

Inheritance rights of women in Islamic law : An assessment

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Abstract: Islam is not merely a religion but also a complete code of life based upon the principles, among others, of tawhid (unity of Allah, SWT), risalah (prophethood of Muhammad, SAW), adl (justice) and musawat (equality). Most of these principles have been accepted by all, the principle of equality has been contested by non-Muslims as well as secular Muslims. The issue of inheritance of women has particularly been cited as an example of inequality in which women are oppressed by Islam. This study, applying the analytical approach, provides justifications for women inheriting half the share compared to men and shows how Islamic law ensures equality. The alleged discrimination against women observed in the society is due to non-implementation of Islamic inheritance law in the society.

Keywords : Inheritance rights, Women, Islamic law, Equality, Justice.

Islam is a comprehensive way of life covering all aspects of life, spiritual, social, political economics and others. It has taught people that men and women are created equal and given equal standing in all respects. The Qur'an is categorical in this respect:

“Every soul will be (held) in pledge for its deeds” (Qur'an 74 : 38).

“So their Lord accepted their prayers, (saying) : I will not suffer to be lost the work of any of you whether male or female. You proceed one from another”... (Qur'an 3: 195).

“Whoever works righteousness, man or woman, and has faith, verily to him will we give a new life that is good and pure, and we will bestow on such their reward according to the their actions” (Qur'an 16 : 97; 4 : 124).

Allah (SWT) has created man and woman from one single source and has abolished all the previous unjust laws that deemed women as inferior in quality and nature. Islam ensures equality between the two sexes in rewards and punishments, equality in financial dealings and ownership of property. Definitely a question arises as to whether equality has been maintained in the right of inheritance as the Qur'an (4 : 11) declares : “Allah command you as regards to your children's inheritance; to the male a portion equal to that of two females.” On the basis of this verse, many Westerns and some Muslims argue that women are denied equal rights of inheritance with men which is a clear example injustice

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and discrimination. This misunderstanding of inheritance rights is due to reading only one verse in isolation. The need is to take into consideration all legislations regarding the property rights of women and various obligations of men. This study analyzes the legislation on inheritance in its totality and thus aims at dispelling the misgivings on women's right of inheritance.

The inheritance rights of women in Islam

One of the radical changes brought about by Islam is the principle of inheritance rights of women who in pre-Islamic era were not only denied to inherit but were treated as objects to be inherited by male. It is narrated by al-tabari (1984) that a woman (the wife of Sa'ad bin Rabi'a) complained to the Prophet (SAW) that she and her daughter were prevented from inheriting property left behind by her husband. Her husband's brother justified his action by saying that women do not mount horses, do not endanger themselves going into battle, therefore they should not inherit. To this, Allah (SWT) revealed the verse : "men shall have a share in what parents and kinsfolk leave behind, and women shall have a share in what parents and kinsfolk leave behind, whether the property be small or large- a determinate share" (Qur'an, 4 : 7). The verses that followed specifies the share of the individual : "Allah (thus) directs you as regards your children's (inheritance) : to the male, a portion equal to that of two females. If only daughters, two or more, their share is two-thirds of the inheritance. If only one, her share is a half... and Allah is All Knowing, All Wise" (Qur'an, 4 : 11). It also clarifies the inheritance rights of wife and husband as well as brothers and sisters: "In what your wives leave, your share is a half, if they leave no child. But if they leave a child, ye get a fourth, after payment of legacies and debt. In what ye leave, their share is a fourth, if ye leave no child. But if ye leave a child, they get an eighth, after payment of legacies and debts...Allah is All-knowing, Most Forbearing" (Qur'an, 4 : 12). The inheritance rights of the collaterals have also been indicated in the Qur'an (4 : 176) : "...If there are both brothers and sisters, then male shall have the equal of two female..."

The jurist A. A. Asaf Fyzee, (1974) explains that the property left behind by the deceased person will be inherited by the following three categories of people :

1. Zav-il-furuz meaning those heirs whose share has been defined in the Qur'an in Ch- 4, V-11-12.
2. Asabah those heirs whose share have not been fixed but they take from what is left after satisfying the claims of those whose share have been fixed in the first class. The principle of distribution of the second class is male takes the double share of female (2 : 1).
3. Zav-il-Arham i.e. Distant Kindred if there are no heirs of the deceased in the first or second class.

