



# The Procedural Bottlenecks Of Nari-o-Shishu Nirjaton Daman Tribunals and Way Forward to Ensure Quick Justice



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# Background of the Research

A study by the Bangladesh Bureau of Statistics found that 7 in 10 women experience intimate partner violence.

Gender-based violence is a serious form of discrimination that limits women's ability to exercise their rights.

Forms of violence include physical, sexual, emotional, controlling behavior, and economic abuse.

Legal action remains very low, with fewer than 8% of victims pursuing it.

**150,950 cases pending** and **42,272 cases** are running for more than 5 years

# Objective of the Study



## Objectives of the Study

- **Identify and analyse legal inconsistencies** within the existing framework.
- Reassess the role of justice sector actors to **ensure effective implementation** of laws and policies.
- **Strengthen the responsiveness and efficiency** of the justice system in addressing gender-based violence.



## Key Focus Areas

- **Examine ground-level causes** behind non-compliance with statutory timelines
- Develop **practical, localised solutions** to address contextual challenges
- **Identify procedural gaps** for potential Supreme Court Practice Directions

# Overview of the Findings

## Results: Legal Framework vs Reality

- Nari-O-Shishu Nirjaton Daman Ain, 2000 is a special law designed for offences against women and children
- Contains 34 sections (penal + procedural provisions)
- Aims to ensure:
  - **Speedy investigation**
  - **Effective prosecution**
  - **Timely justice delivery**
- Provides tribunals with strong powers, including taking cognizance.

## Gap Between Law and Practice

- Law mandates strict timelines, but:
  - Timelines are not followed in practice
- **None of the analyzed 4040 cases complied fully with investigation timelines**
- Clear disconnect between legal provisions and implement

# Reason behind the delay in proceeding:

- Total Number of Cases Analysed- 4040
- Acquittal Rate: Approximately 70.2% of cases resulted in acquittal
- Compromise Rate: Around 13.4% of cases were resolved through compromise between parties
- Conviction Rate: The conviction rate remained significantly low at only 3%

**70.2%**

**Acquittal Rate**

**13.4%**

**Compromise  
Rate**

**3%**

**Conviction Rate**

# Methodology - Mixed Method

## Primary Data Collection

- Data collected directly from field sources:
  - Key Informant Interviews (KIIs)-Judges and legal experts
  - Focus Group Discussions (FGDs)-Judges, prosecutors, lawyers.
  - Case File Analysis- 4040 disposed cases from 32 districts
- Data collected by trained paralegals (BRAC team)

## Secondary Data Collection

### Review of:

- Existing laws and legal frameworks
- Previous research studies and reports
- Legal documents and publications

# Primary Data Collection

## Data Collected Through the Data Collection Sheet

- Districts- 32
- Case Type (CR or GR)
- Sections of law – {11(Ga), 9(1), 9(4), 10, 11(kha), 9(4)(kha), 7,30}
- Victim profile (age, marital status)
- Forensic/medical evidence (Medical Test, DNA Test, Two-Finger Test)
- Case outcome (convicted, acquitted, dismissed, others, compromised)
- Type of conviction (e.g., Life imprisonment, More than 10 years of jail, Less than 5-10 years of jail, Less than 5 years of jail )

# Primary Data Collection-Total Number of Districts

Division	Districts	Count
Barishal	Barishal, Jhalokathi, Pirojpur	3
Chattogram	Cox's Bazar, Chattogram, Cumilla	3
Dhaka	Manikganj, Faridpur, Narsingdi, Kishoreganj	4
Khulna	Bagerhat, Jessore	2
Mymensingh	Jamalpur, Netrokona, Sherpur, Mymensingh	4
Rajshahi	Pabna, Rajshahi, Sirajganj, Bogura, Joypurhat, Naogaon, Chapainawabganj	7
Rangpur	Nilphamari, Panchagarh, Thakurgaon, Lalmonirhat, Gaibandha, Kurigram	6
Sylhet	Sylhet, Moulvibazar, Habiganj	3

**32**  
**Districts**

# Primary Data Collection-Total Number of Districts



**January**  
**2025**

**4040**  
**Cases**

**June**  
**2025**

# Analysis based on total number of disposed cases

**4040**

Total Number of  
Cases

**126.2**

Average number of  
cases

**333**

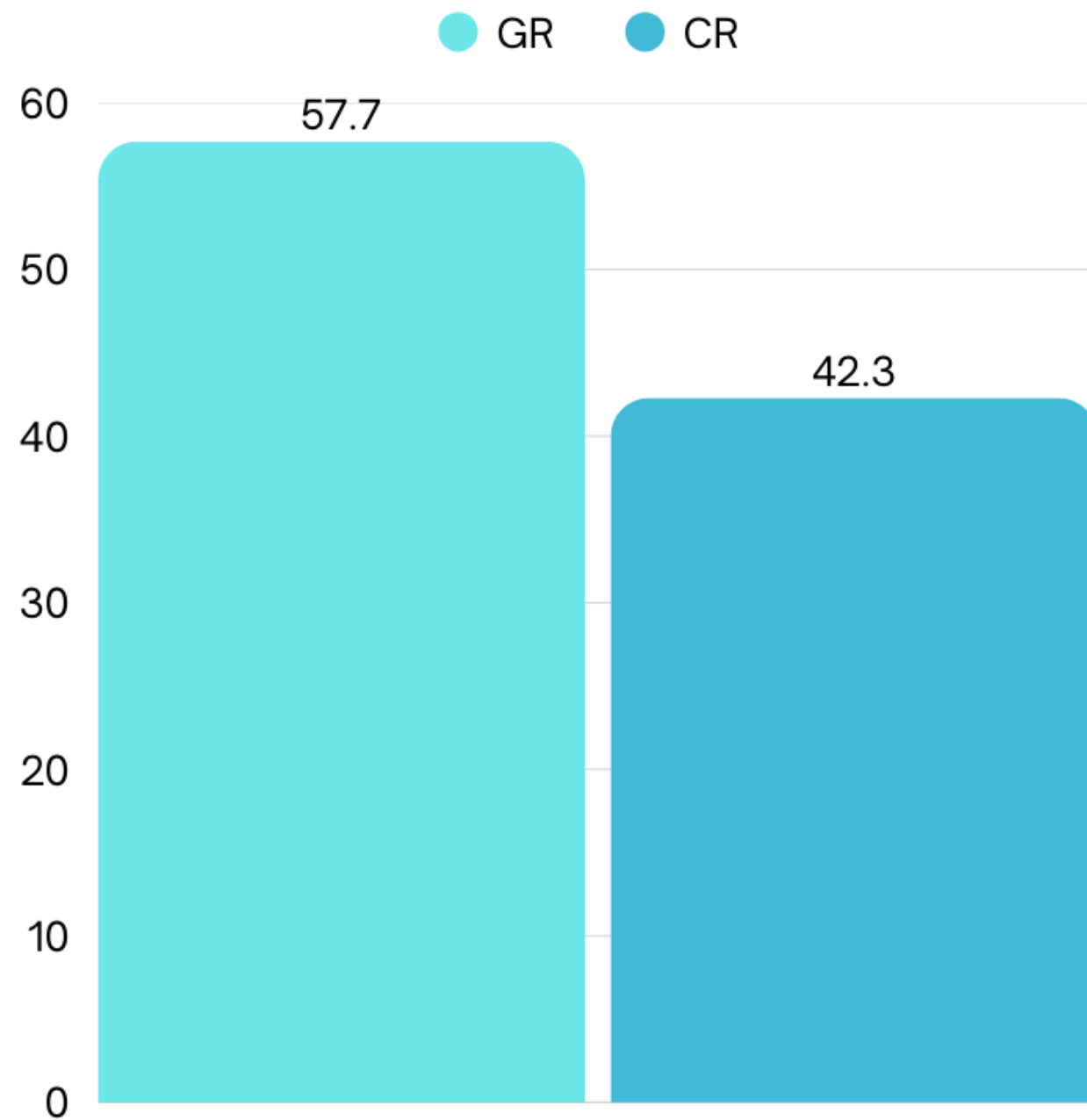
Highest Number of  
Case- Naogaon

<sup>11</sup>

**10**

Lowest Number of  
Case-Kurigram

# Types of Cases- (Average Percentage)



## Districts with Highest Number of GR cases

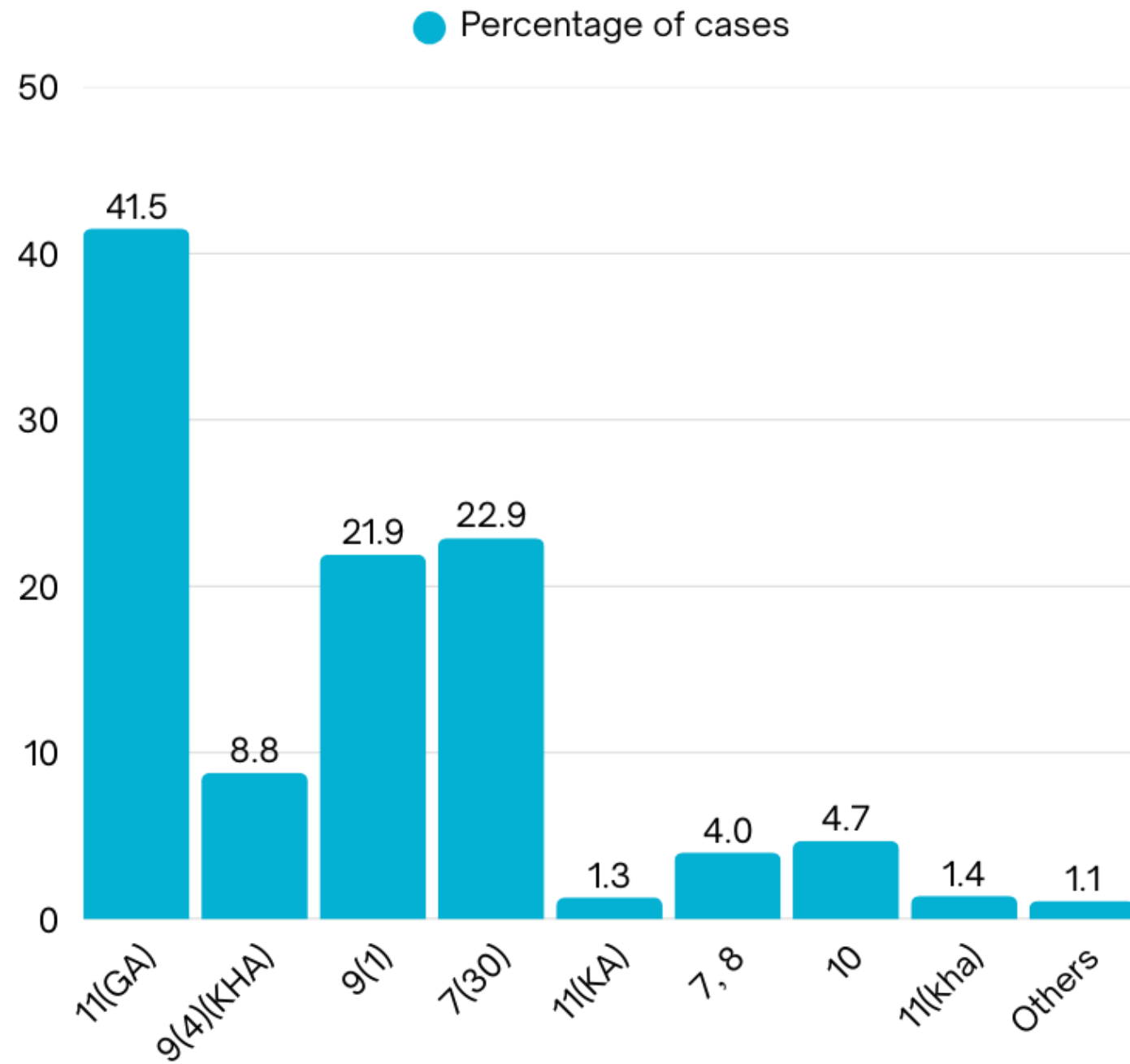
- Gaibandha- 100%
- Panchogarh- 98.7%
- Rajshahi- 92.3%

