

Implementation of Right to Inheritance of Women in Bangladesh: A Study on Current Scenario

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DOI: [10.36348/sijlcrj.2021.v04i09.007](https://doi.org/10.36348/sijlcrj.2021.v04i09.007)

| Received: 07.08.2021 | Accepted: 13.09.2021 | Published: 25.09.2021

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Abstract

Bangladesh is a South Asian country where most of the Muslims follow the Hanafi school and the issue of inheritance is, however governed by the statutory Muslim law. The ultimate purpose of the Islamic law of inheritance is to provide and make material arrangements to share the estate of the deceased person among the living dependents, family members and relatives. Unfortunately, the Muslim women in Bangladesh, despite having the right to inheritance of property cannot actually enjoy them. However, such right to property of women is precisely mentioned in Surah An-Nisa of the Holy Qur'an. In the context of Bangladesh, the majority of women are marginalized from their property to be achieved through inheritance and this is only because of the rigorous implementation system, women's lack of awareness and one of the most significant reasons for such deprivation is that they remain in the fear of losing relationships with family members. This research firstly discusses the right to inheritance of both male and female under the Hanafi law of inheritance and points out the present social practice in Bangladesh. This research further focuses on women's rights regarding the inheritance of property and its implementation mechanism in other Asian countries. This paper then, appeals to discover various reasons behind the deprivation of Bangladeshi women and challenges in respect of their right to inheritance. Finally, this study suggests some recommendations to overcome this problem and to pave the way for enjoyment of the due right to inheritance of women by proper implementation.

Keywords: Right to Inheritance, Women's Right, Statutory Muslim Law, Implementation, Social Practice.

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INTRODUCTION

Bangladesh is a densely populated and Muslim majority country. Due to lack of resources and lack of moral education and training, people have a tendency to illegally occupy other people's property (Bulbul, 2013). On the other hand, Bangladesh remains a poor country where women hold inferior positions to men in both society and the family. Given the existing patriarchal values and culture, backed by religious beliefs, women remain dependent on fathers, husbands, brothers and sons. In most cases, women are not conscious of being deprived of the right to equal inheritance. They are not even well-versed in the particulars of inheritance of their parents' or husband's property. Many women in Bangladesh are not aware of their fundamental rights. Beyond the issue of fairness, the existing patriarchal inheritance rights in Bangladesh impair women's access to collateral, and thus to the credit market needed for entrepreneurship (Shoma, 2019). Women's Rights are not denied. Women do not get their rights. This statement is contradictory but realistic. As a religion

and as promised in the law of the land, Women have a place in life as human beings. One of the most sensitive issues regarding women's rights is the right to inheritance. The right to inheritance is a right that is denied in real life to women on one pretext or another. The non-discriminatory rights to equality and justice should be practiced in letters and foils.

The need to remove fiction from reality needs this important research on the implementation of women's rights in Bangladesh. It is an attempt to understand this complex issue and how it affects the lives of women in general. Refusal to exercise this legal right prevents women from controlling their own lives and forcing them to live in subjugation and humiliation. Women's inheritance rights play an important role in women's socio economic and political empowerment, but unfortunately due to the deep patriarchal system women are often deprived of inheritance rights, the biased interpretation of divine guidance, the law of the land and above all the ineffective process for enforcing

and enforcing the law. The 'fundamental rights' in the Constitution of 1973 guarantee, inter alia, right to property and equality of citizen before the law. (Zehra, 2008) Inheritance issues are particularly risky because they relate to the total assets distributed to the heirs. These issues often occur and end up in court (Lestari *et al.*, 2018), especially when the brothers refuse to handover the property on various excuses.

