



Law and Humanities Quarterly Reviews

Shuborna, N. S. Women's Property and Inheritance Rights: Application of Laws from the Perspective of Two Major Religions in Bangladesh. *Law and Humanities Quarterly Reviews*, 3(4), 14-25.

ISSN 2827-9735

DOI: 10.31014/aior.1996.03.04.131

The online version of this article can be found at:
<https://www.asianinstituteofresearch.org/>

Published by:
The Asian Institute of Research

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Women's Property and Inheritance Rights: Application of Laws from the Perspective of Two Major Religions in Bangladesh.

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Abstract

Since the establishment of Bangladesh in 1971, the Government has been committed to providing equal rights and opportunities for women through laws laid down in the constitution. Since independence, while many policies have been implemented to ensure women's empowerment, unfortunately, they continue to face obstacles in inheritance rights. While there are laws in place for both Hindu and Muslim families to ensure the proper distribution of property, in practice, these laws are not rigorous or sufficient to allow women to take charge of their rightful shares, thus depriving them of one pathway to financial independence. Furthermore, due to socio-cultural pressures, women are also unable to demand their rights effectively. When compared to the past, Bangladesh is progressing well in terms of women's empowerment and establishing gender parity in society, but establishing and ensuring absolute ownership of property for women will help us achieve the target within a short time. The purpose of this paper will be to provide a broad survey of existing laws and discuss possible solutions to address prevailing discrimination to bring about full property rights for women in Bangladesh (although this issue affects Shia and Ahmadiyya women in Bangladesh in terms of percentage, they constitute a very small community. Therefore, they are outside the stated scope of the study).

Keywords: Women, Subjugation, Patriarchal, Inheritance, Non-existent, Equality, Bangladesh

1. Introduction

Until the twentieth century, most women in Bangladesh were subjugated and confined within the domestic sphere, where they were separated from the outer world and had minimal access to modes of production, labor markets, decision-making processes, and public life. Since independence, women in Bangladesh have made significant advancements, receiving increased opportunities for education, which enhanced workforce participation and engagement in public spaces and helped them experience inclusive empowerment. In recent years, women's rights have become one of the primary concerns of state policy-making in the country, and the government has taken many initiatives to achieve gender equality and empowerment of all women and girls (SDG-5)¹. Despite efforts to

¹ SDG-5 is to achieve gender equality and empower all women and girls.

reduce the gender gap and advances made, women in Bangladesh remain isolated, and patriarchal and sociocultural structures place them in positions of subjugation among their communities and families. The major obstacle to women's development is their restricted and unequal access to resources, particularly land and other fixed properties (Mubin, 2013). Men's and women's equality in the distribution of resources (inheritance) has become a matter of paramount significance over the years. The ability of women to inherit property in Bangladesh appears to be extremely discriminatory and insufficient. Apart from distributing little to no quantity of shares to women, very nominal control is ensured over the property they own due to the patriarchal structures and misogynistic approaches towards women in society. This generates a ripple effect regarding the advancement and empowerment of women. At the same time, they remain less influential within the familial and societal frameworks because they do not own as much property as men. The root of this problem lies in the divergent religious laws that govern inheritance and property rights in Bangladesh (Inheritance rights of women in Bangladesh, n.d). The existing inheritance laws and discriminatory social and cultural practices in society are geared toward continuing the perpetuation of patriarchy.

The purpose of this paper is to contribute to the emerging literature on recognizing and addressing women's inheritance rights in Bangladesh. Women's emancipation from restrictions on their agency is a crucial precondition for a country's overall development. It is impossible to ensure even growth by ignoring almost half of the nation's population. One of the principal preconditions for women's agency is allowing them to possess property and control assets. This ultimately results in stability and growth and reduces the risk of domestic violence.

2. Study Methodology

In this research, the qualitative approach has been used to gather pertinent information. Data are collected from classical and modern books, including Bangla and English, articles, research papers and reports, newspapers, and internet sources to comprehend the existing laws of women's rights to property and inheritance. Along with these sources, the Holy *Quran* and *Hadith* (the legacy of Prophet Mohammad) are referred to in this research. Primary or secondary data or both can be used for the content analysis of the qualitative method (Harris, 2001). Therefore, this research processes and analyzes data using a descriptive qualitative approach (Vaismoradi et al., 2013).

