



KHAN FOUNDATION

In Special Consultative Status with the Economic & Social Council of the United Nations

Report on

Workshop on **JUSTICE SYSTEM EDUCATION INITIATIVES ON GENDER EQUALITY ISSUES**

**26 January 2008
Democracy Auditorium, Momenbagh Dhaka 1217
Dhaka**

Women and Children are the most disadvantaged groups in our society and often face different types of discrimination in every sector. Women & children are oppressed in many ways. For getting justice, they are generally seeking shelter at Court through lawyers, APPs, PPs. Lawyers, APPs, PPs are remarked as a bridge between oppressed people & judges. So in conclusion, Khan Foundation has established that the fate of oppressed women & children depends on those legal personalities such as Judges, PPs, APPs. In view of this, KF has organized a workshop on "**Justice System Education Initiative on Gender Equality Issues**" with the help of Manusher Jonno Foundation. The workshop was held on 26th January 2008 in the Democracy Auditorium at Khan Foundation.

The workshop carried into two sessions :

- i) Inaugural Session and
- ii) Closing Session

In the first session Justice Mohammad Fazlul Karim, Respected Acting Chief Justice of Bangladesh was present as a Chief Guest. Guest Speaker Mr. Abdur Rezeque Khan, Sr. lawyer, Supreme Court of Bangladesh and former Additional Attorney General of Bangladesh delivered the keynote of the workshop, Mr Shamsul A Farooq, Treasurer, The Millennium University and Dr Zaidi Sattar, Vice Chancellor, The Millennium University were attended as guest in this session.

In the second session Mr Fida M Kamal, Attorney General of Bangladesh was present as a Chief Guest. Mr A K M Ishtiaq Husain, District Judge, Dhaka Judge Court was also present as a Special guest in closing session Dr. Abdul Moyeen Khan, Former Minister was present in the workshop as a Special Guest all day long. The workshop was chaired by Advocate Rokhsana Khondker, Executive Director of Khan Foundation. PPs, APPs, Women lawyers, Journalists also attended the workshop.

The guests and all the participants supported some recommendations that is independent Investigation and Independent prosecution cell should be established, a fund for DNA test is established in every district, awareness of women and children about their legal rights should be promoted and they should make independent economically, witness protection law is essential and summon and charge sheet should be served and prepared in due time. Witness should be paid proper TA/DA for presenting the court.

Mr. Abdur Rezeque Khan, Keynote speaker addressed the key speech of this workshop as before. He pointed out the issues and findings of the previous workshops which are to make women conscious of their individual rights, duties and responsibilities, that awareness program should be arranged, the age complicacy in different laws should be removed in order to achieve constancy, serious cases of offence like rape, murder and divorce compromising with the accused by negotiation for money should be prevented, section 161 and 164 of CrPC should be amended. He emphasized on the establishment of Independent Investigation and Prosecution System. Insisting on the role of Judges, PPs, APPs to ensure gender equality in Justice System, he highlighted certain special reasons for procrastination of proceeding in Nari O Shishu Nirzaton Daman Tribunal.

- In single case more unnecessary accused are involved, for this judge can't dispose the case effectively.
- Several times the parties compromise the case in the court room by shalish. For example he mentioned a statistics on a Dhaka court in which 2 cases are convicted out of 200 least are compromised..
- Many times the parties compromise the cases which are uncompromised such as rape, kidnapping, acid throwing etc.

- There are no specific provisions in any law such as Evidence Act. for the protection of witnesses.
- The number of court & expertise is very low.
- PPs, APPs and Lawyers don't present the main and relevant issues in the court.

Our investigation process is very lengthy and for this the investigation report does not come timely. Independent Investigation System can solve this problem and this system should comprise of lawyers, police and civil personnel. Statement under section 161 of CrPC should be changed speedily for avoiding confusion. Justice parties can state provisions for refreshing memory of accused about his statement which is made under section 164 of CrPC. Awareness of PPs, APPs and the judges about this provision is necessary and people should be aware not to compromise all cases which are uncompromised in nature.

