

Law for Muslim Women in Bangladesh

Prepared by : Sultana Kamal - Advocate - Bangladesh.

The legal status of the Muslim women (1) in Bangladesh is defined by the principles of Sharia through Muslim Personal Law along with the general law which is non-religious and secular in its character. The Muslim personal law covers the field of marriage, divorce, maintenance, guardianship of children and inheritance whereas the general law covers the rights under the Constitution, penal codes, the civil and criminal procedure codes, evidence act etc. It is necessary to examine the legal status of the Muslim women in Bangladesh in the context of these two sets of law as in both cases women are supposedly fortified with theroretical legal rights, but there is a gulf of difference existing between theory and its actual application. Most important of all, it must be seen that some of these laws though excellent in theory prove largely elusive in practice. The main hurdle that lies in the way of the practical application of the legal rights of women in Bangladesh is obviously the inherent contradiction of attitude that permeates the male oriented society considerably supported by religious beliefs. In this discussion, however, I shall mainly refer to those statutes or those provisions of a statute which treat men and women differently. Matters not covered herein after should be understood to have egalitarian principles giving women the same rights and obligations as the men. Let us discuss the legal rights of Muslim women in Bangladesh under the following heads :

1. Succession and right to property
2. Marriage, divorce and connected matters
3. Maintenance
4. Guardianship of children, and
5. Fundamental rights.

Before going onto specific rights we must know that the large majority of people in Bangladesh are Muslims and of these most are Hanafi (2) Muslims while an only small minority of them belong to any other sects. Thus in general when a point is made about the law relating to Muslims it will be referring to the law which governs the majority. Therefore, we should note that historically the provisions we regard as provisions of pure Islamic Law are to a large extent Quranic utterances which were applied to the reformation of the pre-Islamic Arabian customary law. (Salma Sobhan, p10). According to Fyze, "The Koranic reform came as a super-structure upon the ancient tribal laws : it corrected many of the social and economic inequalities then prevalent."(3) Fazlur Rahman also makes the same point, "Whereas the spirit of the Quranic legislation exhibits an obvious direction towards the progressive embodiment of the fundamental human values...nonetheless the actual legislation of the Quran had partly to accept the then existing society as a term of reference."(4) We should also note further that these laws in the sub-continent have been modified in many cases not only by Statute and by custom but also by case law. The other important point to remember is that though Quran has immensely improved the status of women in several directions, society as a whole

maintained the inequalities that still remained. Not only that, though over the course of years some disparities were modified by different laws, custom has sometimes been strong enough to militate against the Quranic rule of law. There is, therefore, no reason to suppose that all the rules that we are going to consider were meant to be definitive for all times.(5) Now let us return to the specific laws.

1. Succession and Right to property.

Muslim law of inheritance has two distinct elements, namely, the customs of ancient Arabia and the rules laid down by the Qurand and prophet Mohammad. Under the customary law of pre-Islamic Arabia the women in whatever capacity were excluded from inheritance. The Quran made quite a considerable change of the position.

According to to the Muslim Law there are three kinds of heirs (i) "sharers" who are entitled to a prescribed share of the inheritance, (ii) "residuaries" who take on prescribed share, but succeed to the residue left after satisfying the claims of the sharers, and (iii) "distant kindreds" who are blood relations other than the sharers and residuaries, and succeed generally in the absence of sharers and residuaries. In the classification of the heirs, it is important to note that though the son's son and son's daughter have been made residuary and sharer respectively, daughter's children have been made distant kindreds.(6) The principles of succession among the sharers and residuaries are two-fold, i. The nearest in blood relationship excluded the remote one and ii. Whoever is related to the deceased through any person shall not inherit while the person is living.(7)

