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Rights of a Muslim Woman in Family after Dissolution of Marriage: Bangladesh Perspectives

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Abstract

The laws of Bangladesh have provided equal rights for all citizens with special provisions for woman or children or backward sections of people. A woman after marriage constitutes a new family with her husband by affinity in addition to her paternal family relationship based on blood. A Muslim woman can claim different types of rights through a valid marriage and even after dissolution of marriage such as dower, maintenance, inheritance or safety and security in a family either as a wife or as a daughter or as a mother of her legitimate child under Shariah as well as statutory laws. However, the inconsistencies of statutory laws with shariah or conflicting provisions of various laws causes serious problem for ensuring rights of a Muslim woman after dissolution of marriage. The succession rights to her paternal family never extinguishes due to her marriage. The recent enacted laws on parent's maintenance imposed duties on every capable child to provide maintenance to their parents. This paper examines all the relevant laws of Bangladesh on the subject in addition to a number of case references to identify rights of a Muslim woman after dissolution of her marriage.

Keywords: *Family, Rights, Dissolution of Muslim marriage, Shariah, statutory laws.*

Introduction

The personal matters of a Muslim is guided and regulated by *Shariah* as well as statutory laws. There are Family Courts to deal with the personal matters such as marriage, divorce, dower, maintenance, paternity, custody of the child, polygamy etc.,. The Muslim women are mostly deprived of getting her rights by her family members including parents, brothers, husband and children. There is no uniform family code and the law did not provide any definition of 'family'. A Muslim woman

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traditionally after marriage goes to her father-in-laws house and becomes a member of a new family by affinity. This status of a woman does not completely extinguish her relationship with her paternal family rather she remains entitled to become the owner or sharer of the property of her parents after their death. The Children are bound to maintain their parents which also include a widow or a divorced woman. The right of succession to a Muslim is decided by a Succession Court. However, an offence committed against a woman is a matter of criminal jurisdiction which is adjudicated by an ordinary or special criminal court. The Family Court and the Succession Court is civil in nature that are entitled to provide various remedies including restitution, declaration, and compensation and also to imprisonment in civil jail for violation of its order or judgments.

Family and Rights

The term 'family' is common to personal laws, company laws, property laws, registration laws, administrative laws and also to labour laws of Bangladesh. However, no clear definition of this term is found in those laws which are part of social sciences rather than law. A 'family' of a person includes his father, mother, sister, brother, son, daughter and also includes all persons depends on the concerned person¹ (Act no. XIV of 1991). The *Shariah* law is applicable for all Muslims in respect of their personal matters² including marriage, dissolution of marriage, inheritance, personal property obtained by contract or by gift or trusts or *waqfs* and also rights arising out of marriage such as dower, maintenance, guardianship etc., (Act No. XXVI of 1937). A Muslim may transfer his immovable property through declaration of *heba* or gift to his or her family members that includes spouses, parents and children, grand parents and grand children, full brothers, full sisters and, full brothers and full sisters with an amount of taka 100 as registration fees irrespective of the value of the property³ (Act No. XVI of 1908).

The *Qur'anic* sharer under Muslim inheritance law includes father, True grandfather, mother, true grandmother, daughter, son's daughter, full

¹ Bank Company Act, 1991, Section-15(12), explanation.

² The Muslim Personal Law (Shariat) Application Act, 1937, Section-2.

³ The Registration Act, 1908, Section-78A (bb).

sister, consanguine sister, uterine brother, and uterine sister. Son, son's son, uncle, brother will be residuary or *asaba* that means they will get their portion after distributing to the *Quranic* sharers followed by the rules of exclusion and also of 'Aul' and 'Raad'. There is a list of *asaba* that also includes father or father's father and further a list of distant kindred as well. In respect of Muslim personal (*Sunni Shariah*) laws of Bangladesh, there are six categories of persons who shall never be excluded from deceased person's property or from the property of the propositus namely, father, mother, husband, wife, son and daughter⁴. So, the Shari'a law included those persons under inheritance law as family members. Under the pension Rules, a retired employee shall declare his legal heirs name with his relationship with them who may enjoy pension facilities⁵.