Participants of this workshop presented their opinions and views to speed the justice system for all. On definite five topics they discussed and presented the following :

- ▶ Investigation Officer should be honest and more active.
- ▶ Witness should be given proper protection for succeeding the proceedings quickly.
- ▶ Judges, PPs and APPs should have proper logistic support. To establish fair justice there should be specific appointment criteria for them.
- ▶ Serving of summon should be carried out at a proper time. Convenes of witness which is presently very low should be increased.
- ▶ In most cases the party's compromise the case in the court room by shalish in an uncompromised case like murder, rape and divorce.
- ▶ Sometimes a single case is filed in which more offenders are accused but it delays the proceeding.
- ▶ Only the true offenders should be included as accused.
- ▶ False cases should be avoided totally.
- ▶ The proper evidence or signs should be protected in rape case. Where a child is already born by rape, it is difficult to determine his parentage.
- ▶ Some superstition usually exists in remote, uneducated villages relating to certain offences like rape, divorce etc. By removing those superstitions justice can be ensured.
- ▶ Village leaders most time oppressed the women in various ways they should be aware about updated laws.
- ▶ A fund for DNA test should be formed so that poor people can get help for DNA test which is essential for their identity and inheritance
- ▶ Procrastination is a big reason for injustice. The plaint and the written statement must be used as evidence in order to remove the necessary problems of procrastination.
- ▶ If women can be independent economically, 60% abuse can be checked.
- ▶ Government should establish a fund for oppressed women.
- ▶ Both victim and witness should be secured for illegal threat and pressure.
- ▶ If petty cases in local villages can be solved quickly and speedily in the Village Courts, then overloading can be avoided.
- ▶ Women should be given equal right in the law of Inheritance to remove discrimination and make them solvent.
- ▶ To complete the investigation there should be a specific period, so that the prosecution can be well mediated and efficient.
- ▶ Charge sheet is important for a criminal case and therefore, before producing the charge sheet all defects should be removed.
- ▶ Some sensitive cases like acid throwing or rape, camera trial can be introduced.
- ▶ The number of such special Courts should be increased.

Dr Abdul Moyeen Khan in his speech said to increase the working hour in a day of court rather than increase its number. Hearing bail petition is another cause of delay. Bail petition should be automatic. Compensation for the acquitted person should be made like the convicted person. Lawyers, APPs or PPs should present relevant facts which are related with the merits of the case. For the social system of these sub-continent women are unwilling to go to court for further oppression. They should be made aware about their rights and economic independence.

Chief Guest of this part of workshop Acting Chief Justice, Justice Mohammad Fazlul Karim expressed his experience relating to this issue and he strongly reinforced the pivotal point that women have been discriminated for a long time. Gender in equality or gender discrimination is the root of all problems. Judges are the reformer of a society. They can play a vital role in justice delivery system equally. Procrastination of judicial system is exercised in every step of a proceeding and by taking proper initiatives, it can be removed. The following steps can be taken:

- ▶ Firstly we should find out the appropriate solution for reducing each offence.
- ▶ Independent Investigation Unit and Independent prosecution cell should be established to obtain effective judgment.
- ▶ Some complexities regarding certain provisions like sec. 161 and 164 of CrPC, sec. 118 and 155 especially 155(4) of Evidence Act. and the punishment of the outraging of modesty of Penal Code are found because they have become outdated and therefore not properly effective in our present situation. So provisions of those Acts should be updated by amendment. The Acting Chief Justice also illustrates the context of England that is the law of England is up dated now.
- ▶ For the protection of witness there should be witness protection laws.
- ▶ Court should be started early and Judges, PPs, APPs and Lawyers should present timely before the court.
- ▶ The overall system of judiciary should be modern and updated to meet the present need.
- ▶ PPs, APPs should present the witness in the court in due time. They should avoid the tendency of giving absence of the witness though they present. We should remember that the witness is not for PPs, APPs but for the court only.
- ▶ Social and Political stability is another important ingredients.
- ▶ An aid fund for DNA test can help the poor people to identify their parentage.

