

MARITAL RAPE IN BANGLADESH: A CRITICAL ANALYSIS

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ABSTRACT

In marriage, a man and a woman are recognized by society, through which they form their family. Most married women in Bangladesh are abused by their husbands or in-laws. Looking at the current COVID 19 pandemic, it can be seen that the rate of abuse has taken a more pronounced shape. Marital rape is so common in our society that women generally do not consider violence against themselves to be serious or noteworthy. If a wife is asked she will file a police report against her husband for forcing her to intercourse, she will answer “later.” “What’s the point of complaining?” The main reason for this is that Bangladeshi girls are taught from family that society regards domestic violence as stupid violence that usually occurs within the family. In 2010, Bangladesh passed the Domestic Violence (Prevention and Protection) Act (DVA), which is an important step in defining domestic violence, which includes physical, psychological, sexual and economic violence. The law also provides important protection measures for victims and criminalizes violations of protection order, but this invisible and self-evident crime of

marital rape was ignored in this case. This article will critically examine how women's free will has been curtailed during this pandemic and moreover, the article would also discuss the protection of women's human rights during the COVID 19 pandemic in Bangladesh and the recommendations to ensure the free will.

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INTRODUCTION

In a patriarchal society, it is normal and recognized that men are dominant and men are given a much higher status than women (Sultana, A., 2011). Women are still considered domestic workers here because the role of women is still submissive. Violence against women is a result of historically unequal power relations and material distribution between men and women, which has resulted in male dominance and discrimination against women, as well as the denial of women's full advancement. Domestic violence, happens when the same violence occurs in the domestic periphery or within family connections. Domestic violence has only recently been recognized, despite the fact that violence against women in the home is not a new problem. For a long period of time, we refused to acknowledge domestic abuse as a crime, forcing women to suffer in silence. In Bangladesh, where even the proportion of women are said to be victims of domestic abuse, the hardships are predicted to be even worse.

Marital rape is an unwilling relationship between a man and his wife through forced or excessively violent physical abuse. This is a brutal perverted behavior of physical and sexual violence against women without her consent. This heinous behavior is beautifully hidden under the veil of marriage. It has serious and lasting effects on women and causes emotional pain. It is a long-standing tradition for women to accept abuses by their husbands and to endure them. There is only one way to declare this practice unwanted and that is separation.

The Constitution of the People's Republic of Bangladesh ensured "women's equality with men and their protection from all forms of violence and discrimination." Furthermore, as the protection provided by the Bangladesh Penal Code was insufficient and was mandated by international legal instruments, the Dowry Prohibition Act of 1980 (now amended) and the Nari O Shishu Nirjatan Daman Ain, 2000 were enacted, neither of which could meet the requirement against domestic violence. Finally, in order to address domestic violence, the Domestic Violence (Prevention and Protection) Act of 2010 (DVA) was passed, which aims to protect women from unwanted violence.

The Domestic Violence (Prevention and Protection) Act of 2010 establishes a number of remedial measures to combat domestic violence. Provisions made by law enforcement personnel and other care providers may be beneficial to the victim's recovery. Nevertheless, owing to its own restricted applicability and implementation procedures, and the lack of a dedicated court and penalty for abusers, this measure could never have been an important method of reducing sexual assault.

Family rifts are widening due to a lack of social activities and financial demands. "In May 2020, a local human rights organization, the Manusher Jonno Foundation interviewed 53,340 women and children for the survey. 2,085 women were physically assaulted, 4,947 were emotionally abused, 404 were sexually assaulted, and 3,589 were subjected to financial restraints imposed by her husbands, according to the information (Ranjana, S. H., 2020). The study of 57,704 women and children was conducted in June 2020, and the results revealed that 4,622 women had been mentally tormented, 1,839 had been physically assaulted, 203 had been sexually abused, and 3,009 women had been subjected to financial restraints imposed by their husbands (Manusher Jonno Foundation, 2020)"

"According to another study, 107 deaths were reported by their partners between January and June 2020, but only 74 cases were filed. 30 women were slain by the husband's family, while 26 women were murdered by their own family. Only 33 suits were filed among them (Ain o Shalish Kendro, 2020). In both various socio- economic parts of Bangladesh, domestic violence has been ingrained in social norms and behaviors. Victims are frequently brought back to their violent husbands from their family houses since it harms the reputation of her family. It's all predicaments that have ended in disastrous repercussions for these kinds of victims (Ali, A., 2020)."

