

DESERTATION
ON
DOMESTIC VIOLENCE IN BANGLADESH: A CRITICAL
ANALYSIS

Course Code: LAW 812

Course Title: Research Monograph

ID: 191-38-303

Session: 2019

Date of Submission: 30 Dec, 2019



LL.M. (F) PROGRAM

DEPARTMENT OF LAW

FACULTY OF HUMANITIES AND SOCIAL SCIENCE

DAFFODIL INTERNATIONAL UNIVERSITY

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This research work is conducted for the fulfillment of the course requirements of LAW 812 to accomplish the Legal Research Methodology under Department of Law, Daffodil International University.

DESERTATION ON
DOMESTIC VIOLENCE IN BANGLADESH: A CRITICAL ANALYSIS

Submitted To:

Md. Abu Saleh

Assistant Professor

Department of Law

Daffodil International University

Submitted By: Md. Hayder Ali

ID: 191-38-303

Department of law

Daffodil International University



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Letter of Transmittal

To,
Md. Abu Saleh
Assistant professor
Department of law
Daffodil International University

Subject: Domestic violence in Bangladesh: A critical analysis Dear Sir,
First of all I thank to Allah who is give me the energy for fulfillment of the research paper. It is pleasure for me that I have completed my job. Research on “Domestic violence in Bangladesh: A critical analysis” has done by me. For preparing this research paper I have used secondary data and my practical and theoretical knowledge as well. I follow all the instruction given by you for preparing this research paper. This research work has broadened both my practical and theoretical knowledge to great extent.

I have enjoyed this research work a lot and looking forward to have such thing in future. If any part of the research means inappropriate and irrelevant with the subject please advise me and if you have any queries. I will be glad to respond them.

I hope you will accept my Research and oblige me there by.

Yours truly,

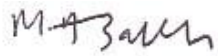


Md. Hayder Ali
ID No: 191-38-303
Program: LL.M (F) Department of Law

Certificate of the Supervisor

This is to certify that the work entitled “Domestic violence in Bangladesh: A critical analysis.” is an original work by Md. Hayder Ali ID: 191-38-303(LL.M. Final), Department of Law, Daffodil International University, has completed under my supervision for fulfillment of requirement of award of Masters of Law from Daffodil International University.

I wish his success



Md. Abu Saleh

Assistant professor

Department of Law

Daffodil International University

Student Declaration

I do hereby solemnly declaration that this paper has been completed by me is not published for any journal or any university.

I, Md. Hayder Ali ID No: 191-38-303 (LL.M final) Declare that the thesis paper on “Domestic violence in Bangladesh: Domestic violence in Bangladesh: A critical analysis.” is an original work by Md. Hayder Ali ID: 191-38-303 (LL.M. Final), Department of Law, Daffodil International University, has completed under my supervision for fulfillment of requirement of award of Masters of Law from Daffodil International University.

I further undertake to indemnify the damage arising from breach of the foregoing obligations.



Md. Hayder Ali

ID No: 191-38-303

Program: LL.M (F) Department of Law

Daffodil International University

Acknowledgement

First of all I thank to Allah who is give me the energy for fulfillment of the research paper. It is pleasure for me that I have completed my job. This paper has been submitted for fulfillment of masters program, assistant and guidance of supervision of Abu Saleh, Assistant professor, Daffodil International University.

However, I am immensely indebted to my supervisor Md. Abu Saleh, without whose support the research paper should have been really difficult to conduct. On the hand, I am thankful to JASHIM UDDIN, Joint session Judge, Chittagong and Md. HAIDER ALI, Senior Judicial Magistrate, Munshiganj without your help our research works the research paper should be complete for me.

Finally I will thankful to my fellow friend who are giving me support and help for stage of preparation this research paper.



Md. Hayder Ali

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Program: LL.M. (F)

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Abstract:

Domestic violence mainly calls any violence which is occurring within four wall of the family. A person can be victim of violence by his or her family members. Now a day's Domestic violence in Bangladesh is very common. Most of the women and children has victim of domestic violence which is occurred by the family members or any person who are in their family relations. There has no age limit for victim of domestic violence. There children who are age of 4 years or a woman who are age of 90 years can be victim of domestic violence. The domestic violence can be occurred by the husband or father or the mother-in-law. Most of the cases, we find that the person who are illiterate or engaged with the poverty, they has occurred domestic violence. But this not satisfaction rate that a person who are educated and proper study of education, they are not occurring the domestic violence. A domestic violence can be occurred from the poverty, ego, depression, jealousy, arrogance. Before 2010, domestic violence was not defined as criminal offence. Most of the family determinate a women and children opinion over the family matter is unreasonable. Now days, the government and non-governmental organization take reasonable step for measure the domestic violence.

Keywords: domestic violence, violence against child, physical abuse, psychological abuse,

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CHAPTER ONE: BACKGROUND

Introduction:

This chapter has discussed the introduction of nature of study. In which mythology has followed of the competition of the research work, the time frame of the study, the limitation of the study, for which objective will be fulfillment after completion of the study has specified the chapter.

