

Crisis Regarding Inheritance of Women in Bangladesh: A Paradigm for Predictable Solutions

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Abstract

Equal rights for men and women are guaranteed by the Constitution of Bangladesh. But all laws are not equally applicable for all citizens. It is especially true in case of personal laws of our country, which govern different communities differently. In case of succession to property, Muslim women share less than their male counterparts. In Hindu and Buddhist law, women do not receive any property from their parents as heirs. Even the guaranteed inheritance rights of women are not properly implemented due to lack of consciousness, patriarchal attitudes, political willingness etc. In this paper, I will address the existing personal laws pertaining to women's proprietary rights for their comparison. Such comparisons will provide us with the real scenario facing Bangladeshi womenfolk.

Keywords : *Proprietary Rights, Gender Equality, Discrimination, Restrictions, Absolute Ownership, Implementation.*

1.0 Introduction

Bangladesh has four major religious communities namely Muslims, Hindus, Buddhists and Christians. According to 2010 census, Muslims are 89.5% and non-Muslims are 10.5%. (Bangladesh Bureau of Statistics, 2011) Muslims make up the majority population of Bangladesh. Hindus are the largest minority group in our country. Buddhists also follow the Hindu personal laws. Christians in our country are mostly members of the Roman Catholic Church. The Constitution of Bangladesh ensures the right of equality, and Bangladesh has ratified some international human rights conventions, including, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). In all of these instruments equality is a fundamental right that must be recognized and protected by all states parties. Inequality based on gender is therefore against the commitment Bangladesh has undertaken nationally and internationally. In case of personal law based inheritance rights, women of different religions in Bangladesh are subjected to different types of discrimination. The prime focus of this article is to draw a picture of

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Bangladeshi women's succession rights from a critical perspective and drawing a comparative account of the same. Also by focusing on the barriers and finding out loopholes of the existing laws, this study aims at providing some recommendations for policy initiative by the government.

2.0 Guarantee of equality in the constitutional framework of Bangladesh

Constitutional instruments of different countries enshrine the noblest aspirations of their respective people. All Constitutions, therefore, embody the highest principles of civilized norms and behavior and political aspirations. What is important is not the letter of the Constitutional document but its realization in practical life. If the highest principles are not translated into reality the provisions of the Constitution remain pious hopes and mere lip services to those high ideals and cannot serve any useful purpose. In a democratic society it is not the written word of the Constitution of the law which ensures fair treatment to any particular class or section of the society but the steps which the state has taken to ensure such protection and fair treatment. (Ellah, n.d.).

The Constitution of Bangladesh embodies the principle of gender equality, prohibits discrimination on the basis of sex and promotes equality of opportunity for women to participate in politics and in public life. It also provides for special provisions for women as a particularly disadvantaged group.

As in many other countries, formal equality is explicitly enshrined in Bangladeshi constitution and various articles reiterate the principles of non-discrimination based on sex, caste, race, and other motives. Furthermore, the principles of equality before the law and protection of the law are also incorporated as fundamental rights. (The Constitution of the People's Republic of Bangladesh, 1972, article 27)

Articles 28 and 29 of the Constitution of Bangladesh declare the principles of non-discrimination on the basis of sex, caste, race etc. Articles 28 enunciates that the state shall not discriminate against any citizen on the grounds only of religion, race, caste, sex or place of birth (The Constitution of the People's Republic of Bangladesh, 1972, article 28[1]) and that women shall have equal rights with men in all spheres of the state and of public life(The Constitution of the People's Republic of Bangladesh, 1972, article 28{2})).

Although the latter leaves out the personal domain from protection Article 28(4) empowers the state to make special provisions in favor of women or children, or for the advancement of any backward section of the society. The preamble pledges that the State shall aim to promote a society in which the rule of law, fundamental human rights and political, economic and social freedom, equality

and justice, will be secured for all citizens (Huda, 2011, p.11). Although the Constitution of Bangladesh promises non-discrimination on the basis of sex, Bangladeshi laws of inheritance continue to be discriminatory against women (Sen, 1999, p.201) [1].

3.0 Rights of Women : International Scenario

Human rights are very much essential for the fullest development of all faculties of human being and the women are being deprived of their human rights merely because of their being female. In our country half of the total population is suffering acute discrimination regarding enjoyment of civil, political, economic, social and cultural rights and our present and past governments never pay heed to this problem (BLAST, 2009).

