



**Research Monograph**

**On**

**“Critical Analysis of Legislative Changes of Family Courts in Bangladesh”**

**Research Paper submitted in partial fulfilment of the requirements of the Bachelor of  
Laws with Honor’s (LLB) under Sonargaon University**

**Submitted To:**

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Date of Submission: 7<sup>th</sup> July, 2024

## LETTER OF TRANSMITTAL

Date: 7<sup>th</sup> July, 2024

To

Sagor Hossain

Lecturer

Department of Law

Sonargaon University

**Subject: Submission of Research Monograph on “Critical Analysis of Legislative Changes of Family courts in Bangladesh”**

Sir,

It is a great pleasure for me to submit the research monograph on the topic of **“Critical Analysis on Legislative Changes of Family courts in Bangladesh”** while researching I tried my best to make this research monograph to enough standard. I hope that this paper will fulfill your expectation.

I therefore, hope that you be kind enough to go through this paper or evaluation.

Yours sincerely,

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Sumi Akter

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## DECLARATION

I hereby o solemnly declare that the work presented on this thesis report has been carried out by myself and has not previously submitted to any other institution. I have presented the work, does not infringe any copyright.

I further had borne to indemnify the University against any loss or damage arising from infringement of the foregoing obligations.

The views an opinion expressed in this research re absolutely mine except those

Which I have quoted. I do not claim that my views are correct from every point of view. There may be shortcomings and wrongs and only I am responsible for those.

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## **SUPERVISOR CERTIFICATION**

This is to certify that the thesis on “**Critical Analysis on Legislative Changes of Family courts in Bangladesh**” has been conducted by **Sumi Akter, ID: LLB2001019002** in partial fulfillment of the requirements for the Bachelor of Laws with Honor’s (LLB) from Sonargaon University (SU). The thesis has been conducted under my benevolent guidance and supervision and is recorded as a bona fide work carried out successfully.

.....

Mr. Sagor Hossain

Lecturer

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Sonargaon University (SU)

## **ACKNOWLEDGEMENT**

All praises be to ALLAH (SWT) who sustained my life in good health and sound mind throughout my entire study period in this country.

Without ALLAH (SWT)'s grace and mercy this piece of work would not have seen the light of the day. "ALHAMDULILLAH".

I wish to express a sincere appreciation to sir Sagor Hossain, Lecturer, Department of Law, Sonargaon University (SU) my research monograph supervisor, advisor, mentor and person whom I admire as a professional man for his benevolent support and guidance to finish this thesis and accomplish my graduate study. Actually, he is my real guide for study purpose matter.

Lastly, I pray my special gratitude to the role of different people whose name have not been mentioned but contributed towards research monograph, my study and personal life.

## **Executive Summary**

The Family Courts' main purpose is to assist the smooth and effective disposal of cases relating to family matters. However, like any other system there are certain issues which become a matter of concern when it comes to the working of these courts. One such issue is that of continuity. For example, in the family courts at Tamil Nadu, the counselors are changed every three months. Thus, when cases stretch for a period of time which is longer than this, the woman or the aggrieved person has to adjust with new counselors and their story has to be retold several times. However, family courts were established by the Family Court ordinance 1985 to serve of the purpose of quick, effective and amicable disposal of some of the family matters. The anxiety of the framer for the said speedy disposal of the family case is palpable in fixing only 30 days for the appearances of the dependent, in providing that if, after service of summons neither party appears when the suit is called on for hearing the court may dismiss the suit. The purpose is again manifest in providing a procedure for trial of cases in camera if required for maintaining the secrecy, confidentiality and for effective disposal of some complicated and sophisticated matters which may not be possible under moral law of the land.

By the Family Courts Ordinance 1985, later on Recently Enacted Family Court Act 2023 the family courts get hold of exclusive jurisdiction for expeditious settlement and disposal of disputes in only suits relating to dissolution of marriage, restitution of conjugal rights, dower, maintenance, guardianship and custody of children. The courts began working all over the country except in the hill districts Rangamati, Bandarban, and khagrachhari. Soon after the court began functioning, questions raised whether the family courts would deal only with the family matters of Muslim community or of all communities. The uncertainty lasted for a long time until in 1998 a special high court bench of the Supreme Court in a path finding judgment removed all the question regarding family court's jurisdiction. Every lawyers and judges dealing with family court are supposed to be aware of the judgment. But the common people for whose benefit the courts have been constituted seem still uninformed about the great decision relieving the justice- seekers in the family courts harming uncertainty.