

The Real Scenario of Rape in Bangladesh: A Legal Analysis

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ARTICLE INFO	ABSTRACT
Received date: August 16, 2020	Rape is now considered one of the most egregious crimes in all over the world. Rape is described as a vigorous sexual encounter with a woman or child of the opposite gender. It just represents carnal penetration. It can take a variety of forms. Despite the fact of the current laws it is stated that only done with women. So victim's social status is reduced. The culture holds women accountable for rape and considers them as criminals. Due to the low conviction rate for rape, it is often committed in various locations in the world and in various forms. The victim will believe that there is no justice for them. It is now widely recognized that anybody from a three-year-old girl to a fifty-year-old woman may be abused. The fact that perpetrators can be any man, from strangers to friends, coworkers, and even family members, is a source of great regret. Year after year, women in Bangladesh are subjected to a variety of forms of abuse, the most frequent of which is rape. During the procedural test, the women are raped multiple times. To show that they were raped, the procedural examination is extremely difficult. Established legal provisions are inadequate to provide victims with justice. In this report, I attempted to demonstrate the loopholes and complex procedural requirements in Bangladesh's current rape laws. In most cases, current laws have failed to provide actual justice to rape victims. It is past time for proper action to be taken to end all forms of oppression, abuse, sexual violence, and rape against women.
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1. INTRODUCTION

In Bangladesh, rape is one of the most silent and barbaric sexual offenses. While Bangladesh has some good anti-rape legislation, the evil of rape continues to rise. The growing pattern of silent cruel sexual offenses (rape) is a big psychopath sexual disorder as well as a public health concern that threatens the country's development. Rape is when a man engages in sexual activity with a woman or girl

without her consent. *Shibu Pada Acharjee vs. the State*; 8MLR (HC) (2003) 275 (Rahman, 2011).

Rape is a crime that only affects women. It can only be committed by males on females, which tends to mean that it can only be committed by biologically male people on biologically female people. An individual who has undergone "sex shift" operations is unlikely to rape or be raped. One of the ostensible consequences of the European Court of Human Rights' decision in *Rees vs. United Kingdom*. (Jones, 1996) has applied. This provision is not

clear under the provision of any statutory laws of Bangladesh.

Rape means "Unlawful sexual intercourse or any other sexual penetration of another person's vagina, penis, or mouth, with or without coercion, by a sex organ, other body part, or foreign object, without the consent of the victim". Rape is illegal in Bangladesh under a few rules. According to section 375 of the Penal Code of 1860 and the Prevention of Oppression against Woman and Children Act of 2000 also give the same view of rape. The aim of the study is to determine the pattern of alleged rape victims in Bangladesh with the ultimate aim to create public awareness about the brutal crime. The absence of injuries on the private parts of the complainant can easily be explained by the fact that the complainant had intercourse.

The presence of spermatozoa in the vagina is conclusive proof of sexual connection but not of rape; their absence is no proof that connection had not taken place for they may have been removed by washing or by discharge stated in the case *Saleh Muhammad vs State* 18 DLR (WP) 67.

To constitute rape complete penetration is not essential. Even partial or slightest penetration with or without emission of semen and rupture of hymen or even an attempt of penetration is sufficient to prove rape stated in the case *State vs Shahidul Islam alias Shahid*, 58 DLR 545.

In a case of rape where there is no independent eyewitness to the occurrence and they only evidence is that of the prosecutrix and of those to whom they story of rape was reported, the Court is not left with any objective standard for gauging the truth of the prosecution story. The evidence of the prosecution there needs close scrutiny stated in the case *Masud Mia (Md) vs State* 56 DLR 352.

Rape is described as a single act of sexual intercourse under the statute. It is not a recurrent offense. (40 CriLJ 280) (Huq, 2015) In a case of carnal offence the prosecution is to be believed in awarding conviction to the offender even without material corroboration, if victim's evidence is found believable and trustworthy and does not suffer from any infirmity and inherent disqualification. *Shamsul Haque (Md) vs State (Criminal)*, 52 DLR 255 (Huq, 2015).