In the first category, there are twelve heirs : Husband, wife, father, true grandfather, mother, grandmother, daughter, son's daughter, full sister, consanguine sister, uterine sister and uterine brother. It is clear that in this category, female dominates constituting 8 out of 12 heirs. In the second category, there are three women.

Maulana Muhammad Abdur Rahman (2009) states that according to the general rule of distribution, property of a deceased under shariah law is distributed in any one of the following ways :

1. Equal grade of male and female where female inherits but the male does not inherit: (i) where a person dies leaving his maternal grandmother and grandfather, the grandmother inherits but the maternal grandfather does not inherit; (ii) where a person is survived by a son's daughter and daughter's son then son's daughter inherits but daughter's son does not; (iii) In another case, where a deceased woman is survived by her husband, mother, full brother and two uterine sisters, now husband takes $\frac{1}{2}$, mother $\frac{1}{6}$ and the two uterine sisters $\frac{1}{3}$, excluding their counterpart brother (See Coulson, 1971).
2. Parallel grade of male and female where relatives take equal share in the following cases : (a) when a person is survived by his son or more than one daughter, his father and mother. Father will take $\frac{1}{6}$ and mother $\frac{1}{6}$ and son $\frac{2}{3}$, although father and mother are the heirs of parallel grade of opposite sex; (b) the uterine sister with uterine brother gets equal share i.e. single uterine brother or sister takes $\frac{1}{6}$ and two or more uterine brothers or sisters inherit $\frac{1}{3}$ from the deceased (Qur'an, 4 : 12); (c) where a person dies leaving his father and a daughter, the daughter as a Qur'anic heir takes $\frac{1}{2}$ and father $\frac{1}{6}$ as Qur'anic heir and $\frac{1}{3}$ as agnatic heir total $\frac{1}{2}$ of whole property which is equal to the share of the daughter; (d) if a woman dies leaving her husband and full sister then both of them get equal share at the rate of $\frac{1}{2} : \frac{1}{2}$; (e) where the deceased has only paternal grandfather and a daughter then paternal grandfather gets $\frac{1}{2}$ and the daughter gets $\frac{1}{2}$.
3. Cases where female inherits a larger share than that of male. Yusuf Al Qaradawy (1998) says that there are cases where a woman is entitled to a larger share than a man. i.e. where a person dies leaving a husband, mother, two brothers and a uterine sister, in this situation the single sister gets $\frac{1}{6}$ and the two brothers jointly get $\frac{1}{6}$ and individually $\frac{1}{12}$ which is half of a sister's share or when a person dies leaving his daughter and two brothers, now daughter get $\frac{1}{2}$ and two brothers jointly get $\frac{1}{2}$. Yekini (2008) says that the fairness in the distribution of the property of the deceased has been maintained in Islam as shown in the following cases where a woman takes more than her male counterpart (see Table 1) : (i) Where a woman is survived by her husband, father, mother and two daughters or sons and leaving property valued at 60,000 taka (1 taka equals U.S. \$ 0.013), the distribution will be as follows :

Table 1: Property Distribution

Category	Share	Taka	Category	Share	Taka
Husband	$\frac{1}{4}$	12000	Husband	$\frac{1}{4}$	15000
Father	$\frac{1}{6}$	8000	Father	$\frac{1}{6}$	10000
Mother	$\frac{1}{6}$	8000	Mother	$\frac{1}{6}$	10000
Two daughters	$\frac{2}{3}$	32000	Two sons	R	25000

So in this case daughters get more than the sons. Preference is given to the female heir then the male heir in similar situations as follows :

- i. Where a woman is survived by her husband, mother, father and two sisters or brothers, the sisters get more than the brothers.
- ii. Where a woman is survived by a husband, father, mother and daughter or son, the daughter is entitled to more share than the son.
- iii. If a woman is survived by her husband, mother and sister or brother then sister gets more than double the share of her brother.
- iv. Where the deceased person is survived by wife, father, mother, daughter and son's daughter or son's son, the son's daughter inherits more than the son's son.