The family members of an employee may claim employment benefits and other facilities after his death for which they shall collect a certificate from the Chairman of UP or Municipality or commissioner of the ward of Municipality mentioning name of the heirs which is commonly known as '*warishnama*'. The certificate shall include current marital status of deceased person's wife⁶.

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A person may be nominated as guardian for the whole family under form no.2.2. According to Household Expenditure Survey (HES) definition provided by the Bangladesh Bureau of Statistics, 'A family normally consists of head of household. Wife/wives/unmarried sons and daughters, married sons who are direct dependents and may also comprise of direct dependents such as parents, unmarried sisters, separated/ divorced sisters and daughters and other dependent relations. Servants, boarders and lodgers who have no other usual place of residence elsewhere live and eat together within the household with or without payment are not considered as family members'⁷. The labour laws provides that in case of injury or accidental death, the family

⁴ D.F.Mulla, Principles of Muhammadan Law, Delhi, Al-Qanon Publishers, 19th edn, 2009, p-208.

⁵ Article-4.05(ka) of the memo no. am/abi/bidhi-1/3-p-26/86 (part-2), Economic Division, People's republic of Bangladesh (Simplification memo).

⁶ Article-3.01 of the memo no. am/abi/bidhi-1/3-p-26/86 (part-2), Economic Division, People's republic of Bangladesh (Simplification memo).

⁷ Statistical terms/concepts/definitions used in surveys/census of BBS and other national and international agencies, Bangladesh Bureau of Statistics (BBS), <http://www.bbs.gov.bd>, retrieved on 05.01.2015.

members or dependents of the labour or worker are entitled to get compensation but the lists of family members or dependents are not mentioned in the law or Rules rather it is the worker who shall nominate it⁸ (Act No. 42 of 2006).

Therefore, a family in Bangladesh is commonly headed by a male member who is the main earner and also included members like husband, wife/wives, sons, daughters, married sons who are direct dependents, parents, unmarried sisters, separated/ divorced sisters and daughters and other dependent relations e.g. brother, uncle, nephew, niece, grandsons, granddaughters etc.,. A woman after divorce or dissolution of marriage may return to her paternal family.

A right is a claim of some interests which has either legal or moral basis and is entitled by law and also protected by it. There are different types of rights belongs to a citizen provided by various laws of Bangladesh of which this article included rights of a Muslim woman to her family after dissolution of marriage. A Muslim woman may claim maintenance, dower, inheritance⁹, other property rights, benefits or interests arising out of any service or employment or works of her deceased husband as a wife. She is authorized to divorce her husband and also to re-marriage according to her own choice after divorce or dissolution of marriage followed by the *iddah* period. A Muslim woman would never be excluded from her property rights as a wife or as a daughter or as a mother. She is entitled to receive maintenance from her children, husband, brother and father as well following different status of her life. The other rights of a Muslim woman included guardianship and custody of the child, pension benefits, allowances, compensations etc, in different circumstances under different laws. This study focuses on those rights of a woman to her family for her physical safety and social and economic security after dissolution of marriage.

Dissolution of Muslim Marriage

The term '*talaq*' is synonymous to divorce. However, dissolution of marriage is very wide in its meaning and execution. A '*talaq*' or 'divorce' under Muslim Law is uttering words or pronouncement by

⁸ Bangladesh Labour Act, 2006, section-19.

