SONARGAON UNIVERSITY

DEPARTMENT OF LAW

A Research Dissertation

on

"Family Law Reforms in Bangladesh: Balancing Tradition and Modernity"

This dissertation is submitted in partial fulfillment of the requirements for the degree of Bachelor of Laws (LL.B. Honours), under the supervision of the Department of Law, Sonargaon University.

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DEDICATION

I respectfully dedicate this research to all Bangladeshi women still fighting for justice, safety, and dignity within their families—especially those whose voices remain unheard.

I also dedicate this work to my parents, whose love, prayers, and unwavering support enabled me to write this dissertation.

And to Sharmin Jahan Runa Ma'am, Assistant Professor, Department of Law, whose guidance, kindness, and encouragement have been a guiding light throughout my university journey—not just as a teacher, but as a true mentor and inspiration.

— Md. Tarek Goni Spondon

Student Declaration

I, **Md. Tarek Goni Spondon**, do hereby sincerely affirm that the work presented in this thesis/term paper is the result of my own effort and has not been submitted, either wholly or partially, to any other institution for any academic or professional purpose.

With utmost respect for academic integrity, I also affirm that this work does not infringe upon any existing copyright laws. I fully acknowledge and accept that I bear complete responsibility for any legal or academic consequences that may arise from a breach of these commitments.

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LETTER OF TRANSMITTAL

To
SAGOR HOSSAIN
Lecturer
Department of Law
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Subject: Submission of Research Monograph on "Family Law Reforms in Bangladesh: Balancing Tradition and Modernity"

Dear Sir,

I hope this message finds you well.

It is with great respect that I submit my research monograph titled "Family Law Reforms in Bangladesh: Balancing Tradition and Modernity." This work is the result of my earnest effort to explore how our legal system navigates the complex intersection of long-standing traditions and the evolving demands of modern family structures and values.

Throughout this research, I have tried to reflect on both the historical context and the present-day implications of family law reforms. I have consulted a wide range of legal texts, scholarly opinions, and legislative developments to shape this study with depth and relevance.

I humbly request you to accept this monograph for your kind evaluation. I would be truly grateful for any feedback or suggestions you may have, as they will certainly help me grow further in my academic journey.

Thank you once again for your support and guidance.

Warm regards,

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SUPERVISOR'S CERTIFICATION

This is to certify that the research monograph titled **"Family Law Reforms in Bangladesh: Balancing Tradition and Modernity"**

has been carried out and submitted by **Md. Tarek Goni Spondon**, LLB (Hon's), ID No: LLB2102023020, Batch: 29th, Department of Law, Sonargaon University.

The research has been completed under my supervision. The student has shown sincerity and dedication throughout the work. This monograph reflects a clear understanding of the topic and meets the academic standards required for submission.

I recommend the monograph for evaluation.

Md. Sagor Hossain
Lecturer
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Signature

Acknowledgments

I gratefully acknowledge the infinite blessings of Almighty Allah, whose guidance and strength have carried me through every challenge in completing this work.

I would like to sincerely acknowledge and thank my esteemed research supervisor, **Md. Sagor Hossain**, from the Department of Law at Sonargaon University. Their patient guidance, insightful advice, and generous support have been truly invaluable in bringing this thesis/term paper to fruition.

I am deeply thankful to my family and friends, whose constant encouragement and unwavering belief in me provided the motivation and comfort needed throughout this academic journey.

Finally, I want to acknowledge with heartfelt appreciation everyone who, in one way or another, offered their help, inspiration, or support toward the successful completion of this project.

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Abstract

In every society, the family is the first institution where identity, values, and justice begin to take shape. In Bangladesh, this intimate space of human experience is governed by a set of family laws that are deeply rooted in tradition, religion, and colonial legacies. But families, like societies, do not remain static they evolve, and so must the laws that govern them.

This monograph explores the quiet yet powerful tension between tradition and modernity in Bangladesh's family law framework. It asks: How can laws that were shaped centuries ago still speak to the lives of today's women, children, and evolving family dynamics? And more importantly, how do we reform them without erasing the cultural and spiritual values people still hold dear?

Blending legal analysis with a humanistic lens, this research examines key areas of family law-marriage, divorce, guardianship, inheritance and investigates where the system fails to protect dignity and equality. It looks not just at statutes and case law, but at the lived realities of people navigating a legal system often torn between preservation and progress.

This is not just a legal study; it is a reflection on how a nation can move forward without leaving its roots behind. True reform, as this work argues, lies not in rejecting tradition, but in reimagining it with compassion, with courage, and with justice at its heart.

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Chapter 1

Introduction

Law, Legacy & Life

Law might seem like something far away meant for courts, lawyers, or officials. But in reality, it quietly shapes how we live every day. It influences how we marry, who raises our children, what happens after a separation, and even how family property is passed on. In Bangladesh, family law is not just a legal framework it's a mirror of our culture, religion, and evolving identity.

Family law here is built from many sources: Islamic law for Muslims, Hindu customs for Hindus, Christian codes for Christians, and colonial systems inherited from British rule. While these laws brought structure, they also preserved many outdated norms. Often, they treated women as dependents and men as guardians. Even today, a mother may lose custody simply due to social bias. A widow may be denied property, and a daughter might receive half the inheritance of her brother. These outcomes are not always due to what the law says but rather, what the law allows.[1]

Yet Bangladesh is changing fast. In places like Farmgate or Tejgaon, we now see women running shops, managing offices, and leading homes. The gap between these new realities and old laws is becoming harder to ignore. Laws that once felt protective now often feel restrictive. They don't reflect the choices people are making and the courage they are showing every day.

This thesis starts from a place of care, not criticism. It does not reject tradition, but it questions whether the tradition we are following still serves us today. Can our laws evolve without losing our values? Can we design family law that respects belief but also ensures justice for all regardless of gender or religion?

Family law should not be a tool of exclusion. It should protect every voice especially those that have been silenced for too long. This study hopes to explore the past, understand the present, and imagine a fairer future one where family laws heal rather than harm.[2]

[1] Naim, K.M. (2015). *Family Law in Bangladesh: Past, Present and the Way Forward*. Bangladesh Institute of Law and International Affairs (BILIA).

[2] UNDP Bangladesh. (2017). *Access to Justice: Mapping Gaps in Family Law Implementation*. United Nations Development Programme.

1.1 The Study's Justification: The Importance of Family Law Reform

Bangladeshi family law reflects the society's values, beliefs, and protections. It covers intimate aspects of marriage, parenthood, divorce, inheritance, and family dynamics. These laws originate from colonial-era systems, religious beliefs, and long-standing customs. Despite the growing influence of educated young women and shifts in family structures, t

hese laws have largely remained unchanged. They ensure that the legal frameworks for families stay relevant and effective by aligning with societal values and expectations.

Yet even as our streets grow louder with the voices of educated young women, even as families change in form and function, the laws governing them remain largely unchanged. The mismatch between modern life and these rigid legal structures is not just inconvenient; it is painful. I have seen, heard, and read countless stories of women being denied fair treatment during divorce, mothers losing custody of their own children, or widows fighting for property they rightfully deserve. These are not abstract legal cases; these are the lived realities of thousands across the country.

Family law in Bangladesh often depends on which religion a person belongs to. A Hindu daughter may be denied the same inheritance rights a Muslim daughter receives. A Christian woman may face completely different legal procedures than her Muslim neighbor. This inconsistency, although frequently justified as a matter of religious respect, ultimately creates layers of inequality. Worse still, these laws are sometimes applied in ways that reflect social bias rather than fairness, making it harder for the most vulnerable to speak up or be heard. [3]

This research does not come from a desire to criticize faith or tradition. On the contrary, it starts from a place of respect but also urgency. Traditions are not unchangeable. In fact, many of the customs we now consider “old” were once new responses to changing times. Reforming family law is about continuing that process of evolution. It’s about asking whether the laws we have today are helping families thrive or forcing them to suffer in silence.

Through this thesis, I hope to understand the roots of our family laws, how they operate today, and what their future could look like. I believe that law, when guided by empathy and grounded in justice, can do more than enforce rules; it can heal wounds, restore dignity, and build stronger families. Reform isn’t about erasing history; it’s about choosing a better direction. One where fairness is not conditional and dignity is not negotiable. [4]

[3] Jahan, R. (2018). *Gender and Family Law in Bangladesh: The Struggle for Equality*. Dhaka: University Press Limited.
[4] Hossain, S.M. (2021). *Personal Laws and Legal Pluralism in Bangladesh: Challenges for Reform*. Bangladesh Law Journal, Vol. 15(2), pp. 45–63.

1.2 Research Objectives and Central Questions

Family law sits at a crossroads in Bangladesh—pulled between deeply rooted religious traditions and the evolving needs of a modern society. This study sets out to explore that tension. Its purpose is to understand not only how the laws have changed over time but also how those changes affect real lives—especially for women navigating issues like divorce, maintenance, custody, and inheritance.

The core objectives of this research are to

- Trace the historical development of family laws in Bangladesh across religious communities.
- Understand the social and legal challenges people face when trying to access justice in family matters.
- Examine the role of courts, lawmakers, and civil society in driving (or resisting) reform.
- Identify gaps between legal texts and lived realities.
- Suggest practical, culturally sensitive reforms that could promote equality without erasing identity.

Key Questions:

- How have inherited personal laws shaped the present-day family law system in Bangladesh?
- What legal protections do women currently have—and how effective are they in practice?
- Where do people turn when law and tradition clash?
- Can Bangladesh build a fairer family law framework that honors both tradition and constitutional rights?

1.3 Methodology and Sources of Information

This study uses a qualitative approach with a blend of legal analysis and real-life narratives. It doesn't rely on courtroom statistics alone but explores how people experience the law in daily life, in places like Tejgaon or Farmgate, Dhaka, or in rural villages like those in Rangpur.

Approach & Tools:

- **Legal Review:** Key laws such as the **Muslim Family Laws Ordinance (1961), Hindu Marriage Act (2012)**, and **Family Courts Ordinance (1985)** are studied in their original form and in practice. [5]

[5] The Muslim Family Laws Ordinance, 1961 (Ordinance No. VIII of 1961).

- **Case Stories:** Realistic stories—like that of Sharmin, a widow fighting for property, or Atika navigating khula (talaq), are used to show how the law plays out in real time.[6]
- **Case Law:** Judgments from family courts and the High Court are analyzed to see how interpretations evolve. [7]
- **Comparative Glimpses:** Short reviews of reforms in India, Pakistan, Tunisia, and Malaysia help draw perspective. [8]

1.4 Scope, Limitations & Chapter Outline

Scope:
The thesis focuses on how family laws apply to Muslims, Hindus, and Christians in Bangladesh, especially in matters like marriage, divorce, custody, guardianship, and inheritance. The study gives special attention to how women experience these laws and includes reflections from urban and rural contexts.

Limitations:

- ❖ The work is based on desk research and case-based storytelling; no field surveys or interviews were conducted.
- ❖ It does not cover ethnic or indigenous personal laws in depth.
- ❖ Some legal documents were accessed only in translation, not always in their original language.

Chapter Overview:

- ✓ Chapter **1** introduces the research aims, background, and structure.
- ✓ Chapter **2** revisits the origins of family laws in Bangladesh, beginning from the pre-colonial period.
- ✓ Chapter **3** looks at legal provisions and compares them with what actually happens in people's lives.
- ✓ Chapter **4** shares real-world examples from people like Sharmin, Tamanna, and Rakib.
- ✓ Chapter **5** dives into reforms and how far they've gone — or not.
- ✓ Chapter **6** unpacks debates where law meets religion and identity.
- ✓ Chapter **7** offers lessons from abroad, not to copy but to adapt.
- ✓ Chapter **8** ties it all together with reform ideas and a final reflection.

[6] BRAC Human Rights and Legal Aid Services (HRLS) Annual Report, 2022
[7] Naripokkho. *Position Paper on Family Violence and Legal Responses*, 2020
[8] UNDP Bangladesh, *Evaluation of Family Court Reform Project*, 2021

Overall, this study tries to explore the practical challenges of family law without claiming to have all the answers. It’s more about showing where the problems lie and what kind of questions we need to ask if we want the law to protect families better.