There is a popular statement attributed to the prophet Mohamed (PBUH) says "learn the laws of inheritance and teach them to the people for they are one-half of useful knowledge (half the sum of 'ilm'). This ideal statement has been embedded in the hearts of the Muslim Jurists in the world. On the basis of the statement they have been circulating that it is obligatory to all Muslims to learn the Islamic laws of succession. The modern law experts have admired the Muslim system of inheritance for its utility and formal excellence. British jurist Sir William Jones said, "I am strongly disposed to believe that no possible question could occur on the Muslim law of succession which might not be rapidly and correctly answered." Another famous professor N.J Coulson mentioned, "Within the framework of the Islamic legal system as a whole the law of succession occupies a particularly prominent and important position. Historically they provide an excellent example of the general process of legal development in Islam" (Alam.2017).

Islam recognizes women's right to inherit at a time when it was not the norm and women are often inherited, in some cases, a portion of the property is written off for the girls through wills. It is stated in the Qur'an (An-Nisa 4:19), "O ye who believe! It is not lawful for you to forcibly inherit the women (of your deceased kinsmen)." It reassures women that property inherited or self-acquired through personal earnings before or after marriage is exclusively theirs and their male guardians have no claim on it.

METHODOLOGY

Necessary data and information used in this study have been collected from primary as well as secondary sources of the relevant field such as various public and private documents such as article, journals, internet, website, books, newspaper, codified laws, case laws, books, Qur'an, Hadith and articles relating to inheritance.

CONCEPTUALIZATION OF WOMAN RIGHTS

Simply, Women rights are those entitlements and freedom which are essential for physical, mental and spiritual development of a woman. Similarly, women's right to property and its proper implementation or execution is also very important. Since the beginning of human civilization, women all over the world have been deprived of their rights and their full dignity. Women around the world are victims of inequality and discrimination and exploitation.

Economic opportunities lack of equal access to education health care and their low role in decision making perpetuate women's subordination to men. Discrimination against women is a global phenomenon that stems from gender stereotyping and unequal status of women. Women's rights simply mean that women, like men, deserve full protection of their rights and freedoms because they are human beings. It further understands that they are entitled to certain privileges due to their motherhood and their vulnerability in different situations. Women are often denied their rights by discriminatory social or religious or customary rules.

The Greek philosopher Plato first asserted in his book 'Republic' that there should be complete equality between the sexes. But it was only after the French Revolution that public consciousness regarding the rights of women was beginning to be aroused. Mary Wollstonecraft (1759-1791) in her book 'A Vindication of the Rights of Women' published in 1792 refuted the traditional view that women are inherently inferior to men. She maintained that with proper education and training a woman was capable of undertaking any kind of work done by a man. The nineteenth century English philosopher John Stuart Mill (1806-1873) was a great advocate of women's emancipation. In his book 'The Subjection of Women' published in 1869, Mill accused men of treating women as inferiors and observed that the legal subordination of one sex to another was wrong and was one of chief hindrances to human improvement and ought to be replaced by a principle of perfect equality.

Despite the above Philosophical thinking and advancement, women continued to subject to subordination and discrimination. For example, the right to vote was confined at the time to male citizens. This exclusion of women from political participation was a consequence of traditional confinement of women to the private sphere. Women's right to vote was first recognized by New Zealand in 1893. In Europe, Finland is the first country to guarantee right to vote to women in 1906. Despite these concerns, rights of women were not recognized globally until the establishment of the UN.

The Declaration on the Elimination of Discrimination against Women, 1967 adopted by the General Assembly of the UN proclaims certain rights of women. However, it is non-binding and only statement of consensus on women's rights. In 1979 the UN General Assembly adopted the Convention on the Elimination of All Forms of Discrimination against Women, which has incorporated most of the rights proclaimed in the Declaration. As of April 2010, the Convention has been ratified by 186 states, making it one of the most ratified international treaties. It is the first international instrument which embodies the civil, political, social and cultural rights of women. The Convention comprises of the preamble and 30 Articles.

State parties to the Convention must submit periodic reports on women's status in their respective countries. CEDAW'S Optional Protocol establishes procedures for individual complaints on alleged violations of the Convention by state parties, as well as an inquiry procedure that allows the Committee to conduct inquiries into series and systematic abuses of women's human rights in countries. So far the Protocol has been ratified by 71 States.

