

## **Women in Legal Profession: A New Dimension in The Empowerment of Women**

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### **Abstract**

*There is a widely held notion in our society that law is a masculine field because a lawyer should have mental alertness, unusual self-confidence, a logical mind and a non-retiring personality. These qualifications, many contend, are not the type of traits normally associated with the feminine personality. Female attributes, such as softness, gentleness and pacifism, just aren't characteristics that make for effective lawyers. But this widely held notion is proved to be wrong as the number of female lawyers and their quality is increasing. Their success in this profession is also encouraging many women's organizations to implement legal programmes to educate women about their rights, to redress grievances, and to change discriminatory legislation and policies. The main purpose of this article is to see the new dimension added by female lawyers in the empowerment of women in Bangladesh.*

**Keywords:** Transformation, Social Change, Gender Inequality, Empowerment, Legal Justice.

### **Introduction**

Throughout the ages women have lived in the “men’s world” saturated by male dominating ideology. Only in recent times there has been a growing awareness among women of many societies about the dysfunctional implication of the underlying injustice and gender based inequity whereby women have perpetually suffered. In fact there is a positive relationship between disempowerment of women and backwardness of any society. “Clearly there can be no sustainable human development, nor any successful population programme, without the full and equal participation of women” (Boutors-Boutors Ghali, 1995; Star Weekend Magazine, March 14, 1997, Page 16).

Though women constitute half (48.5%) of the total population of Bangladesh, a great majority of them are still left out from the mainstream development activities. In spite of the constitutional declaration of equal rights and status for women and men, they are not still regarded as equal. “The things which are good for the world”, said Kazi Nazrul Islam, the national poet of Bangladesh, “half of them have been done by women and half by men.” Nazrul might have been impelled by conscience while observing injustice towards women.

In the last few years, awareness has been growing among the Third World women activists about the role the law plays in supporting the classist, racist, and patriarchal structures of society and thus in upholding and legitimizing women’s social and economic subordination and marginalization in the development process. They have seen how the law functions as an

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instrument of control by promoting or inhibiting access to certain resources while supporting attitudes and behaviours that maintain oppressive social structures and relations.

In Bangladesh, like many other Third World countries, the legal system has been sanctioned by the law of the state and law of the religion. In Bangladesh family matters including marriage, divorce, inheritance and guardianship are regulated by religious laws. Over the years, the interpretation of religious laws as given by religious law-givers has been subjected to scrutiny of the established judiciary of the country and a body of precedents and verdicts has evolved having the force of law. These religious code of precedents and interpretation by the judiciary has been supplemented by laws enacted by the state. But both the forms of law derive their inspiration from the established patriarchy and work to perpetuation and reinforcement of the latter.

Against all odds, women are now entering the legal profession both as practicing lawyers and as magistrates and judicial officers like Judges of Civil and Session Courts. Some of them are also joining the legal literacy and legal aid programmes of different NGOs, private voluntary organizations and activist groups to increase awareness of legal rights and access to justice among women. These changes will help to eliminate discrimination against women and to develop a woman friendly legal system in the long run.

### **Definition of the Empowerment of Women**

Though the term empowerment has no fixed definition, yet it is frequently used to describe a process wherein the powerless or disempowered person gains a greater share of control over resources and decision making. It has also been interpreted as a liberation from the subordinate position of the powerless or disempowered.

Empowerment is the process of generating and building capabilities to exercise control over one's own life. Women's empowerment is a model of gender analysis that traces women's increasing equality by conscientisation, participation and control (INSTREW: 1995, Page 43).

According to Srilatha Batliwala (1994), "*Empowerment is a process which changes existing power relations by addressing itself to the three dimensions: material, human and intellectual resources. It is a process which must challenge and change ideology, the set of ideas, attitudes, beliefs and practices in which gender bias like caste, class, regionalism and communalism are embedded.*"

When defining and understanding female empowerment, power is the central word from which the definition and understanding have to depart. The power structure which is to be intervened to empower women must face a sustainable change.

