



Research Monograph

On

“Property Rights of Transgender Persons: Gender-Based Discrimination and Remedies under the Inheritance Laws of Bangladesh”

This Research Submitted for the Partial Fulfillment of the award of the degree in LL.B (Hon’s) Department of Law, Sonargaon University (SU), Dhaka.

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Dedication

*This Research is dedicated to my
Father & Mother*

LETTER OF TRANSMITTAL

To

Muhammad Ali

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Subject: Submission of research paper on **“Property Rights of Transgender Persons: Gender-Based Discrimination and Remedies under the Inheritance Laws of Bangladesh”**

Dear Sir,

It is a great pleasure for me to submit the thesis on **“Property Rights of Transgender Persons: Gender-Based Discrimination and Remedies under the Inheritance Laws of Bangladesh”** While I doing this thesis, I have tried my level best to make this project paper to the latest standard. I think that thesis paper will fulfill your requirement and pleased you. I, therefore, hope that you would be kind enough to go through this thesis paper for evaluation.

I am always be ready for clearance of any part of my thesis.

Thanking you

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CERTIFICATION

This is to certify that the thesis on “**Property Rights of Transgender Persons: Gender-Based Discrimination and Remedies under the Inheritance Laws of Bangladesh**” is done by Antu Mandol in partial fulfillment of the requirements for the degree of LL.B. (Honours) from Sonargaon University, Dhaka. The thesis has been carried out under my guidance and is a record of the bonafide work carried out successfully.

.....
Muhammad Ali
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DECLARATION

I do hereby that this Research Monograph on the **Property Rights of Transgender Persons: Gender-Based Discrimination and Remedies under the Inheritance Laws of Bangladesh** have been done by me and this Research is free from all plagiarism and without help of other. I further declare that this monograph is prepared with my own effort and it was not and never submit to any institute for any academic reason.

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Abstract

The ideas of common liberties and privileges of correspondence have been an outflow of the 21st century. Transsexual is large known as people who are neither male nor female. The 'Transsexual is generally known as "hijra" in Bangladesh who are generally disregarded volume of individuals far and past the region of legacy. Starting at now, they took a sex status and perceived as 'third sex' other than male and female. Regardless of the way that assembly of Bangladesh has confirmed this transgender people as third sex and introduced them alternative to project a polling form, anyway starting now and into the foreseeable future an enormous part of the rights are not be guaranteed to them particularly gets the opportunity to right of heritage. They are assembled to be completely disparaged the bygone era outline. Howsoever, clearly this bit of individuals is continually denied of their appropriate rights along with right to legacy under different strict networks. In any case, because of some problem and non-existent of sex character, this transsexual network is forsaking of receipt legacy property. Grievously the current status of their quintessence has been experienced to woeful destitution, obliviousness, dread and joke. They are up 'til now taking in the resemblance of give up from their prime right of heritage. The nuclear object of this hypothesis is to center upon the issue concerning transgender right of heritage under the remaining alive individual laws in Bangladesh. The people of society are jumped on target to apathy that they are similarly human and they have equivalent rights like other human of the overall population. People are remaining the pessimistic speculation towards them with no honor and isolating them from the overall population with no compassion. This hypothesis token endeavor to make sure about or entire the methods which might be taken by the respected master for their fine life reliant on right to inheritance. Consequently, to affirm the effectuation of this essential right of legacy alongside other lawful and basic liberties to transsexual so they can be the compelling aspect of our general public.

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Chapter One

Introduction

1.1 Introduction

We realize individual is the sole formation of the Omnipotent. Transsexual are additionally treated as human and as a person they should have a few rights, obligations and liabilities and so on, however they are generally disregarded one. In Bangladesh, a large number of government assistance outline have been present by the Legislature yet those were for the male and female as such transsexual being a differed segment grouped based on sexual structure has not been the subject of the government assistance plan. Their privileges as human are not being declared rather they have been denied from the standard social, strict, social, proficient and political life. They have no privilege of arrangement family and intimate life so they are generally disregarded of their rule rights and essential needs especially they are dismissed of the privilege of legacy. The individual laws (Muslim, Hindu and Christian) don't unmistakably proclaim about third sexual orientations privileges of legacy. Islamic legal advisers are given a few standards and guidelines with respect to their privileges of legacy with the assistance of Hadith and Qiyas. So it is the liabilities of the State to affirm their privileges of legacy from their legacy property. A lawful legal structure must be presented so transsexual can acquire their family property. This proposal will attempt to give a review on the legacy of transsexual under Muslim, Christian and Hindu laws and furthermore attempt to make a few recommendations with respect to one side of legacy.

2.2 Literature Review

This Exploration paper is formed fundamentally by taking help of both the essential and optional sources. The sources join appropriate legitimate course of action, case and laws in different district, investigating scholarly works, focused on transsexual issues (e.g., books, dairies, articles, reports and papers), and glancing through the web and talking college educators, teachers and specialists (e.g., Family Law rehearing Lawful counsels, Attorney, individual from Law Maintaining Association). Express references of the materials used are given in the editorial of concerned segments. I in like manner used data totaled by public laws for instance Muslim Law, Hindu Law, Christian law, Constitution of Bangladesh and Global laws. Likewise, available disseminated Investigation Reports and Articles related matter of transsexual privileges of legacy. “Transgender is an umbrella term that portrays people whose sexual direction character or enunciation doesn't arrange the sex they were delegated after entering the world. For example, a transgender individual may recognize as a woman paying little mind to having been carried into the world with male genitalia”.¹ “Transgenderism stays a zone of uncertainty with respect to legacy and the possible troubles in the phrasing of current wills. Imprint Lindley, accomplice at Boodle Hatfield represent considerable authority in wills and trust, talks about how utilizing sexually impartial pronouns in wills and the presentation of Sex Acknowledgment Authentications (GRCs) improve lucidity with respect to legacy issues”.² “As indicated by Islamic lawful hypothesis, it notices to the transmission of substantial or immaterial, moveable, unfaltering resources assets from the expired to their current legal beneficiaries”.³ “In case the khuntha or third genders are fall into the game plan of male or female, there the individual will be considered to as a male or female according to in all region simultaneously, if third genders people are not delegated a men or women who have recently male or female genital peculiarity and can't wrap up which sex is major in that kid, by then Khuntha or third sexual direction won't be viewed as an individual sex and regarded as third genders inconvenience”.⁴ “A perished Hindus resource is controlled by the Dayabhaga School. Progression as indicated by the Dayabhaga School is administered by the ability to present profound advantages. The premise of this teaching of profound accommodation is parvanasradha ceremony

¹ <<https://www.livescience.com/54949-transgender-definition.html>>

² Mark Lindley, LexisNixis, 30/11/2025 <<https://www.boodlehatfield.com/media/1671/transgenderism-in-wills- and-inheritance.pdf>>

³ Tanzil,R. Mujmuah Quanini Islam, “Islamic Research Institute, IIUI”,2nd Edition, <volume 5, p.1585,(1958)>.