Apart from above treaties specifically addressing women rights, there are general treaties which confirm equal rights of men and women. For example, both the ICCPR and ICESCR of 1966 contain provisions for ensuring the equal enjoyment by men and women to the rights. The idea that gender-based discrimination contradicts the universality of human rights is reflected in main instruments of international human rights law (Faruque, 2015).

INHERITANCE UNDER MUSLIM LAW

The condition of girls in the pre-early Islamic era was very deplorable. Women had no status in the society of that time. Women were not considered social creatures, but were sold as slaves, considered objects of luxury. The description of which is clearly given in the Holy Qur'an (An-Nahl: 58-59), Allah says; "When news is brought to one of them, of (the birth) a female (child), his face darkens, and he is filled with inward grief! With shame does he hide himself from his people, because of the bad news he has had! Shall he retain it on (sufferance and) contempt, or bury it in the dust? Ah! What an evil (choice) they decide on?" In a word, there was no aspect of the crime that they did not commit. Due to this extreme degradation of time, Allah Ta'ala sent Hazrat Muhammad (PBUH), the greatest human being in the history of the world, as a guide and later through him, girls were honored and their rights were specified.

Inheritance means something that is inherited, or, the act of inheriting. According to the Encyclopedia of Social Science, "Inheritance is the entity of the living in possession of the property of the deceased and exists in one form or another where the institution of private property is recognized as the foundation of the social and economic system. But the actual form of inheritance and the law and custom management it is very different from country to country and from time to time. Long-term changes in property inheritance laws and practices will change the way we own and use property (Bulbul, 2013). Another definition of inheritance; in common parlance, inheritance means money or property received from one's parents or ancestors. Legally it is the property or property inherited from an ancestor under the Inheritance Act that a person receives by will or distribution. Inheritance rules are a feature of an advanced civilization, and to ignore claims directly out of line. In order to understand women's inheritance rights and

their implementation in the contemporary era, it is pertinent to observe historical data that have a direct impact on conventional practices (Zehra, 2008).

Law of inheritance in Islamic law is known as '*ilm ul-faraid*'. The Arabic term '*ilm ul-faraid*' literally means 'knowledge or study of injunctions (concerning inheritance). This term is used to mean 'law of inheritance', an important branch of knowledge. It provides an elaborate methodology composed of a set of rules to calculate and distribute the property of a deceased person among the heirs so that everyone receives a just share in the property. In describing the meaning of '*ilm ul-faraid*' Coulson said: '*Fard* is the root Arabic term for a duty imposed by divine command, but the word is also used both in the singular and in the one of its plural forms, *faraid*, specifically to denote the shares of inheritance allotted to various relatives by the Qur'an; so that the phrase *ilm ul-faraid*, or science of the faraid, which is commonly used to describe the system of inheritance as a whole, epitomizes the notion of religious obligation'.

Inheritance law is very important in Islam because it deals with the distribution of property after the death of someone. It has been embellished by Almighty Allah in His Holy Book Al-Qur'an and has been complemented by the Sunnah of the Prophet Muhammad (PBUH). The significance of this particular branch of law can be discussed from different perspectives. Islamic inheritance law prevents the concentration of property. It opens the door to property for many unlike many other legal systems; no one can dispose of his entire property in any way through his preferred rules. Thus, inheritance is an experiment on the ceremonial use of testamentary energy; otherwise the entire property can be disposed of by an arbitrary will. However, one can dispose of his entire property through gifts in his lifetime; but in reality, it is limited by the innate tendency of man. People generally have an innate tendency towards acquiring property. Not solving the complex problems of distribution of property through the wisdom of Almighty Allah reduces the conflict of interest in the hair of the deceased in doubt and thus this branch of knowledge fulfills the great social purpose. Islam does not encourage spending one's entire property even for religious purposes. This is evident from the following Hadith where the Prophet (PBUH) prohibited to spend the entire amount for the religious cause and ordered the substantive part to be reserved for one's descendants, and the Prophetic Hadith, reported on the authority of Sa'd bin Abi Waqqas says: "I was taken very ill during the year of the conquest of Mecca and felt that I was about to die. The Prophet visited me and I asked: O Messenger of Allah I own a good deal of property and I have no heir expect my daughter. May I make a will, leaving all my property for religious and charitable property?" He (the prophet) replied: "No. I again asked may I do so in respect of 2/3 of my