Chen (1990) described the conceptual framework for women's empowerment. According to him the four dimensions of women's empowerment are: resources, relationships, power and perception. These are defined as follows:

- a. *Resources* – Increased access to material assets, income, employments or social resources in the form of an organized group.
- b. *Relationships* – Improved contractual agreements both explicit and implicit in various types of relation.
- c. *Power* – Increased ability on the part of women to change and control their external environment.
- d. *Perception* – Clear perception on the part of a woman of her own individual interests and values, and to make the others in her family to understand her contribution to family welfare.

Empowerment of women is a process aimed at changing the nature and direction of systematic forces which marginalize women and other disadvantaged sections in a given context (Kumud Sharma, 1991, Page 54). As the outcome of empowerment of women is redistribution of power between genders, it belies the fond hope of many people that women's empowerment should not disempower men.

Atiur Rahman defined empowerment as one type of perseverance to achieve such strength through which woman can establish her control on various assets. He stated that the concept "empowerment" in this sense means conferring power on the women of controlling the wealth and the decision making process.

However, in a common sense, empowerment can be defined as a process of achieving more controlling power to face the questions on existing power and to have control over the sources of power. Empowerment is at the same time a process and the result of the process.

### **Empowerment of Women: Global Perspective**

The industrial revolution, which caused economic and social changes in Europe and brought the age of enlightenment with its egalitarian political emphasis, provided a favourable climate for the rise of feminism, along with other reform movements in the late 18<sup>th</sup> and the 19<sup>th</sup> centuries.

In England, in 1792 Mary Wollstonecraft wrote "Vindication of the Rights of Women" the first major modern feminist work. In France during the French revolution, women's republican clubs pleaded that the goals of liberty, equality and fellowship should apply to all, regardless of sex.

In the 1960s changing economic, demographic, and social patterns encouraged a resuscitation of feminism. Soaring adult life expectancy, lower infant mortality rates and the availability of the birth control pill (after 1960) gave women greater freedom from child-care responsibilities. New Communist governments, after wars and revolutions in Russia (1917) and China (1949), discouraged the patriarchal family system and supported gender equality, including birth control.

The women's rights movement has made some progress elsewhere in the world. The United Nations Commission for Women was set up in the year 1946 to establish political, educational, social and economic rights of women and to make recommendations for the development of

women. Since 1946, various steps were taken within the UN system to eliminate discrimination against women and improve their status. World conferences on women held in Mexico City (1975) and Nairobi (1985), have contributed to the building of awareness about the need for reforms for the advancement of women. In 1979, the General Assembly adopted the convention for the elimination of all forms of discrimination against women (CEDAW).

The General Assembly proclaimed the year 1975 as ‘International Women’s Year’ to promote equality of men and women, to ensure the full integration of women in development efforts and to increase women’s contribution to strengthen world peace.

Major conferences that were held in this context are the 1994 International Conference on Population and Development (ICPD) in Cairo, the 1995 world summit for social development in Copenhagen and the 1995 fourth world conference on women in Beijing. Especially the ICPD Cairo 1994 emphasized empowerment of women for population and development approaches. The Beijing conference of women in 1995 recognized in its agenda for women’s empowerment that in the past decade the status of women has improved but “inequalities between women and men have persisted and major obstacles remain”. The platform reaffirmed that among other things women’s empowerment and full equal participation in all spheres of society, including decision-making and the exercise of power, “are fundamental for the achievement of equality, development and peace”(Empowerment of Women: Nairobi to Beijing, Pages 7-8).

### **Empowerment of Women: Bangladesh Perspective**

The movement for the emancipation of Muslim women in Bengal started in the 1920s. The emancipation of women was closely associated with the modernist movement amongst the Muslims, and it received sympathy and support from the modernist men. In the twenties and thirties, the movement was mainly concerned with the advocacy of women’s literacy, and did not raise questions about employment opportunities or equal status of women. These questions came up only at the later phase of the movement (Women For Women, 1975, Page 21).