Under the Muslim Law, the wife (or wives taken together) get one-eighth if there is child, and one fourth if there be no child from the estate of her husband, though the husband gets exactly double. Mother gets from the estate of her sons one-sixth when there is child of her son or when there are two or more brothers or sisters or one brother and one sister of her son, and one third when there is no child and not more than one brother or sister of her son. On the other hand, the father gets from the estate of his son one-sixth if there be child of his son and in the absence of any child of his son, he gets the entire residue after satisfying other sharers claim, and so on and so forth.(8) It is significant that the Quran has provided that daughter, mother and wife would under all circumstances be entitled to some share in the inheritance and are not liable to exclusion from inheritance, but they are not treated at par with their male counterparts, i.e. son, father and husband and to this extent rules of inheritance are discriminatory. Women in fact were not given parity in the matter of their shares and as a general rule, the female is given one-half the share of the male. Salma Sobhan writes, since "the Koran is to be likened to an "amending act" rather an exhaustive code... in the changed society there is little reason to perpetuate this distinction."(9)

The case of sister's inheritance is equally discriminatory. According to the rule of nearer in relationship excluding the remoter in relationship, children of a pre-deceased son or daughter would not inherit if a person died leaving another son. This often rendered the child or child of pre-deceased child destitute. This inequity, however, has been removed by Muslim Family Laws ordinance, 1961 (10) which provides that the children of the pre-deceased child would inherit the share which the pre-deceased children would have inherited had he or she been alive. But the widow of a predeceased son remains as helpless as before as she does not inherit anything of this ordinance.

2. Marriage, divorce and connected matters.

Marriage in Islam is a contract and every Muslim of sound mind who has attained puberty may enter into a contract of marriage.(11) Puberty is presumed, in the absence of evidence, when one reaches the age of 15 years, but this presumption is rebuttable.(12)

Until the age of puberty, a minor may be given in marriage by his or her guardian and though this is in fact against the provisions of the Child Marriage Restraint Act, such a marriage even

under that Act would not be void. Under the Sharia Hanafi, a girl given in marriage below the age of puberty can repudiate that marriage after she attained it and up to the age of 18 provided the marriage was not consummated. By statute puberty is no longer relevant and girl given in marriage below the age of 16 can repudiate the marriage either on the attaining of 16 years, or puberty, where she was married before puberty. Since according to the Sharia a girl is free from guardianship at puberty and by the time she is 13 this is assumed, the law presents another anomaly in that a girl can give herself in marriage if she wishes below the age of 16, if she has attained puberty and the marriage would be valid though the person officiating and the groom himself where he was over 18 would be liable for punishment under the Child Marriage Restraint Act.

Salma Sobhan writes, "Though a minor may be given in marriage, no minor may contract herself in marriage during her minority and any such marriage would be held to be void (9D.L.R.1957 p.45) Where a minor has been given in marriage and marriage has been consummated before puberty such consummation does not operate to deprive the minor of the option to repudiate after puberty (9 D.L.R.1957 p.45) However there appears no provision for explaining or informing the minor of this right either at the time of her marriage or when she attains puberty.....It would further appear that even in cases where a girl was given in marriage before puberty, she attained puberty or say the age of 14 1/2 years and subsequently the marriage was consummated, she should have the right under statute to repudiate the marriage after she was 16 provided there were no further acts of consummation between the period of her 16th or 18th years.(8 D.L.R.1956 p.77) (13)

A Muslim male can contract valid marriage with a Muslim as also with a Ketabi (Jew or Christian). But his marriage with an idolatress will be irregular. On the other hand, A Muslim woman may not contract a valid marriage with any one else but a Muslim. A marriage with a Christian or a Jew would be irregular while a marriage with a Hindu would be invalid (that is any children born would be illegitimate). It simply means that while a man may marry someone who is not his "social equal" a woman should be protected against such marriages. A Muslim male can take four wives at a time, but a Muslim woman cannot take more than one husband. Even a male marries having already four wives, the fifth marriage is not void, but only irregular. Though Islamic Law vastly improved the then status of woman, the idea of woman being a property could not be altogether thrown away as can be found from the permissibility of plurality of wives. However, realising the evil effects of and the injustice inherent in the polygamy of men Muslim Family Laws Ordinance, 1961 (Ordinance No. VIII of 1961 Vide Pakistan Code 1966 Vol.XIV,P.67) was passed. Sec.6 of the Ordinance provides that no man, during the subsistence of existing marriage, shall contract another marriage without prior written permission of Arbitration Council and violation of this provision entails liability of conviction and punishment. The Arbitration Council while dealing with an application for permission to marry during the subsistence of a marriage would consider whether the existing wife consents to such marriage and whether it is necessary and just to grant the permission. But this legislation failed to produce the desired result because due to protracted procedure in courts few inclined to bring violations to court and because the Arbitration Council being manned by males very often were not un-willing to accord permission on the slightest pretexts. The law did not make adequate provision to control the discretion of the Arbitration council.

