

Violation of Women Rights: Religious and Statutory Protection in Bangladesh Perspective

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Abstracts:

Human rights refer such rights which a human being belong by birth, which is also inalienable and universal. A human life cannot be thought without basic human rights, which flourish the personality of the human being properly. It also provide a humanly life of a person. Unfortunately the women community is derived from getting basic human rights. This is the common perception that the women's community is the most vulnerable sector in a society. From the birth to death, in every stages of their life they have to face different form of violence, sometimes the form of violence is absolute. They are subjugated in every stages of their life by the male members of the family and kinsman. Sometimes it has forgotten that they are human being. There are no major changes between the period of pre-Islamic and modern era. The women are always suppressed for which different factors are responsible. The religious misinterpretation is one of the most vital causes of violating women rights. Islam honour the women as a human being without any discrimination, but illiteracy or blindness on religion the rights of the women violated day by day. Some people believe that Islam discriminate with the female community. This paper focuses on that, Islam never does so, but people misinterpreted it. This paper focuses on the rights granted by the Islam in reference with the pre Islamic condition of women. And draw a chronological chain of life how their rights are violating in every stage of their rights, by which it will make clear the fate and ultimate destination of women rights though there is statutory protection. This paper also focuses on statutory protection in the national and international perspective. Finally some recommendations has suggested to overcome from this situation, and to upheld the women human rights..

Key words: *Human rights, Women rights, Religious and statutory protection, State responsibility.*

"The history of mankind is a history of repeated injuries and usurpations on the part of a man towards a woman, having direct object the establishment of tyranny over her"¹

¹ Women's Rights Convention Manifesto, Seneca Falls, 1848. (The Seneca Falls Convention was the first women's rights convention. It advertised itself as "a convention to discuss the social, civil, and religious condition and rights of woman". Held in Seneca Falls, New York, it spanned two days over July 19–20, 1848).



Women's rights are those which are essential for physical, mental and spiritual development of a woman. Women have historically suffered injustice and discrimination, they oppressed and deprived in their own family, community and society at large. It's true that women's community is the most vulnerable sector in the society or a state.² Their rights are violating in every steps of their life and face different forms of violence. If we back to the pre-Islamic period where the women community was treated as goods, treated them humiliating.³ But Islam is the first religion which honoured, respect and granted the women rights as a human being. It has been studied the *Sura An Nissa, Attin, Al Mayeda* etc. of the holy Quran cover a wide range of women rights. Though rights are guaranteed but seldom had it ignored to implement. Beside the Holy Al Quran if we study the Hdith (sunnah)⁴, the Madina Sanad⁵ (first written constitution in the world) and the

speech of Bid day Hajj⁶ it will be much clear that how much Islam honour the women. In absence of proper religious knowledge the people are in the confusing situation regarding women rights. Sometimes they have to rely upon the religious head to take the opinion, unfortunately most of the time they misinterpret or neglect the women issue. Then they use the religion as a weapon to oppress the women. Later on when the concept of Muslim law has developed, the state itself comes forward to protect the rights of the women through enacting and implementing law. Like Muslim Family Law Ordinance, 1961, Dissolution of Muslim Marriages Act, 1939, and Family Court Ordinance, 1985 are landmark in granting the women's rights.

The paper is based on content analysis. In dealing with these issues, both primary and secondary sources have been taken into account. Relevant International Instruments, National Laws, case-laws, statements and official documents have been taken into account. Additionally secondary sources are including books, journals, articles; online resources,

²Dr.RabiaBhuiyan, *Gender and Tradition in Marriage & Divorce: An Analysis of Personal Laws of Muslims and Hindu Women in Bangladesh* (Dhaka: UNESCO) 2010, pp. 2.

³Md.AlamgirSirajuddin, *Muslim Family Law, secular courts & Muslim Women of South Asia*, Oxford University Press (1stedn. 2011) pp. 194.

⁴A report of the sayings or actions of Muhammad or his companions, together with the tradition of its chain of transmission.