The movement for women’s emancipation was started by a woman from a traditional, landlord family who was married to a “modernist” civil servant. Rokeya Sakhawat Hussain (1880-1932) was the pioneer of the women’s emancipation movement. She established the first Muslim girls’ school in Calcutta which started with eight students in 1911. For twenty years she worked in the school in spite of bitter criticisms from orthodox Muslims. She also established a women’s organization, *Anjuman-e-Khawateen-Islam*, in 1916 which was essentially meant to draw out the Muslim women from traditional families.

After Rokeya’s death in 1932, in the thirties and forties, there was a small group of Muslim literary women who did write occasional pieces on women, but these women served more as models for women’s emancipation than as active participants in a movement.

The 1947 partition of India and Bengal marked a radical change in women’s status and role. Muslim women substituted Hindu women in all the women’s organizations in this phase. During

this period a large number of women were emancipated, but their emancipation was the result of the general process of modernization and not due to any recognizable movement started by the women (Women For Women, 1975, Page 23).

After achieving independence in 1971, Bangladesh has been following policies and programmes for the development of women. The International Year (1975) and the UN Decade for Women (1976-85) provided a framework for goal-oriented programmes for women development in Bangladesh. The Government created Bangladesh National Women's Association (BJMS) in 1976 and the Ministry of Women Affairs in 1978. The fourth five year plan, for the first time, incorporated the concept of 'women in development' (WID) in the macro-economic framework of the plan with a multidimensional thrust to mainstream women in the development activities.

In 1995, the Government formed a National Council for Women Development (NCWD). A draft outline of the National Plan for Action was also prepared on the Beijing Declaration and the platform for action in 1996 for 'Beijing Follow-up'.

Since early 1996, the Beijing follow-up process has started in Bangladesh in both public and NGO sectors. The Government of Bangladesh has set up a Task Force, a core group and Sectoral Needs Assessment Teams (SNAT) to assess gender needs in the economic and social sectors in the light of the PFA priorities and to prepare a concrete National Plan for Action based on the findings of these sectoral studies.

### **Law as an Instrument of Women's Empowerment**

The negative impact of gender and class based development approaches was for the first time exposed with unprecedented clarity in the International Women's Conference in Mexico in 1975. The participants were stunned at the degree of misconception surrounding the portrayal of women's role and position in the family as well as in the society and their lack of access to resources. It was also shown, through various presentations, how patriarchal attitude continued to influence the definition of gender relations at every level seriously thwarting the development process.

One of the major achievements made by this exposure was that a redefinition of the development paradigms was attempted to accommodate the women's perspectives acknowledging the importance of consulting the interests and needs of both women and men about improving the quality of life for all. Law, at this point emerged as one of the instruments for empowering women and also the poor, which has the potential to instill in them a sense of self-determination. Introduction of law in women and development acquired a very important place in both national and international agenda. For, while many acknowledged the importance of increasing and enhancing the economic role of women, emphasis was also given to the thought that for women to have a central role in the development process, the status and position of women have to be considered within the socio-cultural norms and practices of the concerned societies.

This idea was elaborated in one of the statements in the Bangladesh Country Project Proposal of the “Women and Law” research program saying that “any plan to bring women into a central focus of development must include necessary measures to change the structures and process of gender inequality which are embedded in the socio-cultural norms of these societies. The legal system within which the rights and responsibilities of individuals are defined and protected, provide the formal framework for perpetrating the gender-biased norms and practices”. In fact, law is an institution that intervenes in all the sectors of life like education, employment, health, reproductive behaviour. Most importantly, the personal law based on religion, regulates the details of everyday life, through written or unwritten codes which directly impact the people’s social, economic, political and personal responsibilities and rights. Thus, when dealing with laws one is not dealing with the legal rights in the personal spheres only as it seems to indicate, rather one is dealing with the legal rights in the broader context as well as with the relationship of the individual with the immediate socio-economic and political setting in which one functions. It has to be, therefore, borne in mind that, “women’s struggle for equality and justice are not peripheral to development but, in many ways, measure the quality of development unfolding in their societies. They are part of the larger search for general social justice” (Schuler 1986, Page 62).