Lastly Acting Chief Justice, Justice Mohammad Fazlul Karim invited all the participants to share and use the knowledge which they gathered from this workshop. All the legal personnel can involve this combat against inequality then we can reach the goal.

In the closing session, all the participants participate very actively and give there valuable opinions. some of them are :

- Most effective and talent persons can be appointed as Judge, PP, APP to reduce procrastination.
- We know about the causes of offence from our clients so we should take proper measures not to include irrelevant matters in the plaint.
- Absconding of the offenders is another reason for not establishing proper justice.

- Judicial system and court management system should be updated.
- To change the provision of law when it is related to public interest, it may be referred to a referendum.
- For lengthy process of court witness forget about the facts and it hampers the proceeding.
- Media should not focus the follow-up report about oppression against women like rape, kidnapping and acid throwing for this they are unwilling to file a case against oppression.
- Social security, education as well as awareness can ensure gender equality in our country.
- Honest, educated and person of good character should be appointed as Investigation officer and they must be given special training periodically.
- Process servers should serve quickly to speed the proceedings.
- Police officer and sometimes even the court ignore to take into account rape and outraging modesty cases which are very common in our country.
- PP, APP and Lawyer can easily understand a false case and they can avoid these types of cases.
- We should make people aware of our Court about the merit of their cases that is whether they have *prima facie* of their cases or not.

Special guest Md. Ishtiaq Hossen, District Judge, Dhaka said that 90% cases against women oppression are compromised by the parties because women don't want to be oppressed more. By filing proceedings, the court can take a further step even if it is compromised. However, the court does not want to take further actions for its superiors courts. If an accused is convicted by subordinate court in a compromised case then it is dismissed by appeal in the higher court.

Submitting the charge-sheet should be scheduled for a short time. Because most of the time the process of submitting charge sheet becomes delayed. Somewhere it takes 3 or 4 years also. He said that police officer should be accountable. PPs, APPs does not present the witness in court though they are gathering in the court yards. And he mentioned an illustration that in a case 3 witnesses are produced up to day which was filed in 1991. Very time children are involved in one charge sheet with the adult but it makes difficulties and delay in disposing the case. There is a time limit for summon but it is not strictly followed. We can use the plaint and written statement as evidence to speed the process. And we all should work together for ensuring the gender equality.

Chief Guest Mr. Fida M. Kamal, Attorney General of Bangladesh said that our court management system is not perfect. People come for justice in the court but they face many difficulty and injustice. We should change our stereo type mindset and change our view towards women. Women can tolerate more pressure than men so they should give special care. Women should be provided proper legal education so that justice can be ensured and the equality can be ensured.

In conclusion Dr Abdul Moyeen Khan, Former Minister thanked all and said that we should have a certain limit to questioning a witness. Witnesses are treated in such a way as if they

are the wrongdoers. For this they become afraid and may become reluctant to be a witness. Confidence should be increased about the judicial system. No one should be deprived of justice. The number of compromise should be reduced. The evidence and sign of rape should be protected as there is no eye-witness in this case otherwise raped women can't get justice. All PPs, APPs, Lawyers victims as well as police officer should be aware about these laws, rules and regulations so that equality can be ensured. Participants of this workshop can play a vital role to meet this goal also.

Advocate Rokhsana Khondker strongly argued that we should all change our stereotype thinking and our mind set. We should respect our women and their rights. All PPs, APPs and Lawyers should take pre-active approach to ensure gender equality issue. She thanked all again and concluded the workshop.

The workshop started with the registration of all the participants, special guests & chief guest.

