

The ‘woman question’ and the legacy of colonial patriarchy



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Following July-August, the “woman question” was almost about to slip through the cracks and lose to other issues prioritised by those who dominate the logics of politics. Better late than never though, a commission was formed, which has now come up with comprehensive reform proposals. Many of these proposals would require separate analysis. Here, I limit myself to the proposed uniform family code governing family affairs. I will not discuss the pros of having such a code for women and men as such but will venture into a hitherto uncharted area within the public discourse. I will try to trace the roots of the backlash that this proposal is currently facing.

The proposal for an explicitly “optional” uniform family code is being perceived as a “threat” by the religious elites as interference with religion and with the “home.” The roots of this perception certainly lie in patriarchal dominance. But as we dig more carefully, the roots will lead us to hegemonic colonial masculinity

too. One of the inventions of alien rule in the Indian subcontinent was the murky and false public-private dichotomy. Such a dichotomy, as part of the administrative schema of divide and rule, was politically expedient for the alien rulers. For instance, in Mughal Bengal, in general, Muslims as well as Hindus were governed by Muslim law in both civil and criminal matters. However, in cases such as inheritance and marriage, Hindus were governed by their own Shastric Hindu law.

This was no different for the British rulers. With the rise of the East India Company in Bengal, the Mughals’ diwani and treasury departments were transferred to it. Several years of chaos, anarchy, and misgovernance by the company then followed. Finally, Warren Hastings was sent to reform Bengal’s revenue and judicial systems. In his proposed reform regulations, there was a clause stipulating that the “Muslim and Hindu inhabitants shall be subject

only to their own laws.” Thus, the British showed commitment towards personal law systems and, in turn, towards “protecting” the private spheres.

Why did the rulers leave the “private spheres?” Because, by doing so, they could appropriate the colonised people’s “faith” and “religion” and thereby grant

stop at ideating the scheme of public-private dichotomy; rather, they solidified it through laws. Scholars explain how a positivist edifice of personal laws was created by the British. In an arbitrary manner, the British categorised the pre-colonial customs and laws governing personal affairs (such as marriage, inheritance, and maintenance) as

faith. Similarly, Islamic criminal laws were disentangled from the so-called “religion” by the colonial lawmakers at their whims and convenience. Likewise, all aspects of Hindu life fashioned as civil and criminal matters that could find their origin in “Manu’s classification of eighteen heads of law” were interfered with. Thus, the rules of personal

generations and ended up forging a strong alliance with the crude logics of patriarchy.

One can say that a top-down decision for a uniform family code will remain fragile—always susceptible to majoritarian backlash and prone to backsliding—and that it is crucial such policy-legal reform decisions are made incrementally, as part of a wider societal debate, in order to sustainably secure and protect what little progress we make. However, this is exactly why the proposal has been made for an “optional” code (i.e., as a short-term policy-legal goal) where people will have the *option* to subscribe either to the uniform civil laws or to religious laws.

Equal marriage, inheritance, and maintenance laws can certainly translate into substantive equality for women and men. Such laws will not go alone, of course, as we will need adequate tools to secure financial independence for women and their safety from harassment and violence in both private and public life. We also require reasonable accommodations in the labour market and within built infrastructures so that women can exercise their rights and contribute to the economy.

With secure variables, equal marriage and family laws can eventually lead to healthy shouldering of financial responsibilities too, as the brunt of otherwise is often disproportionately borne by men. Notably, reforms in Muslim personal laws have been brought in Tunisia, Turkey, and Egypt, among others (reforms to Hindu personal laws have been brought in India and Nepal too). These comparative experiences do not garner much support from our kins. They perhaps do not realise it, but when factions of our religious elites perceive crucial reform proposals in favour of gender-based equality as a threat, they in fact reproduce and perpetuate the colonial logics and end up ruling their and others’ homes as proxy colonial masters.



VISUAL: **SHAIKH SULTANA JAHAN BADHON**

Why did the rulers leave the “private spheres?” Because, by doing so, they could appropriate the colonised people’s “faith” and “religion” and thereby grant the native males (both Muslim and Hindu) a sense of “pseudo-autonomy” within the so-called “private spheres.” This pseudo-autonomy implied that the “home” is “governed” by religion (or how the native men wanted to interpret it), and not by the British. However, while the native men were content with the “home” being imagined as an autonomous institution, free from the excesses of alien governance and interference, British rule pervaded the entire public spheres.

