



SONARGAON UNIVERSITY

Research Monograph

On

**A Critique of Legislative changes of Family
Laws in Bangladesh**

Submitted to

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07th January, 2025

To
Sagor Shahriar
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Subject: The Research Monograph of **“A Critique of Legislative changes of Family Laws in Bangladesh”**.

Sir,

It is a gratification for me to submit the Research on **“A Critique of Legislative changes of Family Laws in Bangladesh”**

While doing this Research, I have tried my best to this project the paper to the required standard. I hope that this paper will fulfill your expectation and make you happy. I therefore, hope that you would be kind enough to go through this paper for evaluation.

I am always available for any clarification of any part of this paper at your convenience.

Thanking You

.....
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Declaration of Supervisor

This is to certify that the Research Monograph entitled “**A Critique of Legislative changes of Family Laws in Bangladesh**” submitted by **Sohel Arman** for partial fulfillment of the LL.B (Hon’s) Degree in Law to the Department of Law at Sonargaon University is based on his original research and investigation carried out under my guidance and supervision.

Supervisor:

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Sagor Shahriar
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Declaration

I do hereby declare that the dissertation submitted to the Department of Law, Sonargaon University in the partial fulfillment of the requirements for the degree of the LL.B (Hon's) Degree. It is carried out by me under the guidance and supervision of Sagor Shahriar, **Lecturer, Department of Law, Sonargaon University**. Research method and approaches strictly have been followed during undertaking the work. Sources consulted are duly referred, quoted and incorporated in the text and references included at the end of the work which is based on my research. I hereby declare that this dissertation is original and free from plagiarism and it has not been submitted earlier partly or wholly to any other university or institution for any degree or diploma.

Signature

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Abstract

This dissertation is focused on the nature and function of the family court in Bangladesh. With this aim, this paper has tried to discuss present law, definition, legal effects, existing problems related to dissolution of marriage, dower, and restitution of conjugal rights, maintenance and guardianship, pre trial proceeding: mediation, institution of suits and proceedings. The aim of the writing is to show the weakness in the jurisdiction of family court in our country. It has further attempted to recommend some possible solutions to the identified flaws of this system.

List of Abbreviation

FCO- Family Courts Ordinance

DOD's: Declarations of Disclosure

MSA: Marital Settlement Agreement

BCB: *British Columbia Provincial*

US : United Nations

UCCJEA: Uniform Child Custody Jurisdiction Enforcement Act

DOM – Date of marriage.

DOS – date of separation. ...

ICMC – initial case management conference. ...

ENE – early neutral evaluation. ...

HRO – harassment restraining order. ...

OFP – order for protection

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List of Cases

Cases / Case Laws

1. In the case of *Shyni v/s. George*: court held that a wife can impale a close relative of her husband or even a stranger on allegations that the husband had handed over the property to them in a suit for recovery of the property. This would not be out of the jurisdiction of the Family Courts.

2. In the case of *K.A. Abdul Jaleel v/s. T.A. Sahida*: the court held that the expression “parties to the marriage” were held to include a divorced wife and a petition filed by her for declaration and partition of property jointly acquired by them would be maintainable.

3. In case of *M.P. Gangadharan v/s. State of Kerala*, SC held that Family Court should be established not only because it is provided in the Act but the state must be alive to the situation that it has a duty to provide all infrastructures to the forum of dispute resolution.

4. **In case of Pochon Rikssi Dass vs Khuku Rani Dasi and others 50, DLR (1998)**

47. As a matter of fact, dealing with a cluster of family laws issues, where the ambiguity as to jurisdiction of the family court came to me as a very crucial issue. At that time it had been working for Bangladesh Legal Aid and Services Trust (BLAST). And surprisingly, yes really surprisingly, none of them could give me any satisfactory answer regarding this. As a preliminary task I consulted to the law reports like DLR, BLD, BLC, MLR, and BLT le almost all the reports kept in BLAST library. May be, the issue of DLR was out of Library, or may be it was limitation. In the judgment of BLAST vs Bangladesh (Juvenile Trial Case) 7 BLC 85. Unlike in the judgment of BLAST vs Bangladesh (Juvenile Trial Case) 7 BLC 85, in the judgment of Pochon Rikssi Dass vs Khuku Rani Dasi 50 DLR (1998) 47 there was no direction to the Registrar of the Supreme Court or to anybody else to inform the judges and others concerned with the family courts countrywide about the path finding judgment.