Definition of Rape

Rape is a felony in Bangladesh, according to the law. Rape and its punishment are defined by a few laws. For dealing with rape, there was formerly only the Bangladesh Penal Code, 1860, but later a separate law was passed to protect women and society from the horrors of rape crime. Rape, according to the Bangladesh Penal Code of 1860, is defined as "having sex without a woman's consent or against her will. It is also considered rape to force a woman to consent against her will, with or without her consent, or by intimidation, or to have intercourse with a girl under the age of fourteen with her consent. It will be considered rape if a woman consents to sexual intercourse with a man who knows her husband and is overcome by the person's false description (Akram, M. S., 2020)." The definition concludes with a clarification of what constitutes "assault," stating that "entry is sufficient to prove the sex important to the offense of assault." There is a unique instance where intercourse occurs between a spouse and his better half. "When this happens and the wife isn't under the age of 13, the conduct isn't regarded as rape (Akram, M. S., 2020)." If

someone commits rape, they will be sentenced to life in jail or up to ten years in prison, as well as a fine, according to the Bangladesh Penal Code, 1860. If the husband has forcible intercourse with his wife and she is under the age of twelve, he will be sentenced to two years in prison, a fine, or both.

Nari o Shishu Nirjatan Damon Ain, enacted in 2000, has tougher penalties than the Bangladesh Penal Code, 1860. Anyone who rapes will be condemned to a life sentence with a fine, according to the legislation. However, if the victim dies as a result of the rape or if the rape is perpetrated by a gang, the victim will face the death sentence. The Penal Code has a clause dealing with “attack or criminal force to a woman with purpose to affront her chastity,” which carries a maximum penalty of imprisonment and a fine. According to the Nari o Shishu Nirjatan Damon Ain, 2000, the offense of “sexual oppression” is used to address the offenses of sexual assault and harassment. Says that-

“Anyone who illegally touches a woman, a child, a sexual organ, or any organ with any part of his body or any substance to satisfy his sexual urge may be charged with sexual harassment and condemned to a term of imprisonment of up to 10 years. There could be a fine and a sentence of less than two years in prison;” and “Anyone who sexually assaults a woman illegally, sexually abuses a woman, or makes an obscene gesture will be considered sexually harassed and will be condemned to a maximum of seven years but not less than two years of rigorous imprisonment and a fine.”

Definition of Marital Rape

Marital rape occurs after marriage; it is a sexual connection between two wedded individuals that doesn't include the assent of one or the other party or is persuasively acquired without wanting to. Brutality can be utilized when taking steps to hurt them or their relatives. Bangladesh is a male centric culture. Consequently, marital rape is utilized in Bangladesh as a way to build up a labor and rule over his significant other. Husband assaulted their wives to communicate their displeasure and control them. In Bangladesh, sex is viewed as a spouse's commitment to satisfy her significant other and keep up with the trustworthiness of the marriage relationship. Notwithstanding, if the wife is not under 13 years old, this is certifiably not a criminal offense (Akram, M. S., 2020). Marital rape, like any other rape, is marked by brutality and physical mistreatment. In Bangladesh, marital rape is always de facto but not de jure. Because the law recognizes the offense, it is a common but under-reported crime. In Bangladeshi law, the outdated definition of rape makes it unable to provide adequate legal assistance to assault victims. Proving marital rape is extremely tough. When the case is brought to court, it can be difficult to prove that the assault took place. Sexual relations are not unusual in a marriage, regardless of the explanation. The most important proof is that the demonstration was not consensual, which may be demonstrated through DNA tests.