In some cases female inherits and male does not inherit anything from the deceased, i.e. (i) where a woman is survived by her husband, father, mother, daughter and son's daughter or son's son, here son's daughter as a Qur'anic heir inherits from the deceased but son's son as an agnatic heir does not inherit anything; (ii) where a woman left her husband, sister and consanguine sister or consanguine brother, the consanguine sister as a Qur'anic heir inherits but consanguine brother as an agnatic heir is de facto excluded.

4. Male receives a share equal to two female's share : in certain cases, a male gets double the share of a female i.e. (i) a son inherits double share than that of an equal daughter; (ii) a brother with equal sister takes double shares; (iii) Husband takes the double of wife's share. This unequal distribution in few cases has been highlighted as evidence of discrimination by non-Muslim and some Muslim modernists.

However, it is clear that women do not always inherit half of a man's share. In one case, the four female heirs (daughter with son, son's daughter with son's son, brother with sister and consanguine brother with consanguine sister) take the half of a male's share and in another case, where wife is survived by her husband, husband takes double of that what his wife would have inherited if he had survived by his wife, (Ameer Ali, 1985). These situations have been taken as manifestations of injustice and discrimination against women in Islam. Many people, inside and outside the Muslim community, view this as discriminatory, unequal, unfair and unreasonable provision of Islam and that it does not benefit women economically.

Rationale for men inheriting more than women

Jawad (1988) vividly describes that prior to revelation, inheritance was the prerogative of man only and woman had no say or role in this matter. When a man passed away, his eldest son inherited his father's widow. Then he had the liberty to marry her, if she was not her real mother, or ask his brother or nephew to marry her. Islam rescued women from these disgraceful situations and bestowed upon her all rights including inheritance right. Islam with its egalitarian message has secured the legal rights of women to inherit. But in certain cases, as discussed earlier, a woman inherits less than half the share. Both Muslims and non-Muslims critics refer to verses IV : 10, 11, 12 and 176 as discriminatory and clear evidences of considering women as inferior to men. This contention is fallacious because there are sound justifications in Islam for giving less than half the share to women in certain circumstances. The Qur'an in verse 4 : 33 spells out that "this determined share is calculated by Allah Himself and cannot be changed. To everyone, we have appointed shares and heirs to property left by parents and relatives..." In another verse (4 : 32), the believers are told : "Do not covet the bounties Allah has bestowed more abundantly on some of you than others.

Tehrani (1999) narrates that Muhammad ibn Yaqub al Kulayni stated that Imam Ja'far b. Muhammad as-Sadiq was asked regarding the inequality in inheritance between men and women where women gets less than the men. He replied that a man has more responsibilities and he must go to war, and endure many expenses in the process. Aside from his own expenses, a man must also take upon himself the expenses of his spouse and children. What's more, he must give money to the family of a person accidentally injured by one of his family members. Shehzad Saleem (2009) states that the justification for less than half the share of women has been stated by Allah (SWT) in Surat al-Nisa' (4 : 11): "With regard to your parents and children, you do not know which of them is of more benefit to you." On the basis of this verse, Saleem says that the person who provides more benefits to a person is entitled to more share from the property left by the deceased. In Islamic family system, the male is the head of the family : "*men are in charge of women*" (Qur'an, 4 : 33). Men serve and take care of their parents while women leave their parents' house after marriage and reside in her husband's residence and hence cannot fully serve their parents. So, it is apparent that the son provides all the benefits to the parents by taking the responsibility of maintenance of the parents. As a result, a son is entitled to more share than that of a daughter.

Sayyid Qutb (1952), explaining the verse 11 of *surat al-nisa'* says that the Sura explains the Islamic system of Inheritance. It starts with an order, made in the form of strong recommendation, made by Allah (SWT) Himself to parents, to maintain justice among their children. This order shows that Allah (SWT) is kind, fair and merciful to the children than the parents. So when He assigns share to them He gives them better than what parents would normally give to their own children, so His distribution is above all questions and for the benefit of the children. He further says that by giving one share for the girl and two shares for the boys, Islam did not favor one sex over another. The apparent disfavor will soon be replaced by a comprehensive treatment of the respective