⁴ Uddin, “Muslim Law of Inheritance and Practice”, Dhaka, Kitabmohol, p.100, M (2000).

congruity. It shows up from a panda offering, that is, a sacrifice of rice balls to expired progenitors. In any case, the tenet of viability is the main standard of the school of Dayabhaga”.⁵ “Keeping up the rules of heritage according to Dayabhaga school of Hindu Law, It is seen that under the base of sexual characteristics, male and female are competent to obtain the property of terminated. As the third genders are requested neither male nor female, they are being removed from getting property. Under the conventional Hindu legacy laws, a beneficiary will be ousted from getting legacy property because of deafness, visual impairment, ridiculousness and for extravagant of any appendages or organs, given the flaw are both acquired and not reparable”.⁶ “In Bangladesh the arrangement of legacy proper to Christian as indicated by the Progression Demonstration 1925, isn't sex recognized where both male and female have the option to acquire similarly. Under the guidelines of progression Act anyplace a Christian bites the dust without having made a will, leaving after a widow/life partner and tribal descendent”.⁷ “In the Christian world customary eunuchs by birth are not allowed to get familial assets. In any case, such irregularity of inheritance isn't right of these who made themselves androgynous for Christ”.⁸ This theory token undertaking to procure or whole the means which may take by regarded expert on behalf of their fine existence dependent on right to inheritance. hence, to affirm the effectuation of this essential right of legacy alongside other lawful and basic liberties to transsexual with the goal that they can be the compelling aspect of our general public.

1.3 Objective of the Study

My research objectives are as follows:

- To examine the existing inheritance laws in Bangladesh (Muslim, Hindu, Christian, and statutory laws) and identify how they address or neglect the rights of transgender persons.
- To analyze the nature and extent of gender-based discrimination faced by transgender individuals in accessing and claiming their rightful share of inherited property.
- To evaluate the compatibility of Bangladeshi inheritance laws with constitutional

⁵ Mulla,D.F, “Standards of Hindu Law”,<Eastern Law House>, P.101-109, (1946)

⁶ Haque, M. A. “Hindu Law in Bangladesh: Theory and Practice, University Publications”. “First Edition, p.200”, (2014)

⁷ “The Succession Act, 1925”

⁸ Karavites, “Evil, Freedom and The Road to Perfection in Clement of Alexandria”, page no.89, see <<https://books.google.com.bd>>

provisions on equality and international human rights standards.

- To review judicial trends, policy frameworks, and practices related to transgender rights in South Asia, with a focus on inheritance rights.
- To propose legal and policy reforms that would ensure the protection of property rights for transgender persons in Bangladesh.
- To give some recommendation for remove loopholes of the laws of inheritance of transgender.

1.4 Significance of the Research:

This study is most effective to the transgender for getting their inheritance. The reason is this study will help to know about the inheritance rights of transgender under national and international laws perspectives. In the entire world along with Bangladesh transgender are deprive from getting their all basic human rights as well as inheritance rights. Though national laws and international laws have provided statutory provision as well as given legal status of transgender but all are remain just in paper or as mere document, there have not proper implementation. This is the right time for transgender to turn around. They have proper right to get their property of inheritance. By this paper transgender as well as general people will be aware about inheritance right of transgender. It will help to find loopholes of laws and proper procedure of implementation of laws for distribution of inheritance property of transgender. Moreover, this research will open a great opportunities for other researchers concerned with this area. Again this research will be very much helpful for the students of law to enrich their knowledge.

1.5 Research Question

My research questions are as follows:-

- Is the transgender recognized by law?
- What is the attitude of national and international laws towards transgender?
- How is it possible to properly implement inheritance right of transgender by removing loopholes of the laws?

1.6 Methodology

The research study is basis on Qualitative methodology. This is generally widely used in legal research. Qualitative research is focuses on determining what the law is on a particular sense. It involves locating and interpreting significant primary and secondary sources of laws and adjusting those sources to form a rule or rules of laws. As part of this procedure, an estimation and analysis of competing or conflicting sources may be required. Qualitative methodology researches also suggest a ways in which the law should develop. The research has collected information data by use of books, journals, websites, newspapers, reports, articles, national laws, international laws and other relevant sources of data. The researcher has analyzing and evaluating the data so as to come up with a comprehensive research and appropriate suggestions to be able to solve the complex issues. Here the researcher has conducted a Qualitative methodology research by use of articles analysis and resolution of landmark judgment of cases.

1.7 Limitations of Research:

The main limitation of the thesis is its comprehensive reliance on journals, books and reports throughout the online. Further regard to practical scenario, unavailability of data in relation to the research concern may also be settled as another limitation. Essentially there have a lot of data but we cannot say that this research is accurate or 100 percent authentic. There have another problem of time restriction and budget. In fact it's so much tricky to complete a research precisely within short time, with inadequate budget.

CHAPTER TWO

Definition, Classification and Legal Status of Transgender

2.1 Recognition of transgender in different countries.

In entire world transgender assemblages have historical entity in many cultural chapters of books. Transgender are known by different identity with various name in different countries. “In the Philippine third gender are familiar as “Bakala”, In the Oman is “xaniths”, to the people of Kenya natives are called them “Serrers” and on the other hand the South Asian countries people are called or known them in various name like “Ashijra, Shivshakti, Jogtas or Jogappas, etc.”⁹ Latin American countries and European countries are known transgender as ‘Berdache’ and most of the countries of entire world they are known as ‘Third gender ‘or ‘Transgender’. Again in Bangladesh generally third gender is known as “Hijra. When traditionally the word “Hijra” has translated then it has been in English as ‘Eunuch’ or ‘hermaphrodite’.

2.2 Origin the word of Transgender

The American Dictionary Heritage defines “Eunuch as a person who is employed as a harem attendant or as a functionary in certain courts of Asian are known as hermaphroditic or transgender again A person whose intend is abortive or been detached.”¹⁰ Generally we know that etymologically the word “hijra is come from ‘Urdu or Hindi’ language which are alternately be used in other different word like ‘hijada’ or ‘ashijira’ or ‘hijrahand’ or ‘hijda orhijara’ which is prominent as ‘Heejra’ or ‘Heejda’.”¹¹ “In other sense the word is generally origins from the root of Arabic ‘hjr’ its sense of leaving is one’s tribe.”¹²

⁹ Khan,S.I, Hussain, M.I, , ‘Living on the Extreme Margin: Social Exclusion of the Transgender Population’, “Journal of Health, population and Nutrition”, <27(4), 440-453>, (2009)

¹⁰ Hauser, B. R, “A Eunuch-Harmful Inheritance Practices and Human Rights, Law& Ine”,21-22,(1),(2003),

¹¹ Chettiar.A, “International Journal of Social Science and Humanity”,<5(9),753>, (2015)

¹² Alhawary.M.T, and Benmamoun, E.(Eds.), “Perspectives on Arabic Linguistics XVII-XVIII: Seventeenth and Eighteenth Annual Symposia on Arabic Linguistics” (Vol. 267), John BenjaminsPublishing.<p 97,(2005)>.