3. Constitutional rights for women in Bangladesh:

In Bangladesh, the republic's constitution is the fundamental will of the country's people. The people of Bangladesh achieved this charter through a supreme sacrifice in 1971. The Constitution guarantees equal rights for everyone regardless of gender, race, status, place of birth, and creed. According to Justice Kahsefa Hussain of the Bangladesh Supreme Court, our constitutional principles were built on the concept of equality. Several provisions of the constitution unambiguously embody the principle of equality (Annual Report, Supreme Court of Bangladesh- 2022). In the constitution, basic rules of state policy and essential human rights for the citizens of Bangladesh have been guaranteed through chapters two and three. In article number 13, it is stated that the citizens shall control or own the tools as well as means of production and supply, and with this end in view, ownership shall take on the following forms –

- a) State ownership, that is, ownership by the State on behalf of the people through the creation of an efficient and dynamic nationalized public sector embracing the critical areas of the economy (*The Constitution of the People's Republic Bangladesh*)
- (b) Co-operative ownership, that is, ownership by co-operatives on behalf of their associates within such limits as may be suggested by law (*The Constitution of the People's Republic Bangladesh*) and
- (c) Private ownership is ownership by people within such limits as may be agreed upon by law. (*The Constitution the People's Republic of Bangladesh*).

According to Article 19 of the Constitution, equal chances for every citizen are guaranteed where it is mentioned that the state shall make every effort to ensure fairness of opportunity for all citizens and shall embrace efficient actions to eradicate social and economic discrimination between men and women. The state is also responsible for safeguarding a decent share of wealth among the citizens to achieve a uniform level of economic development all over the state. The Constitution's articles 27 and 28 also mention that everyone should be treated equally in the eyes of the law (*The Constitution of the People's Republic of Bangladesh*).

Later, through the 15th Amendment of the Constitution, another clause was added under Article 19, declaring equality of opportunity and women's involvement in all areas of national life (*The Constitution of the People's Republic of Bangladesh*).

In part 3 of the constitution, under Article 28 (clauses 1, 2, 3, and 4), it is said that women shall have equal rights to men in all sectors of the country and public life. No citizen shall be exposed to any incapacity, obligation, constraint, or condition regarding access to any place of public entertainment or admission to any educational institution (*The Constitution of the People's Republic of Bangladesh*). Nothing in this article shall prevent the state from special provisions in favor of women or children or for the advancement of any disadvantaged section of general people. All previous laws conflicting with these are declared invalid by the Constitution, which instructs the state not to formulate any law unsymmetrical with these rights (*The Constitution of the People's Republic of Bangladesh*). Along with the above-stated provisions, article 44 guarantees the right of every citizen to move to the High Court Division to enforce any of the fundamental rights conferred by part 3 of the Constitution under clause 1 of Article 102 (*The Constitution of the People's Republic of Bangladesh*).

4. Inheritance law in Bangladesh

Laws legislated by the state or government apply to everyone within its boundaries regardless of race, religion, class, and culture. In Bangladesh, there is no uniform law regarding family and personal matters. Disputes regarding family or personal issues such as marriage, divorce, maintenance, custody, adoption, and other affairs are regulated through personal laws that come from one's respective religion. This plays a significant role in the inheritance rights of women, such as land rights, since religious personal rules are governed mainly by the scriptures of the faiths practiced in the country (Anand, n.d). This means religious laws determine the distribution of the property of the deceased. The inheritance of Muslims is regulated by Muslim law (Shariah law), and Hindus are regulated by Hindu law, and the same applies to other religions as well. The state does not interfere in these spheres. In the context of Bangladesh in the Hindu religion, the condition of women is still being disregarded as amendments have not been enacted to improve the situation and status of women since 1956. Initiatives were taken by the State to reform the existing laws, but strong protests from the Hindu community stopped those efforts. However, the government agreed that amending the Hindu succession law is a pressing need today and is amenable to taking steps. This is the condition of around 10% of the total population in the country as numerically, Hindus (7.95%) comprise the second largest religion in Bangladesh, and the country has the third largest Hindu population in the world (Bangladesh Population and Housing Census, 2022, Bangladesh Bureau of Statistics). On the other hand, Shariah law applies to more than 90% of the total population in the country as it is a Muslim-majority unitary state, and a uniform law is functional all around the country. According to Shariah law, a woman holds a separate estate. She has absolute authority over what she obtains by inheritance, gift, or profits attained due to hard work. Islam comprehends an ambivalent message concerning the equality of the sexes in worldly matters and social relationships between people (Monsoor, 2008, p.12). Nevertheless, women do not enjoy their granted rights of inheritance under the law.