property. He replied "No." I asked: "may I do so with one half of it?" He replied; "No." I again asked: "May I do so with 1/3 of it?" The Prophet replied: "Make a will disposing have one third in that manner because one third is quite enough of the wealth that you possess. Verily if you die and leave your heirs rich is better than leaving them poor and begging. Verily the money that you spend for the pleasure of Allah will be rewarded, even a morsel that you lifted up to your wife's mouth."

Inheritance law has great legal significance, dealing with an important method of saving property. This is an important part of property law. In many respects, the Holy Qur'an prescribes principles rather than laws in a strict sense. But the Qur'an itself has enacted strict laws on inheritance. Thus, this particular branch of Islamic law has gained additional importance because many of its rules have been established directly by the '*Muhkamat*' or 'clear verses' of the Holy Qur'an. Inheritance laws have great practical application in many land disputes and lawsuits. The knowledge of this law becomes indispensable in many cases, especially in cases involving immovable property. Inheritance of all secular or religious legal systems, Islamic law provides the most detailed system of inheritance. This unique feature of Islamic law has particularly attracted jurists around the world.

Sharia is the genus of which law is the species. Among the various types of such laws, the law of inheritance has been given special importance by the verse of the Qur'an and Hadith directly. The basic principles of the law of inheritance are described in the Holy Qur'an, where, Almighty Allah has strictly commanded the strict observance of these principles- Whether such a prescribed part seems more or less. Surah Nisa: Allah instructs you concerning (the inheritance of) your children' (Haque, 2016).

Inheritance under other religions

Jewish Law

The Jewish law described in this article is not to be confused with the law of the State of Israel. In 1965, Israel passed a comprehensive Succession Law that embodies theories from a variety of Western countries and that does not concur in every respect with traditional Jewish law. The Jewish law, referred to as a whole as the Halakhah, is based in the Torah. The written component of the Torah (referred to also as the Pentateuch) is the five Books of Moses: Genesis, Exodus, Leviticus, Numbers, and Deuteronomy. The text of these books was conveyed to Moses on Mount Sinai, along with a large body of "oral law" that was not reduced to writing for several centuries. Here gaps or inconsistencies appeared in the written law; the process of Midrash (interpretation and construction) was used for clarification and for filling out the skeletal structure. In approximately 200 c.e., Rabbi Judah the Prince produced a codex of laws that was recognized as an