HISTORICAL BACKGROUND OF MARITAL RAPE

Marital rape is sadly developed into a societal issue which has an influence on the whole world. This catastrophic epidemic of marital rape has afflicted a few states, harming thousands or perhaps billions of feminism. While it has been criminalized in so many of the states, in this improvement dilemma certain nations are all still quiet. This matrimonial issue may be linked back to the middle ages as the establishment of marriage was held to treat a certain class of women as just a private or domestic wrong.

The rape of the country was deemed a criminal crime throughout the 17th century, when the British common law reigned over the country. However, in 1736, a very well-known British Jurist Lord Mathew Hale dealt with the matter of consent by stating that “the husband could not be held guilty of a violation committed himself against his lawful wife, because in this way the wife, with their mutual agreement and contract, has abandoned herself to her husband whom she cannot withdraw.” (Tewari, K. & Mansi, B., 2021).

Around 50 countries criminalized this crime of rape in marriage by the end of the year 1993 by including some provisions in their national codes and statutes. Nevertheless, these provisions were susceptible to some expulsions, which made them less severe. Many countries are still so silent that they do not have or desire to collect information on the matter.

There would be no such particular legislation throughout the context of marital rape at the 18th century under the UK Legal System. While a husband's sex having women apart from his wife was sometimes deemed unlawful, a man still can have sexual intercourse with a wife, either with or without her approval. The marriage contract was therefore considered the husband's right to have a physical relationship with his wife. Thus, the marital agreement remains an agreement to have sex. The British parliament subsequently produced a new Code in 1860. Also regarded to be the principal legislation for penalizing criminals is the Bangladesh Penal Code of 1860. Many other countries have followed the same or were not so stringent about criminally criminalizing those marital rape offenders out of which 50 nations, such as Australia, New Zealand, Canada and Thailand etc., subsequently modified legislation and recognized marital rape as an offense (Tewari, K. & Mansi, B., 2021).

WOMEN HUMAN RIGHTS: INTERNATIONAL STANDARDS

Domestic violence is not specifically addressed in international human rights treaties; however, they, along with the ICCPR Optional Protocol, highlight the state's commitment to defend basic human rights, which are routinely abused in domestic violence. The right to life, the right to physical and mental integrity, the right to equal legal protection, and the right to nondiscrimination are among these rights. The first human rights law passed by the United Nations, usually called the “International Bill of

Human Rights”, is composed of the “Universal Declaration of Human Rights (UDHR), 1948” and its implementing treaties, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

International Covenant on Civil and Political Rights, 1966

Articles 7, 9, 17 and 26 of the International Covenant on Civil and Political Rights (ICCPR) were discussed in the context of women’s human rights.

Article 7 states “no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment”.

Article 9 stipulates that “everyone has the right to personal freedom and security.”

Article 17 stipulates that “no one’s private life, family, home, or correspondence shall be subject to arbitrary or illegal interference.”

Article 26 stipulates that “everyone is equal before the law and enjoys the right to be free from discrimination.” The same legal safeguards are in place. In this regard, the law outlaws all forms of discrimination and ensures that all people are treated equally and effectively without regard to race, color, gender, language, religion, political or other beliefs, nationality or social origin, financial status, birth or other status (Islam; 2013).

International Covenant on Economic, Social and Cultural Rights (ICESCR)

Article 12 states that “States parties recognize that everyone has the right to enjoy the highest possible level of physical and mental health.”

This article asserts unequivocally that marital rape is a violation of a woman’s right to the best possible physical and mental health.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979

Article 1 defines “discrimination against women” as “any distinction, exclusion or restriction made on the premise of sex which has the impact or cause of impairing or nullifying the recognition, enjoyment or exercising through women, no matter their marital status, on a basis of equality of males and females, of human rights and essential freedoms within side the political, economic, social, cultural, civil or every other discipline.”