5. Hindu Inheritance Law

The Hindu religion is predominantly a male-dominated religion. Here, women perform a secondary subordinate role in the family and society. According to Hindu scriptures, Hindu law is sacrosanct, unchallengeable, and unalterable. No human agency is allowed to challenge its legitimacy as it has the sanction of the supreme power (Agarwala, 1998). Hindu law is considered the most ancient legal system in the world (Gandhi, 2001, p.1). Hindu inheritance law is the personal law of followers of Sanatan Dharma (a Sanskrit expression that is the formal name of Hinduism) that is applicable in matters of marriage, adoption, inheritance of property, gifts, and wills. There are two philosophical schools in the Hindu inheritance law, the *Dayabhaga* and *Mitakshara* schools of thought. The *Dayabhaga* school of thought does not allow the sons to have a claim to their father's ancestral property until his death, and the *Mitakshara* school of thought grants the sons the birthright to familial property. Hindus in West Bengal, Bangladesh, and Assam mainly follow the *Dayabhaga* school of thought, and the rest of the Indians in non-Bengali societies (Chennai, Mumbai, Punjab, Benares, Maharashtra) follow the *Mitakshara* school of thought. In Bangladesh, except for the Hindu inheritance law of the *Dayabhaga* school of thought, Hindu women's property

rights are regulated by the Hindu law of the Inheritance Act (1929) enacted during British colonization, known as the Anglo-Hindu Law. The ancient Hindu law is pertinent where the prevailing state law cannot resolve the issues regarding women's property rights. While most people in Bangladesh adhere to the *Dayabhaga* School of Law, the Hindu Law of Inheritance Act of 1929 only applies to Mitakshara practitioners (The Hindu Law of Inheritance Amendment Act, 1929).

The Vedas (oldest scriptures of Hinduism) and historical commentaries on women's right to property have bifurcated the right to property for women into Stridhan and Non-stridhan, which is practiced by the Mitakshara school of thought.

A woman has absolute control over the succession of Stridhan property. Stridhan is separated into Saudaiyka and Non-saudaiyka². Women had complete possession over Saudaiyka property. Such property contained gifts from her husband, parents, or other family members. Women possessed restricted rights over the non-saudaiyka property after the wedding, and the approval of the husband was needed for alienation. This type of property includes gifts from non-relatives. Gifts or property received by a woman from a male or female relative are considered non-stridhan property. She has restricted ownership of it as she could only use such property but does not have the right to alienate the inheritance of the property. Such property would devolve on her death.

In Bangladesh, among Hindus, a significant portion of women are eliminated from inheritance and succession. According to the *Dayabhaga* School of Law, only five groups of women inherit the property (Zahur, 2017, p.82) out of fifty-three. They are based on personal preference: wife, daughter, mother, grandmother, great-grandmother (*sapinda*). *Sapinda* means close blood relation between ascendants and the deceased (Islam, n.d), those persons connected by the doctrine of religious efficacy. This indicates the ability to bestow a spiritual advantage upon the deceased person. These women inherit limited rights on the property, and not each daughter of a man is equivalently entitled to inherit the father's property. Unmarried daughters and married daughters with male children can receive the property share, while widowed daughters with no child (barren widowed) or daughters having no male child are barred from property rights. If the sons are still alive, generally, daughters do not receive a share in the father's property. Widows have a very insignificant share in their husband's property in the form of life interest. In this law, sons eliminate others except for non-agricultural property in terms of inheritance from the father. Sons or grandsons (sons of a predeceased son) receive the property from their grandfather, which their father would have received if he had been alive during their grandfather's demise. The daughter or daughters may inherit the property if neither sons nor wife or sons of the predeceased son are alive, with the unmarried daughters having preference. Along with this, loss of chastity is another ground that deprives a wife or daughter of succession.

'Male succeeding as an heir (whether from a male or female) takes an absolute interest in that property, and upon his death, the property transfers to his nearest heirs, but female succeeding as heirs (whether from a male or female) takes a limited interest in that property inherited by her' (Akhtar & Abdullah, 2007, p.67). Male offspring is considered significant when it comes to property distribution. After carefully reviewing the provisions of Hindu inheritance laws, it is noticed that daughters are not generally granted a share of the father's property while the sons are still alive. While it is not stated straightforwardly in the inheritance distribution system, this tradition has been going on for a long time. According to Zahur (2017), since religion forms the foundation of society, this religious disenfranchisement has a tremendous effect on the overall position of women in society (p.82). As a consequence, women endured the most in their property and inheritance rights as these rights were established based on religious principles. Taking this into account, the daughters are more likely to suffer because their rights to ancestral property were annulled, which eventually led to the loss of social status and dignity.