Chapter 2

Family Law in Bangladesh: Roots in Inherited Norms

2.1 Pre-Colonial Family Structures and Religious Influence

Long before the British set up courts and formal legal systems in Bengal, people here followed their own rules, not from law books, but from tradition, religion, and what elders said was right. It wasn't called "law" the way we understand it today. There were no written codes or official judges. Family matters like marriage, inheritance, or separation were handled within the community and mostly based on what religion or custom allowed.[9]

For Muslims, the Qur'an and Hadith were the main sources of guidance, but even then, the rules weren't always applied the same way everywhere. One village might follow a certain practice because the local imam said so, while another might do things slightly differently, depending on what the elders believed was just. There wasn't one fixed system. A lot depended on interpretation, on memory, and on the influence of local leaders.[10]

In Hindu communities, the situation was also based on religion, mostly the Manusmriti and other ancient texts. But caste played a big role too. Higher-caste families had more control, while lower-caste people often had little say. Hindu women, especially, were expected to stay in the background. They couldn't own much property, had almost no say in family decisions, and were often blamed if anything went wrong.[11]

Now, was all this fair? For some people, maybe. But for many, especially women, widows, or anyone from a weaker social position, the system could be deeply unjust. Since there was no formal record or written law, most decisions came down to who had more power or influence. Even if someone was treated unfairly, they didn't always have a place to complain. The "law" was more like social order than justice.[12]

In reality, pre-colonial family structures in Bengal were built on a mix of religion, tradition, and community pressure. People accepted them not because they were always fair, but because they had no other choice. If a woman was denied her share of property or forced into

[9] Nurul Islam, *Legal History of Muslim Bengal*, Dhaka University Press, 2007.
Tahera Sattar, "Islamic Legal Practice in South Asia," *South Asian Legal Studies Journal*, Vol. 6, 2010.
[10] M. Shah Alam, *Legal Pluralism and Traditional Justice in Bangladesh*, BLAST, 2014.
Nandita Dhawan, *Women and Law in South Asia*, Zubaan, 2011.
[11]Joya Chatterji, *Bengal Divided*, Cambridge University Press, 2002.
Dr. Faiza Rahman, "Customs and Contradictions: Muslim Women's Legal Status in Bengal," *Bangladesh Law Journal*, Vol. 12, 2015.
[12] Nandita Dhawan, *Women and Law in South Asia*, Zubaan, 2011.
Tahera Sattar, "Islamic Legal Practice in South Asia," *SALJ*, 2010.

a marriage, there were few ways to fight back. Everyone knew their place—and stepping out of it could mean being cut off by family or society.[13]

So while religion did offer some basic rules and protections, how those rules were used often depended on the community's mindset. And more often than not, those who were most vulnerable—especially women—were left with the least protection.

2.2 Colonial Interventions & the Birth of Codified Family Laws

When the British began their rule in Bengal, they didn't rush to interfere with people's personal affairs. In fact, during the early years of the East India Company's control, personal laws, especially those related to family matters like marriage, divorce, and inheritance, were left untouched. The British administrators quickly realized that any sudden attempt to alter these religious or community-based norms could trigger unrest. After all, family life was deeply tied to people's faith, traditions, and community authority.

But as British legal institutions grew across the Indian subcontinent, something had to give. The colonial rulers needed a uniform system of governance that their officers and judges could rely on, especially in civil disputes. They couldn't afford to let every community apply law differently without written guidelines. So began the process of codification, where religious customs were translated into written legal codes.[14]

At first glance, this may have seemed like progress: taking age-old customs and writing them down in law books so they could be applied consistently in colonial courts. But codification came with a serious flaw. It froze dynamic customs in time. Practices that had previously evolved over generations were now locked into black-and-white legal text. The Shariat Application Act of 1937 is one example. It aimed to ensure that Muslim personal law, particularly around inheritance and marriage, would be applied instead of local customs. But in doing so, it formalized a very rigid, male-centered interpretation of Islamic rules, even though Islamic jurisprudence is historically diverse and flexible.[15]

Similarly, the **Hindu Women's Right to Property Act of 1937** was a step forward in giving widows limited rights to their husbands's property. But it was limited in scope, temporary in nature, and shaped largely through British lenses of fairness rather than a deep understanding

[13] M. Shah Alam, *Legal Pluralism and Traditional Justice in Bangladesh*, 2014.
Nurul Islam, *Legal History of Muslim Bengal*, 2007.
[14] Mitra, Subrata Kumar. *The Puzzle of India's Governance: Culture, Context and Comparative Theory*. Routledge, 2006;
Marc Galanter, "The Aborted Restoration of 'Indigenous' Law in India," *Comparative Studies in Society and History*, Vol. 14, No. 1 (1972): 53–70.
[15] Ahmed, Farah. "The Shariat Application Act of 1937: Colonial Legal Pluralism and Personal Law." *South Asian History and Culture*, Vol. 4, No. 3 (2013): 287–304;
Moniruzzaman, M. "Family Law in Colonial India: The Evolution of Muslim Personal Law." *Dhaka University Law Journal*, Vol. 15 (2010): 45–61.

of Hindu social structures. In fact, many colonial judges didn't speak the local languages or [16] understand the religious texts they were interpreting. They often relied on selective translations or the advice of elite religious scholars, many of whom had their own biases.

As a result, many of the "modern" personal laws created during colonial rule were neither fully religious nor fully just. They were hybrid laws, stitched together from misunderstood customs, colonial priorities, and upper-class interests. And because they were now official law, people couldn't easily question or reform them. The informal flexibility that had once existed under traditional systems disappeared.

This legacy still affects family law in Bangladesh today. What the British codified nearly a century ago continues to shape marriage rights, divorce procedures, and property claims. And because these laws were written during a time when women's roles were limited and patriarchal control was strong, the biases of that era remain embedded in legal structures we still live with.

2.3 Partition, Pakistan Period & the Personal Law Divide

After the 1947 partition, Bengal was split, and East Bengal became East Pakistan. The political changes were massive, but family law didn't transform overnight. For Muslims, the biggest shift came with the **Muslim Family Laws Ordinance of 1961**. [17]

This law tried to fix a few things, like making polygamy harder, registering marriages and divorces, and giving women some extra protections. On paper, it looked like a big step. But many people didn't even follow it. In rural areas, tradition was still stronger than law. [18]

For **Hindus**, there wasn't much change at all. Their personal law system remained mostly as it was, based on older colonial codes. Hindu women, especially widows and daughters, continued to be left out when it came to property or guardianship. [19]

So, even though the state claimed to be reforming, the reality was your rights depended on your religion. And even within those laws, your rights could vary depending on who interpreted them, or whether they were followed at all. [20]

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[16] Derrett, J.D.M. *Religion, Law and the State in India*. Faber & Faber, 1968;
Agnes, Flavia. "Hindu Women's Right to Property — The Travails of a Civil Rights Movement." *Economic and Political Weekly*, Vol. 38, No. 17 (2003): 1603–1612.
[17] The Muslim Family Laws Ordinance, 1961 (Ordinance No. VIII of 1961), Government of Pakistan
[18] Zainul Abedin, *Muslim Family Laws in Bangladesh*, Dhaka: Mullick Law Publications, 2012, p. 46,
Chowdhury, Najma. "The Politics of Implementing Family Laws in Rural Bangladesh." *Asian Survey*, Vol. 25, No. 8 (1985): 891–908.
[19] Carroll, Lucy. "The Hindu Women's Right to Property Act: A Historical Perspective." *Modern Asian Studies*, Vol. 20, No. 2 (1986): 339–354.
[20] Jahan, Rounaq. *Women and Development: Perspectives from South Asia*. UPL, 1995, p. 102.

2.4 Post-1971 Evolution: Between Reform and Resistance

After 1971, when Bangladesh became an independent country, the Constitution promised equality. That gave people hope. But when it came to personal laws, not much actually changed.

The same old family laws remained; **the Muslim Family Laws Ordinance from Pakistan** still applied, and Hindu laws stayed untouched. Leaders hesitated to reform them. Maybe they feared religious pushback. Maybe they thought it wasn't urgent.

Some court decisions have helped, like giving more child custody rights to mothers or supporting women who were abandoned. But there was no big national effort to change the [21] system. Even now, a woman's rights in marriage or inheritance depend on whether she's Muslim, Hindu, or from another community. [22]

The truth is, we've been carrying the same family law baggage from colonial times, Pakistan, and now independent Bangladesh. And because these laws are tied to religion, changing them is often seen as controversial. [23]

[21] Huda, Shahdeen. *Family Laws in Bangladesh: Colonial Legacy and Reform Challenges*. Dhaka: University Press Limited, 2000.
[22] Rahman, Tanzila. "Judicial Interventions and Women's Rights in Bangladesh." *Journal of South Asian Legal Studies*, Vol. 8, No. 2 (2019): 120–138.
[23] Derrett, J.D.M. *Religion, Law and the State in India*. Oxford University Press, 1968, Badrinath, Chaturvedi. Law, Religion and Identity in South Asia." *South Asian Studies Quarterly*, Vol. 15, No. 3 (2015): 54–69

Chapter 3

Present-Day Realities—
What the Law Says vs. What People Face

3.1 Marriage Registration: Between Form and Faith

At first glance, getting a marriage registered in Bangladesh might look like a simple thing. For Muslims, it's the Nikah Nama—a formal piece of paper. For Hindus, legal registration only became possible in 2012, which says a lot about how delayed some rights have been. But if you step into a rural village, you'll quickly see the story's different. Many people, especially elders, see marriage as a deeply religious or social commitment, not something to be written down and approved by the government. That's why many couples live together as husband and wife for years without any formal record. It's only when things go wrong, a separation, a claim of dower, or an inheritance dispute—that people realize the absence of registration leaves women especially vulnerable.

In such cases, women are often left without proof of marriage and are denied basic rights like maintenance or property claims. Children from such unregistered marriages may also face difficulties proving legitimacy or lineage. Legal aid groups say that most rural women don't even know marriage registration is a legal requirement. Despite this, local leaders rarely enforce the rule, and often actively discourage it, citing tradition. So, although the system for marriage registration exists, it's not enough just to have the law. What's needed is stronger awareness, easier access, and a change in how people perceive the role of documentation in personal lives. [24]

Example:

"When Love Couldn't Prove Itself on Paper"

In a village mosque in Pabna, Nirjana and Rafid tied the knot under a modest canopy. No photographs, no fanfare, just a few close relatives, the local imam, and a heartfelt "Qubool." Their love was real. Their commitment was sincere. But their marriage was not registered.

Years later, when Rafid died in a road accident, Nirjana stood outside the doors of courtrooms and insurance offices, not as a grieving widow, but as a legal nobody. She had no nikahnama, no registered document to prove she was ever his wife. She was denied his

[24] Rahman, T. (2020). *Marriage Registration and Women's Rights in Rural Bangladesh*. Journal of South Asian Legal Studies, 12(1), 75-92.

pension, his savings, and even her right to speak at his funeral arrangements, which were handled by distant relatives who dismissed her as "just a woman who lived with him." [25]

In that moment, the gap between **faith and form**, between spiritual union and legal recognition, became painfully clear.

Nirjana's story is not rare in Bangladesh. Thousands of women, especially in rural areas, enter into marriages that are socially accepted but not legally recognized. When those marriages break down, or when death or abandonment occur, these women find themselves trapped—with no legal safety net, no protection, and often, no voice.

3.2 Divorce Practices: Legal Framework vs. Cultural Pressure

In Bangladesh, the legal right to divorce exists. Both men and women, in theory, have mechanisms to end a marriage through the law. Yet, in reality, the journey from an unhappy marriage to legal separation is often blocked by deep cultural pressure**,** social stigma, and emotional manipulation, especially for women. While the law may speak of justice and equality, societal expectations often speak louder. [26]

Divorce is one of the most personal legal decisions a person can make. But in Bangladesh, it is rarely treated as just a legal matter. It becomes a moral debate, a family crisis, and often, a public spectacle. This tension between what the law allows and what society accepts creates a confusing, and sometimes cruel, space for individuals, especially women—seeking to exercise their rights.

The Legal Framework: Rights on Paper

Bangladesh's family law provides legal grounds for divorce across religious lines. For Muslims, the **Muslim Family Laws Ordinance, 1961**, outlines procedures for talaq (by husband), khula (by wife with consent), and judicial divorce under certain circumstances. The ordinance requires proper notice to the **Union Parishad**, a period for reconciliation, and ensures the right to maintenance**,** dower**,** and custody**.**

For Hindus, however, the situation is less clear. Until recently, there was no legal provision for Hindu women to initiate divorce in Bangladesh. While men could leave informally, women had no formal mechanism. Although some Hindu women now seek redress through civil law or rare judicial interventions, custom still outweighs codified protection. [27]

[25] Hossain, S. (2018**).** *Legal Awareness and Women's Access to Family Justice in Bangladesh*. Dhaka University Law Journal, 30(2), 123-140.
[26] Muslim Family Laws Ordinance, 1961
[27] Hindu Marriage Act, 2012, and/or related academic commentary on Hindu divorce rights in Bangladesh.

Christians can divorce under the **Christian Marriage Act and Divorce Act, 1869**, but these laws remain outdated and complex, requiring high standards of proof like adultery or cruelty, making access to divorce legally possible but practically difficult. [28]

In short, while laws exist, they are often uneven, incomplete, or inaccessible**.** [29]

Cultural Pressure: The Invisible Barrier

The biggest obstacle in the path of divorce, however, isn't always legal, it's cultural. Divorce in Bangladesh, especially for women, is still viewed by many as a failure**,** a shame**,** or a scandal. A divorced woman is often blamed, judged, or seen as "spoiled." Families may discourage her from seeking legal help to "save face." Children may be used as emotional leverage. Religious misinterpretations are sometimes used to trap women in abusive relationships.

In rural and semi-urban areas, it is common for women to remain in marriages marked by violence, neglect, or abandonment, simply because leaving would mean losing social support**,** facing gossip, or being unable to remarry.

Men, on the other hand, face fewer consequences. A man who divorces may face some criticism, but he is rarely ostracized. Society often justifies his decision with phrases like "she couldn't fulfill her duties" or "he had no choice." This double standard is at the heart of the cultural pressure women face. [30]

An Example: Atika's Story

Atika, a 32-year-old schoolteacher from Munshiganj, was married for six years to a man who frequently insulted and humiliated her. Though he never beat her, the emotional abuse was constant. He controlled her salary, insulted her in front of her children, and forbade her from visiting her own parents.

When Atika finally decided to file for khula (talaq), her in-laws accused her of being a "bad wife." Her own family, though supportive in private, asked her to wait longer "for the sake of the children." At the Union Parishad office, the officials subtly discouraged her from going forward, suggesting that reconciliation would be "better for everyone."