Domestic mainly means any domestic setting relationship of any person. Violence means attack or abuses any person by another person. Domestic violence is calls a violence or abusing any person by another person who is related with domestic setting mainly marriage or family relationship. Domestic violence will be verbal, physical, verbal, religious, reparative, and economical. In our country domestic violence was not criminalized before 2010. In 2010, Domestic violence (Protection and Preventive) Act, 2010 has defined the Domestic violence. According to the section -03 of Domestic violence (protection and Preventive) Act, 2010 state that domestic violence means abuse against a woman or a child of a family by any other person of that family which is **p**hysical, psychological, sexual or economic with whom victim is, or has been, in family relationship. This section stated that a domestic violence calls violence which is against the women and children occurred by his family member or a person who is his family relationship.

The research has set up by some of the chapters where first chapter mentions definition of domestic violence, reason behind the domestic violence, the form of domestic violence. If any of domestic violence has occurred and which will be its impact on women and children and definition of domestic violence under International convention. Another chapter has mentioned specifying legal remedy for victim and specifying the punishment of the offender who will occur the domestic violence in Bangladesh, there has also specifying the institutional framework for measure domestic violence in Bangladesh, the author in his opinion and argument specifying the finding the problem of the domestic violence legal or fact of the study. Some recommendation and concluding remark has arisen after analyzing the research of domestic violence in Bangladesh.

Literature review

This literature made by primary and secondary data. Primary data mainly means any data which comes from Act and statistics and secondary data comes from different journal, notes and other review of different Non government organization. (Afrin, 2016, p.39) state that not only the illiterate family as well as the husband of high society with educate occurred the domestic violence.(Afrin, 2016, p.40) The main place of domestic violence is family where outside not to authorized to enter. Again who are know, they avoid the matters as consider family matters. (Rahman, 2016, p.154) A person will be punished for 5 years maximum and not less than one year or fine or both if he asks for dowry.

Research Objectives:

- i. To find out the causes of prevailing Domestic violence in Bangladeshi society
- ii. To find the Statistics of occurring domestic violence in Bangladesh.
- iii. To find out the legal penalty and trial procedure for offender against domestic violence.
- iv. To find out Institutional framework for measuring domestic violence in Bangladesh.

Research question:

1. What is the legal framework of domestic violence in Bangladesh?
2. How the international obligation protecting from domestic violence?
3. What is the non institutional safety for victim of domestic violence?
4. Which is the legal lacking for improving the better safety against domestic violence?

Research Methodology:

The research will be completed by using the method of Quantitative. Quantitative research mainly means any research which prepared from different types of numerical values which transferred into usable statistics. The statistics collected from different newspapers of Bangladesh as well as other journals of Ain Salish Kendra (ASK). On the other hand, the research methodology also prepared from the notes or opinions of different published materials or research papers. The legal remedy and trial procedure has been explained with a chapter of this research and specifically the institutional framework for domestic violence in Bangladesh. At last, the author has given some findings by analyzing the research problem and has given some recommendations on how to improve the problem.

Significance of Study:

This research will help the researcher and students about the study of domestic violence in Bangladesh as well as the legal framework and penalties against domestic violence. The victims and general people will know properly about domestic violence by reading out the paper.

CHAPTER TWO: BASIC STUDY OF DOMESTIC VIOLENCE

The chapter is specifying the definition of domestic violence from the national perspective. The other part of this chapter discussed about forms of domestic violence. cause of occurring domestic violence.

Domestic violence:

Domestic mainly means any domestic setting relationship of any person. Violence means attack or abuses any person by another person. Domestic violence is calls a violence or abusing any person by another person who is related with domestic setting mainly marriage or family relationship. Domestic violence will be verbal, physical, verbal, religious, reparative, and economical. In our country domestic violence was not criminalized before 2010. In 2010, Domestic violence (Protection and Preventive) Act, 2010 has defined the Domestic violence. According to the section -03 of Domestic violence (protection and Preventive) Act, 2010 state that domestic violence means abuse against a woman or a child of a family by any other person of that family which is physical, psychological, sexual or economic with whom victim is, or has been, in family relationship. This section stated that a domestic violence calls violence which is against the women and children occurred by his family member or a person who is his family relationship. Domestic violence not only the factor of marital relationship or cohabitation but also factor of live together. But in Bangladesh Domestic violence law only defines the violence occurred from any other person who is related with the family relationship made by birth or marital. On the hand, some states introduced parents within definition of domestic violence. But Bangladesh doesn't introduced parents within definition of domestic violence yet.

Examples of Domestic violence:

- Keeping women from contacting their family or friends.
- Withholding money of wife by husband.
- Restricting women from communicating her family members.
- Actual or threatened physical harm of wife by husband.
- Sexual assault of women and children by her family members.