6. Muslim Inheritance Law

Bangladesh is a Muslim-majority country, and it is home to the world's 5th largest Muslim population. Islam performs a substantial responsibility in the personal and political lives of the vast majority of the Bangladeshi population. The Muslims in Bangladesh are governed by the Islamic law of inheritance, and Islam provides equal dignity to both sexes of human beings (Ghani & Khan, 2019). The law of succession of the Muslims is called Al-

² Saudaiyka means absolute wealth of a woman. Non-Saudaiyka means a woman does not have the power to dispose of the property without the husband's consent.

Faraid, which comprises four sources of Islamic law: a) The Holy Quran- the central religious text of Islam b) The Sunna- which is the custom of the Prophet c) The Ijma- is the consensus of the knowledgeable men of the community over the appropriate course of action on a specific issue d) The Qiya- a rational deduction of what is ethical and impartial following the moral standards put down by God. The Holy Quran encompasses only three verses (4:11, 4:12, and 4:176), which provide particular details of inheritance and share and introduce numerous distinct rights and limitations on questions of inheritance along with the overall enhancements to the family life and treatment of women. The Holy Quran states that there is a predetermined stake for both man and woman in the inheritance of property. Al Faraid is exceptionally detailed compared to other existing inheritance laws, which some non-muslims have also appreciated because it addresses the share of different categories of inheritors. Many scholars referred to Al Faraid as the most sophisticated and elaborate system of rules for the distribution of property known to the civilized world (Rumsey, 2009). Muslim law acknowledges two classes of heirs: Sharers and Residuaries. Sharers are those allowed to a specific portion of the deceased's property. Residuaries would occupy the stake in the remaining property after each sharer has obtained their share. The sharers are the Quota-heirs or dhawu al-farā'id, which includes four males and eight females, a total of 12. The male sharers are the a) Husband, b) Father, c) Paternal grandfather, and d) Maternal brother. The female Sharers are the a) Wife, b) Daughter, c) Granddaughter, D) Mother, e) Grandmother, f) Full sister, g) Paternal sister, and h) Maternal sister. The Residuaries are the members of Asaba, which includes male and occasionally female family members who inherit as residuary after the share of the Sharers is disseminated. There is no clear and specific share for a woman based on the relationship with the deceased person in Bangladeshi society (Khan et al., 2016).

The daughter will acquire half of her father's total property if a deceased person has only one daughter and no son. The daughters will collectively receive two-thirds of their father's property if the person has two or more daughters. If the father has one or more sons, the property will be distributed by a 2:1 proportion between sons and daughters. For example, if a departed individual leaves Tk 100 and leaves three sons and one daughter, the daughter will get Tk 14.29, and the three sons each will obtain Tk 28.57 (Granted by the Quran, Denied by Men, The Daily Star.net). The wife will inherit one-fourth of her late husband's property if a deceased person has no child, grandchild, or generation downward. Additionally, the wife will get one-eighth of the property if he has descendants (Table 1). According to *Sharia* law, the wife is entitled to receive her *mahr* (*Denmohor* is a bridal gift from a man to a woman when they marry). She can claim the due *mahr* from the deceased person's heirs if it has not already been paid. *Mahr* should be disbursed at the time of marriage, but in practice, this amount is only given to the wife if the couple divorces (Sarowar. M. Golam et al., 2007, p.22). A mother may also inherit property from her child. If the deceased person does not have any child, grandchild, or great-grandchild, the wife (of the deceased person) will inherit one-third of his property; otherwise, she will get one-sixth of the property (Granted by the Quran, Denied by men, The Daily Star.net). The *Sharia* law also gives complete authority to a woman to sell, transfer, or modify the property she owns (Chandan, March 8, 2019). However, over time, people have violated Islamic laws regarding the dispensation of property among women (Khan et al., 2016). Research conducted by eminent economist Professor Abul Barakat titled 'Assessing Inheritance Laws and their Impact on Rural Women in Bangladesh' reveals that the scenario becomes considerably more depressing concerning effective ownership of women over the land. According to a moderate estimation, Muslim women effectively own around 5 percent (ranging between 3% and 5%) of the land in rural Bangladesh (2014, p.2).

Table 1: Farā'id towards women mentioned in the Qur'ān

Daughter (more than one and no son)	Father	2/3
Daughter (one daughter and no son)	Father	1/2
Daughter (with son)	Father	Residuary, one daughter gets 1/2 of one son
Half-sister from the mother's side (one only, and there are no descendants and parents of the deceased)	Brother	1/6
Inheritor	Inheritance owned by	Share of Inheritance
Mother (If there is a grandson)	Son	1/6
Mother (If there is no grandson)	Son	1/6
Sister (more than one, and there are no descendants and parents of the deceased)	Brother	All get 1/3 of the property

Uterine sister (more than one, and there are no descendants and parents of the deceased)	Brother	1/3
Uterine sister (one only, and there are no descendants and parents of the deceased)	Brother	1/2
Wife (If there is a son)	Husband	1/8
Wife (If there is no son)	Husband	1/4

Source: (*Sūrah al-Nisā'*, 4: 11, 12,176), (Khan, Abdullah, Rahman, Nor, & Yusoff, 2016).