While no single article or provision within it exclusively addresses the right of women to inherit property, the CEDAW implicitly secures this right by establishing the legal status of women and granting them property rights (CEDAW, 2001).

Some provisions are also made in the International Bill of Human Rights ensuring and emphasizing the equal rights between the male and female. Article 2 of the Universal Declaration of Human Rights 1948 confirms that everyone is entitled to enjoy their rights of the declaration irrespective of race, color, sex, language, religion, etc. Nobody can be deprived of their rights merely because of these attributes. If the rights are violated by anyone, that should be treated as violation of this Declaration. Article 3 of the International Covenant on Civil and Political Rights 1966 states that the State Parties should ensure the equal rights of men and women to the enjoyment of all civil and political rights mentioned in the covenant. The preamble of this covenant states that everyone may enjoy his civil and political rights. It is supported by Article 3 of the International Covenant on Economic, Social and Cultural Rights 1966 (Mohammad, 2009, p.11).

CEDAW purports to guarantee equal rights for women. The purpose and object of this Convention is to eliminate discrimination against women in institutions, laws and administrative actions to achieve equality (Monsoor, 1997, p.223).

CEDAW is the most comprehensive international agreements for protection of human right of women. The treaty seeks to establish an international standard for promotion and protections of women's human right and is often referred to as a "Bill of rights" for women. CEDAW has proved invaluable in opposing the effect of discrimination which includes violence, poverty, lack of protection along with the denial of inheritance and property rights. Bangladesh has signed the ICCPR and CEDAW. So women in Bangladesh should enjoy equal rights in all sphere of life.

4.0 An analytical study of Present Position

4.1 Women's proprietary rights according to Muslim law

In Bangladesh Muslim population constitute the majority group, and the inheritance rights of the Muslim women are governed by the Muslim Personal Law (Shariat) Application Act 1937 and the Muslim Family Laws Ordinance 1961. Muslims in Bangladesh are mostly regulated by Hanafi School. According to Hanafi law, there are three kinds of heirs: Koranic sharers—whose shares are specifically fixed; Residuaries—who are all male agnates and four specific female agnates and Distant Kindred—who are all females. Among 12 Koranic sharers, 8 are women, and 4 men. Women Koranic sharers are: wife, daughter, son's daughter, full sister, consanguine sister, uterine sister, mother, and paternal grandmother. Of them, three never get excluded for being primary heirs: wife, daughter and mother. Other female Koranic sharers also get excluded exceptionally, generally only in the presence of higher heirs in terms of blood relation. In spite of these favorable provisions, if we take the total Muslim law of inheritance into account, we find that the law is based on the principle: "keep bulk of the share of inheritance for male relatives." Sometimes male residuaries get greater share than Koranic sharers. For example, a son is a residuary, but he gets the double of a daughter who is a Koranic sharer (Uddin, 2011, p.10).

Under 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 child one-sixth when there is child of her child or when there are two or more brothers or sisters or one brother and one sister of her child, and one third when there is no child and not more than one brother or sister of her child. On the other hand, the father gets from the estate of his child one-sixth if there be child of his child and in the absence of any child of his child, he gets the entire residue after satisfying other sharers claim 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 on 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 half of 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." [3] 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 children of pre-deceased child destitute. This inequity, however, has been removed by the Muslim Family Laws Ordinance, 1961, which provides that the children of the predeceased child would inherit the share which the pre-deceased child 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 under this Ordinance (Kamal, n.d.).

4.2 Proprietary Rights of Woman in Hindu Law

Women's position under traditional Hindu law in Bangladesh as regards succession is vulnerable. There are two system of inheritance amongst the Hindus, namely, the Mitakshara system and the Dayabhaga system. Dayabhaga system prevails in Bangladesh which is also known as the Bengal school.

The females recognized as heirs by the Dayabhaga School are: widow, daughter, mother, father's mother, and father's father's mother. Since Dyabhaga School maintains a chronology of heirs who inherit property in strict preference, possibility of inheritance by mother, father's mother and father's father's mother is quite slim, since they are placed in the 8th, 14th and 20th position respectively (Mulla, 1990, p.146)

In Bangladesh the kind of property that a Hindu woman may possess continues to be divided into a) Stridhana and b) Property inherited by her and to which she has limited rights.