The focus of study is to describe the present situation of rape laws in Bangladesh, the specific provisions under different statutory laws and its barriers relating to rape. This study will be very much helpful for the academician and legal professionals. It will also helpful for the law makers to make or amend up-to-date laws relating to rape and set up some provisions to prevent rape which will be helpful to ensure justice. The following headings will present the current status of rape laws in Bangladesh.

2. CAUSES OF CONSTANT RISE OF RAPE IN BANGLADESH

Popular perception about rape does not reflect the reality. It is commonly assumed that usually rape is committed in lone places, outside the protective enclosure of the home, in dark streets or desolate fields, where the victim's screams will go

unheard. Rape is perpetrated in the household, in the countryside, in public, and also in government departments, according to statistics. There are some well-known explanations that rape occurs at random around the world. The bulk of rapes in Western countries are committed by family members. About 93 percent of juvenile sexual assault victims are accused, according to the Rape Violence Incest National Network knows their attackers, and 34% of them are of family. From the analysis of the reasons behind rapes, there are two main reasons why the number of rapes is increasing day by day.

They are (i) opportunity and (ii) lack of empathy. There are other reasons too which are strongly supporting commission of rape. Unbridled sexual desire, sexual frustration, urge to control, challenge to establish patriarchy, deep sense of insecurity, unwilling to accept women who disturb the balance of power, dealing with rejection, Other motives for rapes include feeling superior to women, projecting dominance, vengeance, compensation, and regaining control.

It can also be said that it must be a combination of lust, lack of empathy, anger and frustration, and a desire to dominate, plus the knowledge that you can get away with it. Another critical element relating to rape is the fact that rapists experience less serious punishment (Kabir et al., 2017).

The latest double rape case in Banani demonstrated how unhelpful the police are in most rape incidents.

And, in a society where the wealthy and influential wield too much influence, it's not shocking that many cops are wary of capturing such events. Even though they do, there have been reports that the "preliminary investigation" occupies a substantial portion of the 72 hours it takes to locate some forensic evidence.

Considering the existence of Section 155 (4) of the Evidence Act 1872 that states "when a man is prosecuted for rape or even attempt to ravish, it may be shown that the prosecutrix (the rape victim) was of generally immoral character", It's no wonder that too many lawsuits are settled out of court because of this technique, which is used liberally by defense attorneys to vilify the victim's character (The Daily Star, 2017a).

At least 1,000 rapes have been reported in Bangladesh in the year of 2020, activists' say but many cases go unreported because women fear they will be stigmatized, according to human rights advocates, and in cases that are reported conviction rates are extremely low. Protesters galvanized by last week's viral video have demanded faster trials and changes to the way rape cases are prosecuted (BBC, 2020).

In Bangladesh there are several rape supportive norms and culture is existed such as Patriarchal socialization, subjugation of women, dress code of women, immunity of rapist, normalization of rape, digital mobile phone, easy access to adult sites on internet, pornography etc. People are compelled to rape because of the society and expectations in place.

