

Combating Rape in Bangladesh Through Social and Legal Reforms Rather Than Death Penalty

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Abstract: As a developing country Bangladesh is thriving to cop up with different classes of crimes as is increasing day by day. Rape is one of the brutal crimes which has recently gained a huge public attention. It seems that the numbers are jumping high in the days of pandemic and thereby mass public protest took place demanding severe punishment for rape. It's the pressure of that mass demand which forced the government of Bangladesh to introduce death penalty for the crime of rape. But experts are of the opinion that this will not serve the purpose. On the other hand, this will alleviate the miseries of the victim. Implementing death penalty to rape cases without eliminating the root causes of rape will bring unnecessary complication in rape cases. There prevail lots of social, legal, phycological, political and legal reasons for rape. But this paper will only focus on the social and legal reasons. The aim of this paper is to go deep into the social and legal reasons for the rapid growth of the crime of rape and to evaluate the compatibility of death penalty in rape cases. This paper also strives to find out suggestions for improving the scenario besides harsher punishment and thereby aims to find a reason-based solution. As a matter of fact, quantitative methodology has been applied in this article. For conducting the study relevant articles, statistics, recent news, national and international case laws, international data survey and other relevant literature covering the area has been examined. The finding of this article will contribute to understand the social and legal loopholes that is encouraging rape in Bangladesh.

Key words: Rape, victim, women, death penalty, Bangladesh.

Introduction:

Rape is one of the brutal crimes committed against the honor of an women. In recent times Bangladesh has seen a sharp rise in the rape cases which lead to a large-scale protest from mass people. This situation has also pushed the legislators to rethink about the rape laws and make more harsh punishment for the crime of rape. Generally, rape cases in Bangladesh are tried under two sets of law: Nari O Shishu Nirjatan Daman Ain, 2000 and Penal Code, 1860. On September 02, 2020 a video footage of a women being molested went viral. Following the incident mass protest erupted all over the country demanding death penalty for the crime of rape which finally forced the government to implement the highest punishment for rape.(Vaidyanathan, 2020). It was reported the first time the country had witnessed such a large scale protest against sexual violence over a prolonged period (Aljazeera, 2020). Finally on 12th October, 2020 the Parliament of Bangladesh has approved death penalty for the crime of rape by amending section 9 (1) of the Nario-O-Shishu Nirjatan Daman Ain, 2000 and the following day the amendment was officially published by the Legislative and Parliamentary Affairs division of the Law Ministry (The Daily Star, 2020b). But the decision has been criticized by many national and international experts. By this amendment the main or root causes for rape has been grossly overlooked. Amnesty International opined "the issue in Bangladesh was not the severity of punishment for rape, but a failure of the courts to bring convictions in rape cases and the victims' fear of coming forward"(Guardian, 2020). The Government was too quick to jump into the decision without investigating the social and legal reasons behind it. As a result, it is seen that the purpose is not served. Even after the implementation of death penalty rapes are reported in higher numbers regularly. This gives a clear early sign that this is not the solution to it. Reforms in criminal justice system and in social thinking is the demand of time ignorance of which can bring a dangerous result.

Definition of Rape:

"The word "rape" literally means forcible seizure and that element is characteristic feature of the offence. Therefore, it can be said that rape is forcible ravishment of a woman/girl without her consent. To put the simplest definition of rape is it is, having sexual intercourse with a woman/girl without her consent"(State v. Md Awal Fakir, 2004).. Rape is an unlawful sexual intercourse or any other sexual penetration of the vagina, anus, or mouth of another person, with or without force, by a sex organ, other body part, or foreign object, without the consent of the victim(THESAURUS.COM, n.d.). The statutory definition that is accepted in Bangladesh is the definition given in the Penal Code, 1860. According to section 375 of the Penal Code, 1860 "Rape means A

man is said to commit "rape" who except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the five following descriptions:

Firstly. Against her will.

Secondly. Without her consent.

Thirdly. With her consent, when her consent has been obtained by putting her in fear of death, or of hurt.

Fourthly. With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.

Fifthly. With or without her consent, when she is under fourteen years of age" (The Penal Code, 1860 (Act No. XLV of 1860), 1860).