Types of domestic violence:

1. Physical : It includes slap/slap or punch or throwing an object for injury, pushing, pulling with hair, choking or hitting with hot things, throwing acid or hot water, pressing throat, giving electric shock, Fear or threats, beating etc. with fire, fire, fire, or other sharp weapons.
2. Mental: Regulatory behaviors such as not allowing relatives or friends to communicate, suspect unnecessarily, do not take medical care, to wear hijab / burka by forcefully, to stop learning or to work, to not leave the room for entertainment, parents or Use abusive words for mother, forced to use contraceptives or not to use, misbehavior due to daughter's birth, humiliation Health, marriage or divorce, threats, etc. again.
3. Sexual orientation: To establish sexual relations against wishes by husbands or at the time, to commit forcible sexual intercourse, to behave insulting during sex or to behave in a different way for the purpose of establishing sexual relations outside of a husband or a sexual partner or for forced sexual intercourse or other sexual behavior so that any girl or woman feels insulted or includes physical and mental persecution and teasing on children.
4. Economic: Not willing to provide adequate money to run the family money, do not pay money or pocket money, take dowry and give money to parents to pressure the wife.

Rate of Domestic Violence in Bangladesh:

According to the 2011 Bangladesh Bureau of Statistics, it is found that 87 percent of married women are victims of torture by their husbands. In Bangladesh, crimes against women such as rape, sexual assault, physical torture, trafficking, prostitution, dowry, acid attacks, murder with serious injuries, are happening against women, which, as a nation, is indeed ashamed and humiliating for us.¹

1. ¹ Corraya, D. (2014, March 03). In Bangladesh, 87 per cent of women victims of domestic violence. Stuff. Retrieved from <http://www.asianews.it/news-en/In-Bangladesh,-87-per-cent-of-women-victims-of-domestic-violence-30204.html>

BRAC, the country's largest private development agency, was released a report by collecting information about torture from 55 districts of the country under their social empowerment program in June 2015. According to the report of 2014, 2 thousand 873 women were tortured. In 2015, the number reaches 5 thousand 8. In one year almost all kinds of violence were increased against women. In this report, poor women have been victims of more than 54% of the violence. And 88 percent of female abusers are male. These men are members of the victim's family or neighbors.²

BRAC's social empowerment program collects information about torture from 56 districts of the country. In the report of 10 months data from January to October of the year 2016 and October 2017, it is seen that the incidents of violence against women are increasing in Bangladesh. It is seen from the report that in the year 2016, the number of women tortures was 5,825 which grew 58 percent to 9 thousand 196 at the same time in 2017.³

According to a report by BRAC in the women's torture of 2017, 82 percent of married women are victims of torture. It also says that 17 percent of women victims of abuse are unmarried and another 1 percent. Married women are most victims of physical abuse by their husbands. Especially women less than 35 years of age are being tortured more. These data have been collected from more than 12,000 community-based women's organizations 'rural society' and BRAC's other programs in 56 districts of the country. The most recent statistics from BRAC's Community Empowerment Program show a 41% rise in violence against women and children. 77% of the perpetrators are family members – husbands, fathers, father-in-laws, brothers, uncles.⁴

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1. ² Jugantor. (2016, April 15). Statistic of some non-governmental. Stuff. Retrieved from <https://www.jugantor.com/news-archive/protimoncho/2016/04/05/23204/>
 2. ³ Tipu. S.M. (2017, November 25). International Women's Repression protection Day. Stuff. Retrieved from <http://www.risingbd.com/national-news/247128>
 3. ⁴ BRAC. (2018). In Bangladesh, 87 per cent of women victims of domestic violence. Stuff 77% of violence against women is perpetrated by family members. Retrieved from <http://blog.brac.net/77-of-violence-against-women-is-perpetrated-by-family-members/>

According to the Bangladesh Bureau of Statistics (BBS), 'Violence Against Women (VAW) Survey 2011 which published in 2013 about 87 per cent of women in Bangladesh are abused by their husbands. Between 2011 and September 2015, CEP (BRAC's community empowerment program reported a total of 2,546 women murdered, the most common cause being dowry disputes. According to the survey of violence against women in 2015 published by Bangladesh Bureau of Statistics, 80 percent of married women in the country have been victims of physical, mental, sexual or economic abuse of their husbands at any level of their life. According to the survey, only 23 percent of women expressed their torture and only 3 percent of women contacted for legal assistance. It is seen that before the completion of ten years of women, 5.77 percent of the women are being sexually abused. In a married life, financially, physical or sexual abuse at any time, the number of women in the country is 80.2 percent. The rate was 87 percent in 2011 according to Bangladesh Bureau of Statistics, 2016.

According to information provided on the website of Bangladesh Police, in 2010, there were 17 thousand and 541 cases of women and child repression cases. Last year, the number was 17 thousand and 073. The total numbers of women and child repression cases are 1, 32,913.