⁵ The Charter of Medina or of Yathrib also known as the Constitution of Medina or of Yathrib was drafted by the Islamic prophet Muhammad shortly after his arrival at Medina (then known as Yathrib) in 622 CE (or 1 AH), following the Hijra from Mecca.

⁶ Shortly before his death, Prophet Muhammad delivered a sermon during theHajj, which came to be known as his "Final Sermon". This final sermon was not only a reminder to his followers, but also an important admonition. The final sermon confirms the end of his Prophetic Mission. He said, "O People, it is true that you have certain rights with regard to your women, but they also have rights over you. Remember that you have taken them as your wives only under a trust from God and with His permission".



statements; presented papers, documents of relevant international and non-governmental organizations and other materials have been taken into account for proper analysis, comprehensive understanding and consistent conclusion. In conducting legal research, the researcher depends on the documentary sources, information existing in forms of journal articles, case reports, legislation, records, etc., for analysis and conclusion. Accordingly the research is doctrinal in nature as no field work or empirical research has been undertake

The main objectives of this paper are the followings:

- a. To explore what are the Conflicts of Women Rights in Bangladesh.
- b. To analysis how Women Rights are violated in Bangladesh.
- b. To aware the People about Religious *i.e.* Islamic and Statutory Protection regarding Women Rights.

1. Pre Islamic Condition of Women:

Pre Islamic Condition of women was barbarous this period was known as *Ayem-e-Jahiliyah*.⁷ In that time the most

⁷The word Jahiliyah originated from Arabic root word 'jahala' and its derivatives, 'jahalun' and 'jahalatun' which mean 'lacking of knowledge' and 'astray' and 'ayem' means period. From the Koran, the jahiliyyah people is mentioned by any of these four characteristics: i) No prophecies and revelation (guidance); ii) No civilization; iii) The peoples have no good manner; iv) Referred as jahiliyyah because illiterate. Having said that, any people at any period of time which have at least

vulnerable and suppressive classes were women. 'Wine, women and wars were the only three objects that claimed the love and devotion of the Arab.'⁸ The birth of a daughter was the matter of shame and disgraceful for the family, in that's why they were buried alive.⁹ There was no specified or justified rules regarding marry or divorce. The husband would marry and divorce at his sweet wills. Divorce was pronounced three times and was effective instantly. Adultery was the common phenomena.¹⁰ Woman was simply treated as a goods, they had no legal rights, in youth they were goods and chattels of father after marry husbands became their lord. There was no space to evaluate them as human being. They were the burden of the family. They had no rights over the property, no rights to hold, posses, dispose or inherit the property. There was no systematic procedure to marry or divorce and also girls had no choice to marry. The marriage contract was the contract between the father and husband, who used to pay a sum of money to the father of the bride, thereby purchasing her and making her his exclusive property. Captured women were completely under the authority of their captors and sexually abused and exploited by them. There was no freedom of expression, education, choice...and so on. It was the period of superstitious and

one of these characteristics is also considered as jahiliyyah.

⁸KhudaBaksh, *Contributions to the History of Islamic Civilization* (1929) pp. 165.

⁹ Md. Alamgir (note 3) at 1.

¹⁰ Ibid.



idolatry and was treated as like as animal. So in a word Polygamy was universal, divorce was easy and buried of female infanticide was common.¹¹

2. Islam and Women Rights (Rights granted by Islam):

Every religion is kind and human regarding human life and rights, but Islam is more concern and humanitarian regarding women issues other than another religion. Islam honour the women as a human being, it not only respect the women but also protect their rights. It covers the whole range of life of every human being.

Right to be treated equally:

The woman is equal to man in bearing personal and common responsibilities and in receiving rewards for her deeds. She possesses an independent personality. Her human identity is neither inferior to nor deviant from that of man. Both are partner of one another. The Holy Quran provides clear cut evidence that women are completely equated with man in the sight of God in terms of her rights and responsibilities. The Quran states *“Every soul will be (held) in pledge for its deeds”*¹² And also says that, *“So their Lord accepted their prayers: I will not suffer to be lost the work of any of you whether male or*

*female. You precede one from another”*¹³ Woman is recognized by Islam as a full and full and equal partner of man in the procreation of humankind *“O mankind! Verily we have created you from a single (pair) of a male and a female and made you into nations and tribes that you may know each other”*¹⁴ in another verse it also has been cited that *“And their Lord has accepted (their prayers) and answered them (saying): Never will I cause to be lost the work of any of you, be he male or female: you are members, one of another”*¹⁵

Right to Upheld Human Dignity:

It is natural that every human being possesses some basic personality by born. One should respect the dignity of another. She is acknowledged as an independent personality, on possession of human qualities and worthy of spiritual aspiration.