Another statute that deals with rape is the Nari-O-Shishu Nirjatan Daman Ain, 2000. But this Act does not attempt to redefine rape, section 2(E) of this Act only incorporates the definition as is given in The Penal Code, 1860. (Nari-O-Shishu Nirjatan Daman Ain, 2000).

A Scenario of the Increasing Rape Crimes in Bangladesh:

As a developing country Bangladesh seems to be struggling with the multiple crimes. Amongst them, in recent times, crimes relating to rape have become a headache for the government. According to a report of Ain O Shalis Kendro, a legal aid and human rights organization of Bangladesh, in between January to September 2020, 975 women were raped amongst them 43 women were killed after rape while another 12 committed suicide after being raped (Ain O Shalis Kendro (ASK), 2020). While in the year 2019, 1413 women were raped and amongst them 75 were killed after rape and another 10 committed suicide after being raped (Ain O Shalis Kendro (ASK), 2020). In the year 2018, 732 women were raped while 63 women were killed after rape and 7 committed suicide after rape (Ain O Shalis Kendro (ASK), 2019). This report shows that Bangladesh has encountered a sharp rise on the rape cases. Another report of Odhikar, a human rights organization of Bangladesh, shows that the number of rape victims in the year 2010 were 559 while the number increased to 1080 in the year 2019 (Odhikar, 2019). Which means within nine years the number of victims almost doubled.

The numbers of intimate partner rape is relatively higher (71% in rural Bangladesh and 69% in urban Bangladesh) than the number of non-partner (16% in rural Bangladesh and 19% in urban Bangladesh) (Fulu et al., 2013, Chapter 4 p. 41). Among the intimate partner rapes most of the violence occurred within marriage (Fulu et al., 2013, Chapter 3, p.36). But in Bangladesh marital rape is not criminalized so, most of the marital rapes remain unreported. No age is considered as safe for women. Women of any age could be a victim of rape. In the year 2019 there were 155 victims under 6 years of age, 195 victims were under 7-12 years of age, 157 victims were under 13-18 years of age, 26 victims were under 19-24 years of age, 15 victims were 25-30 years of age and 11 victims were above 30 years of age (Ain O Shalis Kendro (ASK), 2020). It suggests that most of the rapists select their victims from the girls who is not matured enough and feel shy to talk about the abuse or who could easily be controlled or dominated by putting them in fear.

In the Covid 19 pandemic the situation has far more worsened. According to a report only in 5 months (April-August) of 2020 Bangladesh has witnessed 632 rape incidents which means on average 4 women raped every day (Rabbi, 2020). Whatever the report says, the numbers of rape are much higher than those reported. Because in Bangladesh most of the women feel comfortable to stay silent after being raped for the sake of their reputation or on suppression of the society.

Reasons for Rapid Growth of Rape:

Like any other crimes the rate of rape is growing fast in our country. There are many factors responsible for the rapid growth of rape. Those reasons range from gender inequality to faulty legal setup. For the purpose of this article, I will discuss the reasons of rape into two categories:

1. Social reasons.
2. Lacking in the criminal justice system.

Social reasons for increasing rape in Bangladesh: Of course, every crime is the result of social maladjustment. Both the criminals and the victims are the part of the same society. And we cannot take any crime in isolation without considering the social factors behind it. Growing garment sectors and women empowerment has pictured a different society from that we used to live in. This complex modern society has its own evils. Development itself sometimes becomes the breeding ground of crime. And to deal with this complex crime we need problem-based solution. So, the social grounds behind rape cannot be denied. In this segment we tried to point out some social factors that are responsible for rapid increase of rape.

➤ **Social and Cultural Norms:** Social and cultural norms are those norms which regulate the expected behavior of a person within the society (W. H. Organization, 2009, p. 4). These norms have the commanding power over a person in regulating and shaping his behavior. These norms vary from country to country and culture to culture. But sometimes those norms can support violence and for this reason some country has an increased number of a specific crime than other countries (W. H. Organization, 2009, p. 3). In Bangladesh we have got some of the norms which directly or indirectly encourage rape or sexual violence. For instance, our