INAUGURAL SESSION

ADVOCATE ROKHSANA KHONDKER

Executive Director
Khan Foundation

Advocate Rokhsana Khondker greeted all the guests and participants on behalf of Khan Foundation; First of all she presented subjects and purposes of this workshop. She offered valuable views from PPs, APPs & lawyers for ensuring gender equality and to make successful of the workshop. She mentioned the previous workshop which was held on 8th of December, 2007 and requested Mr Abdur Rezeque Khan to deliver the Key note of the workshop.

ADVOCATE ABDUR REZEQUE KHAN

Sr. lawyer
Supreme Court of Bangladesh and
Former Additional Attorney General of Bangladesh

He delivered the principles and findings of the previous workshop and also keynote of the workshop. He mentioned important findings of the previous workshop that is PPs, APPs need to be party neutral. The appointment of PPs, APPs should not be political. The participants of previous workshop also wanted an amendment of sec. 161 and 164 of CrPC. He said that the lawyers are the most advanced group of our society. He remarked that lawyers are the link between the justice system & the oppressed people. He said on Independent Investigation system and independent prosecution system. He focused much more on women and children for developing a nation. He said PPs, APPs, Lawyers of our country should be more effective because they work for justice. He presented a statistics that showed about 21 thousand accuses out of 22 thousand and in 362 cases were released in the time of 1st July 2001 to 30 June 2002 from the Nari-Shishu Nirzaton Daman Tribunal. To mention the reasons behind this kind of situations are :

- * In single case many unnecessary accused are involved, for this judge can't dispose the case effectively.
- * Several times the parties compromise the case in the court room. For example he mentioned a statistics on a Dhaka court in which two cases are convicted out of two hundred.

- * Many times the parties compromise the cases which should definitely not be waived such as rape, kidnapping, acid throwing.
- * There are no specific provisions or enactments for the protection of witnesses.
- * Most time witnesses feel insecure in going to the court for examination.
- * The number of court & expertise is very low.
- * PPs, APPs and Lawyers don't present the main & relevant issues in the court.

He also mentioned about the investigation process of our country & said that the investigation process is very lengthy. Most of the time the investigation report does not come on time. He strongly mentioned to set up an independent investigation team in which civilian, police & lawyer should be included. Civilian and lawyer may advice the police person for a fair investigation. In mentioning the recording of the statement under sec 161 of CrPC, he said that in most cases the recording becomes delayed and this creates a suspicion before the court. So the statement should be recorded as soon as possible. Sometimes the accused deny his statement made under sec 164. But there is a provision by which an accused cannot deny his statement (v/s 164). By refreshing his memory about his prior statement one can get justice.

Open Discussion

After the speech of Mr. Abdur Rezeque Khan, Advocate Rokhsana Khondker offered the participants for the open discussion on the following matters-

- a) How to ensure Gender Equality & Equality as Human Right.
- b) How to have a pro-active approach towards Gender Equality.
- c) Analyzing situations & law on women and violence.
- d) Getting the views of women lawyers & the PPs/APPs on the problems then actually face while at Court.
- e) How to get effective judgment to change the stereo typed attitude.

ADVOCATE TAPON KUMAR CHARABARTY

PP

Satkhira Bar

He supported the establishment of an independent investigation Agency and said that Investigation officer does not present his report timely & correctly. But at present with the help of their present Police Super I/O submits the effective & correct report so that they can acquit about 60% accused. There is no other process to communicate with the witness instead of a summon. But most time a summon is not served properly. It is a common action in our country to create pressure or influence upon the witness by the powerful party of the case. Due to this, the disposal of a particular case is delayed.

ADVOCATE MD. MAJIBUR RAHMAN

PP

Comilla Bar

He mentioned that they need proper logistic supports for working smoothly. There is no specific provision for presenting the witness before the court in any act such as The Evidence Act 1872, and the number of Clerk is low. In mentioning their problem to dispose a case he said that in most cases, investigation is not held properly and the sign of rape and murder is not present. The investigation officer can favour particular side or powerful party. Ignorance about law is another problem & for this they can not mention the sensitive matters in the

court. As a result judgment would be different and victims can not get justice. He said that a neutral investigation authority is must and this authority should know the laws rules and regulations properly. Process-server does not serve summon timely and delayed the proceeding.

