

Ayesha Khanam, GS, Bangladesh Mahila Parishad.

land demands that any law inconsistent with its provisions is void. Thus laws considered under the General Law must technically conform to the Constitution.

"The General Law consists of civil and criminal laws," says Pereira who is also former Director, Advocacy, Research and Legal Aid at Ain O Shalish Kendra, "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. What's more, 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 communitys' "religious personal law" "system". Take marriage. Muslim parties, says Pereira, are regulated by, among others, the Muslim Family Ordinance 1961 or the Muslim Marriages and Divorce (Registration) Act 1974. Hindu parties are regulated by (among others) the Hindu Marriages Disabilities Removal Act 1946 or the Hindu Widow's Remarriage Act 1856. Christian parties to marriage meanwhile, come under the Christian Marriage Act 1872.

The existence of separate laws for each community means that the kind of justice meted out to a woman is determined by the religious community she belongs to. Most of these laws are antiquated and originate from patriarchal mindsets and therefore do little to change the status of women as helpless, inferior citizens.

There are also constitutional laws that directly discriminate against women. The Citizenship Act of 1951, for example, states that only a man can transmit nationality. A woman does not have the right to transmit her nationality to her children or husband. Strangely, this prejudicial law has existed for decades in other parts of South Asia such as India, Pakistan and Sri Lanka. In 1992 however, the Citizenship Act of India 1955, was amended to allow both men and women equal right to transmit their nationality to their children and spouses. In Bangladesh the Citizenship Act, says Pereira, relegates women to second class citizenship.

One solution Pereira offers in her book to the incongruities of family personal laws with the laws of the land is a coherent, uniform system of governance or a code of law, something women's rights organisations have been harping about for years. In 1996 the Bangladesh Mohila Parishad and Ain O Shalish Kendra jointly brought out an improved version of the original draft of the Uniform Family Code of 1993 (by the former organisation). Since then the draft has been improved upon further with the help of other organisations. The Code encompasses a wide range of rights for women. For instance, under the code a husband and wife has equal status and responsibility. Men and women would be treated by an equal



The revised NPWA essentially curtails women's economic rights.