Article 2 stands for “States parties to sentence discrimination in opposition to women in all its bureaucracy and to pursue with the aid of using all suitable manner and at once a coverage of getting rid of discrimination in opposition to women, along with to undertake and take suitable legislative and different measures, along with sanctions, in which suitable, prohibiting all discrimination towards women.”

Article 5 calls for “States to adjust social and cultural patterns and to do away with commonplace practices primarily based totally on thoughts of inferiority or stereotyped roles and to take all suitable measures to dispose

of discrimination in opposition to women in all subjects referring to marriage and own circle of relatives relations.”

States Parties are required also “to manage to pay for the equal possibilities to males and females to determine the quantity and spacing of children.” Article 12 discusses for “States parties to take all suitable measures to remove discrimination in opposition to women within side the discipline of healthcare so one can ensure, on a foundation of equality of males and females, get admission to healthcare services, along with the ones associated with own circle of relatives planning.”

Article 15 ensures “women’s rights to equality with men earlier than the law.” Article 16 says for “States parties to take all suitable measures to get rid of discrimination in opposition to women in all subjects referring to marriage and own circle of relatives relations.”

Convention against torture and other cruel, inhuman or degrading treatment or punishment (CAT), 1984

“any act inflicting extreme pain or suffering on someone, whether physical or mental, for the purpose of obtaining records or a confession from him or a third individual, punishing him or a third individual for an act he or a third individual has committed or is suspected of committing, or intimidating or coercing him or a third individual or on the instigation of or with the consent or acquiescence of a public professional or different individual appears in a professional capacity is called torture.”

Article 1 presents that “the illegal act is carried out with the assistance of, or at the instigation of, or with the approval or acquiescence of, a public official or someone acting in a professional capacity.” Despite this, it has been suggested that, in light of the Committee’s jurisprudence, which implies that it takes a broad view of the term “acquiescence,” a raped woman must be able to demonstrate that the government “acquiesced” in her torture if they did not provide safety at specific times or where they claim to have “established a manner of life of violence through a scientific failure to research or prosecute domestic violence procedures.”

Article 2, States parties have responsibility to “adopt strong legislative, administrative, judicial, and other actions to safeguard torture victims in any territory under its jurisdiction”. On the basis of a straightforward interpretation, this must undoubtedly include steps to ensure that there is no acquiescence in acts of torture carried out with the aid of non-nation actors for purposes of "discrimination of any sort," as defined in Article 1 of the CAT, which includes violence against women.

UN Declaration on the Elimination of Violence against Women (DEVAW), 1993

In DEVAW domestic violence has been pointed out as, “throughout history, men and women have had uneven power relationships, resulting in male dominance and discrimination against women, which has resulted in

violence against women.” The definition includes both physical and emotional abuse in private and public life.

Article 1 of the Declaration defines “violence against women” as “any act of gender-based violence against women that causes or may cause bodily, sexual, or psychological pain or suffering, including threats to perpetrate such acts, coercion, or arbitrary deprivation of liberty, regardless of whether it is on the market.”

Article 2 stipulates that “violence against women includes but is not limited to:

- a. domestic violence, including physical, sexual, and psychological abuse, sexual abuse of females at home, dowry violence, and marital rape. Female genital mutilation and other harmful practices, surgical-related violence, and extramarital violence are all examples of extramarital violence;
- b. physical, sexual, and psychological violence occurs in the community, such as rape, sexual assault, sexual harassment, and intimidation in the workplace, educational institutions, human trafficking, and forced prostitution, or anywhere else.;
- c. physical, sexual, and psychological violence committed by other agencies.”

Article 4 states that “The state condemns violence against women and does not depend on custom, tradition, or religion to excuse them from their obligation to eradicate it.”

WHY MARITAL RAPE IS NOT A CRIME?