⁹ Chowdhury, Alimuzzaman. Islamic Jurisprudence and Muslim Law (2005). Dhaka: Comilla Law Book House, 4th edn, pp-107-172.

husband to her wife that their marital relationship is over such as 'I divorce you'. Although *Shariah* law is applicable for Muslims in respect of dissolution of marriage, the statutory laws of Bangladesh have modified the procedures of '*talaq*' through enactment. A '*talaq*' must not be a mere declaration or pronouncement rather it must be a written notice preferably in prescribed form issued to the woman through the office of marriage registrar or advocate or notary public on behalf of the husband or by husband himself and also to supply a copy of the notice to the chairman of concerned local government unit such as union council or municipality or city corporation or cantonment board etc¹⁰, (Act No.VIII of 1961). A '*talaq*' shall be effective after ninety days from the date of delivery of the notice to the Chairman¹¹. If a woman is pregnant, a *talaq* shall be effective after pregnancy, whichever is a later end¹². However, the Chairman shall constitute an 'Arbitration Council' within thirty days of receipt of the notice consisting of five members headed by the Chairman and 2 existing ward members or councilors nominated one by each party along with two other nominated members each from the contested parties. This arbitration is non-binding and the parties may register divorce to the *kazi* without attending in the arbitration. There is no bar in registration of a divorce from the date of its pronouncement or issuance of notice although it shall be executed after ninety days¹³ (Act No. LII of 1974).

A woman may divorce her husband if she is empowered under column - 18 of the marriage (*nikah*) deed (*kabinnama*)¹⁴ known as '*talaq-e-tawfid*'. Even a '*khula*' *talaq* may be held by consensus of the parties. If the woman is not empowered for '*talaq-e-tawfid*', she may apply to the Family Court for dissolution of marriage under various grounds such as disappearance of husband for four years, no maintenance provided for two years, husband imprisoned for a period of seven years, failure of husband to perform marital obligation for three years, impotency of

¹⁰ Muslim Family Law Ordinance, 1961, section-7.

¹¹ Ibid, section 7(3).

¹² Ibid, section-7(5).

¹³ The Muslim Marriages and Divorces (Registration) Act, 1974, section-6.

¹⁴ The form of *Nikah* (marriage) deed (*kabinnama*) is prepared by the Muslim Marriage and Divorces registration Rules, 1975 under Section-9 of the Muslim Marriage and Divorce (Registration) Act, 1974.

husband, insanity of husband for two years, husband suffering from leprosy a virulent venereal disease, she, having been given in marriage by her father or other guardian before she attained the age of eighteen years, repudiated the marriage before attaining the age of nineteen years: Provided that the marriage has not been consummated, husband taken additional wife without her permission or permission of arbitration council, habitually assaults her or behaves in cruelty, husband leads an infamous or immoral life and also attempts to force her to lead an immoral life, disposes of her property or prevents her exercising legal rights over it, obstructs her in observance of religious profession or practice, discriminates his wives or any other valid grounds under Muslim law¹⁵ (Act No.VIII of 1939) .

It is further pertinent to mention that a marital relationship comes to an end after the death of any parties to the marriage in which case a woman may go for another marriage after expiration of *iddah* period. *Iddat* or *iddah* means to refrain from sexual intercourse or further marriage and after *iddat* period a wife can enter into new marriage. The limitation period of *iddat* will be three menses if *talaq* is declared during tuhr or menses; or 3-months if it is declared after *tuhur* and if it is declared at the time of pregnancy of a woman then either three months or the gestation period which one is longer and for death of husband *iddat* period will be four months and ten days. There is no *iddah* period for husband.

A marriage can be dissolute at the death of husband or wife or in their life time by the following ways:

- (i) *By husband*: A husband by pronouncing "*Talaq*" or 'divorce'; e.g. *Talq-e-ahsan* or *Talaq-e-hasan* or *Zihar* or *talaq-al-bida*;
- (ii) *By wife*: If a wife is authorized by husband through *Kabinnama* or *Nikahnama* can dissolve marriage e.g. *Talaq-e-Taufiz*¹⁶;
- (iii) *By consensus*: For an example *Khula* or *Mubarat*;
- (iv) *Contingent divorce*: For an example *Ila*;

¹⁵ The Dissolution of Muslim Marriages Act, 1939, section-2.

