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Women and Children Repression Prevention Tribunal in Bangladesh: An Appraisal

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ABSTRACT

In Bangladesh, 53 Women and Children Repression Prevention Tribunals are functioning, which are established under the Nari-o-Shishu Nirjatan Daman Ain, 2000 (Women and Children Repression Prevention Act, 2000) to try the offences relating to repression against women and children. The purpose of this article is to identify the loopholes and achievements of these tribunals, specifically in the first phase, it aims to discuss the background of the establishment of tribunals considering the provisions of laws enforceable from time to time. In the second phase of the article, it will present case study and interview of judges to analyse the functioning of the tribunal, and in the final phase of this article, the shortcomings of the tribunal and law governing the tribunal will be discussed to recommend possible way out to overcome the loopholes.

Keywords: Women, Children, repression, Tribunal, Loopholes, Recommendation.

I. INTRODUCTION

Bangladesh is a developing country with overloaded population half of them are women (BBS, 2022). It got independence in 1971 through sacrificing of 30 lac martyrs, 9 months of struggle for the freedom in the liberation war and in exchange of purity of the two-lac mother and sisters (Islam, 1987). But it is a matter of great regret that still now women are not in a better position in their lives and deprived from their rights frequently. They are victims of both oppression and suppression in all level of social status (Ahmed & Tarannum, 2019). From slum dwellers to high society, illiterate to well-educated woman nobody can escape from repression in spite of having specialized law the Nari-o-Shishu Nirjatan Daman Ain, 2000. Half of the people of this country facing repression daily, sometimes those are highlighted and sometimes not.

There are numerous reasons why women in this country are subjected to repression such as polygamy by male, lack of self-defense, abuse of law-by-law enforcement agencies, the expectation of dowry, lack of education, lack of economic independence and income, lack of security for women, poverty, child marriage, availability of drug and acid ,not able to give birth

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of a male child etc. (Ahmed & Tarannum, 2019). The above reasons do not cover the full scenario of the society; there are reasons behind reason.

The Government of Bangladesh emphasizing on those reasons and to recover from those reasons enacted the Nari-o-Shishu Nirjatan Daman Ain, 2000. But there is another story. There is an objection in the society that especially the male entity of the society believes that through the the Nari-o-Shishu Nirjatan Daman Ain, 2000 as well as by Tribunal, which are established by the Act, they (male) are being repressed by the women and oppositions. Many false and fabricated suits are filed to take revenge, which makes both the complainant and accused in a derogatory position (Ahmed T. N., 2019). Though the Tribunal under the Nari-o-Shishu Nirjatan Daman Ain, 2000 was established for the benefit of women as well as common people but in practice there are some procedural defects, which make the tribunal questionable.

II. REASONS FOR ESTABLISHING TRIBUNAL

The Government of Bangladesh is committed to comprehensive development of women as constitutional commitment. The commitment is expressed through article 27, 28, 29 and 65(3) of the Constitution of the People's Republic of Bangladesh (Rahman, 2016). Specially, Article 28(4) of the constitution provides for making specific law for the development of the under-developed women (Shamim, 2000). Apart from this, Bangladesh is a signatory to almost all international conventions and covenants for women development. Bangladesh signed the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and ratified the same (OHCHR, 2024). By accepting the convention Bangladesh commits herself to undertake a series of measures, including enactment of legislation and other temporary measures to end discrimination against women in all forms (Khan, 2019).

The increasing number of offences against women necessitates immediate enactment of stringent laws for deterrent punishment and as there was no parliament in existence during the Martial Law Regime, the Cruelty to Women (Deterrent Punishment) Ordinance, 1983 was promulgated with a view to providing adequate measures for effectively dealing with such offences effective from the 3rd October 1983 (Directorate, 1993). The Ordinance provided punishment for the following offences (Bakara, 1989):

- a. Kidnapping or abduction of women for unlawful or immoral purposes.
- b. Women trafficking.
- c. Causing death etc. for dowry.
- d. Causing death in committing rape etc.

- e. Attempt to cause death or causing grievous hurt in committing rape etc. and attempts to commit such offences and abetment thereof.

