

WOMEN AND LAW

Rethinking VIOLENCE AGAINST WOMEN



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When it comes to violence against women, we make a conscious choice and turn all our focus on *sexual* violence. It is not necessarily because sexual violence causes women serious harm but perhaps because we consider, with rape or any other forms of sexual violence, a woman is robbed

of her honour and chastity.

Rape is perceived not only as an indignity and stigma to a victim woman but also to her family and community. This dynamic applies not only to the everyday sexual violence that women experience in Bangladesh but also to those who survived wartime rape during our Liberation War. In the post-independence period, to address

the stigma and shame these women might face due to the perceived “loss” of their honor, the then government ‘honoured’ them with the title *Birangana*. While the intention was to recognise them within the national imaginary, over time the title came to symbolise a loss of honor, which further marginalised and stigmatised these women. The honour-shame dyad

captures all our attention in a manner that we seldom look at sexual violence against women as a violation of their physical and mental integrity.

Central to such conceptualisation is the over reliance on the idea of female sexual subordination and male sexual dominance that comes with its ensuing consequences. In this framework, women and sexual agency stand in opposition to each other. This regressive view perpetuates a constant state of fear that we often respond to by either punishing women who transgress the ideal women-like roles or overcriminalising sexual activities even when women consciously exercise their sexual agency.

Based on this conception of honour, our society tends to get fixated with sexual violence against women, especially rape, and turn to the highest form of punitive state measure to punish the perpetrators.

for example, the issue of obstetric violence which generally implies the mistreatment of women in healthcare settings including neglect, abuse, and coercion, particularly with respect to obstetric and gynecological care. More than a case of medical malpractice, obstetric violence is understood as a form of gender-based violence that women face. A key example of obstetric violence is the performance of cesarean sections (C-sections) without informed and voluntary consent of the patient. As per the report by Save the Children, in Bangladesh, the rate of unnecessary C-sections surged to 51% between 2016 and 2018. Despite the severe consequences of obstetric violence on women, Bangladesh has yet to take the matter seriously. Obstetric violence is also closely connected with economic abuse by intimate partners or family members, along with sexual violence. Unfortunately, while these issues

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In response to the widespread protests and public outrage over the growing incidents of sexual violence, the government, after all, approved the death penalty in 2020 for rape. While severe penalties can be perceived as a strong stance against the crime, they do not necessarily address the root cause of sexual violence or eventually result in its reduction. Instead, the imposition of harsh punishment can appear to be more of an act of vengeance by the state because it failed to protect (the “honour” of) women, rather than a meaningful solution to tackle the problem. In this process, other forms of violence/harm that women experience fail to gain any considerable attention.

Furthermore, our fixation with sexual violence often loses sight of the overall framework within which such violence in fact takes place. Consider,

are equally urgent, our society often only thinks sexual violence occurs in a vacuum, and the broader patterns and systemic incidents of violence fall through the cracks.

Focusing on sexual violence against women is immensely essential, given the alarming rise of crimes such as rape in our country. However, it should not be the sole category of violence of concern so as to underplay other equally critical issues that have a profound and lasting impact on women’s everyday lives and that in fact are closely tied with and contribute to incidents of sexual violence. To develop a broader and more nuanced understanding of women’s experiences of violence, we must go beyond viewing sexual violence such as rape as a stand-alone or only form of violence.

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INSTITUTIONAL REFORM

Bangladesh Bar Council A call for urgent reform

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Reform is no longer optional but a crucial necessity for institutions, and the Bangladesh Bar Council is no exception. As the body responsible for certifying and regulating the legal profession, the Bar Council operates under the Bangladesh Legal Practitioners and Bar Council Order 1972. However, this regulatory framework has not kept pace with modern legal education or the evolving needs of the legal professionals.

To ensure its relevance and maintain

development, and the overall regulatory framework.