3. BANGLADESH'S CURRENT RAPE CRIME SITUATION

Due to the loopholes in the law and other reasons, rapists have been released or not even arrested and the incident of rape widely increased. One of the reasons behind not getting justice is the non-cooperation of the police. There are allegations that the police do not want to take complaints in many cases. About half of the women and children were harassed at the police station while filing the case. Even after a case was filed, the police were reluctant to arrest the accused. The police themselves have also been involved in rape (The Prothom Alo, 2020a). Besides, leaders and activists of the ruling party are committing incidents of rape and threats are being given to victims to withdraw the complaints (The Daily Jugantor, 2020a). The ruling party leaders are imposing fines on the victim's family through arbitration. (The Prothom Alo, 2020b). Moreover, the documents relating to rape cases are also disappearing from the courts (The Daily Jugantor, 2020b). From July to September 2020, a total of 322 females were raped. Among them, 121 were women, 186 were minors (below the age of 18 years) and the age of 15 females could not be determined. Of the women, 42 were victims of gang rape, two were killed after being raped and one woman committed suicide after being raped. Out of the 186 minors, 34 were victims of gang rape, six were killed after being raped and one committed suicide. Furthermore, 38 females were also victims of attempted rape (Odhikar, 2020). When a couple went to visit Murari Chand (MC) College in Sylhet on 25 September 2020, Tarique Ahmed, Shah Mahbubur Rahman Rony, Arjun Laskar, Rabiul Islam and Mahfuzur Rahman led by Awami League-backed Bangladesh Chhatra League (BCL) activist Saifur Rahman, picked them up and took them inside the college dormitory. After that, the BCL activists detained the husband and raped his wife. On 26 September, police raided a BCL-occupied dormitory and recovered a pipe gun and four cleavers (The Prothom Alo, 2020c). Police arrested two suspects including Saifur Rahman, Shah Mahbubur Rahman Rony, Arjun Laskar and Rabiul Islam in the incident (The Prothom Alo, 2020d). A doctor has been arrested for rape in Pirojpur (The Daily Jugantor, 2020b). Rape in Nowakhali happened and the police has arrested the accused Mujibur Rahman. Govt. should give an exemplary punishment to the offenders (The Prothom Alo, 2020e). In the early morning of 23 September 2020, eight or nine miscreants attacked the family of an ethnic minority community in the suburbs of Khagrachhari District, tied up the parents and raped their mentally disable daughter. Police arrested seven people on suspicion of involvement in the incident. Violence against Women Rape (Jan-Sep 2020) 975 raped, 204 attempts to rape, 43 death after rape, 12 committed suicide (ASK, 2020). Police have arrested a man for allegedly raping his 12-year-old speech-impaired niece in Ashuganjupazila of Brahmanbaria. According to Jabed Mahmud, officer-in-Charge (OC) of Ashuganj Police Station, the incident occurred on Friday

night in Panchbita village, which is part of the Araishidha union of the upazila (The Daily Star, 2020b). 'The death penalty is not a realistic choice.' A demonstration in front of JS calls for sweeping legal reforms to end the rape culture (The Daily Star, 2020c). In the absence of injury in such a case, it has to be held that the girl must have been a consenting party. Resistance may lead to personal injuries on the body of the girl, the tearing of her clothes, her shouting to attract the attention of neighbors'. It is an essential part of the proof in rape that there should have been not only an assault but actual penetration. Partial penetration which does not result in any injury to the hymen is sufficient to constitute the offence of rape 28 CrLJ 241. Only sexual intercourse without free consent of the woman amounts to rape. It is not permission if she submits her body under the influence of intimidation or terror. Simple submission from someone who is unaware of the essence of the act performed is not called permission (Huq, 2015). From January to September 2020, 919 rapes have been committed (Odhikar, 2020). Possible without injuries in the private parts- absence of semen in the vagina does not necessarily disprove that the woman was raped. The absence of injuries on the private parts of the complainant can easily be explained by the fact that the complainant had intercourse before (Odhikar, 2020). 975 women raped in nine months (Javed, 2020).

Bangladesh has 11,682 incidents per 100,000 people among the total population. According to the local human rights organization Ain-o-Salish Kendusra (ASK), between January and September 2020, at least 975 rape cases were reported in Bangladesh, including 208 gang-rapes (TBS News, 2020). Man held for raping parlor worker in Gazipur (The Daily Star, 2020d). According to police, a man was arrested in Narayanganj's Siddhirganj yesterday on charges of raping two minors, sisters. Abu Bakar, a caretaker of a house in Kandapara where the incident occurred at midnight on October 5, has been arrested (The Daily Star, 2020e).