society is patriarchal and definitely encounters higher rate of sexual violence as is seen in any other country where women are objectified and made inferior to man (Daley & Noland, 2001). Activists and scholars pointed out that gender inequality along with patriarchy and men's domination over women created an environment in which violence against women is widely accepted (Fulu et al., 2013, p. 6). Our culture permits the discrimination against women and subordinated women to men and thereby made women more vulnerable to sexual violence (Banarjee & Mohammed Jahirul Islam, 2019, p. 40). The deeply entrenched feeling of masculinity and male entitlement to sex enhances the probability of sexual violence (WHO, 2002, Chapters 6, p. 161). Although rape is a crime and the assailant deserved to be punished, thanks to our patriarchal society which tends to blame the victim instead of punishing the rapist. In rape cases families concentrates more on retrieving lost family honor than punishing the rapists and that ultimately creates an environment in which rape can occur with impunity (WHO, 2002, Chapter 6, p. 160). Women here are taught how to dress and behave and always chained within the family security instead of teaching the young male members how to behave with a woman and how to respect the opinion of a woman. Most cases of rape remains unreported because women fears that she will be blamed for her misfortune (W. H. O. & P. A. H. 2012). Women are blamed for variety of reasons ranging from her dress to her attitude and the sense of security. It seems that the responsibility of not being raped lies only on the women. These factors shows that our community has general tolerance towards sexual assaults which in turn increases men's tendency of committing rape (WHO, 2002, Chapter 6, p. 158)

➤ **Poverty:** Poverty is considered as the main reason for most of the crimes in the society. Unlikely any other crimes poverty is not the direct cause of rape. But it happens to be the indirect cause of rape. Poverty has twofold influence on rape. It can perpetrate rape as well as put women at the risk of being victim of rape Poor working women and girls are at high risk of rape in the course of their daily tasks so are their children because they have less parental supervision when not in school, since their mothers may be at work and unable to afford child care. (WHO, 2002, Chapter 6, p. 159). On the other hand poverty, lack of employment opportunities (WHO, 2002, Chapter 6, p. 159) and man sitting idly without the burden of earning bread and bear (Wasif, 2020) increased the risk of man's likelihood of committing rape. In a report it is also seen that in Noakhali district most of the male earning member lives abroad which endangers the security of the female members in that area and are at high risk of rape (Wasif, 2020).

➤ **Weak administration and lack of institutional support:** In many cases it has been seen that the police and the administration take the crime of rape very lightly and do not give any kind of support to the victim. On the other hand, the victim is harassed when she approaches to report the crime. That is the reason most of the Bangladeshi women does not report rape in police station. Shockingly, a woman reported rape and torture after 32 days of the incident when the incident went viral on social media (Chowdhury, 2020). Even the administration has failed to protect Nusrat Jahan Rafi, the victim who reported sexual harassment and thereby received threats from the assailant and burnet alive by the associates of the assailant (BBC News, 2019). Medical support is an emergency for rape victims not only for her treatment but also for collecting the sample for evidence. But the unfortunate victims do not get that assistance in time and most of the victims approaches in the medical after 24 hours of the incidents (Ali et al., 2015) by that time the medical examination of the victim may become misleading. That wholly unsupportive system ultimately made it nearly impossible for the rape victim to get justice as a result the rapists commits rape without the fear of being punished.

➤ **Lack of sex education:** Sexuality education is the process of acquiring information and forming attitudes and beliefs about sex, sexual identity, relationships and intimacy. It develops young people's skills so that they make informed choices about their behavior. It helps them to feel confident and competent about acting on these choices. It also equips children to face developmental challenges and empowers them against the ills of abuse, exploitation and unwanted pregnancies (Opara et al., 2010). By sex education young male also learns the importance of consent in a sexual intercourse. Being a member of a conservative society, it is very uncommon to have sex education at school level or at home as sex is regarded as sin or shameful. Parents thinks it is not necessary or feels shy to talk about sex to their young son/girl and to school teacher those topics are 'excessive', unnecessary and inappropriate in school settings (Aresfin, 2018). But as sex is the biological matter learning does not stop rather the learning begins from negative sources. In Bangladesh peers, pornography and embodied learning are the most convenient and common sources of information about sex and sexuality for most of the young male (Khan & Raby, 2020).