ADVOCATE MAHBUB ISLAM

SPP

Rajshahi Bar

About 95% cases the accused are acquitted. He gave references of two cases to establish his speech. The cases U/S 11 (a) (b) and (c) of Nari O Shishu Nirzatan Damon Act 2003 parties can't compromise with each other. But in rural area the parties negotiate and compromise the issue. But after compromise of those cases by the parties court can't forward the proceedings more. Again in kidnapping cases which are brought by the parents are compromised by them in later. In case of rape this compromise process is also found which is legal. Mass people should be aware not to compromise with these sensitive issues. If any case is compromised which is not compromise there should be specific guidelines about forwarding the proceeding.

ADVOCATE MIRJA SALAUDDIN BABUL

PP

Barisal Bar

He said about the process of the appointment of PPs/ APPs in our country and said that most effective and learned person and honest person should be appointed as PPs/APPs. He support all the points of Keynote speakers. Sometimes in certain cases, many people are included as accused thought it is caused by one or two. It hampers the valuable time of Court. Actual offender should be included in a case because there is a saying in jurisprudence that even one innocent person should not be punished if ten accused will be released. Most of cases under Nari O Shishu Nirzatan Damon Act 2003 is filed falsely such as dower, dowry etc.

ADVOCATE NASIMA AKTER RINU

Women lawyer

Dinajpur Bar

She mentioned an illustration from her own experience and said rape case should not be compromised especially where a child is born by rape. The child does not have any acknowledgment from his father so compromise of this type of cases would be totally avoided by Judges, PPs, APPs lawyers and also by the parties. She also mentioned that equality can be insured by giving women equal rights in the heritance law.

ADVOCATE AMENA AKHTER

Women lawyer

Patuakhali Bar

Giving example of a remote village she said that husband does not claim dower and that they want money from wife's family member referring to it as borrowing. But the money borrowed" was never returned and in addition, the wife was tortured for more money. When a girl is raped she is not sent for trial but oppressed by village arbitrator, molla or imam of the mosque by "Dorra". During the divorce case they rather compromise between husband and wife. So women of remote area should be aware about family laws relating to those matters.

ADVOCATE RUHUL HASAN SHARIF

APP

Habigong Bar

The poor can get legal Aid in case of medical treatment and the medical certificate but there is no such type of aid. No such aid or fund is available as for example in case of DNA test which is very essential to determine the parentage of child.

ADVOCATE GAZI MASTAFA HOSSEN

PP

Narsingdi Bar

He gave a statistic of cases in Nari O Shishu Nirzatan Damon Tribunal in Narsingdi up to 01-12-2007 that about 819 cases are under trial of which only in 3 cases the accused are convicted (one is for wife murder and 2 are for rape) and the rest of all are acquitted and compromised. He supported the view of Advocate Ruhul Hasan Sharif and added as DNA test is necessary for determination of the parentage of a child and for this mother, child and accused are tested. The Cost is so much for the poor victims and there are not able to meet this cost. So a fund can be secured for DNA test.

ADVOCATE SABIHA KHANUM

Women Lawyer

Jessore Bar

Insisting on economic stability of women, she said that women should be independent economically. About half of crimes against women can be reduced by making them independent economically and for economic independence women must give equality with men in the inheritance. Again for getting justice she said that a victim must pay to a lawyer and even to produce a witness in a court. The cases of Nari O Shishu Nirzatan Damon Tribunal are many but the number of PPs is very low, which is another reason for delaying the proceedings.

ADVOCATE ABDUR RAHMAN

PP

Kishoregong Bar

He emphasized on establishing a fund for DNA test and mention that the number of PP, APPs are very low. The number of PPs/APPs should be increased.