¹⁶ Khan, Dr. Maimul Ahsan. *Women's Rights in Islam* (2009). Dhaka: Books 4 U, ed., p-81.

(v) *By Court*: For alleging *Lia'n*, *Fasqh* or *Khula* or any grounds as mentioned in section-2 of Dissolution of Muslim Marriage Act, 1939.

The *Shariah* law on divorce or dissolution of marriage is not fully applicable in Bangladesh. The application of *shariah* law on dissolution of marriage or divorce or *talaq* is restricted by initiating different procedures and also hindered by imposing punishment under statutory laws for its violation without declaring *shariah* law as illegal on the same subject matter e.g. polygamy, marriage without registration etc, and further the *shariah* law is not made subordinate to statutory laws rather both the laws on similar or same subject matter shall be effective equally in respect of a Muslim. However, if one party is Muslim and the other is non-Muslim, the *shariah* law shall not be applicable. For example, if a Muslim woman marries a non-Muslim, the *shariah* law shall not be applicable rather they will be regulated by Special Marriage Act, 1872 and also by other ordinary civil and succession laws. In respect of the above types of divorces, the state law supports only three types i.e. 'talaq by husband', '*khula*' i.e. consensus of both the parties and '*talaq-e-tawfid* i.e. by wife'. Nevertheless, the jurisdiction of Family Court to pass a decree for the dissolution of marriage under various laws including the Dissolution of Muslim Marriage Act, 1939 is in no way hampered. A woman can never bound her husband to live with her as spouses if her husband wishes to divorce her but she can claim different rights arising out of a valid marriage. To execute a divorce, notice of divorce and formation of Arbitration Council is binding but it is a malpractice that the 'copy of notice' is concealed by husband in connivance with the *kazi* or notary or advocates and 'arbitration council' remains either ineffective or biased for gender inequality among its members.¹⁷

It is another malpractice that wife files false cases e.g. dowry case, woman repression, against husband when there is any misunderstandings and husband wishes to divorce his wife that compels male partners to conceal notice of divorce or to manage arbitration council. It is an unfettered right of every husband to divorce his wife under *Shariah* law

¹⁷ Professor Dr. Taslima Monsoor, Dr. Raihana Abdullah. Gender equity: Islamic Family Law and Woman (2009). Dhaka: British Council, 1st edn, pp-29-61.

although column 17 and column 19 of the kabinnama or *nikahnama* states that (i) Special conditions, if any of marriage, (ii) whether the husband's right of divorce is any way curtailed or not? The marriage registers or *kazi's* are mostly mentioning 'nil' i.e. no answer to this column or 'stating that not curtailed husband's right of divorce'¹⁸. There is a scope of using those two columns in favour of woman to ensure their rights during marriage and after dissolution of marriage.

Rights of a Muslim Woman after Dissolution of Marriage

A Muslim woman, if divorced or *talaq* given by her husband may claim following rights:

Dower: Dower or *mahr* should not be confused with dowry. Dower is an essential condition of every Muslim marriage which shall be given by the husband or bridegroom to the wife or bride.¹⁹ The amount of dower must be fixed at the time of marriage under column 13 of the *nikahnama*. The other information of the *nikahnama* regarding dower included²⁰ (i) How much of the dower (mohrana) is *Mu'ajjal* (prompt) and how much *Mu'ojjol* (differ), (ii) Whether any portion of the dower was paid at the time of marriage, if so, how much, (iii) Whether any portion was given in lieu of the whole or any portion of the dower, with specification of the name and its valuation agreed to between the parties, (iv) Whether any document was drawn up at the time of marriage relating to dower, maintenance etc., if so, contents thereof in brief. Considering the above conditions, column 17 also provides to include special conditions by the bridegroom and bride. It is a practice that registration fees of marriage to be paid by the bridegroom and as such a malpractice is found in fulfilling above columns by the concerned *Kazi's* who most of the cases mentions that 50% of the dower is paid as '*usul*', 50% is prompt and 50% is differ, no special conditions and no documents on dower. All those goes against the rights of a woman e.g. a woman cannot claim differed dower without dissolution of marriage or a

¹⁸ Supra, note-13.