Many people still don't get the definition of marital rape, i.e. why would any sexual conduct between married couples be considered rape? If the perpetrator as well as the victim both married, marital rape is really nothing more than rape. It's similar to rape in the sense that “permission is not given,” because this is what qualifies any sexual activity as rape or sexual assault. In our society, it is assumed that a wife has agreed to just about every sexual contact following marriage for the rest of her life, with the exception of legal separation. As a result, in many circumstances, marriage is reduced to a civil arrangement for sexual encounters, with the wife's permission assumed to be immediate, complete, and unconditional. But it is on this point that everyone must be educated; individuals should understand the significance of consent or the no before they can comprehend rape or indeed any physical attack, much less even marital rape.

Again, the definition of rape has complications. If a woman has consent, she is not raped. If she does not have consent, she is raped. In the case of *Monwar Mallik vs. State*, it is held that the victim girl agreed to have sex with him as he promised to marry her and the accused could not be deemed guilty of rape (59 DLR (HCD) 301). Again in the case of *Sohel Rana (Md) vs. State*, the accused did not use force, acquire permission under threat, or commit fraud on the victim before to having sexual intercourse with her, who became a consenting partner. She didn't say

anything. The accused stated that he intended to marry her. Cohabitation after the first day, the accused had sexual relations with her on 15 or 16 times. It was decided that the appellant's sexual intercourse is not a rape offense (57 DLR (HCD) 591).

One of the major challenges in proving this unreported crime marital rape is to prove the case on the basis of evidence. Since the evidence against the accused in a criminal case has to be proved beyond reasonable doubt, in most cases it is impossible to do so. If there is no evidence of independent witness, conviction cannot be sustained is established by the case of Hossain Shially (Fakir) vs. State (56 DLR (HCD) 637). In the case of Seraj Talukder v. State it is stated that sustaining conviction on an allegation like rape, the evidence of witnesses has to corroborate each other (3 BLC (HCD) 182). Oral evidence of the victim should be given priority in considering the evidence in case of marital rape. Most men think that a wife's consent is not required for a marital relationship after marriage. Wife never has the right to say "no" to this, which is not correct.

CRITICAL ANALYSIS OF MARITAL RAPE LAWS

It has been normal for males to force their brides throughout history in most civilizations to have sex against their own will. Rape is usually characterized in most nations as "sexual intercourse with a woman who is not wife without her permission." The husband therefore had no penalty for raping his spouses; almost like the permission granted to the husband to rape his wife.

Sir Matthew Hale developed the "doctrine of implied consent," stating that after marriage husband can do anything including all sexual behavior with his wife that has been considered irrevocable during marriage (Jiloha, R.C, 2015). This meant that women had no legal right to refuse sex with their spouse after their marriage. There has always been an assumption of approval due to this rationale. The notion of implied consent creates the sense that sex is fundamental, that sexual intercourse is the most significant element and everything else secondary to married life (Sandra, R. & Sheryl K., 1991). Moreover, in a marital partnership, the power to select the moment and manner of such sexual activity is fully assigned to husband side, thereby rejecting the notion of marriage as a union of equals and creating flagrant prejudice in the field of women and men.

The notion that a woman is the husband's property and that women's legal existence has been absorbed and reinforced in that of a husband is another orthodox explanation of marital violation from criminalization (Dailey, Anne., 1986).

The Government of Bangladesh has always shown its determination to protect the lives and rights of women. In complying with Constitutional and international standards, the 2010 Domestic Violence (Prevention and Protection) Act constitutes a substantial endeavor to criminalize marital rape and sexual assault. Although Bangladesh has Penal Code, 1860 and the Nari O Shishu Nirjatan Damon Ain, 2000 to prevent violence against women but the Domestic Violence (Prevention and Protection) Act, 2010

is considered a milestone in this regard. The definition of marital rape found in statutory laws is quite ineffective in the current context.

