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Mental Torture against Women in Bangladesh: Realities, Perceptions and Legal Responses

Nasrin Rahman *

Dr. Md. Ahsan Kabir **

Introduction

Violence against women appears in a multitude of forms in Bangladesh.¹ Women's social, cultural and economic rights continue to be neglected through wide ranging forms of violence, such as wife abuse, rape, dowry killings, acid throwing, sexual abuse and sexual slavery through international trafficking in women.²

Zaman defines violence 'as an act of aggression occurring in both personal and social contexts, and, therefore, includes women's experience of both domestic violence and violence outside the home.'³ It is a common scenario in Bangladesh that women are at risk and insecure both in domestic and public spheres. In the dominant presence of violent physical attacks like rape, dowry related murders, acid attacks etc, mental torture as one of the main forms of violence in Bangladesh is seldom either overlooked or less-addressed.⁴ However, it is now recognised that psychological torture or mental torture are occurring in the family and in the community as one of the major forms of torture to women in Bangladesh.⁵ This article attempts an in-depth look into the nature, extent and cause of mental torture of wife as well as other women and girls in the society and how it has been dealt in the Bangladeshi legal system.

Does 'violence' include 'mental torture'?

The World Health Organization (WHO), in 2002, defined violence as the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group of community that either results in or has a high likelihood of

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¹ Habiba Zaman, (1999) 'Violence against Women in Bangladesh: Issues and Responses', 22(1) *Women's Studies International Forum*, p. 37.

² *Ibid.*

³ *Ibid.*

⁴ Amnesty International (2002) 'The Global Report on Human Rights 2002: Bangladesh Context' in *The Daily Star*, (Bangladesh), 9 June 2002.

⁵ Salma Ali (2004) *Violence against Women in Bangladesh*. Dhaka: BNWLA, pp. 7-8.

resulting in injury, death, psychological harm, mal-development or deprivation.⁶ A question may be raised after reviewing the above definition whether 'mental torture' is included in the definition. The words 'the use of physical force or power' may exclude mental torture as a form of violence, but the term 'psychological harm' or 'deprivation' may include it.

Kilpatrick found three major types of violence while analysing the definition, namely, self-directed violence or suicidal behaviour, interpersonal violence and collective violence.⁷ This article only deals with the interpersonal violence, more specifically, the mental element of interpersonal violence.

The WHO Report (2002) developed a useful typology of all three major types of violence. An inspection of that typology reveals four types of interpersonal violence:

- (a) Physical violence,
- (b) Sexual violence,
- (c) Psychological violence and
- (d) Deprivation or neglect.

As indicated above, mental torture in this article refers to psychological violence and deprivation. The typology also separates interpersonal violence into that which occurs in the family or partner settings vs. that which occurs in the community settings.⁸ Therefore, the psychological violence and deprivation as referred to as 'mental torture' here can be discussed under two separate headings:

- (a) psychological violence and deprivation under domestic violence and
- (b) psychological violence and deprivation in society.

Mental torture against women as domestic violence

It is quiet difficult to give a precise definition of mental torture. Actually its nature depends on the situation. Generally, Psychological/emotional violence involves violence to the victim caused by acts, threats of acts, or coercive tactics.⁹ Perpetrator does it against the victim to humiliate the victim, control what the victim can and cannot do, withhold information from the victim, deliberately do something to make the victim feel diminished or embarrassed, isolate the victim from friends and family,

⁶ E. G. Krug, et al, (2002) *World Report on Violence and Health*. Geneva: World Health Organisation.

⁷ D. G. Kilpatrick, (2004) 'What is Violence against Women?', *Journal of Interpersonal Violence*, 19(11), p.1209.

⁸ D. G. Kilpatrick, (2004), 'What is Violence against Women?' *Journal of Interpersonal Violence*, 19(11), p.1214.

⁹ 'Domestic Violence' in *Wikipedia*, the free encyclopedia (http://en.wikipedia.org/wiki/Domestic_violence), accessed 27 December 2011.

and deny the victim the access to money or other basic resources. It is considered psychological/emotional violence when there has been prior physical or sexual violence or prior threat of physical or sexual violence.¹⁰

Mental, psychological or emotional abuse can be verbal or nonverbal. Verbal or nonverbal abuse of a spouse or an intimate partner consists of more clever actions or behaviours than physical abuse. While physical abuse might seem worse, the scars of verbal and emotional abuse are deep. Studies show that verbal or nonverbal abuse can be much more psychologically damaging than physical abuse. According to Dale Bagshaw,¹¹ for vast of the majority of women, verbal, psychological and emotional abuse occurred daily and was far more devastating and long-lasting in its negative impact. Psychological or emotional abuses are occurred around the little things of 'daily life'.¹² Usually mental torture against women happens by their in-laws and husbands. This takes place generally in two ways i.e., disbelief and false blame.¹³

Disbelief: This is a common practice with many men in Bangladesh. Ali rightly finds that most of them have a bad habit of keeping an eye on what their wives are doing, where they are going, who they are mixing with and so forth. Since it violates a woman's right to freedom of thought, conscience and speech, it becomes tougher for them to tolerate but they are bound to do so, as most of them are dependent on their husbands. Many husbands cast doubts that their wives misappropriate the family finance and steal money from what they (husbands) usually give to them every month. It is also quiet common that many husbands cast doubts about the chastity of their wives.¹⁴

False blame: False blame is one of the most common practices that women suffer from their husbands and in-laws. Ali finds that:

In many families, the newly wedded wife is blamed for any sudden peril that the family encounters, if the danger appears after the marriages or after the wife's coming to the family concerned. For example, if any family member is infected with any virulent disease after entering home of the newly wedded wife, the in-laws and the husband blame stating that it is her to have brought the illness while coming in this home and term her as an unlucky lady. Most families do this as they suffer from

¹⁰ *Ibid.*

¹¹ Director, Conflict Management Research Group, University of South Australia, (www.unisa.edu.au/cmrg).