4. LEGAL MECHANISMS RELATING TO RAPE CRIME IN BANGLADESH

4.1. Physical Incapacity of Accused

The presumption that a boy under 14 is incapable of committing rape does not apply to case arising under the Code. AIR 1915 All 134 (Huq, 2015).

Even a boy of ten can be convicted of an attempt to commit rape if he has attained sufficient maturity of understanding to judge the nature and consequences of his conduct AIR 1935 Rang 393 (Huq, 2015).

4.2. Against Her Will

Even where the girl ravished is below 12 years of age and as such is incapable under sec. 90 to give her "consent" to the act of sexual intercourse, evidence is admissible to show that she was a willing party to the act. But this will not be sufficient to absolve the accused from guilty. AIR 1933 Rang 98 (Huq, 2015).

4.3. Without Her Consent

Where a woman is over 16 years of age sexual intercourse with her or without her consent (except the exception) is an offence under Section 376 of the Penal Code 1860 (1961) (1) CriLJ 689 (Orissa) (Huq, 2015).

If the female consents to the intercourse, then naturally rape is out of the question (unless she is very young, when apparent consent is ignored in favour of a presumption of unwillingness). A female who consents cannot be said to have had intercourse forced upon her against her will (Jones et al., 1996).

4.4. Consent Obtained Under the Fear of Death or Hurt

It would depend on the facts and circumstances of each case whether the consent was obtained under fear of death or hurt. AIR 1979 SC 185 (Huq, 2015).

4.5. Consent Obtained by Fraud

In England consent obtained by fraud is tantamount consent obtained by force and violence and hence will not be a defence to a charge of rape. (1877) 2 QBD 410 (Huq, 2015).

4.6. Woman Incapable of Exercising Her Will

In following cases for offence of rape, the woman could not be said to consent to the act, when the woman is:

- a. Insensible. (1859) 8 Cox CrC131
- b. Asleep (1878) 14 Cox Cr C 114.
- c. In a state of unconsciousness. (1846) 2 Cox 115.
- d. In a state of drunkenness. 1953 RajLW 255 (DB) (Huq, 2015).

4.7. Punishment for Rape under the Nari O Shishu Nirjatan Daman Ain 2000

i. Whoever commits rape with a woman or a child shall be punished with Death Sentence or rigorous imprisonment for life and also liable to fine.

Explanation: Whoever has sexual intercourse without lawful marriage with a woman not being under sixteen years of age, against her will or with her consent obtained, by putting her in fear or by fraud, or with a woman not being above sixteen years of age with or without her consent, he shall be said to commit rape.

ii. If in consequence of rape or any act by him after rape, the woman or the child so raped, died later, the man shall be punished with death or with imprisonment for life and also liable to fine not below one lac taka.

iii. If more than one man rapes a woman or a child and that woman or child dies or is injured in consequences of that rape, each of the gang shall be punished with death or rigorous imprisonment for life and also with fine not below one lac taka.

iv. Whoever attempts on a woman or a child to cause death or hurt after rape, he shall be punished with death sentence or rigorous imprisonment for life and shall also liable to fine.

b) To commit rape, he shall be punished with imprisonment for either description, which may extend to ten years but not

less than five years rigorous imprisonment and also with fine.

v. If a woman is raped in the police custody, each and every person, under whose custody the rape was committed and they all were directly responsible for safety of that woman, shall be punished for failure to provide safety, unless otherwise proved, with imprisonment for either description which may extend to ten years but not less than five years of rigorous imprisonment and also with fine not below 10 thousand taka. Section 9(1) under the Nari O Shishu Nirjatan Daman Ain 2020, amended in 2020.

4.8. Punishment for Rape under the Penal Code, 1860

Whoever commits rape shall be punished with imprisonment for life or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine, unless the woman raped is his own wife and is not under twelve years of age, in which case he shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both (The Penal Code, 1860).