Freedom of Expression:

Islam permits all the human being to express their opinion. The sound opinion of woman should take into consideration and cannot be disregarded because to belong the female sex. It is reported to Quran and history that the women not only expressed her opinion freely but also argued and participated in the

¹¹Selena Akter, A. N. M. ArifurRahman and MdJahidHossainDolon, *Muslim Law* (3rdedn, Hira Publications, Dhaka 2014) pp. 3.

¹²The Holy Al Quran 74:38

¹³Ibid. at 3:195

¹⁴Ibid. at 49:13

¹⁵Ibid. at 3:195, 33-35 to 36.



decision or policy making.¹⁶ They also stood in opposition to the Caliphs.

Right to Choice of Marriage:

To arrange a valid marriage the consent of the both parties must have to be free. There is no room to force a woman to marry against her will.¹⁷ According to the holy Prophet, “*A widow is not to be married before her consent is sought*” and “*no virgin girl is to marry without first consulting her and her approval*”¹⁸ There is a story that a girl was forced by the father to marry a person she did not like, then prophet (pbuh)¹⁹ revoked this marriage and allowed her to marry a man of her choice.²⁰ Now it’s very clear that everyone has the right to marry in his or her choice, no for the force marriage is permissible. If guardian done such then the part has the option to exercise option of puberty, where the party can either continue or repudiate the marital tie.²¹

Right to Property:

In Islam a women not only inherit the property but also own the property by purchase, gift, will, possesses, which

may me movable or immovable. She has the absolute right to enjoy, dispose and alienate the property. In case of inheritance a woman can inherit the property as a daughter, as a wife, as a mother, as a sister and so on. There are specific quranic provisions²² that every human being has the right to inheritance. Especially the women can inherit as a wife, as a daughter, as a mother and as a sister. She has the absolute control over the property which has been own by them.²³ Beside these women are women are entitle to get the proprietary protection through maintenance and dower.

Right to Participate in Public Life:

The historical record is clear that the women were participated in the public life, especially during the war; they were brought by the shoulder to serve the wounded soldiers.²⁴ They were not shut behind iron bars or considered worthless creatures and deprived of souls. Where *Hazrath Aiyasha (RH)* opposed the Khelafate of two Khalifa, one is *H.z. Osman (RH)* and another is *H.z. Ali (RH)*. She participated in the war against *H.z. Ali (RH)* in Battle of Jamal or the Battle of Bassorah, where she commanded the shoulder directly which was held in

¹⁶Ibid. at 58:1-4 and 60:10-12.

¹⁷Selena Akter, *et al* (note 11) at 20.

¹⁸Saiyed Abdullah Al Hatimy, *women in Islam: A comparative study*, (Lahore, Islamic Publications Ltd. 1993) pp. 25.

¹⁹The Arabic phrase ‘alayhi as-salam’, which translates as “peace be upon him” is a conventionally complimentary phrase or durood attached to the names of the prophets in Islam.

²⁰Ibid. at 25.

²¹Khalid Rashid, *Muslim Law*, (4thedn.Eastern Book Company, 2004)pp.68.

²² The law of inheritance has been given in the Qur'an in *Surah Al-Nisaa* (the fourth chapter) verses 11 & 12 and then in verse 176. The number of Quranic sharers is 12 in which 8 are females.

²³The Holy Al Quran, 2:228.

²⁴ Dr.ZakirNaik, *Collection of all lectures with all answer of open questions* (Dhaka, 2ndedn. 2010) pp. 654.