2.3 Classification of Transgender

Though it is concerned that this is a common concept, in which third gender are being classified, by their selves or by community as neither are they man nor are they woman. Sometimes they have both male and female carnal organ and character. Generally transgender should be categorized under three basic orders those are actual hermaphrodite, female mendacity and male mendacity. Pure hermaphrodite is a group of people who are born with ovum (female sexual limb) and their testicular tissues bear male sexual limbs character. According to medical science a sole who born with 'XX' chromosome they are getting with general feminine sexual limbs but they bears "masculinical' genitals character (Bear feminine sexual limbs but physically elegance as a masculine genetically character because of their having exotic male sexual limb is to be classified as a female mendacity transgender. On the other hand when a person who is male mendacity transgender is fully opposed of female mendacity transgender. "When a person born with 'XY' chromosome and character with testes and having exotic genital as generally of female mendacity transgender"¹³. In biology, "a third gender has bears an ingredient which has proper or some particular reproductive limbs and creates gametes generally combined with both male and female sex"¹⁴. In different word of Arabic 'Mukhannath' has classified meaning same to transgender. Again according to Islamic scholar also Hadith collectors Al Nawawi, "A mukhannath (transgender) is the one (male) who conveyance in his course, presence and in his speech the nature like a woman. There have two kinds, one of them is any one in whom those natures are inherent, there those nature does not revoke by himself, and there have no culpability, no disrespect and no discredit, until he does not plays any kind of illicit act or exploit it for income of money (prostitution etc.). The types of acts as a woman out of adulterous intention and he is the offender and reprehensible"¹⁵.

¹³ Mithani, A, & Burfa, F. M, Hijra—the sex in between. J Independ Stud Res, 1, (2003)

¹⁴ <https://en.wikipedia.org/wiki/Hermaphrodite#cite_note-1>, "last edited on 25 July 2020, at 12:48(UTC).

¹⁵ Rowson, E. K, <The effeminates of early Medina>"Journal of the American Oriental Society", 670-694, (1991)

2.4 Legal status of transgender

The word 'Hijra' or 'Transgender' is being used for those particulars whom are classified neither male nor female and this word is be used occasionally in very prejudicial approach. Third genders are getting their live hood in the society in a level which is very marginal. They are always get low level of social and legal rank. Their first discarded of their life is beginning by their families. At first their family is departing them and then by the entire society. In national and international level we have a huge number of documents which are related to human rights like UDHR, ICCPR and ICESCR etc. According to those documents and statutes third genders also have some basic human rights like other persons; those are right to education, food, health, employment, property, shelter etc. But the actual reality is they are abandoning all of those human rights, particularly the inheritance of property right which is called as inheritance. By deprived from getting inheritance property, this neglected community is being kept excluded from society.

UDHR states there have no discrimination on the foundation of sexual alignment or gender distinctiveness. By a assembly which is broadcasted in 2006 called The Yogyakarta Ideologies states that comprised human rights objectors, judges, scholars, NGO officials and UN High Commissioner for Human Rights, the international community to identify that human beings of all sexual orientations and gender individualities are permitted to the entire pleasure of all the human rights and that every person's are self-defined in sexual orientation with gender individuality is very essential to their accountability and it is one of the most elementary parts of self- determination, self-respect and liberty. "Ever since the late 20th century, there have some certain hijra activist and some Non-Government Organizations (NGO) have urged for the official gratitude of the hijra as a kind of third gender or third sex as neither woman nor man in this sub-continent area".¹⁶ In the Indian area, "Nepal is country which is as a first country first recognized the transgender as third gender and provided them the official acknowledgment through a landmark judgment in Pant Vs Nepal case"¹⁷.

¹⁶ Agarwal, "A Gendered Bodies: The case of the 'Third Gender' in India, Contributions to Indian Sociology", 31:273>, (1997).

¹⁷ Pant Vs Nepal, "Writ No. 917,2006 BS (2007 AD)", "translated in National Judicial Academy Law Journal (Nepal)",2008,at 262

“The verdict of Nepal Supreme Court in 2007 generated a third legal groups of gender, and announced that all sexual components justify full safety of their human rights and order generous governmental act to apply the courts holding”.¹⁸ Afterward, the acknowledgement of third genders rights instigated in Pakistan when Muhammad Aslam Khaki, an Islamic Scholar of law filed a landmark case in the year of 2009 declaring that were misery substantial discrimination dishonor and irritation at the hands of the state government. The court is held that on the basis of gender malady, third genders had been mistreated but by the constitution they are entitled to get all rights approved to them. Besides right of inheritance and voting rights of third genders are signed out by the court. Also declared that “inheritance right could not be deprived on the basis of their gender distinctiveness and gives ordered the National Database and Registration Authority of it declared to issue national identity cards with ‘third gender’ classes for non-binary residents”.¹⁹

Although, in April 2014 “Indian Supreme Court finally acknowledged hijras as third gender are by law in the year of 1994”²⁰. “In Bangladesh, since third gender was granted the right to vote in 2009, the issue of identifying Hijras as a distinct gender has been debated. Afterwards they were known as a third gender in a political decision of 11 November 2013 through a cabinet chaired by the then Honorable Prime Minister of Bangladesh”.²¹ Beside with Bangladesh, other countries like Nepal, India and Pakistan, Germany, New Zealand, Australia, etc. those countries are also renowned them as a third gender. In Bangladesh they are not actually making proper changes to assurance third genders rights although Bangladesh recognizes hijra as a third gender.

¹⁸ Dickson, S., & Sanders, “India, Nepal, and Pakistan: A unique South Asian constitutional discourse on sexual orientation and gender identity”, “Social difference and constitutionalism in Pan-Asia: Comparative constitutional law and policy”<Page. No. 336, (2014)>.

¹⁹ Ibid,<Page. No. 336, (2014)>.

²⁰ “The Guardian”, ‘India recognizes transgender people as third gender’, (2014).