¹² Dale Bagshaw (2010) 'Culture and Disclosure of Domestic Violence in Family Law Disputes', a paper presented at Asia Pacific Mediation Forum: Conversations beyond Cultural Boundaries at the University of South Australia, November 29 - December 1, 2001.

¹³ Salma Ali (2001) *Violence against Women in Bangladesh*. Dhaka: BNWLA, pp. 29-31.

¹⁴ *Ibid.*

numerous superstitious beliefs. Again, if the lady is unable to give birth to a child, the entire blame falls upon her. Worse still, if the couple fails to reproduce any male child, the blame again goes towards her. In many cases it has been revealed that men take a second wife aspiring for a male ascendant. The society perceives that it is the wife who is to blame for not giving birth to a male issue. This false notion is also responsible for increasing number of polygamy.¹⁵

Women in Bangladesh face violation at every stage in their marital life. There are various types of torture. Among them psychological or mental torture is one. It is such a kind of torture that damages a woman invisibly and she loses her will to live. For example, they always say that she cannot do anything, that she looks ugly or fat, that she is old, criticise her appearance, play mind games, make her feel that there is no way out of the relationship, keep important information secret, refuse to discuss issues etc. Not only this, another form is that when a husband does not get something, he blames her that she has relationship with another man. As a result of this false-blame, she becomes fearful, loses self-esteem and confidence, and cannot sleep. Other side effects include overeating/under-eating, loneliness, dependency, self-doubt, self-blame, unfolded fear of losing her children, inferiority complex and so forth. At last, if she cannot tolerate it, she commits suicide.

At present women are facing problems through their mobile phones also. Unknown persons from different mobile phones use inappropriate language, and, as a result, her husband starts to blame her, accusing of relationship, that she is characterless etc. The result is that the victim commits suicide. For example, a housewife named Rekha, husband's name Rezaul, mother of two children, Village - Gopinathpur, Union and Upazilla- Daulatpur, and District - Kushtia in Bangladesh, committed suicide when she received an unknown phone call. Because her husband suspected and teased her that she had an illicit relationship with that man.¹⁶ Rekha did so for the sake of her good name.

Polygamy is another way to carry out mental torture towards a wife. Though it is legal in Bangladesh for men of most of the religions except Christians and, for Muslims, the law provides that the husband has to take permission from the first wife. But in practice people use mental and physical force to get permission from their wives.¹⁷

Polygamy occurs not only in rural areas but also in urban areas and among the literate people as well. Architect Joyonti was murdered by her husband Azam Reza

¹⁵ *Ibid.*

¹⁶ The daily 'Prothom Alo' (Bangladesh), 29th October 2008 in the page of Nari Moncho.

¹⁷ Advocate Sharmin Mustari: The first thing is to change the view if we want to empower women and uphold their prestige, published in the *Dainik Sonali Sangbad*, dated 23rd November, 2008.

on 8th February 2004, because she was vocal against her husband's illicit relationship.¹⁸

In Bangladeshi culture, especially in rural areas if a wife is unable to give birth to a male child, she will be a victim of domestic violence especially mental violence. Ruma could not go to her husband's house because her marriage was a love marriage. After that she gave birth to a daughter, hence she was given a notice of divorce.¹⁹

A research shows that 66.8% of the women were verbally abused by their husbands and 23.7% by their family members.²⁰ Dr. Khatun mentioned in her research that 84% psychological violence is committed by husbands. She mentioned that only 13 of the 200 victims went to a therapist. Her opinion was that there were two possible reasons behind the victim's reluctance to go for psychological treatment – the therapy is apparently expensive and there is also lack of awareness regarding psychological health care in Bangladesh.²¹

Ali's study shows that in 2006, 287 women and children committed suicide because of domestic violence and 67 were forced to suicide.²² In 2007, the number was 490 for domestic violence arising out of abuse and torture by husbands, in-laws and relatives of husbands for the reasons of polygamy, suicide due to the husband being involved in polygamous marriages, etc.²³

The unbearable circumstances, too much workload and mistaken judgment from a husband in conjugal life can make a woman depressed. In other words, a woman becomes depressed because of the mental torture from a husband and his family. Mental torture means the act of hurting a person mentally by using different mental shocks, which means by creating the situations which are not expected by a woman from her husband and his family and which are responsible for the virtual damage of her personality. Ali rightly asserts:

Discrimination against women and girls starts from the very birth of a girl child and it is largely rooted in our traditional culture and social practices. Lack of proper laws and their proper implementation perpetuates women's suppression to men and make them

¹⁸ Salma Ali (2001) *Violence against Women in Bangladesh*. Dhaka: BNWLA, p.8.