According to various studies on women conducted by Shamim Hamid (1996), Salma Khan (1998), Taslima Monsoor (1999) and Saira Rahman Khan (2001), the previous decade has seen increased participation of women in public life challenging and changing the traditional values and gender roles. Yet there are evidences of widespread discrimination, exploitation and violation of women’s human rights everywhere. The subordinate position of women and their role to carry the routine daily burdens of life – which derives from social and economic conditions – are defined natural. In doing so, patriarchy uses ideological instruments – religious, cultural or traditional–failing which it uses direct violence in different forms – social and legal. Women, the world over are deprived of nutrition, health care, education, employment, adequate compensations for their labour as well as their social and political contributions. They are not allowed to work if the family does not need their money. These are not identified as violation of their rights.

In Bangladesh, it is very encouraging to see women are coming out of their homes and asserting their role in the various fields including the highest political parties. We also see examples of extreme violence like acid throwing, rape, rape-related murders, dowry deaths, harassment at work places, forced prostitution and trafficking to name only a few are being committed against women. Though the Constitution of Bangladesh guarantees equal status and rights to all citizens irrespective of class, sect, religion and sex, yet prevalence of family laws based on religions creates, legitimizes and perpetuates discrimination and inequality between sexes of the same religious community and also between women belonging to different religions. In matters of marriage, divorce, custody, guardianship, maintenance and inheritance, women are deprived of equal rights and in fact, under the principle of protection, the patriarchal system of women’s dependency on men is reinforced. This provided men with the authority to control women and the right to warn and discipline them if and when “necessary”. Violence against women within the family, thus, is not considered violation of a woman’s basic dignity and human rights. The recent cases of *fatwas* driving several women to death are examples of such social sanctions.

Motivated by the realization that women need to be equipped by law to combat the barriers at various levels, women are now taking the legal profession more seriously. As a result of it, a significant number of NGOs, private voluntary development organizations, activist groups and also the government through its Ministry of Women's Affairs, initiated legal literacy and legal aid programmes. Depending on the need of the people concerned, these programmes ranged from providing simple legal information, counseling, conducting legal clinics, organizing mediation and *salish*, offering assistance in actual litigation in terms of filing cases and pleading. The basic aim of these legal literacy and legal aid programmes is to increase awareness of legal rights among women.

For the purpose of this article, I had interviewed 30 practicing female lawyers (later on respondents) of the High Court Division of Bangladesh Supreme Court from October 01 to November 30, 2009. All the respondents shared the same view that these legal aid activities have shown remarkable success in creating a sense of solidarity among women. Individually they try to help whenever they can. These include taking nominal fees for filing a case, no consultation fee for counseling and help them to find a way in case of threats from the defendants to withdraw the case. But at the same time they all agree on the point that it becomes easier for an organization to help the distressed. According to them three organizations, namely Ain-O-Salish Kendro (ASK), Bangladesh National Woman Lawyers' Association (BNWLA) and Bangladesh Legal Aid and Services Trust (BLAST), are doing commendable job in this field. In 1999, 107 women and children were rescued and released through the BNWLA. A total of 116 women and children were repatriated from India, Pakistan and the Middle East. 107 of them were given shelter and the rest were handed over to the family or rehabilitated through marriage, employment, etc. During 2000, 100 women and children were rescued from brothels, jails, police stations, safe custody, etc. As many as 80 women from the shelter homes were rehabilitated through reintegration processes – reunited with families, given employment, married off, etc.