By Bengal Act No.1 of 1876 (Vide East Pakistan Code, 1963 Vol. 11. p.71) provision was made for registration of Muslim marriages, but registration under this Act was optional. Muslim Family Laws Ordinance 1961 made the registration compulsory and enjoined the Kazi (who solemnises marriage) on pain of punishment to report solemnisation of marriage to marriage registrar so that the marriage may be registered. Similar provisions have been made by Muslim Marriages and Divorces

Act, 1974.

One of the essential part of Muslim marriage is "dower" paid or promised to be paid by the husband to the wife. Dower must not, however be confused with "dowry" which consists of presents made by father and other relations of the bride and Muslim Law does not make any provision for payment of dowry. Dower is the sum of money or other property which the wife is entitled to receive from the husband in consideration of marriage. (D.F. Mulla, Principles of Mohamedan Law, 17th Ed.P.277). The amount of dower may be fixed either before or at the time of marriage or after marriage. The laws does not say anything about the quantum of dower. The amount of dower is generally split into two parts- "prompt dower" which is payable immediately on demand by the wife and "deferred dower" which is payable only on dissolution of marriage by death or divorce. In view of the provisions of Muslim Family Laws Ordinance, the entire amount is now to be treated as "prompt". The claim to dower is not lost even when the marriage is dissolved by Court at the instance of the wife or when the wife exercises the right to divorce.

It is in the field of divorce that the most flagrant inequality between husband and wife exists. The husband has the right of unilateral divorce, for no cause at all. The wife has no such right, and when her husband exercises his right, the wife has no redress. The women can have judicial separation on specified grounds through intervention of Court. The Muslim Family Law Ordinance 1961 though has already provided for arbiters, the arbitration council cannot prevent the talak by the husband even if it be highly arbitrary and unjust and can only delay the action in the hope that some conciliation will result.

The most common mode of divorce by man prevalent in Bangladesh is Bedai Talak (Irrevocable Divorce) which takes effect immediately without the requirement of communication to the wife for its validity. The husband pronounces three times that he divorces his wife and with the third pronouncement the Talak becomes irrevocable and takes effect on completion of a certain period. This may also be done by writing on a piece of paper. Once this right was exercised the parties could not re-marry without the intervention of another marriage, i.e. unless the wife was married to a third person and then divorced after consummation of the marriage. (D.F.Mulla, Principles of Mohammedan Law, 17th Ed.) With the introduction of the Muslim Family Law Ordinance 1961, the position has changed. Section 7 of the Ordinance provides that Divorce given by the husband shall not take effect until the husband has given notice of the Divorce to the chairman of local administrative unit, Union Parishad and ninety days have elapsed after issuance of the said notice and within the said period the husband can revoke the Divorce. The husband is also to give a copy of the said notice to the wife. The Chairman on receipt of the notice would constitute Arbitration Council for effecting a re-conciliation which, if successful, would render the divorce ineffective. It is an offence not to notify the Chairman about exercise of Divorce by the husband. The provisions of Sec. 7 of the Ordinance apply mutatis mutandis in case of divorce exercised by the wife and the divorce does not take effect unless notice thereof is given to the Chairman and 90 days have elapsed thereafter. The husband can delegate his power of divorce to his unconditionally or with condition and that is called Talak-e-Tawfeez. When any condition is stipulated the wife can divorce her husband in the happening of that condition. Now the divorced parties can remarry without the formality of the marriage with third party. (Sec7(6), Muslim Family Laws Ordinance, 1961.)