ADVOCATE JAHIRUL HAQ MANIK

SPP

Kishoregong Bar

Legal aid should be available in domestic violence cases by the Government. Security should be ensured for victims and witness. Medical examination should be done as soon as possible within 24 hours. Proper and necessary signs of rape should be captured.

ADVOCATE ABDUR REZEQUE KAHN

Sr. Lawyer Supreme Court of Bangladesh

After this working session he summarized the discussion and said

- ➔ The official management system of PPs, APPs should be more effective;

- ➔ PPs, APPs can seek help from the police officer in higher level and from the district judge;
- ➔ Investigation should be completed quickly and within a specific time;
- ➔ Before producing charge-sheet all defects of it should be removed;
- ➔ For rape and acid throwing cases camera-trial can be introduced;
- ➔ Sometimes the number of courts can be increased for removing the over burden of cases.

DR ABDUL MOYEEN KHAN

Former Minister

He started his speech by giving special thanks to the chief guest and mentioned the activities of chief guest to ensure the gender equality in this sub-continent. He pointed out that about 22,000 persons are included as accused in only 350 cases. And for this the cases become very weak. 1 or 2 % cases are convicted and other are acquitted or compromised which may create a negative effect in our judicial system and society. He opined to increase the working time of a court rather to increase its number and to make it more effective for solving this over burden problem. Bail petitions take more time of a court. Court can use this in hearing the proceeding. So bail will be automatic or without such complexly proceedings. There is a provision for compensation for the convicted person but in bail it is not applicable in case of acquitted person. Acquitted person by bail may be under some compensation. In disposing a case quickly lawyers should discuss and present only relevant and merit of the case and not irrelevant facts. On observing the situation of women in this sub-continent, he said women do not go court even after oppressed rather they want to adjust with that and do not want to express the oppression against them.

CHIEF GUEST

JUSTICE MOHAMMAD FAZLUL KARIM

First he thanked Khan Foundation and all the participants of the workshop and started his speech. To describe the main theme of this workshop he said that the women of our country are discriminate from the longtime. But they should not be discriminated. We can never develop only for discriminating them. Gender inequality is the reason of all problems. We can enforce our constitutional provisions equally to women. He mentioned that judges can play a vital role to ensure gender equality. Only the delivery of judgment and giving punishment are not the task of the judges. We should work as a reformer of the society together and to give remedy of the offences. Then we can terminate our society as offence free. He strongly said that procrastination of judicial system is found in every step of a proceedings and without remove this we can not solve our problem. According to him we can take following steps-

- ➔ Firstly we should find out the remedy for reducing the offence.
- ➔ Independent Investigation Unit and Independent prosecution cell may be established to get effective judgment.
- ➔ Some complexity in some provisions like sec. 161 and 164 of CrPC, sec. 118 and 155 especially 155(4) of Evidence Act and the punishment of outraging of modesty of Penal Code are found because they are very ancient and not often effective in our present situation. So these provisions of those Acts should be updated by amendment. He also illustrates the context of England that is the law of England is updated now.

- ➔ Court should be started early and Judges, PPs, APPs and Lawyers should present timely before the court. Then it would help to remove procrastination.
- ➔ For the protection of witness there should be witness protection laws.
- ➔ He discussed the bail petition and false cases which are only for harassing people.
- ➔ Litigants should aware that they do not come for false case. They should come only for proper solutions in significant cases.
- ➔ Lawyers should not discuss miscellaneous matters they should present only substantial matters before the court.
- ➔ The overall system of judiciary should be modern and up date to meet the present need.
- ➔ PPs, APPs may form a convention.
- ➔ Lawyers should not waste time for false case and such cases which have no merits.
- ➔ PPs, APPs should present the witness in the court in due time. They should avoid the tendency of giving absence of the witness though they present because the witness is not for PPs, APPs but for the court only.
- ➔ Social and Political stability is another important ingredients.
- ➔ An aid fund for DNA test can help the poor people to identify their parentage.
- ➔ To ensure gender equality in justice system women should be independent economically and for this education, awareness is essential.