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Furthermore, the British did not

“religious” and all other aspects as “secular” and hence capable of being legislated on (i.e., interfered with). This categorisation was not rigid but flexible, as per administrative needs and requirements. In the beginning, laws of contract were listed as religious or personal law issues. However, as Flavia Agnes shows, since contractual relationships were key to a capitalist colonial economy, they were weeded out of the domain of “religion” and transformed into territorial laws, applicable uniformly to all British subjects regardless of

laws based upon centuries-old interpretations (and mis- or convenient interpretations) became the rigid letters of law, and over time, turned into almost an unchangeable monolithic entity. The natives sought comfort in their so-called autonomy and self-governance within the “home”—unknowingly, under the authority of laws written by the British. I think the alien rulers, and especially the British, should be hailed for how their colonial logics made their way into the cognitive framing of the natives across

India’s transshipment revocation should be a wake-up call



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On April 8, 2025, India revoked the transshipment facility that allowed Bangladeshi exporters to use Indian land routes and airports—especially Delhi’s Indira Gandhi International Airport—for exporting goods to third countries. The facility had been extended to Bangladesh on June 29, 2020, enabling Bangladeshi exporters to move goods via Indian Territory for faster and more cost-effective international shipment. It is speculated that this was done to send a political message, but according to the Indian government, they withdrew the facility based on Indian exporters’ demand.

The sudden revocation came as a blow to many Bangladeshi exporters who had become increasingly reliant on the Indian routes due to persistent inefficiencies and high costs at home, especially at Dhaka’s Hazrat Shahjalal International Airport (HSIA). Despite all the hue and cry over this issue, it should be noted that only 18-20 percent of Bangladesh’s air exports were routed through India. Approximately, 20-30 trucks used to travel from Bangladesh to Delhi each day via the Benapole-Petrapole land route but many exporters did not mind transporting goods almost 1,900 km overland through India for several reasons.

Among the key reasons were the higher cost and congestion at HSIA. While it costs \$3 per kilogramme (kg) to ship garments from HSIA to European destinations, the same costs only \$1.2 via Delhi. There are some additional charges as well such as handling charges, scanning charges, daily warehouse charges, etc. Besides, HSIA’s cargo handling capacity has already been exceeded causing tremendous congestion. Operational inefficiencies also occurred due to

delays from the frequent breakdown of explosive detection scanners (EDS), lack of ground handling proficiency, frequent congestion at cargo terminals and Biman’s monopolistic attitude among other factors. Goods were often stuck for days, jeopardising shipment deadlines and causing huge losses for exporters.

India’s decision must serve as a turning point for Bangladesh’s export logistics strategy. The dependence on a foreign nation for transshipment or the reliance on foreign carriers for cargo export exposes a structural vulnerability in the country’s trade infrastructure. As a part of the solution, the third terminal must be immediately made fully operational. According to the Civil Aviation Authority of Bangladesh, once operational, the third terminal will increase handling capacity from the existing 200,000 metric tonnes to over 500,000 metric tonnes annually. This should be considered as the most immediate fix and must be expedited with urgency.

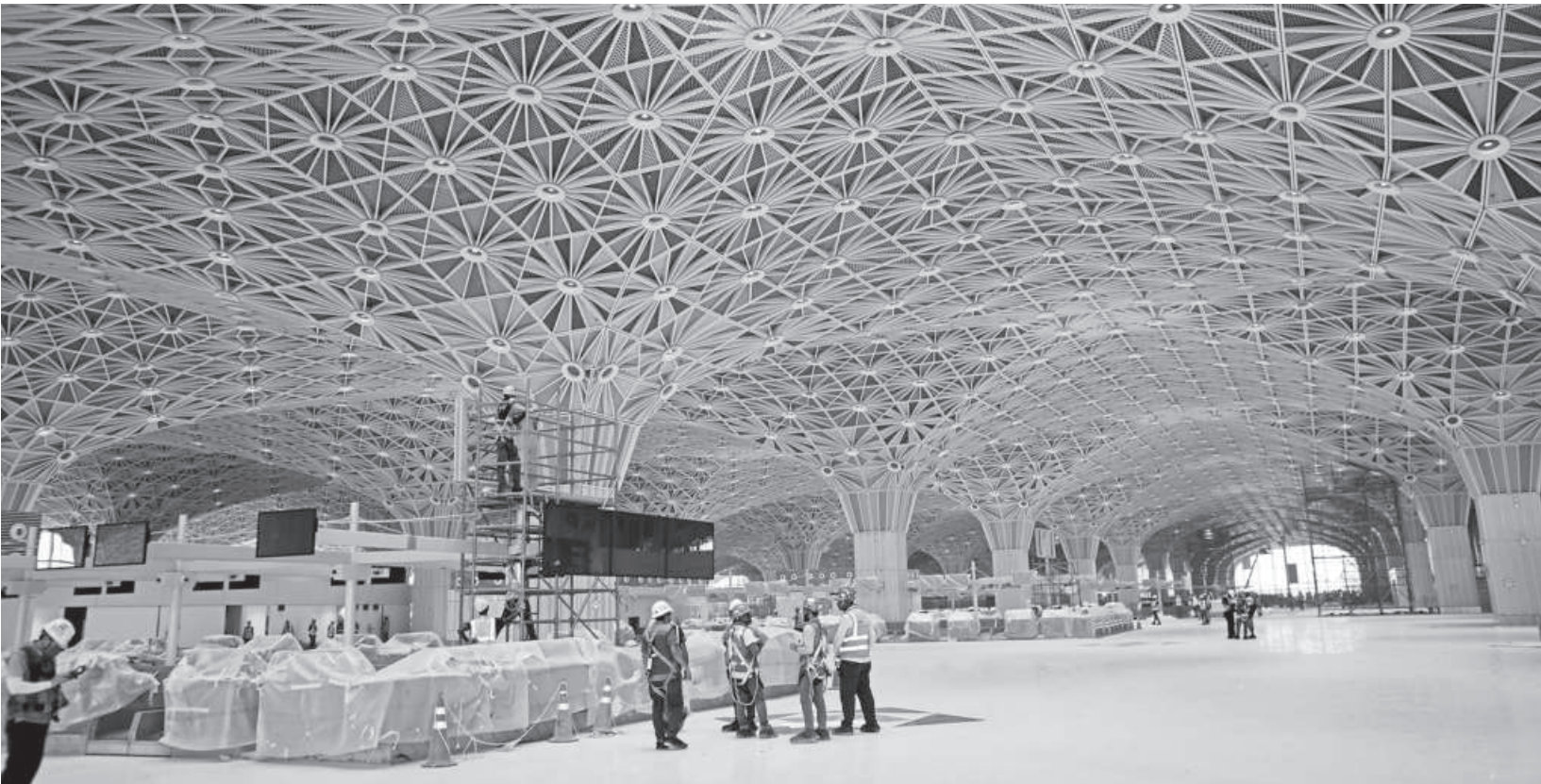
Besides, Shah Amanat and Osmani international airports should also be equipped with modern cargo terminals, customs clearance systems, and scanners to decentralise cargo movement and reduce pressure on Dhaka. Establishing digital customs clearance system, automating documentation, and introducing AI-based cargo routing can cut delays and enhance traceability. The rates of cargo transporting and other handling charges should be brought down to reasonable amounts.