Stridhana property is property over which a woman generally has absolute control! Loosely defined, Stridhana means property which a woman has power to give, sell or use independently and which passes on her death to her heirs.

When a Hindu man inherits property, whether from a man or a woman, he takes absolutely and becomes the fresh stock of descent i.e. after his death the property passes to his heirs. When however, a female inherits property whether from a male or a female she only takes a limited estate and upon her death the property reverts back to the reversioner, i.e. the next heir of the person she has inherited the property from. Although the woman is entitled to enjoy the estate inherited she cannot dispose of such property by gift, sale and so forth.

A daughter's right to her father's property depends, astonishingly enough, upon whether she has or can have a son. Little wonder therefore the importance placed upon a male offspring! The daughter is fifth in line to her father's property. In the absence of a son, son's son and son's son's son, widow (s) the daughter can inherit. Preference is given to the maiden daughter who may possibly have a son in the future, and then to daughters who has a son. Barren

daughters, widowed daughters who have no children or who have daughters, are excluded. Under Dyabhaga school unchastity excludes all female heirs from succession. (Huda, 1998,p.123).

A Hindu daughter in Bangladesh is completely excluded from inheritance in the presence of a son. When a man dies leaving only one or more daughters and no male issue, such daughter (s) right to inherit is solely dependent on her/their having a son or being capable of giving birth to a son. In all cases, if and when a female inherits, she gets a limited estate. In the Bangladeshi case of Abdul Gani Khan v.Tamijuddin Howlader, 1953, it was clearly stated that, in no circumstances a daughter who is barren, or widow without male issue or mother of a daughter is entitled to succeed (Huda, 2011, p.27).

4.3 Women's Proprietary Rights according to the Buddhist law

Mostly Buddhist populations are concentrated in the districts of Bandarban, Rangamati and Khagrachari, also known as Chittagong Hill Tracts (CHT). The Buddhists are 0.56% of the total population, and hence, the women are nearly 300,000. (Santayana & Santayana, 2011p.6).

There is no specific and separate law for the Buddhists community. But the system of Dyvek in Hindu community is prevailing in them. They are administered and regulated by the Hindu laws except in case of Marua community. The Principle of Hindu Law reads: "Hindu Law applies to Jaina, Buddhists in India and also Sikhs except so far as such law is varied by custom." In fact, the women's rights are not recognized by their laws. The female section of people is neglected due to lack of proper legal mechanisms. That is why; their rights are not properly recognized. (Mohammad, 2009, p.18) So, their chances to inherit proprietary rights are also quite slim in Bangladesh.

4.4 Women's Proprietary Rights according to the Christian law

Around 0.5mln Christian women live in Bangladesh. In Bangladesh the inheritance rights of Christian women is governed by the Succession Act of 1925, which provides equal inheritance rights for men and women (Santayana & Santayana, 2011, p.6) .

The Christian Law has recognized the women's rights equally with the male rights. That's why, the equal rights between sons and daughters are admitted in all respects. They inherit their portion of the properties of the deceased as per section 25. No specific and independent law is found for the Christian community of our sub-continent. But their rights are administered by the Succession Act, 1925 in the sections 23-28 and 29-49. (Mohammad, 2009, p.18).

Widow is never excluded from Christian succession. She gets one-third of the

property of husband in presence of lineal descendents, and half in absence of them if the deceased left some kindred. In absence of lineal descendents and kindred, wife gets the whole property. (The succession Act, 1925, Section 33). Daughters, granddaughters, great granddaughters get equal share along with sons, grandsons, and great grandsons. There is no inequality between men and women in this respect in absence of wife and lineal descendents; father gets whole property to the exclusion of mother (The Succession Act, 1925, section 42).

In absence of father, mother along with brothers (or their children) and sisters (or their children) gets equally. In this case there is no inequality between brothers and sisters. If mother is living only, she gets the whole property (The Succession Act, 1925, ss.43-46).

If neither widow, nor lineal descendents, nor parents or siblings or their descendents are alive, other kindred's of the deceased get equally, preference being paid to the nearest in blood relationship. In this case, grandfather does not exclude grandmother, rather gets equally (The Succession Act, 1925, Section 48).