¹⁹ Supra n. 17.

²⁰ Abbas Bhuiya, Tamanna Sharmin and S.M.A. Hanif (2003) *Nature of Domestic Violence against Women in a Rural Area of Bangladesh: Implication for Preventive Interventions*. Dhaka: ICDDR, B, Centre for Health and Population Research.

²¹ Centre for Policy Dialogue (CPD) (2009) *Domestic Violence in Bangladesh Cost Estimates and Measures to Address the Attendant Problems*. Dhaka: CPD. Available at http://www.cpd.org.bd/pub_attach/DR97.pdf [accessed 31 December 2011].

²² Salma Ali (2006-7) *Violence against Women in Bangladesh*. Dhaka: BNWLA, p.30.

²³ *Ibid.*

more at risk to repression, leading to violence. The shame and stigma, the trauma and humiliation inflicted upon women and children through any such event creates a long-lasting adverse effect in the lives of the victims. Some cases end in mental or physical disorder, leaving little hope for their survival. Moreover, acute poverty also restricts their access to the justice system.²⁴

Economic frustration in the form of illegal demand of dowry is one of the main causes of domestic violence.²⁵ There are both social reasons and legal loopholes which are the sources of violence towards women, such as cultural norms, discriminatory and defective laws, the denial of appropriate property rights and failure to implement the national laws and international instruments relating to women's rights properly.²⁶

In Bangladesh, from the childhood, women are taught how to tolerate everything in their husband's family without any questions. She has to do everything and never tells anything outside the home even when her life is in danger. On the contrary, the men in Bangladesh learn that they are the head of the family and women are their subordinates. Whatever they (men) say or whatever they wish will happen. They learn this culture from the family, when they see that their mother is tortured at the hand of their father in front of them. A study has found an increased risk of violence among the children of battered women.²⁷ However, unfortunately this mother takes the side of her son when she sees her son's wife is being tortured in the same way and in the matter of her own daughter she always makes her son-in-law guilty.

At the family level, a woman becomes a mental patient by tolerating the mental torture, otherwise commits suicide. Yet she will not be free from the teasing after her death. People in her society start saying that the woman had problems, that is why she committed suicide. On the other hand, society accepts her murderer happily and arranges for his second marriage. In such cases nobody has the courage to go against him.

The lower class and higher class women are more courageous than the middle class women. Lower class and higher class have no fear to lose anything, by speaking out so people come to know about their torture. Middle class women never express it; tolerate everything and when it is impossible to tolerate, commit suicide to preserve their self-respect or honour.

²⁴ Salma Ali, (2003), *Violence against Women in Bangladesh* published by BNWLA.

²⁵ Saira Rahman, 'Domestic Violence: The Killer within' in *the Daily Star*, (Bangladesh) 14 July, 2002.

²⁶ Saira Rahman, 'Violence against Women' in *the Daily Star*, (Bangladesh), 12 March, 2000.

²⁷ McKay MM. (1994) 'The Link between Domestic Violence and Child Abuse: Assessment and Treatment Consideration', *Child Welfare*, 73, pp.29-39.

Mental torture on women has never been recognised as an offence in Bangladesh. Even nobody wants to admit that women may become psychologically ill through the process of mental torture. Psychological abuse of female children, adolescents or adults would not generally be defined as a crime or included in the statistics documenting the prevalence of crimes against women.²⁸ As a result, no one raises voices against such offence. At present, some NGOs have started working on it and are demanding for legislative initiatives against domestic violence. The Bangladesh National Women Lawyers Association (BNWLA) is working on this matter. The Government has made a draft law on domestic violence where mental torture needs to be addressed properly. Because, as Rahman states:

Whatever the form of violence may be, it affects all spheres of women's lives, their productivity, and their capacity to care for themselves and their children, and their quality of life. The fact of its consequences is far reaching. Violence is sustained by inequality and in turn perpetuates inequality.²⁹

There are certain factors as well leading to crimes, but these factors themselves do not create a killer. However, if one wants to understand such crimes, there must be an attempt to understand the psychological state of the killer and to realise what the victim means to him. In many cases, the factors which have a bearing on, or which are used to justify such killings, include poverty, religion, legislation, illiteracy and overpopulation. The increasing number of working women is also an element to be taken into consideration according to some sociologists.³⁰

In Bangladesh, the situation of women is more difficult than other countries in the world. The traditions of patriarchy are deep-rooted in the social, cultural and economic order of Bangladeshi society that naturally reflects in the justice system. Empowerment of women of their legal rights can be achieved by developing and increasing institutional and non-institutional mechanism to address issues relating to women's rights and thus provide them with their guaranteed rights.³¹ Though the leaders of two major political parties are women, still women cannot establish themselves politically. The Government has a lot to do in order to establish women's right and ensure their (women's) active participation in the Parliament through

²⁸ D. G. Kilpatrick (2004) 'What is Violence against Women?', *Journal of Interpersonal Violence*, 19(11), p.1209.

²⁹ Kathita Rahman "Domestic Violence: Where is the end?" in the Daily Star, (Bangladesh) 7th November, 2004.