According to the crime statistics of the Bangladesh Police Headquarters, 67 thousand 229 cases of violence against women have occurred in 2009 to 2012. Due to dowry and various reasons, two thousand five women have been tortured in the husband's house. 442 victims of acid- terrorism More than one and a half thousand women were killed due to torture.⁵

According to Ain O Salish Kendra, A total of 442 of domestic violence matters occurred in January to December of 2017 where 362 women were killed by husbands and husband's family or by her own family or by committing suicide and 80 women have tortured by their family relations. But only 238 cases have filed against these offenses. (Ain o Salish Kendra, 2018) But In 2016, the domestic violence cases have occurred 394 where 187 cases were filed according to report of Ain o Salish Kendra, 2017.

According to Ain O Salish Kendra, A total of 303 of dowry related matters occurred against women in January to December of 2017 where 108 women were physically tortured and 145 women have tortured to death by the husband. But only 188 cases have filed against these offenses according to report of Ain o Salish Kendra, 2018. But In 2016, the domestic violence cases have occurred 239 where 95 cases were filed according to report of Ain o Salish Kendra, 2017.

But in 2015, Where 101 women were physically tortured and 187 women have tortured to death by the husband and 10 committed suicide. But only 158 cases have filed according to report of Ain o Salish Kendra, 2016.

⁵ Rahman. G. S. (2016). Nari o shishu nirjanton ainer bhassho (Explanation of women and child repression law. Dhaka,,Bangladesh :khushroj kitab mahal

According to Odhikar, 5613 Dowry related violence has occurred in year 2001 to 2017 against women where 3702 were killed. On the report for March, 2018 6 women has killed and 7 women has victim for dowry according to report of Odhikar, 2018.

Causes of Domestic Violence:

Lacking of Defence

Women and children can't protect her from the ruling behavior of the persona of man in a family. The man treats themselves as a showpiece.⁶

Lacking of Proper Education

Women and female children in family don't get proper education because they are defended of male person in the society. We are known that the man want to take out of a women and female children from the proper education because they consider that education for a female is unreasonable.

Lacking of financial ability:

We are known that most of family doesn't agree on the matter of job from any women. The man based society determines that the women keep away from the job and they only maintain household job. For this reason, the financial ability of women is so poor. So the man most the time dominates the women because of financial ability.

Lacking of Safeguard for Women and child:

Now a days, some number of women working outside from the home. They are working that area where the man also be working as same profession. But women security is not proper for their working environment. They are harassing by his senior or colleague in field of work. On the hand, they are not secured in the transportation in night time. For this reason domestic violence has occurred for not protection of women and children.

⁶ Islam, 2015, p.408

CHAPTER THREE: SATATOURY PROVISIONAGIANST DOMESTIC VIOLENCE IN NATIONAL AND INTERNATIONAL PERSPECTIVE

INTERODUCTION :

This chapter mainly talks about the law of the Bangladesh which is against the domestic violence. On the hand, this chapter has discussed about the International law against domestic violence.

The Bangladesh government has adopted various legal and policy strategies or action plans to prevent discrimination and abuse of women and increase their socio-economic status, such as the Dowry Prohibition Act (1980) - under which dowry and acceptance have been discouraged; Women and Child Repression Prevention Act (2000) - Where rape and sexual repression are more explicitly defined; Acid Criminal Prevention Act (2000) and Acid Control Act (2000) - The purpose of which is to prevent acid terrorism; Domestic violence Prevention and Protection Act (2010) and National Women Policy (2011) - aimed at ensuring women's empowerment. Apart from this, there are special rules and regulations for protecting quota for girls' education, women's participation at different levels of national and local government.

Our constitution protects form discrimination practices from every citizen. There are not considering who man is or who is a woman. The entire person will be gotten same benefit. According to article -27, 28(04), 31, 32 stated about the provision that is protect all kinds of discrimination. According to article-27 All citizens are equal in law and entitled to protection of law. The State shall not discriminate against any citizen on grounds only of religion; race, caste, sex or place of birth but the State from making special provision for the advancement of women or children or any backward section of citizen's article-28(1&4). Enjoy the protection of the law, and to be treated in accordance with law, and only in accordance with law (Article-31). According to the article-32 No person shall be deprived of life and liberty except by law.

Critical analysis on DVPP Act, 2010:

The DVPP Act Stated this violence as Family violence refers to physical abuse, mental abuse, sexual abuse or financial loss of another woman or child member of a family member who is in a family relationship (Sec-03). Family relationship is stated that as a any relationship established by blood or marital relations or by adoption or joint family member while “family” comprises of those persons who live or have, at any point of time, lived together in a shared residence due to being related by blood, marriage or adoption or due to membership of a joint family Section 2(11).⁷

Different kinds of abuse have defined in the DVPP Act. These are physical, mental, sexual, and economic.⁸Physical abuse is It shall include any acts or conduct which in any way impair the person's life, health, safety or any part of the body which is likely to be damaged or damaged, and shall compel or induce the aggrieved person to commit any criminal act Under section-3(A). In the time physical abuse there has so much punishment in penal code, 1860 and women repression Act, 2000. On the other hand, psychological abuse is not totally established in legal system as a crime. Sexual abused defined by Women Repression Act, 2000 as Rape,. On the hand, Economic abuse defined CRPC very well. Section-488 stated that the wife ask for talaq when husband failure to maintain his family which omitted in 2007. On the hand, family court ordinance, 1985 stated that demanding for dower and maintenance from husband is also being economic deprivation.