5.0 Existing loopholes in proprietary rights of Women

Total population in Bangladesh 158,570,535. We make a chart from the data (www.indiandefence.com/forums/f13/latest-religious-demographics-bangladesh-12574/, n.d.).

Religion	%	Total quantities	Female (considering help of the total)
Muslim	90.43%,	143,395,334.8005	Approx. 72 mln
Hindu	8.39%,	13,304,067.8865	Approx 6.5 mln
Christians	0.56%,	887,994.996	Approx. 0 .5 mln
Buddhist	0.37%,	586,710.9795	Approx. 0.27 mln
Others	0.25%.	396,426.3375	Approx. 0.19 mln

Source : Santayana & Santayana, 2011, P.3

From the above statistics, we can see that major parts of our population are women i.e. women consist of more than half of our population. So considering the rights of women also means considering the rights of majority part of our country. If we want to develop our country we should ensure the rights of women of different religions.

But, Women's proprietary rights in Bangladesh are very neglected and discriminated. Most of the time women's proprietary right is neglected from

their family members as well as society. The Constitution of Bangladesh had prohibited discrimination on grounds of religion, race, gender, caste, sex, place of birth etc (The Constitution of the People's Republic of Bangladesh, 1972, article 28)

But the law and acts are either not implemented, or very poorly implemented to establish the rights of our women. And hence, the issue is not a piece of legal document, but its active implementation in minority women's practical lives (Santayana and Santayana, 2011,p.9).

Women are guaranteed equality by the constitution and the general laws. But patriarchal interpretations of the laws continue to subjugate women (Monsoor, 1997, p.224). Bangladesh does not follow norms of equality in case of partition of property of Muslims. Bangladesh follows the Doctrine of Tasib in partition. According to Tasib rule, a male gets double portion of the property than a female. Equality is not maintained here. This is a violation of Article 26 of ICCPR.

According to CEDAW, men and women will be treated equally in every sector. Bangladesh has signed it with some reservations. Bangladesh made reservation to Article 2 of the CEDAW, which obliges states to repeal discriminatory laws like Muslim law principle of 2:1 distribution in disfavor of women. Scholars think that Bangladesh can withdraw its reservation from Article 2 of the CEDAW, "since Quran and Sunnah have not been violated in the CEDAW, rather upheld in their true spirit. However, the provisions of the CEDAW would have to be applied subject to adaptations to and adjustments with the local conditions" (Alam, 2008, p.41) [3].

So, in Bangladesh in case of Muslim women it is more important to implement the women's inheritance right which is already recognized in law. Many institutions have been dealing with the implementation of women rights. But it is often observed that these legal institutions are not adequately developed and consequently their efforts in the implementation of women rights have been abused because of some inherent constraints with them. The insufficient laws, unenforceability of law, ignorance of law etc. are some of them. It may be mentioned that in Bangladesh, there is no enough legal mechanisms for ensuring women's rights at the grass roots levels. Though there exists some laws relating to the rights of the women but their implementation is not up to the mark (Muhammad, 2009, p.3).

In Bangladesh Hindu law needs immediate reform. In our country no significant reform of Hindu personal law could be brought since the partition of this sub-continent.

In Hindu law of inheritance, Hindu women cannot demand a partition but a man can demand it. A Hindu woman gets only life time property but she has not any exclusive right on the share. She is not entitled to full ownership. She has no right to sell or mortgage or transfer or make a gift of this property. That means, any kind of transfer of the inherited property is beyond her reach. She has only exclusive right over her property when it is stridhana. Why is she limited to proprietary rights while her male counterparts are not?

In general the laws of inheritance governing Christians in Bangladesh are equitable from a gender and human rights perspective and can therefore be largely left untouched. As per existing provisions, the father of an intestate succeeds to the property to the exclusion of the mother. This is discriminatory and must be rectified (Pereira, 2011, p.27).

6.0 Comparative Clarification of Reasons for these Unsatisfactory Situations

Hindu law which prevails in Bangladesh from time immemorial is based on religious faith, beliefs and custom. So, it did not originate from statutes rather it is the enforceable part of the Hindu religion based on custom and beliefs.