²¹ Islam, M, “Right to Education of the Third Gender of Bangladesh: An overview”, “IOSR Journal of Humanities and Social Science”,<21 (9) PP 28-34>,(2003)

CHAPTER THREE

Inheritance Right of Transgender under Muslim Law Perspective

3.1 Introduction

“The means of inheritance are the practice of transferring property, titles, debts, rights and obligations after the death of a person. The rules of inheritance differ between companies and have changed over time”²². It is the procedure of making fresh classes, called derivative classes, from current classes or base class, but can enhance enhancement and improvements of its individual. The precise significance of inheritance is moving an object from one to other; generally this handover provides to knowledge, dignity, and honor or wealth. According to Islamic legal theory, “it mentions to the transmission of tangible or intangible, moveable, immovable assets possessions from the deceased to his or her existing lawful heirs”²³.

3.2 Statutory Provisions regarding Inheritance right of transgender under Muslim

Law:

According to Muslim inheritance law, it is the utmost precise and strict law and Muslim scholars laid consequence in inheritance laws and they could habitually repeated proverbs of the prophet –“everybody should learn inheritance laws and teach them who have no knowledge about it, for them it will be one-half of useful knowledge”²⁴. “In Islam scholars classify inheritance laws from three sources, those are i) The Holy Quran, ii) The Hadith, iii) Ijma or accord estimate as well as dissimilar with course of laws, there have no dependence has completed on Qiyas or similarity with regard putting down in inheritance laws”²⁵. Several clusters of the Holy Quran indenture guideline of inheritance. Adaptations of those clusters are as follows:

“Allah leads you as affections yours children’s inheritance to the male, a percentage alike to that of two women, if there have only two or more daughters, their share are two thirds of the heritage but if there have only one, it is parts of half. For parents, one sixth portion of the bequest for single, if the death person has left child; if there have no kid and the guardians are the main beneficiaries, mother has a third; if the perished has left siblings or sisters, mother gets sixth after recompense of gifts. These accepted shares

²² <<https://en.wikipedia.org/wiki/Inheritance>>, accessed on (03/03/2018).

²³ Tanzil,R., Mujmuah Quanini Islam, “Islamic Research Institute,(IIUI)”, 2nd Edition, <volume 5, P.1585,(1958)>.

²⁴ “Quoted in Al-Sirajiyah”, P.11 (Introduction), (1890).

²⁵ “Faiz-ud-Din”, <A Text Book on Islamic Law, Shams Publications,Dhaka>,8th Edition,<p.230,(2008)>

anticipated by Allah; and Allah is All-Knowing, All-Wise”.²⁶“Jointly with the on top of verses, verse seven, eight, thirty-two and thirty-three extremely An-Nisha 4:7, 4:8, 4:32, 4:33 and seventy-five verse of the sura An-Anfal treats inheritance laws for regarding rights of remote relatives”.²⁷ There have some hadiths of prophet (may peace be upon him) regarding rights of inheritance, those are as follows: It is reported by Umran-bin-Hushain (Allah is pleased with him). He said: “A man came up to the prophet (PBUH) and said: My son is dead, what is left of the inheritance. He replied: 'For you it is a sixth', when he came back, he called him and said: 'For you there is another sixth and when he came back, (PBUH) he called him and said 'this second sixth is additional’”.²⁸ Prophet of Allah said: “The maternal uncle is the beneficiary, when there is no other beneficiary”.²⁹ This hadith recognized the maternal uncle's inheritance right.

3.3. Islamic Overlook in terms of Inheritance to Transgender:

Islam is supposed to be a wide-ranging and complete code of creature life by its admirers. No one didn't leave human troubles untouched. When the Holy Quran did not verbalize directly of something else, Muztahid resolves it by mutual concurrence. Like different manifestations of Omnipotent Allah, bisexuals are additionally the best manufacture similar to other human beings. However, the Holy Quran is not concluding definite mode of distributing properties among them. But similar to all other solution provided by Muztahid, this is one too solved through "Izma". As the Holy Quran says, "Allah is the one who shape you in the womb at spirit",³⁰ that is, all physical character, counting sexual characteristics and the nature of a human being, come with the aspiration and permission of Allah. As a result, all children, men, women, or even third gender people have equal rights to God's sanction and there is no corroboration for parents, the government or the court to engage in gender utilization. So, of course, whatever their name is, they are allowable of the deceased assets to inherit.

²⁶ “Al Quran, Sura An Nisa”, (4:11)

²⁷ Faiz-ud-Din, M, “A Text Book on Islamic Law”, Dhaka, Shams Publications, <8th Edition, p. 231>, (2008)

²⁸ Ibid

²⁹ Ibid

³⁰ “The Holy Quran”, (3:6)

3.4 The method of ascertaining transgender under Muslim Law

As affirmed by Fiqh or Islamic jurisprudence, “the one with male and female multiply organs are called Khuntha or hijra or third gender”.³¹ All cadastre will be involved with regard to rules of Islam to regulate the sex of the transgender. “Once gender is recognized, gender will be calculated for all legal verdict, as well as inheritance. Some sign are important to appreciate in order to organize the sex of the transgender, the first of which is the organs which is uses to urinate. If one used male organ, there it will be considered as male and if one used female organ, there it will be considered as female. On the other hand if the third genders urinate from both organs of male and female, then the first to get rid of the urine will considered the sex. This symptom should be determined at birth or soon after to control the sex of the transgender”.³² “On the basis of sexuality, they were divided as male and female”.³³ “If the khuntha or third genders are fall into the categorization of male or female, there he or she will be considered to as a male or female according to in all sector but, if third genders people are not categorized as a men or women who have only male or female genital individuality and cannot wind up which sex is major in that child, then Khuntha or third gender will not be deemed as a individual gender and deemed as third genders difficulty”.³⁴ So it is obvious that there have no particular law in Bangladesh regarding the inheritance of third gender or transgender. The Islamic metaphysics of inheritance in favor of transgender or Khuntha (hermaphrodite difficulty) are contextual in the country according to followers of different imams.

³¹ M-Uddin, <An overview of Inheritance of Hermaphrodite under the Muslim Law>,”Beijing Law Review”,<8,226-237>, (2025).

³² Ali, A & M., “Simplify inheritance rights in Islamic law Hermaphrodite right to inheritance and Married (khuntha)”, “Australian Journal of Basic and Applied Science”, <10(7) Special 2016, p.104-110>,(2016).

³³ Hirschfeld, M, "Die intersexual Konstitution". "Jarhbuch fuer sexuelle Zwischenstufen", 3–27, (1923).

³⁴ Uddin, “Muslim Law of Inheritance and Practice”, Dhaka, Kitabmohol.p.100, M (2000).

CHAPTER FOUR

Inheritance Right of Transgender under Hindu Law Perspective

4.1 Introduction

Generally, the law of succession or inheritance law in Bangladesh is guided by one's own private laws. So, when a deceased sole is a Hinduism follower, the essence of the deceased will be dispersed in accordance with Hindu law. According to Hindu law there have two schools of thought, illustration are Dayabhaga and Mitaksara. The Dayabhgas, are composition composed by Jimutavahana after the 11th or 13th period which mainly focuses on the inheritance procedure. On the other hand, the Mitaksara, is written by Vajnesvra in 11th century, turn up to be an indulgent clarification on the Yajnavalkya-smrtial also regarding to phenomenon of inheritance. In matters relating to inheritance and succession in the Hindus of Bangladesh, the school of Dayabhaga is generally followed.