³⁰ Anushree Tripathi and Supriya Yadav (2004) 'For the Sake of Honour: But Whose Honour? "Honour Crimes" against Women', *Asia-Pacific Journal on Human Rights and the Law*, 2, pp. 63-78.

³¹ Taslima Mansoor (2001) 'Gender in Law: Five Decades of Struggle for Empowerment', *The Dhaka University Studies Part-F*, 12(1) June, pp.39-56 at p.55.

elections. Gender equality and non-discrimination between men and women are among the primary considerations guiding the enforcement and enjoyment of human rights.³² These two leaders have ruled our country for over last 20 years. This is our great achievement. But still a woman does not get safety for her life, in society or at home. The Government tries to check the situation. They have passed many laws for women. But the situation has not changed because of the lack of proper implementation of these laws. It is only possible by empowering women. It means that women can enjoy and use their social, cultural, political and civil rights by understanding that they could get remedies which is available under different laws. These allow them to take part and contribute equally along with men in nation-building activities. The empowerment of women includes to a great extent women's legal empowerment, where their rights and remedies are guaranteed.³³ At present domestic violence is a common issue in almost every family in Bangladesh. Any woman of a family could be a domestic violence victim. Now it is a major social problem in Bangladesh. It is common for all the women in Bangladesh – lower class, middle class and higher class. Rahman states:

Discrimination is the main cause behind the domestic violence. So in order to improve the situation various state mechanism need to tackle and amend the realities of indifferent police, corruption, criminalization of politics and poor participation of women in policy making spheres and then rewrite and re-garnish the laws we have already had. Too many laws, like the proverbial cooks, spoil the legal soup.³⁴

The level and mode of torture on women is different in different classes. But in almost all cases, women are silent. They do not want to talk about torture. Women are taught to be submissive, tolerant and self-sacrificing from their childhood. Moreover, it is the culture that they have to stay in their husband's house until death. These social values make it extremely difficult for women to speak out against domestic violence. In cases of marital and family conflicts, society generally places the blame on the wife and holds her exclusively responsible for failing to build a strong foundation in the family. A second major reason that women rarely express themselves in these situations is that women have few alternatives to staying with their husbands. They are not self sufficient, not getting the community support as well as family support. Furthermore, the weak law and order situation compels them to live with a male guardian. Bangladesh has accepted reforms or changes only with regard to certain aspects of human conduct and life as being governed by a uniform

³² Sumaiya Khair (1998) 'Women's Human Rights in Bangladesh', in Tahmina Ahmed and Md Mainul Ahsan Khan (eds.) *Gender in Law*. Dhaka: Adtam Publishing House, pp. 1-27.

³³ Taslima Mansoor (2001) 'Gender in Law: Five Decades of Struggle for Empowerment', *The Dhaka University Studies Part-F*, 12(1) June, pp.39-56 at p.36.

³⁴ Saira Rahman (2000) 'Reflection on Women and Violence in 1999', in the *Daily Star*, 1 February, 2000.

law applicable to all, irrespective of religious affiliation, while keeping the application of personal or religious laws in family and personal matters.³⁵ With no alternatives, women realise that they have no choice but to tolerate domestic violence and make the best of their tragic situation.

At family atmosphere, it is very difficult to prove mental violence. One of the main causes of the gap between the law against domestic violence and the implementation of such law is the intimacy of the relationship between the aggressor and the abused.³⁶ Another problem is that international human rights law is implemented by and through domestic courts,³⁷ which are, of course, not free from the influence of patriarchal mindset. The third one is a common misconception that domestic violence is a private affair that does not warrant state interference. According to academics, 'family violence usually takes place in secret' and 'the sufferings of its victims take place in silence.'³⁸

Relevant legal provisions as to domestic violence in Bangladesh

Usually the expression torture means inflicting severe pain or sufferings or getting hurt by others. In the history of common law, torture was an institutionalised part of legal procedure. The law does not always identifies and prohibit torture. There is no particular definition of torture in penal laws. However, the Penal Code of 1860 and the Code of Criminal Procedure of 1898 provide some definitions of offences and procedures, which very narrowly cover the area of torture.

In the Penal Code,³⁹ Chapter XVI contains the offences affecting the human, such as:

- 1) Offences affecting life (ss. 299-311);
- 2) Offences that cause miscarriage, injuries to unborn child and concealment of birth (ss. 312-318);
- 3) Offences relating of hurt (ss. 319-338A);

³⁵ Shanaz Huda (2004) 'Personal laws in Bangladesh: The need for Substantive Reforms', the *Dhaka University Studies, Part-F*, XV(1) June, pp.103-126, at p.103.

³⁶ Elizabeth M. Schneider (2000) *Battered Women and Feminist Lawmaking*. Yale: University Press, (explaining that long after courts rejected the notion that a man had a right to beat his wife, formal and informal barriers to prosecution persisted, largely driven by a perceived need to protect familial privacy and 'domestic harmony').

³⁷ Edward D. Re, Judge (2003) The Universal Declaration of Human Rights: Effective Remedies and the Domestic Courts, *California Western International Law Journal*, 33, pp.153-56, at p.137.