Marital rape is indeed an assault that forces a wife to have sex despite her permission. This seems to be an unfair manner of degrading women's social status. Due to the lengthy and quite well question of spousal abuse in Bangladesh, it would have only grown much worse recent years. According to the Bangladesh electronic media report, every 37 minutes in the city a house is broken by divorce in this pandemic situation (Editorial, 2020). The incidents involving marital rape have been tough to give heed, since they occur on the inside of a home's seclusion and are frequently ignored or pushed under the ground by the police or indeed any employees. The laws of marital rape are still not criminalized (Islam; 2015). Although there have been a number of modifications in recent years both to criminal and other sexual assault legislation, it has not left marital rape to be ineffectual for society. Domestic abuse has not been acknowledged as an offence in Bangladesh despite it's also outlawed in all of the major democracies of the world. The biggest problem in Bangladesh is that domestic abuse related cases are filed under the Nari O Shishu Nirjaton Damon Ain 2000 and this is a limitation in this case that cases are not always filed maintaining the proper Act.

However, Article 32 of the Constitution of the People's Republic of Bangladesh is breached by exception 2 of Section 375 of the Bangladesh Penal Code because it separates women among two married and unmarried categories. Again Article 27 of the Constitution of the People's Republic of Bangladesh on equality before the law and equal protection, Section 375, exception 2 states that sexual violence on an unmarried woman is rape whereas the same act is not violations against a married woman. The Child Marriage Restraint Act, 2017 which defines "minor" as girls under 18 years of age and boys less than 20 years old and in this respect it also shows the inconsistencies between the marital rape provision of the Bangladesh Penal Code 1860 and the Child Marriage Restraint Act, 2017.

There is really no distinct legislation to deal with matrimonial violence simply since there is unpleasant recognition by individuals and the state that a marriage may be violated. Various harm demands different punishments and treatment in community. In the Bangladesh Penal Code, perhaps marital rape could be addressed since Section 497 is really not properly represented. If a husband also has to compel his wife to have sex with him, the marriage institution has already been shattered so that no sexual assault is a felony that destroys the relationship. As this core of rape is a lack of permission, the issue that emerges is that sexual intercourse is viewed as something that must take place inside the confines of marriage to and which women have irreversibly agreed for the rest of life. The Domestic Violence (Prevention and Protection) Act, 2010 may have several vulnerabilities even though it does not expressly address marital rape.

“Nurnahar, a 14-year-old married lady, informed her family that she was afflicted with agony after her 34-year-old husband, a returnee from the United Arab Emirates on September 20, consummated their marriage. It lasted a month, though, because her husband had almost no concern for his child bride's anguish and suffering. She died on October 25, 2020, in the Dhaka Medical College Hospital of severe bleeding from her genitals, less than a month after her marriage in Tangail, as her husband allegedly resumed sexual intercourse. Many females, such as Nurnahar, have to be safeguarded from marital rape but the present legislation is not actually effective. Human rights campaigners believe that the cultural norm is likewise too stiff to allow a guy who sees marriage as an authority to just have sexuality. On 1st November, four member organizations namely; Bangladesh Legal Aid and Services Trust (BLAST), Brac, Naripokkho, and Manusher Jonno Foundation of the Rape Law Reform Coalition filed a writ petition before the High Court Division of the Bangladesh Supreme Court challenged the legality of the rape by husband to women and girls aged over 13 in the legislation on rape. Human rights campaigners believe that filling writ is a step towards safeguarding women against marital violence (Tithila, K.K., 2020).”

“Sharmin Akter, one of the petitioner's attorney, cited a Bangladesh Bureau of Statistics report, stated 27 per cent of married women being raped by their spouses. However the incapacity of married women to pursue retribution under the law makes them discriminate toward unmarried women that are unconstitutional she added (High Court questions legal provisions that legalise ‘marital rape, 2020).”

On April 18, 2018, a High Court Bench in disposing of a Rule, issued directions to ensure justice, and protection for women survivors of rape in its judgment in the public interest case (Writ Petition No. 5541/2015) filed jointly by Bangladesh Legal Aid and Services Trust (BLAST), Naripokkho, Bangladesh Mohila Parishad (BMP), Jatiyo Adivasi Parishad (JAP) and Ain-o-Shalish Kendra (ASK) on 25 May 2015, in connection to the incident of a woman being dragged into a microbus and raped in Dhaka on 21 May 2015 while she was waiting for a bus, whose subsequent complaint was not filed by the police, nor her medical examination conducted, in a timely manner.