The above-mentioned offences under the same ordinance were made triable by the Special Tribunal (Bakara, 1989) under the Special Power Act, 1974 (Hoque, 2010). The Cruelty to Women (Deterrent Punishment) Ordinance, 1983 could not yield optimum result in effectively dealing with the offences relating to cruelty to women, which was repealed and replaced by the Oppression of the Women and Children (Special Enactment) Act, 1995 which came into effect on 17th July, 1995. This Act made more stringent laws than the Cruelty to the Women (Deterrent Punishment) Ordinance, 1983 and provided harsher punishment for the offender that was extended to death penalty and minimum punishment was five years rigorous imprisonment (Employment, 2010). The Oppression of Women and Children (Special Enactment) Act, 1995 provided the punishment for following offences:

- a. Rape
- b. Causing grievous hurt or hurt by poisonous or corrosive substance.
- c. Women trafficking.
- d. Child trafficking.
- e. Dowry.
- f. Abduction.

But provisions of the Act of 1995 were found inappropriate and to remove the weakness, ambiguity, lacking and inadequacy of the Act of 1995 a new law has been enacted with more updates and to meet the necessity of society namely the Nari-o-Shishu Nirjatan Daman Ain ,2000 which was came into effect 14 February, 2000 (Huda, 2020). This Act provided the punishment for following offences:

- a. Offence committed by corrosive substance:

Section 4 of the Act deals with offence committed by corrosive substance. This is actually offence of murder or grievous hurt or attempt to both but this Section emphasize on the use of means to commit the offences. By using corrosive substance or aid or poisonous substance or burn by fire or by means of inflammatory substance if any one does any of the following offences, he/she will be punished but the punishment will vary as per gravity of the offence:

- Cause death to women and children.
- Attempt to cause death of women and children.

- Resulting grievous hurt of women and children.
- Throws but no injury.
- Attempts to throw.

b. Kidnapping:

Section 7 of the Act deals with the Kidnapping of women and children. Though the Section did not define the word 'kidnap' and the offence 'kidnapping'.

c. Ransom:

Section 8 of the said Act provides for the illegal confinement and demanding ransom. But to define illegal confinement we have to rely on Sections 339 and 340 of the Penal Code, 1860.

d. Rape:

Section 9 of the Act describes the punishment for the offence of rape and death in committing rape. To define rape this Act depends on Section 375 of the Penal Code, 1860. Section 375 of the Penal Code, 1860 lays down that a man is said to commit "rape" who except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the five following descriptions: firstly, against her will; secondly, without her consent; thirdly, with her consent, when her consent has been obtained by putting her in fear of death, or of hurt; fourthly, with her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married; fifthly, with or without her consent, when she is under fourteen years of age.

e. Instigating to commit suicide:

Section 9A of this act provides provisions if a woman commit suicide because of violation of her modesty by any person:

- willful acts of that person
- without her consent or
- against her will.

f. Sexual Oppression:

Section 10 of this act defines the offence sexual oppression. This section provides that if any person with intent to illegally satisfying his sexual lust:

- by any of his organ or

- by any matter or
- touches genital organ or
- any part of a body of a woman or children or
- violates her (woman) modesty.

Though this section provides a clear view to determine sexual oppression but ambiguity still exists in the word modesty because this section did not provide any explanation to the word modesty.

g. Offence related to dowry:

Though there is an independent law- The Dowry Prohibition Act, 2018 to prohibit dowry but to prohibit the offences related to dowry Section 11 of this Act provides stringent punishment (Morley, 2021). This section provides punishment for the following offences relating to dowry:

- Causing death
- Causing grievous hurt
- Causing simple hurt

h. Amputation or impairing any organ of a child for the purpose of begging:

Section 12 of the act provides punishment if any person causes damage or imputation or cripples or causes disfiguration of hand, leg, eye or any organ in any other form for the purpose of selling limb or organ or begging.

i. False complaint/ False case:

If from the investigation or inquiry it is proved that the complain or case is false then the complainant or informant will be punished accordingly under Section 17 of the Act.

Though a complete act came into effect in 2000, later when the act came into operation there were still some lacking regarding the offences covered and application of the Act. In this situation a massive amendment came into effect in 2003 which rearranged the law, block the loopholes and provided satisfactory solution (Roy, 2008). The major changes made by Amendment of 2003 are as follows:

- a. In 2003 amendment definition of dowry remarkably changed.
- b. Border line for the determination of women's age was fixed to sixteen years.
- c. Provision of punishment for instigating woman to commit suicide inserted.
- d. Offence of sexual oppression and punishment for this added to the main act by 2003

amendment.

