



ILLUSTRATION: NAHFIA JAHAN MONNI

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Madhabi Lata, a Hindu homemaker in Khulna, was facing tough days with her family of five after the death of her husband. She had received no help from her two brothers who were sufficiently well off. The dowry she was given during her marriage was long spent on her family. Although her husband had wanted her to get a plot from her parents, Madhabi Lata always feared for the problems her family would face if such a transaction were made.

Seeing no other way to survive after her husband's death, Madhabi asked her mother for a plot from her brothers. But her mother discouraged her, reminding her about their religious restrictions. Madhabi even consulted her female cousins, but they, too, forbade her from making such a demand.

Eventually, however, she asked her brothers when she could no longer maintain the family. But the brothers refused, citing religious restrictions and explaining that the process of giving land to their sister is a complex one which requires both time and money, that they could not afford. They decided to give her some money and promised to arrange a job for her elder son.

The Hindu Women's Right to Property Act, 1937 completely excludes women from getting a share of their father's or husband's property if there are sons in the family. Even if there are no sons, and the widow and her daughters can inherit, not all daughters are equally eligible to inherit their father's property. Only unmarried daughters and married daughters with sons can enjoy the inheritance, while

NO ROOM for (Hindu) Women

childless widowed daughters or married daughters without any sons are completely excluded.

The widow and eligible daughters who do inherit property have limited ownership over it. After their demise, the ownership goes to the next male heir of the person from whom they had inherited the property.

This law is discriminatory to a large number of Hindu women as Article 28 of the constitution of Bangladesh mentions that "The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth." It is disheartening that Bangladesh, despite being a signatory to the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), cannot make any changes to this archaic law. Neighbouring India and Nepal have already reformed the law a long time ago, but Bangladesh is still depriving Hindu women of their rights to their fathers' and husbands' property.

In 2012, the Law Commission sent a recommendation to the Ministry of Law, Justice and Parliamentary Affairs seeking reformation of the existing law with regard to marriage registration, divorce and remarriage, polygamy, removal of disabilities, women's rights to inheritance and much more. The state, however, made it optional after facing extreme criticism and threats from extremist Hindu leaders. Alas, the issue of Hindu women's inheritance rights has not yet been solved, and even today, no significant measures have been taken by the government to implement necessary changes.

"The decision must come from the government first. While making the law, if they need us for any sort of clarification or justification, only then can we assist them," says Fowzul Azim, chief research officer of the Law Commission, explaining that the matter is out of their hands.

Advocate Rakhi Das Purkayastha, joint secretary of Bangladesh Mahila Parishad, who has long been outspoken about the inheritance rights of Hindu women, informs us that the government does agree that Hindu women should get their share of the inheritance. However, it wants the Hindu community to confirm that they want such reforms to the property rights of their women. "We have identified the problem and raised our voice. How can we take the responsibility to implement the whole thing?" she asks.

But how important is it, really, to wait for a verdict from the extremist Hindu community?

Every time the issue comes up, a handful of influential Hindu leaders oppose the demands of the women, arguing that reforming the Hindu law will

be contradictory to their religious principles. They claim that a community that is deprived of basic human rights as a minority and is discriminated against in every sphere of life in this country, does not need to bother about gender discrimination within its society. These conservative Hindu leaders also fear that if women inherit property, they will become more empowered and find it easier to divorce their husbands. "They don't want to understand that women, too, need empowerment and it is the demand of the time," says Nina Goswami, senior deputy director of Ain O Salish Kendra (ASK).

One of the biggest concerns of conservative Hindu leaders is that girls who inherit their father's property will attract marriage prospects from other religions, which will help transfer the land to people of other faiths until the Hindu religion eventually becomes extinct.

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