November 656. In early Islamic history, Muslim women played a variety of public roles and certainly exercised property rights. The Prophet in his farewell sermon spoke of property rights for both men and women, and his wives held their own separate property. The first convert to Islam (*Khadija*), its first martyr (*Sumayya*), the first to grant refuge to the Prophet at Medina when he fled from persecution at Macca (*Umm Sa'id*), the keeper of the keys to the Holy *Ka'aba*, the custodian of the first copy of the *Qur'an* (*Hafsa*), the manager of the first hospital (*RafidahAslamiyya*), one of the *Imams* appointed to lead the prayers of both men and women (*Umm Waraqa*) and a superintendent at the market at *Madinah* (*Samra' bintNuhayak al-Asadiya*) were all women.²⁵

Right to Enter into Contract:

Islam gives the rights of women to own the property by inheritance by inheritance, gift, will, purchase and so on, having the absolute right over the property. In that's why to regulate the property, they has the legal right to enter in to the contract, to run a business, to inherit property from her husband, parents, sons or any kinsman, which she would own, and could possess or dispose of absolutely.²⁶

²⁵ Islam Land & property, Research series paper no 5, *Muslim Women and Property*, UNHABITAT (United Nations Human Settlement Programme) pp. 12 <Web: www.unhabitat.org> accessed on 10 October 2015.

²⁶ The Holy Al Quran,4:7.

Right to Education:

To be the best human being there is no alternative rather than education. Its' flourish a man to be an ideal one. Islam also emphasize on the education both man and women. The Holy Quran says that, "*Are the all equal, who knows or doesn't know*"?²⁷ Beside verse if we go through the Hadith then it will be clear that Hazrath Mohammad (sm) not only given the importance but also patronized the women education. Because he realized education is the foundation of all nation. It is mandatory for all Muslim man and women to acquire knowledge.²⁸ At the time of revelation of Islam there were only17 educated people, out of them 5 were women.²⁹ Prophet said again that, "*Who have more than one and educated them properly and merry them to the honest bride he will stay with me in heaven*"³⁰This is also remarkable that *Hazrath (SM)* fixed a in a week it teach the women, It is the great example that *Hazrath Aiyeshe (RH)* stated 2210 hadith were 174 placed in the Bukari Sharif as a shahih hadith. On the other hand *Hazrath Fatima (RH)* house was crowded by the people of education thirsty.³¹ So there is no doubt to say that Islam not only recognize the right to education of women but also implement it.

²⁷ The Holy Al Quran, 39: 9.

²⁸ IbneMaja(Al Hadith).

²⁹ Mohamman Abdul Munimkhan, *Islam appreciate the women education*,The Daily ProthomAlo, 12 September, 2014, pp. 12.

³⁰ Al hadith, Muslim.

³¹ Dr. Bhuiyan (note 2) at 20.



3. Statutory Protection:

Today's world is concern with the women rights, because they has suppressed historically. Time to time not only the government of Bangladesh but also international community has taken initiative to protect the women rights. Unfortunately it fails to fulfill the demand or to protect the women community from violence.

Women's Rights under the Constitution of the Peoples' Republic of Bangladesh:

The constitution is the supreme law of the land, the law which is inconsistent with constitution will be void.³² While Bangladesh constitution has protected women's rights under broad fundamental rights and universal principles of equality and participation for all citizens, yet there are certain provisions in Bangladesh constitution. Such as ensure representation of women in local government institution,³³ ensure participation of women in all spheres of national life,³⁴ State shall not discriminate against any citizen on grounds only of religion, race, sex, or place of birth, and women shall equal rights with men in all spheres of the state and of public life, the state shall make special laws for advancement of women.³⁵ The constitution also provides that a woman has the right to seek

nomination and contest for any political opposition.