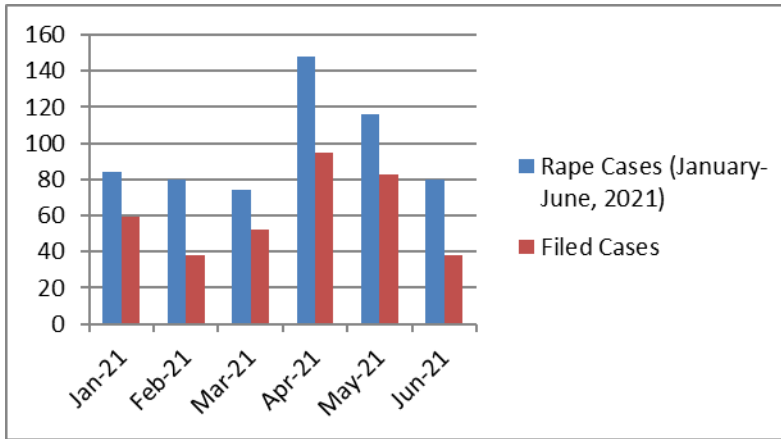


Figure 1: Rape Cases (Ain o Shalish Kendro, 2020)

Reviewing Figure 1, it is seen that despite the occasional lockdown by the government during the COVID 19 pandemic, incidents like rape continue to occur. In this case, it is seen that the number of reported rape cases (449) from January to June 2021 is much less than the number of total rape cases (673). The total number of reported case is 66.71%. Although it is not possible to differentiate marital rape here, we can imagine that the amount of marital rape that is considered an unreported crime would be beyond the imagination of a conscientious person.

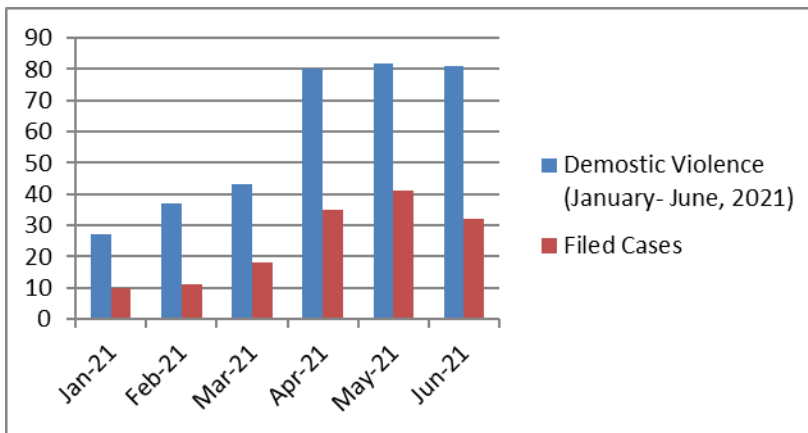


Figure 2: Domestic Violence against Women (Ain o Shalish Kendro, 2020)

Figure 2 shows that, Domestic violence against women, amid this pandemic situation, had been the prominent form of violence against women. Domestic violence includes physical, mental, sexual and economic torture. From January to June, 2021 a total of 350 reports of total democratic violence against women were received from the media

and other sources. Of these, only 146 cases were filed and 203 cases were not filed. The total number of reported case is 41.71%. A closer look reveals that in reality this number will be several times higher.