⁷ BNWLA. 2016, p.33

⁸ BNWLA, 2016, p.34

The trail procedure of Court under DVPP Act:

According to the section 21(1) stated that the judgment or proceeding of the petition or offense submitted shall be adjudicated by the Judicial Magistrate or, in the field, by the Metropolitan Magistrate. There will be no limit to the Judicial Magistrate or the Metropolitan Magistrate in granting compensation orders 21(2)⁹. Any offense committed under this Act shall be cognizable, bailable and compoundable (Section-29). The police officer has power to arrest any person without permission of magistrate.¹⁰

Remedies and Reliefs:

The domestic violence prevention Act is quasi criminal and quasi civil in a nature. This act stated remedy as compensation and other civil order as well as the punishable section. According to this section refers some ground for reconciliation and withdraw the case so easily.

Some Protection Order under the section will be discussed below:

- 1) Protection Order (section-14)**
- 2) Residence order(Section-15)**
- 3) Compensation Order (section-16)**
- 4) Safe custody order (section-17)**

1) Protection Order :

⁹ BNWLA, 2016, p.44

¹⁰ BNWLA, 2016, p.45

By giving the aggrieved person and opponent a hearing, if the court is satisfied that the domestic violence has occurred or is likely to occur, it may issue a protection order for the aggrieved person and may order the defendant to abstain from doing the following:

- A. The occurrence of any acts of domestic violence
- B. Assisting or encouraging family violence
- C. Access to the aggrieved person's workplace, business or educational institution or any other institution where the aggrieved person travels normally;
- D. Personal, written, telephone, mobile phone, e-mail or other means of communication with the aggrieved person;
- E. Violent acts against a person who is dependent on the aggrieved person or any of his relatives or other persons who have provided assistance to protect him from domestic violence
- F. Any other work referred to in the protection order

Interim protection orders and issue of Notice:

If the court upon receipt of an application under section 11, reviews the information presented along with the application, it is satisfied that any domestic violence has been or is likely to take place by the defendant or with his absent; the court shall grant Interim protection against the defendant. And why not give a permanent protection order notice receiving seven (7) working days, the opposition to show cause may be issued. This section stated that where the person is absent on the time of hearing, the court can reject the case according to section-27 and pronounce any order against him without him, that is call ex parte order(section-26).

Residence order (section-15)

4) In the case of an aggrieved person's application, the court may issue a residence order as follows: -

- A. Imposing a restriction on the person residing or traveling to the house or part of the partnership.
- B. To expel the aggrieved person from the act of obstructing the occupation of the partnership house or any part thereof, or of any obstruction in the possession of the enjoyment.

- C. With consent of aggrieved person , The court arrange any safe house for women and child if the court satisfied that house is not safe for women and children for opponent.
- D. Directing the opponent to pay rent for alternative accommodation or similar accommodation in the partner's home for the aggrieved person, if deemed appropriate;
- E. An order to allow the aggrieved person to enter into a partnership house with the enforcement officer for receiving for her home materials
- F. Giving an order to the adversary to continue using used and spent vehicles by the aggrieved person.

On the other hand court ensures the safety of aggrieved women and children, if it is not possible the court mange a safe home for the aggrieved. The gift or immovable property of aggrieved person will take from the opponent. The court order to law enforcement authority executed the order. But the interest of opponent in a movable or immovable property will not be diminished¹¹

Compensation Order (Section-16)

In case of loss or damage to the physical, mental, financial, immovable or immovable property of the aggrieved person, an application may be made to the court with an application under section 5 or later by a separate petition. Within 6 (six) months of receipt of the report, the case will be settled by the court. By granting the parties the opportunity to be heard, the court may order the defendant to pay the compensation to the aggrieved person as he thinks fit. The court may delegate responsibility to a person or organization for the purpose of determining the actual amount of damage: In the time of declaring order the court consider:

(A) the nature and extent of the injury, suffering, physical and mental harm of the infected person;(B) medical expenses for damages;(C) short and long-term effects of losses;(D) its impact on current and future earnings due to loss;(E) the amount and value of any immovable or immovable property transferred, transferred, destroyed or damaged;(F) a reasonable amount of money already incurred by a person aggrieved by domestic violence or by someone else on his behalf.

¹¹ BNWLA, 2016, p.47-48

(5) The court may order the defendant to pay sufficient and reasonable money for the life of the offended person and his child as he is accustomed to living.

(6) The court may, if deemed appropriate, order one-time or monthly repayments.(3) The court shall send a copy of the compensation order issued under this section to the police officer or the senior authority where the person working with government job. the compensation also be collect as public demand recovery.