Under the project relating to acid burn survivors, the BNWLA has investigated 52 incidents of acid throwing and provided psychological counseling to 47 survivors. Four of the said survivors have filed a petition, along with BNWLA, in the High Court Division of the Supreme Court against the Ministry of Home Affairs and the Ministry of Law, Justice and Parliamentary Affairs and obtained a *rule nisi* to control the easy availability of acid and rehabilitate and provide special treatment for acid burn survivors.

Some of the respondents have worked under these organizations at various levels as part-timers. Those who are not yet involved, are looking forward to participate in the future. They feel that with the active co-ordination of both individual and organizational practices, they can change the nature of the substantive laws as well as procedural practices and finally the attitude of the society which delegates women a subordinate position in relation to men.

### **Poverty and Access to Justice and the Role of Female Lawyers**

Access to justice is a fundamental right of every citizen and is enshrined in the Constitution of the People's Republic of Bangladesh, which confirms that the Republic shall be a democracy in which the fundamental human rights and freedoms and respect for the dignity worth of human person shall be guaranteed (Article-11). According to Article 27 of the Constitution of the People's Republic of Bangladesh, "All citizens are equal before law and are entitled to equal protection of law". On the other hand Article 28(1) reads, "The state shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth". But in our legal framework there are many discriminative laws intermeshed directly and indirectly in our laws. We have not much information about the number of women rendered largely disadvantaged on account of it. Justice Nasir Aslam Zahid of Pakistan says, "It gives me a new experience when from gender point of view, I scrutinized those laws that I had studied as a lawyer for the last few decades and administered justice. The discrimination, which is clear, is easy to identify, but it is very hard to identify what we approve as rights in our subconscious mind – the foundation of inequality intermeshed within our social manners and customs. As for example, some labour acts to keep women as workers and get some disapproving women's rights for abortion, and snatching their fundamental rights" (Manir Talukder, 2000: Gender-Conscious Justice. Unnayan Podokkhep, Vol.5. No.2, April-June).

The right of protection of law is the gate-way for access to justice and that is guaranteed by the Constitution. The Code of Civil Procedure and the Code of Criminal Procedure are the procedural laws for approaching a Court of Law for justice. Those Codes have laid down the mode in which the Courts are to exercise their respective jurisdictions. Access to Court of Law is open to all, however such access is to be availed following the provisions of law and rules made there-under. Though it appears that access to justice is simple, yet in practice it is not so. It is indeed a fact that the access to justice is normally available to the resourceful persons, in as much as in order to have access to justice one must have the means, which include money. There are provisions to approach a Court of Law by any aggrieved person even personally i.e. without appointing an advocate, but such aggrieved person, normally, not being educated or equipped with the technicalities of law and procedure involved in a proceeding or a case in a court of law, requires to appoint Advocate, which, however, saves valuable time of the court. Appointment of such advocates involves finance. In exceptional cases the service of a good lawyer is available free of fees. Apart from lawyer's fees, other costs and expenses required to be made in conducting a court case, now-a-days, is not insignificant. Thus the poorer section of the society do not have the access to justice easily, though guaranteed by our Constitution. In reality poverty plays a vital role as "rock block" in the way of access to justice.

In the words of Justice Bhagwati [in the case of *Neeraja Chaudhury vs. State M.P.*, reported in AIR 1984 (SC) 1099], poverty is a curse inflicted on large masses of people by our malfunctioning socio-economic structure and it has the disastrous effect of corroding the soul and sapping the moral fibre of a human being by robbing him of all basic human dignity and destroying in him the higher values and the finer susceptibilities which go to make up this wonderful creation of God upon earth, namely, man and poverty does not mean mere inability to



buy the basic necessities of life but it goes much deeper, it deprives a man of all opportunities of education and advancement and increases a thousand-fold his vulnerability to misfortunes which come to him all too often and which he is not able to withstand on account of lack of social and material resources and that we, who have not experienced poverty and hunger, want and destitution, do talk platitudinously of freedom and liberty, but these words have no meaning for a person who has not even a square meal per day, hardly a roof over his head and scarcely one piece of cloth to cover his shame.