³⁸ John M. Eekelaar and Sanford N. Katz (1978) 'Preface' in John M. Eekelaar and Sanford N. Katz (eds.) *Family Violence: An international and Interdisciplinary Study*. Toronto: Butterworth's, p.iii.

³⁹ Act No. XIV of 1860.

- 4) Offences relating to wrongful restraint and wrongful confinement (ss. 339-348);
- 5) Offences relating to criminal force and assault (ss. 339-358);
- 6) Offences relating to kidnapping, abduction, slavery and forced labour;
- 7) Offences relating to rape (ss.375-376);

In fact, though there are some sections in the Penal Code, when the offence is committed by a husband against his wife it is not considered an offence in practice.⁴⁰

Violence in the family is perhaps as old as the institution itself, and still remains the most under-reported crime in the country.⁴¹ Law enforcing agencies are reluctant to treat such offences as legal issues; instead, they identify them as family or social affairs. Criminal law has not offered little assistance to the cases of domestic violence, nor is a woman legally protected from emotional or psychological violence and torture. Thus socio-economic customs, traditional attitudes and misinterpretations of religious or cultural norms or practices continue to hamper legal rights and deprive victims of their voice to protest domestic violence.⁴²

Under the Constitution

Women in Bangladesh are apparently guaranteed sexual equality by the constitution of Bangladesh. But there are internal contradictions within the Constitution between granting sexual equality and making special laws for women. The fundamental rights granted under Part III of the Constitution deal also with women:

- (1) (a) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth.
- (b) Women shall have equal rights with men in all spheres of the State and of public life.⁴³
- (c) No citizens shall, on grounds only of religion, race, caste, sex or place of birth be subjected to any disability, liability, restriction or condition with regard to access to any place of public entertainment or resort, or admission to any educational institution.
- (d) Nothing in this article shall prevent the State from making special provision in favour of women or children or for the advancement of any backward section of citizens.⁴⁴

⁴⁰ Nusrat Ameen (2005) *Wife Abuse in Bangladesh, an Unrecognised Offence*. Dhaka: The University Press Limited.

⁴¹ Taslima Monsoor, *Gender in Law*, at pp. 42-44.

⁴² Saira Rahman (2000) 'Violence Against Women' in *The Daily Star*, March 12, 2000

⁴³ It implies that the Government will not exert its authority to guarantee equal rights in the personal sphere. The Government has recognised a distinction between the public and personal spheres and has chosen not to interfere with the latter. This has neglected women's equality in the family or personal sphere.

- (2) The rights to reasonable rest, recreation and leisure;⁴⁵
- (3) All citizens are equal before law and are entitled to equal protection of law.⁴⁶
- (4) No person shall be deprived of life or personal liberty save in accordance with law.⁴⁷
- (5) Freedom of thought and conscience is guaranteed.⁴⁸

Although the Constitution promises for the equality of all sexes, there are disparities of gender within it. If all these provisions are read together, they make it obvious that the law recognises the fact of inequality present in the cases of women. An apparent tendency of patriarchal approach in the legislation diminishes the identity of women to that of the stronger identity of men.⁴⁹

There is a special law for preventing the torture on women and children but there is not the provision for mental or psychological torture. Though Bangladesh Law Commission has drafted a law on domestic violence, it does not deal with mental torture properly. Another main reason behind violence against women is also the lack of implementation of basic laws.

Mental torture against women in society

Generally women and girls are taunted, harassed, humiliated, sexually molested by individuals or group of young boys or men on the streets, in public transport, or on the way to school, or in shops, parks or other public places. School girls, working women, housewives, college girls, university students and even middle-aged women and older women all are victims of eve-teasing and in some cases, they are also attacked with acid, abducted and raped. The victims are also diverse, from factory workers and domestic servants to students and highly qualified professional women. Poverty boosts the risks but affluence is no guarantee of protection or safety.⁵⁰

There is no specific definition of eve-teasing in the existing laws in Bangladesh. According to Bangladesh National Women Lawyers Association (BNWLA): 'generally the term eve-teasing can be said that: when any person or group of persons engages in any act, utters any word or sound, or makes any gesture with the intention of violating a woman's modesty in any place (open or confined) with or

⁴⁴ Article 28 of the Constitution of the People's Republic of Bangladesh.

⁴⁵ Article 15 (c) of the Constitution, but this is not a fundamental right.

⁴⁶ Article 27 of the Constitution.

⁴⁷ Article 32 of the Constitution.

⁴⁸ Article 39(1) of the Constitution.

⁴⁹ Taslima Monsoor, *Gender in Law*, at pp. 42-44.