Safe Custody Order (Section-17)

The court may order for temporarily in custody of child of the aggrieved person to within her security or any person on his behalf at the disposal at any stage of consideration of the application under this Act, and, if necessary, the order may refer to meeting the child with the defendant.

Issues in Enforcement

According to section-11 any case to be filled. After failing any case, the magistrate hears two parties. After his satisfaction, he will provide any of order or reject the case under section-27. In absent of defendant, the court can order without defendant (section-26). Most of major question is enforcement of the order. The court can enforce every order by law enforcement authority. According to section-30 stated that If the defendant violates any security order or any of its conditions, he shall be treated as a crime and hence shall be punished with a maximum term of six (six) months or a fine not exceeding Rs. Imprisonment shall be punishable with fine or fine of one (one) lakh rupees fine or both. The court may, if deemed appropriate to the court, order the service to be served in a variety of social welfare functions for a period of time without punishing the opponent under section 4, and any institution or organization may be given responsibility to oversee such service.(2) From the income earned by the defendant for rendering the services of social welfare under sub-section (1), the court may order the money to be given to the aggrieved person and, in the meantime, to his child or his dependents.(section-31).¹²

¹² BNWLA, 2016, p.52

Camera trial: (Section-23)

On the basis of the consent of the parties concerned or if the court deems it appropriate for their consideration, the trial proceedings under this Act may be carried out in a trial room.

Withdrawal of Cases:

There has opportunity to withdraw of any case. If the accused determine that her right has established, there has no reason to continue the case, the person can withdraw the case.¹³(BNWLA, 2016, p.60)

Penalty for making false prosecution (section-32):

If a person applies for damages against any other person without knowing the legal reason for applying under this Act, he shall be punished with a maximum of one (one) year imprisonment or a fine not exceeding 1 (fifty thousand) rupees or both.

Appeal (section-28)

The Chief Judicial Magistrate or the Chief Metropolitan Magistrate shall, for the purpose of this Act, be regarded as a Court of Appeal. An aggrieved party may appeal against an order made under this Act within 30 (thirty) business days from the date of order, to the Chief Judicial Magistrate or, in the matter, the Chief Metropolitan Magistrate Court. The appeal shall be settled within 60 (sixty) business days of the filing of the appeal, and the appeal shall not be changed multiple times without good cause.

¹⁵ Women, U. N. (1995, September). Beijing declaration and platform for action. Fourth world conference on women, Beijing. Retrieved from <http://www.un.org/womenwatch/daw/beijing/platform/violence.htm>

International Perspective:

Some law of land which provision against domestic violence

Vienna Declaration 1994:

"Gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person, and must be eliminated. This can be achieved by legal measures and through national action and international cooperation in such fields as economic and social development, education, safe maternity and health care, and social support." (Part-I Para-18)

This section stated that all kinds of sexual harassment and exploitation must be restricted. "Violations of the human rights of women in situations of armed conflict are violations of the fundamental principles of international human rights and humanitarian law. All violations of this kind, including in particular murder, systematic rape, sexual slavery, and forced pregnancy, require a particular effective response." (Part-II para-18) ¹⁴

Beijing Declaration and the Platform for Action (1995):

According to the chapter-IV (Paragraph 112-115) address with domestic violence against women:

¹⁶ Women, U. N. (1995, September). Beijing declaration and platform for action. Fourth world conference on women, Beijing. Retrieved from <http://www.un.org/womenwatch/daw/beijing/platform/violence.htm>

Violence is difference form which physical, psychological, economical, mental and other form. Violence will be religious against the women. On the rape and violence for the dowry is also be violence against women¹⁵

CHAPTER FOUR

INSTITUTIONAL FRAMEWORK FOR PREVENTIVE MEASURE OF DOMESTIC VIOLENCE IN BANGLADESH

INTRODUCTION

This chapter mainly discussed about governmental or non-governmental organization who are working in community base for safety of women and children. On the other hand, this chapter specifies non-governmental organization that are working for the victim and helping the women by counseling, legal support, mental support, arranging house for victim of the people as well as financial support.

The government takes immediate step for protecting any women and children form offence of domestic violence. On the other hand NGO will take step for better service which will be legal support, financial support, mental support and rehabilitation of the victim of domestic violence.

The Governmental Institution:

- 1) **Victim Support Center (VSC):** Victim support center operated by Ministry of Home Affairs. Dhaka Metropolitan police operated the service jointly by 12 branches. They are operating the rescue any women and children and taking reasonable care. On the other hand giving the shelter of women and given reasonable legal assistant for the victim of domestic violence.¹⁶

¹⁵ Women, U. N. (1995, September). Beijing declaration and platform for action. Fourth world conference on women, Beijing. Retrieved from <http://www.un.org/womenwatch/daw/beijing/platform/violence.htm>

One-Stop Crisis Centre (OCC) Bangladesh

This is idea of all services for the victim of women and children in one place. We are know that most of time we need to go for proper remedy in different place but OCC gives all services in one place examples health care., assistant of police, DNA test legal assistant for the victim, psychological counseling and providing shelter for the victim. On the other hand the hospital also attached with OCC.¹⁷.