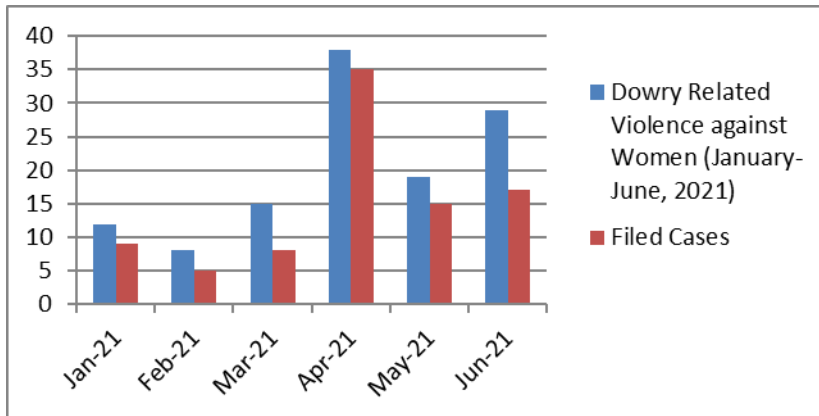


Figure 3: Dowry Related Violence against Women (Ain o Shalish Kendro, 2020)

Dowry is a curse all the time for this society. Violence due to dowry has existed in this society for a long time and it intensified during the pandemic as many people lost their regular jobs. In Figure 3 it is seen that the total number of reported dowry related violence cases from January to June 2021 is 121, of whom only 75 cases were filed and 46 cases were not filed. The total number of reported case is 62%.

Any mental disorder, be it for any reason, can lead to loss of job, pandemic due to change of his habitual system or economic hardship can lead to injustice towards the wife. Then he commits a crime like marital rape because the strong always oppress the weak.

CONCLUSION

The Government should reform of marital rape legislation in compliance with the constitutional freedoms and international human rights legislations and increase the age of consent to 18 years, in line with the Children Act, 2013 which defines anybody less than 18 years of age is “child” and the Child Marriage Restraint Act, 2017 which defines “minor” as girls under 18 years of age and boys less than 20 years old. Punishment for marital rape should be different for less than 18 years of age for woman one punishment and for more than 18 years of age for woman different punishment.

The courts must have the authority to acknowledge and then assign the issue to the competent investigative authority, directly, marital rape accusations. In order to facilitate the procedure for survivors already traumatized by the occurrence, and ensure the presence of physicians on court to prevent delays in trial of rape cases, appoint women doctors to

perform medico-legal reviews of rape survivors. Psycho-social counseling for the victims should be arranged if necessary.

Law enforcement officials are essential for the punishment of perpetrators of violence, in particular for the investigation of violence against women, the retention of proof and charges. For rapid support for victim women, law enforcement teams are obliged to be created.

The DNA examination should be performed free of charge, and the gathering of DNA evidence must also be done fully accessible because DNA samples may be manipulated too. For police, forensic physicians, attorneys, judges and counselors in the area of reformed legislation, regular training programs should be mandatory. Everyone should be disseminated dedicated and responsive emergency aid numbers and websites such as 333, 999 & 10921. The government can also play an important role in the development of online or offline assistance for mental health advice by non-governmental organisations, community organizations (CBOs), volunteering groups and religious leaders (Islam; 2019). Digital networks will be used as a venue for raising women's consciousness regarding marital rape.

A relationship ought not to be considered as a husband's authorization forcing his wife to be exempt from penalty for any type of physical contact. A woman who is married has the same rights and freedom to have her body as that of an unmarried woman; she can indeed be regarded as a possession of males following marriage. Rape is rape, regardless of the identity of an offender and maturity of the victim, whether or something during marriage. If a woman assaulted by an intruder apart from her wife is seen as a sin quickly, how else can female rapes be deemed right and unworthy by a wife? Domestic violence and sexual misconduct should be addressed inside a marriage. The government should be responsible to protect the right of a woman to her body. In the past, people and culture have been and continue to be victims of women. She must be acknowledged as the human being, be distant and treat with the care and respect she belongs, the outmoded concept that she's been a mere property. Marriage was regarded as permission by authoritarian power systems to authorize unwanted sex. A woman's self-worth is completely denied and this has to reform. Marriage registration in marriage can no longer serve as a guard of honor or protection for men in the case of marital rape. Reforming the law to protect women's interests is just the demand of the time.

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