To build a strong legal profession, the Bar Council’s role should begin at the academic level. Legal education institutions and the Council must collaborate through at least two annual seminars on each campus. These seminars would serve to bridge the gap between academia and the bar, offering to potential lawyers vital insights into professional expectations and ethics.

Moreover, the curriculum for law degrees must be standardised to a four-year duration across all institutions, with uniform emphasis on technical legal terminologies. Upon completion of the LLB, law schools should be obligated to promptly submit graduate lists to the Bar Council, streamlining the intimation processes. This would ensure that all aspiring advocates are entered into the professional pipeline in an organised and timely fashion.

The transition from academic life to professional practice has always been an extremely challenging period for law graduates. To ease this transition, the Bar Council should implement an online profile system for all law graduates who submit their intimation forms. This profile would be maintained and updated by both the individual and the Council, ensuring transparency and a streamlined administrative process.

In addition, a fixed age limit for entry into the legal profession must be established. Examinations, both practical and theoretical, should follow a clear, predetermined annual calendar, and the same should apply to permissions to practice in the High Court Division. The Bar Council should also monitor senior advocates to

ensure compliance with existing rules, including mentoring at least four junior advocates and providing reasonable stipends. These stipends could be tax-deductible, thereby incentivising senior advocates to fulfill their obligations.

A comprehensive code of conduct governing the behavior of both seniors and juniors is essential. This code must emphasise mutual respect, professionalism, and a harassment-free work environment, especially for the female apprentices. The Bar examination process is plagued with allegations of corruption and inefficiency. To restore credibility, the exam system should be administered by members of the Bangladesh Judicial Service, who are better equipped to ensure impartiality. Furthermore, the Bar Council should introduce penalties for unethical behavior during exams and implement a transparent process for reviewing exam papers at a reasonable fee. Results should be published on individual profiles, making the examination process more transparent and accountable. These reforms will help address the widespread mistrust in the current system.

The financial burden on newly qualified lawyers is considerably high. To alleviate this, the Bar Council should introduce flexible payment schemes for the benevolent fund, allowing young advocates to pay in installments. Furthermore, conditional grants or interest-free loans should be



made available for the purchase of essential legal texts and professional clothes.

Compulsory training for newly enrolled lawyers must be standardised, with successful candidates eligible for further training opportunities abroad. Specialised courses on emerging areas of law should also be offered, taught by experienced judges and senior advocates, ensuring continuous professional development. Reminders of benevolent fund dues and other financial obligations should be automated, ensuring timely payments and uninterrupted professional practice.

Professional conduct must also be rigorously enforced. The Bar Council should introduce a summer

dress code and monitor adherence to formal legal attire, preventing misuse of the advocate’s uniform in non-professional settings. Additionally, all lawyers with five years of experience should be required to handle at least two *pro bono* cases per year, with certificates and awards given to encourage this practice.

The governance of the Bar Council must become more accountable. Elected members are duty-bound to attend committee meetings, and absenteeism must not be tolerated. Whether on executive, financial, or education committees, members must actively participate in decision-making. The Bar Council should not serve as a platform for political maneuvering but must focus on its core mandate: the regulation and advancement of the legal profession.

The Bangladesh Bar Council stands at a pivotal juncture. It can either remain in the loop of the outdated framework, or it can seize the opportunity to reform and adapt to the evolving demands of the 21st century. The future of the legal profession, the integrity of the rule of law, and the future of public confidence in our institutions hinge on this transformation. These reforms are not merely desirable—they are imperative and long overdue.

The writer is Advocate, Supreme Court of Bangladesh.

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therigor of legal training, it is imperative that this system is updated. For years, law students, young advocates, and even seasoned practitioners have raised concerns about the Council’s operations, from alleged corruption in the certification process to inefficiencies in its examination processes. The lack of transparency and fear of retaliation has stifled open discourse, but it is clear that the issues go beyond examinations—extending to apprenticeships, professional