In order to have access to justice one must know about one's rights and the remedies to the wrong done to one as well as the forum for remedy therefore. For example let us think about a train available for free ride. Now in order to avail such free ride one has to know which train has been made available for free ride, and from where and when such train is available and accordingly if one can reach such train in time, then only one can enjoy the free ride, otherwise the availability of such free ride is meaningless. Similarly poverty ridden persons in our country are, normally, not aware of their rights and for that matter of the relief(s) they are entitled to and this is due to lack of education, a resultant of poverty, and even if such persons are made aware of their rights and the forum from which they are entitled to get relief, yet because of financial constraint they cannot enter even the gate of justice.

The scenario is even worse for the women in our country. There is a good number of NGOs who have successfully initiated different programmes for economic upliftment of the women. Along with those programmes, some are now trying to help the poverty-ridden women to get justice as in most of the cases they are being deprived of their fundamental rights which are enshrined in the Constitution of the People's Republic of Bangladesh. As a result of these awareness programmes, the women are now filing cases to realize their various rights according to law. But because of their poverty, they are unable to go before the higher courts and accordingly are being deprived of justice. In this situation, the female lawyers are helping their fellow sisters to get out of this mess. This article reveals that all the respondents are well aware of the socio-legal status of the women in our country especially the poor ones. As women, they can share the feelings of women who have been denied their access to justice. In case of problems like conjugal rights, maintenance for the neglected and oppressed women, divorce and the like, rape, acid throwing, female trafficking, etc. the female lawyers are preferred by the victims. Though the male members of the victim's family do not feel comfortable to rely upon a female lawyer, competitive performance by female lawyers is changing their attitude.

This article also finds that female lawyers along with the NGOs like Ain-O-Salish Kendro (ASK), Bangladesh National Woman Lawyers' Association (BNWLA), and Bangladesh Legal Aid and Services Trust (BLAST), have made it possible to get justice from the Supreme Court (both Appellate Division and High Court Division) of Bangladesh for a large number of poverty-ridden women. The cases of sex-workers are noteworthy.

### **Role of Female Lawyers in the Realization of Women's Rights**

In spite of being one of the poorest, backward and dependent countries of the Third World and South Asia, Bangladesh is a non-aligned free and democratic country. Therefore, the urge to live with dignity is irresistible in the women of this country. Not only in the past, but even during the present times, the inequality between men and women seems to be limitless. Women are being denied the rights of human beings and citizens. This is a very sad state of affairs. It is said that not only women but 80-90 percent of the poor, backward, toiling people live a sub-standard life. It is true. But the life of women is worse than that of men. Just because they are women, they have to bear greater hardship than the men belonging to the same socio-economic level.

Even though the Constitution proclaims equal rights, there are many hindrances women have to face in day to day activities. The discrimination against mother's right over children under Family Laws, acceptance of multiple marriages of man, discrimination in inheritance, imposition of all responsibilities of birth control over women's bodies, in some cases, toward the new generation are some of the concerns. Though these are against the tenets set by the Constitution, yet the government, the political parties, the judiciary etc. are not taking measures to stop these.

The equal rights of women in all walks of life (social, economic, political, cultural) as enshrined in the Constitution have to be established legally. That is why it is necessary to amend the laws which are adverse to fundamental constitutional rights and replace them with the new ones. Female lawyers are playing a constructive role in this field. They have been able to brought about the laws, ordinances, acts like the Dowry Prohibition Act 1980, Family Courts Ordinance 1985, Cruelty to Women (Deterrent) Punishment Act 1993 and the Amendments to some of these laws to facilitate easier access of women to justice.