Globally, cargo movement by air transport has been significantly increasing over the past few decades. Transportation by air has been marked for its speedy and reliable movement of time-sensitive and

high-value goods. Therefore, it is preferred to sea transportation despite its higher cost. This led many countries to increase their cargo transport capacity by air to capture the international market.

However, Bangladeshi airlines have yet to add any dedicated cargo aircraft to their fleets. Neither is there any Bangladeshi cargo airline

the aviation sector has never been given priority or importance, resulting in a long-standing failure to build air cargo infrastructure in the country. Over the past two decades, multiple private Bangladeshi airlines were launched and later shut down showing various causes. The reality is the authorities never addressed issues such as the high airport and landing



The third terminal must be immediately made fully operational to increase Bangladesh’s cargo handling capacity.

FILE PHOTO: **RASHED SUMON**

in operation to take the opportunity. As such the country’s exporters had to rely heavily on foreign carriers. Biman carried only 43,044 tonnes of cargo in FY2023-2024 out of a total 343,643 tonnes. This means over 85 percent of air cargo transport to and from Bangladesh is being carried out by foreign carriers, reflecting that the country’s logistics sovereignty is not only under threat but also drains a huge amount of foreign currency from Bangladesh.

Since the inception of Bangladesh,

charges, burdensome surcharge rates (as high as 72 percent yearly on arrears), unpredictable fuel pricing, delays in customs handling, economic recessions, etc as the reasons behind the airlines’ failure. As a result, the entire airline market of the country has gone on to the hands of foreign carriers.

The government must find out why the airlines have or are failing, not to blame any particular actor/actors but to create a sustainable environment for the airline

business. Policymakers should create incentives for the emergence of homegrown dedicated cargo and passenger carriers. This includes providing access to funding, tax holidays, reduced aviation fuel prices, streamlining licensing procedures, and reducing surcharges and non-aeronautical charges. Increasing the capacity of the country’s air

may launch another airline under public and private partnership and bestow its management to aviation professionals.

India’s revocation of the transshipment facility should not be viewed merely as a diplomatic inconvenience or a short-term challenge. It highlights a glaring weakness in Bangladesh’s export

transportation will help retain huge sums of foreign exchange both in the international passenger and cargo sectors. Bangladesh Biman and US Bangla should be supported so that they can include dedicated cargo aircraft in their fleets. The government may offer incentives to interested entrepreneurs for launching dedicated cargo airlines to enhance cargo air transportation capacity in the country. Beside Bangladesh Biman, the government

infrastructure and calls for immediate, systemic reforms. Investing in airport modernisation, creating local air transport capacity for cargo, easing regulatory bottlenecks, lowering operational costs for local airlines, and offering competitive cargo handling prices must be given the utmost priority. In fact, Bangladesh should develop a target as to where it wants to see itself in the aviation business and what share of the market it wants to retain.