⁵⁰ Irene Khan (2010) 'Eve-teasing or Adam Terrorising?', in *the Daily Star*, 19th June 2010. Available at <http://www.thedailystar.net/newDesign/news-details.php?nid=143182>, accessed 15 December 2011.

without touching her body, which disturbs or irritates the woman or makes her feel panic, it can be determined as an act of eve-teasing.⁵¹ There is no traditional definition about eve-teasing in Bangladesh. Though, eve-teasing related some acts were called sexual harassment in the law - the *Nari o Shishu Nirzatan Daman Ain of 2000*. This section was deleted when this law was amended in 2003. However, from the above definition, it can be said that eve-teasing is one kind of mental torture. Eminent Indian sociologist Pratiksha Baxi states,

Eve teasing is a euphemistic expression that lives in post-colonial India and refers largely to sexual harassment of women in public spaces, thereby constituting women as 'eves', temptresses who provoke men into states of sexual titillation. This popular perception of sexual harassment posits the phenomenon as a joke where women are both a tease and deserve to be teased. There are many forms for doing eve-teasing like "Eve teasing begins as an attempt to irritate a girl or catch her attention. A lewd stare, a sly whistle, a well-timed clap, an unwarranted bump, a seemingly causal touch, a lingering look at a vulnerable time, the humming of suggestive song, passing downright uncouth comments, cheap gestures, display of indecent snaps or videos, giving "unwelcome call" or "missed call", sending indecent texts ..., all these are typical examples of eve teasing."⁵²

It is one kind of mental torture as well as physical and sexual torture which destroy and frighten the victim. Ali describes that 'It can cause severe mental pressure which results in psychological trauma. Eve teasing may result in violence like rape and acid throwing.'⁵³ As a result, victim commits suicide to get relief from it. This is seen in most of Asian countries like Bangladesh, India, and Pakistan.

Who are the victims of eve-teasing?

Primarily, there is a common concept that young school and college going girls are the only victims of eve-teasing. But in reality, this concept has changed and it is not confined within that age limit. According to BNWLA, almost 90% of girls aged 10-18 are victims of eve-teasing.⁵⁴

At present women who are working in the garment sector are facing this problem regularly.⁵⁵ They are facing this torture in their everyday life, not only in the form of bad language and bad activities, it reaches the level of physical torture. Maid servants or domestic workers also face this problem by the men who work around the house,

⁵¹ Salma Ali (2004) *Violence against Women in Bangladesh*. Dhaka: BNWLA, p. 61.

⁵² Md. Anwarul Kabir (2020) 'Eve-teasing: Combat the Scoundrel', in the *Daily Star*, 22nd May 2010.

⁵³ Salma Ali (2005) *Violence against Women in Bangladesh*. Dhaka: BNWLA, p.131.

⁵⁴ Irene Khan (2010) 'Eve-teasing or Adam Terrorising?', in "*The Daily Star*" 19th June 2010.

⁵⁵ Salma Ali (2004) *Violence against Women in Bangladesh* (Dhaka: BNWLA), p.97.

such as driver, guard, even by the spoilt young boy in the community.⁵⁶ Moreover, in buses, trains, and cinema halls, some young boys as well as some adult men do this. The situation is now so alarming that any time any woman may become a victim of eve-teasing. Eve-teasing is a form of extreme mental torture. It can have a serious negative impact on young girls' physical and mental health and in long run can ruin their lives.⁵⁷

How and why they do eve-teasing

There are many forms of eve-teasing. Generally they carry out eve-teasing in the following ways: whistling, playing the song in full volume, without any reason trying to talk with the women, laughing in a bad sense, looking at them in a bad way, playing bad song or singing, or through bad speech, bad physical activity, giving them bad letters by force, proposing them for love or marriage on the road, stopping them on the way, touching them intentionally. If they do not response to their proposal, they are threatened in different ways, such as committing rape or/and murder, attempting to murder, creating such a situation that they commit suicide, etc.⁵⁸

Eve teasing begins as an attempt to irritate a girl or catch her attention, lewd stare, a sly whistle, a well-timed clap, an unwarranted bump, a seemingly causal touch, a lingering look at a vulnerable time, the humming of suggestive song, passing downright uncouth comments, cheap gestures, display of indecent snaps or videos, giving "unwelcome call" or "missed call", sending indecent texts, all these are typical examples of eve teasing.⁵⁹

Psychologists and social scientists suggest eve teasing to be a result of the frustration suffered by a majority of youth. Disappointed by the unbecoming attitude of teachers and indifferent parents, they yearn for an outlet to vent their aggression and depression. Moreover, those who do not inherit good values involve in acts of sexual harassment.⁶⁰

In a male dominant country like Bangladesh, men are always superior and they want to use this power over women by act or orally. The main reason behind this is the patriarchal mindset of the male.⁶¹

The concept of 'masculinity' is usually equated with patriarchy. Therefore, eve teasing can be viewed as a rite of passage for boys on their way to becoming men.

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*, p. 66.

⁵⁸ *Ibid.*, p. 98.

⁵⁹ Md. Anwarul Kabir, 'Eve-teasing: Combat the Scoundrel', in the *Daily Star*, 22nd May 2010.

⁶⁰ *Ibid.*

⁶¹ Salma Ali (2004), p.62.

Considering that sex is not the only motive, it would be reasonable to conclude the psychodynamics of eve teasing are closely associated with the issue of masculinity and the masculine agenda. Gender segregation from the childhood and the domination of the male members in a family over the female members contribute much to reinforcing the patriarchal model of masculinity in the society.⁶²

Relevant legal provisions as to eve teasing in Bangladesh

Eve teasing is not only a misdeed, but also a crime, it is one type of mental torture which makes women traumatised and humiliated and force them to commit suicide. It is also a social threat. Eve teasing is prevalent in every form in our society. We think, every woman in her lifetime has come across some forms of eve teasing. No city, semi urban or village area in Bangladesh are free from this social evil. It would not be an exaggeration if we say that almost each and every time when we step out of our home, we can see one or two such incidents around us, maybe on roads or buses.