Regarding the crime of rape, the respondents stated that when a victim of rape goes to the police to complain, the first impression the police have of her is that of a woman of ill repute or that she is a prostitute. The women are often treated rudely, with suspicion and as if the rape was due to some fault of theirs. After that the police ask the victim for every intimate detail of the crime, thus violating the victim a second time. Some police even turn lecherous and violate the victim in the 'safe custody cells' of the jail. They further added that medical examinations were usually carried out by male doctors. Due to this, many victims refused to be examined or refrained from complaining. This makes the crime harder to prove. As a result, women shrink away from seeking redress. In order to change this attitude, the respondents are advocating to establish a 'Rape Victim Crisis Centre' under the provision of various human rights and women's rights organisations which will act as shelter homes for victims.

In case of domestic violence, if a woman goes to the police to complain, the police attach little importance to it. When they do file such a case, they do so under the Penal Code provisions of 'hurt' or 'grievous hurt' (depending on the severity of the incident), and not under provisions of the Nari O Shishu Nirjaton Domon Ain 2000. Furthermore, when a complainant seeks to file a First Information Report at the thana, the police only make a General Diary entry and skip important facts. This makes filing and even proving a case in court difficult. Again, if a woman,

who has been thrown out of her husband's house, goes to the police to seek custody of her child/children, the police intervene by saying that the child/children are in their rightful place with their father. That is why they feel that a separate Domestic Violence Act is needed into the statute of Bangladesh. This will enable those seeking redress to pinpoint and specify the particular abuse they are facing when filing a case. This will also recognize domestic violence as a legal offence rather than a mere social transgression.

Because of the continuous pressure from the female lawyers and different organisations, for the first time, sexual harassment has been made a criminal offence punishable by law under the provisions of Nari O Shishu Nirjaton Domon Ain 2000. Section 10(2) of this Act states: "Any man who, in order to satisfy his lust in an improper manner, outrages the modesty of a woman, or makes obscene gestures, will have engaged in sexual harassment, and for this, the above mentioned male will be sentenced to rigorous imprisonment of not more than seven years and not less than two years and beyond this will be subjected to monetary fines as well." Though the Bangladeshi law is fairly straightforward, and deals with the expression of inappropriate sexual desire and conduct, the suicide of Simi Banu has proved that this law needs some amendments. Because the definition of harassment in the existing law is limited since it focuses entirely on threats that are directly or indirectly of a sexual nature. Most important in this respect, the law assumes implicitly that what is at stake is a women's modesty, presumably sexual modesty. Once normative notions of modesty and femininity are introduced into legislation, potentially dangerous terrain is opened up. Interpretations of what constitutes modesty and "appropriate" female behaviour are highly subjective and the legal protection of modesty can end up limiting rather than expanding women's freedom. That is why they are in favour of modification of the present law.

As for the violence caused by trafficking of women, on behalf of female lawyers as well as other professional groups of the society, three Bangladeshi women's rights non-government organisations submitted a draft 'Regional Convention on Combating Trafficking in Women and Children' at the twelfth SAARC Technical Committee meeting held in Nepal in 1997. The SAARC member states are now working closely to implement the conditions set by the draft to reduce the crime of trafficking.

Another important demand of the women's organisations in Bangladesh is for direct election in the reserved seats for women in Parliament. Although the Constitution provides equal political rights to women, it also curbs their rights indirectly. There is no constitutional bar for women in seeking direct election. But provision has also been made for reserved seats and election through indirect means. Persons belonging to the ruling party alone can actually be nominated for these seats. To realize this demand, the female lawyers along with different like minded women professional groups are holding dialogue with the policymakers, judges, women's organisations, civil society and the mass media in favour of their argument so that the present government fulfills their long cherished demand.