¹⁹ Rahman, Mojibor. Introduction to Muslim and Family Laws (2008). Dhaka: Kamrul Book House, 5th rpt, pp-75-82.

²⁰ Column 14, 15, 16 and 20 of the *Nikahnama* under the Muslim Marriage and Divorce Registration Rules, 1974.

woman may be deprived of getting 50% dower if it is mentioned as '*usul*'. Dower²¹ is a debt to husband's property and a woman may file a suit to the Family Court claiming dower²². If a decree of dower is passed it shall be recovered as per the provisions of Public Demands Recovery Act, 1913. If the valuation of dower amount exceeds 5000 taka, an appeal is allowed to the higher Court against the judgement of the Family Courts.

Maintenance: A Muslim woman is always entitled to her maintenance during her marital life. According to section-9 of the MFLO, 1961 if a husband fails to provide sufficient maintenance to the wife then she can apply to the concerned chairman except going to the Courts. Then the Chairman shall constitute a *shalish* board and that shalish board will give a certificate deciding the amount of maintenance. Any party may file a revision to the Asst. Judge, if aggrieved by the decision of the *Shalish* Board. The decision of the court will be final and no question can be raised to any court against this and the amount, if defaults, will be recovered as revenue collection.

According to the leading case i.e. *Hefzur Rahman vs. Shamsun Nahar*²³, the amount of maintenance will be fixed as per *Kafat* or status and it will be paid only for the period of *iddat*.

Guardianship and Custody of the Child: It may cause serious mental disorder to a child if he is grown up in a broken family. A question possesses serious attention after divorce or dissolution of marriage regarding the guardianship and custody of child from the broken family.

Guardianship may be either *de jure* or *de facto* and it includes the body and property of a child. There is a difference under Muslim law between guardianship and *Hizanat* (supervise/custody). There is a law in respect of this known as Guardianship and Ward Act, 1890. According to *Hanafi* Law a mother is entitled to *Hizanat* of a male child up to 7 years of age which may be increased by the Courts in its own discretion and in respect of a female child till puberty or up to her marriage which the

²¹ Al Quran 4:4.

²² The Muslim Family Laws Ordinance, 1961, section-10.

²³ 47 DLR (1995) 54

court thinks fit under its own discretion considering the welfare of the child. If a child is denied to send to his mother's custody and detained in father's custody a writ of habeas corpus may be filed to the High Court Division for releasing the child²⁴.

Father is always an ordinary lawful guardian of a child²⁵ and in his absence the *Wasi* of father i.e. the grandfather. According to section-7 of the Guardianship and Wards Act, 1890 a court may appoint a person as the guardian of a minor.

The Appellate Division in *Abu Bakar Siddiq vs. A B Siddique*²⁶ granted custody of an eight year old boy to his mother considering the welfare of the child²⁷ as of paramount interest.

Maintenance from her Children: A capable child is bound to provide reasonable amount of money as maintenance to her mother although she is a widow or divorced or separated or even re-married²⁸ (Act No. 49 of 2013). In absence of parents, grandmother (paternal and maternal) is also entitled to the maintenance²⁹.

Re-marriage : A Muslim woman may re-marry³⁰ her husband maximum three times after execution of divorce. If she wants to re-marry for fourth time she must go through a '*hilla*' marriage i.e. marry to a third male person/ other than her previous husband and then after divorce with him she may return to her 1st husband. All these marriages and divorces must be registered through the office of *kazi*.

New or Fresh Marriage: A divorce or *talaq* or dissolution of marriage ends marital relationship with the performance of *iddah*. A woman becomes free to knot a new marriage with her choice after the expiration of *iddah* period.