4.2 Statutory Provisions regarding Inheritance right of transgender under Dayabhaga School of Law

As for Bangladesh's own law for Hindus, "A deceased Hindus assets is ruled by the Dayabhaga school. Succession according to the Dayabhaga School is ruled by the capability to bestow spiritual benefits. The basis of this doctrine of spiritual convenience is parvanasradha ceremony harmony. It arrives from a panda offering, that is, a sacrifice of rice balls to deceased ancestors. Nevertheless, the doctrine of efficacy is the leading principle of the school of Dayabhaga".³⁵ At the Dayabhaga School, any inheritance on patrimonial assets son does not profit. After father's death the child's right arises for the initial time. As a result, all property is deported by birthright and not under survival. According to this law school, coparcenaries are observed when the deaths of the father. Also females can be also coparceners. Therefore, only accepted settlement by birthright and does not distinguish settlement for endurance as in the case of Mitakshara law. The Hindu Inheritance (Amendment) Act 1929 stated more three to this list, that is, son's daughter, daughter's daughter and daughter's sister. It should be noted that where females can simply enjoy the interest in life there males will be flourishing on property.

³⁵ Mulla,D.F, "Principles of Hindu Law",<Eastern Law House>, P.101-109, (1946).

4.3 The approach of Hindu Law in terms of Inheritance to Transgender

The Hindu epos, Puranas and myths narrated in describe stories of the valiant activities of third gender that have been prescribed to as people of the 'third sex' in the scriptures. "Arjun have turn into the convention of hijras to be approved out by them in the current age. According to Hindu ethnicity as well, Hijras were generally recognized and apprehended a special position, mainly they were engaged as entrusted servants, correspondent or harbinger of the kingin the governmental part of the state".³⁶ "They were also measured to grasp religious influence and were attempt to find out for Gods favor and protection particularly during spiritual ceremonies. Nevertheless, with the time, this superior pose of the Hijra society fell low, exile to dust and imprisonment. In the period of the British administration, third gender people were compared to be a deadly deceased and criminalized the third genders group of people through diverse laws".³⁷ In Hindu Shastras, they (third genders/hijras) have been provided with social status, admiration and distinction. But the matter is how "third genders have been treated in the case of property of inheriting from the person who is deceased. Maintaining the regulations of inheritance according to Dayabhaga school of Hindu Law, It is noticed that under the base of sexual characteristics, male and female are competent to inherit the property of deceased. As the third genders are classified neither male nor female, they are being expelled from getting property. Again under the orthodox Hindu inheritance Law, an heir will be expelled from getting inheritance property due to deafness, blindness, daftness and for fancy of any limbs or organs, provided the fault is both inherited and not curable".³⁸ It comprehends in the case of congenial disability which is implicit and congenial to Hijra people. Also in Bangladesh it may be dealed also a ground of omission from the inheritance property.

³⁶ Chowdhury D, "Recognizing the Right of the Third Gender to Marriage and Inheritance under Hindu Personal Law in India", "BRICS Law Journal", <3(3), 43-60>, (2016),.

³⁷ Nambiar, S, "A brief history of hijra", India's Third Gender < <https://theculturetrip.com> > (accessed on 16/03/2025),

³⁸ Haque, M. A. "Hindu Law in Bangladesh: Theory and Practice, University Publications". "First Edition, p.200", (2014)

CHAPTER FIVE

Inheritance Right of Transgender Under Christian Law Perspective

5.1 Introduction

“According to Constitution of Bangladesh recognized ‘Bangladesh’ as a country of secular and democratic”.³⁹ Christianity is a marginal religion in the Bangladesh (0.5%). In Bangladesh Christians similar to additional religious societies are ruled by their own private laws in the family occurrence as well as succession. But private laws for Christian communities in Bangladesh direct some civil laws which were accepted during the British governing. There has a unique history of Christian personal law in Bangladesh. According to the British governance Christian denomination in the subcontinent had proposed to call upon on the laws of their personal nationality for the reason that the Christian religion does not exist clear, textual base for private matters. But the difficulty emerged when the natives of the sub-continent apprehended adaptation to Christianity. It had a distinctive dilemma for the rehabilitated natives in respect of ascertaining the pertinence of laws in family matter of issues. Consequently some civil laws were approved as well as the Succession Act (XXXIX of 1925) which is at the present functional to settle Bangladeshi Christians communities the proprietary right. According to this Act of Succession start up after the departure of a Christian only if he had not accomplished a will or any deed of gift or a settlement deed. In the nonappearance of any kind of will or gift or any settlement deed, the rules and regulation of succession states in section 29 to 49 in the Part V of the Succession Act, 1925 would approach into play.

5.2 The Distribution Rules of Inheritance Property in Christian Law in Bangladesh

“In Bangladesh the policy of inheritance appropriate to Christian according to the Succession Act 1925, is not gender distinguished where both male and female be able to inherit equally. Under the rules of succession Act anywhere a Christian dies without having made a will, leaving after a widow/spouse and ancestral descendent”.⁴⁰ “Afterward 1/3 portion of his or her belongings goes to the widow or spouse and another 2/3 to the ancestral descendants. Again, when a Christian natives dies without having made a will, leaving after spouse or widow and family members (like father, mother, etc.) simply, then ½ of the portion of property is goes to widow or spouse and other ½ of the portion of property to the family members and if there have no family members are

³⁹ “The Constitution of the People’s Republic of Bangladesh”, Article 12,

⁴⁰ “The Succession Act, 1925”

missing either the entire of the domain shall belong to widow/spouse. On the other hand where a Christian dies without having made a will, leaving after neither ancestral descendant, nor sibling, parent then assets shall be alienated equally among individuals of his connections who are in the adjoining degree of relatives to him. When there have no heirs whatever to the intestate, it shall be go the Government administration".⁴¹ "Where a deceased person has not left any existing child, but has left grand-child or grand-children and there has no more inaccessible ancestral descendant throughout a deceased grand-child, the assets shall belong to his existing grand-child if there only one or likewise among all his existing grand-children".⁴² On the other hand where deceased has left just great grand-children or distant ancestral descendants, the assets shall go to the existing ancestral descendants who are adjacent in degree to the intestate.