Lacking in the Criminal Justice System:

It is not likely that only the socio-economic condition of our country is responsible for the higher number of rape cases. Our legal set up for getting justice for the rape victim is such unsupportive that most of the victims prefers to stay silent about the crime. In such an unsupportive legal policy the victim gets raped repeatedly in every sphere of justice system. For the victim and her family members silence is better than demanding justice and getting harassed. The long history of judicial impunity, faulty definition of rape and lack of rape shield just smashed the only hope of justice. In this segment I have tried to find out the lacking in the criminal justice system which is directly affecting rape cases.

➤ **The Culture of Impunity:** The number of rapes cases are rising higher and higher. But the number of cases disposed off are comparatively low. From 2001 to 2020 the courts has only disposed off 3.56 percent cases while punishment has been given only in 0.37 percent cases(Prothom Alo, 2020a). Which means huge numbers of victims literally did not get justice from the formal court settings. This at the end of the day gives the criminal minded a green signal that there is no punishment for rape! Surprising? Wait there are more. What about the huge number of cases that goes unreported? According to a survey in the year 2019 there were almost 1413 rape incidents but only 999 cases ended up in police report(Ain O Shalis Kendro (ASK), 2019). It is obviously one of the silent sexual crimes that goes unreported almost around the world. According to American Medical Association rape is considered the most under reported violent crime in USA. In UK 75 to 95 percent cases are never reported to police(Ali et al., 2015, p. 32). According to Ain O Salish Kendra (ASK), total 527 incidents of rape or attempt to rape was documented between January and September 2014 in Bangladesh of them only 291 cases were filed, 43 victims died after rape and 11 other committed suicide(Ain O Shalis Kendro (ASK), 2014). This is a frustrating truth of Bangladesh. The Government has to some extent tried to bypass those reasons and simply put forth death penalty without any further attempt to change the system! Off course changing system takes a lot of time and effort as well as cost. But we have to start it from today or tomorrow. Because when criminals are set free after committing a crime without facing any legal consequence, the country will become a heaven of crime. While 88.1% of the respondents confirms that after committing rape they have never faced any legal consequence(Fulu et al., 2013, Chapter 4, p. 45) it is a red alert for the law and order system of a country.

➤ **Section 155 (c) of Evidence Act, 1872:** As stated in the previous point that the culture of impunity is one of the major reasons why rape is not condemning in Bangladesh. But the question now arises what is the reason that the victims do not get justice from the formal court settings? One of the major reasons why victims choose to stay shut or the family members thinks it better to stay silent is because the court proceedings are not victim supportive. Section 155(c) of Evidence Act is one of the main reasons why perpetrators of rape can evade justice. According to this section when the character of the rape victim is proved to be of immoral the accused person will get relief. But questioning the past sexual history of the rape survivor cannot be relevant in determining whether the offence of rape has been committed or not. We must understand a no is a no, whatever the character or the past history of the victim may be. It has also to be considered that a woman may not be willing to lose her reputation or status of virginity getting justice. In practice, As the main focus of section 155(4) is on women's morality or dress or sex history it seems that the main purpose of this section is to put the rape victim on trial instead of the rape accused (The Daily Star, 2019). And thanks to this section a sex worker can never file a rape case here in Bangladesh.

➤ **The colonial definition of rape:** It is true that the law changes according to the changed situation and need of a nation. But in our country, lots of laws are adopted from the British rulers. A few of them has been amended. So, most of the laws of our country is not updated to meet the necessity of the developing country. We have got our last statutory definition of rape in 1860 in the Penal Code, 1860. That 161 years old gender-based definition of rape has grossly failed to meet the needs of the present situation. While the ratio of marital rape is comparatively high than non-partner rape(Fulu et al., 2013, p. 3), it is not criminalized in our country. The definition does not cover marital rape. And thus, most of the marital rape goes unreported. Marital rape is only criminalized if the victim is under sixteen years of age. As per the definition it seems that male rape or third gender rape is impossible! Most of the Asian countries have changed the definition of rape including our neighboring country India. It seems that the government of Bangladesh has no concern about that. But the High Court is thriving for a change in the definition and asked the government to explain the legality of the definition stated in Section 375 of the Penal Code 1860 and why it would only be regarded as a marital rape if the husband has a forced intercourse with his wife under 13 years of age?