Muslim marriage can be dissolved by agreement between the husband and wife and it may take the force of Khula or Mubarat. In Khula, the marriage is dissolved by an agreement between the parties for a consideration paid, or to be paid, by the wife to the husband, it being necessary condition that the desire to separate should come from the wife. Where desire to the separation is mutual, it is said to be Mubarat. A wife is entitled to Khula as of right or restoration of what she had received in consideration of

marriage, if she satisfies the conscience of the court that it will otherwise mean forcing her into a hateful union. As stated above, a Muslim female does not have the right to divorce in the way a mal-e has, but she could seek judicial divorce on grounds permitted by Muslim Law. The Dissolution of Muslim Marriage Act, 1939 (Act N° VIII of 1939 (Vide Pakistan Code 1966, Vol.IX,P.716). was passed in order to consolidate and to clarify those grounds and also to add some new grounds.(15)

A wife is entitled to obtain a judicial divorce on neglect or failure of the husband to provide maintenance for two years. But if the wife refuses herself to her husband without any lawful excuse and deserts her husband, or otherwise wilfully fails to perform her marital duties, she has no right to claim maintenance and cannot obtain a decree for dissolution of marriage on the ground of non-payment of maintenance. The fact that the wife is a woman of means would not be a defence to the claim of judicial divorce for non-payment of maintenance. A muslim woman can obtain judicial divorce on any ground recognised by Muslim Law. Thus a wife is entitled to judicial divorce if the husband brings false charge of adultery against her unless the husband bona fide retracts the charge of adultery. To constitute a valid retraction, it must be made before the commencement of the hearing of the suit, it must be bona fide and there must be an admission by the husband about making the charge and an unconditional acknowledgement by him that the charge is false. Incompatibility of temperament as results in a hateful union has been accepted as a ground for seeking judicial divorce. Before the Dissolution of Muslim Marriage Act 1939 apostacy from Islam of either party operated as a complete and immediate dissolution of marriage. After passing of the Act, apostacy from Islam of the wife does not dissolve the marriage (Sec.4 of the Act) while apostacy of the husband dissolves the marriage immediately. (Mulla.P.305)

3. Maintenance

In accordance with Muslim Law, the father is bound to maintain his daughter until she is married (Mulla). The fact that the mother has the custody of the daughter till the latter attains puberty does not relieve the father of his obligation to maintain the daughter (Mulla). If the father is poor, but the mother is in easy circumstances, the mother has the obligation to maintain the daughter (Mulla). But a father is not bound to maintain a daughter who is capable of being maintained out of her own property. A Muslim mother is entitled to maintenance from her son if she is poor or if the son is financially solvent (Mulla). A Muslim husband is bound to maintain his wife so long the wife remains faithful to him and obeys his reasonable orders. If the wife refuses herself to her husband without any lawful excuse and deserts her husband or otherwise wilfully fails to perform her marital obligations she has no right to claim maintenance from the husband. But if the wife refuses to perform her marital obligations on the failure of the husband to pay the prompt dower the husband will not be absolved of his liability to maintain his wife (Mulla).

A Muslim woman in the event of divorce is entitled to maintenance by the husband till the expiry of the period of Iddat (e.i.90 days, and in case of a pregnant wife till the end of the pregnancy). A Muslim male maintains his daughter as best as his means permit and a husband also maintains his wife to the best of his ability so long the relationship remains good, but if the relationship is estranged, the condition of the wife is very difficult. The social milieu and cumbersome court procedure made it difficult for the wife to have maintenance through Court. Muslim Family Laws Ordinance, 1961 tried to evolve a procedure through which the wife can easily have her remedy, but it has not produced any appreciable improvement. The Family Courts Ordinance, 1985, however, has been promulgated to deal with divorce and related matters and provisions have been made to dispose the cases of within the shortest time possible.

A Muslim widow is essentially dependent on her son, for, generally even her share in the property of her husband remains in

the hands of the son and ironically enough, her fate depends upon the attitude of the daughter-in-law. But if the widow has no son to depend upon the relations of the husband; her condition in most cases is miserable.

