

CASE STUDY: JUSTICE PREVAILS

Rape Case in Dhanbari, Tangail.



Bangladesh has never been a stranger to rape and harassment cases against women. In the last year (2017) alone, a total of 818 women were raped all across the country of which 47 were killed after being raped and 11 committed suicide (The Daily Star, 2017). The constitution of Bangladesh states equality between men and women. It has provided very progressive and gender friendly governance institutions for all of Bangladeshi in general and for women in particular. The constitutional provisions (in articles 19 (3), 28(1), 28(2), 28 (3), 29(1), 29(2) and 65(1) which cover all aspects of equal rights of women with men in state and public life, equal opportunity for all citizen irrespective of men and women, are fundamental principles to adopt democratic principle of gender equality, human dignity of men and women. (The Independent, 2016). The current legal framework of Bangladesh has laws in place to prevent sexual violence against women and children and punishments for perpetrators. The Penal Code of 1860 and the Prevention of Oppression against Women and Children Act of 2000 prohibits rape. The maximum punishment for committing rape, under section 376 of the Penal Code, is life imprisonment.⁴ An exception to this punishment exists where the rape is perpetrated by a husband against his wife (who is then under the age of 13). The Prevention of Oppression against Women and Children Act of

Other relevant documents

2000, takes the punishment for rape one step further than the Penal Code. The punishment for rape, under this Act, is a maximum of life imprisonment with a fine. But, if the victim later dies, or the rape is committed by more than one man (i.e. gang rape), then the maximum penalty imposed is capital punishment. However, these laws and constitutional provisions are lacking in proper implementation due to which hundreds of rape and other forms of sexual assaults cases against women and children are going unpunished every year.



Such was a case of a 13 year old school girl in Dhanbari, Tangail. The girl used to attend sixth grade in Dhanbari Collegiate Model School. Local trader Rafikul Islam, 30, forced the 13-year-old girl to have sex. Later, men from the same area Rahman Ali Mondol's son, Ziaul Haq, 30, Mahtab Ali's son, Al-Amin, 28 and 2/3 others blackmailed the girl, saying they would tell others, and raped her several times (Manobadhikar Khobor, 2018). After a few days, the girl became pregnant. Local councilors and others in Tangail had tried to hush up an incident of rape by negotiating with the rapists. They negotiated the matter by lashing the perpetrators with shoes and fining them Tk1 lakh altogether. Local ward councilor Zakaria Bakul and senior members of the neighbourhood held a meeting and decided this punishment for the perpetrators. They handed the victim's family Tk. 50,000 immediately and asked them to arrange the girl's abortion in order to hush up the scandal. The girl did not appear for an exam at her school the day after this. After inquiring at her home, the house was found empty except for her 7 year old brother who informed that the girl along with her parents had gone to Mymensingh. According to the locals, the family had fled under threat from the village arbitrators and the rapist's connections trying to cover up the incident. Claiming that the rapists be punished and the family be returned safely to their home, a rally was organised by the locals. With the help of Non-Governmental Development Organisation, Nijera Kori, a letter was also written to the Home Minister

asking him to ensure the safety of the victim's family. The letter was then sent to the Home Minister with the help of the Upazilla Executive (Nirbahi) Officer of Upazilla Administration. A copy of this letter was further circulated to the Zilla Deputy Commissioner, Superintendent of Police, Upazilla Chairman, City Mayor and the office-in-charge at the Police Station. A small convention was held in the upazilla field where Nijera Kori and landless organisation representatives were present to protest against this heinous act and demand punishment for the rapists.

After these uproars and actions taken towards attaining justice, the victim and her parents were brought back to Dhanbari where after arrival the victim and her father falsely stated to the police that no such incident had occurred in her life and false stories were being spread about her in order to spoil her reputation. However, after a letter was sent to Dhanbari police from the Home Ministry, the police brought the victim and her family back for another round of questioning where the victim and her family came clean and admitted to the rape. It was clear that they were still scared of the perpetrators and hence refrained from speaking the truth before. The victim and her family then lodged a case against the rapists, namely Case 11/2018 and GR 42/2018. The cases were swiftly dealt with and 3 of the 8 people the case was lodged against were arrested. Rafikul Islam, 30 is in jail and the other two Mahtab Uddin and Kamruzzaman are both being held on bail.

With the help of the voices and actions from the landless organisation, the victim's family was given back the agency that they had lost and the victim was given recognition as a minor and a student whose main priority was going to school, a right which was taken from her when she was raped. The landless organisation fought hard to represent this poor family in front of the justice system of Bangladesh to bring about justice to the victim and created awareness on how such cases are lost in the shadows of politically influential groups and goes without punishment and how much the constitution and the laws of the country as stated in the beginning are not properly implemented to bring the justice that the victims deserve. However, by the effort of landless organisation, locals and Nijera Kori, the people in charge were made to follow proper procedure and implement the laws and arrest the perpetrators.