Death Penalty as a Punishment for Rape:

Death penalty is in essence a deterrence which is also considered as an effective weapon of retributive justice. It is considered lawful to forfeit the life of a person who takes the life of another person(Paranjape, 2008, p. 237). It is the highest punishment that a state could inflict to a criminal. This is also the ancient form of punishment as we can see its presence from the very ancient period of civilization. Although the origin of this punishment is unknown, almost all the ancient civilization practiced this form of punishment and till now many people over the world, including sociologists, legislators, jurists, judges and administrators still fairly believe to be necessary for the deterrence of crime(Mahajan, 2017, p. 132-142). The effect of death penalty over crime is a decade long debate but for some state it is comfortable to stay stick with it. It's true that the effect of death penalty is still doubtful but it cannot be denied for decades states are following this punishment as a form of deterrence. Although the main aim of death penalty is to reduce further crime it was seen that with the increase in the severity of punishment, crimes have also increased(Mahajan, 2017, p. 132-142). Surprisingly reduced murder rates are recorded in the countries that have abolished death penalty(Death Penalty Information Center, 2019).

However, the focus of this paper is not the legality or justification of death penalty. This article will only focus on the effect of death penalty on increasing rapes in Bangladesh.

Generally, the criminal justice system of a country has a deep and large impact on crime in that country. An efficient criminal justice system can reduce crime as well as a weak system can cherish criminals to commit more crime. By increasing the punishment for rape the government has tried to strengthen criminal justice system. But by doing so it has at the same time put the victims on the sharp edge of the knife. As it is one of the grossly unreported crimes some experts are afraid that this attempt will further dabber the victims from reporting rape as well as will encourage the killing of the victim(BBC News, 2018). It will also enhance the burden of the victim especially when most of the assailants are known to the victim(Ali et al., 2015, p. 33) and they will try to manipulate or pressurize the victim to stay shut about the incident(Prothom Alo, 2021). We must understand without ensuring justice in every incident at the earliest possible time the hardest punishment will fall at its face. The harsh punishment could increase the crime. The assailant will try his best to hide every single evidence related to that crime and in this effort, he could end up murdering the victim. Especially when he has the fear of severe punishment. Again, if death penalty was the solution to any criminal uprising, we would have seen a lower rate of murder in our country which is a far cry for us. Talking about the deterrent effect of death penalty on rape, reports says that from 14th September 2020 to 13 October 2020 near about 116 women were raped while after introducing death penalty for rape from 14th October 2020 to 13th November 2020 about 183 women were raped(Daily Prothom Alo, 2020b). We have seen many cases with rape and murder and verdict of death penalty but that never improved the situation. The Supreme Court of India recently delivered its judgement on Nirbhay case(*Mukesh & Anr vs State For Nct Of Delhi & Ors*, 2012) and punished the rapists with death which overall has not changed the picture of rape in India. In Bangladesh the Supreme Court has punished the assailant with death in Yesmin murder case(*State v. Md. Muminul Hoque and others*, 1995). This case made a history as the murder and rape was so brutal that it took all the attention of public. But then again nothing changed. A similar decision as taken in *State v. Md. Shahedul Islam Seikh* where the victim was raped and thrown out by the accused(*State V. Shahedul Islam Seikh*, 2013). In *State v. Md Awal Fakir*, 2004 the court ordered death penalty to the accused who raped as well as murdered the victim(*State v. Md Awal Fakir*, 2004). And there are lots of similar cases that cannot be ended by citing. But that decisions did not reduced murder nor rape.

Punishment and the severity of crime should be proportionate. Retributionist thrives to match the punishment with the blameworthiness of the offender(DUFF & E, 2020, Chapter 7, p. 212). So now the question that arises is death penalty for rape proportionate to the crime? Well as we have not abolished death penalty yet we have some other crimes punishable with death. One of them is murder as is stated in section 302 of the Penal Code 1860. Literally, we are putting rape in the same footing and linking murder with rape. Does both the crime have the same severity? Are we thinking rape is equal to a murder? Of course, it's our patriarchal society that tends to think that rape means murder of a women! Definitely it is a crime and a heinous crime against the dignity of a women but it is not the end of her life. Unfortunately, we are over rating rape while we are demanding death penalty for rape and this demand is the result of the patriarchal understanding of rape. It is very impractical to say that the life of a women is in her virginity. Certainty, we believe that rape is one of the brutal crimes but it cannot be said that we could put rape and murder in the same footing, it is a separate nature of crime. And we must consider it as thus.