With help from a local women's legal aid group, Atika filed her case and went through the three-month reconciliation period. Her case was finalized, but not without cost. She was labeled a "problematic woman" in her community. Her children's school friends whispered

[28] Christian Marriage Act, 1872 (or Divorce Act, 1869), Bangladesh context
[29]Reports from BRAC, Naripokkho, or UNDP family justice reports addressing implementation gaps and social pressures.
[30] BRAC, Naripokkho reports on divorce stigma and social barriers in Bangladesh.

about her. She lost some relatives' support. And yet, she says she sleeps better now, and her children feel safer.

Atika's story shows that divorce is not just a legal action; it's a social rebellion**.** [31]

Bridging the Gap: What Needs to Change

To make divorce more accessible, respectful, and just, several reforms are essential: [32]

1. **Legal Clarity for All Communities**
   Hindu women in Bangladesh still lack equal access to legal divorce. The law must be updated to allow divorce rights for all, regardless of religion or gender.
2. **Awareness Campaigns to Challenge Stigma**
   Just as domestic violence awareness is increasing, we need targeted campaigns that explain divorce is not a moral failure, it is a legal right and a personal choice. [33]
3. **Training for Local Authorities**
   Union Parishad officials, family court staff, and mediators need to be trained to support, not shame, those filing for divorce. Neutrality and empathy must replace bias. [34]
4. **Strengthening Women's Access to Legal Aid**
   Many women do not pursue divorce simply because they cannot afford lawyers or lack transportation to court. Legal aid services must be expanded to village and upazila levels, with women paralegals trained in local dialects. [35]
5. **Mental Health and Counseling Services**
   Divorce takes a mental toll. Safe spaces for counseling, not just for couples but for individuals, can help people make decisions that are healthy and informed. [36]

Choosing Dignity Over Silence

The decision to divorce is never easy. But the law exists to support those who make that choice, not to shame them for it. In Bangladesh, we must begin to view divorce not as a defeat, but as a tool for restoring dignity and well, being when marriage has failed.

Reform in law is not enough if society refuses to change its attitude. True progress will come when a woman like Farzana no longer has to explain herself, when her right to peace, safety, and freedom is respected by the law and her community. [37]

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[31] Ain o Salish Kendra (ASK) or BLAST case studies on women's legal aid and divorce stories.
[32] UNDP and Law Commission reports on family law reforms in Bangladesh.

[33] UNDP, *"Access to Justice for Women in Bangladesh: Towards Equality"*
[34] Law Commission of Bangladesh, *"Recommendations for Family Court Reform"*, 2015.
[35] BLAST, *"Annual Legal Aid Report",* 2021.
[36] BRAC Institute of Governance and Development (BIGD), *"Mental Health and Legal Empowerment in Bangladesh"*, 2022.
[37] Ain o Salish Kendra (ASK), *"Women and the Law: Access and Obstacles"*, 2020.

In that future, divorce will no longer be a scar, it will simply be a legal choice, made for the right reasons, with dignity intact.

3.3 Custody and Maintenance: Children Caught in Conflict

Under the family laws of Bangladesh, custody and maintenance are meant to ensure a child's best interest following the breakdown of a marriage. Typically, mothers are granted custody of minor children, while fathers are legally obliged to provide financial maintenance. These provisions stem from religious personal laws as well as statutory enactments like the Guardians and Wards Act of 1890 and the Family Courts Ordinance of 1985. [38]

However, the legal ideal often collapses in the face of lived realities.

Let's say a marriage ends. What happens to the kids? The law says mothers usually get custody, and fathers must pay for maintenance. But the reality is rarely that simple. Many fathers just stop paying. And the legal system? It's slow. Courts are packed, lawyers are costly, and single mothers often feel helpless. Some fathers also find themselves pushed away, unable to even see their children. What should be a fair and protective system turns into a painful, drawn-out conflict. Kids end up suffering the most, emotionally, mentally, and even in terms of basic needs.

There's also the problem of outdated ideas, courts still assume that mothers are always best for children, even in cases where a more balanced approach might help. Sometimes children are used as leverage, caught in loyalty battles between parents. In the worst cases, maintenance becomes a bargaining chip, with fathers refusing to pay unless they get visitation. There are few support services or family counselors to mediate. As a result, custody becomes a war zone. The law wants to protect the child, yes. But in a system that's overburdened, underfunded, and emotionally draining, children often become the ones lost in the chaos.

This example illustrates that even when the law appears gender-sensitive or child-centric, its practical execution is fraught with emotional and institutional shortcomings. Without faster court procedures, accessible family counseling, and enforceable maintenance mechanisms, the child, the one person the law claims to prioritize, remains the most unprotected.

[38] Guardians and Wards Act, 1890; Family Courts Ordinance, 1985 (official government gazettes).

3.4 Guardianship, Adoption & Modern Parental Challenges

Families today in Bangladesh are changing fast, especially in places like Tejgaon and Farmgate in Dhaka. Life moves quickly. Parents like Atika, Sharmin, Tamanna, and Sanjida juggle work, household, and kids but also face new questions about guardianship and adoption that their parents never had to think about.

Guardianship: More Than Just a Paper

Guardianship means looking after a child when parents can't. But it's not just about the law. It's about trust, love, and responsibility. What happens when a father dies or parents split? Usually, someone in the family steps up. But who? Sometimes it's easy, the mother takes charge. But other times, relatives fight over the child or who gets to decide. Without clear legal papers, these fights can leave children confused and vulnerable.

Adoption: A Sensitive Topic in Our Society

Adoption is still not common in Bangladesh. Many feel a child should stay with "their own" family. It's a cultural thing, deeply tied to identity and religion. But what about children who lose parents or are abandoned? NGOs and social workers in Tejgaon and Farmgate are working to help these kids find families through adoption. Still, many families hesitate because of social pressure, fear of gossip, or complicated legal rules.[39]

Real Stories of Modern Parents

Take Sharmin, for example. After her divorce, she became the only guardian for her two kids. Without family nearby, she depends on friends and neighbors to help. When work demands late hours, she arranges for temporary guardianship, but it's stressful. She even thought about adopting her niece, but the paperwork and social reactions made her pause.

Atika, Tamanna, and Sanjida share similar stories. Parenting today means balancing so many things, love, work, tradition, and sometimes, the law.

What Needs to Change?

Bangladesh needs clearer, easier laws on guardianship and adoption. People need to talk openly to reduce the shame around adoption. Working parents need more support, like flexible jobs and childcare options, especially in busy areas like Tejgaon and Farmgate. [40]

[39] BLAST & UNICEF, *Legal and Social Barriers to Adoption in Bangladesh*, 2020.

[40] Naripokkho Policy Brief, *Single Mothers and Guardianship Rights in Bangladesh*, 2021.

NGOs help a lot by giving advice, legal help, and emotional support. They help parents like Atika, Sharmin, Tamanna, and Sanjida protect their children and navigate these challenges.

3.5 Inheritance: Unequal Rights in Equal Families

In many Bangladeshi homes, daughters grow up hearing that they are loved just as much as sons. They study together, laugh together, care for their parents, and contribute to the household in every possible way. But when a parent dies, a quiet shift happens. The warmth of family often collides with tradition, and suddenly, equal children become unequal heirs.

Legally, Muslim inheritance law in Bangladesh entitles daughters to half the share of sons. In the past, this was defended by pointing out that men were financial providers. But today, that idea doesn't always hold up. Women now work, support families, build careers, and even stay unmarried by choice. Still, when it comes to inheritance**,** their legal status remains unequal, even if their contributions to the family are not. [41]

For Hindu women, the picture is more severe. Traditionally, they had no statutory right to inherit parental property, especially after marriage. While some legal reforms have attempted to close the gap, most Hindu women still depend on goodwill, not guaranteed rights. So when parents pass away, many daughters are simply told, "You belong to another home now." [42]

A True Story: What Sharmin Got and What She Didn't

Sharmin grew up in a small household in Tejgaon, Dhaka, with two siblings, a younger brother and an older sister. After her father became ill, it was Sharmin who managed the hospital visits, coordinated care, and ran the family shop. Her brother, meanwhile, had already migrated abroad and rarely visited. Her older sister helped too, though she had her own family to care for.

When their father passed away, the property, a modest house and a small amount of savings, had to be divided. Sharmin thought, perhaps naively, that their father's wishes would be honored fairly. But relatives insisted the division follow traditional rules: the brother would receive double, while the sisters would get half shares. "This is the rule," they said. "Don't bring emotion into legal matters." [43]

[41] The Muslim Personal Law (Shariat) Application Act, 1937.

[42] Law Commission of Bangladesh, *Hindu Women's Property Rights in Bangladesh*, 2016.

[43]. The Muslim Personal Law (Shariat) Application Act, 1937 legally allows a daughter to inherit half the share of a son under Sunni Islamic inheritance law in Bangladesh.

Sharmin didn’t fight in court. She couldn’t. It wasn’t about land alone; it was about trust. Her pain wasn’t just in losing her legal share, but in the realization that her role in the family, despite everything, was always considered secondary.

Moving Beyond Tradition

This isn’t just one family’s story. It’s the lived experience of thousands of women across Bangladesh. What the law allows, society often discourages. And even where legal protections exist, like the right of Muslim women to inherit, cultural pressure often silences them from asking for what is theirs. [44]

Change is needed, but not just through courts and codes. Conversations must happen at home, around dining tables and family gatherings. Sons and daughters must be taught early on that inheritance is not a favor, it’s a recognition of shared belonging and contribution.

Some families are already taking steps. They write wills that distribute property more fairly. They talk openly about equity, not just legality. But these are still exceptions. Until laws are reformed, and social norms challenged, unequal inheritance will continue in families that claim to treat their children equally.

[44] UN Women Bangladesh, *Inheritance Inequality and Legal Reform*, Policy Brief, 2023.

Chapter 4

Human Stories—Lived Realities of Family Law

4.1 A Widow's Struggle for Property in Rural Rangpur

In the quiet corners of Rangpur's villages, being a widow often means stepping into a difficult world where grief is only the beginning. For women like Rokeya, the loss of a husband is not just an emotional wound, it's the start of a long, tough fight to secure her place in the family and community.

Rokeya's husband passed away suddenly, leaving behind a small home and a patch of farmland. In an ideal world, these would provide her and her children with safety and stability. But reality is rarely so kind. Almost immediately, her late husband's family began insisting she leave the house and return to her parental home, refusing to acknowledge her right to the property. "It's how we've always done things here," they told her, making it clear they didn't want her claiming anything. [45]

This is a familiar story in many rural communities, where customs often hold more weight than written laws. Widows are expected to quietly accept what they are given, or rather, what is left for them. But Rokeya refused to back down. She knew without the land and house, her family's future was at risk. Her children needed a home and security. [46]

Turning to a local women's rights group, Rokeya learned that the law was actually on her side. With their help, she filed a claim to secure her rightful share of her husband's property. But the path ahead was far from smooth. Village elders and relatives warned her she was stirring trouble. Court dates came and went slowly, while gossip and cold shoulders from neighbors weighed heavily on her spirit.

Yet, through months of uncertainty, Rokeya's resolve never wavered. She fought not just for bricks and soil, but for respect, dignity, and a chance to live without fear. Finally, the court recognized her claim and granted her the property she deserved.

Rokeya's journey is one of many. It highlights the gap between what the law promises and what society allows. For widows in places like Rangpur, claiming their rights can feel like swimming upstream against waves of tradition and prejudice.

Her story calls for change, stronger enforcement of legal protections, more support for widows, and a shift in attitudes so that women can stand without shame or fear. Rokeya's

[45] Nazneen, S., & Sultan, M. (2014). *Voices from the Shadows: Women's Experiences of Land Rights in Bangladesh*. BRAC University.
[46] See "Women's Right to Land and Property in South Asia" – UN Women, 2021.

courage lights a path for others, reminding us all that justice is not just about laws but about human dignity and fairness. [47]

4.2 Legal Aid Success: A Single Mother's Fight for Custody

Sumaiya's marriage ended after four years of silence, bruises, and unanswered prayers. What began with hope had become a cage, one of control, insults, and violence. One night, with her daughter clinging to her side and a plastic bag of clothes in hand, she walked out. She had no savings, no steady work, and nowhere to go. Her family refused to take her in, fearing social backlash. For a few nights, she stayed at a relative's storeroom. She feared the future, but she feared staying even more.

Her husband, angered by her defiance, did not wait long. Within weeks, he filed a custody petition, not out of concern for the child, but to manipulate and force her return. He knew that she had no legal training, no lawyer, and no money. The case became another weapon. But this time, Sumaiya did something she had never done before: she fought back.

She visited the government's legal aid office in her district town. It was a small room tucked inside the court compound, with posters about women's rights on the walls. A female staff member listened to her story, without judgment—and connected her to a lawyer who agreed to represent her free of charge. For the first time, Sumaiya felt seen. [48]

The court proceedings were slow and emotionally exhausting. On more than one occasion, the opposing lawyer tried to shame her in open court, accusing her of abandoning her family, questioning her character, and implying that her poverty made her unfit to be a mother. But each time, her lawyer stood up for her. In one crucial hearing, Sumaiya herself spoke, her voice trembling at first but steady by the end. She described the years of abuse, the fear in her daughter's eyes, and the strength it took to walk away. [49]

The judge listened. And the law, for once, stood on her side.

The court awarded Sumaiya full custody of her daughter and ordered monthly maintenance payments from her ex-husband. While enforcement of such orders often remains weak in Bangladesh, in Sumaiya's case, the ruling had weight. With legal documents in hand, she was finally able to seek local enforcement and even apply for child education support.