## Districts with Highest Number of CR cases

- Cumilla- 88.9%
- Mymensingh, Moulavibazar- 76.2%
- Chattogram- 76%
- Habiganj- 75.2%

12

# On Basis of Sections- (Average Percentage)



**11(GA) → 41.5**

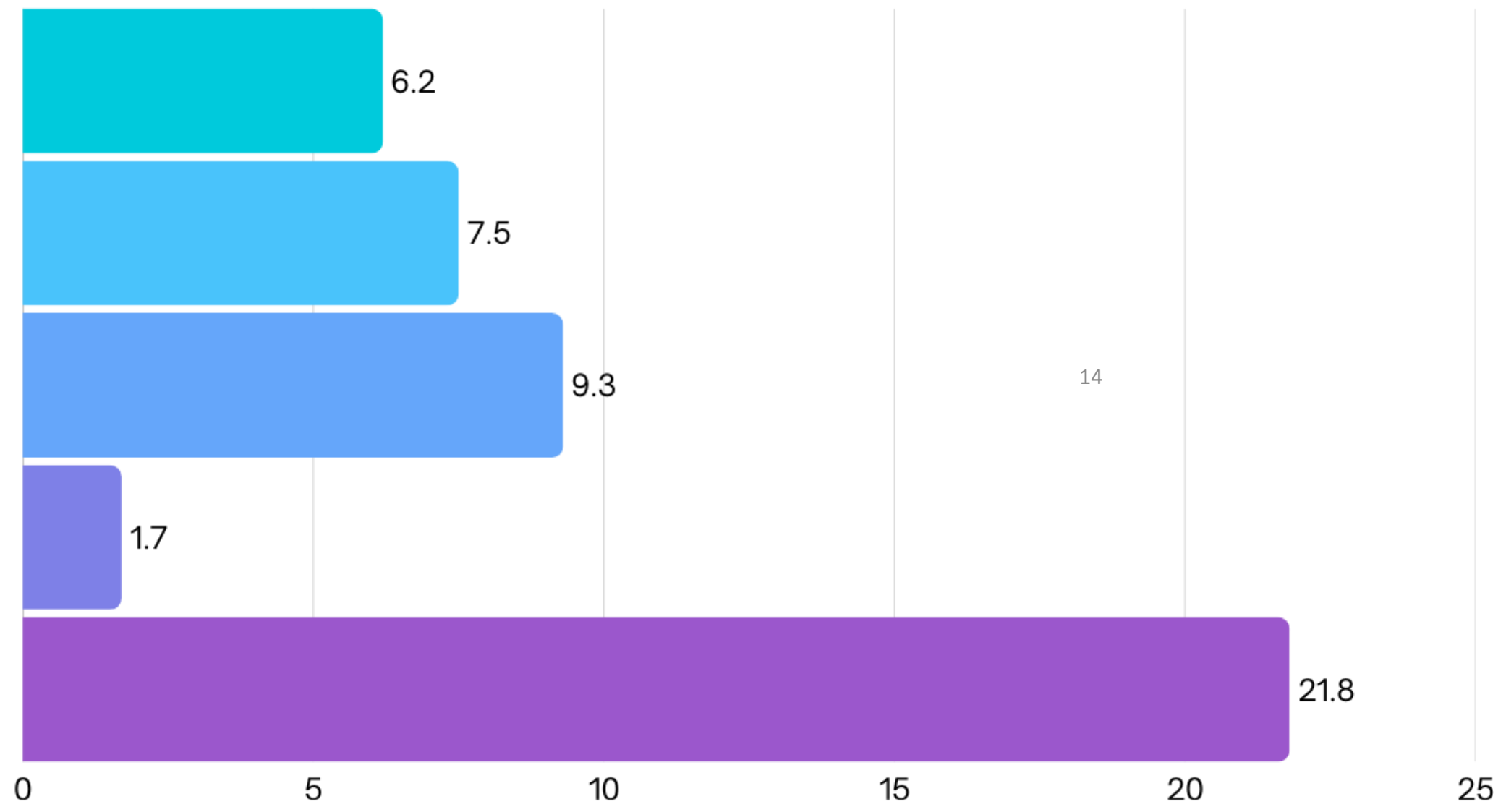
**9(1) → 21.9**

**7(30) → 22.9**

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# Total Number of Dates from CS to Judgement

- Total Number of Dates from FIR/CP to CS/fR
- Number of hearing dates from CS/FR to date charge framed
- Number of hearing dates from charges framed to Argument
- Number of hearing dates from Argument to Judgment
- Total Dates



**21.8**

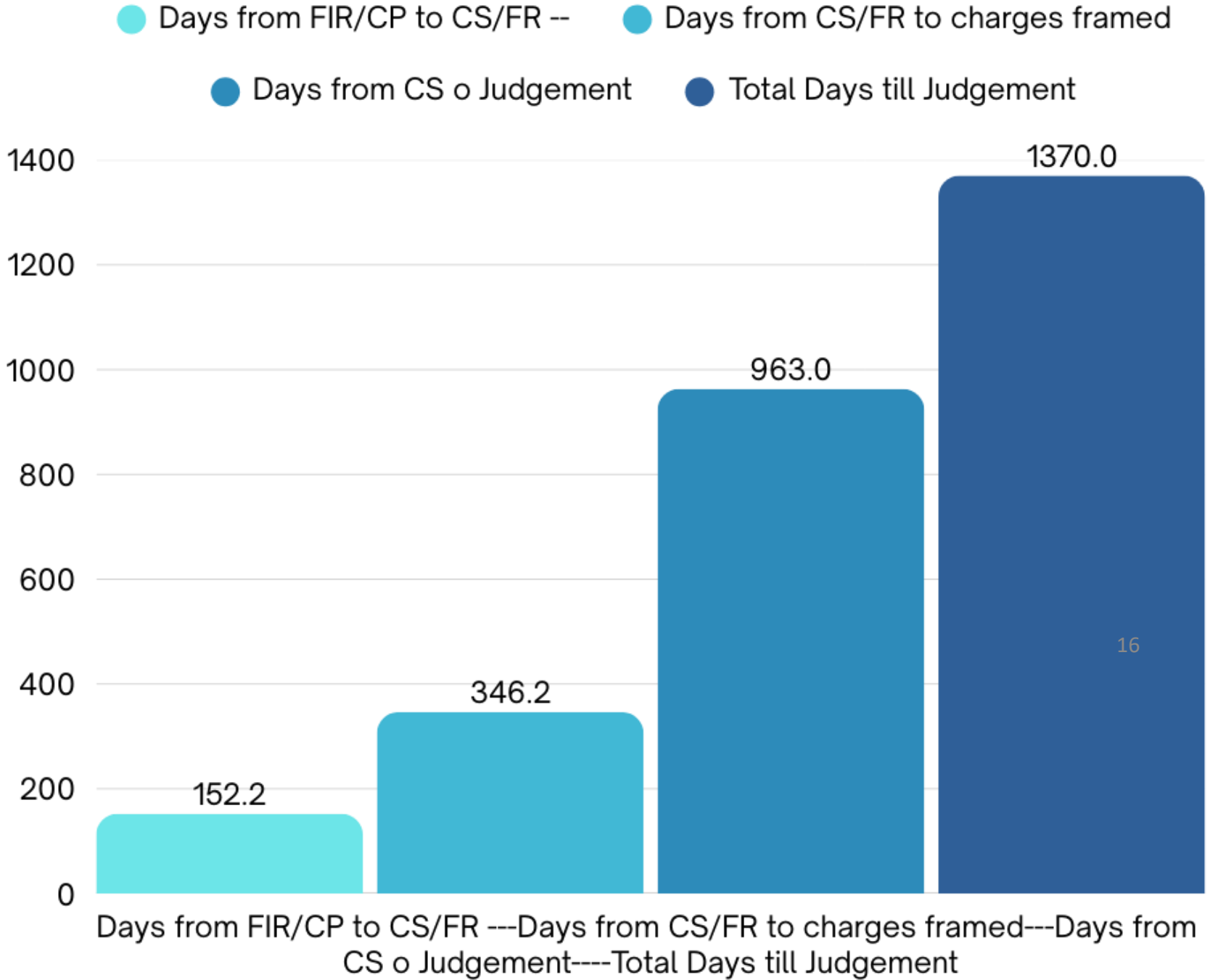
**Average Number  
of Total Dates**

# Total Number of Dates from CS to Judgement

	MAX	MIN
Number of hearing dates from charges framed to Argument	36	0
Number of hearing dates from Argument to Judgment	5	0
Total Dates	48	7