Women's Rights under National Laws:

The General Law consists of civil and criminal laws, which are governed respectively by the Code of Civil Procedure of 1908, the Penal Code of 1860 and the Criminal Procedure Code of 1898. The Personal or Family Laws are under the General Law but mostly are governed by the civil law; the matters which directly affect women such as marriage, divorce, dower, maintenance, guardianship, custody, inheritance and restitution of conjugal rights are separately governed by each religious community's "religious personal law" system. For example, take marriage. Muslim parties, says Pereira, are regulated by, among others, the Muslim Family Ordinance, 1961 provides punishment in case of polygamy and divorce in violation of statutory provisions, the Muslim Marriages and Divorce (Registration) Act, 1974 makes mandatory to register the marriage and divorce, Dowry Prohibition Act, 1980 (amended in 1986) prohibit dowry and provide the strict punishment, Child Marriage Restraint Act, 1929(amended in 1984) insert the punishment to marry any girl who is under the age of majority, Family Courts Ordinance, 1985, Women and Children Anti Repression Act, 2000(amended in 2003), The Acid Crime Control Act, 2011, The Children Act, 2013 all are widely concern about the women rights and inflict the strong punishment in case of violating the

³²Article 7 of the Constitution of the People's Republic of Bangladesh.

³³Ibid. Article 9.

³⁴Ibid. Article 10.

³⁵Ibid. Article 28.



provisions of law. The overall character of this new law is reflective of same level of participatory effort; the law on children is one of the best examples of the workings of a clear distinction between religion as a private matter and the area of personal welfare of citizens as subject to state intervention. The laws on children and personal disputes relating to children such as the Guardians and Wards Act, the Majority Act and the Child Marriage Restraint Act, are all applied uniformly to all children and citizens of Bangladesh, irrespective of gender or religion despite these areas being clearly within religious-personal sphere of citizen's lives.

4. International Instruments:

The women rights are not the concern of national but today's world is concern more to protect the women rights. Since the founding of the United Nations, equality between men and women has been among the most fundamental guarantees of human rights. Adopted in 1945, the Charter of the United Nations sets out as one of its goals "*to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women*".³⁶The essential rights have been incorporated in international bill of rights and women bill of rights, The Convention on the Elimination of All

Forms of Discrimination against Women, 1979 (Hereafter CEDAW). Bangladesh continues to maintain reservations Articles 2 and 13(a). In September 2000, Bangladesh became the first country to ratify the Optional Protocol to CEDAW which ensures the implementation of the tools to eradicate discrimination. Maintaining such reservation to the very pledge to eradicate such discrimination is therefore contradictory and makes the sincerity of the state to remove gender discrimination, questionable.

Under Article 2, states are required to domestically enforce CEDAW, adopt appropriate legislation and other measures to prohibit all discrimination against women, modify or abolish existing laws, regulations, customs and practices which constitute such discrimination. Other articles of the Convention deal with many of the pressing issues that concern women such as women's right to determine their own and their children's nationality and removal of discrimination in education, employment, healthcare, social and economic benefits.

Part IV of CEDAW calls for equality before the law and equality within marriage and family law. Articles under this component for example guarantees the same legal capacity as men to contract, administer property, appear in courts or before tribunals; freedom of movement the right to choose where they will live; equal rights and responsibilities of women with men in marriage; the

³⁶ Women's Rights are Human Rights, UN<
http://www.ohchr.org/Documents/Publications/H_R-PUB-14-2.pdf> accessed on 15 October 2015.



right to choose when they will have children, to choose their family name or occupation; and equal rights and responsibilities regarding ownership, management and disposition of property. So ultimately the goal of the CEDAW cannot be gained by restricting thus articles. So it can be said in a sense that the CEDAW is inactive in Bangladesh.

Bangladesh acceded to the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1998 with a number of declarations. The interpretative declaration relating to Articles 2 and 3 of the Covenant states that equality of rights between men and women is to be implemented in so far as they agree with the Constitution of Bangladesh and, more specifically, subject to Bangladeshi state inheritance law. Bangladesh acceded to the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages in 1998 with reservations to Articles 1 and 2, stating that the treaty would be applied in accordance with the Personal Laws of different religious communities of the country, and allowing for a dispensation as to age, for serious reasons, in the interest of the intending spouses.