5.3 The approach of Christian Law in terms of Inheritance to Transgender:

In the Christian world ordinary eunuchs by birth are not allowed to get ancestral assets. But such contradiction of inheritance is not right of these who made themselves hermaphrodite for Christ. "In Bible verses states that is 'for there have some hermaphrodite, which were born from their mother's womb and there are some hermaphrodite, which were made hermaphrodite of men and there be hermaphrodite, which have made themselves hermaphrodite for the realm of heaven's sake. He that is able to receive it, let him to accept it'.⁴³ "There have some set of laws of inheritance which laid out in the old demonstration of the Bible. Deuteronomy added that eldest son was to succeed to father's property with a double segment as first born".⁴⁴ Now the Christians community of Bangladesh is ruled by civil law in terms of heritage and takes inherited property under the Succession Act 1925. Here father, mother, husband, wife, children, ancestral descendants and relatives are allowed to get assets of the departed Christian. To achieve the right of inheritance it is vital for a Christian to be interrelated with the deceased to get married or to have a blood affiliation as well as categorize as both male and female. The hermaphrodite in Bangladesh are not classified as male or female and do not comprise any right to marry, so they are dispossessed of receiving the assets of deceased.

⁴¹ The Succession Act, 1925, section 34 & 35

⁴² Ibid, "section 38"

⁴³ "Matthew", 19:12

⁴⁴ "Deuteronomy": 21:15-17

CHAPTER SIX

Inheritance Right of Transgender under International Laws

6.1 Attitudes of international laws towards transgender:

Third genders are faces segregation everywhere on the world. A few nations as Malaysia, Nigeria, Kuwait and so on deny the very reserve of third sex and nations as India content them as criminal clans. For the lack of lawful delegacy denies third sexual direction of Common liberties. Opportune give them legitimate affirmation and permission to common liberties various estimates was being used by the UN and other worldwide and global associations. Yogyakarta standards set out that the Worldwide Basic freedoms Law corresponding to sexual course and sex. This philosophy gave transsexual right to instruction, right to property, business, right to property, option to actualize their line of sexual course marvel and so onward "Rule no 3 of the Yogyakarta states that freedom to confirmation under the stable gaze of law. Rule 3A of Yogyakarta guarantee the birthright human rights of third sex by qualifying state to allocate property rights similarly counting decision to gain all through bequest to third sex with no special on the floor of sexual way and sex individuality". "As per worldwide assurance on familiar and Political Rights, its Article 17 expresses that no one will be discourage with the transsexual right to safety, family unit and so on and have to be indicated right to pledge of law against such arbitration". "The obstruct in the family grasps decision to be captive away by not acknowledging transsexual as an part of the family and thus issue to the no rights energizing out of family scheme just as bequest rights. The verdict is given by European Courts of Common liberties on explanation of Christine Goodwin v The Unified Realm". Shaped the assemble dominion to stretch out beyond expansive Proposal Act, 2004. This Act not only be attentive of acquired gender of persons as lawfully but also take procedures the provisions to highlight the results of the fresh gender class and their lawful rights in different viewpoint such as marriage, succession, etc".⁴⁵ "After the appreciation of transgender in the above-proposed initiative in the Pakistan Supreme Court provide a landmark judgment in the case of Dr. Mohammad Aslam Khaki & Anr. V.

Senior Superintendent of Police Rawalpindi & Ors".⁴⁶ "The verdict stated that third genders or hermaphrodite are the citizen of the Pakistan and are subject to the Constitution of Islamic Republic of Pakistan, 1973".⁴⁷

⁴⁵ "General Recommendation Act", 2004

⁴⁶ "Dr Mohd Aslam Khaki VS Operations SSP Rawalpindi and others." Constitution Petition no 43. "Supreme Court of Pakistan", 2009.

⁴⁷ Constitution of Islamic Republic of Pakistan 1973

CHAPTER SEVEN

Gender-Based Discrimination in Inheritance Laws

7.1 Cultural and Social Exclusion

Cultural and social exclusion is one of the most significant barriers preventing transgender persons in Bangladesh from accessing their inheritance rights. Deep-rooted patriarchal and binary gender norms marginalize transgender individuals from the moment their gender identity becomes known—often in early childhood or adolescence. In traditional Bangladeshi society, family honor, religious orthodoxy, and social conformity play a dominant role in determining gender roles and entitlements. Transgender persons—commonly referred to as *Hijras* in South Asian culture—do not fit into this binary framework and are therefore often viewed as "deviants" or "cursed beings."

This cultural prejudice leads many families to **disown their transgender children**, expel them from the home, or in some cases, deny their very existence. Once estranged from the family, the transgender individual loses not only social support but also legal claims to familial property. Since inheritance in Bangladesh is primarily governed by **personal laws**, which require family or kinship recognition, exclusion from the family unit often renders the transgender person legally invisible in matters of inheritance⁴⁸.

Moreover, even when transgender individuals are not officially disowned, their **gender identity is rarely acknowledged in legal or family documentation**, such as birth certificates, National ID cards, or family succession certificates. In many cases, siblings or extended family members manipulate property records and use legal loopholes or religious justifications to **exclude transgender heirs from inheritance proceedings**. This exclusion is not just a matter of legal ambiguity but also a manifestation of long-standing societal hostility toward gender non-conformity.

Transgender persons are often forced to join *Hijra communities* (guruma systems) for survival, where they live under the guidance of a community leader (*guruma*). While these communities offer some form of social protection, they do not have any formal legal authority to assert inheritance claims. Consequently, transgender individuals remain economically vulnerable, dependent on informal income sources such as begging,

⁴⁸ Ain o Salish Kendra (ASK) and Bandhu Social Welfare Society, *Status of Transgender Persons in Bangladesh: A Legal and Social Mapping*, 2021, pp. 24–30.

performing at ceremonies, or sex work—largely because they have been **systematically denied the right to ancestral property or financial inheritance.**

Cultural exclusion is further reinforced by **religious interpretations** that fail to recognize gender diversity. In many Muslim families, for instance, inheritance rights are divided strictly between "sons" and "daughters" based on Qur'anic injunctions. The lack of clarity in Islamic jurisprudence (Fiqh) and the absence of inclusive interpretations by religious leaders make it extremely difficult for transgender persons to be recognized as rightful heirs.

7.2 Binary Gender Assumptions in Law :

One of the most pervasive obstacles to transgender individuals' access to inheritance rights in Bangladesh lies in the binary structure of the legal system, particularly in personal laws governing succession and inheritance. These laws operate on the assumption that every individual is either "male" or "female," leaving no legal recognition or role for individuals who identify as transgender or third gender. Consequently, transgender persons are either forced to misidentify themselves within the male-female binary or are excluded outright from inheritance entitlements.

Islamic Law (Sharia-based Inheritance):

Under Muslim personal law, inheritance is strictly guided by Qur'anic injunctions, with shares specifically defined for "sons," "daughters," "wives," and "husbands." Males typically receive twice the share of females, reflecting patriarchal norms tied to presumed financial responsibility. However, there is no recognition of individuals outside this male-female categorization. Transgender individuals are thus not explicitly recognized as heirs, unless they legally retain the gender assigned at birth and conform to its roles in legal documentation.