authoritative statement of the oral law. This Mishnah consists of six orders, the third of which is devoted primarily to women and the family. Baba Bathra, which is the third tractate of the fourth order, deals with inheritance. Over time, as the Torah and the Mishnah became the subject of increasingly sophisticated scholarly debate, the scholarly commentary was itself written down to serve as a further source for clarification of the law. The Talmud is the collection of this discursive commentary and is noteworthy in that the dissenting as well as the consensus opinions are recorded for use in future debate. Dissonant attitudes about the status of women in Judaism appear as early as the creation accounts in the Book of Genesis. In Genesis 1:27, God created man "in his own image, in the image of God He created him, male and female he created' them." This passage would seem to give equal dignity to the two genders. Yet later in the same book, God is said to have created man first, from the "dust of the ground," and then later created woman from Adam's rib, because "it is not good that the man should be alone; I will make him a help meet for him." Thus, woman appears in the creation story both as man's equal and as secondary to him. The Book of Genesis also lays the groundwork for the focal point that marriage plays in Jewish life. The creation chapter states that the bond of marriage between husband and wife overrides the parent-child relationship. This chapter arguably allots an elevated status to a wife, for whom "a man shall leave his father and his mother." However, this passage, which speaks of the married couple as becoming "one flesh," may also have been a portent of the English common law concept that a woman's legal existence was subsumed into that of her husband at marriage. The Book of Leviticus contains a series of rules relating to bodily impurity that apply both to men and to women. This book is the origin of the ostracization of a woman while she is menstruating (*niddah*). The Book of Leviticus also describes unequal periods of impurity that follows a woman giving birth to a child. The period of impurity for a woman who has given birth to a female child is double that of a woman who has given birth to a male child. Several women appear throughout the Bible who is powerful in their own right. Yet Biblical references to women in general indicate that a woman's highest honor is to be found in her role as wife and mother. The Mishnah order that deals with women concentrates on marriage and divorce. The Talmud emphasizes further "the husbands' and fathers' duties with regard to the maintenance and care for his wife and daughters." The Talmud also adds to the role of the woman/wife/mother the important task of freeing her husband from mundane household tasks so that he will be free to study the Torah. Generally, women did not study the Torah, although history records the story of one woman scholar, Beruriah, who was purportedly able to "absorb over three hundred laws each day, ... some of her legal decisions were accepted as Halachah, despite the opposing views of some Rabbis" (Radford, 2000).

Christian Law

Christians have varied laws on succession and familial relations. The rules for succession among the Christians has been codified under the Indian Succession Act, 1925, while on the other hand customary practices also have an influence on the principles of inheritance. The British Indian Government enacted the Indian Succession Act, 1865 which was to apply in the case of Christians. This Act was later replaced by the Indian Succession Act, 1925 (hereinafter referred to as "ISA"), which currently governs the inheritance in case of Christians. Certain customary practices also influence the principles of inheritance in case of Christians and have also been considered by the courts in India (Dua, 2014).

Hindu Law

Inheritance is the legal automatic transfer of state and property from a deceased person to his family member and loved one (heir), a process also known as inheritance, both often used interchangeably. As in other countries, the legacy of the Hindu people (who follow the Hindu religion) also depends on personal law, although some changes have been adapted over time through the enactment of statutory laws. Let's take a look to understand the basis of Hindu law on inheritance in Bangladesh. There are two major Schools of Hindu Law; Dayabhaga School of Hindu Law and Mitakshara school of Hindu law. The Hindu people of Bangladesh follow the Diabhaga School of Hindu Law. The heirs under Hindu law are Son, Grand Son, Great Grandson, Widow / Wife, Predeceased Son's widow / Wife, Daughter, Daughter's son, Father, Mother, Brother etc. (Islam, 2020).

Concept of inheritance in other asian countries

Pakistan

The people of Pakistan are mainly Hanafi Muslims. However, the country too there is non-Muslim minorities including Ethna 'Ashari, Shafi, Ismaili and Qadiani different numerical forces. According to him, the policy and legal structure of the country includes the interests of all classes of citizens of Pakistan. Conventional policies and laws have strong resonance in the historical context of the country Background. Even after the creation of Pakistan (on 14th August, 1947) it shared its legal history with India and inherited from the parent state the following Acts in the area of personal law:

1. Muslim Personal Law (Shari'at) Application Act 1937
2. Muslim Family Laws Ordinance 1961

There is no direct provision in the constitution for women's inheritance rights, but it is Provides the following guarantees and principles of policy to ensure justice without discrimination, the state will ensure an end to all forms of exploitation; enjoy the protection of the law and act according to the law; the inalienable

rights of every citizen, wherever they may be, and of every other person Currently in Pakistan (Zehra, 2008).