5. CONVICTION RATE OF RAPE IN BANGLADESH

In Bangladesh, the low conviction rate for rape gives rapists every reason to be confident that they will get away with their crimes (Ganguly, 2020). "The conviction rate for rape in Bangladesh is below 1 percent," (Mahmud, 2020).

Just 3% of cases involving abuse against women and children in Bangladesh result in a conviction, as reported by Women and Children Repression Prevention tribunal from five districts (Al- Amin, 2019).

It's hard to believe that in the past five years, fewer than 2% of rape lawsuits filed in the world have resulted in a conviction. The majority of lawsuits result in out-of-court deals, according to legal scholars, because the legal process is so embarrassing. According to police reports, there were 18,668 rape cases filed in the past five years, with just 22 arrests. The majority of rape victims avoid filing charges because it is actually so humiliating (The Daily Star, 2017a).

6. RECOMMENDATIONS

It's a bad decision, not only because capital punishment is inherently inhumane and should be abolished, but because it is not a real solution to sexual violence. There is no clear proof that it reduces violence, like rape, and it could discourage detection or even encourage rapists to kill their victims to avoid being apprehended (Meenakshi, 2020). The Government Should Institute Real Reforms, Provide Services, Remove Barriers to Justice (Meenakshi, 2020).

The Bangladesh government has approved new measures to use the death penalty as punishment for rape, after widespread protests in response to several recent gang rape cases. In this study the researcher has mentioned some recommendations those are given below.

6.1. Definition of Rape should be Updated

We the Bangladeshis are still following the old definition given in the Penal Code, 1860. There is a gap about the marital rape without consent. However, in Bangladesh filing a rape complaint by a sex worker is almost impossible. Neither the police nor community will trust her. Penetration isn't only used for rape; it's also used for other things. The definition of rape in India's Penal Code has been revised to include the more recent forms of rape (Paranjape, 2015). It has included anything penetrated in any part of the body or touching of any part is rape.

6.2. Definition of Consent should be Clear

Consent must be free consent. A woman is unable to consent due to her age, unconsciousness, idiocy or imbecility, or the fact that it was gained by deception. A cessation of genuine resistance will not amount to her consent stated in the case *Biram Soren vs. State of West Bengal*, 1992 Cr.LJ 1666 (Cal).. A study carried out by the United Nations Fund for Population Activities and the International Centre for Diarrhoeal Disease Research, Bangladesh in November 2011 revealed that In Bangladesh, 10% of urban men and 14% of rural men have become sexually aggressive with women at some point in their lives. Seventy-seven percent of urban men and 81 percent of rural men agreed that "sex is a man's right." Twenty-nine to thirty-five percent had sexually assaulted women as a means to vent their grievances or punish them, and 57-67 percent had done so "just for fun." Sarah Anjum Bari, Moyukh Mahtab, and Shamsuddoza Sajen explain why rape victims remain mute at 24th of May, 2017. As a result, the female side's consent is never obtained.

6.3. Provide More Training and Establish Separate Desk for Women in Police Station

The Government has already trained some law enforcers on more women friendly policing, including through more female police officers and gender responsive police officers on the streets and in the management ranks. Women-friendly police desks, which we have assisted in establishing in police departments, make it easier for women to contact officers, and we need more of them.

6.4. Raise Awareness

We must raise awareness that sexual and gender-based violence, including rape, cannot in any way be blamed on the victim or survivor. What is worrisome in today's society, in Bangladesh and elsewhere, is how even in a court of law, there is an emphasis on the modesty and honor of a woman to decide whether a crime has been committed, where justice should be efficiently administered and claimants should find relief and security. This double-victimization of a survivor, by publicly questioning her motives, is yet another human rights violation. In no way and no space should survivors be blamed, because of their behavior, how they are dressed, how they speak or where they walk. Too often a community's response to sexual and gender-based violence

is to stigmatize the survivors, rather than prosecute the perpetrator.

