

Chapter-24

Law and Justice Division

1.0 Introduction

1.1 The fundamental aim of Bangladesh is to establish a society free from exploitation in where the rule of law, fundamental human rights, and political, economic and social equity as well as the freedom and justice are ensured for all citizens. With this end in view, Article 27 of the Constitution of the People's Republic of Bangladesh enshrines "All citizens are equal before law and are entitled to equal protection of law". For the economic development of the country the establishment of the rule of law, elimination of discrimination against women, ensuring the rights and empowerment of women and ensuring women's access to justice are very important. One of the goals of Law and Justice Division is to create an enabling environment of justice and thus bring down the social discrimination at a minimum level through institutional and structural development of the judicial system. The activities of this Division are very important in establishment of women's rights and empowerment. For women's protection and women-friendly judicial management, the Division is implementing different programs undertaken by government.

2.0 Major Functions of the Division:

- ❖ Advise Ministries and Divisions on legal and constitutional matters when required;
- ❖ Render legal support to the poor seeking justice;
- ❖ Formulate rules and regulations regarding appointments and terms and conditions of the service of Honorable Chief Justice and other Judges, and of any other matters relating to the Supreme Court;
- ❖ All matters relating to the Bangladesh Judicial Service Commission
- ❖ Appoint Attorney General, Additional Attorney Generals, Deputy Attorney Generals, Assistant Attorney Generals and other public prosecutors, and formulate rules regarding terms and conditions of their services;
- ❖ Functions relating to posting and transfer of the members of Bangladesh Judicial Service and other administrative matters;
- ❖ Formulate rules and policies on land registration and marriage registration.
- ❖ Determine and collect fees required for courts and tribunals, judicial stamps, court fees and other stamp fees;

3.0 Strategic Objectives of the Ministry and their Relevance with Women's Advancement and Rights

3.1 Efficient and effective judiciary system: Quick disposal of cases will contribute to the establishment of justice and equity in the society. This will directly benefit the women in the society. Modernization of judicial administration will reduce the expenditure related to disposal of cases. With the introduction of alternative dispute settlement and arbitration systems it will be possible to resolve bilateral disputes outside the courts. This will reduce the cost of case settlement and create a business friendly environment, and this, in turn, will impact employment creation, particularly for women.

3.2 Ensuring equality in access to judiciary system: Free legal support provided to destitute, helpless and poor women litigants will ensure their access to legal services and will have a positive impact on the overall law and order situation of the country. This will also make a positive impact on women's development.

3.3 Simplification of land registration management: Improvement of the land registration management system will reduce land related disputes. This will benefit the women's community as well as make indirect impact on poverty reduction of women.

3.4 Protection of Government properties, rights and other interests: Protection of Government properties may play a positive role in women's development. One of the main properties of the Government is 'khas land'. If women's share in the distribution of such land is ensured, it will directly benefit them. The ownership of land will ensure women's self reliance and empowerment.

3.5 Protection of the rights of the aggrieved government officials, employees: The protection of the rights of aggrieved women relating to their employment will ensure their employment along with the improvement of work environment. This will reduce the possible workplace hazards and risks in women's employment, increase their social dignity and directly contribute to the overall living standard of the women in the country.

4.0 Roles and Responsibilities of the Division for Women's Advancement and Rights

4.1 In the light of the constitution, National Women Development Policy 2011, (NWDP) has clearly recapitulated the goal of establishing equal rights and status of women in all spheres of the state, society and family life, and ensure their economic, social,

cultural, political, legal and administrative empowerment and establishing their human rights.