²⁴ Ayesha Khanam vs Major Sabbir Ahmed, W P No. 4904 of 1992 ; Ahmed nawaz vs. State 20 DLR (WP) 45

²⁵ Imambandi vs. Mutsaddi, L R 45 I.A 73 (1919)

²⁶ 38 DLR (AD) 108 (1986)

²⁷ Mst. Sultana Begum vs. Muhamad Shafi, 1965, 17 DLR (WP) 119; See also- The Children Act, 1974 and the Convention on the Rights of the Child, 1989

²⁸ The Parent's Maintenance Act, 2013, section-3.

²⁹ Ibid, section-4.

³⁰ Fyzee, Asaf. A. A. Outlines of Muhammadan Law (2010). Delhi: Oxford University Press, 4th edn, p-157.

Prohibition of cohabitation: A divorce or dissolution of marriage causes prohibition for the former husband and wife to cohabit without re-marriage as they turned into stranger after the execution of divorce or *talaq* or dissolution of marriage.

No right over her husband's property: A woman cannot claim any right over her husband's property once divorce is finally executed. However, contractual rights never end with divorces.

Right to sue: A widow or divorced woman is always entitled to file suit claiming her maintenance and dower to the Family Court. She is also entitled to file suit for inheritance to the Succession Court.

Right over property: A woman shall remain owner of the property earned by her during marriage or received as gift or otherwise even after dissolution of marriage.

It is important to mention that if a Muslim woman divorces her husband, she can claim all the above rights as well. Sometimes a woman may relinquish her right under '*khula*' *talaq* for which a separate prescribed form is available in the office of Marriage Register for registration of divorce. In a '*khula*' *talaq* a woman may remain silent about her dower and maintenance. Even a woman may not claim guardianship or custody of the child. So, '*khula*' is a form of '*talaq*' that depends upon the consensus of the parties regarding their rights arising out of marriage and subsequent rights accrued on divorce.

However, if dissolution of marriage is caused by death of husband, a woman shall be entitled to all the above rights including right to property. A 'widow' will get one-eighth of her husband's property when child or son's child what so ever lowest alive and if child or son's child what so ever lowest not alive wife will get one-fourth of the property left by her deceased husband. It is not essential that the child is of her own womb rather it will suffice if that child is the offspring of her husband³¹. When there are two or more (maximum four) wives, the above portion i.e. one-fourth or one-eighth of property shall be equally distributed among them³². A widow or wife of the deceased shall never be converted as residuary³³.

³¹ Haque, Muhammad Ekramul, Islamic law of inheritance (Rules and calculations), 1st edn, London college of Legal Studies (south), Dhaka, Bangladesh, 2009, p-51,

³² Ibid, p-52.

³³ Ibid, p-53.

A woman as mother shall never be excluded from her share³⁴ to the property of her deceased child even after divorce or *talaq* or dissolution of marriage. A mother is entitled to one-sixth³⁵ of the deceased child's property in the following circumstances-(i) when there is a child or child of a son how low so ever; or (ii) there are two or more brothers or sisters whether full, consanguine or uterine; or (iii) one brother and one sister, whether full, consanguine or uterine, of whatever combination³⁶. A mother is entitled to one-third of the deceased child's property if there is no child or son's child or not more than one brother or one sister (if any) of the *propositus*³⁷. A mother may be entitled to one-third of the total property of her deceased child as residuary when the *propositus* left no child or son's child or not more than one brother or one sister (if any) but mother became sharer with husband or wife along with the father of the deceased³⁸.

The relationship of a woman with her parents never extinguished due to her marriage. She is always entitled to the property of her deceased parents as a daughter even after dissolution of her marriage. A 'daughter' is entitled to ½(one-half) of the property of the deceased if she is alone and the deceased left no son. When the deceased left no son but two or more daughters they are entitled to two-third of the property. However, if the deceased left with son, daughters shall be entitled to the property as residuary and receive a portion half of a son (i.e. 2: 1 or son will receive double of a daughter)³⁹.