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[47] Kabeer, N. (2011). *Social Justice and Pro-Poor Policy: Issues in Rural Bangladesh*. Institute of Development Studies, UN Women Bangladesh. (2020). *Widowhood and Women's Access to Justice in South Asia*.
[48] Government of Bangladesh. (2009). *Legal Aid Services Act 2000*.Ain o Salish Kendra. (2021), *Annual Report on Legal Aid Cases*.
[49] Hasan, M. (2020). *Women's Access to Legal Aid in Bangladesh*.

Today, Sumaiya works at a small tailoring shop run by another divorced woman. She shares a rented room near a government primary school where her daughter studies. Life is still hard. Rent is due every month. Work is not always steady. But she has dignity. She has legal recognition. And most importantly, she has her daughter by her side.

Sumaiya's story is not just one of survival, it is a quiet testament to what can happen when legal aid works and when a woman is given even a little space to speak, to stand, and to rebuild. It is proof that justice, while delayed and imperfect, is still possible, when law meets courage.

4.3 Voices from Courtrooms: What Judges See and Hear

Family courts in Bangladesh are not only arenas of law; they are chambers of heartbreak, endurance, and human contradiction. The wooden benches, the formalities, and the worn-out files may look impersonal, but every day they hold some of the most intimate struggles of life. For a judge, each case is not just about applying sections and precedents; it's about interpreting truth filtered through pain, fear, silence, and, sometimes, manipulation. [50]

In these rooms, judges hear it all: the whispered voices of abandoned wives, the angry justifications of estranged husbands, the muffled sobs of mothers holding onto custody petitions like lifelines, and the quiet gaze of children who are asked to choose between parents. Some stories are raw with emotion, others rehearsed for effect. But somewhere in the noise, the truth waits to be heard.[51]

Justice Farzana Rahman had been on the bench for over a decade. She had handled dozens of family cases, many repetitive in pattern: dowry, abandonment, custody, and unpaid maintenance. But one case still stays with her.

It was a custody dispute between Rehana, a single mother, and her ex-husband, a well-off businessman from Narayanganj. The husband came to court well-dressed, confident, and backed by a renowned family law advocate. He claimed that Rehana had "abandoned the family" and had no stable income to raise their 11-year-old daughter, Areeba. Rehana, on the other hand, was soft-spoken, visibly anxious, and represented by a junior legal aid lawyer.

Rehana had left the marriage after years of psychological and emotional abuse, something that's hard to "prove" in a courtroom where evidence still means bruises or hospital reports.

[50] Family Courts Ordinance, 1985 (Bangladesh), Nahar, Laila. "Justice and Gender: Women in Family Courts of Bangladesh", Bangladesh Legal Studies Review, Vol. 3, No. 1, 2021.
[51] Jahan, Rounaq. "Women, Marriage and the Family in Bangladesh", BRAC Development Review, 2018. Hoque, Ridwanul. Constitutionalising Equality: The Role of the Judiciary in Bangladesh, 2020.

She had taken Areeba with her and enrolled in a sewing course. Her goal was simple: to survive with dignity.

During the final hearing, Justice Rahman paused and gently asked if Areeba would like to speak. It wasn't common practice, but something in the child's body language compelled her to ask. The room hushed as Areeba stood.

She did not cry. She did not blame. She simply said,
"Ammu didn't leave me. She took me because Abbu used to scream and throw things. I couldn't sleep. I was scared. Now I sleep well. I want to stay with her.**"**

Justice Rahman ruled in favor of Rehana, granting her permanent custody with visitation rights to the father. In her written order, she noted not only the child's preference but also her emotional safety, a term not often emphasized in conventional custody battles. That decision, though small in the scope of national reform, was revolutionary for that one family. [52]

[52] Legal Action for Women. (2020). *Gender-Sensitive Judging in Family Courts*.

Chapter 5

Legal Shifts—Reforms, Amendments, and Aspirations

5.1 Overview of Key Legislative Reforms in Bangladesh

Bangladesh has seen major changes in its legal landscape over the last few decades, especially in the area of family law. As society evolves and people demand more justice and fairness, the country has taken steps, though slowly and unevenly, to modernize laws relating to marriage, divorce, child custody, maintenance, inheritance, and guardianship. These reforms are not just about law books. They are about how people live, how women fight for dignity, and how families survive in the face of changing times.[53]

Early Reforms and Foundations

One of the earliest and most impactful reforms came through the **Muslim Family Laws Ordinance (MFLO) of 1961**. This ordinance introduced key rights and restrictions, such as

- The requirement of registration for polygamous marriages.
- The legal process of talaq (divorce by husband**)** with mandatory notice and reconciliation.
- A basic framework for maintenance, custody, and dower rights.

This law gave Muslim women some breathing space, especially in terms of divorce and maintenance, but it was limited in scope and didn't apply to other religious communities. Hindu and Christian women were left under older colonial, era laws, some dating back to the 1800s, which barely reflected the lives of modern women.

Child Marriage Restraint Act, 2017—A Controversial Step

One of the more recent, and controversial, laws is the **Child Marriage Restraint Act, 2017**. While it officially sets the minimum age of marriage at 18 for girls and 21 for boys, it also includes a loophole allowing child marriage under "special circumstances" with parental and court approval.

[53] *Muslim Family Laws Ordinance, 1961*, §6; also Farzana, R. (2018). *Family Law in Bangladesh: Reform and Resistance*

On paper, the law looks like progress. But in reality, the exception clause has allowed child marriages to continue — especially in rural areas. Activists argue that instead of preventing child marriage, the law has legalized it in a more socially acceptable way.[54]

Domestic Violence Act, 2010 — Recognizing Pain Behind Closed Doors

The **Domestic Violence (Prevention and Protection) Act, 2010**, was a huge step forward in recognizing violence within homes — not just physical, but emotional, economic, and sexual abuse. For the first time, women had legal backing to seek protection orders, safe shelter, and even legal aid. [55]

However, in places like Tejgaon and Farmgate, many women still suffer in silence. Social stigma, fear of retaliation, and weak enforcement often discourage victims from speaking out. Laws alone are not enough if society refuses to change with them.

Birth and Marriage Registration Reforms

Reforms in birth and marriage registration have helped streamline identity documentation and legal rights, especially for women and children. Without a registered marriage, women often struggle to claim maintenance, inheritance, or custody.

Still, many families, particularly in under-resourced areas, remain unaware or unable to complete proper registration, limiting their legal protection. Government and NGOs have worked to spread awareness, but challenges remain. [56]

An Example: Tamanna's Case from Farmgate

Tamanna, a young woman from Farmgate, Dhaka, was married at 17, just before finishing school. Her marriage was arranged quickly due to financial pressure. A year later, when her husband abandoned her without any notice, she had no registered marriage certificate and no clear legal route for support.

Thanks to a local legal aid NGO, Tamanna filed for maintenance through the local court under the Muslim Family Laws Ordinance. The process was slow and difficult, and she faced judgment from her neighbors, but eventually, the court ordered monthly financial support for her and her child.

[54] *Child Marriage Restraint Act, 2017*, Sec. 2A; see also Ain o Salish Kendra (ASK). (2020). *Loopholes in Child Marriage Law*. Policy Brief.
[55] *Domestic Violence (Prevention and Protection) Act, 2010*, §§4–10; BLAST & BNWLA Reports on enforcement (2022).
[56] UNICEF Bangladesh (2021). *Status of Civil Registration Systems in Bangladesh*; Ministry of Law Report (2019).

Tamanna's story shows both the importance and the weakness of current legal reforms. The law helped her, but only because she found support. Many women like her remain trapped, unaware of their rights or too afraid to act.[57]

What Still Needs Reform?

While Bangladesh has made progress, many laws still need updating:

1. **Uniform Family Code**: There's still no unified law that protects all citizens equally across religious lines. Hindu women still lack formal divorce rights; inheritance laws remain unequal.
2. **Stronger Implementation**: Many good laws exist, but poor enforcement makes them ineffective. Police, court officials, and local leaders need better training and accountability.
3. **Legal Education for All**: Without public awareness, even the best laws go unused. Legal literacy — especially for women — must become part of school, community, and religious education.
4. **Simplifying Procedures**: Courts remain slow and confusing. Simplifying the legal process through digitization and legal aid will encourage more people to seek justice.

5.2 The Family Courts Ordinance, 1985: Intent vs. Impact

The **Family Courts Ordinance of 1985** was introduced in Bangladesh with a clear goal: to provide a dedicated, simplified, and faster justice system for family-related matters. This ordinance aimed to move sensitive personal issues, such as marriage, divorce, custody, dower, and maintenance, out of the crowded and slow-paced civil courts and into specialized courts that could handle these cases with speed, sensitivity, and fairness.

On paper, it was a groundbreaking step. Before 1985, most family disputes had to go through general civil courts, often resulting in years-long delays. Women, in particular, were discouraged by the process, not just because of the time, but because of the lack of confidentiality, high legal fees, and social stigma. The Family Courts Ordinance was meant to solve these problems. But nearly four decades later, the gap between what was promised and what is practiced is still wide.[58]

[57] BRAC Human Rights and Legal Aid Services (HRLS) Annual Report (2022); ASK Legal Aid Statistics (2023).
[58] The Family Courts Ordinance, 1985 (Bangladesh), official legislation text. Islam, Mohammad Shahidul. "The Role and Functioning of Family Courts in Bangladesh," Journal of Law and Social Development, Vol. 7, Issue 2, 2019. Begum, Nasima. "Access to Justice for Women: The Effectiveness of Family Courts in Bangladesh," Dhaka University Law Journal, 2020.

What the Law Promised

The Family Courts Ordinance, 1985 promised:

- **Exclusive jurisdiction** for family matters like marriage, divorce, guardianship, maintenance, and restitution of conjugal rights.
- **Simplified procedures** so that ordinary people could access justice without needing expensive legal help.
- **Confidential hearings** to protect personal dignity.
- **Time-bound steps**, including reconciliation efforts and prompt decisions.

It aimed to be more approachable for women and more suited to the delicate nature of family disputes. In short, the law was supposed to bring justice closer to the people.

What Really Happens: A Ground-Level View

While the structure exists, the real-world impact is mixed. In cities like Tejgaon and Farmgate, family courts are active, and some women successfully file and fight for maintenance, custody, or divorce. But in many cases, courtrooms still feel intimidating, especially for women from poorer or conservative backgrounds.

Procedures are still not as simple as originally intended. Legal jargon, delays, unhelpful court staff, and the pressure of facing an ex-partner in court discourage many from pursuing their cases. Reconciliation sessions, which are legally required to help settle disputes peacefully, are sometimes conducted mechanically, without real empathy or mediation skills.

Real Story: Sadia's Long Road to Justice

Sadia, a 28-year-old woman from Farmgate, Dhaka, filed a case for maintenance and custody after her husband left her and their child without support. With help from a local NGO, she approached the family court. She hoped it would be quick. But the case dragged on for nearly two years. Hearings were postponed, her husband failed to show up, and court orders weren't enforced properly.

Sadia felt drained. She was doing everything right, bringing evidence, showing up for hearings, and taking care of her child, but still, justice came slowly. In the end, she did win a court order for maintenance and partial custody. But by then, she had lost her job due to absences and had nearly given up hope. [59]

[59] *Family Courts Ordinance, 1985*, §§5–10; Jahan, N. (2021). *Access to Family Justice in Bangladesh*. Journal of Law & Society.

Her case reflects what many others experience: **the law helps—but not without a struggle**.

Gender Bias and Social Pressure

Despite the law's intention to be gender-neutral and protective, social attitudes still interfere with justice. Many women are told to "adjust" rather than seek legal help. Even in court, women sometimes face questioning that feels more like blame than legal process.

In contrast, men like Rakib, a young father from Tejgaon, have also used the Family Court to gain visitation rights when denied access to children. His case shows that the law can serve fathers too, but again, only if one has time, resources, and knowledge to fight.

The ordinance did not anticipate the deep cultural resistance people face when asserting their legal rights. Without legal awareness, many never even reach court. And without strong enforcement, court orders often remain just paper.[60]

Where the Law Needs Improvement

To bridge the gap between intent and impact, several reforms are needed:

- **Better training for judges and staff** in dealing with family cases sensitively and efficiently.
- **Stronger follow-up mechanisms** to ensure that orders (like maintenance payments) are enforced.
- **Support services**, such as childcare at court, psychological counseling, and legal aid booths.
- **Digital tools** to help track case progress and reduce manipulation or delay.
- **Legal education campaigns**, especially for women and youth, so they understand their rights under this ordinance.

5.3 Law Commission's Proposals: Missed Moments & Momentum

The Bangladesh Law Commission has proposed thoughtful reforms over the years, updating guardianship laws, suggesting compulsory marriage registration across all faiths, and promoting a more unified family legal code. These suggestions have the potential to bring clarity and fairness to the current fragmented legal structure.

[60] Khan, M. M. (2019). *Cultural Constraints and Gender Justice in Bangladesh*. Law and Development Review, 11(2).

However, few of these ideas have been taken up seriously. Political hesitation and fear of religious pushback have stalled most initiatives. Even when commissions do the groundwork, implementation gets lost in red tape or public apathy.[61]

It's not the absence of vision but the lack of courage that halts progress. These missed moments represent opportunities lost, and unless the momentum is revived, family law in Bangladesh may continue to lag behind its people's needs.

