

## Chapter-24

### Law and Justice Division

#### 1.0 Introduction

- 1.1 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 access to justice for women are very important. One of the goals of this division is to create the congenial environment of justice for women and thus reducing the social discrimination through institutional and structural development of the judicial system.
- 1.2 For the last couple of years, Bangladesh has attracted the attention in the world by displaying the capability of attaining the goal of development under the leadership of Hon'ble Prime Minister Sheikh Hasina. Establishment of the rights of women and empowerment of women are not also an exception. Law and justice division has been working for the protection of women and implementing various steps for establishing a women friendly judiciary.
- 1.3 The fundamental aim of Bangladesh is to establish a society free from exploitation in which the rule of law, fundamental human rights and freedom, equality and justice, economic and social equity will be secured for all citizens. 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".

#### 2.0 Major Functions of the Division:

- ❖ Advise Ministries and Divisions on legal and constitutional matters when required;
- ❖ Render legal support to the poor litigants 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 which will reduce the cost of case settlement and create a business friendly environment. Therefore, it will have a direct impact on improving the standard of living of the people especially the women society.
- 3.2 **Ensuring equality in access to judiciary system:** Free legal support provided to destitute, helpless and poor women litigants will provide their access to legal services and will have a positive impact on 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 system will reduce disputes and ensure protection of property rights for women who will directly benefit from this. This will 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 empowerment. One of the main properties of the Government is 'khas land'. If women's share in such land is ensured, it will elevate their position and also empower them.
- 3.5 **Protection of the rights of the aggrieved government officials and employees:** If the rights of aggrieved (because of any kind of workplace harassment) women officials/ employees are protected, their working environment will improve. This will reduce possible risks of job loss and increase social dignity of women which will impact directly on the overall development of women.

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

- 4.1 National Women Development Policy 2011, in the light of the constitution, has clearly stated the goal of establishing equal rights and status of women, providing security to them and ensuring their economic, social, political, cultural, administrative and legal empowerment at all spheres of national life. It has also targeted achieving women's human rights.

- 4.2 The 7th Five Year Plan has emphasized that violence against women will become a key focus of justice institutions. It has emphasized on the greater investment in capacity building of such institutions at the district and upazila level. To resolve the violence against women, taking all legal action to suppress violence and violence and women's rights related cases, the police, administration and judiciary in order to sensitize them by using CEDAW is also part of the plan.
- 4.3 Laws, regulations, rules and administrative procedures , project activities which are not gender sensitive are recommended to reform. The law and Justice Division is playing an important role in preventing violence against women by providing legal aid to the victims. The Women and Child Repression Prohibition Act 2000, the Domestic Violence Prevention Act 2010, the Dowry Prohibition Act 1985 has been enacted and enforced.
- 4.4 As a whole, empowerment of women stop violence against women, trafficking of women and providing security to women in work place are being implemented for mainstreaming the women.
- 4.5 The National Legal Aid Committee of the Law and Justice Division is providing free legal aid to the poor and vulnerable women litigants. There are Individual District Legal Aid Committees headed by the District Judge in all districts. This committee convenes monthly meetings to select poor women litigants on a priority basis to provide such aid. As a result, access to justice has been increased which is mainstreaming significant role for the prevention of violence against women.
- 4.6 97,470 women were provided with free legal aid service in last 3 years by the National Legal Aid Committee. 7885 women received legal aid through hotline. With a view to attracting 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. By enacting the National Legal Aid Services (Forming of Upazilla and Union committees, duties and activities) Rules, 2011, Upazilla and Union Legal Aid committee have been formed by the supervision of District Committee. These are contributing to enhance the social dignity of women. As a result, poor women litigants are getting legal support for preventing child marriage and dowry. Besides, through labour legal aid cell, women workers of garments sector and other sectors who are engaged in giving physical labour, are providing legal aid service.

## 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 an effective and modern judicial system.
2.	Modernization of land registration activities	Digitalization of land management is essential to reduce longstanding complexities in the land registration procedure of the country. Construction, renovation and repair of infrastructure will ensure better record keeping facilities. Computerization of overall land registration activities will reduce land related disputes which in turn improve the law and order situation of the country. Although women are not directly related to modernization of land registration, women would benefit from this system as a common citizen.
3.	Providing legal aid services	Free legal aid services will be provided to destitute, helpless and poor litigants. This will enable their access to law and justice. As a result, they will get due justice and it will help them get social rights.

## 6.0 Women's Share in Division's Total Expenditure

(Taka in Crore)

Description	Budget 2019-20			Revised 2018-19			Budget 2018-19			Actual 2017-18		
	Budget	Women Share		Revised	Women Share		Budget	Women Share		Actual	Women Share	
		Women	percent		Women	percent		Women	percent		Women	percent
Total Budget	523190	161247	30.82	442541	136036	30.74	464573	136938	29.48	321861	88441	27.48
Division's Budget	1652	143	8.67	1578	138	8.76	1524	275	18.04	1401	348	24.82
Development	454	0	0	472	0	0	481	150	31.2	425	201	47.35
Operating	1199	143	11.95	1106	138	12.5	1043	125	11.98	977	147	15.02

Source: RCGP database

## 7.0 Success in Promoting Women's Advancement

7.1 Previously there were 54 Women and Child Repression Prevention Tribunals in the country. Another 41 tribunals have been established on 04 April, 2018. This will reduce the trend of family, social and other forms of crime on women.

## 7.2. A success story

### Successful Mediation

Most. Ayesha Akter, a distressed woman and a caring mother of two children came to Kishorgonj District Legal Aid Office and complained that her cruel husband assaulted her and demanded dowry and sent her along with her children forcefully to her poor father's house 4 months ago. She also complained that She and her 2 children are staying in her poor father's house in financial distress but her children's well off father did not communicate with them. At times, her husband sent them to her father's house by torturing her in last 3 years. Then, Legal Aid Office sent a notice to the accused Md Aiyub Ansari, her husband and he came there on the day fixed for hearing. After 2 hour long hearing from both side, District Legal Aid officer successfully mediate their disputed matter and signed the mediation paper.

## 8.0 Recommendations for Future Activities

- ❖ Amending the existing laws to ensure human rights of women and enacting new laws if necessary;
- ❖ Creating mass a awareness on human rights and also on laws that protect women from violence;
- ❖ 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;
- ❖ Providing legal aid to the women victim;
- ❖ To stop registration of child marriage;
- ❖ To give proper training to all Nikah Registrar for prevention of Child marriage;
- ❖ Giving preference to women in the recruitment of justice and other staff in consistent with state policy;
- ❖ Eradicating all existing discriminatory acts;
- ❖ Ensuring participation of gender experts and women legal experts in all the specialized committee for drafting and reforming the laws.