position of man and woman and their mutually complementary duties. A basic rule in Islamic system states that “*gain is commensurate with duty*”. In Islam, a man is required to pay the dower money to his wife at the time of marriage and he is to support his wife and children and old aged or needy parents and relatives in all situations. The least that can happen to a man who is negligent of this duty is that he be imprisoned. A man is required to pay the ransom and compensation for accidental death or injuries caused to others by any member of the family, while a woman is exempted from all these activities. Moreover, a man is required to support the insolvent and those who are unable to earn their living in his family, while a woman is exempt from the duty of mutual family support. Thus, the Islamic system is a comprehensive one, which distributes inheritance according to the liabilities. Since man bears more liabilities, his share of inheritance is greater. Usually, it is all a matter of maintaining justice and balance between the responsibilities of a male and those of a female within the family. Islam, exempts the women from all types of liabilities, and ensures their individual ownership. The Qur’an (4 : 32) says : “*men shall have a benefit of what they earn and women shall have a benefit of what they earn*”. By ensuring the individual ownership of woman, Islam has protected her inherited property, dower money, self acquired property and other incomes as intact as it comes to them and on the other hand a man can rarely save anything from his inherited property after the fulfillment of all the liabilities imposed by Islam (Kutb, 1952). Accordingly Tabataba’i, in his commentary of the Holy Qur’an in *Tafsir al-Mizan*, vol. 4 has said : “Based on this Islamic rule, women possess one third of the total property of the world with the other two thirds also owned by them under their husband’s supervision. Men have various responsibilities to take care of whereas, women, free from their family’s financial obligations, can freely take the control of their own portion (one third) as if their husband’s possessions are all theirs as well”.

Jamal (2005), however, believes that the criticism of inheritance law may be deemed justified, if the relevant verse is read in isolation. However, *surat al-nisa’*, Verse : 11, 12, should be read together with other relevant verses to see the balance and the value behind the regulations outlined in. It will then become evident that Islamic provision regarding inheritance between men and women is quite justified. A person, either male or female, gets property from many sources and priorities are given to women in most of the cases and only in one case male is given more portion than female, this difference in inheritance is to implement a sort of balance between rights and responsibilities of each group and for protecting the women’s property. In verse 11 of surat al-nisa’, Allah (SWT) declares that a male takes two shares while a female takes one share. This imbalance between men and women in inheritance has been balanced by other verses, as Allah (SWT) says “Give women their dower as a free gift...” (Qur’an, 4 : 4). So, it is the responsibility of man to provide dower to his wife and not the other way round of woman giving dower to her husband. After marriage, Allah (SWT) imposes another liability on husband: says “Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means” (Qur’an, 4 : 34). Another obligation imposed upon a man when he becomes a father : declares “The mothers shall give suck to their offspring for two whole years, if the

father desires to complete the term. But he shall bear the cost of their food and clothing on equitable terms” (Qur’an, 2 : 233). It is a clear that the father is to provide the maintenance for the children and the mother is not required to supply any food or clothing to her children from her property. In Islam, a man is required to provide support for his mother, father, sisters and younger brothers and his close relatives if they are insolvent. Women are exempted from such responsibility. This is clear from the Qur’anic verse (2 : 215) : “They ask you, O Muhammad, what they should spend. Say, “Whatever you spend of good is [to be] for parents and relatives and orphans and the needy and the traveler. And whatever you do of good - indeed, Allah knows of it”.

Therefore, it is essential to read verse 11 of *surat al-nisa’* with all the relevant and related verses to arrive at the conclusion that Islam has maintained perfect justice between two sexes by giving a single share to woman and two shares to man. The Qur’an’s injunction giving half share to the women in inheritance and balancing it through other ways is a perfect mercy for women. Because they are delicate and vulnerable, as a result their earning capacity is less than that of men but their consumption of wealth is usually more than that of men. So if a woman would have been given equal share to a man’s share and simultaneously imposed upon her all responsibilities then she would not been able to support and protect herself. But Islam giving her the prescribed share in inheritance created affection and compassion in the minds of her brother, father and husband and her property has been protected from all types of possible expenditure. Azizah (1997) is quite right in observing that what a woman earns by inheritance is her net earning without any expenditure and what a man earns is his gross earning subject to many expenditure.