7. Current Status of Women in Bangladesh

Bangladesh recognized the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) in 1984³. Since then, the government has been working relentlessly to establish equal opportunities for women and implement policies to eradicate gender discrimination. For the advancement of women, Bangladesh ratified several international human rights conventions, pacts, agreements, and instruments and is dedicated to achieving the targets and objectives of the Sustainable Development Goals (SDGs). The country is progressing towards ensuring women's empowerment, but the general situation of women is still at a disadvantage in comparison to men, which needs to improve. Society has a rigid perspective towards the changing scenario of women and is responsible for the underdevelopment of women. They are still struggling to achieve equality and experience empowerment in the country. According to Dr. Barakat, in rural Bangladesh, households own 65.1 decimals of land on average, whereas only 10.3 decimals are possessed by women. This indicates that women possess only 15.8 percent of the land at the household level (Dr. Barakat, 2014, p.2).

Both Hindu and Muslim women in Bangladesh are recurrently disregarded whenever the question of inheritance rights comes up. It is evident that because of personal laws, the volume of property women get in Bangladesh is polarized. Due to the lack of a 'Uniform family code,' there is a higher probability of discrimination; in actuality, this discrimination affects Hindu women harshly in their socio-economic lives (Begum, 2018, p.110). Within the law, Muslim women are entitled to greater property and inheritance rights than Hindu women. Nevertheless, both Hindu and Muslim women are underprivileged, but Hindu women are placed far away from ever receiving equal rights (Inheritance Rights of Women in Bangladesh, n.d). Even without going against religious scriptures or regulations, equal rights can be granted to women of both religions: Hindu Women through Stridhana and Muslim women through Wasayah and Hiba. These provisions of gifts and wills can be exercised to make women's procurement of equal rights to property simpler in relation to men. However, most people in society are not ready to provide women control over any property since distributing property to them through these alternatives is not compulsory and depends on personal preference. For instance, through Clause 25(2) of the Women Development Policy in 2011, the government of Bangladesh intended to incorporate equal property rights for women, which did not interrupt any of the Quran verses directly. Different powerful religious factions commenced a nationwide strike against this initiative, and the government had to relinquish the idea (Inheritance Rights of Women in Bangladesh, n.d). Leader of the Islami Oikyo Jote Misbahur Rahman said in an interview with the national daily Samakal, 'Before the election, the Grand Alliance pledged not to formulate any law that contradicts the Quran and the Sunnah. Now, if they develop a women's policy that goes against the Quran, why should we accept it?' (Equal Property Right, the Daily Star.net, 2019). Renowned social activist Professor Kaberi Gayen stated, 'Since the first day of declaration, the religion-based political party declined the policy and announced resistance against it, stating that it granted equal inheritance rights to men and women (Equal Property Right, The Daily Star.net, 2019). All the religion-based groups and parties, including Jamaat-e-Islami, labeled the policy as anti-Quran and proclaimed that the government would collapse if the policy were enacted' (Equal Property Right, The Daily Star.net, 2019). This particular incident demonstrates that many in society and families of the women are unwilling to allocate an equal share for them in the property. In Bangladesh, the inheritance laws constructed on personal Rules, on the one hand, offer the citizens permission to perform their religious obligations but, on the other hand, violate the spirit of the Constitution, which guarantees the same rights for men and women in all areas of life. Nevertheless, to strengthen national development, the constitution of Bangladesh has guaranteed equal opportunities and rights for women through various laws and policies (Zahur, 2017, p.79). In practice, women confront extreme

³ 8th periodic report of the Government of the People's Republic of Bangladesh, Convention on the elimination of all forms of discrimination against women (CEDAW)

discrimination in their personal lives by being deprived of the absolute ownership of property. In Hindu succession law, the opportunity to have complete authority in their inheritance is almost virtually non-existent, whereas, in Muslim laws, women are given more scope of ownership and inheritance. Ensuring the absolute interest of inheritance for Hindu women in Bangladesh is very important for the country's inclusive development. Simultaneously, for Muslim women, establishing the application of existing laws is of great necessity because they also cannot demand their rights in many cases, and they are systematically eliminated from property inheritance. As women are not entitled to absolute ownership of the property, they are unable to become financially independent and self-reliant, which ultimately results in the country's underdevelopment. It can be said that not only religious laws but an extremely entrenched patriarchic mindset in society are preventing women from acclaiming absolute property rights. In rural Bangladesh, the preference given to male children is quite strong. Therefore, a fundamental modification in the organizational framework is required to safeguard the rights of women. This change will empower rural women by developing their self-esteem and bargaining power by attaining freedom to become independent and cognizant of their rights (Parveen, 2007, p.256). In May 2023, the High Court asked the government to take action to ensure Hindu women's rights to equal inheritance of property, including marriage and divorce registration, maintenance, adoption, and guardianship (Reflecting on Hindu Women's Inheritance Rights, The Business Standard, August 2023). These illustrations show us that there must be a uniform code of law.