Malaysia

In general, Malaysia has two main systems of inheritance - one for non-Muslims and the other for Muslims. The inheritance of a Muslim estate is governed by Faraid law (varied according to local customs), where non-Muslims enjoy free will and such inheritance is governed by wills, statutory rules of intestacy, or a combination of both (i.e. in the case of a partial intestacy). However, in the case of intestacy, the statutory rules of succession under the Distribution Act 1958 (DA 1958) will apply. In this case, the distribution of the deceased's movable property is governed by the laws of the country in which they lived at the time of their death (i.e Malaysian law will apply where the deceased person dies while domiciled in Malaysia). The provisions of DA 1958 apply to the distribution of any immovable property located in Malaysia, Where the deceased has not executed any will, regardless of where the deceased can live at the time of death (LexisNexis, 2021)

Laws of inheritance in bangladesh

Existing Laws in Bangladesh on Inheritance

In Bangladesh, inheritance is governed by one's religion. As a result, if the deceased professes to Islam, his property inheritance will be distributed in accordance with Islamic law on the other hand, if the deceased is a Hindu or a Buddhist, the property of the deceased will be distributed according to Hindu law. Apart from these, there is a law called 'The Succession Act, 1925' which is mainly applicable to those who do not claim Islam, Hinduism or Buddhism (Rahman, 2016).

The Muslim Family Laws Ordinance, 1961 under section-3. "It extends to the whole of Bangladesh, and applies to all Muslim citizens of Bangladesh, wherever they may be". Moreover, verses 11, 12, and 176 of Surah An-Nisa clearly state how much of the property the heirs will get. On the other hand, according to the Hindu Women's Rights Act, 1937 under section 3, the widow of the deceased will get equal share of the 1st son.

According to the Constitution of People's Republic of Bangladesh (1972), Article-42 Subject to any restrictions imposed by law, every citizen shall 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. A law made under this article shall provide for the acquisition, nationalization or requisition with compensation and shall fix the amount of compensation or specify the principles on which, and the manner in which, the compensation is to be assessed and paid; but no such law shall be called in question in any court on

the ground that any provision of the law in respect of such compensation is not adequate.

Rationale for men inheriting more than women

Generally boys get more property than girls. From a religious point of view, all Hindus get the same and girls who follow Islam get less than boys. First of all, I think that the part of the property that Allah the Almighty has specified in the Holy Qur'an is certainly just. The reason is that many things can be said, such as the responsibilities that a man has towards his family, girls do not have to do. Of course, it is not the responsibility that falls on the girls, many times the girls also have to fulfill the responsibility towards their families. For example; if there is no earning son in the father's family and the father is not able to do so, then the daughters have to take care of the family. On the other hand, when someone's husband dies, the responsibility of the children falls on him, and many times divorced girls also have to take care of their children. However, it cannot be said that the girls have been given less share in the property than the boys due to the responsibilities left due to the situation. In the end, it is desirable that giving them the allotted portion for the girls would be fair to them.

The Right to Dower of Woman is mentionable here. During or after marriage, the husband is seen giving his wife what she deserves as a mark of respect. The dower is exclusively owned by her she can dispose of her property as she wishes and the husband has no right to impose any restrictions on the ownership of her property. As the Qur'an (4:4) states, "And give women (on marriage) their dower as a free gift; but if they, of their own good pleasure, remit any part of it to you, Take it and enjoy it with right good cheer". Where the husband or wife dies or divorces before the dowry is paid, the wife is also entitled to receive her dowry. The wife has a very exclusive right to reject the husband's marital rights, if the immediate claim is not paid. In *Maina Bibi vs Chaudhari vakil Ahmed*, 1924 case, It was held that where the husband dies and the unpaid dower money and the wife are in possession of her property, the widow has the right to occupy all of her husband's property until it is paid by her heirs and all benefits are hers from such property. So it is clear that it is a very important source of income for the wife and Islam has ensured the dignity and rights of women by imposing duties on the husband (Hoque *et al*, 2013).

CURRENT SCENARIO AND CHALLENGES

In Islam, women are recognized as equal partners in the reproduction of mankind. Allah says in the Holy Qur'an (At-Tawba-71): "The believers, men and women, are protectors one of another: they enjoy what is just and forbid what is evil: they observe regular prayers, practice regular charity, and obey Allah and His Messenger. On them will Allah pour His mercy: for Allah is exalted in power, wise?"

