



*PM urges not to deprive women of their property rights
Photo Source: Dhaka Tribune*

Women's Property Rights in Bangladesh

Shamimul Islam

Introduction

At present, it goes without saying that Bangladesh is an independent country. It is one of the most densely populated countries in the world with an estimated 171 million people. The majority of its population is Muslim. Since its independence, the government has been trying to promote the status of women in education, employment, and income. The constitution of the People's Republic of Bangladesh supports equal right for men and women in all spheres of the State and of public life. In addition to this, a series of laws have been passed to ensure women's rights in Bangladesh. However, the tendency of deprivation of women from their right to property is being increased tremendously because of lack of good governance in every segment of the country which is getting great threat for our civil society. Further, women's property right is one of the fundamental rights ensured by the Article 42 of the constitution and the enjoyment of which is a fundamental guarantee. But the reality is that Women's oppression in every sphere of their life is a common phenomenon and most of the time women stand degraded in the family, particularly when it comes to right to inheritance.

Women's Property Right in Bangladeshi Society

It is generally accepted that discrimination against women has been started from ancient period. Historically, the status of women in Bangladesh remained considerably inferior to that of men. In addition to this, women suffer various problems to achieve their right. However, if we observe the social practice relating to distribution of property in Bangladesh, we will definitely find the misunderstanding and misrepresentation of the Islamic law. In case of inheritance, property is distributed among the Muslims in Bangladesh based on man-made practice not on the basis of Islamic law. In the same way, they violated Islamic law and do these for their benefits. However, they practice part of Islamic law in case of distribution of property. Eventually, it became a culture among the people of Bangladesh and some of them believe that deprivation of women from their property is the Islamic law. Furthermore, property distribution in Islamic law is quite different from the social practice in Bangladesh. The property distribution in Islamic law is based on fairness and justice while the social practice is based on injustice between male and female.

Similarly, the property distribution in Islamic law makes women economically more solvent. They will be more secure and independent financially. When a woman has a certain share in the property, then they will be less dependent on their husbands and fathers. Besides, they are not obliged to spend money for the family. Therefore, her property will remain for her

financial security in case of divorce.

If the Islamic law is practiced properly and accurately, then there will be a balance between males and females in the society. This is because women will be richer in the society as they have property. As a result, they can play a positive role in the society. For instance, they will easily get a higher education, and they will be able to get more jobs.

Muslim Women's Property-Right

It is widely accepted that a share of men is double than the share of a women in Islamic law. But, there are many cases where a woman gets the same or more than a man. If the deceased person left a daughter, father, and mother, then the daughter will get $\frac{1}{2}$ (half) of the property. The mother will get $\frac{1}{6}$ (one-sixth), and the father will get the rest. In this case, the daughter gets more than the father who is a man. Along with this, the mother and father get equal shares when the deceased has left a son and daughter or two daughters. Moreover, if the deceased left brothers and sisters then they will get equally share $\frac{1}{3}$ one-third) of the property. Also, when a woman dies, and she leaves her husband and sister, then each of them will get $\frac{1}{2}$ (half) of the property. However, in the Islamic inheritance distribution system, a man does not always get a double or a higher share than the woman.

According to the law, men have the responsibility to provide for their wife and children. A husband must provide for his wife, even if she is wealthy enough to maintain herself. In short, women can receive a share as a daughter,

wives and mothers too. She need not spend her wealth on the household either.

Property Rights of Muslim Widows

If a Muslim widow is childless, she is entitled to one-fourth of the property of her deceased husband. And her exact portion of inheritance is determined only after the deceased's loans are paid off (if any) and his funeral expenses are met. If the widow has children and grandchildren, her share of the property is one-eighth of the deceased husband's property. If there is more than one wife, this share may come down to one-sixteenth.

Muslim Woman and Her Right to Mahar

The right of dower or Mahar may be defined as their right to property. The husband, during marriage, pays (in cash or as property), or promises to pay a Mahar. And it may make a woman's property and she may use it whenever she wants. It is mandatorily given by the husband for the future security of the woman and she has the right to ask for a reasonable Mahar.