8. Possible Solutions/Recommendations

We are now living in the 21st century, where the world is constantly evolving towards positive change, but still, here in Bangladesh, the change regarding property rights for women is very insignificant. The dilemma is both cultural and legal. Here, we still follow the traditional inheritance law legislated during the age of British colonialization. This has remained unaltered since 1947, when the British departed from the subcontinent. Besides this long-standing conventional family law, socio-cultural prejudices hinder women from acquiring their legal rights in property distribution. Most women are stripped of their rights to land due to these norms and values. Sarowar et al., 2007 mentioned that land possessed by a family is generally titled under the name of the male head of the family and, due to cultural restrictions on gender roles and their deficiency of self-sufficient financial resources, women hardly purchase land in their name. In our country, a small number of women have land ownership, but they have very nominal to no control over their land. In some cases, women are compelled to relinquish ownership of property to their male counterparts, and very few of them can take legal action against such theft. This happens because of a need for more awareness, courage, and financial limitations. Corrective measures should be taken and implemented to ensure equal inheritance rights for women in terms of property rights. Here are some recommendations for ensuring the inheritance rights of women-

8.1. Reform existing property/ inheritance law

Gender inequality regarding land and property is extensive in Bangladesh due to inequitable inheritance systems, discriminatory access to land markets, and gender-biased land reform⁴. Since gaining independence, Bangladesh has adopted numerous legislative measures to protect women's rights. However, no significant initiatives were taken to modify or reform the existing law of inheritance in the country. As a result, countless issues are still not addressed and remain unresolved. Reforming the existing inheritance laws is a crucial need of modern times. Nearly all countries are working to ensure women's empowerment and gender equality, as these are significant criteria for human rights. According to M. Harari, legal reform at the statutory level can be an essential starting point even in situations in which customs are perceived to be very difficult to transform (2019, P.42). The age-old Hindu inheritance law which is being practiced in Bangladesh needs to be reformed immediately not only for women but for the overall development of the country because without empowering women it is not possible to secure advancement in the country. Whenever the question of reforming Hindu inheritance law is elevated, it is permanently nullified on the grounds of religious sentiment. The fragmentation and disputes between orthodox Hinduism and the progressive wing of the Hindu community and patriarchic attitudes in society are responsible

⁴ Women's Control over Economic Resources and Access to Financial Resources, including Microfinance, World Survey on the Role of Women in Development, 2009

for this stalemate. At the same time, there should also be some readjustments in the Muslim inheritance law, as we can find some discrepancies there regarding property distribution. While the Islamic law of inheritance (Al Faraid) is less discriminatory regarding women's property rights, a new property-sharing law is not recommended for Bangladesh; instead, it is essential to implement the provisions of Al Faraid among Muslims. If that can be done, the women of the Muslim community will be able to become economically solvent and self-dependent. A study found that legislative reforms can influence women's property ownership. Countries with more equal legal regimes for women are correlated with higher property ownership by women (Gaddis I et al., 2020, p.23). Legislators should revise discriminatory laws restricting women's property ownership. Adequate legislative reforms should enact a well-balanced legal system where the rules and regulations will be mentioned unambiguously, and those laws should be implemented to ensure women's right to gain benefits and establish absolute ownership of property. Therefore, where laws exist and are violated, the government should punish violators with stricter penalties, which can be monetary or, in severe cases, prison sentences.

8.2 Change the Socio-cultural norms through community engagement

The prevailing socio-cultural norms and practices are another major hindrance in establishing property ownership for women in Bangladesh. While women in the country form almost half of the entire population, still, they are treated as second-class citizens. For decades, women have been subjugated in the male-dominated patriarchal structures of society; most women have limited access to financial services and the decision-making process as a result of constraints. Hence, women remain prey to males in almost all aspects of their lives, which leads to the deprivation of property ownership. The prevalence of traditional attitudes and practices contradicts existing statutory laws and established civil rights. It is high time to transform the perception of society regarding women and consider them as equal to men. To counter the problem, the engagement of community leaders, religious figures, and social influencers can play a decisive role in society through dialogue and media engagement.