One issue that comes up in Bangladesh is that due to the principle of *ta'sib*, female heirs are not able to inherit an equal share as male heirs (Men will take twice as much as women). There is no valid argument for the claim. In Islam, there are three essential sources for a woman to acquire property. These are Inheritance, receivables and maintenance. Dower is considered the exclusive source of property acquisition to be a woman. She has an inclusive right to such property. Another issue is that a male heir is responsible for supporting a woman in every aspect of his life. If she is a child, her father is responsible for her maintenance, if she is young, her husband is responsible and if she is older, her child etc. But no female heir is responsible for the maintenance of a man. That means a man's shoulder the burden of at least one woman in the family and in the Islamic social system is double. In this way justice is maintained in the distribution of justice which achieves a perfect balance between rights, duties, demands and responsibilities. Another interesting point is that out of twelve there are eight female Qur'anic heirs. So, it can be said, how to divide does not mean half status. Historically, it is true that women are discriminated against in every aspect of Bangladeshi society. It is a matter of regret that the right of inheritance has been fixed by the Holy Qur'an which most of the female successors did not get properly. When distributing property to the dead, women are completely or partially deprived of the portion prescribed by the Holy Qur'an. Sometimes women are mentally or physically persuaded to transfer part of it to their brother. 'Brothers are the future refuge of widowed sisters or for divorced sisters'- this is the doctrine established by the rural society. Thus, a sister is bound to be reluctant about her part despite having her rights and desires. The brothers sometimes hide important documents related to the actual amount of inheritance (Alam, 2017). Despite the existence of many laws and regulations in the country, girls are not able to enjoy their due rights, be it inheritance rights or other just rights. The challenges that women need to face in realizing their inheritance rights are:

- Male dominating family structure: In Bangladesh, the head of the family is the man. All their decisions are always made by other family members.
- Lack of knowledge: In many cases people cannot enjoy their rights due to lack of knowledge. And when a woman does not know or is aware of her rights, how can she proceed to do so?
- Complex property distribution mechanism: It is not possible to know how much property will be given to everyone by readings books, but it is possible to know by hearing it orally. But the method of enjoying or processing it is very complicated. Many court- kachari turn around and collect all the documents and then she can claim his rights.
- Lengthy settlement process of civil court: The processing of Bangladesh cases is very lengthy i.e. a case goes on year after year. The women who

want to exercise their rights will come to the doorstep of the court after overcoming many obstacles, but due to this protracted process of the court, many women are left behind.

- Emotional Attachment with brothers. From a very young age girls are taught that their brothers are better than them because they can give them an unparalleled form of security. Moreover, they are told that the brothers are always going to be the heirs of the family. Thus, women should not ignore them on order to maintain a good relationship with the inborn family and should try their best to maintain a good relationship with their siblings.
- Common perception of to treat Dowry as an Alternative to Inheritance.

Although many other traditional methods were introduced to deprive women of inheritance, data analysis revealed that dowry played the most influential role. The practice of giving dowry is not practiced by Islam and is not so prevalent in Islamic countries other than South Asian countries, where the practice was already an important part of Hindu culture and was continuously converted to Islam (Rubab & Usman, 2018).

RECOMMENDATIONS

- Efforts should be continued to teach Islamic rules and regulations to all sections of the society starting from the family .As well as taking appropriate steps to apply this education.
- For moral education, religious education should be included in the curriculum considering all religious.
- A separate legal aid by the Government could be formed to implement women's inheritance rights.
- Women have to get out of the trap of all feelings and fight for their rights. Out of all emotional blackmail, women have to fight for their rights.
- The bad customs or bad ideas prevalent in the society should be avoided, for example, if the daughters take the property from the father to the father-in-laws house, there will be misfortune.
- Girls need to be aware of their rights especially her inheritance, dowry and maintenance rights etc.
- Women need to have the courage to ignore people (what people will say/who thought) and get their just rights.
- In order to avoid family conflicts, the parents should make a will be fixed and they will also be able to exercise their rights i.e. property in special needs. As a result, the girls will survive a lot of trouble.
- It is important to ensure women's inheritance rights in order to change this perception of those who feel it is their responsibility to bring up and marry girls only.
- Above all, women need to be aware of their rights so that they can get a clear idea of their rights by emphasizing education.