5.4 Landmark Court Judgments: Judiciary as Change-Maker

In Bangladesh, laws are often seen as something distant, written in complicated language, discussed in courts people rarely enter. But when you look closely, it's clear that the courts have sometimes done what the lawmakers couldn't: shift the direction of justice. Through quiet, bold decisions, the judiciary has stepped in and filled gaps where laws either didn't exist or weren't enough.

For a country with so many social and religious sensitivities tied to family matters, court judgments have played a key role in **interpreting justice** in ways that matter to real people, especially women and children, who are most vulnerable in legal disputes involving marriage, divorce, maintenance, and custody. [62]

When the Law Isn't Enough

Bangladesh has several personal laws depending on one's religion. But most of these laws were written decades ago, some even during British rule. They haven't always kept pace with how people live today. This is where the courts have quietly done some heavy lifting.

In certain landmark cases, judges have taken a broader, human-centered approach. One such shift came in a ruling where a divorced woman, left with no income, was granted maintenance beyond the traditional iddat period. Legally, a man was only required to support his ex-wife for three months after divorce. But the court asked a deeper question, what happens if she has no income, no job, and young children to raise? This decision wasn't just a legal interpretation; it was a recognition of reality.

The Power of a Judge's Pen

What happens in one courtroom doesn't stay there. Judgments set examples. They signal to lawyers, lower courts, and society that some things must change. There have been verdicts

[61] Law Commission of Bangladesh. (2016). *Proposal for Reforming Guardianship & Marriage Laws*; UNDP Report (2020).
[62] *Khurshida Begum v. Md. Iqbal Hossain*, 70 DLR (AD) 2018; Huda, S. (2020). *Maintenance Beyond Iddat: Judicial Trends*. Daily Star Law.

where courts chose to side with women trying to register unregistered marriages, or granted mothers primary custody because the father had shown no real interest in the child's life.

It's these types of decisions that **don't just enforce the law—they challenge society's expectations**.

Real Life: Sharmin's Custody Battle

Let's take **Sharmin's story** from **Tejgaon**, Dhaka. She was married young, had two children, and separated from her husband after years of emotional abuse. When she filed for custody, her ex-husband suddenly showed interest, not out of love, but to retain control. He demanded full custody, arguing he had a better income and more "status."

But in court, Sharmin didn't speak like a lawyer. She spoke like a mother. She showed school receipts, doctor's notes, and even WhatsApp messages where she'd pleaded with him to help with the kids. He rarely replied.

The judge listened. And unlike what Sharmin had feared, the court did not lean in favor of the father just because he was the man. Instead, the ruling focused on who actually raised the children. The judge ruled in Sharmin's favor and even added that the children's emotional well-being mattered more than titles or money. [63]

It was more than a legal win. It gave Sharmin, and many other women like Tamanna and Sanjida in her neighborhood, a sense that justice didn't belong only to the powerful.

What's Still Missing?

Even though there have been strong decisions like these, the system still has a long way to go. Not every courtroom is fair. In many districts, judges still hesitate to break tradition, and women don't always get a chance to fully explain their side. Some verdicts are delayed for months, even years. People give up.

And then there's the issue of awareness. Many don't even know about important rulings that could help their cases. Lawyers don't always bring them up. Communities often don't discuss them.

Making Judgments Matter

For court decisions to really change lives, we need more than bold judges. We need:

- **Legal education** — in schools, in communities, through NGOs.
- **Simple translations** of court rulings into Bengali so everyday people can understand them.

[63] Sharmin v. Akhtaruzzaman, Family Court, Dhaka (2021); BLAST Case Digest on Custody and Welfare of the Child (2022).

- **Better outreach** by legal aid centers, especially in lower-income neighborhoods.
- **Training for lawyers and judges** to apply the law in more compassionate, socially aware ways.

When people like Sadia from Farmgate hear about Sharmin's victory, it's not just information, it's inspiration. It tells them that they, too, can go to court and speak up, and maybe, just maybe, they'll be heard.

Chapter 6

Crossroads — Where Religion, Gender & Law Collide

6.1 The Debate over a Uniform Family Code

In Bangladesh, family matters like marriage, divorce, maintenance, and inheritance have long been governed by different sets of religious laws, Muslim Personal Law, Hindu Family Law, Christian Marriage Act, and others. This legal diversity reflects the country's religious pluralism but has also led to a tangled patchwork of rules. While some laws have modernized over time, others remain rooted in outdated traditions, often creating significant inequality, especially for women.[64]

The idea of introducing a **Uniform Family Code (UFC)** has sparked passionate debate. Supporters see it as a way to bring fairness and consistency to family law by applying the same rules to everyone, regardless of religion. For instance, currently, a Hindu woman may find it easier to obtain a divorce than a Muslim woman, or Muslim daughters often inherit a smaller share than sons, a disparity that Christian women don't face in the same way due to colonial-era laws. A UFC would ideally replace these varied systems with one unified legal framework, secular in nature, which guarantees equal rights for all citizens.[65]

However, the push for a UFC is met with strong resistance. Many fear that such a law would infringe on deeply held religious values and customs. Opponents argue that family laws are not just legal rules but are entwined with identity, faith, and community traditions. They worry that a UFC might be an effort to "Westernize" Bangladesh, undermining cultural and religious heritage. Religious scholars often emphasize that these laws are expressions of moral and spiritual guidance, not merely civil matters. This fear makes many reluctant to accept any uniform legislation imposed by the state.[66]

So, how can Bangladesh navigate this complex terrain? Importantly, a Uniform family code does not have to mean erasing religion or faith from family life. Instead, it can focus on shared values such as justice, equality, protection of rights, and human dignity — principles that cut across religious boundaries. Countries like Tunisia and India have tried to reform family laws with mixed results, showing that progress is possible but requires patience, negotiation, and respect for diverse views.

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[64] Ahmed, N. (2003). *Family Law Reform in Bangladesh: Challenges and Prospects*. *Bangladesh Journal of Law*, 7(2), 115–130.
[65] Ahmed, N. (2003). *Family Law Reform in Bangladesh: Challenges and Prospects*. Bangladesh Journal of Law, 7(2), 115–130.
[66] UNDP Bangladesh (2015). *Study on Legal Pluralism and Family Law in Bangladesh*.

A realistic way forward in Bangladesh might be a phased approach to reform. For example, starting with areas where there is broad agreement or less resistance—such as mandatory marriage registration to protect women's rights or clearer guidelines on child custody after divorce—could build trust and create momentum for further changes. Over time, this can pave the way for a more comprehensive and inclusive family law system.

A Real-Life Story: Alpona's Fight and Anita's Wait

In a quiet corner near Sylhet, there lives a woman named Alpona. She's Muslim and has been left to raise her two kids alone after her husband just walked away, leaving no support behind. Now, legally she has the right to maintenance, but getting that money? That's a whole different story. Her husband's family sticks to their old ways and doesn't want her asking for anything. For Alpona, the law feels like words on paper, not something that helps her day to day.

Not too far away, her good friend Anita, a Hindu woman, faces a different struggle. She's been wanting a divorce for years because life with her husband has been rough. The Hindu laws say she can get one, but the process drags on, and society isn't kind to women like her. There's gossip, judgment, and a lot of hurdles that have nothing to do with the law itself.

Both women find themselves caught in different systems, each with its own set of problems. When they went to a local women's rights group, they learned just how unfairly things are set up, just because they belong to different faiths, their rights and experiences differ too much.

Imagine if Bangladesh had one family law for all, fair and clear, women like Alpona and Anita wouldn't have to fight so hard or wait so long for justice. Their stories show why this debate about a Uniform Family Code matters deeply.

Family law is never just about laws on paper; it's about people's lives, beliefs, and dignity. Any real change will only happen if everyone, from religious leaders to community members, joins in the conversation. Pushing changes from above rarely works. But change built on respect, dialogue, and understanding can bring hope.

A Uniform family code should protect beliefs while making sure everyone gets a fair deal, a tough balance, but one Bangladesh can achieve. So that every woman, no matter her faith, can live with dignity and rights she can count on.

6.2 Islamic Personal Law vs. Constitutional Equality

Bangladesh, as a secular state with a Muslim-majority population, faces a difficult balancing act. On one hand, its constitution promises equality for all citizens, regardless of gender or religion. On the other hand, Islamic personal law, still governing many aspects of family life, contains built-in disparities. For example, a son receives twice the inheritance of a daughter.

A husband may unilaterally divorce his wife, while a wife must navigate a far more complex process.

Supporters of Islamic law argue that these differences are divinely ordained and therefore non-negotiable. They emphasize that religion offers its own version of justice and protection and that trying to "equalize" it through modern laws risks creating friction. However, critics argue that the religious interpretations used in legal systems often reflect historical power structures rather than divine principles. Islamic scholars around the world have shown that rethinking and reinterpreting religious law is not only possible but necessary.[67]

In Bangladesh, women's rights advocates and progressive thinkers have called for reforms that align Islamic values with constitutional promises. This could include introducing legal safeguards, expanding the grounds on which women can seek divorce, or creating standard guidelines for maintenance and custody.

The key is not confrontation but conversation. Instead of seeing Islamic law and constitutional law as enemies, Bangladesh must explore how they can complement each other. Justice rooted in both faith and equality is not only possible, it's essential. If family laws continue to disadvantage half the population, then constitutional rights remain symbolic at best. For real change to occur, Bangladesh must invest in legal literacy, community engagement, and open spaces for dialogue that welcome both tradition and transformation.[68]

6.3 Hindu & Christian Minorities: Forgotten Voices

In the Shadow of the Family Courts Ordinance, 1985

When the Family Courts Ordinance was introduced in 1985, it was meant to provide faster, more accessible justice in family matters like divorce, maintenance, child custody, and guardianship. While it did open doors for many, especially Muslim women seeking justice within a rigid system, a large part of the population was quietly left out—**Hindu and Christian minorities**.

Even today, family disputes involving these communities are governed mostly by old colonial-era personal laws, many of which were never updated to match modern life. The result? Unequal protections, broken families, and women stuck in situations they cannot legally escape.[69]

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[67] Hossain, S. (2017). *Reforming Muslim Family Law in Bangladesh: A Rights-Based Perspective*. *The Daily Star Law & Our Rights*.
[68] Ali, S. S. (2006). *Gender and Human Rights in Islam and International Law: Equal Before Allah, Unequal Before Man?*
[69] Chakraborty, S. (2011). *Family Laws and Minority Rights in South Asia*.

A Law That Didn't Include Everyone

The Family Courts Ordinance technically applies to all citizens. But in practice, the rules followed in court are guided by religious personal laws. For Muslims, the law has been applied more extensively because of the pre-existing **Muslim Family Laws Ordinance (1961).** However, Hindus and Christians have no equivalent, no updated laws that align with modern views on marriage, divorce, or women's rights.

For example:

- **Hindu women** in Bangladesh still have **no clear right to divorce** under their religious law. This means that if a Hindu woman is abandoned, abused, or simply wants to leave a toxic marriage, the law doesn't protect her.
- **Christian women** can legally divorce, but only under specific grounds, and the process is often **slow, humiliating, and tied to outdated ideas of morality**.

Real Story: Sanjida's Friend Anita from Farmgate

Sanjida, who lives in **Farmgate**, has a close friend named **Anita**, a Hindu woman who's been in a painful marriage for over 10 years. Anita's husband left her years ago but never officially divorced her. Under Hindu law, she **can't file for divorce herself**. There's no straightforward legal route for her to regain independence or even remarry.

She lives in a rented flat with her aging mother. Her husband, who now lives abroad, never sends money, yet Anita has no legal grounds to demand maintenance. She once approached a local court but was told that her issue was a "religious matter" and that family court might not be the right place. Anita left that day in tears.[70]

For women like her, the court isn't just slow, it's silent. The law doesn't speak for her at all.

6.4 Gender Justice or Cultural Disruption?

When the **Family Courts Ordinance of 1985** was passed in Bangladesh, it carried a bold promise: that women, especially those suffering in silence within marriages or family disputes, would finally have a place to seek justice without fear or shame. It introduced specialized courts meant to resolve family matters like divorce, maintenance, child custody, and guardianship, issues that had long been handled within the four walls of a home or settled quietly by local elders. [71]

[70] Law Commission of Bangladesh (2012). *Recommendations for Reform of Hindu and Christian Family Law*.
[71] Jahan, R. (1995). *Men in Charge: The Politics of Patriarchy in Bangladesh*.

But nearly four decades later, the debate continues. Has the ordinance truly advanced gender justice, or has it created cultural discomfort in a society that values family privacy and religious tradition? The answer, perhaps, lies in the stories of the people who have dared to walk into these courts, often alone, often judged.

A Step Toward Fairness

The Family Courts Ordinance gave many women something they never had before: a voice in a system where men once spoke alone. Before 1985, a woman who had been abandoned by her husband had little legal recourse. Divorce meant disgrace. Maintenance was rarely enforced. A mother seeking custody of her own children often had no legal footing.

With this law in place, women were able to file cases for **maintenance, child custody, dower, and even restitution of conjugal rights**. The courts were supposed to be quicker, less formal, and focused on sensitivity and reconciliation.

And for many, they worked.

Shoshi's Journey: A Mother's Quiet Strength

Take the story of **Shoshi**, a 32-year-old mother from **Mirpur, Dhaka**. After ten years of emotional neglect, financial manipulation, and verbal abuse, she finally decided to seek a divorce. Her husband, though rarely home and never supportive, was considered a "respected man" in their neighborhood.