Socio-cultural norms prohibit women from demanding their share of the property from their male family members such as brothers, fathers, and husbands because if they ask for the rights, they will be criticized by society, even by their family members, as it is considered "unconventional" or improper in the view of patriarchy to question the place assigned to them in society. This approach forces women to leave their ownership to male family members. If we can amend this social perception through raising awareness a magical transformation can happen in Bangladesh regarding the inheritance rights of women. The socio-cultural atmosphere of the country is uncondusive to women's rights. It elucidates the contradiction between the law and local settings and how women's inferior status has become an accepted social norm in Bangladesh (Begum,2004, p.263).

8.3 Appropriate knowledge regarding property rights for Women

Education is essential for any transformation in the family, society, and country. As women comprise around 50% of the total populace of Bangladesh, women's education is crucial to bringing positive and fundamental changes in the country (Chowdhury, 2014). Women should be given proper education and knowledge regarding property rights and maintenance to secure their inheritance rights. A chapter on inheritance rights or the substances of the property distribution system and calculation process should be incorporated at the secondary and higher secondary levels so that both girls and boys can become conscious of the issue. It will ensure a just and appropriate distribution system in the country and allow women to claim their actual share; without having explicit knowledge, women cannot establish their rights on their ancestral property. Also, boys should know the property sharing system among relatives who are legitimately entitled to own the property. Proper education and legal training should be provided so women can better implement the laws. Educational institutions should hold inclusionary, interactive meetings with parents to engage them in conversation about women's rights regarding property.

8.4 Awareness of Women

Creating awareness through disseminating information among women is an essential precondition to ensure equal rights and opportunities. With accurate and proper information, becoming aware of equal rights and opportunities is possible. Once the women of our country have the information associated with inheritance, they will be able to

claim their rightful share in the ancestral properties. For awareness creation, the government should take necessary steps such as conducting seminars and meetings for the women and regularly initiating mass gatherings and discussion sessions with the victims at the grassroots level. Simultaneously, social media can be a valuable platform to disseminate knowledge and raise awareness about civil rights. Writing blog posts, making content or videos, sharing images and stories on inheritance rights for women, and exchanging information publicly through social media provide its users the power to initiate discussion. Along with that, the authorities should come forward to extend support for deprived women, particularly in the country's rural areas. So that women can share their problems to get a workable solution and receive their deserved proportion of familial properties.

8.5 Making the legal process easier

In Bangladesh, access to the legal system is very complicated, particularly for ordinary people. Corruption and malpractice make the problem even worse. Often, property and inheritance issues become very intricate and lengthy. The government should take perhaps more responsibility to make the process easier and more accessible for women. Most importantly, the judiciary process in Bangladesh should be more friendly and approachable. Often, we can see that a property-related case takes years to solve an issue, which becomes a burden for the victim, and they become frustrated due to the long duration of the judiciary process. According to statistics, as of 2017, approximately 2.5 lakh cases with the land survey tribunals remained unsolved throughout the country. The number of cases has hiked to 3 lakhs now (Land disputes pile up with weak tribunals, *The Daily Sun*, 30th November 2019). There are tribunals overburdened with innumerable land dispute cases. In some regions, there are more land disputes than others. Data indicates that in Kishoreganj, 44,152 cases are unresolved; in Mymensingh, 32,676 cases; in Netrokona, 21,863; in Jamalpur, 17,951; in Tangail, 10,809; in Chandpur, 9,126 and 7,438 cases in Dhaka land survey tribunals in Bangladesh are pending (Table 2).

Table 2: Number of land dispute cases pending in central districts of Bangladesh

Name of the District	Number of Cases
Kishoreganj	44,152
Mymensingh	32,676
Netrokona	21,863
Jamalpur	17,951
Tangail	10,809
Chandpur	9,126
Dhaka	7,438

Source: Compiled by the author, partially taken from 'Land disputes pile up with weak tribunals,' *The Daily Sun*, 30th November 2019.

According to research collaboratively operated and published by Netherlands-based charitable organization the Hague Institute for Innovation of Law (HiiL), the Netherlands government, and BRAC titled 'Justice Needs and Satisfaction in Bangladesh 2018', in Bangladesh every year, 31 million people encounter legal challenges among them land related legal disputes are 29 percent of total numbers, and this is a second most prevalent legal problem affecting 8 million people per year (p.173). Additionally, it is noticed that an average of 9.5 years is required for land-related cases to be settled (The uncomfortable truth about land disputes in Bangladesh: Insights from a household survey, 2020).