15

# Total Number of Days from CS to Judgement



**Total**  
**1370**  
Days Till Judgement,  
on Average



# Total Number of Days from CS to Judgement

**1370**

**Average Days Taken**

**Maximum Days Taken**

**Nilphamari**

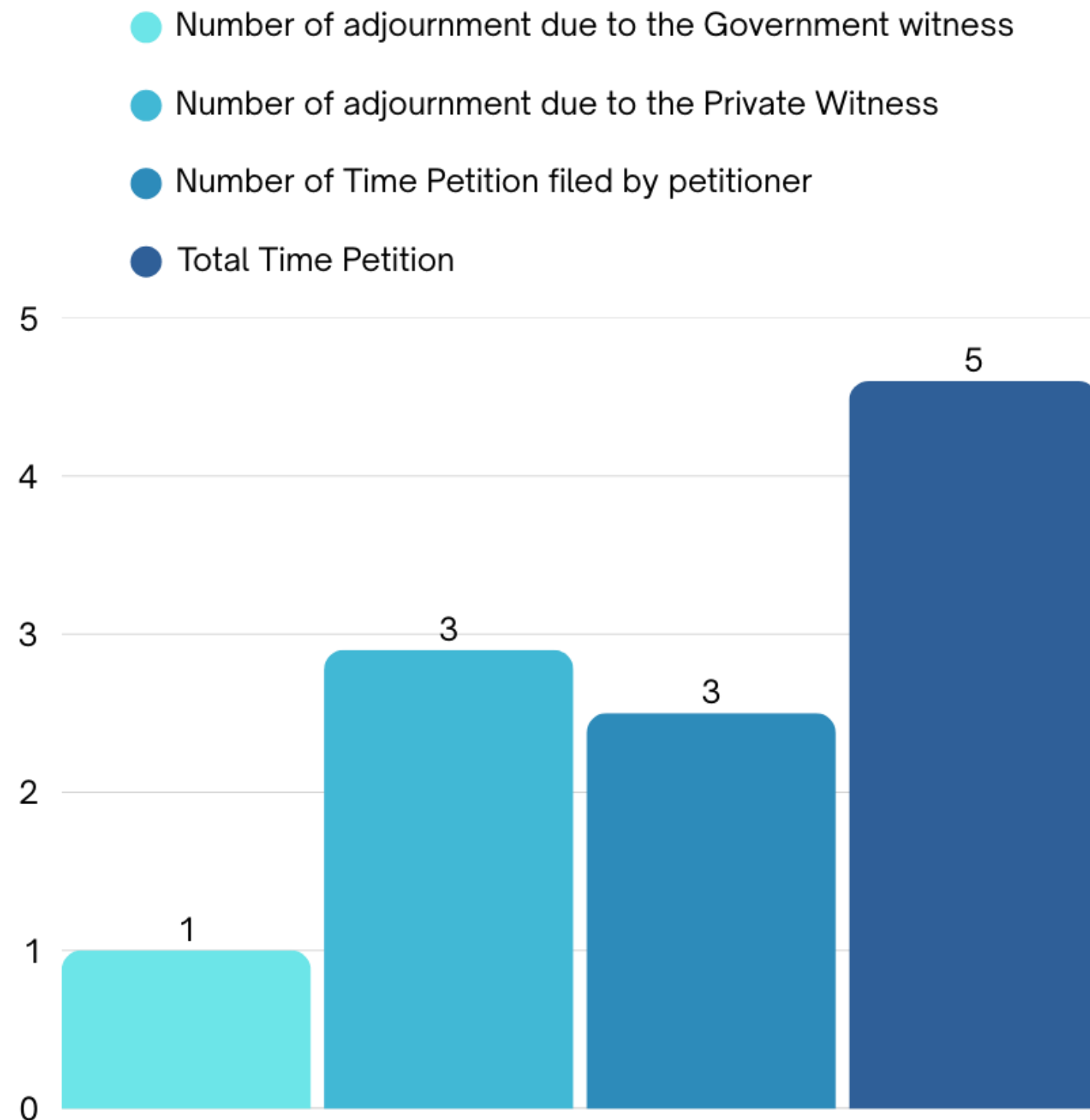
**3246**

**Minimum Days**

**Panchagarh**

**452**

# Total Number of Adjournments till Trial



15

Maximum Number of Total Time Petitions

0

Minimum Number of Total Time Petitions

18

# Total Number of Stay Orders

6

Districts with Stay orders

15

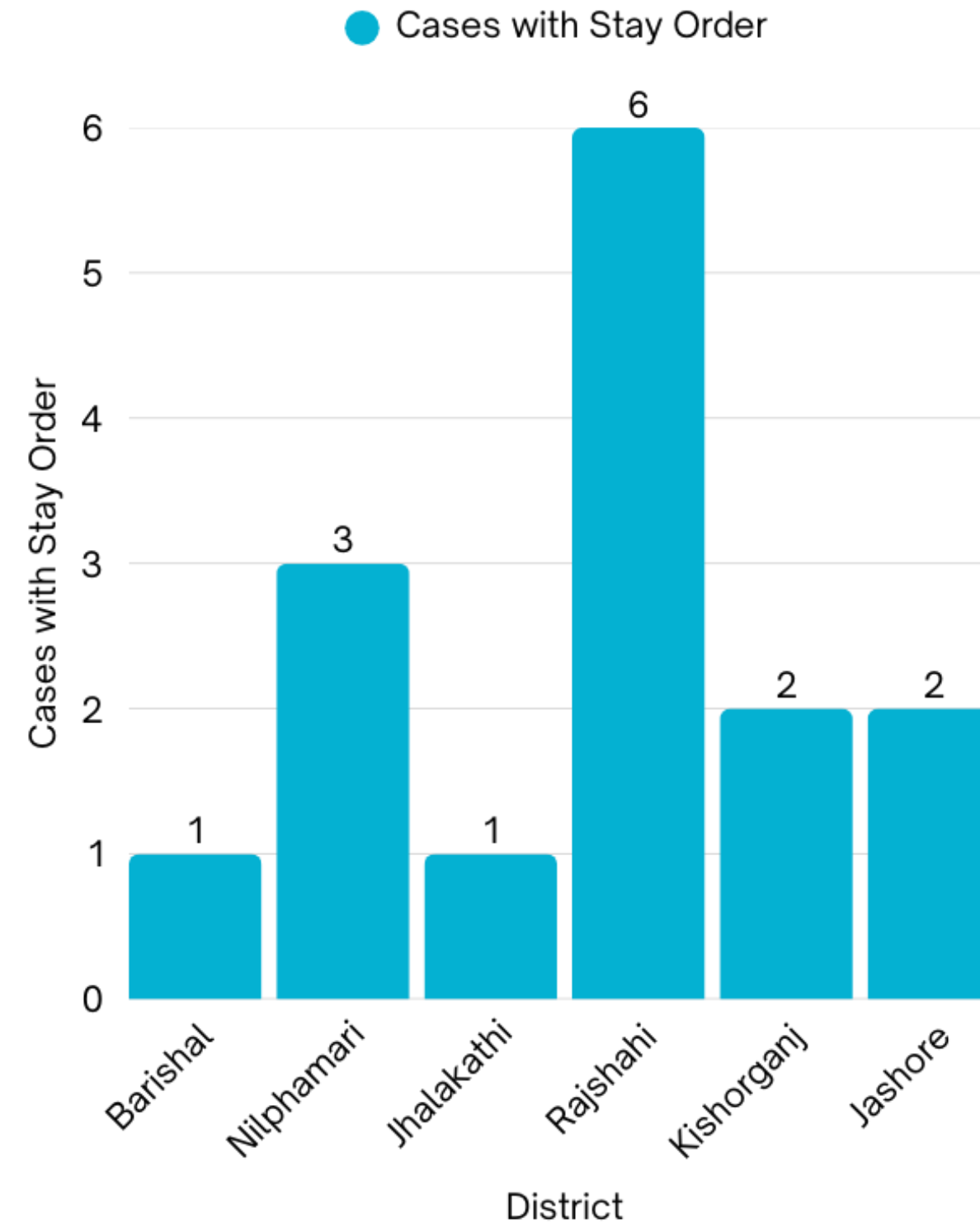
Cases

Maximum Time Prior Stay

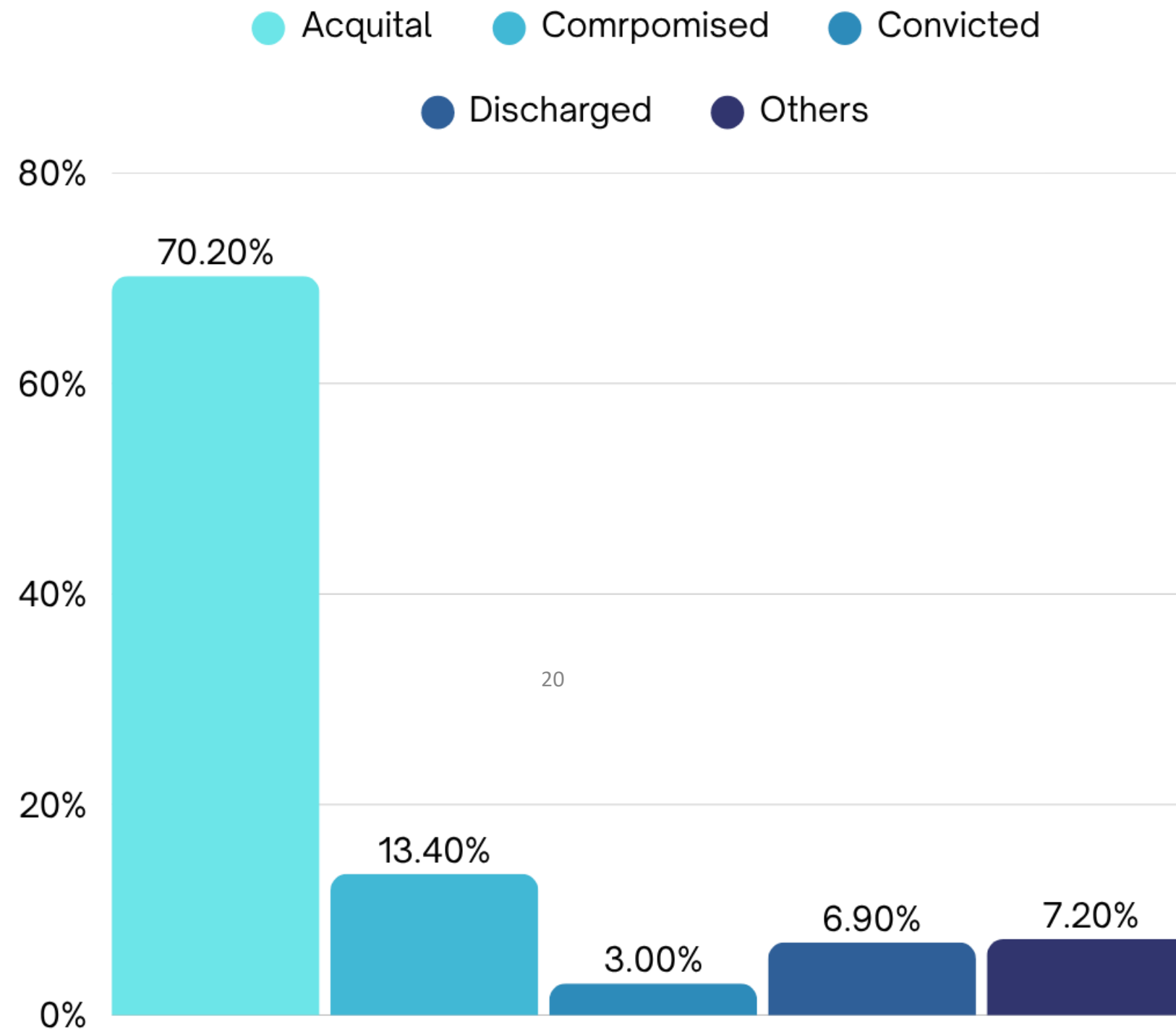
2408<sup>19</sup>

Minimum Time Prior Stay

21



# Result Analysis of The Cases

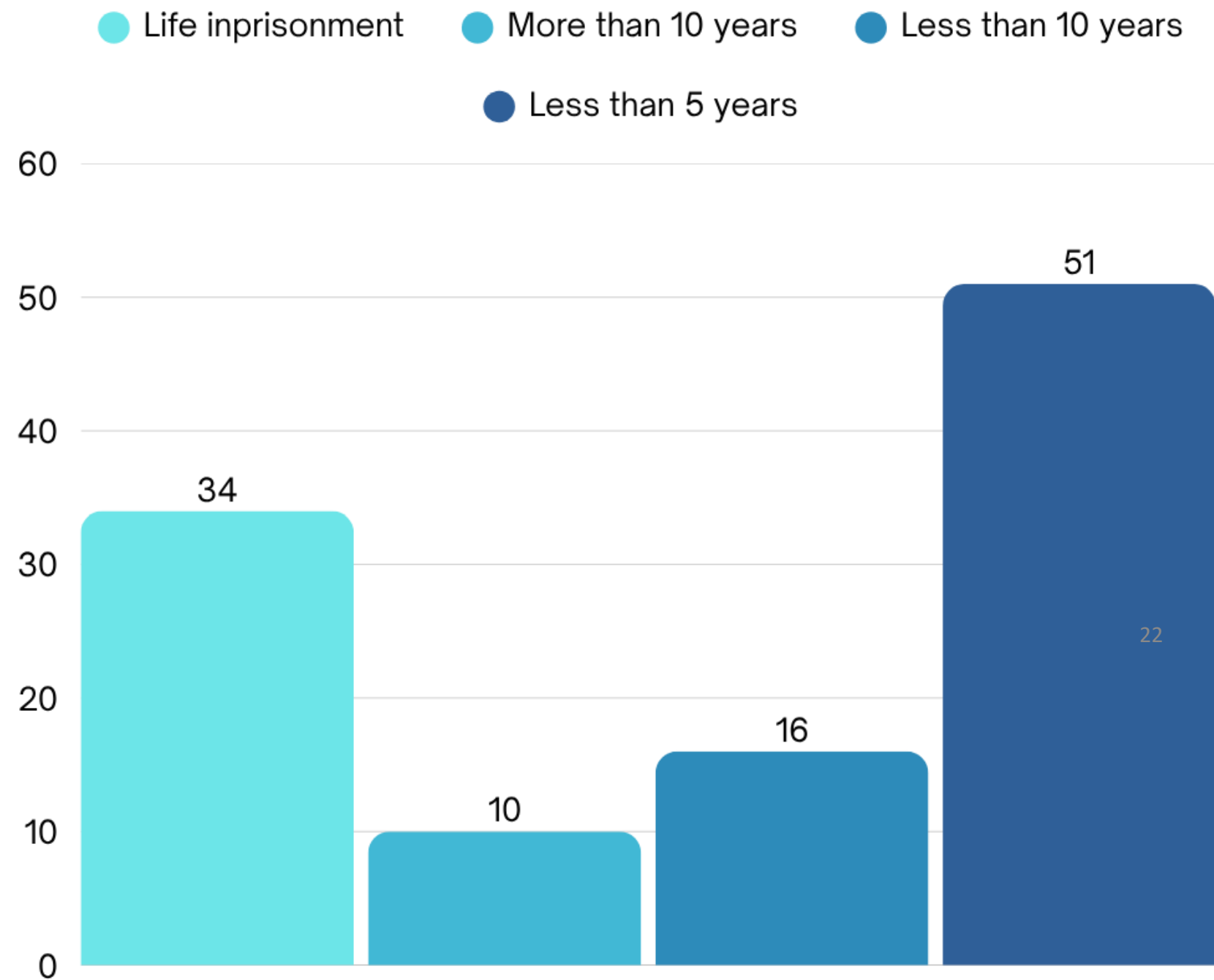


# Conviction Rate and Classifications

3%

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# Conviction Rate and Classifications