He also remarked that PPs, APPs lawyers should implement the knowledge which they gathered from this workshop. Then the purposes of the workshop would be fruitful for the society. He strongly said that the legal persons should work together to ensure gender equality in justice system.

CLOSING SESSION

After finishing the inaugural session, the closing session was addressed by the chief guest Mr. Fida M. Kamal Attorney General of Bangladesh. In the beginning of this session all participants were invited by Advocate Rokhsana Khondker, Executive Director, Khan Foundation to make recommendations, suggestions upon the discussion of inaugural session.

CLOSING DISCUSSION

ADVOCATE MD. MAJIBUR RAHMAN

PP

Comilla Bar

He strongly said that by appointing most effective person as Judge, PP, APP, procrastination of judicial system can be checked up. Women and children should be aware of how can they get proper protection in breach of their rights, so that they can seek help from a court in infringing their legal rights.

ADVOCATE M SHAHIDULLAH KHAN
APP
Pirojpur Bar

First we should select the causes of the problems and then we should take steps to solve this problem. There should be specific rules and regulations for absconder. Our present law and judicial system is very outdated. It should be updated with the change of our society. Changing the provisions of law should be done by public opinion or in case of any special act upon the opinion of that special sector. We should take proper initiative against the negligence of Investigation officer.

ADVOCATE MAHABUB ISLAM
SPP
Rajshahi Bar

The main cause in delay disposing a case are not coming the witness before the court timely. The witnesses are not paid sufficient TA/DA. For the lengthy process of court witness lost their will to attend before the court and they forget about the facts. So the accused is acquitted.

ADVOCATE MIRZA SALAUDDIN AHAMMED BABUL
PP
Barisal Bar

Some important problems are faced by our women in our society. The Media often focuses on women oppression cases like rape, murder, kidnapping, acid throwing and trafficking. Women are unwilling to file a case against oppression with the fair of media and complex court proceedings. He mentioned the provision of the Evidence Act 1872, that when a woman brought any case of rape she will be treated that she lead an immoral life. Most women don't want to go to court for more oppression by the opposite lawyers.

ADVOCATE KRIPA SINDHU DAS
SPP
Moulavibazar Bar

He mentioned that very often court discourage the case against women and children oppression by treating it false.

ADVOCATE AMIRUL ISLAM
GP
Moulavibazar Bar

For delaying the process server justice also delayed and denied. There shall be specific time for process server to smooth this process. He also supported considering plaint and written statement as evidence to remove procrastination.

ADVOCATE MOSADDEKA AKTAR NELEE
Women Lawyer
Habigong Bar

Attempt to rape and outraging modesty of women are very common offences against women. But our court and police officer always ignore to take those types of cases. Again the punishment of outraging modesty is very low. However this offence paved the way of further heinous offence against women.

ADVOCATE AMENA AKHTAR
Women Lawyer
Patuakhali Bar

Age complicacy is a problem for some Acts. A particular and same age should be specified for adults in Penal Code, The majority Act and others Acts in which the age is mentioned.

ADVOCATE TAPON KUMAR CHARABARTY
PP
Satkhira Bar

Sometimes the accused are punished with both imprisonment and fine. But without paying fine the terms of imprisonment must be fixed. That is if he failed to pay the fine he will stay in the imprisonment for a short time. But sometimes in some judgment the imprisonment time does not specified without paying the fine. For this many convicts are passing their days in the dark of imprisonment and it is a clear violation of human rights of a male, female and child offenders.

ADVOCATE SAIFUDDIN
APP
Munsigong Bar

False cases should be strongly discouraged. So many times we are ourselves responsible for false cases. If we can understand our elints that they have no *prima facie* of their cases then it can be checked.