4. Guardianship of children

In the matter of guardianship of children, a Muslim woman is definitely at odds. Under Muslim Law, the mother is entitled only to the custody of the person of her minor child up to a certain age according to the sex of the child. But she is not the natural guardian either of the person or property of the child; the father alone, or if he is dead, his executor is the legal guardian. Salma Sobhan points out "In Islam a careful distinction is made between being entitled to the custody of one's children and being their guardian.....one would be tempted to compare the difference between these two concepts to the difference between possession and ownership. In any event, in Muslim Law, the mother is never entitled to the guardianship of her children.....However, a mother is always entitled in the first instance to the care and custody of her young children. Her sons she may keep till they are seven, and her daughters till puberty. The father is responsible for their maintenance during that period. A mother may lose custody of her children, particularly her daughters, if she re-marries a stranger, someone that is, who is not barred to the children by the rule of consanguinity. These are the basic rules, but they have been modified, not only by the Guardian and Wards Act, but there is also a fairly substantial amount of case-law on the subject, which on the whole has been very sane. "(16) It is laid down by the Guardian and Wards Act, 1890 that the courts have stated that these provisions are for the benefit and protection of the child, and that it is the courts paramount duty to consider the welfare of the children over the rights of the parents. (20 D.L.R.1968 P.1). According to Salma Sobhan again "Thus remarriage of the mother outside the permitted degrees has not been held an absolute reason for depriving her of the custody of her children. Were the children having been all along in the custody ceased, it was still considered advisable to let them continue in her care and control, as the father had re-married and it was felt that the children's interests would not be so well looked after by their step-mother. The father is only free from the burden of maintaining his children where they are being withheld from him illegally. The mother's poverty is never a sufficient reason to deprive her of her right to the custody of her children." (Dhaka Law Reports, 1955, 1958, 1964 and Guardian and Wards Act, 1890.) Under the Guardian and Wards Act, further, a mother can always apply to the court to be appointed the guardian of her children.

5. Fundamental Rights

In here I shall discuss some of the aspects of the general law, which is non-religious or secular in nature, the most important of which is the constitution. Under the Bangladesh Constitution (The Constitution of the People's Republic of Bangladesh, 1972), various provisions exist relating to women both directly and indirectly. In a section where the state accepts a fundamental responsibility towards raising the standard of living of the people, it specifically undertakes responsibility for providing social security to, *inter alia*, widows. Another section runs, "The state shall take effective measures to prevent prostitution". Further on it is stated categorically, "All citizens are equal before the law and are entitled to equal protection of the law" and also that "The State shall not discriminate against any citizen on grounds ofsex" and "Women shall have equal rights with men in all spheres of State nad Public life", and "No. citizen shall on grounds only of....sex..... be subject to any disability, liability, restriction or condition with regard to any place of public entertainment or resort, or admission to any educational institution. "There is a further section which reads, "Nothing in this article shall prevent the State from making special provision in favour of women or children or for the advancement of any backward section of