6.5. Propagation of Service Available Relating to Rape

In terms of essential services, One Stop Crisis Centers and 24 hour-National Helpline have been established by the Ministry of Women and Children's Affairs. Recently, the UN has launched the clinical management of rape training for service providers with the Ministry of Health and will keep strengthening the health sector response to gender-based violence to ensure service providers are more equipped to handle sexual and gender-based violence, including rape, cases. Around the same time, we're collaborating with legal assistance to improve GBV survivor safety. All of these must be scaled up so that programs are open to anyone who needs them.

6.6. Provide Compensation

The government should take necessary steps to provide compensation to the victims so that they can lead a better life in society. The government should create a fund nationally for this purpose.

6.7. Declaring Zero Tolerance

Government should declare zero tolerance against the offence relating to rape. No political influence should be given priority here.

6.8. Ensure Speedy Trial for Rape

The procedure should be in camera and ensuring speedy trial is necessary to control this offence. The punishment given by the court should be exemplary and the preventive theory of punishment should be applied.

6.9. Declare Ban of Porn Websites and Impose Restriction on Using Digital Device

The Information and Communication Technology (ICT) Division of the People's Republic of Bangladesh and the Government should take tremendous steps to declare ban of the porn websites in Bangladesh. It should be strictly maintained by the concerned authority that no minor is allowed to use digital device.

6.10. Sexual Education

As indicated in the 10 Action Points, we will also support more age-appropriate comprehensive sexuality education in schools and we will strengthen efforts to incorporate these programmed in the national curriculum while at the same time encourage parents to stop treating sex as a taboo, and instead promote a culture of positive sexuality. Teaching children about sexuality at an early age would also help them understand the definition of sexual consent.

6.11. Prevention Programs

To understand better what works to prevent violence against women, we'll put more money into data and analysis, and we'll make sure that our policies and interventions are still

backed up with research. Very frequently, preventive initiatives are adopted without a solid research design or a means to accurately quantify their effectiveness, and those that have been tested and deemed satisfactory have failed to attract a large audience. As a result, we pledge to serve as a link between science and academia, as well as program implementers. Furthermore, as the UN and Growth Partners, we understand our duty to ensure that our activities are well-coordinated. The women's movement's leadership and national possession are and will continue to be our leading lights.

6.12. Stop Blaming

The normalization of abuse and victim blaming can be combated by changing social expectations and the way women and men think and act. To do this, we promise to expand our commitment in primary prevention and pursue new initiatives to ensure that aggression is never justified.

6.13. Choose Most Effective Ways

We will strengthen efforts to work with partners to identify and implement the most effective ways to stop violence before it even occurs. Prevention programs are more powerful when various participants at various levels engage with individuals, communities, community, and organizations all at the same time, according to successful, evaluated examples from around the world.

6.14. Ensuring Technical Support and Legal Assistance

As we focus on prevention, we must also ensure that victims of sexual abuse receive adequate care, which requires medical assistance, psychological counseling, protection of victims/witnesses, legal assistance and expedition of legal cases. As challenging as it may be, we need to fight traditional gender roles and that place men in a dominant relationship to women. Social stereotypes that determine what women and men can do are created by tradition and culture, not physically engrained. We will unlearn these values and foster a more equitable family and culture if we have been told that men are the breadwinners, are smarter, and have the right to treat women as they please. We all have the power and responsibility to change our beliefs, attitudes and behaviors.

6.15. Amendment of Discriminatory Laws

The importance of strengthening signifies existing sexual violence legislation and policies. Bangladesh has ratified a number of international conventions, including the convention on the elimination of all forms of discrimination against women, the convention on the rights of the child, and the convention against torture. The concerned authority should note that each of these bodies have recommended the government take steps to close gaps in laws to end violence against women. Thanks to the efforts of civil society groups and legal scholars, an overview of where the loopholes in regulation exist is now open. Following their example, the responsible body will continue to advocate for the repeal of

unjust policies that deter perpetrators of sexual and gender-based harassment from disclosing and obstruct women's access to justice. The relevant body can endorse potential regulatory changes such as enacting a proposed Sexual Harassment Bill, amending the Penal Code to change the discriminatory meaning of rape to make it more comprehensive, amending character proof requirements, and introducing a victims/witness rights law.

