

#RELATIONSHIPS &amp; FAMILY

# THE PROCESS OF GETTING A DIVORCE

Divorce rates have surged in Bangladesh over the past few years, affecting countless families. If you or someone you know has experienced this, it is essential to understand the process of divorce. The way it unfolds can differ based on religious beliefs and gender. Let's explore this topic together and shed light on what to expect during this challenging time.



**Bangladeshi**

## Divorce Laws

YOU SHOULD KNOW

### Divorce in Islam

Islam has one of the most well sorted divorce provisions among all the other personal laws (Personal law is one that has been derived from one's religion).

### Divorce for a Muslim man

A man can simply initiate the process of divorce by conveying the wish to divorce to his wife verbally or by writing. This process is called 'Talaq'. The divorce gets effective in 90 days of the said divorce notice if the couple does not reconcile in between. It should be noted that as per Bangladesh's regulations the notice of divorce must be delivered to the local chairman as well. The 90-day count will start from the day the notice was submitted to the chairman's office. The only exception is if the wife is pregnant then the divorce will be effective after the birth of the child.

### Divorce for a Muslim woman

A Muslim wife can have the right to divorce in the process mentioned above if the right was delegated to her through her husband on their Kabin-Nama, the legal document of marriage. In absence of such delegation a wife can seek divorce through a decree from court on the grounds of abuse, failure to consummate the marriage for more than three years, if the husband has been sentenced to be imprisoned for more than seven years, failure to provide

maintenance, and others. In case of such decree, the dissolution of marriage will be effective after passing of six months from the day the decree was issued.

### Divorce in Hinduism

Under Hindu law there is no mention of divorce. Marriage is considered sacred and timeless in Hinduism. A Hindu wife can seek separation and maintenance from her husband in case the husband is affected with a disease (not by his wife), remarried, converted to a different religion than Hinduism, keeps a mistress, mistreats his wife or other reasonable grounds.

Apart from the religious perspective a Hindu couple can file for divorce in a court where the party filing for divorce and the defendant can present their case, and the court will order for or against the divorce accordingly.

### Divorce in Christianity

The Christian law requires the couple to apply to the court to get an order for divorce. The party applying for divorce must prove to the court any of the following:

- The spouse has committed adultery.
- The spouse is incapable of copulating.
- The spouse has been declared a lunatic.
- During the marriage one of the spouse's previous marriages was in force or active.

Divorce for couples who married under The Special Marriage Act-1872: The Special Marriage Act-1872 was constituted to accommodate marriages to people who do not profess to Christian, Jewish, Hindu, Muslim, Parsi, Buddhist, Sikh or Jaina religion. Couples who married under this act will have to apply for divorce through The Divorce Act-1869. The act requires the couple to apply to court to dissolve the marriage.

### Husband: The husband can file a petition if the wife has committed adultery

Wife: A wife can file petition to court for divorce in the grounds of adultery, rape, sodomy or bestiality, marriage with another woman, adultery with cruelty or dissertation.

A husband or wife whoever is filing the petition for the divorce must present necessary documents to back up the grounds of the named petition. Upon proving the petition, the court may issue the petition or dismiss, whichever the court deems fit.

A marriage starts with celebration, love, and harmony. However, with the course of life many families have to part ways and the procedure of the divorce is rather technical and somewhat difficult. The decision of divorce is usually draining for a family and the process adds to the burden. Marriage makes a tight knot and untying it is rather harsh and the process certainly leaves bruises.

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**Photo: Collected**