In practice, a small number of women are willing to seek legal help and file a lawsuit to establish land ownership. One of the primary reasons is the existing legal and judiciary system, which is not advantageous for the general people of the country. For instance, courts, particularly in rural areas, can be headed by women justices and possibly held on camera for the privacy and protection of women and witnesses from external undue influences. In the future, a strong, functionally independent judiciary and human rights commission should be the state's objective towards safeguarding property rights for women and other vulnerable individuals and communities. The presence of women in the legal profession, such as the inclusion of more women justices and lawyers, could ensure better access to justice for all. In justice, females in leadership can enhance people's trust and assurance, empower the underprivileged, and make the court environment reachable to the disenfranchised (Justice for All: Why Having More Women Judges Benefits All of Society, March 2023).

8.6 Initiative to ensure proper application of laws

There are several laws and regulations concerning inheritance in Bangladesh, but those laws could be more effective when it comes to the question of proper application and implementation. Many people consider Islamic inheritance law as more balanced and equitable for women. Due to a lack of appropriate knowledge and awareness, many people oppose applying the law, which hampers establishing justice for women in property share. On the other hand, Hindu inheritance law is imprecise and inconsistent, which is also a challenge for women's property ownership. This ambiguity should be clarified with proper explanations, and the laws should be implemented appropriately to establish women's rights so that we can eliminate discrimination from society. While the government has good will and intentions, the authority should be more proactive in enforcing its regulations.

9. Strengths and Limitations of the Study

One of the research's strengths is its comprehensive investigation of the historical context regarding women's inheritance rights. The most notable strength of this paper is that it analyzes the Inheritance laws in a detailed manner, including the references from holy scriptures that form the basis of these laws. Simultaneously, it illustrates the challenges women face in inheritance and suggests relevant remedies to ensure their inheritance.

This study has potential limitations. The lack of sufficient recent and contemporary specific data regarding women's inheritance is one of the significant limitations. Besides this, a comparative discussion between Bangladesh and India could be drawn. Still, India is a much larger state with a more diverse population, religious groups, and inheritance laws, which are not necessarily represented in Bangladesh. Therefore, this comparative analysis can be left outside the scope of the study. Nonetheless, while discussing the inheritance rights of women, the paper focuses on the Muslim women, commonly the Sunni sect of the society, not the *Shia* and *Ahmadiyya* women in Bangladesh. However, this can be a potential substance for future research.

10. Conclusion

“Where women are honored, there the gods are pleased: but where they are not honored, no sacred rite yields rewards” (Manusmriti: The Laws of Manu, p.55). Several laws have been enacted to safeguard the rights of Bangladeshi women and the situation is changing gradually towards equity. We can see very clearly that women in Bangladesh have been participating in parliamentary elections since the independence of the country. The country's government is undertaking many initiatives to empower and transform the status of women in society; because of those initiatives, the disparity between men and women is also decreasing significantly in terms of education, participation, and wages. Due to sociocultural stereotypes and gender norms that persist in our society, these initiatives are not able to accomplish their objectives properly and, to some extent, are failing.

In Bangladesh, inheritance is governed by religion, which has left the inheritance process discriminatory and unfair, particularly for women. Among Hindus, according to the Dayabagha School of Law, not all women are entitled to inherit property; even if they inherit, their property rights are restricted in life interest. Several inequalities can be seen in Hindu inheritance law for women. Regarding Muslim women, according to the law of inheritance, ‘Al faraid’ gave a single share to the daughters and a double share to the son. In Muslim society, the distribution of property is determined by the roles and responsibilities of males and females, where a man is more responsible compared to a woman. According to hadith Sahih Bukhari, a man is supposed to be the “Guardian” of his family. Consequently, they are entitled to the lion's share of family property. Though women are allocated a limited share of the property, it does not benefit them economically. We can see very clearly that in Bangladesh, despite many existing laws and norms, in reality, women are not granted complete ownership or access to property. As a result, they are not solvent financially, which ultimately leads to the underdevelopment of women in our society. Due to the inequitable distribution of property, women are not able to become self-sufficient and empowered. If the state apparatus is willing to change women's position and empower them, providing them with absolute rights over their property is essential. Therefore, state law should intervene to give women equal shares of property. Thus, I feel the government should take an interventionist possession to ensure equity in property rights.

Author Contribution: The author acknowledges sole responsibility for conceptualization, Analysis, Manuscript Preparation and Reviewing.

Conflicts of Interest: The author declares no Conflict of Interest.

Ethics Approval: Not applicable.

Funding: No particular funding was received for this research from public, private, or nonprofit funding agencies.

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