Recommendations:

➤ When we are searching for solution of any problem it is practicable to solve it by going in the root of the problem or the causes of the problem. Throwing a severe punishment ignoring the root causes of rape can never reduce rape. The approach of the government is only to put a severe punishment to throw out the burden from its shoulder. Without improving the social and legal structure no constructive change can be expected.

➤ We must amend the definition of rape as is given in section 375 of the penal code. The colonial definition practically does not cover the rage of rapes that are prevailing in our country. First of all, all kinds of raps should be included in the definition (including male and third gender rape). Secondly, marital rape also needs to be specifically defined and criminalized as marital rapes are more common than stranger rape. Again, penetration is not explained in our Penal Code. It only says Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape(section 375 of The Penal Code, 1860 (Act No. XLV of 1860), 1860). This portion needs to be clarified and specified to include any kind of penetration. As we can see in India this portion of Indian Penal Code has been elaborated to include every possible kind of penetration as section 375 of Indian Penal Code specifies that A man is said to commit "rape" if he—

(a) penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a woman or makes her to do so with him or any other person; or

(b) inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of a woman or makes her to do so with him or any other person; or

- (c) manipulates any part of the body of a woman so as to cause penetration into the vagina, urethra, anus or any part of body of such woman or makes her to do so with him or any other person; or
- (d) applies his mouth to the vagina, anus, urethra of a woman or makes her to do so with him or any other person (Indian Penal Code, 1860, sec. 375).

Another thing we need to address is the age in which a woman can give consent. According to our Penal Code the statutory limit is set below fourteen. But the Nari-0-Shishu Nirjatan Ain, 2000 sets the age under sixteen. This thing needs to be clarified and unified. However, according to Indian Penal Code any women under 18 years of age cannot give consent to a sexual intercourse (Indian Penal Code, 1860, sec. 375).

➤ The culture of impunity needs to be addressed immediately. Well, it seems that the culture of impunity in rape cases is not the cause of the problem but the result of some living problems already existing. The question is why it is difficult for the rape victims to get justice? Well to answer this question we must at first look at section 155(c) of Evidence Act, 1872 which literally make it impossible for rape victims to get access to justice. Once it is established that the victim is of immoral character the accused will be discharged. And for establishing that immoral character of the victim she is repeatedly harassed in open court, which is really disgraceful for any women and her family. But here we think judicial activism could do some difference. This could be done under the same Act. Section 151 of the Evidence Act, 1872 provides a short of solution to the problem. According to this section the court may forbid any question or inquiries which it regards as indecent or scandalous, although such questions or inquires may have some bearing on the questions before the court, unless they relate to the fact in issue, or to matters necessary to be known in order to determine whether or not the facts in issue existed. But for a better proceeding in the rape cases this section needs to be amended. Surprisingly, while the same Act declares that the previous character of any accused is irrelevant in any subsequent case (Evidence Act, 1872, sec. 52). The previous bad character of a rape victim becomes relevant in rape cases. Sadly, we are guarding the right of every accused but failed to protect the victim of a rape.

➤ Quick response to the rape victim should be ensured. Naijeria and Lilberia has set a good example of that response. Nigeria declared a state of emergency on rape and sexual violence in all 36 Nigerian states it implies that the police is bound to take the case seriously and cannot deny reporting (Voices, 2020). Liberia also declared rape as a national emergency. The Liberian president declared that they will recruit a special prosecutor for rape cases and also employ "national security task force" on sexual- and gender-based violence (The Daily Star, 2020a). We need to employ special force for immediate assistance in rape cases. The assistance team will forthwith take cognizance of the offence and will also assist the victim to get justice. This could made it possible for most of the women to come out and seek assistance for justice. And the number of reporting in rape cases will also enhance.