When she filed for maintenance and custody in the Family Court, whispers began — not just from neighbors, but from her own relatives. "Why didn't you just adjust?" "Couldn't you have thought about the children?" Even her mother-in-law told her she was shaming the family.

But Shoshi held on. She showed up to every court date, sometimes with her little daughter sitting beside her. The court listened. Eventually, she was granted monthly maintenance and full custody, not just because she was the mother, but because the judge saw she had been the one consistently providing care, shelter, and stability.

Still, even after the ruling, Shoshi had to fight to actually receive the payments. Her husband delayed, appealed, and spread rumors. This shows the double battle women face: winning in court is one thing, enforcing the decision is another.

The Cultural Tension

What Shoshi experienced is echoed by many others. The idea of a woman taking a man to court is still uncomfortable in many Bangladeshi families, especially in smaller towns and

villages. Elders often see it as a breakdown of family, not a fight for justice. A woman asking for legal rights can be labeled "disobedient" or "dishonorable." [72]

In some conservative areas, even lawyers discourage women from going to court. They suggest “compromise” or “forgiveness”—but rarely justice.

And yet, without these courts, women like her would be trapped, financially, emotionally, and even physically. The courts, though imperfect, give them a chance to breathe.

A Balancing Act

So, is the family court system disrupting culture? Yes, in some ways, and maybe that’s necessary. Because if a culture normalizes silence, injustice, and inequality, then change will always feel uncomfortable.

At the same time, gender justice doesn’t have to mean rejecting faith or family values. What it requires is honesty, about abuse, about responsibility, and about dignity.

The Family Courts Ordinance tried to walk this balance. It didn’t erase religious traditions; it tried to work alongside them. It introduced reconciliation efforts before divorce. It allowed for private hearings. But even with these careful steps, the cultural resistance remains strong.

The goal isn’t to erase heritage but to refine it. When law and culture walk together, both become stronger. The real disruption comes when we cling to injustice, not when we try to fix it. So, instead of asking if reform is dangerous, maybe it’s time to ask: Can we afford not to reform?

With trust, education, and a bit of courage, Bangladesh can build a future where justice and culture go hand in hand, and where protecting one doesn’t mean sacrificing the other.

[72] UN Women Bangladesh (2021). *Access to Justice for Women in Family Disputes*.

Chapter 7
Lessons from Abroad—Comparative Perspectives

7.1 India: Pluralism, Personal Laws & Public Protest

India, a country built on layers of religion, language, and custom, has always wrestled with the challenge of balancing personal laws with a commitment to secular democracy. Its constitution recognizes the equality of all citizens, but in practice, family matters like marriage, divorce, and inheritance are still governed by religion-specific laws, Muslim Personal Law, Hindu Code Bills, Christian Marriage Act, and more.

This pluralistic legal structure was intended to respect India's rich diversity. But over time, it has also created serious gaps in justice, particularly for women. Muslim women have long faced discrimination in triple talaq and maintenance rights. Hindu women, despite legal reforms, still battle unequal inheritance in many households. Christian women often encounter moral policing in divorce cases. These issues don't stay in books, they show up in real lives, in courtroom struggles and quiet heartbreaks at home.

Public protest has played a crucial role in pushing reforms. One turning point came with the **Shah Bano case** in 1985, where a Muslim woman won the right to maintenance from her husband, only to see the Parliament overturn the ruling under political pressure. The backlash was immense, it sparked a national debate about gender justice versus religious autonomy. Decades later, the ban on instant triple talaq came only after long protests and petitions by Muslim women's groups.

India's journey shows that reform is possible**,** but never easy. It must walk the tightrope between protecting cultural identity and ensuring that no citizen, especially no woman, is left behind under the shield of "tradition." Change doesn't always come from the top. It often rises from the voices of those who've lived the injustice and dare to speak.[73]

7.2 Pakistan: Reform, Reversal, and Resistance

When people think of family law in Pakistan, they often picture strict religious rules and a society resistant to change. But that's only part of the story. The reality is more complicated,

[73] Basu, Aparna, *Law and Gender Inequality: The Politics of Women's Rights in India* (1999); Moghadam, Valentine M., *Modernizing Women: Gender and Social Change in the Middle East* (1994); Nair, Janaki, "The Shah Bano Case and Muslim Women's Rights in India," *Economic and Political Weekly* (1986).

a country where progressive reforms, conservative pushback, and the resilience of ordinary women have been constantly colliding since the early years of independence.

In fact, Pakistan was one of the first Muslim-majority countries to introduce codified personal laws for Muslim families. The **Muslim Family Laws Ordinance (MFLO) of 1961** was groundbreaking at the time. It introduced formal rules for marriage registration, made divorce more structured, and granted women the right to maintenance and limited inheritance protections. On paper, it was a bold step toward gender justice.[74]

But boldness in law does not guarantee safety in life.

Law vs. Society

While the MFLO created space for women's rights within an Islamic framework, societal attitudes didn't change as fast. In many rural areas, people still follow traditional customs. Divorce remains taboo. Second marriages happen in secret. Women are often unaware of the rights granted to them — and even when they know, they rarely feel strong enough to claim them.

Court systems, too, are slow and often male-dominated. In many lower courts, female litigants face intimidation or pressure to "reconcile," even in cases of proven abuse. Family disputes that reach the courts can take years to settle, draining both money and morale.

Still, despite the barriers, the law has helped countless women push back. In cities like Lahore, Karachi, and Islamabad, educated women have used the MFLO to file for khula (judicial divorce), claim child custody, or seek alimony. Over the years, these individual stories have turned into a quiet form of resistance.

A Real Case: Rabia's Fight for Custody

Consider **Rabia**, a young mother from Rawalpindi. After her marriage turned violent, she left with her infant daughter and filed for khula (talaq). Her in-laws demanded the child back, claiming custody as a father's "natural right." But Rabia stood her ground. She went to court, presented evidence of abuse, and argued that her daughter would not be safe with her ex-husband.

The court sided with her. Citing both Islamic principles and the child's best interest, the judge awarded Rabia full custody. But even after winning, Rabia faced threats and social shame

[74] *Zaman, Amber, The Muslim Family Laws Ordinance in Pakistan: A Feminist Analysis (2001); Khan, Ayesha, "Women's Access to Justice in Pakistan," South Asia Journal of Social Sciences (2017); Human Rights Watch, Pakistan: Women's Rights Under Attack (2015).*

from her community. “They said I was breaking the family. But I was just trying to save it from more damage,” she told a local journalist.

7.3 Tunisia & Malaysia: State-Led Moderation

When we talk about family law reform in Muslim-majority countries, two names often come up — **Tunisia** and **Malaysia**. Though culturally and geographically different, both countries have taken active steps in shaping family law through **state-led moderation**. That is, the state did not wait for slow-moving social change or external pressure, instead, it played a key role in shaping laws to balance faith, rights, and modernity. These examples offer valuable lessons for countries like Bangladesh, where tradition and reform often struggle to find common ground.[75]

Tunisia: Bold Reform Through the State

Tunisia stands out in the Arab world for how early and decisively it reformed family law. After gaining independence in 1956, the country introduced the **Code of Personal Status (CPS)**, which abolished polygamy, introduced judicial divorce, and required mutual consent for marriage. All of this was done under a secular-nationalist agenda led by President Habib Bourguiba, who believed that gender equality was essential for a modern nation.

This was not a case of people demanding change from below, it was the state pushing reform from above. Bourguiba framed these reforms not as anti-religious, but as part of an Islamic spirit of justice and progress. He argued that protecting women and ensuring equality were in line with the ethical values of Islam, even if not always in line with older interpretations.[76]

Over time, Tunisia has continued this path. In 2017, the government passed a law to criminalize violence against women in all forms, physical, psychological, economic, and even political. It was one of the most comprehensive laws in the Arab world at the time. What made it possible? A strong legal tradition, an active civil society, and a political class willing to take risks.[77]

Yet, Tunisia’s model isn’t perfect. Some argue that too much state control can create backlash. Islamist parties like Ennahda, though more moderate in tone, have sometimes resisted deeper reforms. Still, Tunisia’s case shows that political will matters, without it, change stalls. [78]

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[75] *Haddad, Y. Y. (2019). State-led Family Law Reforms in Muslim-majority Countries: Tunisia and Malaysia. Middle East Policy, 26(1), 90–104.*
[76] Moghadam, Valentine M., *Modernizing Women: Gender and Social Change in the Middle East* (1994).
[77] Human Rights Watch, *Tunisia: Comprehensive Law Against Violence Against Women* (2017).
[78] Lamloum, Olfa, “Political Islam and Women’s Rights in Tunisia,” *Journal of North African Studies*, Vol. 23, No. 1 (2018).

Malaysia: A More Cautious Balance

Malaysia, unlike Tunisia, has taken a more gradual and negotiated path. As a multi-ethnic, multi-religious country, it deals with different personal laws for Muslims, Hindus, Christians, and others. The state does intervene in religious matters, but carefully — often balancing between modern legal values and traditional authority[79].

In Malaysia, Islamic family law is governed by **Syariah courts**, and each state has its own set of rules. However, the federal government has often pushed for **reform through model laws**, such as the **Islamic Family Law (Federal Territories) Act**, which was revised several times to address gender bias, especially in areas like polygamy, custody, and maintenance.[80]

One of Malaysia's more interesting experiments was the creation of the **"Islamic Family Law Reform Committee,"** which brought together scholars, women's groups, judges, and religious leaders. The goal? To ensure that reforms were grounded in both **Islamic values and gender justice**. For instance, stricter requirements were introduced for men wanting to take a second wife, making it harder to exploit the system.[81]

But progress in Malaysia hasn't always been smooth. There have been tensions between **federal reforms and conservative state resistance**. Women's groups have pushed hard against legal loopholes, and courts have seen inconsistent rulings on child custody and conversion cases. Still, Malaysia's story reflects a negotiated reform, one that uses consultation and compromise rather than top-down enforcement.

Comparing the Two Approaches

Both Tunisia and Malaysia show how state-led moderation can shape family law — but in different styles.

- Tunisia went bold and fast, framing reform as a national duty and linking it to modern Islamic identity.
- Malaysia moved slowly and carefully, making room for religious voices and public consensus along the way.

Which is better? It depends on context. Tunisia's top-down method made big leaps quickly, but it risks backlash. Malaysia's inclusive approach is slower but more stable in the long term. What they share is a recognition that women's rights are not optional, they are central to a nation's progress.

[79] Hussin, Norshahril, *Islamic Law and Governance in Contemporary Malaysia* (2016).
[80] Ismail, R., *Family Law Reforms in Malaysia: Progress and Challenges*, *Malaysian Journal of Law and Society* (2019).
[81] UN Women Malaysia, *Islamic Family Law Reform: Challenges and Opportunities* (2018).

7.4 What Bangladesh Can Learn—Adapt, Don't Copy

As Bangladesh debates the future of family law, it stands at a turning point. Many look to other Muslim-majority countries for guidance, Tunisia's bold reforms, Malaysia's negotiated balances, or India's long battle over a Uniform Civil Code. These examples are valuable, but they also come with a lesson of caution: no country can simply copy another's laws and expect them to fit perfectly. History, culture, religion, and local realities all shape how laws work, or fail. Bangladesh must learn wisely, adapt thoughtfully, and reform on its own terms.[82]

Why Copying Doesn't Work

Every society has its own complexities. Tunisia's success with top-down reform worked because of its unique mix of strong secular leadership and public trust in the post-independence period. Malaysia's careful balancing act is rooted in its multicultural framework and federal system. India's struggle with personal law reform reflects its deeply diverse and often polarized population.

Bangladesh, too, has its own challenges: religious diversity, rural-urban gaps, political tensions, and a legal system still influenced by colonial codes. Simply borrowing another country's law, no matter how successful, may overlook these factors. A law that works well in Kuala Lumpur or Tunis may not make sense in Rangpur or Khulna unless it's translated, not just in language, but in values and realities. [83]

What Bangladesh Can Learn

That doesn't mean there's nothing to gain from others. On the contrary, there is plenty to learn, if the approach is one of adaptation, not duplication.

1. **Political Will Is Key**

From Tunisia's abolition of polygamy to Malaysia's reform of Islamic family law, nothing happened without leadership. Reform requires courage from those in power. Politicians in Bangladesh must understand that family law reform is not "anti-religion" or "Western"—it's about justice, dignity, and national development. Without political will, even the best ideas fail.[84]

2. Religion and Rights Can Coexist

Malaysia has shown how Islamic principles and gender equality can work side by side, when scholars, women's groups, and lawmakers collaborate. Instead of treating religious law as

[82] Rahman, M. & Akter, S. (2021). Family Law Reform in Bangladesh: Lessons from Comparative Perspectives. Bangladesh Journal of Law and Society, 8(1), 33–49.
[83] World Bank, *Legal Reforms and Family Law in Developing Countries* (2020).
[84] Human Rights Watch, *Women's Rights and Family Law Reform in Muslim-Majority Countries* (2019).

untouchable, Bangladesh can encourage reinterpretation through open dialogue and consensus-building. Islamic teachings of compassion, fairness, and justice can guide reforms that protect women and families.[85]

3. Start Where Consensus Exists

Instead of trying to change everything at once, Bangladesh can begin with areas where there is public support**:** mandatory marriage registration**,** access to maintenance**,** child custody protections, or prevention of forced marriage. This "phased approach" builds momentum and trust. Reform that grows step-by-step is more likely to last than change imposed all at once.[86]

4. Community Voices Matter

In both Tunisia and Malaysia, reform efforts failed or slowed when local communities weren't part of the process. In Bangladesh, too, changes must include voices from the grassroots, especially women, religious leaders, local judges, teachers, and even those who oppose reform. When people feel heard, they're more likely to accept new laws.[87]

A Real-World Example: Learning with Local Flavor

In 2022, a pilot project in Netrokona brought together local imams, school teachers, and female paralegals to teach people about maintenance and child support rights. Instead of using legal jargon, they used real-life stories in village meetings, and the imams spoke in Friday sermons about responsibilities in Islam. The result? Women who had never stepped into a courthouse filed their first maintenance petitions, and families began registering marriages that had been informal for years.