Bangladesh also signed and ratified the International Covenant on Civil and Political Rights (ICCPR). Article 3 of the said Instrument stated that the parties to the present covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present covenant. It also

inserted that the right to life of every human being,³⁷ and all persons are equal before law and are entitled without any discrimination to the equal protection of the law, no discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.³⁸

The Universal Declaration of Human Rights provides that everyone has the right to life, liberty and security of person,³⁹ and all are equal before law and are entitle without any discrimination to equal protection of law, are entitle to equal protection against discrimination in violation of this declaration and against any incitement to such discrimination.⁴⁰ Beside this every human being has the right to a standard of living adequate for the health and wellbeing of himself and of his family, including food, clothing, housing and medical care and necessary social service, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.⁴¹

New laws have to be formulated to reflect Bangladesh's concurrence with international laws such as the Universal Declaration of Human Rights and

³⁷Article 6 of the International Covenant on Civil and Political Rights.

³⁸ Ibid. Article 26.

³⁹Article 3 of the Universal Declaration of Human Rights.

⁴⁰ Ibid. Article 7.

⁴¹ Ibid. Article 25.



CEDAW. While religion and culture have to be respected, violations of basic human rights in the name of religion or tradition must be categorically condemned and shunned by the laws of the land. Most importantly laws that govern both public and personal spheres must be compatible to the Constitutional laws and be equally applicable to all citizens irrespective of sex, religion or the community they belong to.

5. The Present Condition of Female in Bangladesh:

The female community is the most vulnerable not only in the Bangladesh but also in the subcontinent. They have to suffer in every stages of their life in different forms and ways. The whole life passed away with a tragedy. It can be described in the way of stages how they have to face different form of violence in every steps of life. Here a chain of violence has been presented which will make clear what a life lead by the women community in Bangladesh! Though there are religious and statutory provisions.

a. Before Birth: when she is in the mother womb the discrimination or violation of the human rights has started. If the father informed that the upcoming baby is girl through ultra sonography then abortion taken place, misbehaving with the wife has started. Islam clearly prohibit killing of human being. The holy Al Quran state that, *Kill not your children for fear of want: we shall provide*

*sustenance for them as well for you. Verily the killing of them is a great sin*⁴² beside these it's also punishable offence under Bangladesh Penal Code.

- b. After Birth: If birth taken place started the discrimination, the father or the parents are not happy if the mother giving birth a baby girl. The torture and discrimination started towards the new mother and new baby, they deprive from getting proper nourishment or natal care from other family member. Though Constitution of the People's Republic of Bangladesh prohibit the discrimination on any grounds.
- c. Childhood: Discrimination with brother in respect of schooling, feeding, dressing and so on. The son is always in the preferable position in the family. Because the family member believe that son is the future leader of the family, he will takes all the responsibilities of the family where the daughter have to go to the another family. So investment to the girl is loss project.
- d. Adolescent: The girl is not secure inside or outside the house. Sexual harassment by near relatives (like cousin, uncle) then outsider is placed first in the life of little adolescent girl. In this case they cannot disclose it, if disclosed the parents scold her rather than taking initiative against the offender. She deprived from getting mental support from parents, which is not prepare to accept it,

⁴² The Holy Al Quran, 17: 31.



- ultimately mental disaster taken place and she lost the confidence, faith and trust on the family, society and herself.
- e. **Eve Teasing:** The worst evil in our society is eve teasing. Where teenage boys, rickshaw pullers, bus drivers, street vendors, traffic vendors and colleagues or supervisor of working women making sexual harassment against the women.⁴³ Almost 90 percent of girls aged 10-18 have undergone the experience.⁴⁴ The impact of eve teasing are drop out from school, early marriage, socio economic insecurity and commit suicide. It has been reported that 12 percent girls committed suicide in cause of eve teasing.⁴⁵
- f. **Child Marriage:** Early marriage is another obstacle in promoting women's rights. The Majority Act, 1875 clearly provides that a woman must at least be 18 years of age to be able to get married. Fear of poverty, perceptions of family honour and social insecurity are some of the major reasons behind early marriages. After dropping from the school, unconsciousness of the guardian arranges marriage of the little girl without her choice, which is not only injurious for her mental situation but also her health.⁴⁶ It's alarming that last year 1237 child marriage arranged whose age is not more than 15 years.⁴⁷ By getting early marriage the brides deprived from getting dower, maintenance and so on. Someone proposed to continue to study but after marriage the reality is different.⁴⁸ The consequence of the child marriage is depriving the female from economic empowerment, which she has to bear whole life because the treatment of empowered and no empowered women in our society is different and it is the reality.
- g. **Child Motherhood:** It's the fundamental right to know about the reproductive health. Absence of sufficient knowledge about the reproductive health is the common phenomena in our society. So it's the highly risk for new born baby and mother. There is no scope of safe maternity, ultimate a child given birth a malnutrition child ultimately the malnutrition nation.
- h. **Demand of Dowry:** After passing sometimes the new violence started.