citizen." In the sections relating to service with the Republic there are also similar passages securing equal opportunity for all citizens on the one hand while reserving the right to make special provision in favour of any backward section of citizens for the purpose of securing them adequate representation or reserving for members of one sex any class of employment or office on the ground that is considered by its nature to be unsuited to members of the opposite sex. Further, in exercise of these provisions, 30 seats of Parliament were reserved for women members exclusively for a period prescribed in the constitution. These provisions are interesting both in that which they say and that which they imply. According to Salma Sobhan's analysis while all citizens are equal before the law and entitled to equal protection this does not mean, nor is it meant to mean that all citizens enjoy equal rights. The State, though, undertakes not to discriminate against any citizen, and women are categorically assured of equality is given outside these spheres. Further the right to reserve any job exclusively for one or other of the sexes because of its nature is a slightly sinister one. Either a job cannot physically be done by a person or else it is a matter of X's opinion that such and such a job cannot be done by Y. This may in fact be no more than a statement that the job ought not to be done by Y. "The tenor of all these provisions read as a whole makes it obvious that the drafters of the Constitution could not fail to acknowledge tacitly the fact of the inequality present in the status of women. To their credit their consciences were sensitive to the particular vulnerability of widowed women and they show commendable awareness of the fact that prostitution exists not usually because of the "weakness" of the prostitute but rather as a means of exploitation by society. Yet it would appear to be implied that the vulnerability or exploitability of women was something inherent to their sex rather than a commentary on the society itself," writes Salma Sobhan. Women are thus bracketed with children and "other backward sections of society". The assumption is that it is women who are backward, not the society in its attitudes towards women. Thus we may say that the Constitution operates on two assumptions. The first is that women are in need of greater protection than men. This is not so much for women are privileged, but because they are weaker. And because of this the identity of the woman is submerged with the stronger identity of her male counterpart or guardian. It should be noted that where it appears that the women are being accorded privileged treatment it results often in the so-called privilege under-writing a social custom rather than attempting to eradicate it.

The women are allowed maternity leave in addition to other leave facilities enjoyed by men in public service. In private employment no employer shall knowingly employ a woman during the six weeks immediately following her date of delivery. (Rule 197 of Government Service Rules, Vide East Pakistan Service Rules; Part-I P.82 and Sec. 3 of the Maternity Benefit Act, 1939 Vide East Pakistan Code 1962; Vol.VI;P.1). The employer also is bound to pay maternity benefit at a certain rate according to the Maternity Benefit Act of 1939. But due to want of proper check, these provisions are often violated. Moreover, the employers feel inclined not to employ women to avoid that extra cost. Similarly, Acts that every factory employing more than fifty women must provide for suitable room for use of children of those women (The Factories Act, 1965) and that the Government has been given power to extend this facility to the plantation labour (The Tea Plantation Labour Ordinance, 1962) have not proved effective at all. Looking at how women are treated in Penal Code, let us first consider the Act regarding abortion (Act N°.XIV of 1860). Under that act whoever (including the woman herself) voluntarily causes a woman with child to miscarry, shall, if such miscarriage be caused in good faith (which now invariably is considered to limit family size) for the purpose of saving of life of the woman be punishable, and who commits this offence without the consent of the woman miscarried shall be liable to higher sentence. It should be noted here that in the recent past abortion has been "justified" in the name of "menstruation regulation" or "medical termination

of pregnancy" as a birth control measure, and the "good faith" has changed its connotation from "for the purpose of saving of life of the woman" to "birth control" and abortion as a free choice of a woman to terminate her pregnancy has remained socially as well as legally "undesirable".

Assault or criminal force to woman with intent to outrage her modesty and kidnapping and abduction of woman to compel her to marriage, inducing girl under 18 years of age to go from any place or to do any act with the intent that such girl may be forced or seduced to illegal sexual intercourse or importation of girl below 21 years of age for the said purpose selling or otherwise disposing of girl under 18 years of age for prostitution or illicit sexual intercourse and buying or obtaining possession of such girl for prostitution or illicit sexual intercourse are offences under the Penal Code Rape is an offence and sexual intercourse with the wife under 15 years of age without her consent is treated as rape. Cohabitation caused by a man deceitfully inducing a belief in the woman of lawful marriage or enticing or taking away or detaining with criminal intent another man's wife are offences. Adultery and bigamy are also offences, but the woman involved in the adultery is not liable to punishment. (Act N°XIV of 1860, Bangladesh Code, 1978 Vol.I). It is interesting to note that when a woman is accused of an offence, "womanhood" is one of the grounds for release on bail. Sec.497, Code of Criminal Procedure Vide Pakistan Code 1966 Vol. IV). The Cruelty to Women (Deterrent Punishment) Ordinance, 1983 and the Dowry Prohibition Act 1980 have been promulgated to expedite the court procedures and enhance the punishment, no substantial change, however, in law has been made to really improve the situation.