➤ The social context for rape victims must be improved. The rape victims are treated in our society in a lower esteem. In our society the rape victims are stigmatized which in turn results in lower reporting or rape (W. H. O. 2009, p. 6). They need support from the government for their rehabilitation. The crime victims sometimes have in mind that they will take appropriate revenge against the victim by committing rape and thus tries to demolish her esteem in the society and he becomes successful in his motive. Unfortunately, our criminal justice system is not victim supportive. It only ants to punish the assailant leaving the crime victim. However, the provision for compensation of any rape victim is made under section 9 of the Nari-0-Shishu Nirjatan Daman Ain, 2000. This compensation is to be paid by the person who commits rape. But there is no provision for compensating the rape victims by the state. Due to the fact that unlike any other victim of crime a rape victim faces more trouble to get go with the society, special care should be ensured for their rehabilitation.

➤ Sex education plays an important role for creating a responsive role towards a women's consent to a sexual intercourse. As sex education is considered as shameful in our country most of our youngsters gets their first sex education from online porn sits or porn books. That's why they care a little or does not cares about the consent of a women in any sexual intercourse. They consider women as an object of their entertainment. Some reports say that some of the sexual violence is triggered by the feeling of entertainment. In a United Nation Multi Country survey it was found that 82% man in rural Bangladesh and 79% man in urban Bangladesh admitted that the reason for rape was sexual entertainment only. The same study finds out that 66% man in rural Bangladesh and 58% man in urban Bangladesh admitted that the reason for rape was to have fun and in rural area 53.9% male 44.7% male in urban area thinks that it is the women who is responsible for her rape (Fulu et al., 2013, Chapter 5. p.53). Despite the alarming reports we care a little for our young generation. By our indifference about sexual education, we are not only spoiling our male generation but also making our society unsecured for girls. For the betterment of our society, we must overcome our irrelevant shame. Its high time that we re-think about the sex education and the role of parents and schools in such education.

➤ Most of the women remains silent about the commission of rape because of their little knowledge. They think it is a shame for her to disclose it. And some becomes silent because they are not financially solvent to raise their voices against the powerful persons. So, we need to address this this inequality by ensuring proper

education to the girls and by empowering women economically. Legal Aids should be ensured to the victims who are financially not solvent to pay for the case.

➤ The cultural norms play an important role in shaping behavior of a person. But those can sometimes support certain type of violence and increase the violence in any nation. Traditionally the culture of Bangladesh expects the domination of man over the women and most of the man here thinks women should tolerate violence, its her duty to obey her husband, she can never deny sexual intercourse and most interestingly if the women does not fight back it is not rape(Fulu et al., 2013, Chapter 5, p. 53). So, our culture permits not only domination over female but also violence over them. Because the same study has found that most of the male respondents thinks women deserves to be beaten sometimes(Fulu et al., 2013, Chapter 5, p. 53). These horrible findings are the true picture of our cultural norm which supports violence over omen. However, legislatures or legal policies can change those norms by legislation which gives to the society a clear message that those behaviors are not acceptable(W. H. Organization, 2009, p. 9). In those cases, social awareness programs can have a fa reaching effect.

➤ And finally, poverty, unemployment, illiteracy and unequal distribution of property are indirect causes of not only rape but also other crimes in any country. As we proceed in irradiating rape we also need to address other social maladjustments resulting in a crime. Although rape is defined as a sex-based crime but we could realise by now that it is not a sex-based crime. Female, male and even transgenders are being raped in our country. So, we could not expect the reduced rate of any specific crime without first improving the socio-economic condition of any country.

Conclusion:

Death penalty in itself is cruel and barbarous. While many countries are abolishing death penalty, we are including more crimes in its ambit. Aren't we walking backwards in time? It is erroneous to think that death penalty along will reduce rape in Bangladesh without first reforming legal and social structure. We cannot take any crime in isolation. There is social perspective behind the uprise of any crime in any society. Without diagnosing the social perspective of any crime, it cannot be uprooted rather any attempt to this effect will be suicidal. It seems that increasing punishment was easier for our legislature than reforms. And pressure from the public in general indeed made it easier to draw that conclusion rather than finding the reasons and reforming the system. It's obvious that reforms need hard labour, time and cost. And it cannot be said that the scenario will change overnight. It will take time to change the judicial system or cultural norms. But its high time that we start.

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