

# Evidence Act: BLAST gives pointers to stop character assassination



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Rights organisation Bangladesh Legal Aid and Services Trust has recommended changes in the Evidence Act that would block the ways in which the character of women are questioned in rape cases.

BLAST, on behalf of Rape Law Reform Coalition comprising 17 rights organisations, handed over proposals to the parliamentary standing committee on law ministry on November 17 last year and on March 10, requesting the latter to bring a bill in the parliament to amend the law.

The organisation said women who bring allegations of rape face derogatory and unnecessary questions about their character and sexual experience at courts because of several provisions of the Evidence Act.

As a result, the women are discouraged from seeking justice while the accused individuals remain out of trial, said the proposals.

BLAST suggested including a subsection to sections 53(A), 146(3) and 150(A) of the act and to repeal section 155(4) of the act.

Mahbuba Akhter, deputy director (advocacy and communications) at BLAST, told The Daily Star yesterday that the organisation will again request the parliamentary committee to place a bill on the amendments suggested by BLAST.

Contacted, Shahiduzzaman Sarker, chairman of the parliamentary standing committee on law ministry, said the committee was yet to analyse the suggestions.

"The cabinet has already approved in principle the Evidence (Amendment) Act 2022. We will study and discuss the suggestions made by BLAST when we have an official meeting. If the suggestions are relevant, we will include them in the amendment bill," he said.

The committee will hold a meeting on this issue before the next parliament session.

Law Minister Anisul Huq earlier told The Daily Star that the government will amend sections 155(4) and 146(3) of the Evidence Act, 1872 to prevent questioning of the characters of rape victims in court.

BLAST's March 10 proposal reads, "53 (A). Evidence of character and past sexual history when not relevant: The evidence about the character of the complainant and their past sexual experiences with any person other than the accused during trial of offences under sections 9 and 10 of the Nari o Shishu Nirjatan Daman Ain 2000, and/or Sections 354, 375, 376, 493 and 509 of the Penal Code 1860 and attempts to commit these offences shall not be admissible.

"146 (3)(A) It shall not be lawful to raise questions about the complainant's past sexual experiences with persons other than the accused and questions intended to injure the character of the complainant during trial of offences under Sections 9 and 10 of the Nari o Shishu Nirjatan Daman Ain 2000 and Sections 354, 375, 376, 493 and 509 of the Penal Code, 1860, and attempts to commit these offences during the cross examination.

"150 (A). The court shall ensure that complainants of the offences under Sections 9 and 10 of the Nari o Shishu Nirjatan Daman Ain 2000 and Sections 354, 375, 376, 493 and 509 of the Penal Code, 1860, and complainants of attempts to commit these offences, are not subjected to questions about their character and past sexual history with any person other than the accused.

"If the Court is of the opinion that any Advocate has raised questions to any witness in contravention of Section 53A and Section 146(3)(A) of this Act then it shall report such contravention to the High Court Division or any other competent authority to which such Advocate is subject in the exercise of his profession, and recommend that appropriate disciplinary be taken against him."