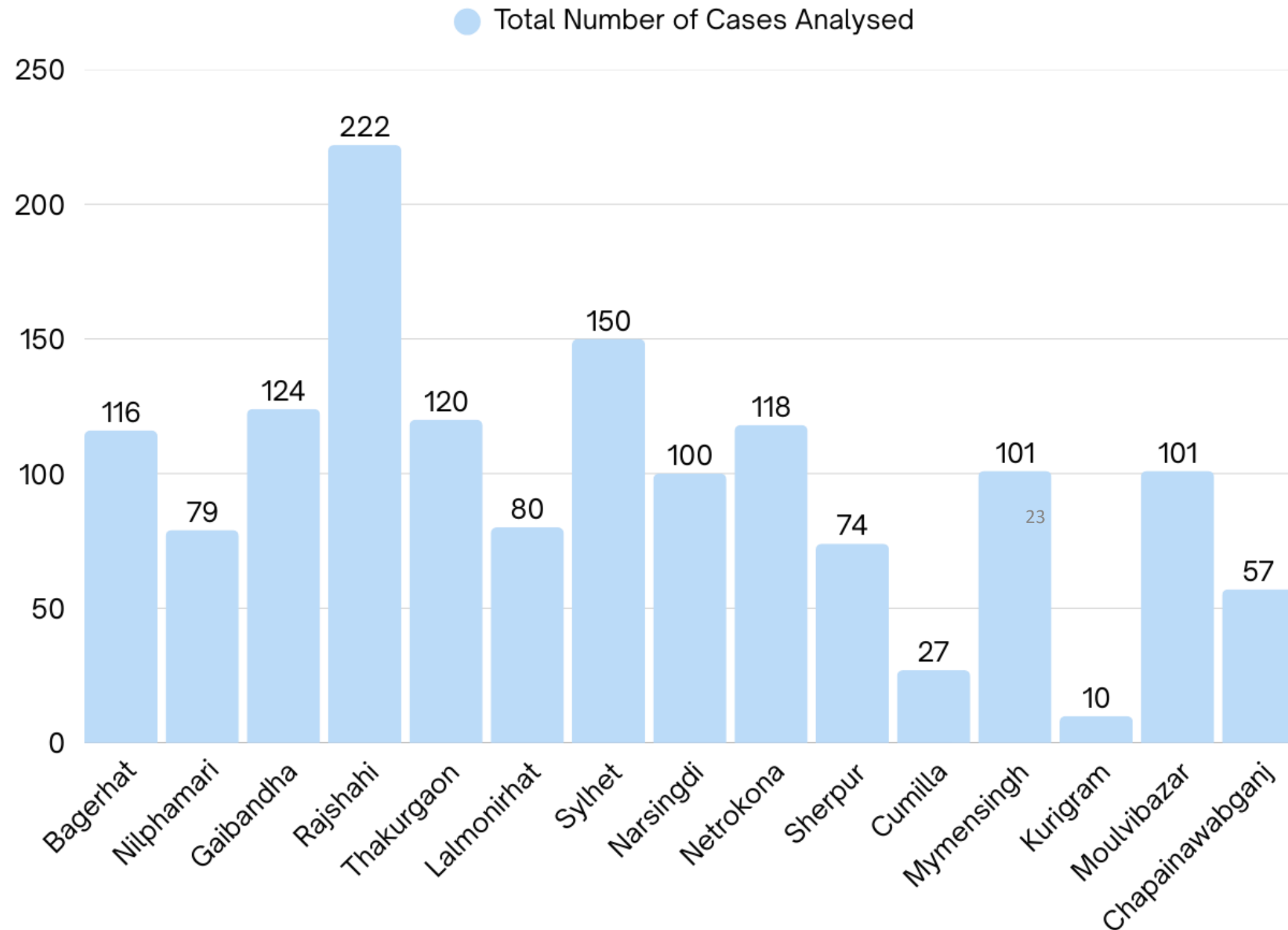


Total

**111**

Cases with Conviction

# Districts with 0 Conviction Rate



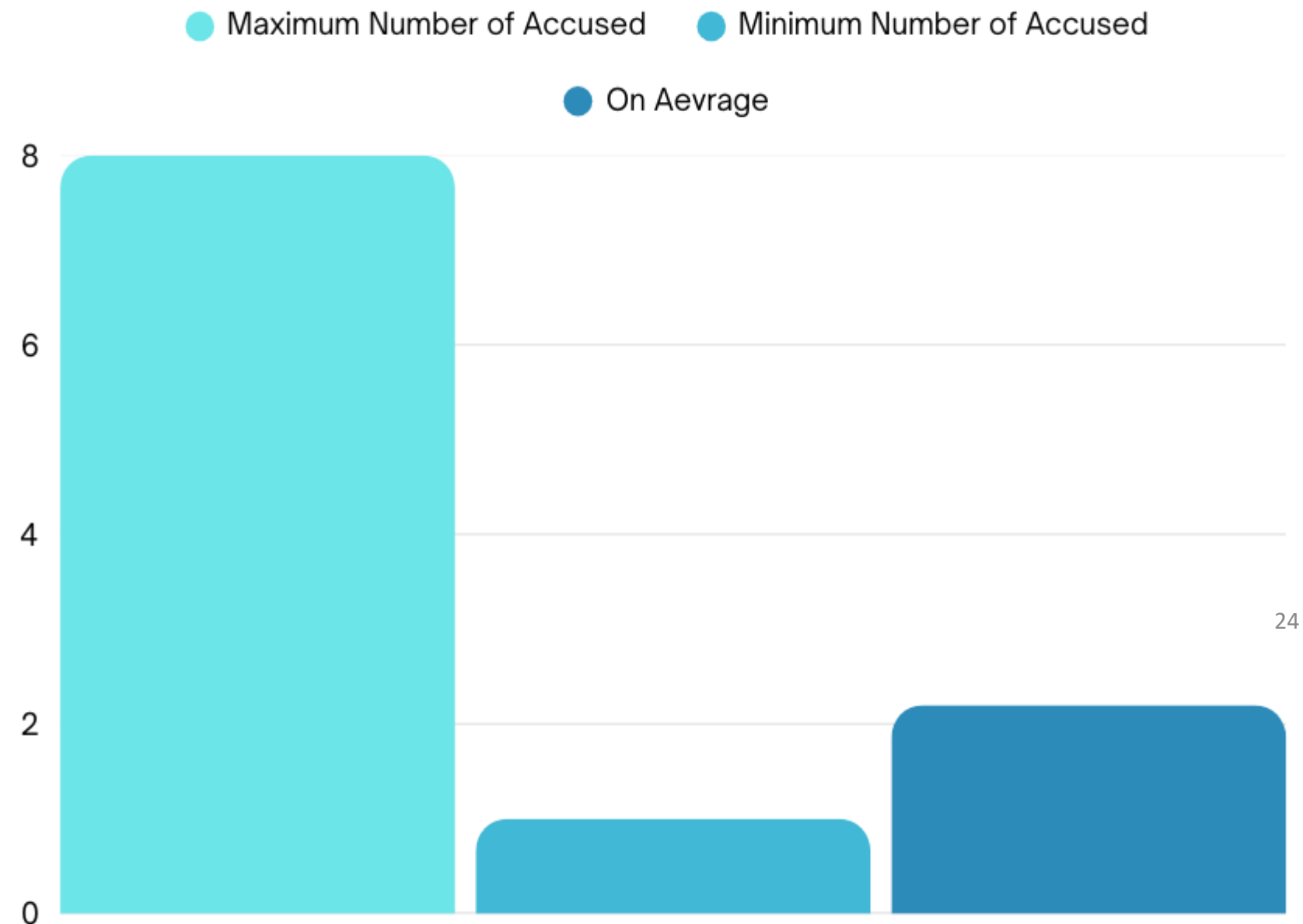
15

Districts

0

Conviction

# Analysis Based on Number of Accused



8

Maximum Number  
Of Accused

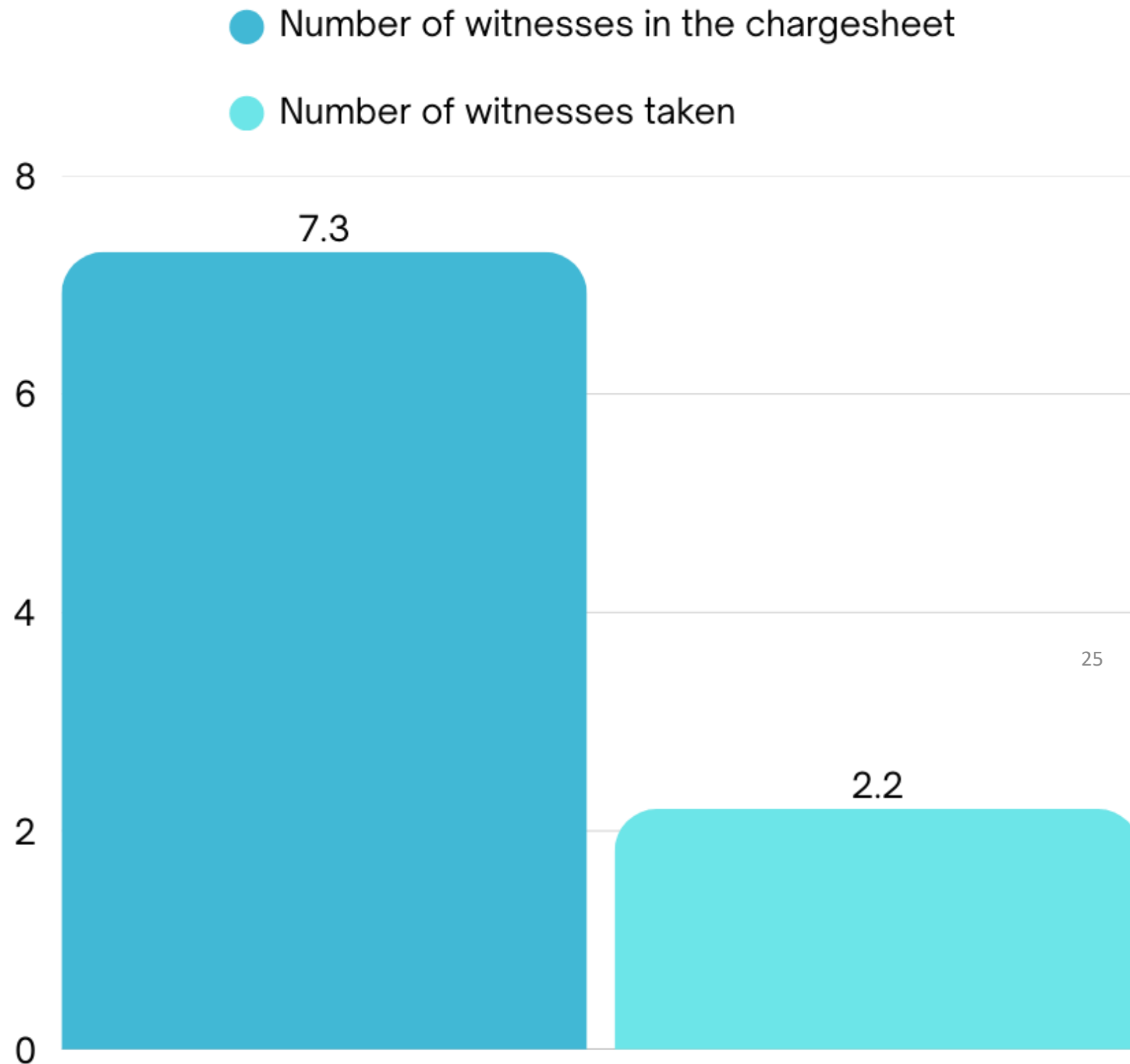
2.2

On Average

1

Minimum Number  
Of Accused