The Government is justifiably hesitant to interfere with the religious laws of the minority, just as the British had been. One of the justifications put forward against reform is that they would be in contradiction to the Shastra-based law and therefore against the Hindu religion itself. Professor Shah Alam however finds ample evidence within the Hindu religion and philosophy itself that supports reforms. He criticizes the British colonial powers for not being more enthusiastic in incorporating changes to Hindu law. According to him, dynamics of change in Hindu law as it had developed during the period of commentaries give ample reason to believe that had such development continued it would have achieved a higher level of reforms by the time the British quit India. He opines:

“Some of the existing provisions of Hindu marriage, more specifically legal status of a married woman, differential treatment of man and woman in respect of inheritance, guardianship, adoption and the restrictions imposed by the caste system are not in tune with the broader outlook of Hindu philosophy which is one of the richest spiritual and cultural heritages of mankind. Hindu philosophy presupposes fullest growth of human person for the fullest bloom of divine qualities latent in her/him, irrespective of sex, caste, creed, colour, time and place. This is not possible without according equal rights and opportunities to all” (Huda, 2011, p.46).

In Bangladesh, due to the Islamic and patriarchal ideology, Government may face a lot of public pressure not to implement programs of change, but they

should not be discouraged from upholding the rights of minority women (Santayana & Santayana, 2011, p.10). Government must enact relevant law for it. Government usually does not touch these issues fearing Hindu religious sentiments. But the Government should consider this issue with a view to achieving justice for a significant part of population; hence, a duty of care and essential obligation must be there (Santayana & Santayana, 2011, p.11).

Even the leaders of this community don't take any major attempt to address the problem. As there is no attempt to reform Hindu personal law, so one question may arise and that is whether there is any constitutional bar to reform Hindu family law. If we read Articles 10, 19, 27, 28 and 29 of the Constitution we see that there is no such bar in our constitution rather it encourages the Govt. to remove social and economic disparities among the citizens (Aktar, 2007, p.92)

But, Muslim law is a complete code. Under the Qur'anic framework, a female is entitled to inherit half of what her male counterpart will take (Holy Qur'an 4:11, 176). In our country though Quran has increased the dignity of women but our society cannot maintain it properly.

So, let's remember once again the comment of Professor Shah Alam: "the problem of woman's inheritance in a Muslim society, especially in Bangladesh, is not what has not been given her in the Quran, but proper implementation of what has been given her in the Quran, whether it is inheritance from parents, or dower money, or from other sources, or even her personally earned money" (Alam, 2008, p. 38).

7.0 Relevant Comparison between Muslim Law and Hindu Law

If we make any comparison between the inheritance right under Muslim law or Hindu law we can find:

1) In Muslim law of inheritance women get absolute ownership of property as an heir.

But in Hindu law women gets only limited right to inherited property. As they do not get absolute ownership, so they have no right to transfer or gift their inherited property.

2) In Muslim law any kind of physical or moral disability does not exclude her from inheritance. We find in Hindu law that unchastity excludes a woman from succession under the Dyabhaga law.

3) In Muslim law, daughter as an heir inherits the property in every situation. But in Hindu law, in the presence of son, grandson, great-grandson, widow, son's widow, son's son's widow, a daughter cannot inherit the property.

4) Under Hindu law if the deceased person's son is alive then daughter cannot inherit the property. In Muslim law daughter will inherit with the son and she gets half portion of the son.

5) In Muslim law daughter and widow get the full ownership of the property. Under Hindu law, daughter or widow, when gets property, only for life time.

6) In Muslim law, son's daughter gets property right but in Hindu law son's daughter has no property right.

7) In Muslim law if the deceased person's wife gets married for the second time she does not lose her property right. But in Hindu law, in such a situation, she will be totally excluded from inheritance.

8) In Muslim law deceased person's mother and daughter can inherit jointly. In Hindu law if daughter is alive then mother cannot exercise proprietary right.

The above comparison applies to Muslim and Hindu women as well. But when we compare Muslim and Hindu law with Christian law then we find that in Christian law women inherit on an equal basis except in case of father and mother, the former excludes the latter. No discriminatory or unequal rule exists. So women's rights are in good condition in Christian law.