Women education became trapped up for eve-teasing and many parents restrained their girls from going to school because of fear.⁶³ Violence like rape, abduction, acid throwing and murder also become regular end these are in many cases results of eve teasing. Tiny girls who are scared of eve-teasing do not like to go out of their home or school and may subsequently develop psychological disorders.⁶⁴ In our society, young generation is going to forget how to treat girls or women respectfully.⁶⁵

At present there are no laws dealing directly with eve teasing in Bangladesh. In addition, the word eve teasing is not mentioned or defined in any law. Eve teasing is known as a form of sexual harassment. It could be addressed as a punishable offence using different relevant existing laws in Bangladesh.

Article 36 of the Constitution of Bangladesh preserves the right to freedom of movement. But eve teasing creates a problem to the free and regular movement of women. In some cases, murder, suicide and accidental death occur because of eve teasing. Article 31 guarantees equal protection of laws. Furthermore, according to the Constitution, all citizens are equal before law and are entitled to equal protection of law.⁶⁶ In addition, no person shall be deprived of life or personal liberty except in accordance with law.⁶⁷ Moreover, freedom of thought and conscience is also

⁶² Md. Anwarul Kabir (2010) 'Eve-teasing: Combat the scoundrel', in the *Daily Star*, 22nd May 2010.

⁶³ Salma Ali (2004), p.64.

⁶⁴ *Ibid*, p.63.

⁶⁵ Irene Khan (2010).

⁶⁶ Article 27 of the Constitution

⁶⁷ Article 32 of the Constitution

guaranteed.⁶⁸ Above information makes it clear that eve teasing can be a type of violation of constitutional rights.

Under domestic laws, although there are several sections under the Penal Code of 1860, it does not address eve-teasing directly. For example, section 336 is relevant, but in most of the cases it is very difficult to prove it because of the lack of evidence.⁶⁹ In addition, under section 509 of the Penal Code, the Mobile Court Act, 2009 empowers Executive Magistrates to impose punishment on the perpetrators on the spot. But it is not very useful because it is hard to prove.⁷⁰

In the Women and Children Repression Prevention (Amendment) Act, 2003, sections 10(1) and 10(2) were replaced by section 10 with a few changes. Ali correctly states that 'the most objectionable point of the new law is that an act is only regarded as sexual harassment when there is physical violence. As such, verbal abuse or indecent gestures remain unrecognised by the law. Thus, by repealing that particular section of the law, the abusers/eve-teasers can continue to abuse women by making obscene gestures without touching her physically.'⁷¹

Recommendations

Mental torture against women is a great concern in Bangladesh at present. It is proved that women are facing mental violence inside and outside home. Physical violence and sexual violence can be seen, but mental violence is such a kind of violence that damages the inside of a person. However, the problems are not identified or defined in any Laws. When women are affected by this problem they are losing their self-confidence and sometimes committing suicide. The truth is that women are committing suicide for the sake of their family and themselves. Over the last few years, there has been anxiety over the growing rate of mental illness around the world, especially depression. There are some recommendations for both cases:

- 1) Proper implementation of existing law is necessary to prevent domestic violence. Dowry is one of the foremost causes of domestic violence.⁷² Still the practice is going on in our society. However, because of massive campaign, people are aware, its need working together with government to prevent it. Its need more active participation and conciseness among the people of the society.
- 2) The law enforcement agents need to be more active and prompt to address the cases relating to violation against women.⁷³

⁶⁸ Article 39(1) of the Constitution

⁶⁹ Salma Ali (2004) Violence against Women in Bangladesh published by BNWLA, p 65-67.

⁷⁰ High Court Division (special original jurisdiction) in Writ Petition No 8769 of 2010.

⁷¹ Salma Ali (2004) Violence against Women in Bangladesh published by BNWLA, p 65-67.

⁷² *Ibid.*

⁷³ *Ibid*, p. 137

- 3) A new law should be enacted to combat domestic violence that can wrap up all the issues relating to mental torture.
- 4) The Government should introduce comprehensive rehabilitation centers for the victims of violence. The Government should take steps to recognise domestic violence as a public health issue also. A crisis support cell needs to be established in all major government and private hospitals with a trained medical social worker for providing appropriate services. Training programmes must be organised for health professionals in order to develop their skills to provide basic support for abused people.
- 5) Like many developed countries, counseling is essential for women as well as men of every class (lower, middle and upper) in society to appreciate and address their problems properly and deal with them accordingly.
- 6) To overcome this problem, the media can work together with NGOs to make the community aware through special programmes like drama, song, news etc. The Government should make people conscious through different awareness programmes via mobile phone, radio and TV messages and applying other effective methods.
- 7) The Government should take necessary steps to educate and train up mothers in urban and rural areas on how to bring up male and female children on an equal footing.
- 8) Policing should be made more responsive to the needs of women, for instance, there should be trained and dedicated police cells and help lines for victims.⁷⁴ Police plays a major role in tackling the domestic violence cases. They need to be sensitised to treat domestic violence cases as seriously as any other crime. Special training to handle domestic violence cases should be imparted to police force. They should be provided with information regarding the support network of judiciary and other government agencies. Gender training should be made mandatory in the trainings of the police officers. There should be a separate wing of police dealing with women's issues, attached to all police stations and should be excluded from any other duty.
- 9) Orientation programs in educational institutions and workplaces, both public and private, can reduce this type of violence against women.
- 10) Cases like domestic violence or eve teasing should be dealt with speedily, efficiently and confidentially. The judicial proceedings should be victim friendly.
- 11) Many offenders are members or affiliates of major political parties, or thugs enjoying political patronage. Political leaders must tackle offenders in their respective parties and among their supporters, and empower women to denounce without fear those who oppress them, no matter where they sit in the political hierarchy.⁷⁵
- 12) Creating an opportunity in schools to discuss sexuality, gender roles and gender violence would go some way towards educating boys on why women and girls must be treated with respect and dignity.⁷⁶