Muslim Woman's Property Rights after Divorce

If the woman has a deferred Mahar, she will have all rights upon it after the divorce. If the woman is divorced and has a minor child, she can ask for maintenance according to the personal law. As per the Shariat, accepting or even offering maintenance after divorce is not legal.

Muslim Woman's Rights over Her Children's Property

If a woman's son dies, the mother

is entitled to get $\frac{1}{6}$ (one-sixth) of her deceased son's property. If the deceased son did not have any children of his own, his mother's share would be $\frac{1}{3}$ (one-third).

Islam has prescribed the Roles and Responsibilities of Man. In the ISLAMIC Social System, Man Alone has the Following Financial Responsibilities

Firstly, man has an obligation to pay the mahar. The amount of mahar is mutually agreed between the husband and wife before the marriage contract. The wife has the sole ownership of mahar and right to spend it according to her wish. There is no maximum limit for the amount of mahar. It depends on the will of the woman to decide the amount she wants.

Secondly, man has the responsibility to provide maintenance to his wife and children. In Islam, it is compulsory for the husband to provide maintenance to the family while it is not compulsory for a wife to spend for children. However, women can voluntarily spend money for the family, but husbands cannot force their wives to do this.

What should Governments do to Prevent Violations of Women's Property Rights?

In my view, there are many actions that could be taken by the governments to protect women's property rights. For instance: enactment of legislation, implementation of such legislation, and monitor compliance, public awareness campaigns, train judges, magistrates, police, establish national aid systems.

Conclusion

After above mentioned the facts and figures it may be stated that there are a number of actions that could be taken. When dealing with the problem, the easiest way to work it out would be increasing awareness. The most successful way to confront this mentioned problem would be good governance in every segment of the country.

References

1. Women's property rights are their rights to own, acquire (through purchase, gift, or inheritance), manage,

administer, enjoy, and dispose of tangible and intangible property, including land, housing, money, bank accounts, livestock, crops, and pensions. Under international human rights law, women and men are entitled to equal legal protection of their property rights.

2. Subject to any restrictions imposed by law, every citizen shall have the right to acquire, hold, transfer or otherwise dispose of property, and no property shall be compulsorily acquired, nationalized or requisitioned save by authority

of law.

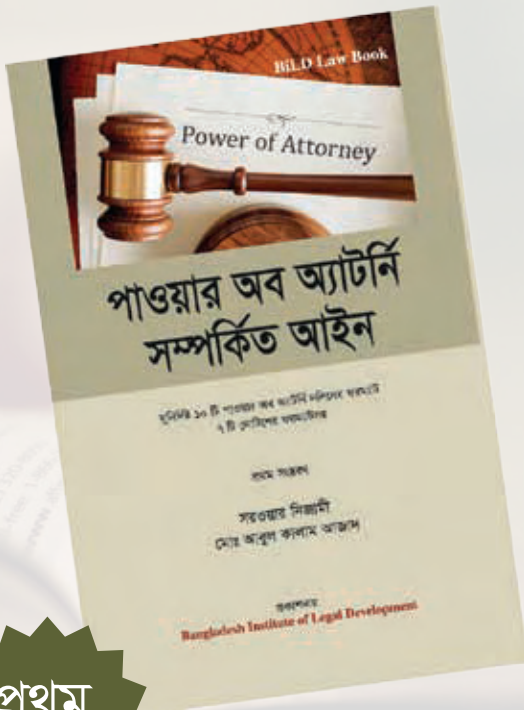
3. Mahar is an amount of money the man has to pay to the wife at the time of marriage.
4. Maintenance includes the fundamental elements for sustenance which are food, clothes, and house.

Shamimul Islam

Assistant Researcher
Bangladesh Institute of
Legal Development (BiLD)
Email:
shamimfuad19@gmail.com

Bangladesh Institute of Legal Development (BiLD)

কর্তৃক প্রকাশিত



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সুনির্দিষ্ট ১৩ টি পাওয়ার অব অ্যাটর্নি
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