# Analysis Based on Number of Witnesses



**On an Average**

**2.2**

**Witnesses Taken  
Out of**

**7.2**

# Age- Analysis of the victims

**23.95**

**Average Age**

**65**

**Maximum Age-  
Chapainawabganj**

**2**

**Minimum Age-  
Kishorganj**

26

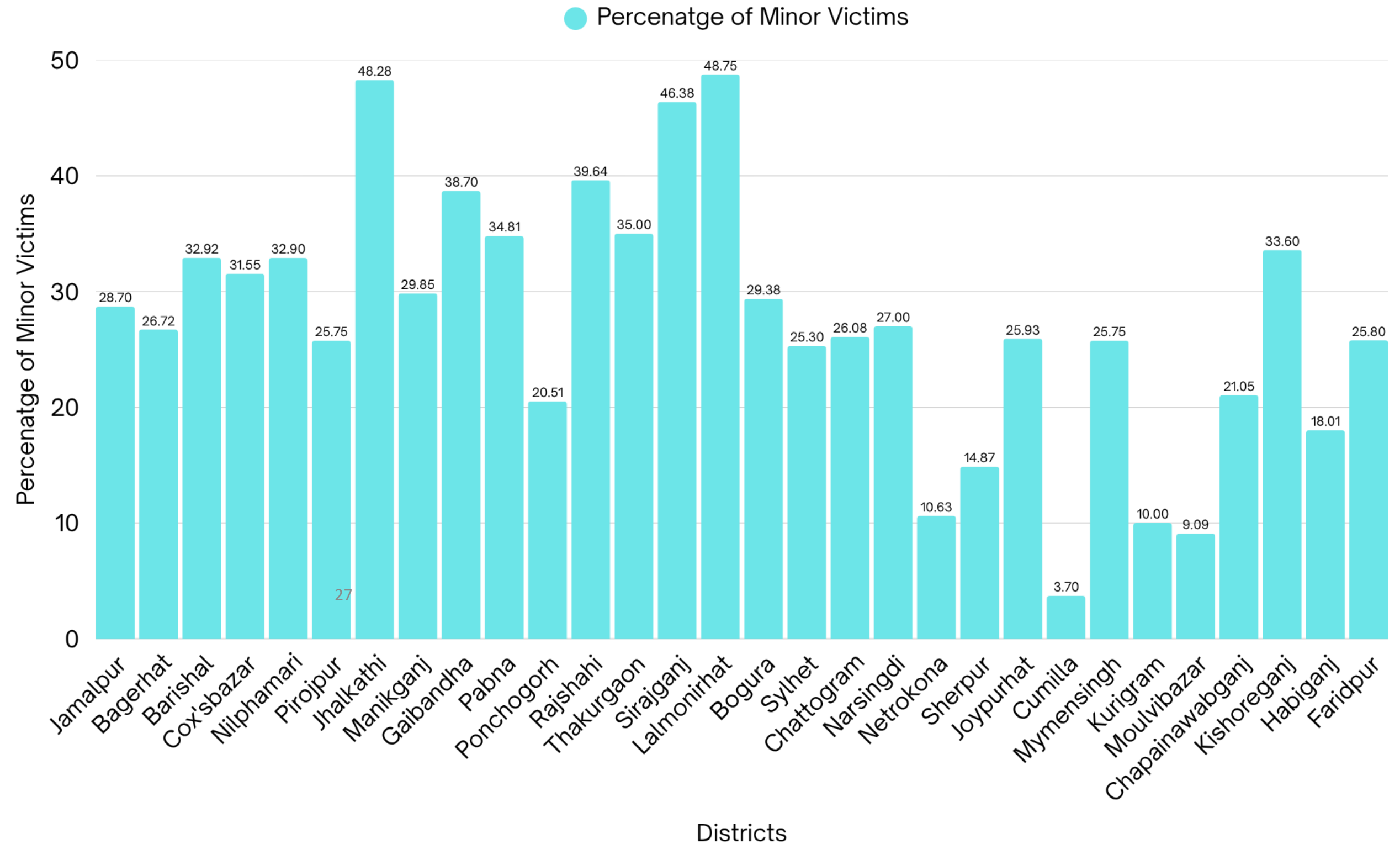
# Age- Analysis of the victims

**1193**

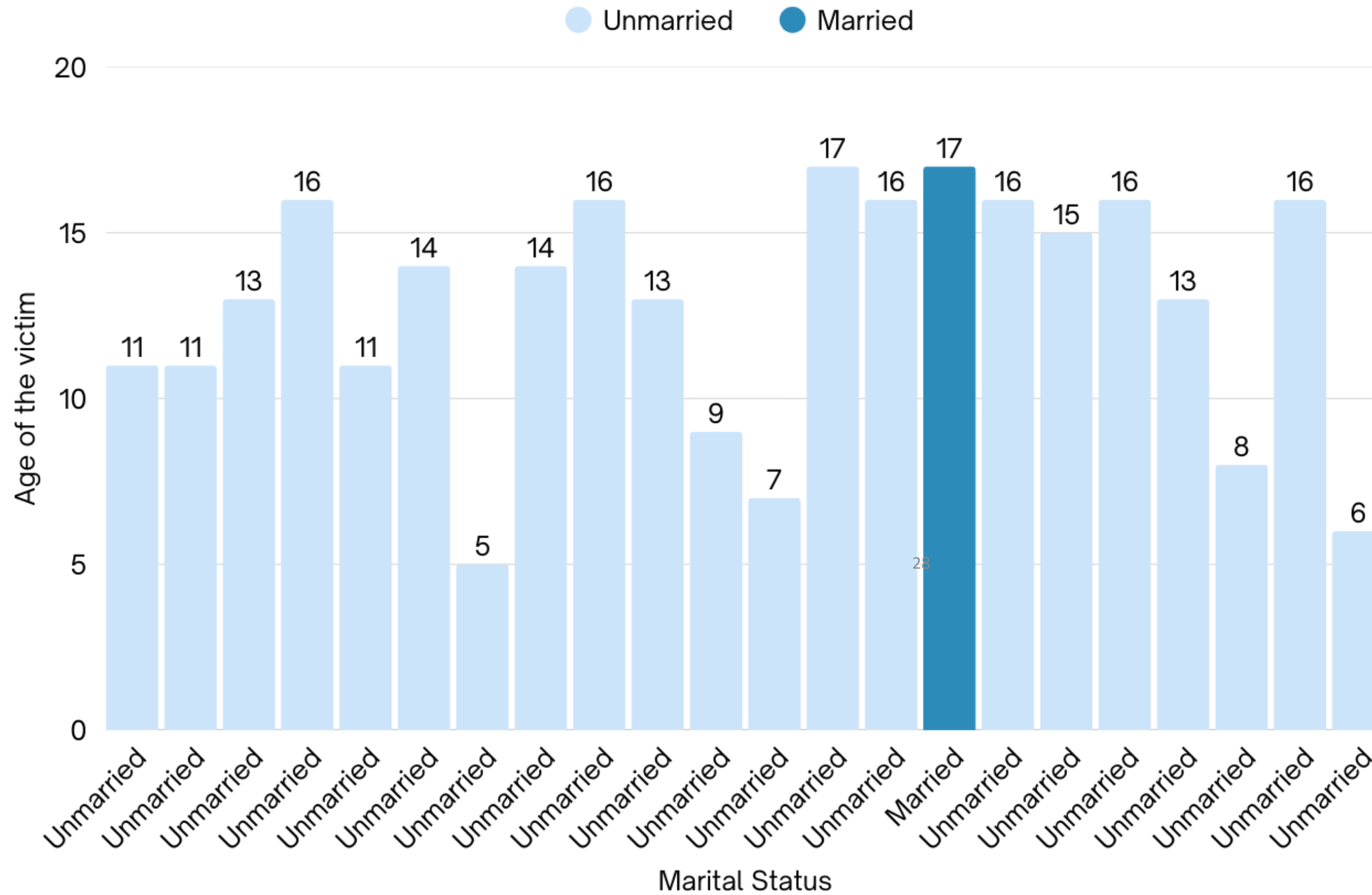
**Total Number of Cases with  
Minor Victims( Age 2-17)**