## Conclusion

In world community's search for finding effective ways to improve women's position as regards equality, freedom and rights, empowerment is a method which has been derived amongst others to promote women's position. To empower means to make the women culturally, socially, economically, politically and intellectually more able, practically capable, by employing various corresponding means and by creating conditions for the genuine development of their faculties. It means to enlighten them by education, to make them understand their power and potentials, to make them conscious of their rights, to involve them in various socio-economic and political activities, to involve them in decision making process and also to adopt safeguards against oppression that traditionally looms large over them.

For the empowerment of women, these goals need to be implemented in practice. This type of implementation needs legal protection. Because law plays a critical role in maintaining sexual stratification and in shaping the inferior social and economic position of women in society, functioning as both legitimizer and as regulator. The problem of the inferior legal status of women centres around three key issues:

- a) The laws themselves are often unjust or discriminatory, limiting the rights of women;
- b) The application of the law – even when adequate – is often arbitrary or prejudicial toward women; and
- c) Women tend to be unaware of their own legal status, of the rights they do possess of the effect laws have on them, or even that they are the objects of injustice.

Though Bangladesh is the only country in the world where both the Prime Minister and the leader of the opposition are women, women are still depriving of their basic rights like discrimination in wage, maternity leave, increase in allowance, issuing of appointment letters, compulsory overtime, day-care centres at work place, retrenchment problems, coordination of pay with price of commodities, etc. Different women's organisations, on behalf of women have been protesting against the unequal and undignified position of women. Now with the help of female lawyers, they can confront the problem of the inferior legal status of women as law plays a critical role in this inequity. The importance of women empowerment can easily be ascertained from an old story of "Shiva's Pigeons".

*Once a Mogul King was visiting a part of his realm where he had never been before and found the people living in dark caves. He was horrified at the gloom and ordered every family to be given lamps and oil to light them. Five years later he came again and found the caves still in darkness; the lamps had been broken and forgotten; the oil run out. The king, though annoyed, gave new lamps, more oil, but in another five years when he came back, the caves were dark as ever. This happened five times, and at last in despair the King asked his Vizier for an explanation.*

*"Ah", said the Vizier, who was a wise old man, "you gave the lamps to the men; you should have them given to the women".*

*The King followed the Vizier's advice and the caves have been lit and the lamps kept burning ever since.*

## References

- Sobhan, Salma, *Legal Status of Women in Bangladesh*, Bangladesh Institute of Law and International Affairs, Dacca, 1978.
- Ahmed, Sufia & Chowdhury, Jahanara, *Women's Legal Status in Bangladesh* Women for Women, Dacca, 1979.
- Schuler, Margaret (ed.), *Empowerment and the Law – Strategies of Third World Women*, OEF International, Washington D.C., 1986.
- Islam, Mahmuda, *Whither Women's Studies in Bangladesh?* Women for Women, Dhaka, 1994.
- Empowerment of Women: Nairobi to Beijing (1985-1995)*, Women for Women, Dhaka, 1995.
- Hamid, Shamim, *Why Women Count – Essays on Women in Development in Bangladesh*, UPL, Dhaka, 1996.
- Jahan, Roushan & Islam, Mahmuda, *Violence Against Women in Bangladesh: Analysis and Action*, Women for Women, Dhaka, 1997.
- Monsoor, Taslima, *From Patriarchy to Gender Equity – Family Law and Its Impact on Women in Bangladesh*, UPL, Dhaka, 1999.
- Empowerment*, A Journal of Women for Women, Vol. 6, 1999.
- A Report on Violence Against Women in Bangladesh – 2000*, Bangladesh National Women Lawyers' Association, Dhaka, 2001.
- Rahman, Dr. Mizanur (ed.), *Human Rights and Empowerment*, Empowerment through Law of the Common People, Dhaka, 2001.
- Khan, Saira Rahman, *The Socio-legal Status of Bangali Women in Bangladesh – Implications for Development*, UPL, Dhaka, 2001.