Rationale for the double Share of men

The principle of equality and non-discrimination among people of same sex and different sexes represent twin pillars or cornerstones upon which the whole edifice of Islamic law is established. But a male taking double the share of a female from the property left by the deceased seems an apparent inequality and discrimination against women. Intellectuals who relying on reason reflect upon the divine laws and compare them with their own ideas, directions, and understandings, find the divine prescriptions to be against justice, truth and rectitude. This is because of their deficiency in understanding, paucity of discretion and lack of knowledge about the essence of the secrets of the divine law (Towhidul, 2004). Iqbal (1989 : 134) says in this respect:

... the share of daughter is determined not by any interiority inherent in her but in view of her economic opportunities and the place she occupies in the social structure of which she is a part and parcel ...While the daughter according to Mohammedan law is left to be full owner of the property given to her both by father and husband at the time of her marriage: While further she absolutely owns her dower money, the responsibility of maintaining her throughout her life is wholly thrown on the husband. If you judge the working of the rule of inheritance from this point of view you will find that there is no material difference between the economic possession of sons and daughters, and it is

really by this apparent inequality of their legal shares the law secures the equality.

Gustave Le Bon (1884) says : The principles of inheritance which have been determined in the Qur'an have a great deal of justice and fairness. Robert Brodrick, Mukhtar Karimand and Rami Cheblak, Trowers & Hamlins (2008) describe where there are both male and female heirs; the share of a male is usually twice that of a female heir. The main reason for this disparity is to reflect the relative economic burdens on the individuals that is the man is burdened with dower, maintenance of wife, father and mother, children, sister and in some cases needy relatives, expenditure for social activities and paying ransom etc, but has only two sources of income, on the other hand a woman has been exempted from all these responsibilities but has more sources of income, i.e. inheritance, dower, maintenance, income from her own exertion etc. A detailed analysis of these justifications may remove the controversy regarding inheritance right of women in Islam.

Maintenance right of women before her marriage

A female child gets maintenance from her father till her marriage and all the expenses for arranging her marriage will also be borne by the father even if she has some sources of income. Additionally, a father is liable to provide maintenance to his male child up to the age of fifteen (Hedaya, 1870). Clearly, the daughter gets maintenance for a longer time than that of a son.

The maintenance of a woman after marriage

After marriage, the wife gets maintenance from her husband. In other words, the responsibility for the maintenance of the female shifts from the father to the husband. The husband is bound to supply to her wife all those things which are necessary for the support of her life such as food, clothes and lodging, (Hedaya, 1870). A modern Arab scholar has defined the maintenance as follows :

It is the right of the wife to be provided at the husband's expense, and on a scale suitable to his means, with food, clothing, housing, toilet necessities, medicine, doctor's and surgeons' fee, baths and also in necessary servants where the wife is of a social position which does not permit her to dispense with such services or when she is sick (Serajuddin, 1999). The Qur'an (65 : 7) says : "let the men of means spend according to his means : and the men whose resources are restricted let him spend according to what Allah has given him". Hossain (2006) is of the view that the husband, in all cases, must bear the maintenance of his wife. Ali (1985,) says : whether he is healthy or suffering from illness, whether he is abroad or in his own land, whether he is rich or poor, he must pay maintenance to his wife. Ali (1985) further describes that even if she resides in her father's house or in any separate apartment with lawful cause, he is bound to maintain his wife. If the wife is deprived from maintenance during certain period then she is entitled to her past maintenance from the date of her deprivation (It is the unanimous view of Imam

Shafi'I, Ahamad bin Hanbal and Imam Malik). It is clear that husband is to spend a lot for her wife under the Islamic law. Contrarily, the wife earns much as maintenance from her husband.

Right to dower of a woman

At the time of marriage or afterwards, the husband is bound to give dower to his wife as a token of respect (Hedaya, 1870). The dower belongs exclusively to her and she can dispose of her property as she wishes and husband has no right to impose any restriction on the disposition of her property. As the Qur'an (4 : 4) states, "Give women (wives) their dower with no strings attached. If they themselves give some of it back to you then consume it with good cheers." Fyzee (1974) says in no case, husband can deny paying the dower to his wife because it is a legal obligation upon the husband and is not dependent upon any contract between the parties. So where there is marriage there is dower whether the amount of dower is mentioned in the marriage contract or not. Where either husband or wife dies or divorces before the payment of dower, in that case also wife is entitled to her dower. The wife has a very exclusive right to refuse the conjugal right of husband if the prompt dower is not paid on demand (Faiz-uddin, 2008). In *Maina Bibi V Chaudhari wakil Ahmed*, 1924 case, it was held that where husband dies leaving unpaid dower money and the wife is in possession of his estate then the widow has the right to retain the possession of all the property of her husband until the dower is paid by his heirs and all the benefits accrue from such property belong to her. So it is clear that it is a very important source of income for the wife and by imposing this incumbent duty on husband, Islam has vividly upgraded and ensured the status and right of women.