**29.55**

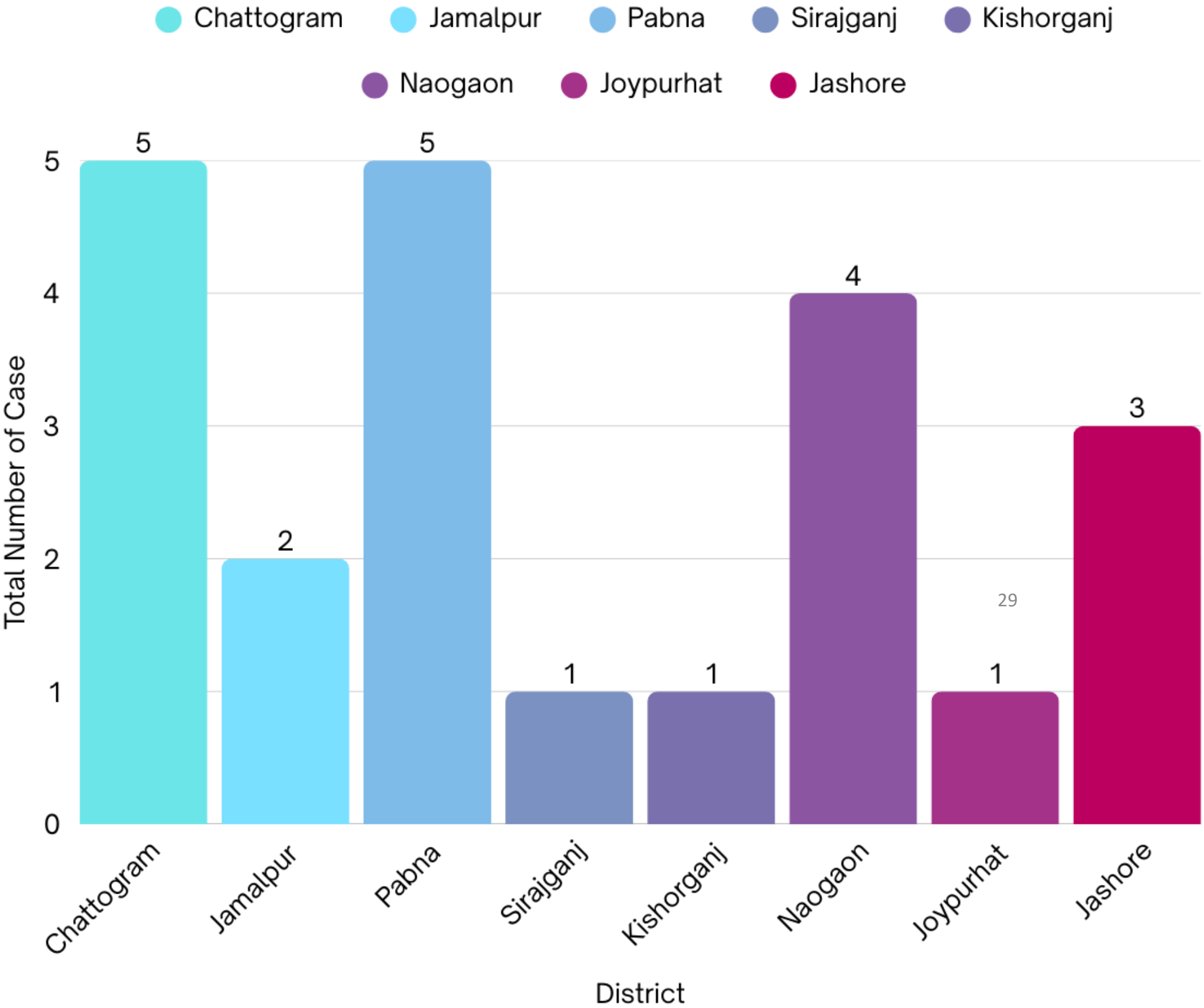
**Average Percentage of  
cases with minor victims**



# Age VS Marital Status Analysis of the Minor victims



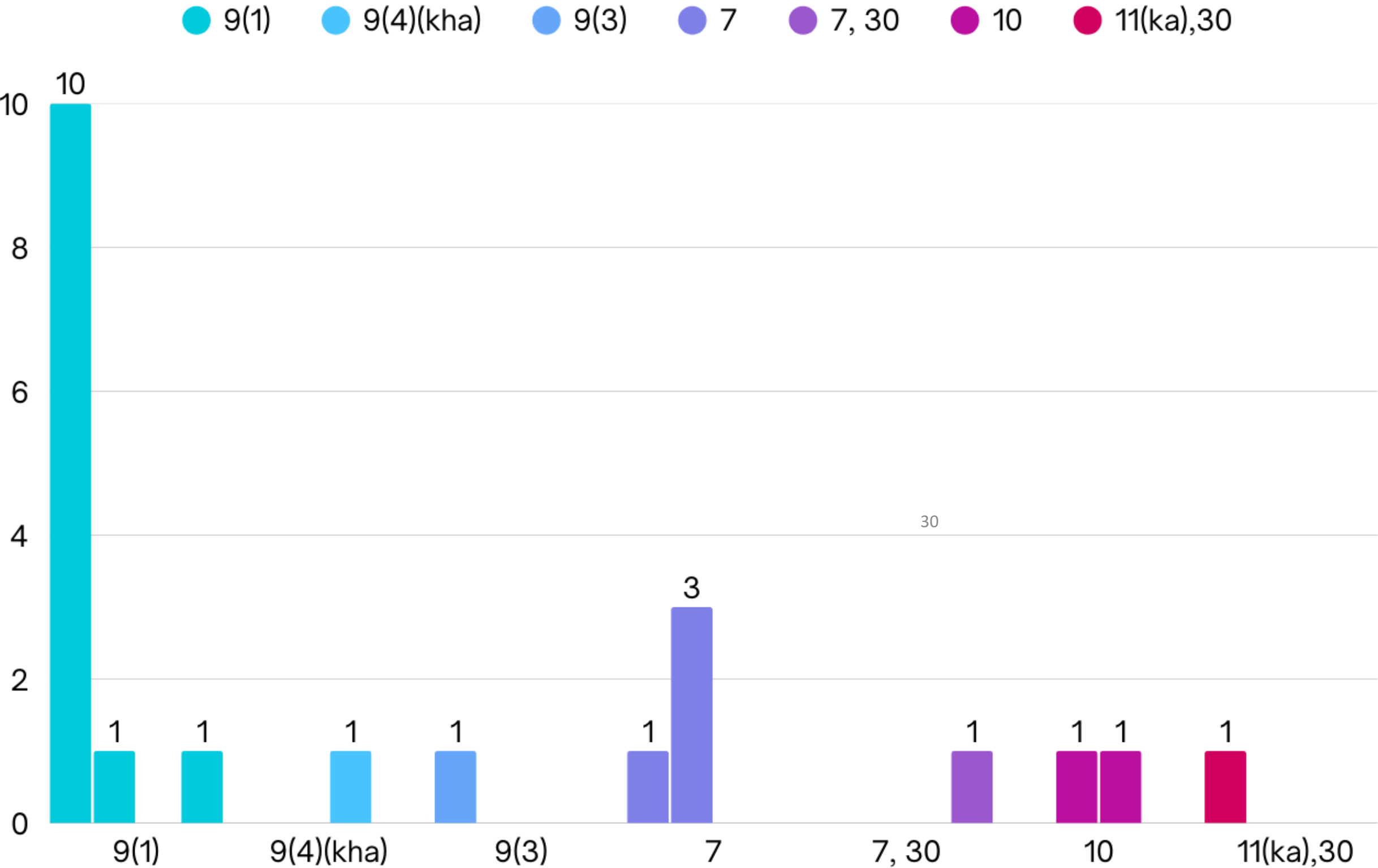
# Age- Analysis of the victims



5

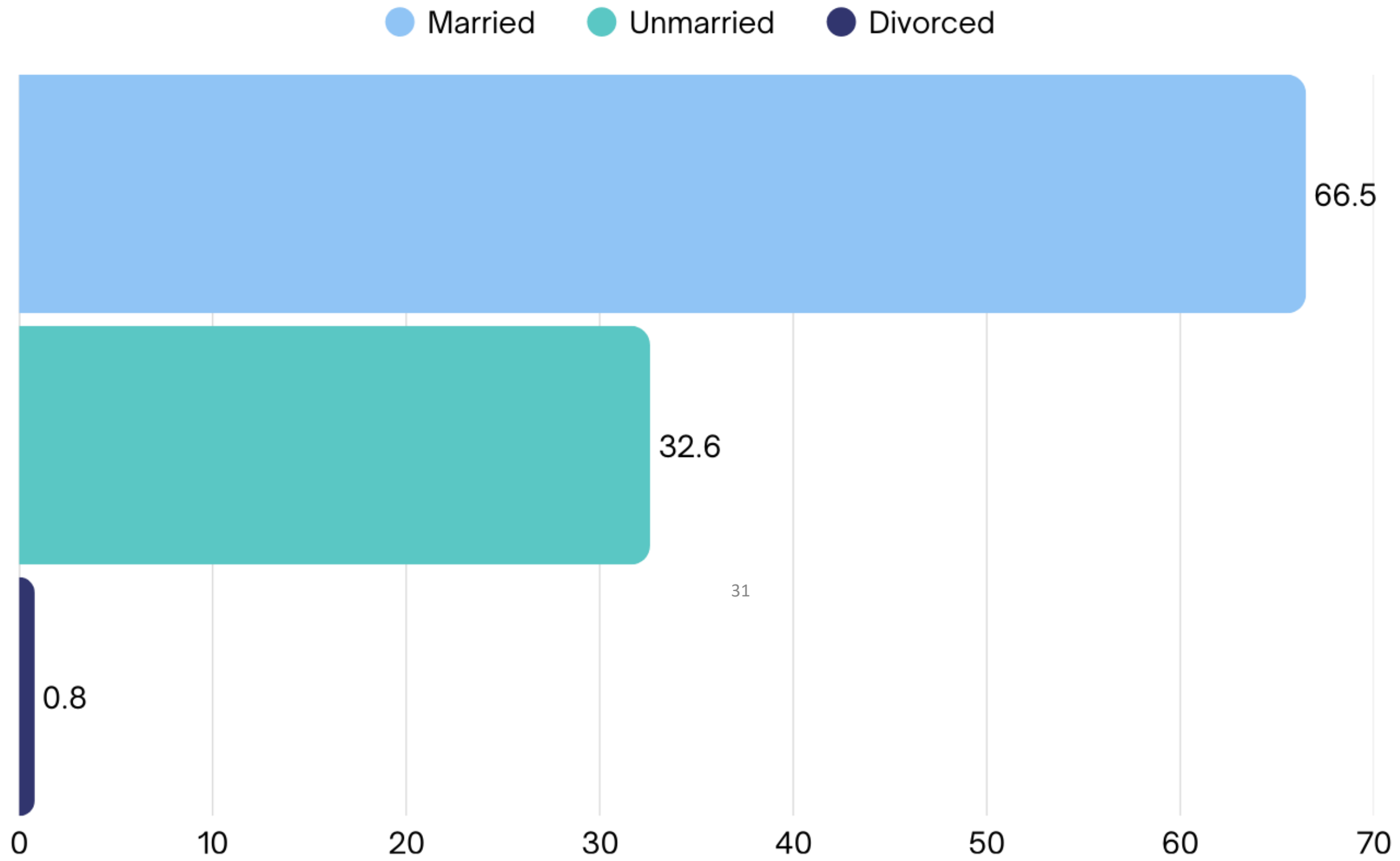
**Chattogram & Pabna** with maximum 5 cases with convictions against cases with **Minor Victims**

