

Why the DU student harasser got bail



Visual: Anwar Sohel

There is a lot to say about the recent case making headlines in Bangladesh, whereby a [man who has been accused of harassing a female student over her clothing choices](#) was then treated as a hero by a mob of other men. Taking stock of the legal provisions a victim of harassment can rely on in such situations is a good place to start.

Section 509 of the Penal Code, 1860 criminalises acts, words and gestures intended to "outrage the modesty of a woman" with a prison sentence that may extend to one year along with fines. Additionally, Section 10 of the Nari-O-Shishu Nirjatan Daman Ain, 2000 introduced an offence termed jounopiron (commonly translated as "sexual oppression") to criminalise the act of someone who touches a woman or child (with any part of their body or with an object) or "violates a woman's modesty" (nari-shilohotahanikoron) in order to "illegally satisfy their sexual desires."



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As one can see, Section 10 is substantially similar to Section 509 since female "modesty" is still a point of focus. The punishment prescribed in Section 10, however, is imprisonment between two to 10 years, which is much higher than the maximum one year under Section 509. This is yet another example of our legislators' tendency to implement legal reform on violence against women by simply increasing the penalty while preserving the archaic substance and definition of the offence itself.

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Women are more than just numbers



The law's continued reliance on the concept of "modesty"—the very notion the accused harasser in this case sought to invoke—creates a perverse irony: a provision meant to protect women from harassment is rooted in the same misogynistic logic that enables moral policing. From the road where a woman is harassed to the courtroom where she seeks justice, the focus remains on the woman's "modesty" rather than the alleged harasser's actions.

Beyond the law, this case also reveals something more insidious and all too familiar—the way self-appointed enforcers of morality manipulate religious virtue to exert control over women. At the risk of sounding trite, if the man was truly committed to the principles of the religion he claims to uphold, he would have followed its most fundamental tenet of modesty—lowering his own gaze, which would have stopped him from noticing what a woman is wearing (much less the placement of her orna) in the first place. Such men weaponise the rhetoric of morality and religious virtue not out of faith, but to police and suppress women whose autonomy unsettles their fragile sense of control. They are not just a threat to women—they are a threat to the very faith they claim to defend.

Worse still, the glorification of such figures is nothing new. We have seen this before, in far graver contexts. Let us not forget Nusrat Jahan Rafi, the madrasa student who was burned alive after reporting sexual harassment by her principal, Siraj ud Dowla. Even after her brutal murder, there were those—including women and children—who framed her killer as a religious martyr and marched for his release. As long as impunity is draped in garlands, righteousness is measured by how loudly men can silence women, and the law itself remains fixated on women's "modesty" rather than the violence they experience, justice can never stand a chance.

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Let's aim for a future built on equality, inclusion



Going beyond impunity and the law's fixation on "modesty," this case has also sparked another debate—one that reveals deeper tensions within our legal system and feminist movements alike: the question of bail. Many are outraged that the judge—a woman herself—granted bail to the man accused of sexually harassing a woman by telling her how she should dress "decently." But before rushing to condemn the judge, we must ask: did she even have legal grounds to deny bail?

Under basic principles of due process, bail is a constitutional right because the state should normally only imprison someone after a trial has taken place and a court has determined their guilt. Pretrial detention is an exceptional measure, not the default, and can only be imposed if specific conditions are met—if the accused is a flight risk, poses a threat to public safety, or could tamper with evidence or intimidate witnesses. If none of these conditions apply, then denying bail would have been an abuse of judicial power.

Much of the outrage stems from the belief that the judge granted bail due to pressure from the angry mob that surrounded the police station. But while mob coercion is deeply concerning, it does not change the fundamental principle that bail cannot be denied outside these restrictive conditions. If these conditions did not exist, then the judge was bound to grant bail—not because of public pressure, but because the law requires it. The danger here is twofold. If courts bend to mob intimidation, justice is dictated by force, not law. But equally dangerous is the expectation that courts should deny bail simply to ease public outrage, which only strengthens the state's power to arbitrarily deprive people of their liberty.

But this case isn't just about one man's bail or one woman's harassment. It also exposes the dangers of what many critics have called "carceral feminism"—the belief that gender-based violence should primarily be addressed through criminalisation and incarceration. While this instinct is understandable, especially in contexts where impunity thrives, carceral feminism does more to expand authoritarian state power than it does to secure justice for women. It does little to dismantle the conditions that enable sexual harassment. We've seen how past regimes, particularly the Awami League, weaponised pretrial detention to jail journalists, dissidents, and opposition members. A state that imprisons people without due process isn't feminist—it's authoritarian.

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Arresting rapists is not enough



So what should the role of the law be? In 2009, the Supreme Court issued 11 directives on preventing sexual harassment in workplaces and educational institutions. These directives impose a legal duty on employers and universities to set up Sexual Harassment Complaint Committees that can independently investigate complaints. If guilt is found, it can impose disciplinary action within 30 days, including suspension or dismissal of the harasser. If the case is serious enough to constitute a criminal offense, only then should it be referred to court.

This approach aligns with recommendations by UN human rights bodies and global best practices, where harassment is treated as an institutional matter—not just a criminal offense. These much-celebrated directives have largely remained on paper, with weak or non-existent enforcement. Instead of demanding more arrests, we should be demanding that universities and workplaces enforce these directives. Hold your institutions accountable if they fail to act.

When punitive instincts masquerade as feminist justice and the obsession with imprisonment overshadows real solutions, we do not protect victims as much as we legitimise authoritarian power. And a movement that pursues justice only through retribution can never achieve transformation.

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