Research Monograph

On

"Affirmative actions in favor of women under the constitutional Mandate and Other Statutes: Bangladesh Perspective"

This Research Submitted for the Partial Fulfillment of the award of the degree in LL.B (Hon's) Department of Law, Sonargaon University (SU), Dhaka.

Prepared For:
Department of Law
Sonargaon University (SU), Dhaka

Supervised By:
Md. Abdul Alim
Lecturer
Department of Law
Sonargaon University (SU), Dhaka

Submitted By:
Geeva Teresa Gomes
ID: LL.B 1902017021
Program: LL.B (Hon's)
Batch: 17th
Department of Law,
Sonargaon University (SU), Dhaka.

Date of Submission: 7th July, 2023

Dedication

This Research is dedicated to

All Fighter who fights for rights

LETTER OF TRANSMITTAL

To
Md. Abdul Alim
Lecturer
Department of Law
Sonargaon University (SU), Dhaka.

Subject: Submission of research paper on "**Affirmative actions in favor of women under the constitutional Mandate and Other Statutes: Bangladesh Perspective**"

Dear Sir,

It is a great pleasure for me to submit the thesis on "**Affirmative actions in favor of women under the constitutional Mandate and Other Statutes: Bangladesh Perspective**" While I doing this thesis, I have tried my level best to make this project paper to the latest standard. I think that thesis paper will fulfill your requirement and pleased you. I, therefore, hope that you would be kind enough to go through this thesis paper for evaluation.

I am always be ready for clearance of any part of my thesis.

Thanking you

Geeva Teresa Gomes
ID: LL.B 1902017021
Program: LL.B (Hon's)
Batch: 17th
Department of Law
Sonargaon University (SU), Dhaka.

CERTIFICATION

This is to certify that the thesis on "**Affirmative actions in favor of women under the constitutional Mandate and Other Statutes: Bangladesh Perspective**" is done by Geeva Teresa Gomes in partial fulfillment of the requirements for the degree of LL.B. (Honours) from Sonargaon University, Dhaka. The thesis has been carried out under my guidance and is a record of the bonafide work carried out successfully.

……

Md. Abdul Alim
Lecturer
Department of Law
Sonargaon University (SU), Dhaka

DECLARATION

I do hereby that this Research Monograph on the **Affirmative actions in favor of women under the constitutional Mandate and Other Statutes: Bangladesh Perspective** have been done by me and this Research is free from all plagiarism and without help of other. I further declare that this monograph is prepared with my own effort and it was not and never submit to any institute for any academic reason.

Geeva Teresa Gomes
ID: LL.B 1902017021
Program: LL.B (Hon's)
Batch: 17th
Department of Law
Sonargaon University (SU), Dhaka.

ACKNOWLEDGEMENT

At first, I would like to thank Almighty God for his kindness on me in accomplishing the report. I would like to express my deep sense of gratitude to my honorable and distinguished supervisor Md. Abdul Alim, Lecturer, Department of Law, Sonargaon University (SU), Dhaka for his individual suggestions, valuable time, important information and guidance during the study period that has greatly inspired me in preparing this report successfully.

It could not possible to think all those people who have contributed for the preparation of this report of course there are some very special names that cannot be forgotten. I am also grateful to the Department of Law, Sonargaon University (SU), Dhaka for providing me such an opportunity to come closer to real situation. Finally, I want to express my deep gratitude to my family members and all well wishers whose enormous helps assisted me to complete this report.

Geeva Teresa Gomes
ID: LL.B 1902017021
Program: LL.B (Hon's)
Batch: 17th
Department of Law
Sonargaon University (SU), Dhaka.

ABSTRACT

Women's legal rights are one of the most significant determinants of their status. In Bangladesh, a series of laws ensuring women's rights have proven largely ineffective in promoting their positions. The prime reasons for this are: the shortcomings and ineffectiveness of laws, women's inability to access legal proceedings, the traditional and cultural negative views about women's rights, the absence of an accountable and transparent government, the expensive and time consuming judicial process, the lack of an efficient judiciary, and other socio-economic reasons. The core theme of the thesis concentrates on the shortcomings and ineffectiveness of laws, although viewing them within the context of those other factors. To signify the 'ineffectiveness of laws', emphasis is basically placed on the administrative and judicial approaches in the country to achieve the underlying objectives of law concerning women's rights in pertinent areas.

This study aims to promote protection of women's rights by recommending remedies to flaws in prevailing laws in Bangladesh in four areas. Recommendations are made by reference to comparative and international practices. The primary arguments developed and maintained throughout the thesis are: (i) the protection of women's rights is imperative to improve their status and law is an essential instrument to ensure these rights; (ii) the legislative, administrative and judicial efforts in Bangladesh are not appropriate and conducive to dealing with women's rights; and (iii) improvements in those efforts can better protect women's rights.

This study critically examines laws regarding women's employment and political participation and the laws on dowry and rape. It also explores the ways laws have been structured and enforced in Bangladesh, and how law can be an effective means of women's pursuit of rights. In so doing, this thesis analyses and compares a range of legislation and judicial decisions of a number of selected common law jurisdictions. Findings of the research demonstrate that the legal efforts of those countries resulted in significant improvements in traditional laws and enforcement procedures regarding employment, dowry as a form of domestic violence, and rape. Conversely, in Bangladesh, the age-old common-law grown formalities continue to dominate the

legal and judicial proceedings and therefore fail to provide remedies to the contemporary needs of women. The present legal regime also suffers from an important flaw with regard to the scope and extent of liabilities for the violation of laws designed to protect women's equal and special rights. The absence of any independent administrative body to monitor the compliance of laws presents another serious flaw in the current legal regime of the country. Such shortcomings eventually encourage and favour the wrongdoer, worsening the vulnerability of already disadvantaged women in the traditional culture of Bangladesh. In responding to such a situation, the present study recommends the reconceptualisation of laws to accommodate women's unique experiences in Bangladesh. The study ends with a number of specific recommendations for ensuring women's rights through strengthening the legal and enforcement mechanisms in Bangladesh.