- e. Amendment of 2003 redefines “hurt” into specific “grievous hurt” and “simple hurt”.
- f. In amendment 2003 tried to seek out solution for the child born as a result of rape.
- g. The 2003 amendment provided specific guideline regarding investigation of offences.
- h. All offences under the act made cognizable and non bailable under the 2003 amendment.
- i. All offences under the act triable by the judge of the Tribunal under the 2003 Amendment.
- j. By 2003 amendment Judges of the Tribunal were made accountable to the Supreme Court.
- k. Medical examination of the victims of offences was ensured by the amendment of 2003.

According to Huda (2020) after amendment of 2003, in 13th October 2020 an ordinance was issued by the President as the parliament was not in session at that time amending various sections of the Nari O Shishu Nirjatan Daman Ain, 2020 and in 26, November 2020 the parliament of Bangladesh passed the The Nari O Shishu Nirjatan Daman (Shangshodon) Ain ,2020 repelling the ordinance. In this amendment five key changes were made which are as follows:

- a. It reintroduced death penalty as the maximum punishment for single perpetrator rape. Before this amendment death penalty was already prescribed for rape leading to death and gang rape under section 9 of the 2000 Act.
- b. This amendment also introduced the death penalty as the maximum punishment for even attempt to cause death or hurt after committing rape under section 9(4)(a) of the 2000 Act. Previously the only punishment for this offence, like single perpetrator rape, was life imprisonment.
- c. It made a small but significant language correction to section 9(5) of the 2000 Act, which deals with custodial rape, by replacing the word "*dayi*" (responsible) with "*dayprapto*" (in charge). Before the amendment, section 9(5) read: "If while in the custody of the police any woman is raped, then those whose custody in which the rape took place, that individual or those individuals who were directly responsible (*dayi*) for the woman's safe custody, they or each of them, if not proved otherwise, for their failure in ensuring safe custody, shall be liable to imprisonment for a term not exceeding ten years, but not less than five years rigorous imprisonment, and a fine not exceeding ten thousand taka." The word "*dayi*" (responsible) has now been replaced with "*dayprapto*" (in charge).
- d. It made dowry violence leading to simple hurt a compoundable offence (meaning it can be

settled out of court). This change is quite significant because this is the first time that an offence under the 2000 Act is being treated as compoundable. Typically, petty crimes like theft and defamation are considered compoundable offences to allow victims the flexibility of settling the matter out of court, usually for a sum of money. Certain lawyers fear that this may mean that victims seeking justice for dowry violence which led to grievous hurt may be forced to settle the matter out of court with their injury being treated as simple hurt instead.

- e. The amendment brought focus to the importance of medically examining the accused, and not just the victim-survivor. To this end it introduced mandatory DNA testing of both the survivor and the accused according to the provisions of the DNA Act 2014. However, in doing so it states that this test may be done "with or without their consent", which appears to mean that even if a victim survivor refuses to a DNA test, they may still be compelled to undergo it. This of course raises important concerns about a victim-survivor's agency. Interestingly, consent is a prerequisite to DNA testing under the DNA Act 2014 itself. Section 6 of the 2014 Act, for instance, states that no DNA sample shall be collected (for investigation purposes) from any person under the Act, without obtaining the written consent in the presence of a minimum of two witnesses. The only two exceptions to this rule are: for those considered legally incapable of giving consent (e.g. minors), in which case their guardians would consent on their behalf and DNA testing through court order, where consent of the person would no longer be needed. Therefore, the amendment appears to bypass the general rule of consent being a prerequisite for any form of DNA testing.

III. FUNCTIONING OF THE TRIBUNAL

The tribunal is presided over by a judge who should not be below the rank of Additional District Judge (Ahamed, 2008). He has the cognizance power. The trials of any case in the tribunal have to be completed within 180 days. Moreover, the cases under the Nari-o-Shishu Nirjatan Daman Ain 2000 are non-compoundable otherwise for all other procedures the tribunal is totally dependent upon the Code of Criminal Procedure, 1898 (Ahamed, 2008). For better understanding of the functions of the tribunal three different case studies are given below with detail analysis of the fact with findings and an interview of a judge of the tribunal.