A Muslim woman is also entitled to the property of her family members either as a sister (full/ uterine/consanguine) or son's daughter or grand mother (paternal/ maternal) of different portion followed by the 'rules of

³⁴ Ibid, p-91.

³⁵ An Nisa, Al Qura'n, : 11 ayah/ verses.

³⁶ Haque, Muhammad Ekramul, Islamic law of inheritance (Rules and calculations), op cit, p-92.

³⁷ Ibid, p-94.

³⁸ Supra, note-p-94.

³⁹ Haque, Muhammad Ekramul, Islamic law of inheritance (Rules and calculations), op cit, pp-54-56.

exclusion' which shall never be influenced by her dissolution of marriage. In the event of the death of any son or daughter of the *propositus* before the opening of succession, the children of such son or daughter, if any, living at the time the succession opens, shall *per stirpes* receive a share equivalent to the share which such son or daughter, as the case may be, would have received if alive⁴⁰ (Ordinance No. VIII of 1961).

Recommendations and Suggestions

Women are integral part of development. The Laws of Bangladesh are mostly in favour of women and there is an allegation of widespread corruption or abuse of power by women in filing false cases to the Criminal Courts and Nari-o-Shishu-Nirjaton-Damon Tribunal which must be stopped for ensuring mutual respect and justice. The Government must ensure through a circular that on the date of marriage, dower money should be paid which is prompt or *muajjol*. Registration of divorce should be made compulsory like registration of marriage and in violation of which punishments may be given. A state fund may be created for old-aged women or widow or divorcee to ensure their social security. In mentioning '*usul*', there must be expressed consent and be decided by the parties on the date of marriage and not to use as tool to deprive women from lawful right. All forms of degradation against women including maintaining brothels should be stopped to ensure social inclusion and respectful life for women. A counseling centre for women in every Union may be established as part of binding requirements for getting a license of marriage registrar where counselors from Ministry of Social welfares and/or Ministry of Law may work. Muslim Parents should handover daughters portion in their property through *heba*/ will or in other forms during life-time as sons may not be able to deprive daughters from their lawful rights in property.

⁴⁰ The Muslim Family Laws Ordinance, 1961, section-4.

Conclusion

A marriage under Islamic law is a civil contract between a male and a female to create divine relationship not only for sexual intercourse or procreation of child but also to obey spiritual order.⁴¹ A family starts and grew up with a marital relationship between a male and female. The Muslim woman of Bangladesh have given lots of rights under a set of laws⁴² but social and traditional practices either causing barrier or discouraging them in enforcing their lawful rights. It is a notion of the society to keep a woman busy with household works and family affairs without considering value of her works, efforts, sacrifices and contributions. A woman either as a Muslim or non-Muslim always in a vulnerable position as she remains dependent over her family in various stages of her life either as a daughter or as a wife or as a mother. The provisions of *Shariah* and statutory laws on rights of a woman after dissolution of marriage is a serious initiative to save a woman from dependency and to ensure her socio-economic security to live as a human being. Therefore, education, woman empowerment, gender equity laws and responsible family action may ensure rights of a woman after dissolution of marriage. The Family Court is empowered to decide all family and personal disputes among spouses.⁴³ The Succession Court shall exercise its jurisdiction on inheritance. A Civil Court may apply its jurisdictions for providing maintenance of Guardian or parents by the child and also to ensure partition of properties.

⁴¹ Faiz-ud-din, Dr. Muhammad. Issues on Human Rights and Muslim law (2012). Dhaka: Shams publications, 1st edn, p-234.

⁴² Mian, Siddikur Rahman. Muslim Family Laws and Rules (2007). Dhaka: New Warsi Book Corporation, 3rd edn, pp-172-175 and 185-215.

⁴³ Rahman, Md. Mizanur. Family Laws: Bangladesh Perspectives (2012). Dhaka: Sufi Publications, 1st edn, pp-1-3.