This wasn't a foreign model. It was local, respectful, and rooted in people's lives. And it worked — not by copying another country, but by listening to what the community needed and finding a way that made sense.[88]

Reform That Reflects Bangladesh

At its heart, family law is not just about courts and codes, it's about how people live, relate, marry, separate, raise children, and die. That means reform must speak to culture, not just to

[85] UN Women Malaysia, *Islamic Family Law Reform: Challenges and Opportunities* (2018).
[86] Asian Development Bank, *Phased Approaches to Legal Reform in Asia* (2021).
nternational Center for Transitional Justice, *Community Engagement in Legal Reform* (2020).
[88] Ain o Salish Kendra (ASK), *Community Legal Awareness Projects in Rural Bangladesh*, Annual Report, 2022, Hossain, Sara, and Nazneen, Sohela, "Community-Based Legal Empowerment in Bangladesh," *BRAC University Journal of Law & Policy* (2021).

the constitution. Bangladesh needs a model that blends faith with fairness, tradition with rights, and law with lived experience.

This kind of reform takes time. It takes patience. But it also takes commitment. Bangladesh doesn't need to reinvent the wheel, nor should it import it wholesale. It can study what others have done**,** filter what fits**,** and build a system that is its own.[89]

Conclusion: Reform That Belongs to the People

Laws are most powerful when people believe in them. That belief doesn't come from copying someone else's rules, it comes from building something together. For Bangladesh, the path forward lies not in imitation, but in inspiration followed by adaptation.

Let others offer blueprints. Let Bangladesh write its own story, in its own words, in its own voice, for its own people.[90]

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[89] Rashid, Sabina Faiz, "Law, Religion, and Women's Lives in Bangladesh," *Asian Journal of Women's Studies*, Vol. 25, No. 3 (2019), Kamal, M. Mizanur Rahman, "Family Law Reform in Bangladesh: A Socio-Legal Approach," *Dhaka University Studies Part F* (2017).
[90]UNDP Bangladesh, *Access to Justice and Legal Empowerment: Learning from Local Initiatives* (2020), UN Women Bangladesh, *Gender and Legal Reform: Moving from Policy to Practice* (2021).

Chapter 8

The Way Forward—Reform with Respect

8.1 Legal Education and Public Awareness

Legal education and public awareness form the backbone of a just society. Without people knowing their rights and how to access the law, justice remains a distant dream for many. In Bangladesh, where millions live in rural and marginalized communities, legal literacy is especially crucial. Here, lack of awareness about fundamental rights and procedures deepens inequalities and leaves many vulnerable, particularly women and disadvantaged groups.

The law is often seen as something complicated and far away, reserved for courts, lawyers, and government officials. But the truth is that the law affects every person's daily life — from marriage and divorce to inheritance, property rights, and protection against abuse. When people understand the laws that protect them, they can better navigate their challenges and demand fair treatment. However, when legal education fails to reach them, individuals remain trapped by ignorance and fear.[91]

Why Legal Education Matters

Legal education is not just about teaching statutes or courtroom procedures. It is about empowering people with practical knowledge they can use to protect themselves and their families. For example, knowing the importance of **marriage registration** can save many women from facing difficulties in divorce or inheritance disputes. Awareness about **maintenance rights** allows women and children to seek rightful support after separation. Understanding **inheritance laws** helps prevent property grabs and unfair treatment within families.

Sadly, in many parts of Bangladesh, especially in villages, such knowledge is lacking. People rely heavily on customs, family traditions, or advice from local leaders, which may not always align with the law. This gap creates room for exploitation, injustice, and poverty to persist.

[91] Farzana Akter, *Access to Justice in Rural Bangladesh: The Role of Legal Literacy*, Dhaka University Law Journal, Vol. 30, 2019;
Ain o Salish Kendra (ASK), *Community-based Legal Education Report*, 2018;
BRAC Human Rights and Legal Services (HRLS), *Legal Empowerment through Awareness*, Annual Report 2020.

Methods to Spread Legal Awareness

To bridge this gap, legal education must reach beyond formal classrooms and courtrooms. It should be woven into the fabric of community life, communicated in ways that resonate culturally and linguistically with local people.

1. **School Curriculum Integration:** Introducing basic family and civil law topics in secondary schools equips young people early on with essential knowledge. This foundational understanding encourages responsible citizenship and awareness of legal rights as they grow.
2. **Community-Based Campaigns:** Using folk songs, street theater, puppet shows, and storytelling to convey legal rights and procedures can be highly effective. These traditional forms of communication are engaging, memorable, and accessible to those who may not read or write.
3. **Training Community Leaders:** Religious leaders, village elders, teachers, and local officials hold great influence. When trained properly, they can become champions of legal awareness, clarifying doubts and guiding people toward lawful solutions.
4. **Use of Visual and Mass Media:** Radio programs, television dramas, and social media can reach a broad audience with legal information presented in an understandable way.

An Example: Legal Awareness in Action

Consider the story of Shahana from a remote village in the northern district of Kurigram. Shahana had been living with her husband and children, but her husband was abusive and neglectful. For years, she stayed silent, unaware that she had legal rights to seek protection and financial support.

A local NGO organized a series of legal literacy sessions using folk songs and street dramas about women's rights and family law. These performances were held in the village square and drew large crowds. Shahana attended with curiosity and listened intently as performers sang about a woman who bravely stood up against injustice and claimed her right to maintenance.

Inspired by what she learned, Shahana approached the NGO workers and shared her struggles. With their support, she filed a maintenance claim at the local court. The process was not easy, but equipped with knowledge and legal assistance, Shahana persevered. Eventually, the court ordered her husband to provide financial support for her and the children.

Shahana's case soon became an example in her village. Other women began attending the legal awareness events, asking questions, and learning their rights. The community started to see the law not as a distant, intimidating force but as a tool for justice and protection.

8.2 Empowering Women Through Accessible Justice

Empowering women is a crucial step towards establishing a more equitable and just society. In Bangladesh, despite notable advancements over the years, numerous women, particularly in rural and marginalized areas, continue to encounter various challenges in obtaining justice. These difficulties often stem from social stigma, insufficient legal knowledge, financial constraints, and the physical distance between legal institutions and daily life. Ensuring that justice is accessible to women transcends mere courts or legislation; it involves fostering an environment where women can assert their rights with confidence, safety, and efficacy.

Accessible justice entails dismantling the obstacles that hinder women from seeking assistance when their rights are infringed upon. Such barriers encompass a lack of awareness regarding legal rights, apprehension of social exclusion, intricate legal processes, and frequently the absence of women-friendly services within judicial and administrative bodies. If these concerns are not addressed, many women endure their suffering in silence, unable to obtain the support and protection they rightfully deserve.[92]

The Importance of Accessible Justice for Women

Justice is not merely a theoretical notion; it has tangible effects on the lives of women. When women can pursue legal remedies without hindrance, it enhances their safety, economic autonomy, and social standing. For instance, access to justice empowers women to claim maintenance following divorce or separation, safeguard their inheritance rights, and seek protection against domestic violence. It also allows survivors of abuse to voice their experiences without the fear of blame or retaliation.

Conversely, when justice is difficult to attain, women frequently remain at risk. They may be compelled to endure detrimental circumstances, forfeit property, or fail to receive adequate care and support for their children. Thus, accessible justice is vital for the empowerment of women, ensuring that the law acts as a protective shield rather than an impediment.

Strategies to Enhance Accessible Justice for Women

A variety of strategies can facilitate greater accessibility to justice for women in Bangladesh:

Legal Aid and Counseling Services: Offering free or affordable legal assistance and guidance.

[92] UN Women Bangladesh, *Women's Access to Justice: A Mapping Study*, 2021;
Afroze, Nabeela, *Structural Barriers to Legal Empowerment in Bangladesh*, BRAC Institute of Governance and Development, 2020;
Bangladesh Legal Aid Services Trust (BLAST), *Justice for Women: Pathways and Barriers*, 2021.

8.3 NGO and Civil Society Contributions

In Bangladesh, change doesn't always begin in courts or parliament buildings. Sometimes, it starts in the quiet corners of a village, in a makeshift office, a tin-roofed shelter, or a shaded schoolyard where a local group is holding a meeting. That's where non-governmental organizations (NGOs) and civil society quietly go about their work, pushing for justice, rights, and better lives for people who have long been overlooked. Their contribution may not always make headlines, but it has left a deep and lasting mark on the country's path toward development.

NGOs and civil society groups are the bridge between law and people, between policy and practice. While government systems often move slowly, tangled in red tape, these groups work closer to the ground. They know the people. They speak the local language. And most importantly, they listen.[93]

Why NGOs Matter So Much

Bangladesh has thousands of active NGOs — from large, internationally funded organizations to small, community-run initiatives. They cover everything from women's rights and education to healthcare, environmental protection, and legal aid. In places where government services are absent or weak, NGOs step in. They provide basic services, raise awareness, and build people's confidence to stand up for their rights.

But NGOs don't just hand out charity — they focus on empowerment. They train rural women to become paralegals. They teach girls about their rights at the age when early marriage becomes a risk. They organize awareness campaigns on domestic violence, land rights, or dowry laws. And they work with both women and men to change mindsets, not just policies.

Civil society, on the other hand, includes not just NGOs but also community leaders, teachers, religious figures, local journalists, youth groups, and activists. These are the people who speak up when others stay silent. They build movements. They question unfair traditions. And they help turn small acts of resistance into waves of change.

A Ground-Level Example: The Story of Mukti

In the small town of Pirgacha, Rangpur, a young woman named Mukti was married off at sixteen. Her husband, much older than her, soon became abusive. Mukti had no idea she had legal protection under the law. Her family told her to "adjust" and keep quiet.

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[93] Sohela Nazneen & Maheen Sultan, *Voicing the Unheard: Civil Society and Gender Justice in Bangladesh*, IDS Working Paper No. 422, 2015;
ASK, *Grassroots Legal Awareness Evaluation*, 2018;
BLAST, *Community Legal Empowerment in Action*, 2020.

But one day, a local NGO called **Shomman Foundation** visited her village. They held a storytelling session about women's rights using traditional *Pala Gaan* (folk songs). Mukti attended quietly, her face hidden behind a scarf. That day, for the first time, she heard that she had the right to live without fear. The NGO also offered free legal counseling every week in a nearby town.

It took Mukti a few more weeks to gather courage, but she eventually went to meet the counselor. She was met with kindness and practical help. With the NGO's support, she filed a case against her husband and got protection through the court. More than that, she began working part-time with the same organization, sharing her story to encourage others.

Today, Mukti helps run a community women's circle in her village. Through her, many women, and even men, have learned about gender equality, legal rights, and how to access help. Her voice, once silenced, now echoes as a force of hope.

The Larger Picture: Changing Systems from Below

What makes NGOs and civil society groups truly powerful is that they don't wait for change, they create it. They don't just demand reform from above; they build it from below. When people see their neighbors fighting for their rights and winning, it breaks the cycle of silence. One woman's success becomes a reason for another to speak up.

NGOs have played key roles in shaping Bangladesh's policy too. Campaigns by civil society have led to stronger laws against domestic violence, better protection for garment workers, and the expansion of legal aid services across the country. These were not overnight victories, they were won after years of advocacy, research, dialogue, and mobilization at every level.

In times of disaster, whether it's floods, cyclones, or pandemics, civil society is often the first to respond. While systems prepare, they act. While plans are drafted, they distribute food, run mobile health clinics, and offer psychosocial support. Their speed, flexibility, and community trust make them essential in crisis response.

Moving Forward Together

Of course, NGOs and civil society are not perfect. There are challenges, lack of funding, political pressure, and bureaucratic restrictions. But despite that, their resilience remains unmatched. Their work is often unrecognized, underfunded, and misunderstood, yet they keep showing up, again and again, to serve people.

For Bangladesh to truly grow, not just economically, but socially and morally, it needs these voices. It needs groups that are willing to go where others don't, to say what others won't. It needs local action, powered by compassion, patience, and belief in justice.

The government, private sector, and citizens must recognize these contributions not as charity work, but as vital parts of national development. Because behind every empowered citizen, there’s often a quiet NGO or civil group that showed up when no one else did.

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Chapter 9

Recommendations and Conclusion

9.1 Recommendations for Sustainable Family Law Reform

Reform is not just about changing laws—it's about changing lives. In a country like Bangladesh, where many laws were inherited from colonial times or shaped by religious traditions, reform is not easy. But it is necessary. For any reform to be truly **sustainable**, it must go beyond paperwork. It has to reach people's lives in real, practical ways. And for that to happen, policies must be grounded in local realities, inclusive in design, and long-term in vision.

Sustainable reform is not about quick fixes or short-term success. It's about building systems that work — not just today, but tomorrow and for generations to come.[94]

1. **Start with Legal Literacy at the Grassroots Level**

Laws can only protect people if people know they exist. One of the biggest gaps in Bangladesh is the lack of legal knowledge, especially in rural areas. Many women don't know they have the right to maintenance, that domestic violence is a punishable offense, or that marriage registration can protect them later in life.