- 4.2 The Seventh Five Year Plan has also emphasized that the prevention of violence against women will become a key focus of local justice institutions, requiring greater investment in capacity building at the district and upazila level. The government's aim is to eliminate all kinds of violence against women by taking legal steps. Sensitizing the judiciary, law enforcement agencies and the administration to apply provisions in CEDAW related to litigation are prescribed in the said plan. It has also recommended reforming laws, regulations, rules and administrative procedures insensitive to gender. The Law and Justice Division is playing an important role in preventing violence against women by providing legal aid to poor victims.
- 4.3 The Women and Child Repression Act 1995, the Domestic Violence Prevention Act 2010, the Dowry Prohibition Act 1985 and Family Court Ordinance 1985 has ensured the prevention of violence against women and legal support. The Citizenship (amendment) Act 2009 was passed with a view to incorporate mother's rights to transfer citizenship status to her children. As a whole, women are included in the mainstream of Section 509 of the Penal Code 1872 was included in the Mobile Court Schedule that empowers executive magistrates to try a person summarily for eve teasing and sexual harassment. As a whole, women are being included in the mainstream socio-economic activities through streamlining the key issues for women such as women's empowerment, prevention of women repression and trafficking, workplace safety and friendly work environment.
- 4.4 The National Legal Aid Committee under the Law and Justice Division is providing free legal aid to the helpless and the poor women seeking justice. There are Individual District Legal Aid Committees headed by the District Judge in all the districts that monthly convene meetings to select poor women litigants on a priority basis to provide such aid. As a result, access of the poor women which are plying important role in the prevention of violence against women. As many as 73,795 women were provided with free legal aid service till 2016. Moreover 56,000 women received legal aid through hotline from this committee.
- 4.5 With a view to attract skilled professionals, the fees of panel lawyers working for free legal aid were increased by amending the "Legal Aid Services Regulation-2001. As a result, women are getting more improved service. National Legal Aid Services (Forming of Upazilla and Union committees, duties and activities) Rules, 2011 have been formulated and Upazilla and Union Legal Aid committee have been formed under the supervision of District Committee. Free legal support to women and adopted legal steps are reducing early marriage of girls, dowry which are

contributing to the social dignity of women. Besides, through labor legal aid cell, women involved in garment sector and in other menial job are being provided legal support.

5.0 Priority Spending Areas and Benefits for women advancement:

Serial No.	Priority Spending Areas/Programmed	Impact on Women Development (direct/indirect)
1	2	3
1.	Simplification of the management and settlement of cases	Digitalization of courts and the tribunals and provision of other facility will ease the management and settlement of civil and criminal cases which will contribute to the establishment of effective and efficient judiciary system. Women being half of the population will also be benefited from the improved system.
2.	Modernization of land registration activities	Digitalization of land management is essential to reduce long standing complexities in the land registration procedure of the country. Construction, renovation and repair of infrastructure will reduce land related disputes and law and order situation of the country will improve. Although not directly related, women will indirectly benefit from the modernization.
3.	Providing legal aid services	Free legal aid services provided to the destitute, helpless and poor women seeking justice will enable their access to judicial system, ensure justice and social rights for them.

6.0 Women's Share in Ministry's Total Expenditure

(Taka in Crore)

Description	Budget 2017-18			Revised 2016-17			Budget 2016-17		
	Budget	Women Share Women percent		Revised	Women Share Women percent		Budget	Women Share Women percent	
Total Budget	400266	112019	27.99	317174	86586	27.3	340605	92781	27.24
Ministry Budget	1424	163	11.46	1427	172	12.03	1521	205	13.49
Development	505	48	9.51	508	48	9.52	474	132	27.86
Non-Development	919	115	12.53	919	123	13.43	1047	73	6.97

Source: RCGP database

7.0 Success in Promoting Women's Advancement

- ❖ Currently, there are 54 Women and Child Repression Prevention Tribunals in the country of which 5 tribunals are situated in Dhaka, 2 in Rajshahi, 3 in Chittagong and 2 in Bogra District. Out of total 64 districts such Woman and Child Repression Prevention Courts are operating.

- ❖ The District and Session Judge of the rest 18 districts are adjudication these cases in addition to their own duties.

8.0 Recommendations for Future Activities

- ❖ Ensuring the participation of female legal experts in commissions and committees in drafting new laws or amending existing discriminatory ones;
- ❖ Prevent activities and initiatives detrimental to the interest of women and existing law arising from wrong interpretation of religion or administration of local tradition/belief at local and state level.
- ❖ Strict enforcement of laws on child marriage, rape and trafficking of women and children.
- ❖ Eradicating all discriminatory behavior towards girl child and ensuring gender equality in every sphere including the family.
- ❖ Providing legal aid to the women victim;
- ❖ Making the adjudication easier for early disposal (within 6 months) for early disposal of the cases arising out of women trafficking and violence against women;
- ❖ Ensure equal opportunities and partnerships in terms of distribution of property, work opportunities, marketing and businesses.
- ❖ The disposal rate of cases in the 46 women and Child Repression Prevention Tribunals are 83.85%. It has to be increased in order to eliminate all sorts of violence against women;
- ❖ Identifying the tribunals that have lower disposal rate and taking steps to solve the problems. Increase the number of courts if necessary;
- ❖ Amending the existing laws to ensure human rights of women and enacting new laws if necessary;
- ❖ Ensuring participation of gender experts and women legal experts in all the specialized committee for drafting and reforming the laws.
- ❖ Creating mass awareness about the laws related to human rights and protection of women and children.