6.16. Raise the Conviction Rate of Rape

The concerned authority commits to continuing to support our partners at national and local levels to build law enforcement capacity, including the High Court Directive on Sexual Harassment and to support the delivery of justice and the provision of comprehensive services to survivors. Many critics have noticed how the justice system fails perpetrators of rape and other types of sexual abuse, especially women. The tribunals that deal with cases involving women and children are under-resourced, and conviction rates for cases involving abuse against women and children have been as poor as 3% in some districts. The concerned authority should get ready to support capacity-building and awareness raising programs for the judiciary, and establishment of survivor-focused court protocols and protection measures.

Finally, the concerned authority should continue investing in women's empowerment, the key to social transformation. Women's empowerment entails providing them with the education, expertise, and courage to take charge of their own lives and be respectful of their rights. A rising number of mobilized women would question the acceptability of abuse in their households, neighborhoods, and in the public sphere. The concerned authority will continue working and supporting the women's movement, as the essential agent for transformational change in the fight against sexual and gender-based violence, including rape.

7. CONCLUSION

A woman or a child is at risk of rape not only among the unknown but also among the known people at a known or unknown place. The number is increasing alarmingly day by day. As a result, we should have a strict plan for the offenders of rape. The gross negligence and corruption of the state's agents ranging from the police, the medical officer and the jailer were evident. Recently judgments of foreign jurisdictions have begun to acknowledge that rape causes the deprivation of the right to life. Legislative initiatives of some common law countries also have moved away, to a significant extent, from the traditional concept of rape and its trial proceedings. Despite these facts rape laws and trial procedures in Bangladesh remain unchanged, and continue to subjugate women in the conservative culture. In this process, a rape victim has to face two traumatic crises; one is the rape itself and another is the subsequent trial which is in no way less insulting than the rape. The statutory changes will take no effect until the state actors are sincere in ensuring their implementation. The NGO's and Govt.

organizations should take more and more initiative for awareness building programs among the whole people especially schools, colleges and universities and places where it is happening extensive. Some measures should be taken for both male and female for keeping them apart of this contemporary curse. The mentality of the people of the society should be changed otherwise we all will be sufferer. Government should take more deterrent initiatives for the rapist and common minded and enact or amend laws will be helpful for ensuring justice and to establish a rape free society as well as country. In reality, researchers have claimed that the seriousness of punishment and the rate of prosecution are inversely related. The higher the penalty, the lower the conviction rate, since judges are less likely to hand out draconian sentences, particularly in rape trials, where it is impossible to show beyond a reasonable doubt that the survivor was raped in the absence of a witness. Furthermore, antiquated rape and proof policies placed the victim on trial rather than the suspect. These obsolete legislations must be immediately reformed in compliance with civil rights principles in order to offer protection to sexual assault victims and survivors.

REFERENCES

Al-Amin, M. (2019), "Only 3% convicted for rape in Bangladesh", available at: <https://www.dhakatribune.com/bangladesh/dhaka/2019/11/26/only-3-convicted-for-rape-in-bangladesh> (accessed 30 October 2020).

ASK (2020). "Violence against Women -Rape (Jan-Sep)", available at: <http://www.askbd.org/ask/2020/10/06/violence-against-women-rape-jan-sep-2020/> (accessed 18 October 2020).

BBC, (2020). "Bangladesh to introduce death penalty for rape", available at: <https://www.bbc.com/news/world-asia-54480233> (accessed 30 October 2020).

The Daily Jugantor (2020a). Threat to kill plaintiff to withdraw rape case. *The daily Jugantor*, 06 July, p.13.

The Daily Jugantor (2020b). Doctor arrested in Pirojpur for rape of a child. *The daily Jugantor*, 04 July, p.14.

