors of Bangladesh', *Focus: prosecutions in Asia*, vol. 07, no. 01, March, pp.59-65 <http://www.article2.org/pdf/v07n01.pdf> - Accessed 6 July 2010 – Attachment 7
US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Bangladesh*, March, Section c. Freedom of Religion <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136085.htm> – Accessed 7 July 2010 – Attachment 4.

¹⁷ US Department of State 2009, *International Religious Freedom Report for 2009 – Bangladesh*, 26 October <http://www.state.gov/g/drl/rls/irf/2009/127363.htm> – Accessed 7 July 2010 – Attachment 10.

corruption in Bangladesh also found that ‘the overwhelming majority of households (93.4%) had the experience of being victims of corruption’ when dealing with law enforcement agencies. Some respondents also claimed to have suffered from the ‘filing of false FIR/charge sheet (6.7%) and negligence in filing cases (4.3%)’. The relevant section follows:

The survey revealed that 96.6% among the surveyed households experienced harassment and corruption during interacting with or receiving services from law enforcing agencies. Among them, the overwhelming majority of households (93.4%) had the experience of being victims of corruption. Among the victims, 62% are male and 38% female.

The households reported bribery (41.5%) as the most prevalent form of corruption indulged by the law enforcement agencies. The other forms of corruption committed by law enforcing agencies include misbehavior (21.5%), threat for torture (10.7%), arrest without warrant or case (8.0%), filing of false FIR/charge sheet (6.7%) and negligence in filing cases (4.3%). Most of these harassments and irregularities were committed by the police. The joint force personnel mostly involved in misbehavior and threat of torture.¹⁸

¹⁸ Transparency International Bangladesh 2007, ‘National Household Survey 2007 on Corruption in Bangladesh – Substantive Summary’, 18 June <http://www.ti-bangladesh.org/research/HHSurvey07SubstSum180608.pdf> – Accessed 10 July 2008 – Attachment 11.

Attachments

1. DIAC Country Information Service 1999, *Country information Report CIR No. 171/99: Bangladesh Mixed Religion Marriages*, (sourced from DFAT advice of 19 May 1999), 27 May – (CISNET Bangladesh CX35245)
2. Department of Foreign Affairs and Trade 2006, *DFAT Report 552 – Bangladesh: Mixed Marriages: RRT Information request IND30692*, 19 October.
3. Husain, M. M. 2004, ‘Law and Our Rights: Your Advocate’, *The Daily Star* Internet edition, 4 January – <http://www.thedailystar.net/law/2004/01/01/queries.htm> – Accessed 5 July 2010.
4. US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Bangladesh*, March, Section c. Freedom of Religion <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136085.htm> – Accessed 7 July 2010.
5. Deleted.
6. Deleted.
7. Md. Ashrafuzzaman, ‘The disposable prosecutors of Bangladesh’, *Focus: prosecutions in Asia*, vol. 07, no. 01, March, pp.59-65 <http://www.article2.org/pdf/v07n01.pdf> - Accessed 6 July 2010.
8. Huq, Z. 2003, ‘Part V Information to the Police and their Powers to Investigate’, in *Law and Practice of Criminal Procedure*, Bangladesh Law Book Company, Dhaka, pp.210-324.
9. Police Matters’ (undated), Dhaka Metropolitan Police website <http://www.dmp.gov.bd/static/faq1.php?Category=Police%20Matters> – Accessed 10 July 2008.
10. US Department of State 2009, *International Religious Freedom Report for 2009 – Bangladesh*, 26 October <http://www.state.gov/g/drl/rls/irf/2009/127363.htm> – Accessed 7 July 2010.
11. Transparency International Bangladesh 2007, ‘National Household Survey 2007 on Corruption in Bangladesh – Substantive Summary’, 18 June <http://www.ti-bangladesh.org/research/HHSurvey07SubstSum180608.pdf> – Accessed 10 July 2008.
12. Gomes, W. 2010, ‘Mixed marriages often do not work, but some mixed couples are happy, Bangladeshi priest says’, AsiaNews.It website <http://www.asianews.it/news-en/Mixed-marriages-often-do-not-work,-but-some-mixed-couples-are-happy,-Bangladeshi-priest-says-18859.html> 7 June – Accessed 7 July 2010.