National Legal Aid Services Organization:

The National legal aid services organization gives the legal assistance for the poor women who are victim of domestic violence but she has no financial solvent for maintain the case against offender. On this they can apply to National legal aid services organization for financial support for the cases. The organization can appoint a lawyer on favour of the victim. On the other hand for applying to the court, the court can exclude the court fee of victim.

Non-governmental organization (NGO):

1. Ain o Salish Kendra (ASK):

Ain o Salish Kendra (ASK), a national legal aid and human rights organization, provides legal and social support to the disempowered, particularly women, working children and workers. Its goal is to create a society based on equality, social and gender justice and rule of law. It seeks to create an environment for accountability and transparency of governance institutions. It is works with victim of Domestic violence and ensures the legal support, financial support and counseling the victim as well as publishes the journal and report related with rate of domestic violence in Bangladesh.

¹⁶ Women Support & Investigation Division, 7th January. 2018, para.1

¹⁷ One-Stop Crisis Centre, 7th January. 2018, para.1

Bangladesh Legal Aid and Services Trust: BLAST

One of the main features of the Bangladesh Legal Aid and Services Trust is the National Legal Aid Agency. In addition to the headquarters of the agency located in Dhaka, BLAST has branch offices in six divisional cities and thirteen district cities of the country. Each branch office is set up with the support of the local bar association and there is a management committee composed of members of the bar association to manage the branch activities. The management was made up of eleven members, including the local Bar Association, six elected president and general secretary, and six female and two female lawyers, two human rights lawyers, a lawyer representative from a minority community. In addition, each branch office has an advisory committee consisting of nine members of different professions. An experienced lawyer works as a coordinator to manage the activities of each branch office. Each branch office has a lawyer panel of 5-6 members to handle the cases.

Purpose:

- 4) To carry out legal services by conducting free legal aid programs to ensure that no citizen is deprived of access to justice due to financial or other disability;
 - 5) Training activities including headquarters, six branch offices and legal aid clinic are resolved through arbitration, conducting awareness programs, conducting free cases, cases for the public interest;
 - 6) Conduct advocacy and network activities on various issues at the policy level, including legislation, amendment, and implementation;

- 4) To train lawyers and staff of various organizations to make them aware and skilled human rights activists of their rights and duties; Publishing research papers, legal manuals, law books, bulletins, etc.

Bangladesh Mahila Parishad (BMP):

The Mahila Parishad has always been active in raising the resistance movement against child marriage, polygamy, women trafficking, prostitution, fundamentalism, fatwas against women and domestic, social and state violence against women.

In the eighties, as women torture increased, the Mahila Parishad began to provide legal assistance to the oppressed and marginalized women and ordinary women seriously. For this purpose, the Mahila Parishad individually formed a cell and was instrumental in solving the problems of divorce, dowry, polygamy, divorce and so on. In addition, the women's council stood by the perpetrators and prosecuted criminals in criminal cases, rape, murder and trafficking of women. In order to bring about uniformity in the family life of women of all levels in Bangladesh, the Women's Council submits specific and detailed recommendations to the government for approval in Parliament for formulating uniform family policies. In the meantime, the government constituted a law reform committee to implement the recommendations of the Women's Council and to reform other existing laws. In 6, the Women's Council played an active role in formulating women's development policy. In 2009, with the help of two other non- governmental organizations Shadow, Shadow created the report and submitted the Shadow Report to the UN Sido Committee.

The Women's Council conducts research activities to assess the status and status of women, collect information on violence against women and various forms of exploitation and torture, and take initiatives to promote women and provide news and information flows to the organization's multidimensional activities and women. In addition, the organization produces and distributes certified paintings, issue leaflets, posters, brochures, booklets, etc.

Acid Survivors Foundation:

A Bangladeshi social organization aimed at treating, caring for, rehabilitating and rehabilitating disadvantaged people in acid violence and eliminating acid violence. As a result, acid terrorism has become widespread in Bangladesh. Initially, some NGOs started providing legal and other support to women suffering from acid attacks. But it was the only shelter for victims of inadequate, government shelter for abused women. The main reason for the inadequacy of these shelters lies in the social tendency of the human being. Regardless of the facilities and medical care provided to an acid sufferer, it is not possible to solve the real problem if he is not able to provide healthy living in the general society.

CHAPTER FIVE FINDING OF THE STUDY

INTRODUCTION

This chapter mainly discuss about the finding which is found from the analysis of the whole of the Dissertation, The topic of the study is domestic violence in Bangladesh. After reading or analysing of the study on domestic violence what will the main focus of the issue and any problem has arisen which need to be solved for betterment of resolving the domestic violence. Another word, any legal defect has caught that need to resolve will be discussed this chapter. On the other hand, the chapter discussed about the concluding remark after analysing the whole of problem about domestic violence. There shall be discuss the full summarize the topic and argument about the problem.