Islamic jurisprudence (Fiqh) has, in some interpretations, acknowledged individuals with intersex characteristics (khunsa), but the concept of mukhanathun (effeminate males or gender-diverse persons) is historically treated with suspicion or disdain. These interpretations have not evolved to accommodate the social identity or lived experiences

of modern transgender persons. Therefore, transgender individuals are legally and socially invisible under mainstream Muslim inheritance law.

Hindu Law:

Hindu inheritance laws in Bangladesh are largely customary and patriarchal, heavily emphasizing lineage and male descendants. Daughters often face challenges even in claiming their shares, and transgender individuals—especially trans women or third-gender persons—are not recognized at all. Adoption and lineage continuation are male-centered, and thus, inheritance rights are almost exclusively transferred through the male line. This results in the absolute denial of rights for those who do not conform to traditional gender norms.

Christian Law:

The Christian community follows the Succession Act of 1925, which is relatively neutral in language, referring to “persons” rather than “men” or “women” in several sections. However, in practice, the application of this law has rarely been interpreted through a gender-diverse lens. Additionally, administrative procedures such as issuing succession certificates still require binary gender identification, and no precedence exists in Bangladesh where a third-gender individual has claimed inheritance under the Christian Succession Act.

The legal documentation system in Bangladesh further entrenches this binary assumption. National Identity Cards, birth certificates, and passports historically allowed only two gender options—“male” and “female.” Although “third gender” (Hijra) was recognized in 2013 by a government gazette, this recognition has not yet translated into reforms in inheritance laws, court procedures, or legal interpretation. As a result, transgender individuals must choose between misrepresenting their gender identity or being excluded entirely from inheritance rights⁴⁹.

⁴⁹ Mahmud, T. (2021). *Gender Identity and Legal Recognition in Bangladesh: A Study on Transgender Persons' Rights under Personal Laws*. *Bangladesh Journal of Legal Studies*, 5(2), pp. 45–53.

7.3 Legal and Administrative Barriers

Despite the official recognition of the third gender in Bangladesh, legal and administrative systems remain largely incompatible with the lived realities of transgender individuals, especially when it comes to asserting property and inheritance rights. Even though the government declared “Hijra” as a separate gender in 2013 and permitted the use of "third gender" in official documents like National ID cards and passports, the practical implementation of these rights within legal institutions has been slow, inconsistent, and structurally exclusionary.

One of the foremost legal barriers lies in the absence of inclusive reforms in personal laws. Inheritance in Bangladesh is governed by religion-based personal laws—Muslim, Hindu, and Christian—which do not explicitly recognize transgender persons as heirs. These laws are not only antiquated but also fundamentally grounded in the binary classification of gender. Without reforms that define the position of transgender persons in succession rights, judicial officers, legal practitioners, and religious leaders default to conventional interpretations, which often exclude transgender persons altogether.

Furthermore, the lack of precedent-setting legal judgments recognizing the inheritance rights of transgender individuals contributes to legal uncertainty. Courts in Bangladesh have yet to issue comprehensive rulings that clarify whether a transgender person is entitled to inherit as a "son" or "daughter," or under a distinct identity. As a result, most transgender persons are discouraged from pursuing legal remedies, fearing prolonged litigation, misgendering, humiliation in courtrooms, and ultimate failure due to lack of supportive laws.

On the administrative front, bureaucratic processes are riddled with discrimination and confusion. To claim inheritance, one typically needs a set of legal documents, including birth certificates, National ID cards, family succession certificates, and in some cases, a court affidavit. These documents must match the individual's name, gender, and family ties. For many transgender individuals, these documents are either unavailable, altered, or rejected due to gender transition or social ostracization. In rural areas, local government officials are often unwilling to issue inheritance-related documents to transgender persons, either due to bias or unfamiliarity with legal procedures involving non-binary individuals.

Moreover, police stations and land offices—two critical institutions in property disputes—remain largely insensitive and untrained in dealing with gender-diverse citizens. There are multiple instances where transgender individuals were verbally abused or denied service outright when attempting to file inheritance-related complaints or apply for land mutation after a relative's death⁵⁰.

The situation is further exacerbated by economic vulnerability and limited legal literacy within the transgender community. Due to widespread poverty and social alienation, many transgender individuals cannot afford legal representation or pursue prolonged litigation. Legal aid services are often inaccessible or inadequately equipped to handle gender-diverse cases, reinforcing systemic exclusion from justice.

7.4 Case Studies and Real-life Examples:

To fully grasp the extent of gender-based discrimination faced by transgender persons under inheritance laws in Bangladesh, it is critical to examine specific case studies and real-life examples that highlight the structural, legal, and social challenges they encounter. These cases illustrate not only the legal voids but also the intersections of social stigma, bureaucratic resistance, and religious orthodoxy that transgender individuals must navigate when claiming property rights.

Case Study 1: Sufia's Disinheritance in Rajshahi

Sufia (pseudonym), a transgender woman from Rajshahi, was assigned male at birth and grew up with her biological family. After coming out as transgender at the age of 19, she faced immediate social rejection and was forced to leave her home. Following her father's death, Sufia attempted to claim her rightful share of the ancestral property. However, her elder brothers denied her claim, arguing that she had "left the family" and was "no longer a son" under Islamic law.

Despite presenting a National Identity Card identifying her as a third-gender citizen, the local Union Parishad refused to issue a succession certificate. When she approached a local lawyer, she was informed that Bangladeshi Muslim inheritance law does not provide

⁵⁰ Hossain, M. E., & Sultana, F. (2022). *Structural Discrimination Against Transgender Persons in Legal and Administrative Frameworks in Bangladesh*. *Dhaka Law Review*, 6(1), pp. 60–72.

a clear category for transgender heirs. With no court precedent or official guidance, and lacking the financial means to pursue the case further, Sufia lost all access to her family inheritance.

This case demonstrates how legal ambiguity, administrative inaction, and familial exclusion work in tandem to deny transgender individuals their fundamental rights.

Case Study 2: Land Dispute in Narayanganj

In Narayanganj, a transgender man named Arif (pseudonym), assigned female at birth, faced severe legal hurdles while trying to assert property ownership after the death of his adoptive father. Arif had been legally adopted and was living with his foster family since childhood. Upon the father's death, the extended family challenged Arif's claim to the property, labeling him as an "unnatural heir" who had "no place in Islamic or customary law."

Though Arif possessed an updated NID and had evidence of cohabitation and caregiving, the local land office refused to process the mutation of the property in his name. The officials cited "unclear lineage" and "religious complications," effectively denying him legal standing. The matter reached the District Commissioner's office but was ultimately dismissed due to lack of clarity in the law.