# Conviction Type and Sections of Cases against Minors

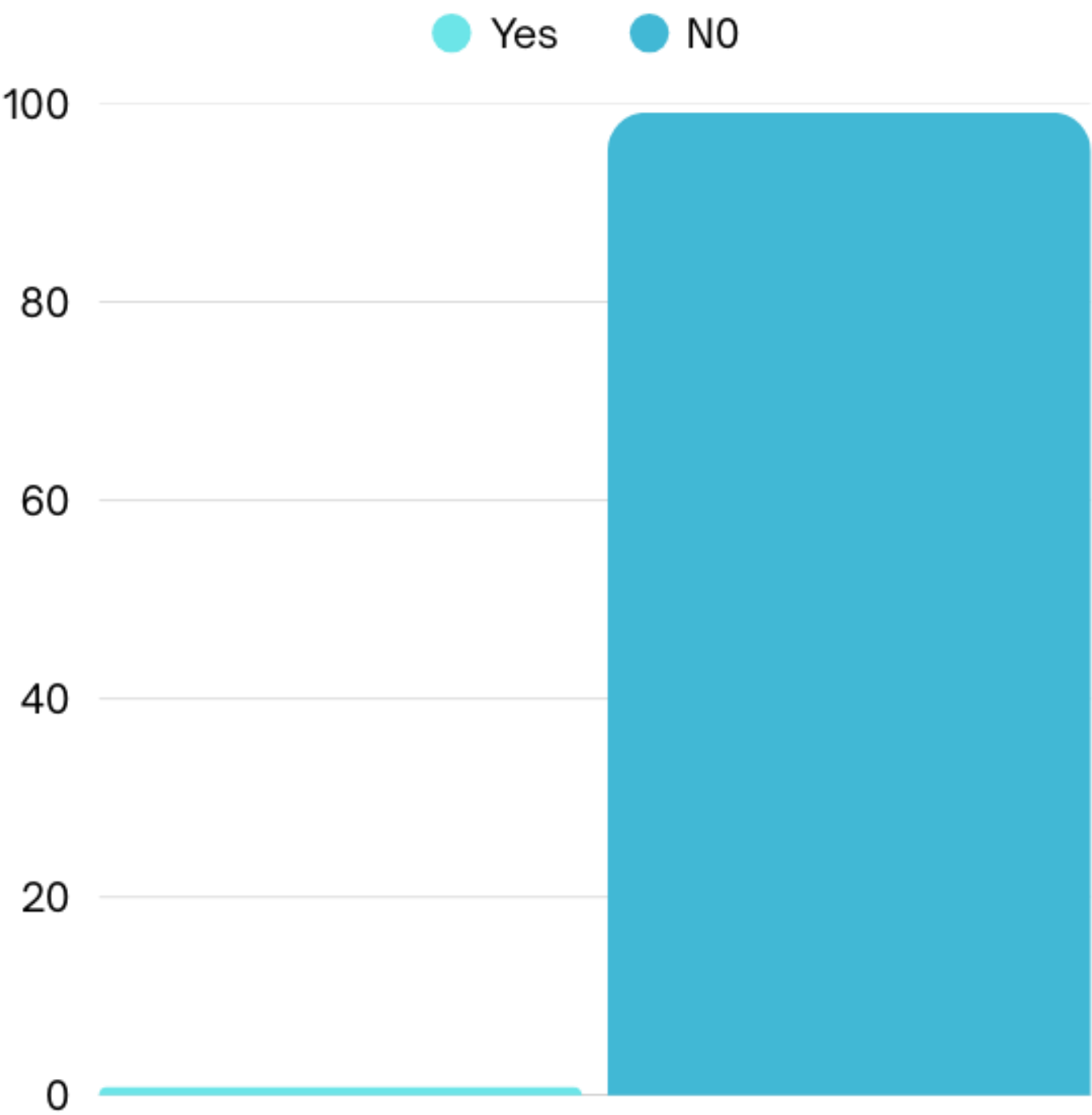


9(1)- 10 Cases  
With Life  
Imprisonment

# Analysis Based on Marital Status(%)



# Disability Comparison(%)

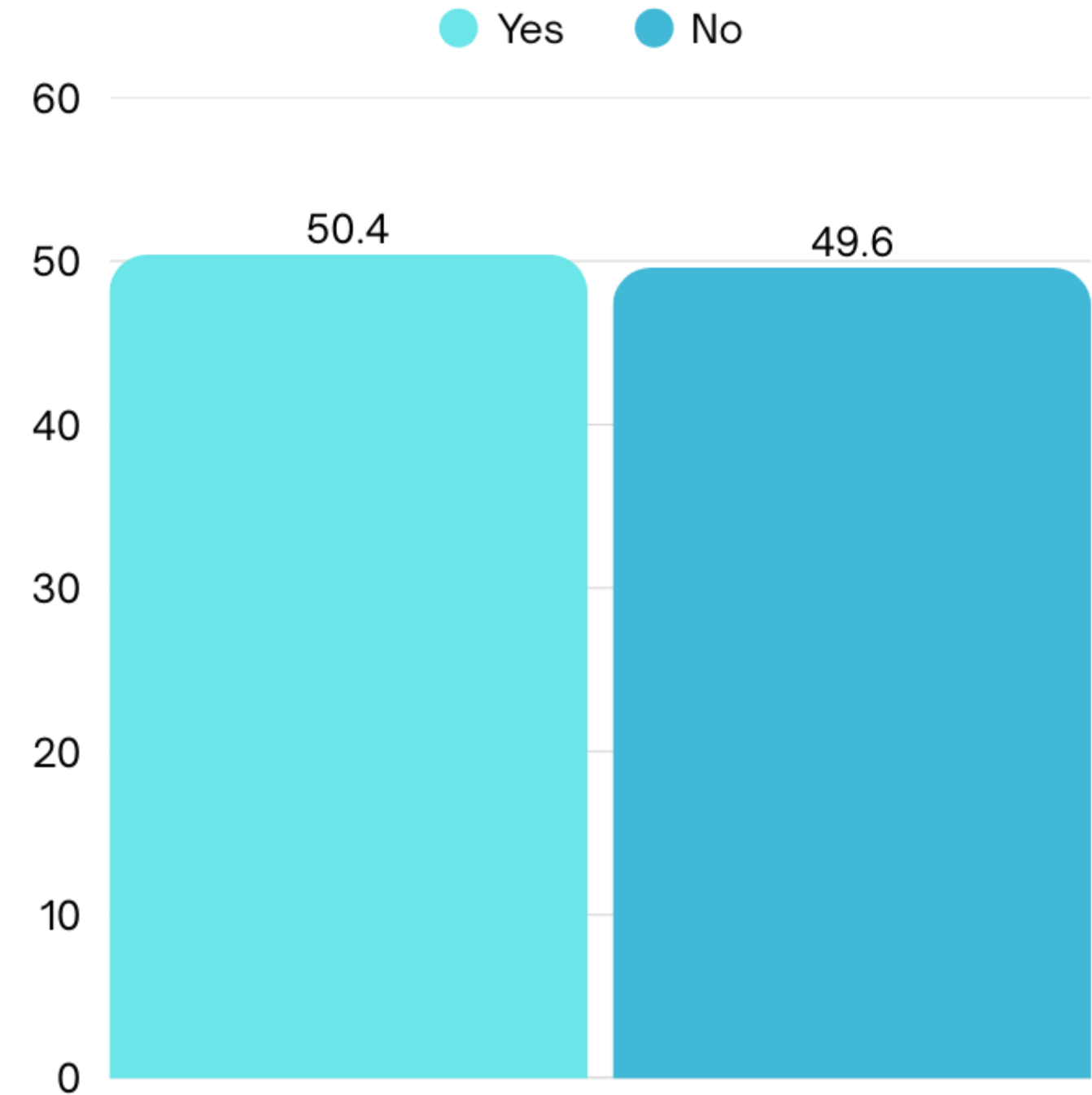


**Yes 0.90**  
**No 99.1**

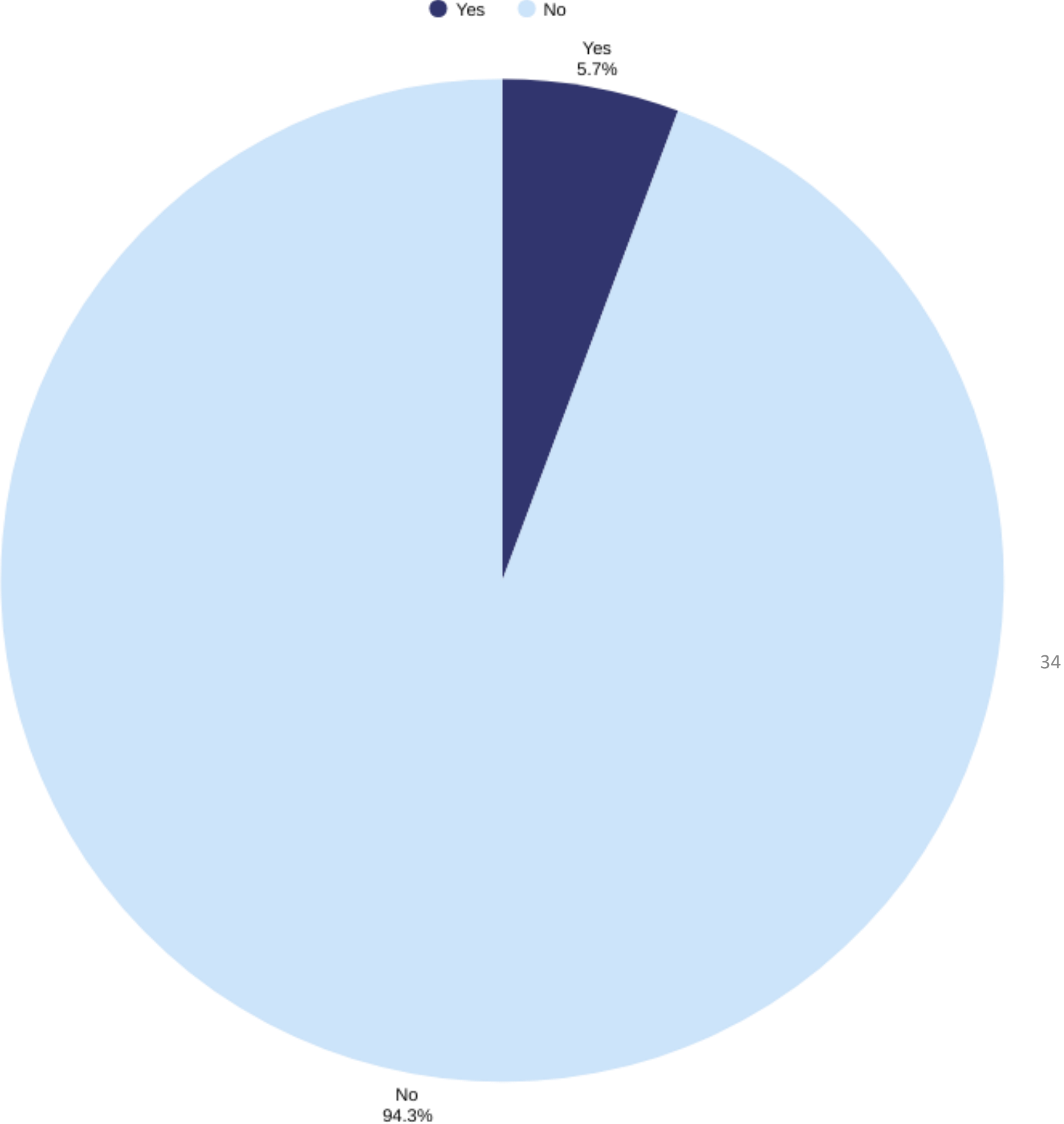
# Analysis Based on Medical Test(%)