Finding of the Study:

A victim has no chance to make her complaint to the Higher Authority, without going through the police officer. (Under section 04 of DVPP Act, 2010)

- Domestic Violence prevention and protection Act 2010 doesn't mention the Domestic female Worker who are working of the house. According to Act Family "means for blood or marital relations or for adoption or joint family members who live or live together in a partnership home. There must be need family relationship for asking the legal action.

- Domestic violence prevention Act should be included the older parents because many of the cases find that they has victim by their son and daughter for property, inheritance, money etc. But for their weakness of ages or literacy, they will not get proper remedy because they can ask for legal remedy by penal code.
- According to Domestic violence prevention Act, 2010 there is no specific time is mentioned, about the getting information of medical aid or legal aid.
- There is no adequate list of enforcement officer or service provider under this Domestic violence Act, 2010.
- We are know that our social norm tolerate the domestic violence. The attack or abused by any husband to any wife is small matter for society. They consider that the husband has right to do such kind of act against women.
- Process of getting the justice against domestic violence is lengthy and costly. Women are depending on the man so that possibility of financial ability is one of strong bar of getting justice for women.
- There has reasonable number of protection shelter for women. There has not one shelter home for every district. When any women stay any shelter home outside her territory, she will nervous most of time.
- Martial raped has not defined as raped. This is one of offence of domestic violence.
- The police is not such much trained for maintain the proper care as like as provision of Domestic violence prevention and protection Act, 2010.

CHAPTER-SIX

RECOMMENDATION AND CONCLUDING REMARKS

INTRODUCTION

This chapter describes the recommendation of the problem which has found after completion of the research by analytical or statistical way. The author has mention the some ground of recommendation which need to be society for resolving or reducing the rate of domestic violence in Bangladesh against women and children.

RECOMANDATION

- 1) Need to be raised awareness about Domestic violence presentation and protection Act to citizen of Bangladesh. On the other hand, Lawyer and Judge need to be aware about this problem.
- 2) NGO trying to communicate with rural area but our Union Porisod and Upazilla Porishod budget is so low. For this reason, there are domestic violence don't prevent because of budget problem. If government provide budget to Union Porisod for prevent domestic violence, the domestic violence need to prevent.
- 3) The cost of legal assistant need to provide from the government and information support center need to establish in every district.
- 4) For the asylum seekers of women, at least one shelter centre will be provided in each district.
- 5) Neglect of women's repression, such as documenting family breakdown must be circulated among the people of all classes.

- 6) Specifying the definition of Family and family relationship under section-02 of Domestic Violence Protection and Preventive Act, 2010.
- 7) The old father must need to be included under Domestic Violence Protection and Preventive Act, 2010. This act only for the female and children.
- 8) The domestic female worker also need to be include because they work in the house from long time and create e family relationship. But definition of family relation is called that where she has blood relation or martial relationship will be family relationship.
- 9) Need to be established a separate fund which will utilized on survivor of domestic violence.
- 10) Provide penalties for all breaches of orders under Domestic Violence Protection and Preventive Act, 2010.
- 11) Specifying the ground which will be bailable or non-bailable. If the husband occur offence which is grave or serious offence under Penal code. There has no remedy.
- 12) Need a separate court or tribunal for trying the domestic violence protection and preventive Act, 2010.
- 13) Need to be establishing a separate commission which are working for preventing domestic violence and ensure the safety of women and children.
- 14) Martial raped should be within the provision of Women repression Act, 2000

Concluding Remarks:

Domestic violence in Bangladesh is a major concern of development interventions as well as in human rights perspectives. The paper confirms that since Domestic Violence in Bangladesh where women and children has victim of domestic violence. The women has victim by their husband or partners as well as her parents. On the other hand children has victim by her parents and the person who is her family relation. The domestic violence has protected under the law of the nation now a days. On the other hand, Domestic violence also the offence under International convention, Different types of organization who are working with domestic violence make report, journal or article against domestic violence, they are working with the women and children who are living the village. Most

of the time we find that domestic violence occurs in village area because where has no proper education as well of moral or religious studies about domestic violence. Most of the time, the husband consider that he has right to punish his wife and the wife will obey his word. In urban area, the domestic violence is occurred. In the urban area, domestic violence has occurred form jealousy, depression, extra martial affairs of women, when a women can live on her way, the society will not give her the consent. Then, he will victimized by his husband or father or mother or elder brother. But most of the time, the women and children can't go to the court for asking remedy. The women think that this matters of the family. This is for good our family by exposing the matters to public. On the other hand, women economically condition also is liable for that. Not only domestic violence occurs against children and women but also men. A man can be victimized by his son or his elder or younger brother or sister. He can be victimized of sexual harassment. They are also can't go to the court for asking remedy because of respect. For this reason all domestic violence need to define as criminalized offence under domestic violence (Protection and prevention) Act, 2010.

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