CONCLUSION

It the concluding remarks, it can be said that the right of inheritance is very important and just right. If we look at it from the point of view of Islam, then the proof is directly in the Qur'an and there are many rules and regulations in other religions so that girls can enjoy equal inheritance rights. Science most of the people of Bangladesh are followers of Islam, one must try to implement the provisions given by Allah keeping in mind the infrastructure that Islam is a complete and comprehensive way of life. And the provision is Islam is not only just for Muslims, but its implementation will be beneficial for people of all religions. It the concluding remarks, it can be said that the right of inheritance is very important and just right. If we look at it from the point of view of Islam, then the proof is directly in the Qur'an and there are many rules and regulations in other religions so that girls can enjoy equal inheritance rights. Science most of the people of Bangladesh are followers of Islam, one must try to implement the provisions given by Allah keeping in mind the infrastructure that Islam is a complete and comprehensive way of life. And the provision is Islam is not only just for Muslims, but its implementation will be beneficial for people of all religions.

REFERENCES

- Alam, M. S. (2017). The Scenario of Hanafi Laws of Inheritance in Bangladesh: An overview. *International Research Journal of Commerce and Law*, 4(7), 117-134.
- Bulbul, A. (2013). Implication of Islamic Law of Inheritance: Ultimate Solution to Family Conflict. *Asian Journal of Applied Science and Engineering*, 2(2), 118-126.
- Dua, A. (2014). Family Matters On Line, Available at: <https://familymattersonline.info/2014/07/07/christian-inheritance-laws/>, Accessed on 10th August 2021.
- Faruque, A. A. (2015). International Human Rights Law: Protection Mechanisms and Contemporary Issues, 2nd edn. New Warsi Book Corporation.
- Haque, M. E. (2016). Islamic Law of Inheritance: Rules and Calculations, London College of Legal Studies (South) Dhaka.
- Hoque, K. A. Uddin, M. J., & Islam, M. S. (2013). International Rights of Women in Islamic Law: An assessment. *International Journal of Islamic Thoughts*, 2, 45-58.
- Islam, R. (2020). Available at: <https://lawhelpbd.com/civil-law/personal-law/hindu-law/hindu-law-of-inheritance-in-bangladesh/>, Accessed: 10th august 2021.
- Lestari, S., & Wahyuningsih, S. E. (2018). The Division of Distributable Assets to the Non-Muslim Heirs Based on Compilation of Islamic Law. *Jurnal Akta*, 5(2), 397-402.

- LexisNexis. (2021). Available at: <https://www.lexisnexis.co.uk/legal/guidance/succession-laws-in-malaysia>, Accessed: 11th august 2021.
- Radford, M. F. (2000). The Inheritance Rights of Women under Jewish and Islamic Law. *Boston College International and Comparative Law Review*, 23(2), 139-148.
- Rahman, A. A. (2016). Available at: <http://www.aminrahman.com/inheritance-law-bangladesh/> Accessed on 11th august 2021.
- Rubab, I., & Usman, A. (2018). Women's Rights of Inheritance: Choices and Challenges in Punjab. *Journal of Islamic Thought and Civilization*, 8(2), 95-103.
- Shoma, C. D. (2019). Inheritance Rights of Women and Shariah Law: the case of Bangladesh. Available at: < <https://devpolicy.org/inheritance-rights-of-women-20191104/>>. Accessed on 12th August 2021.
- Zehra, A. S. (2008). Women's Right of Inheritance. Available at: < <http://www.lcwu.edu.pk/ocd/cfiles/Gender%20&%20Development%20Studies/Maj/GDS%20-%20403/Womenrightsofinheritance.pdf>>. Accessed on 12th August 2021.