⁴³Camellia Khan, 'Eve Teasing in Bangladesh: Social & Legal Perspective', ASA University Review Centre for Socio Economics Research, vol 9, no-1, 16th issue, Jan-June 2015, para 1&4.

⁴⁴ Bangladesh National Women's Lawyers Association (BNWLA) *81% Girls Fall Victim to Eve Teasing- Study*, BNWLA, July 2008 <<http://www.bnwla.org.bd/content/view/186/large,enl>> accessed on 17 October 2015.

⁴⁵ UNICEF Early Marriage: Child Spouses, Report No-7, UNICEF March 2001. Centre for social Research (CSR) "CSR Story" CSR <<http://www.csrindia.org/story.html>> accessed on 20 October 2015.

⁴⁶ Staff Correspondent, *The Effect of Early Marriage*, The Daily ProthomAlo 10 October 2015, pp.21.

⁴⁷ Staff correspondent, *The Child Marriage At 15*, The Daily ProthomAlo, 15 October 2015, pp. 1.

⁴⁸ Staff correspondent, *What a protest !* The Daily ProthomAlo, 11 September 2015, pp. 20.



The bridegroom and his family demand dowry, otherwise the physical and mental torture take place in the life of wife. Sometimes husband divorced the wife or killed the wife by torturing is the ultimate destination of the failed wife. At the stake of life the father's family refuses to give the shelter for a few days. Then she has to pass another miserable life.

- i. Physical and mental Torture: Still today husband and his family cannot think the wife as a better half; they cannot treat them as a human being. The husband and the other member of the family torture physically and mentally in lame excuse. Husband think that wife is the property of the husband and he has the absolute control over her. so he can treat the wife as his sweet will.
- j. At the Aged: By facing above all situation in every stage of life they have no meaning of life and think that this is life. At the aged they lead another miserable and destitute life. Now they are the burden to the son's family if son's give the shelter, otherwise they have no shelter to pass away the rest of life.
- k. Inheritance: Islam entitles the women to inherit the property. It has been clearly stated in the Holy Quran that the men and the women entitle to take the share which has been leave by their parents or near relations according to their determined share which may be little or much. "*For men is a share of that which parents and near relations leave, and for*

women is a share of that which parents and near leave, whether it be little or much a determined share".⁴⁹

So a woman can inherit the property from father, mother, husband, son, daughter and grandson. They have the absolute rights over the inherited property. But the fact is different-maximum women of Bangladesh cannot take the possession or enjoy the property which inherited from father; they cannot do so because they think they has to go to the brother's house for nayar (a trip to brothers house). If they claim then they will be hurt and will not look after in any crisis. The women believe that they have maintained good relations with their brothers and they fell that their family had already given them their fair share of family property by paying a dowry.⁵⁰ Eventually if any woman claim that property then the brother will not give her the property in same place, but given to different part in different places. On the other hand any property inherits from the deceased husband enjoyed by the son's to whom she stays.

All the violence stated above are the violation of statutory laws and religious obligations. So the people should think that it not only sin but also punishable offence. So people should think, feel and believe in women rights. It's not only the religious and statutory obligations but

⁴⁹ The Holy Al Quran, 4:8.

⁵⁰ Dr. Bhuiyan (note 2) at 25.



also the moral obligations. Otherwise our society can never be developed. Because its' quit impossible to develop the nation by ignoring one side of the whole community.