Case Study -1

Robi is Senior Executive Officer and Branch Manager of Sonali Bank, Debidar Branch, Comilla. He is very helping, kind hearted person. Mousumi an account holder in the Bank and her age is 21. Mousumi is a house wife her husband Shimul working in the Middle East, she

maintains a DPS account in the Bank. She has a 2 years old daughter and is not happy in her conjugal life. Robi the manager's wife lives in Chittagong, he lived in a double room apartment alone, also not satisfied with his wife though he has a 3 years old son. In a lapse of time a new relation has grown between Robi and Mousumi, since both are not happy in their conjugal life the relation turned into an emotional and physical one. They want to terminate their earlier relation. As a result, at first Mousumi divorced her husband, Shimul. Mousumi's decision of divorce was never acceptable by Shimul rather he became vindictive and he believes that Mousumi's mother Shefali and Robi co-operate her in making such decision. Later Shimul consulted with a lawyer, who advised him to file a kidnapping case under the Nari-o-Shishu Nirjatan Daman Ain, 2000 against them, as the process of getting bail in this case is not so easy after being arrested. Generally, police do not accept such kidnapping case rather advise to go to the court. But Shimul gave huge money to the police as a bribe and creates political pressure over the police to accept the case and arrest the accused. Police arrested Robi and Shefali for the offence of kidnapping under Section 7 of the Nari-o-Shishu Nirjatan Daman Ain, 2000. By presenting them before the Magistrate bail and remand was sought for them and interestingly the victim Mousumi was also present in the court.

But the Magistrate has denied accepting any statement of the victim, because the investigation officer did not present the victim before the court. The Magistrate rejected the remand prayer and bail, as he has no power under the law to grant bail. Accused filed a miscellaneous case before the District Sessions Judge Court against the rejection order of bail. The Court gave a date after 17 days of the filing as there was not any schedule. In the meantime, Robi was already suspended from his job. Most important issue here is that the case is still not brought before the statutory court (Women and Children Repression Prevention Tribunal) which will try all the cases under the Nari-o-Shishu Nirjatan Daman Ain, 2000

Case Study2:

Ria and Raihan married each other without the consent of the family in 2010. With the passage of time both families accepted it by performing social rituals. Both of them were highly educated. Raihan is employed in a private company and earned near about Tk.80000 per month. But after some days there arose disagreement between Ria and her in-law's family regarding many issues which lead to the dissolution of relation by a nuptial bond. Ria with all her bag and baggage including gold ornaments left her in-law's house. Then her in-laws tried to bring her back but she refused them. Moreover, she alleged torture for dowry under Section 11(C) of the Nari-o-Shishu Nirjatan Daman Ain,2000 in Police Station against her husband, father-in-law, mother-in-law and sister-in-law and also managed a fabricated medical certificate of her injury.

In the mid night police arrested the whole family, next morning as per criminal procedure police produced the accused before the magistrate and lawyer of the accused sought bail for them since as per law the complaint only triable by Tribunal so that Magistrate reject the bail petition and send them to the jail.

Though women or old person have prior right to get bail but this time the priority is not given. In this case for bail, they failed misalliances case before District Court of Sessions. But for filling the misalliances case It requires certified copy of the rejection order of the Magistrate, which took 07 days. After filling of the misalliances case, it took more 10 days to get schedule of hearing of the District Court of Sessions. So, in this case the accused were in jail for 17days where Magistrate could clearly scrutinize that the medical certificate attached with the complaint which was fabricated and can prevent the misuse of law.

Case Study -3

Dispute regarding land between two families, Khans and Choudhurys, exist for a decade. They have Different civil suits pending in different civil court. To harass one another Khan family proceeds in different mode. they discuss with a lawyer and decided to file a false criminal case against Kashem, head of Choudhury family. Lawyer advised them to file a case under the the Nari-o-Shishu Nirjatan Daman Ain,2000. Khan family hired a prostitute as a victim and filed a false rape case against Kashem under Section 9 of the the Nari-o-Shishu Nirjatan Daman Ain,2000 in the police station. Police arrested him immediately. This incident got a huge media coverage and became talk of the town. Lawyer of the Kashem moved for bail in both Magistrate court to District Court of Sessions, but rejected. Finally accused obtained bail from High Court Division but in the meantime almost 2 months elapsed.

In this case if pre investigation took place or the lower court had flexible view to rape case or could justify the case in social circumstances then the case could be different. But in this case Kashem punished for nothing moreover he lost his social status, value which cannot be measured in money.

(A) Interview of the Judges of Tribunal:

To understand the real function of the Tribunal and to find out the loopholes, the authors interviewed three Judges of the Tribunal here are the brief discussion of the interview:

In the question of effectiveness of the Act to protect women and children two judges of the Tribunal said the Act is fully effective but one judge said the Act is inadequate to protect women and children.