⁷⁴ Irene Khan (2010) 'Eve-teasing or Adam Terrorising?', in the *Daily Star*, 19th June 2010.

⁷⁵ *Ibid.*

⁷⁶ *Ibid.*

- 13) Social movement against these kinds of violence is more effective to prevent it.
- 14) More research and statistical information on violence against women are needed for understanding this issue properly.
- 15) Social and economic support is essential to protect and ensure women rights in the society.
- 16) It is important that the Government should include gender awareness programme in the national education curricula for school and college students.⁷⁷
- 17) Existing laws with regard to this issue are weak and there are many loopholes in those laws. Quick reforms and amendments in relevant laws are important to overcome the situation.
- 18) Various human rights organisations and the Government should work jointly and extend legal aid program to the victims.

Conclusion

In a recent analysis of world mental health, comparisons between diverse societies and social contexts showed that symptoms of depression and anxiety, unspecified psychiatric disorder and psychological distress are more prevalent among women than men.⁷⁸

Psychological violence is harder to capture in quantitative studies. Victim-survivors report that ongoing psychological violence – emotional torture and living under terror – is often more unbearable than the physical brutality, with mental stress leading to a high incidence of suicide and suicide attempts.

There is a special law for preventing the offences relating to women and child oppression but there is not any provision for mental torture. However, Bangladesh Law Commission drafted a law on domestic violence where mental torture is not specified properly. There are some basic laws relating to violence against women in Bangladesh, these are also not implemented properly.

Despite some recent reforms to improve their status, there is no real change in the situation of patriarchal domination. It is also argued that the dominant patriarchal structures, with the interlinked forces of religion, tradition and seclusion, are sustained not only in family life, but also in family law.⁷⁹

The status of women in Bangladesh is undoubtedly much below the supposed international standards and may be below the standard, which the least developed

⁷⁷ Salma Ali (2002) *Violence Against Women in Bangladesh* published by BNWLA, p. 78

⁷⁸ Angela Taft (2003) 'Promoting Women's Mental Health: The Challenges of Intimate/Domestic Violence against Women', *Australian Domestic and Family Violence Clearinghouse*, Issues Paper No.8, available at www.adfvc.unsw.edu.au/documents/Issues_Paper_8.doc. Accessed 19 February 2012.

⁷⁹ *Ibid.*

countries, to which Bangladesh belongs, have achieved for their women. Many factors have historically contributed to these miserable troubles of women in Bangladesh. The judiciary alone cannot ensure access to justice in the criminal justice system as it depends on a variety of factors. Any consideration of justice demands a deeper examination of societal causes of injustice. There are many tough laws to curb crimes and violence but the need to change the attitude to women is hardly taken into consideration.⁸⁰

Shamim observes that law alone cannot change the fate of a woman. If we want progress as a nation, sustainable development or progress of women is a must. The condition or status of women reflects the future of a particular society or nation.⁸¹ Society needs to change mentality and view towards women. We have to think that they are human beings – sister, mother, life partners and daughter. Therefore everybody needs to be careful for a happy and peaceful family as well as a nonviolent nation.

The Universal Declaration of Human Rights, 1948 recognises equal rights of men and women. Bangladesh has signed the Convention of the Elimination of all forms of Discrimination against Women (CEDAW) in 1984, which promises to end discrimination against women. Bangladeshi Constitution ensures fundamental rights, National Women Development Policy, 2008 pledges to protect women's rights, but still women in Bangladesh are facing psychological violence.

In conclusion, having looked at the insightful topic of 'mental torture against women', we can have a sense of importance of such a subject. The varying causes that can spark the violence within the four walls of homes need to be analysed cautiously and a sensible study of the factors causing the violence may prevent a family from suffering from the menace of domestic violence. Mental torture may have a far wider and deeper impact in real life than what has been covered in this article. What is required is to see closely the association of the factors provoking a particular form of domestic violence. If these factors can be controlled then these types of violence can be prevented and Bangladesh may become a much better place to live in.

⁸⁰ Frazana Hasan (2002), 'More Bangladeshi Women Become Victims of Rape', *The Daily Star*, 20th January.

⁸¹ Nazmul Huda Shamim (2002), 'Status of Women: Law, Constitution and Our Expectation', *the Daily Star*, 16th January.