6. Recommendations:

1. The change should begin with individual, the mentality of Parents and other family members should change. Because family is the first place for take shelter of every girl and women. So they should about the women's rights, and they have to feel the violation of women rights is not only religious obligation but also statutory obligations. For this purpose awareness programme like Meena cartoon may broadcast in the Television Channel. The government and Non-Government Organization may sponsor more financial investment to telecast this program to aware the people about the women rights.

2. Education is the most important weapon to nourish or flourish the full human personality, by which a person can justify what is right and wrong, what he should do or should not do. And be aware about their rights and duties. So government can provide education in easy and accessible way. Education can empower the women financially, mentally and spiritually.

3. Islam treats the women as a human being, and honour with full dignity and guaranteed the women rights for their development. The rights granted by the Islam should circulate positively; it only

can be done by the religious leaders. For this purpose, at first the training should arrange for the religious leaders to whom the mass people relay and seek opinion on the religious issues. So to prevent the violation of women rights the positive motivation of the religious leaders are very important.

4. Though there are so many updated laws regarding women issues, and there is a strict provision of punishment in case of violating women rights. But the nature of the patriarchal society never be changed, they rapidly violating the women rights, still today they cannot think the women as a human being. So enactment and enforcement of the strict laws could prevent the violence against women and ensure the women rights.

5. Financial empowerment is very important, because the financially empowered women treated differently rather than non-empower one. The first one has the voice in the family; their opinion can be taken into consideration in the family. Where statutory and religious law provides the women to become empower financially through inheritance, maintenance, dower gift, will, purchase and so on. Beside these they have the right to work which should be properly remunerated while having the rights as to equal pay for equal work. So state can encourage and create the scope or opportunity of work for the women which may reduce the violation of women rights.

6. Fatwa (the opinion of the religious head in the society) is the weapon to oppress the women and violate the women rights.⁵¹ Because most of the

⁵¹Dr. Bhuiyan (note 2) at 211.



time misinterprets the religious matters especially regarding women issues. By exercising fatwa they not only violate the women rights but also violate the religious norms and the statutory laws, though higher judiciary pronounce a judgment that only learned person can exercise fatwa by which they cannot inflict physical and mental punishment. Whether it will be obeyed or not by the opinion seeker it will solely depend upon the sweet will of them. But the reality is different. In that's why the Government should pass an act to prohibit the Fatwa so that nobody can misuse it to violate women rights.

7. Bangladesh has sufficient laws to protect the women rights, but there is no monitoring body to monitor whether the law enforcing agency and implementing agency act properly or not. So government may establish a independent and neutral monitoring body to protect the women rights.

8. The government may include in the text book chapter of the primary to higher secondary about the women rights in the religious and statutory perspective. The positive motivation is necessary about the women rights to think that they are not burden but they may be asset of family, society and state.

9. The law enforcing agency or the government may establish the one stop service to provide the emergency and prompt service to the victim. In that purpose police, Rapid Action Battallion may be engaged as a separate wing to support the victim.

At last it can be says that it will not be wise to say that only the government is sufficient to prevent the violence against women, Beside the government the non-

government organization, that individual members of the society have to come forward to ensure women rights. The family and the society can play vital role to treat the women as human being.

7. Concluding Remark:

Women are universally sought after in literature and Bangladeshi women are no exception. The beauty and charms of Bangladeshi women are celebrated in poems, legends and short stories. But the suffering of Bangladeshi women is often ignored. Too many still face deprivation and oppression and the legal and socio-economic system does not do enough to prevent discrimination and violence against women. However, despite such legal support, Bangladeshi women are still not receiving equal treatment in practice. Inequalities are common. Though religion and the statutory law treat the men and women equally, but the reality is different, women suffer degrading treatment as children and as wives from guardians and husband respectively. The truth is that women are treated as personal properties, possessed and controlled by the guardians and the husbands, the family should think that the female are human being. They have the rights to be treated humanely. We have to think that they are the asset of the family, society and state. The journey or struggling to protect the girls rights should started from the family and society. For this purpose the Government, Non-Government Organization and International Organization must come forward to aware the people and taking proper steps to protect the women rights. So we should remember that, "*Their lives God where women are respected*" (Manu Smiriti).