This case reflects how legal recognition of identity does not guarantee enforceability of rights, particularly in a system that conflates religious norms with civic entitlements.

Case Study 3: Resistance and Success – The Story of Tamanna Shirin

One relatively positive example is the case of Tamanna Shirin, a well-known transgender rights activist in Dhaka. After her adoptive mother passed away in 2019, Tamanna faced resistance from extended family members who challenged her claim to the house in Mirpur, Dhaka. However, with the help of legal aid from a human rights NGO, Tamanna was able to secure her mother's property.

Her lawyers argued that as an adopted child, and given her mother's written will (although informal), she had moral and legal entitlement. The case was eventually settled out of court, and she retained ownership of the property. While this case did not set a legal precedent, it underscores the importance of legal awareness, documentation, and NGO support in overcoming systemic obstacles⁵¹.

These case studies reveal a consistent pattern:

- Legal uncertainty about the status of transgender individuals in inheritance frameworks.
- Administrative unwillingness or confusion in recognizing transgender claimants.
- Family-led disinheritance based on social and religious rejection.
- The critical role of legal aid and advocacy organizations in helping transgender persons navigate the system.

⁵¹ Islam, R. & Akter, N. (2023). *Inheritance and Exclusion: A Qualitative Study on Transgender Persons' Property Rights in Bangladesh*. BRAC University Human Rights Working Paper Series, Vol. 7, pp. 21–38.

CHAPTER EIGHT

Findings, Recommendation and Conclusion

8.1 Findings:

The present study uncovers deep-rooted structural and institutional barriers that transgender individuals in Bangladesh face in accessing their property and inheritance rights. These findings are based on an analysis of statutory laws, interviews, case studies, secondary data, and existing academic literature.

- One of the most significant findings is that religion-based personal laws governing inheritance in Bangladesh—Islamic, Hindu, and Christian—fail to acknowledge the gender identity of transgender persons. These legal systems are founded on binary classifications of male and female, which create systemic gaps for individuals who identify as third gender. For example, Islamic inheritance law (Sharia-based), as applied in Bangladesh, does not provide a defined status or share for transgender heirs. Thus, transgender individuals are often treated as either “sons” or “daughters” based on their birth sex, regardless of their lived gender identity, leading to exclusion or contested claims⁵².
- Despite the Government of Bangladesh officially recognizing the "Hijra" or third gender category in 2013, this recognition has not been followed by legal reform in the country's inheritance laws. No amendment has been made to include transgender individuals as legal heirs, nor are there procedural guidelines for courts or administrative offices to interpret such claims. As a result, transgender persons are left in a legal vacuum, where their gender identity is acknowledged for civil documentation but not reflected in property rights.
- The research finds that local administrative bodies—such as Union Parishads, land offices, and succession certificate authorities—remain ill-equipped and often unwilling to process inheritance claims filed by transgender individuals. Officials frequently deny services on grounds of “unclear gender,” “lack of religious guidance,” or “family objection.” These offices typically default to traditional documentation (e.g., birth certificate, NID, family lineage), which often does not align with the current gender identity of the transgender individual, resulting in delays, denials, or procedural dismissal.

⁵² Rahman, T. & Jahan, M. (2023). *Gender Identity and Legal Exclusion in Inheritance Rights: The Case of Bangladesh's Transgender Community*. *Journal of South Asian Law and Policy*, 5(2), pp. 40–55.

- The study also reveals that social attitudes are a significant barrier. Transgender individuals are often disowned by their families after transitioning or expressing gender non-conformity. In many cases, the exclusion happens informally—long before the legal inheritance process begins—through forced displacement, emotional rejection, or coerced relinquishment of property rights. In rural and even urban areas, these actions go unchallenged due to the transgender person's financial vulnerability and lack of legal literacy.
- There is no specific law or directive that outlines how transgender individuals should be treated within the context of inheritance. While some transgender persons have attempted to use wills, affidavits, or litigation to claim their rights, the court system is not sensitized to issues of gender identity. The lack of precedent-setting judgments means that judges often default to conservative interpretations, and the burden of proof falls disproportionately on the transgender claimant.
- Moreover, legal aid services are limited in both scope and understanding of the issues. Few lawyers or NGOs specialize in transgender legal rights, resulting in underenforcement of existing civil rights and practical barriers to justice.
- While challenges persist, the study found emerging instances of successful property claims made possible by non-governmental organizations, legal advocacy groups, and community activism. These cases typically involved well-documented wills, community support, or media attention that placed pressure on local authorities. However, these are exceptions rather than the norm and highlight the need for systemic reform.
- The findings conclude that there is a critical need to reform inheritance laws to include transgender individuals explicitly, as well as to provide clear administrative guidelines and training for bureaucrats, legal officers, and judges. Without statutory reform and cultural shifts within public institutions, transgender persons will continue to face legalized marginalization in property rights.

8.1 Recommendations:

In this thesis states some recommendations on the basis of loopholes and omissions of inheritance laws under various personal laws:-

- (1) While Bangladesh is a Muslim religious preponderance state, Islamic personal laws are acceptable in the subject of inheritance. The rights of transgender have been ensured by Qiyas. But infliction of it evident to be very far because of having lacuna between the society and the transgender community and they have not knowledge on their fact of inheritance for them. So the state and authorities should implement very specific laws according to basis of the subsisting provisions of Qiyas in company with Quranic verse.
- (2) In Hindu Personal Law, they (third gender) have specified a lot of admiration and honor because of receiving blessing from God. But transgender are not take measures with any religious stipulation by which they can allege inheritance according to their personal law. So legislation should be made ensuring a explicit portion for the transgender in the property of the deceased.

Under the Christian Law, third genders are fully deprived of acquiring property from the deceased under the verse of the spiritual scriptures in addition to the accessible civil laws of inheritance. Consequently in support of the Christian transgender people, legislation authority should be ensuring a specific portion for them in the property of the deceased.

8.3 Conclusion

Right of property is all around perceived as common liberties everywhere on the world independent of shading, sex, religion, station and so forth UDHR announces, "Everybody has the options to claim property alone just as in relationship with others. Nobody will be subjectively denied of his property" (article 17) .Then again, the Constitution of Bangladesh guarantees the fair transportation of riches among the residents. All the inhabitants of the nation as per the constitution just as the all inclusive revelation of basic liberties are competent for acquire, gain, and appreciate the property and it is the duty of the state to reestablish this basic liberty as a basic right. As far the bisexual is apprehensive, they have been perceived as the residents of the nation through passing the goal on January 26 and 2014. The Legislature of Bangladesh perceiving the Hijra as third gender keeps alive all the wants to be executed particularly regarding right to property later on.

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