**Yes 50.4**  
**No 49.6**

33

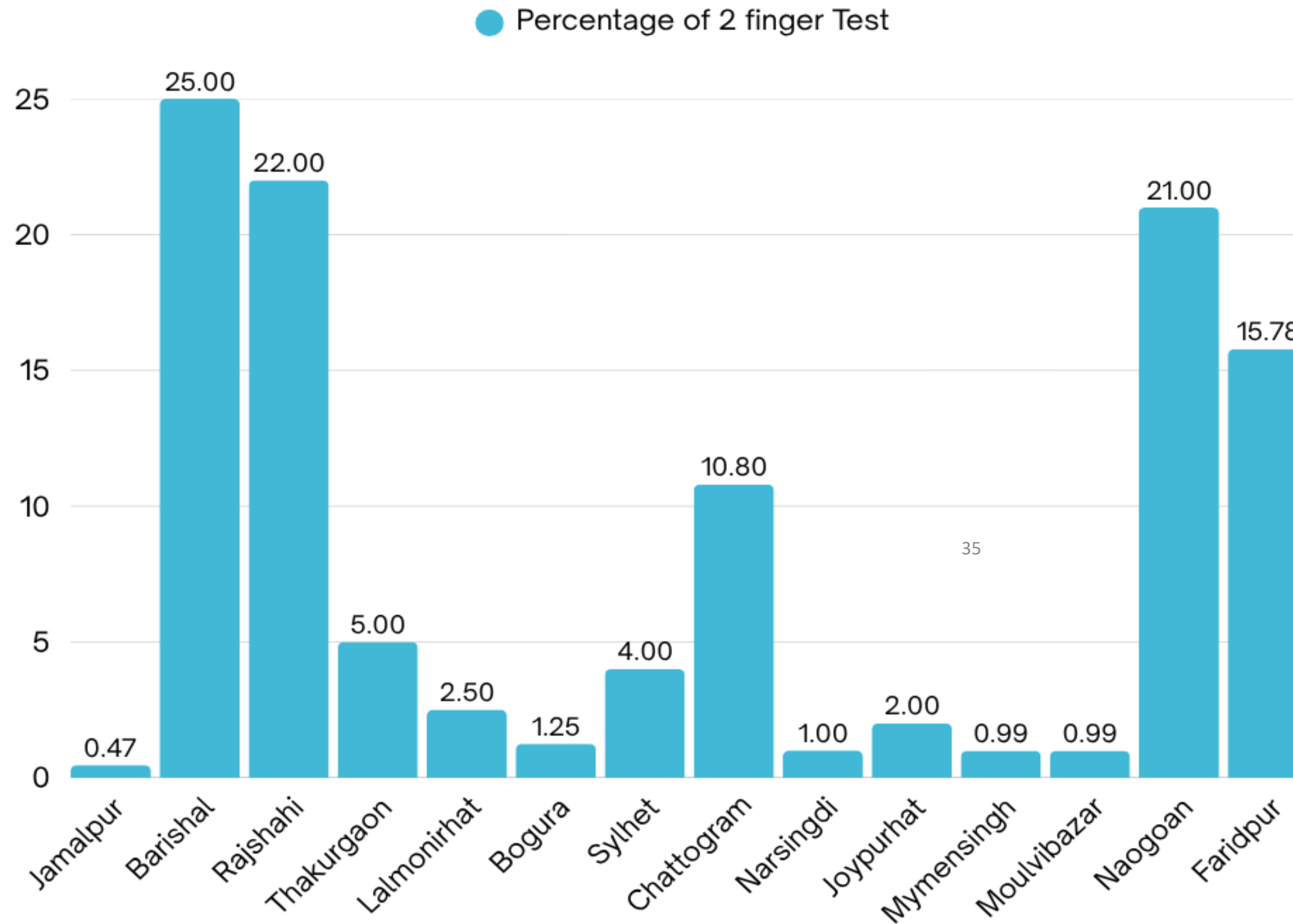


# Analysis Based on DNA Test(%)



**Yes 5.7**  
**No 94.3**

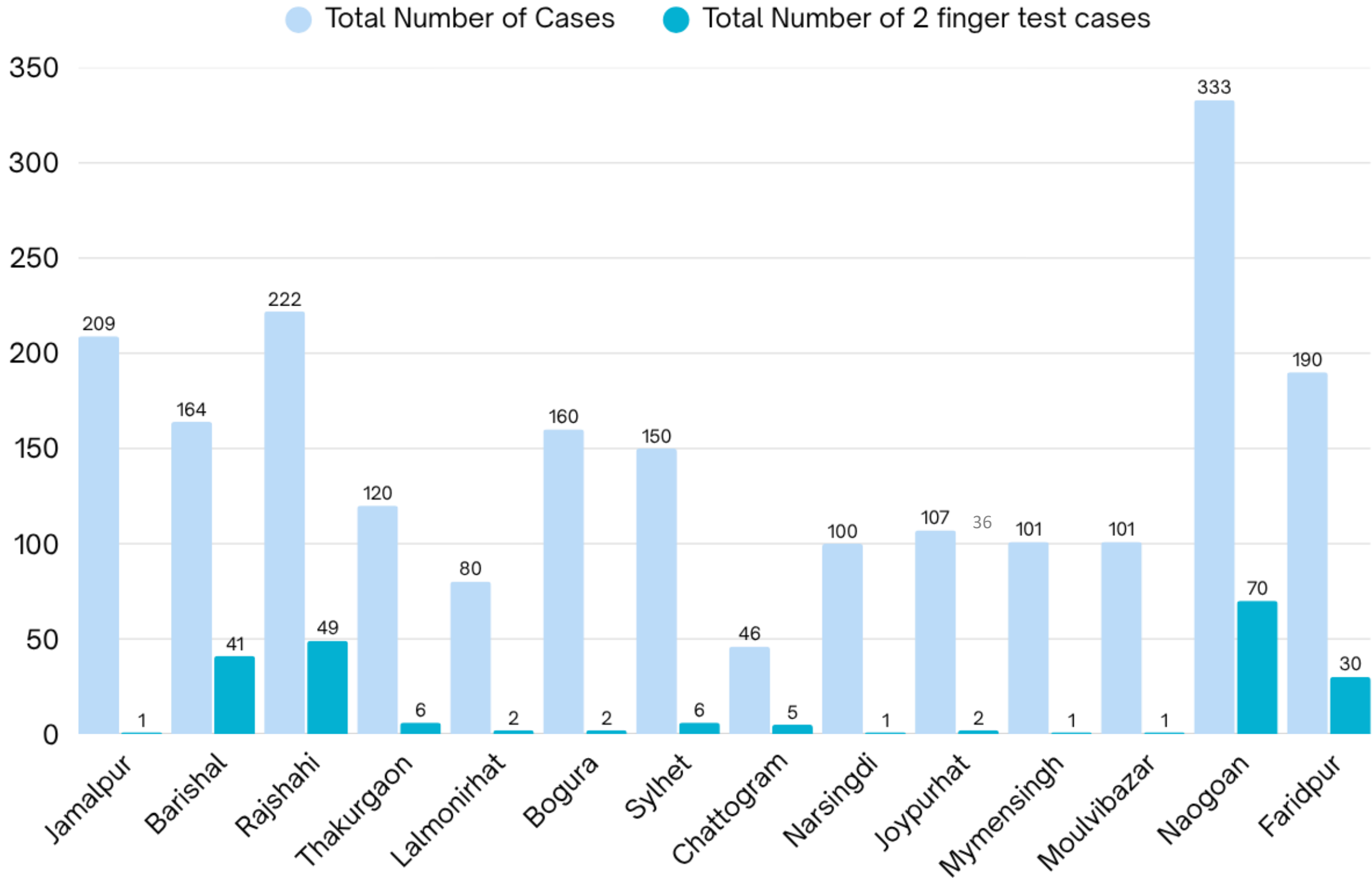
# 2 Finger Test Analysis



**8%**

**On Average,  
amongst 14 districts**

# 2 Finger Test Analysis



**217**  
Cases in total



# Result Analysis- Reasons behind Low Conviction Rate

1. Weakness of Cases
2. Harsh Punishment and Burden of Proof
3. Lack of Tiered Punishment System
4. Lack of sufficient evidence.
5. Delayed filing of cases due to attempts at informal settlement.
6. Lack of timely medical examination leading to loss of evidence.
7. Social stigma and victim-blaming discourage reporting.
8. Parental reluctance in cases involving minors.
9. Political and social pressure to withdraw or settle cases.
10. Inefficient and delayed investigation process due to interference.

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# Result Analysis- Reasons behind Low Conviction Rate (FGD Insights)

- 1.Lack of victim awareness
- 2.Improper forensic testing
- 3.Inadequate witness and victim protection
- 4.Lack of prosecutorial expertise
- 5.Persistent pressure to compromise
- 6.Frequent transfer of Investigating Officer
- 7.Faulty medical report and investigation/inquiry report
- 8.Absence of proactive interference of the judges
- 9.Lack of proper training program on case management for the judges
- 10.Caseload on the tribunals

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# Recommendations Based on the Findings

1. Strengthen capacity of judges, prosecutors, investigators, and forensic officers through continuous training.
2. Ensure effective judicial oversight and timely case management.
3. Promote awareness on legal rights, procedures, and evidence preservation.
4. Ensure rapid reporting, immediate medical/DNA testing, and evidence collection.
5. Establish specialized units and dedicated personnel for handling rape cases.
6. Enforce professional ethics and accountability for prosecutors and defence lawyers.
7. Introduce victim-sensitive measures (female judges, in-camera trials, safe environment).
8. Ensure time-bound, high-quality investigations with accountability for delays.
9. Strengthen forensic systems, including timely examinations and evidence submission.