Conclusion:

On the basis of the above discussion, probably it is a bit too strong to say that the law actively, in all spheres, denigrates women, but it certainly does not elevate them. Discussing the law of maintenance of wives under Muslim Law, Naimuddin Ahmed writes, 2 In Bangladesh, the law, as it is, cannot probably rescue Muslim wives from, first, being abandoned and then being divorced and left with a life-time of indigence by arbitrary, capricious and whimsical husbands." (17) The weakness in the Muslim Family Law Ordinance 1961 is that not only is the second marriage not made void, but that the right of unilateral divorce is not effectively curbed, so that any woman opposing her husband's remarrying, in a system where there is no alimony for a divorced woman, and where she will rarely have been given an appropriate education to enable her to earn her own living, runs the risk of destitution. It is true that the social attitude contributes to this dismal state of affairs, but the situation can considerably be improved by reform of law. When the Constitution professes equality of women with men, the need to review and revise the law to ensure fundamental rights to equality hardly requires any emphasis. Not only that the law should be revised, but its enforcement should be made easy, speedy and similar so that the women can get some benefit out of whatever the law is offering. Unless the law itself along with the procedure for its enforcement is changed, the position of Muslim women in Bangladesh will continue to remain subject to such humiliating condition because of erroneous concept of law, of women's position in society and also of humanity as a whole.

It may be mentioned here that the various women's organisations, namely the Mahila Parishad, Women's Lawyers' Association and the Committee for Resistance to Violence to Women and Social Injustices are working seriously towards reformation of Law as well as speedy adjudication of the same. One of the results of long struggles of women in Bangladesh is the promulgation of the Family Courts Ordinance, 1985, the Cruelty to Women (Deterrent Punishment) Ordinance 1983 and the Dowry Prohibition Act, 1980.

Women are being more and more conscious about their religious, social, economic, political as well as legal position and are

showing quite a considerable interest in working towards a more egalitarian and just situation.

End notes:

1. 85.47 per cent of the total population in Bangladesh are Muslims according to the Bangladesh Statistical Year Book 1975-76, P.29; and Women constitute 48.1 percent, Bangladesh Population Census, 1974 Buylletin 2, P.1.
2. 91 per cent of the total Muslim Population are Hanfi Muslims.
3. A. Fyzee - Outline of Mohammedan Law, 4th Edition. Oxford University Press, Delhi 1974. p.388
4. Fazlur Rahman - Islam P. 39 quoted in Legal Status of Women in Bangladesh by Salma Sobhan.
5. Salma Sobhan - Legal Status of Women in Bangladesh, Bangladesh Institute of Law and International Affairs, Dhaka 1978, P. 20.
6. Women's Legal Status in Bangladesh by Sufia Ahmed and Jahanara Choudhury, published in Situation of Women in Bangladesh, Women for Women 1979. P.295
7. D.F. Mulla - Principles of Mohamedan Law, 17th Ed. M.M. Tripathi (Private Ltd) Bombay 1972. P70.
8. Ibid. P.72.
9. Salma Sobhan - Legal Status of Woman in Bangladesh. P.31.
10. An ordinance to give effect to certain recommendations of the Commission on Marriage and Family Laws dealing with succession, registration of marriage, polygamy, divorce, maintenance, dower, ect.
11. D.F. Mulla P.255
12. Mustag Ahmed Vs Mahmud Amin P.L.D. 62. Karachi 442 quoted in Women's Legal Status in Bangladesh by Sufia Ahmed and Jahanara Choudhury. P.301
13. Dhaka Law Report, 1956 P.77
14. D.F. Mulla P.257
15. Act N° VII of 1939 (Vide Pakistan Code 1966 Vol.IV, p.716, quoted in Women's Legal Status in Bangladesh by Sufia Ahmed and Jahanara Choudhury. P.313.
16. Salma Sobhan Legal Status of Women in Bangladesh, p.29
17. Naimuddin Ahmed - Maintenance of Wives under Muslim Law, published in Law and International Affairs Vol.8, N°2, 1985, Journal of the Bangladesh Institute of Law and International Affairs. P.64

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