8.0 Recommendations: Silver Lining Way-out

Considering the above situations of women's proprietary rights in Bangladesh we make following recommendations to restore women's just property rights in Bangladesh:

1) The most controversial feature of Muslim Law which gives rise to much criticism is the principle of Tasib i.e. male getting double the share of a female of the same degree and class. Since this is a clear provision of Quran, we can't make a basic change in this matter. So, I suggest holding a positive debate on this matter keeping in view the changing demand of the society and without violating the clear version of Quran, how we can improve on this principle.

2) Minority women including (Hindus and Buddhists) should be given equal rights of property. Due to on-going discrimination the Hindu women are deprived of inheritance right in the true sense of the term "inheritance." We should establish awareness for the minority women's inheritance right by creating social awareness in the society.

3) From our discussion, we can see that rights of women in Hindu law are restricted. To avoid these restrictions we should amend our Hindu law to protect the proprietary rights of women and for this we can adopt or follow the

Hindu Succession Act, 1956 that was enacted in India.

- 4) In Dayabhaga law, only five females can become heirs. So, other family heirs are excluded from their right in property. So we should change law to ensure the women's right in succession.
- 5) Wife of a deceased husband should get absolute right on the inherited property.
- 6) On the ground of chastity, the unchaste female heirs under the Hindu law are totally excluded. This cannot be a ground for exclusion. Why is it not applicable in case of males?
- 7) In Bangladesh political leaders don't want changes in Hindu women's inheritance right. As political will is the main barrier to reform Hindu law, political will is very necessary for changing the Hindu women's inheritance rights.
- 8) Under the Christian law, mother is excluded from inheritance in the presence of father, which needs reform.
- 9) The Government should consult with political leaders, policy makers, civil society groups, media and the general public to adopt a Uniform Family Code in order to protect the rights of all Bangladeshi women within the family. A uniform civil code is clearly an attractive means of reforming personal laws from a women's rights perspective. It offers the opportunity to remove all discrimination in existing personal laws relating to women's inheritance right.
- 10) We should arrange training programs for policy makers and executing government officials for proper implementation of equal proprietary rights of women.
- 11) Initiatives should be undertaken for raising women's awareness on human rights and gender issues.
- 12) Women's proprietary right issue should be mainstreamed in the gender equality movement, and we must make necessary changes in the existing gender policy and legislations.
- 13) We should remove ignorance, illiteracy from our rural women and urban women. We should take proper steps to make them concerned about their proprietary rights.
- 14) We can give women more legal aid to get their proprietary right easily.
- 15) Courts must be sensitive to women's rights in general and their proprietary rights in particular.

9.0 Concluding Remarks

Bangladesh is a country that derives an important measure of its national identity from its religious character (Roy, 1983, pp.{15-16}). The varying inheritance rights of women are glaring examples of that aspect. Bangladeshi women are governed by their respective religion- based civil laws. As religion based different personal laws regulate the inheritance rights of women, the discriminatory and unequal laws vary in their scope and tenor.

But the fact remains that laws of both public and personal spheres must be compatible with the constitutional laws of a country. The general norm of law is that laws should be equally applicable to all citizens irrespective of sex, religion, or the community. In the new millennium, the expectation of Bangladeshi women of all religions is justice, equality, and equity. The Constitution of Bangladesh promises equality of treatment, equal protection of law and non-discrimination. These commitments must be translated into reality so that all Bangladeshis, irrespective of gender or religious belief economic, political or social position of all is protected (Huda, 1998, P.133).

Last but not the least, the proprietary rights of women in Bangladesh should be carefully reshaped so that gross discrimination can be removed from our polity. Laws should not favor only mankind, it should also be just for womankind.

Notes

[1] Bina Agarwal makes a strong argument against such discrimination in case of India. See, "Gender and Land Rights in Agricultural Land in India," Economic and Political Weekly, Vol. 30, No. 12.

[2] Salma Sobhan, a prominent human rights activist. See also-"Legal status of woman in Bangladesh".p.31

[3] Dr. Alam writes that the Quran has given more rights to women than any other Book, system or code in the past. Only family codes in the true and secular democracies, whether with predominantly Christian, Hindu or Buddhist background, may have edge over the Qur'anic law of inheritance to ensure equality between man and woman.

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