The Daily Prothom Alo (2020b). The rape victim's family became victim of arbitration. Local Awami League leaders fined one thousand and twenty-five thousand taka to the family of a raped schoolgirl through arbitration in Magura. *The daily Prothom Alo*, 21 July, p.16.

The Daily Prothom Alo (2020 c). Rape in MC College. *The daily Prothom Alo*, 27 September, p.1.

The Daily Prothom Alo (2020 d). Their families also want justice for the accused. *The daily Prothom Alo*, 29 September, p.1.

The Daily Prothom Alo (2020e). Rape in Sylhet, Give them Exemplary Punishment. *The daily Prothom Alo*, 27 September, p.8.

The Daily Prothom Alo (2020a). ASI accused against rape. *The daily Prothom Alo*, 02 July, p.6.

The Daily Star (2017a). "Appalling conviction rate of rape cases!", available at: <https://www.thedailystar.net/editorial/appalling-conviction-rate-rape-cases-1411705> (accessed 25 September 2020).

The Daily Star (2020b). Man arrested for raping speech-impaired niece in Brahmanbaria. *The Daily Star*, 11 October, p.1.

The Daily Star (2020c). Death penalty not a solution. *The Daily Star*, 11 October, p.1.

The Daily Star (2020d). "Man held for raping parlor worker in Gazipur", available at: <https://www.thedailystar.net/rape-in-bangladesh-man-held-raping-parlor-worker-1979117> (accessed 22 October 2020).

The Daily Star (2020e). "Man arrested for raping two minors in Narayanganj", available at: <https://www.thedailystar.net/man-arrested-raping-2-sisters-in-narayanganj-1977237> (accessed 22 October 2020).

Ganguly, M. (2020). "Death Penalty Not the Answer to Bangladesh's Rape Problem", available at: <https://www.hrw.org/news/2020/10/13/death-penalty-not-answer-bangladesh-rape-problem> (accessed 30 October 2020).

Huq, J. (2015), *Penal Code*. Anupam Gyan Bhandar, Dhaka.

Javed, H. A. (2020). "975-women-raped-in-nine-months", available at: <https://www.dhakatribune.com/bangladesh/2020/10/01/report-975-women-raped-in-nine-months> (accessed 17 October 2020).

Jones, T. H. & Christie, M. G. A. (1996). *Criminal Law*. Athenaeum Press Ltd., Great Britain.

Kabir, H., Munna, M. A. S., Kamal, M. A. H. A. & Zaman, T. (2017). Rape in Bangladesh: A Heinous Crime Tough to Prove, *The International Journal of Social Sciences and Humanities Invention*, 4(7), 3640-3644.

Mahmud, F. (2020). "Bangladesh mulls death penalty for rapists as protests rage", available at: <https://www.aljazeera.com/news/2020/10/11/protests-against-rape-erupt-in-bangladesh#:~:text=%E2%80%9CThe%20conviction%20rate%20for%20rape,1%20percent%2C%E2%80%9D%20it%20said.&text=A%202013%20survey%20conducted%20by,they%20faced%20no%20legal%20consequences> (accessed 30 October 2020).

Odhikar, (2020). "Three-month Human Rights Monitoring Report on Bangladesh", available at: http://odhikar.org/wp-content/uploads/2020/10/Odhikar_Three-month-HRR_July-September-2020_English.pdf. (accessed 15 September 2020).

Paranjape. N.V. (2015). *Criminology & Penology with Victimology*. Central Law Publications, Allahabad.

Rahman, M.M. (2011). *Nari O Shishu Nirjatan Daman Ain, 2000*. New warsi Book Corporation, Dhaka.

TBS News (2020). “Countries with the highest rape incidents”, available at: <https://tbsnews.net/world/countries-highest-rape-incidents-144499> (accessed 16 October 2020).

The Penal Code (1860). Section 375 & 376. The People’s Republic of Bangladesh.