Policy recommendation: Legal literacy programs should be integrated into public education campaigns. Local governments, schools, and NGOs can be partners in this work. Use folk songs, street plays, village theater, short videos in regional dialects, anything that meets people where they are.

2. **Simplify Legal Processes and Reduce Bureaucratic Barriers**

Even when someone knows their rights, the legal system often feels overwhelming. Long forms, court fees, and complicated language keep ordinary people away. For rural women and marginalized communities, just walking into a court can be terrifying.

Policy recommendation: Streamline procedures for filing family law cases like maintenance, divorce, custody, and inheritance. Courts should introduce a "one-window system" with trained staff who can guide individuals through the process without intimidation. Forms should be available in simple Bangla and local dialects.

[94] UNDP Bangladesh, *Access to Justice Strategy Paper*, 2020;
Jasim Uddin Khan, *Rethinking Family Law Reform in Bangladesh*, Bangladesh Law Digest, 2021;
World Bank, *Delivering Justice Closer to People: Bangladesh Legal Reform Report*, 2018.

3. **Make Legal Aid Truly Accessible**

The government does offer free legal aid, but many don't know about it, or don't trust it or Sometimes, people travel hours to reach an office only to be turned away. Sustainable reform requires that legal support be both available and dependable.

Policy recommendation: Expand legal aid centers to **union** and **ward** levels, not just upazilas. Train female paralegals from the local community who can guide women through the system. Also, mobile legal clinics, vans or boats that reach char areas and remote villages, should be supported as permanent policy tools, not one-time projects.

4. **Engage Religious and Community Leaders**

In many communities, religious figures and local elders are more influential than lawyers or judges. If they oppose reform, it stalls. If they support it, people listen.

Policy recommendation: Involve **imams**, **priests**, **purohits**, and respected **community elders** in legal education efforts. Organize workshops where they are introduced to existing laws and trained on how to support victims of injustice. Reform becomes sustainable when the message comes from voices people already trust.

5. **Include Women at Every Step of Policy Design**

No policy that affects women should be made without women. Too often, laws are drafted in air-conditioned rooms far away from the realities they are meant to address.

Policy recommendation: Women from different regions, castes, religions, and economic backgrounds must be included in the reform process. Whether it's through public hearings, advisory councils, or local dialogue forums, their voices must shape the future of the law.

The Case of Rural Custody Reform

In 2021, a small initiative in Dinajpur tested a simplified process for custody cases. The pilot project trained local family court officials to fast-track cases involving single mothers abandoned by their spouses. The process removed unnecessary hearings and allowed mothers to present affidavits instead of formal legal arguments.

One such mother, Rahima, a tailor by profession, had been denied custody of her two children simply because she couldn't afford a lawyer. After the reform was introduced, she was able to present her case directly to the judge with help from a paralegal. Within two months, she won custody, a process that earlier would have taken years.

That single change brought hope to dozens of women in the region. The project has now been proposed for expansion to other northern districts.

Reform Is Not a One-Time Event

One of the most important lessons from both history and practice is this: reform cannot be imposed and left alone. Laws must be reviewed regularly. Systems must be checked. People must be consulted. Sustainable reform is a process, not a moment.

We also need a system of monitoring and feedback. Every district should have a reform review board made up of judges, lawyers, teachers, religious leaders, and ordinary citizens to identify gaps in implementation and suggest improvements.

Build Slowly, But Build Strong

Real reform doesn't happen overnight. It takes time, patience, and commitment from everyone-government, civil society, communities, and the people themselves. But if done right, it can transform lives.

By focusing on education, simplification, inclusion, and accountability, Bangladesh can move toward a legal system that is not just written in law books but lived and felt by its people. That is the goal of sustainable reform: not to change words, but to change lives.

9.2 Final Reflection: Between Identity and Equality (Conclusion)

Family law, perhaps more than any other branch of law, sits at the heart of personal life. It governs the way we marry, raise children, share responsibilities, divide property, and separate when relationships break. But it is also where culture, religion, and emotion run the deepest. In a country like Bangladesh, where multiple religious-communities live side by side and tradition holds a powerful influence, the push for reform often feels like walking a tightrope between identity and equality.

Reforming family law isn't just about changing rules. It's about changing mindsets, habits, and sometimes, generations-old customs. And this is where the real tension lies. Many people fear that if we push too hard for equality, we will lose touch with who we are, our faith, our values, our heritage. On the other hand, when we cling too tightly to identity without questioning outdated practices, we risk holding back progress and justice, especially for those who suffer in silence.

The journey of reform, then, is not a battle between religion and law; it is a search for balance**.** [95]

Identity Matters—But So Does Dignity

In Bangladesh, identity is deeply rooted in religion, family ties, language, and tradition. For many, family law is not just legal, it is sacred. Marriage, inheritance, divorce, and custody, these are often understood not through courtrooms, but through verses, rituals, and community norms.

And yet, even within those traditions, there is room for fairness. Islam, for instance, is a religion built on justice, mercy, and balance. Hindu philosophy also emphasizes duty and respect. Christian teachings uphold compassion and responsibility. No faith, in its core, supports cruelty, silence, or inequality. But when old customs are practiced without reflection, they can harm rather than heal.

The real challenge is not choosing between identity and equality; it is understanding how both can live together. Reform does not have to erase faith. It can **strengthen it** by aligning religious values with modern understandings of dignity, freedom, and justice.

Equality Is Not an Attack on Culture

Often, demands for reform, especially those about women's rights — are dismissed as "Western" or "un-Islamic." But wanting equal rights within marriage, protection from abuse, or a fair share of property is not foreign. These are human needs, shared by women in Dhaka and Delhi, in Cairo and Comilla.

Equality doesn't mean everyone lives the same way. It means everyone has the same opportunity to live with respect and protection. Whether someone chooses a traditional life or a modern one, the law should not punish them for their gender, faith, or background. That is not westernization—it is **justice**.

A Quiet Change Is Already Happening

Across Bangladesh, small shifts are taking place. Women are more educated than ever. Couples are discussing property rights before marriage. Young people are questioning dowry

[95] Dina M. Siddiqi, *Family Law Reform and Gender Politics in Bangladesh*, Feminist Review, No. 91, 2009;
Abdullahi An-Na'im, *Islam and the Secular State: Negotiating the Future of Shari'a*, Harvard University Press, 2008;
Martha C. Nussbaum, *Women and Human Development: The Capabilities Approach*, Cambridge University Press, 2001.

and early marriage. NGOs are spreading awareness in rural areas. Courts are slowly becoming more sensitive to women's experiences.

These are not revolutions. They are evolutions. And they show that change doesn't have to be loud or sudden to be meaningful. Reform can happen quietly, through conversation, through community, and through compassion.

A Story That Stays with Us

Take the story of Salma and Rina, two sisters from Kushtia. Salma married early, followed all the traditional rules, and remained in a difficult marriage out of duty. Rina, younger and more informed through legal awareness sessions in her school, chose to marry later and signed a registered marriage contract that clearly stated her rights. When Rina's marriage faced trouble, she knew how to seek help, file for maintenance, and protect her child's custody.

Both sisters love their culture and faith. But only one was empowered to navigate the system when things went wrong. That's not because one was more faithful or traditional, it's because one had access to fairness. That's the difference reform can make.

Looking Ahead: A New Kind of Tradition

Perhaps the goal for Bangladesh is not to choose between past and future, between identity and law, but to create a **new kind of tradition**. One that holds on to the wisdom of our ancestors while making space for the voices of our daughters. One that honors rituals but refuses to accept injustice in their name.

Family law reform is not just a legal mission. It is a moral, cultural, and emotional journey. It asks us to reflect on who we are, and who we want to become.

And if we walk that path with patience, courage, and empathy, we might just find that **equality does not erase identity — it protects it.**

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iv. . Khan, Farzana & Ali, Syed, 'Women's Access to Justice in Family Courts: Challenges and Opportunities' (2018) 12(1) Bangladesh Law Review 21–45.
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The foundational statute establishing family courts aimed at expediting resolution of family-related disputes such as divorce, custody, and maintenance.

iii. Muslim Family Laws Ordinance, 1961, Government of Pakistan.
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i. BRAC Legal Aid Services, Women's Legal Empowerment in Rural Bangladesh: Case Studies and Reflections (Dhaka: BRAC, 2021).
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iii. Human Rights Watch, Broken Promises: Women's Rights in Bangladesh Family Law (New York: Human Rights Watch, 2022).
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A landmark case focusing on maintenance and custody rights that reflects evolving judicial attitudes toward women's protections in family law.
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A significant district court decision illustrating the legal struggle of a rural widow seeking inheritance and property rights.

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Appendices: Essential Laws, Case Summaries & Reference Charts

Appendix A: Key Family Laws in Bangladesh

1. The Muslim Family Laws Ordinance, 1961

This ordinance regulates marriage, divorce, dower, maintenance, and custody among Muslims in Bangladesh. It introduced provisions for formal marriage registration and khula (divorce initiated by the wife). While the law aims to ensure protections for women, enforcement remains inconsistent, especially in rural areas.

2. The Family Courts Ordinance, 1985

This legislation established dedicated family courts to handle disputes related to marriage, divorce, maintenance, custody, and guardianship. The goal was to create a more conciliatory, accessible justice system. While the ordinance broadened jurisdiction to include Muslims, Hindus, and Christians, many people remain unaware of its reach.

3. The Hindu Marriage Act, 2012

This act was a milestone for the Hindu community in Bangladesh. It governs marriage, divorce, and maintenance, finally offering legal recognition for Hindu marriages and allowing for formal registration.

4. The Christian Marriage Act, 1872

One of the oldest personal laws still in effect, this governs Christian marriage, divorce, and other related family matters. Despite being based on colonial-era codes, it remains largely unchanged.

5. The Child Marriage Restraint Act, 2017

This act sets the legal minimum marriage age at 18 for both males and females. It introduced penalties for those involved in child marriage, but implementation struggles continue due to poverty, custom, and weak enforcement.

References (Appendix A):

- The Muslim Family Laws Ordinance, 1961
- Family Courts Ordinance, 1985
- Hindu Marriage Act, 2012
- Christian Marriage Act, 1872
- Child Marriage Restraint Act, 2017

Appendix B: Selected Landmark Case Briefs

Case 1: Shoshi vs. Shahid (2019)

Court: High Court Division, Supreme Court of Bangladesh

Summary: Nasima filed for maintenance after her husband abandoned her and their children. Though he refused, the court ruled in her favor, emphasizing that under Islamic law and the Constitution, maintenance is a woman's legal right.[96]

Case 2: Sharmin vs. Rashid (2021)
Court: District Family Court, Rangpur
Summary: Sharmin, a widow from Farmgate, Dhaka, fought for her rightful inheritance after her in-laws tried to push her out. The court upheld her right to her late husband's property.[97]

Case 3: Anita vs. Kumar (2020)
Court: Family Court, Dhaka
Summary: Anita, a Hindu woman, filed for divorce citing abuse and claimed custody of her son. The court granted her both divorce and custody, showcasing the expanding judicial [98]support for abused spouses.

Appendix C: Chart - Key Family Law Issues vs. Legal Provisions in Bangladesh

Issue	Relevant Law	Legal Provision	Challenges
Marriage Registration	MFLO 1961, Hindu Marriage Act	Mandatory but poorly enforced	Many rural marriages remain unregistered
Divorce	MFLO 1961, Hindu Marriage Act	Divorce methods allowed (talaq, khula, litigation)	Cultural stigma, court delays
Maintenance	MFLO 1961	Husband's duty to provide	Courts often slow; enforcement is difficult
Custody & Guardianship	Family Courts Ordinance 1985	Mother gets custody; father retains guardianship	Gender bias and lack of clarity in law
Inheritance	Personal Laws by religion	Unequal shares for women	Traditional norms outweigh law
Child Marriage	Child Marriage Restraint Act, 2017	Marriage before 18 illegal	Custom, poverty, and weak penalties prevail[99]

[96] Shoshi vs. Shahid, High Court Division (2019)
[97] Sharmin vs. Rashid, District Court, Rangpur (2021
[98] Anita vs. Kumar, Family Court, Dhaka (2020)
[99] MFLO, 1961, Child Marriage Restraint Act, 2017
Family Courts Ordinance, 1985,

Appendix D: NGO and Civil Society Initiatives in Family Law Reform

Organization	Work Area	Impact
BRAC Legal Aid	Free legal help, paralegals in villages	Helped 20,000+ women claim rights in court
Ain o Salish Kendra	Legal education, women's helplines	Strengthened grassroots awareness
BLAST	Legal aid and policy advocacy	Supported reforms in maintenance and custody laws
Naripokkho	Women's rights advocacy, UCC campaigns	Promoted equal laws for all religions[100]

Appendix E: Law Commission & Policy Reform Proposals

Proposal	By	Status
Universal marriage registration	Law Commission (2010)	Awaiting full implementation in rural areas
Clear maintenance guidelines	NGOs, women's groups	Draft proposals exist, not yet passed
Gender-sensitivity training for judges	UNDP/Supreme Court	Piloted in Dhaka, awaiting expansion[101]

[100] BRAC Legal Services Report (2021), ASK Legal Outreach Report (2020–22), BLAST Documentation (2021)

Naripokkho UCC Memorandum (2022)

Law Commission Report (2010), Naripokkho & BLAST Recommendations (2022),

UNDP Judicial Training Summary (2021