The Judges of the Tribunal opine that system of Trial not remarkable in some cases, backdated even. False case is one of the great problems in the Tribunal but surprisingly one judge said present provision is enough to prevent false case but other two judges said something new provision required to check false case.

Though not permitted by this Act but in practice there are lots of cases in the Tribunal that settle outside the court or off the official record and in this matter every judge agreed that some offences under this Act must be made compoundable. In response to the question whether this Tribunals used as instrument to torture men though one judge disagreed but other two said it is partly true. In a question whether a direct monitoring cell including a judicial office in investigation process can be add or not, two judges not sure about that but one said if judicial officer included then it has impact over the trial.

Lawyers and accused complained that Tribunal is very harsh to grant bail. In this aspect one judge said it is not true, other two said it depends upon the judge who administers the trial. Another peculiar scenario in the Women and Children Repression Prevention Tribunal is a public prosecutor of a specific Tribunal practice as a defense lawyer in another Tribunal, in this case one judge said this should not be permitted and two other judges appreciated their practice but only with the permission of the Government. Public prosecutor is the lawyer fixed by the Government for the complainant/informant but when the relation between them become bitter then it is not possible for the complainant/informant to prove the case, in this situation two judges said provision for appointing of an independent lawyer is required.

(B) Findings and analyzing the Case Study:

Government of Bangladesh always tries to give protection to woman and children of the country and takes various initiatives for their development, by ensuring their security and establishing their right. As this is the constitutional obligation to make sure the participation of woman in national life and equal opportunity to every citizen irrespective of their sex. The Government from time to time changed and amended the the Nari-o-Shishu Nirjatan Daman Ain,2000 to cope with social changes and values, though there are substantive law to protect the right of every citizen of the country but in lapse of time it is proved that these were not sufficient to protect the woman and children, that's why all the enactment, amendment came one after another.

The problem arises when the law is misused. In the above discussion it is evident that the the Nari-o-Shishu Nirjatan Daman Ain,2000 is not a complete substantive law, it has to depend on the other substantive laws like The Penal Code, 1860, it's a mere guideline to enhance

punishment for some specific crime against women and children. That is the turning point for which the myth lies against this Act i.e. this Act misused against man. The Nari-o-Shishu Nirjatan Daman Ain, 2000 is enforced only when the victim is woman and children, from the description and definition of the offences can be narrowed down that satisfaction of the Judges to take cognizance of the offences made more mechanical than discretionary. That's why victimization by this Act could not be checked and balanced.

Moreover, though it is said that this Act is for the safeguards of women and children but from the discussion it is proved that, this Act is a post offence law, it can reduce offences but cannot prevent offences against women and children.

So according to the overall discussion the following short comings of the Nari-o-Shishu Nirjatan Daman Ain, 2000 and the Tribunal are observed:

- a. As a special court the trial system is not special, substantive law is special but the procedural law is backdated.
- b. The relation between complainant/accused and public prosecutor/lawyer is not good enough to ensure natural justice in all the cases.
- c. No hard line to check the false case.
- d. Though the Act attracts family (conjugal) problem into this Tribunal but the cases are not compoundable (only dowry violence leading to simple hurt is compoundable). So, when wife and husband want to settle the issue then Tribunal has nothing to do but within Tribunal's knowledge and off the record many cases like this settled.
- e. In some cases male victimized by this court.
- f. The Tribunal becomes alternative forum for family problem. (Wife put husband into the jail and claim the dower)
- g. Weak investigation/inquiry process, especially judicial inquiry.
- h. Bail is the toughest thing of the cases in the Tribunal.

IV. POSSIBLE WAY OUT FROM THE LOOPHOLES OF THE TRIBUNAL

From the case study and informal interview of the judges of the Tribunal and lawyer the following advice can be the possible way out from the loopholes of the Tribunal:

Time limit: The Nari-o-Shishu Nirjatan Daman Ain, 2000 is a total Act with the provision for time limit to end trial but it is not maintained. In fact, in some cases, it is not possible to end the trial within the time prescribed. It requires special attention for speedy trial.

Different Procedure: The specialty of this special court lies only that this Tribunal only hear or tried cases under the Nari-o-Shishu Nirjatan Daman Ain,2000, but the procedure to hear or conduct cases is almost same like other criminal cases. Here the problem is the way in which the defense lawyer cross examines the victim of rape in front of the open court seems like the victim is undergoing the same offence again. So, this system should be changed and application of the provision of camera trial for some specific cases can solve this short coming.