SPECIAL GUEST
Md. ISSTIAQ HOSSEN
District Judge
Dhaka

He said that 90% cases of women oppression are compromised by the parties because women don't want to oppress more by the legal proceeding. Sometimes our women are bound to compromise for due to our social system. But after compromise a case court does not do anything is not a right view. A judge can convict the accused if he believes that there is a reasonable ground to involve the accused of the said case. But if sub-ordinate judge can do it then the higher court may discharge the accused in appeal. For this reason the subordinate judges of our country are not willing to convict an accused in a compromised case.

He mentioned that there should be a limited time for submitting charge sheet. Otherwise an accused has to convict several years for not submitting the charge sheet in due time. Police officers must be accountable for their activities. Addressing to PPs, APPs he mentioned that sometimes witness present in the court yard but PPs, APPs don't give presentation of witness before the court. He also added that if the bill of TA/DA of witness is submitted before the court then court tries to pay that amount. For the delayed presentation of the witness, he mentioned, it is duty of officer in charge to produce the witness before court otherwise he may fall in the contempt of court. He gave an example how irregularity is happening in producing witness before a court. A case which was filed in 1991 had only three witnesses before the court till 2008. He also pointed out a reason for the delay proceeding that children along together with adult are involved in one charge sheet. But courts return it for separating the minor from the charge sheet and a separate charge sheet of minor is clamed. However, these cause a misuse of valuable time of court. Irregularity and taking bribe of process server is another case for delay. Though there is a period for serving notice but it is not all time strictly followed. So the plaint of plaintiff and the written statement of the defendant can be

considered as evidence. He strongly said that we all should work together for ensuring gender equality otherwise it will not be possible.

CHIEF GUEST

MR. FIDA M. KAMAL

Attorney General of Bangladesh

He gave thanks Khan Foundation and participants for attending this workshop. Firstly he mentioned many defects of court management and proceeding system in our country. Every person comes in court for justice but they suffer more from the beginning to the end of a proceeding. All laws, rules, regulations are only for the benefit of people. And the law of Nari O Shishu Nirjaton Damon Ain 2003 is also passed specially for the benefit of women and children. Does this Act reach its goal? It is an important question because many persons are hazard by the provisions of it. He gave utmost importance to change our stereotype mind set and change our view towards women. Women are weaker section in our country but actually a woman can tolerate more pressure than a man. Males should learn to change themselves first. Otherwise it is impossible to ensure gender equality. Women can be awakened by education. Continuous legal education will have to provide for men-women both so that they can be awakened about their right and duties. Then justice can be ensured equally.

CONCLUDING REMARK

DR ABDUL MOYEEN KHAN

Former Minister

He thanked all and said Khan Foundation has talked about many problems of women and children and organized many workshops like this so that the layperson can get benefit. To mention the attitude of the witness he said that the witnesses are afraid to go before to the court. Witnesses always notice that they have been cross-examined in such a way that seem to be they the offender. But witness is the important part of justice system. All persons must have confidence upon this system that they get justice and they have the provision to establish their rights through this system. He said that no one should be deprived of justice and include involved in any illegal are false case. Many legal persons do not make compare between the accused and the convicted. To get effective conviction in a proceeding we must reduce compromise process in uncompromised case and the bail system in non-bail able cases. Very often in rape case accused dose not left any witness so that the evidence and sign of rape should be identified. Proper medical certificate can give remedy to the victims in this case. But this sign can't be identified or put out of properly. If all persons police, lawyers victims can be made aware about laws then the equality can be ensured. He mentioned that participants can play a vital role to meet this goal.

ADVOCATE ROKHSANA KHONDKER

Executive Director

Though it is needed to amend the provisions of some laws it is also needed to change our stereotype thinking. Half of our women and children are one mentionable ration of our society. We should respect their rights as well as their thoughts. She hopes that all the participants will take pre-active approach to ensure gender equality. And if all of them work together, equality in justice system can be ensured. Lastly she offers thanks to all the participants PPs, APPs and Women lawyers to make this workshop a real successful one. And she concluded the program giving thanks to special guest and the Chief Guest of the workshop.