Compromise of the case: Wife or her guardian can file a case against her husband under Section 11 of the Nari-o-Shishu Nirjatan Daman Ain 2000 for three reasons, first for causing death, second for causing grievous hurt and third for causing simple hurt. Controversy starts when a wife has chosen this tribunal to file a case against her husband only for a slap on the ground of simple hurt. Because there is another provision for simple hurt under Section 323 of the Penal Code of Bangladesh, 1860 which is more flexible than this Act. In Penal Code punishment is maximum one year or with fine may extend to one thousand taka and the offence is bailable and compoundable, but the same offence under Section 11 of the Nari-o-Shishu Nirjatan Daman Ain,2000 punishment is maximum three years not less than one year and with fine. So, the harshness of this provision instead of settling the issue between husband and wife rather creates sheer misunderstanding and even end with the termination of marriage. So, with a view to decrease the social problems, the solution is to make some offences compoundable.

Family issue: As discussed above family issue like simple hurt, especially between husband and wife should be settled by conciliation or mediation and like Family Court and Code of Civil Procedure; this Act should also include these processes during the trial stage. Though at present cases like that settled informally outside court or in the court but off the record, but there are cases where husband betrayed after getting bail or case is minimized. So, to overcome this situation the settlement must be made formally within the frame of law, to make both the parties accountable to the court.

General Registrar for Tribunal: In the case study we saw that Robi was suffered in jail only for the clumsy systems of law. If there is a General Registrar Officer (GRO) only for this Tribunal then in any GR case, when an accused arrested by the police, bail can be sought directly from the Tribunal but now till police report the case is in the Magistrate Court and he has no power according to the Act to try case like this. So appointment of a GRO for each Tribunal can solve the problem and every case will be under the direct supervision of Tribunal.

Check the False Case: To justify whether a complaint of the complainant or FIR of the informant is true or false there is no standard to fix it. Only intuition of the concern officer is the yard

stick. The Nari-o-Shishu Nirjatan Daman Ain, 2000 is a very harsh law to the accused. So, it should make compulsory in filing a case under this Act the enclosure of NID or Chairman Certificate or Birth Certificate of the complainant or informant with the complaint or FIR.

Though according to Section 17 of the Nari-o-Shishu Nirjatan Daman Ain, 2000 contains provision against complainant or informant of any false case but the Section is not self operative. The provision directs the accused of the false case to complaint against false case but the fact is after the huge harassment the accused of a false case is not bit interested to file another case or sometimes it is unawareness of the parties. But if the Tribunal takes *suo moto* action against the complainant of the false case soon after realizing it, the people who wants to harass others will be supposed to think twice to file a false case under this Act.

Investigation: Medical Certificate (MC) is one of the important factors to prove a case. To file a false case use of forged MC is common, but there is no standard procedure to check whether the MC is forged or not. The MC and its issuing authority must be scrutinized by the investigating officer.

Inquiry: It's a common practice in the Tribunal that lawyer of the complainant always seeks judicial inquiry of the case, because it is easy for them to prove the case as the inquiry took place in the chamber of the Magistrate by examining the complainant and witnesses. In the academic sense this is not an inquiry at all, if the accused or any other neutral person examined then the inquiry will be fruitful and natural justice can be ensured without any controversy.

Trauma Center: In most of the cases victims under these Tribunals are bodily injured or mentally depressed for the offences like rape, trafficking, grievous hurt etc. They need both mental and physical treatment but true fact is that they usually have to take treatment in general hospital, so it would be beneficial for such victims if any special trauma center is established by the Government for the purpose of these Tribunals.

V. CONCLUSION

The Nari-o-Shishu Nirjatan Daman Ain 2000 is special law that prevail over the general to safeguard the women and children in society. Government is highly concerned in this matter so that different Tribunals have established in every district of the country, the intention of the legislature as well as Government is very clear, to protect women and children, but in long run the scenario is totally changed for the lack of some provisions and balance system. The law and the Tribunal are frequently misusing by the wrongdoer. By interviewing the judges and from newspaper report it is evident that Tribunal has become the court of harassment specially if it is a GR case. There is so many blockades until the case reached to the tribunal via police station

and Magistrate under some obsolete and critical unwanted technicalities. So meanwhile the ultimate sufferers are the accused and his family. Though it has some loopholes, but it does not mean that the loopholes cannot be overcome, some amendment of law and system can make the Tribunal more fruitful than present.

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