Income from women's own exertion

Income from the investment of her own property and jobs exclusively belong to the women and no one can interfere in her property. The Qur'an (4 : 30) declares : "The man is allotted what they earn and to women is also what they earn" This verse clearly addresses that women have also the right to take jobs and earnings from it completely belongs to her. Al-Tabarani says women have the right to work in order to earn money as men do (Haji Faisal, 1993). In addition to the aforementioned sources of income the women also have another important source of income that is the inheritance which has been discussed earlier.

Responsibilities of a man in brief

These are the five sources of income for a woman without any obligation; whereas a man has only two sources of income : one through his own exertion and another is inheritance from the relatives. A man, however, has many obligations which are as follows :

Firstly, the maintenance of sisters where father is unable to shoulder the responsibility of taking care of his daughter or is dead and the sister is unmarried. A man has to bear all the expenditure necessary for the marriage of his sister. Secondly, a man has to pay the dower to his wife. Thirdly, a man is responsible for the maintenance of his children. Fourthly,

when the parents become old, the son is under the obligation to provide proper maintenance and to ensure their proper care. In no situation, son can refuse to provide maintenance for his parents irrespective of his financial or other benefits from his parents. Fifthly, a man has to participate in many social functions and thus incur a vast expenditure. As Qaradawy points out, the disparity of shares between men and women in inheritance is manifestly due to the difference in the duties and costs that each has to bear by virtue of the Islamic teachings. Islam has completely exempted the women from all types of financial duties and costs while all such responsibilities and obligations have been vested on men.

Discriminatory practices of inheritance in Bangladesh

It is true that Islam has granted equal rights for all without any type of discrimination on the bases of sex, caste, language etc, but the various rights of women are neglected in different ways all over the world especially in Bangladesh. Quite often women are badly treated by their husbands and are deprived of all types of common rights, i.e. property right, freedom of movement, freedom of expression of opinion in the family matters. Indeed, women are denied their inheritance rights. Keddie (1991 : 6) says, in general, rural and urban women do not inherit as the Qur'an and Muslim Law says they should, though, "in return" they get permanent protection from their natal family, and in some cases their sons may get all or part of their shares. It has been observed by Freedman (1991, pp. 24-25) that although a certain share has been granted to women by Islamic Law of Inheritance but almost always it is usurped by the male member of the family or it is relinquished by the women in hopes of securing the future protection of her brothers or male relatives. In Bangladesh, it is known that the rural women don't claim their inheritance from their father's estate but exchange it for the continued right to visit the paternal home (World Bank, 1990, 21).

The interviews conducted with a sample of 300 married women reveal interesting facts. Most of the females think that if they demand their inheritance they will lose the love and affection from their brothers. In few other cases, the female heirs disclosed that the silence regarding inheritance is the safe way for maintaining harmony and love among the brothers and sisters. Especially in rural areas, some women deem that taking inheritance (commonly referred to as *Duhuttori*) from brother is an inauspicious sign and the persons who take *duhuttori* will inevitably face a calamity. In majority of the cases, women believe that to claim inheritance from father's property is an act of dishonoring their paternal family. In certain cases, the women have to tolerate some extra torture from their nuptial family members for not asking the inheritance from paternal property. Through informal discussion with some females, the authors found that some old aged women, at the last stage of their life, collect inheritance from their brothers or brothers' son under pressure from their children. Most of the women relinquish their inheritance share willingly and do not regret for doing so. The interviews conducted with 300 married women provide a revealing picture of discrimination, exploitation and deprivation of

women in Bangladesh. Some 22% of women interviewed confirmed to have succeeded in getting full share in inheritance. Another 16% of them received a part of their inheritance. A vast majority (62%) of women could not obtain anything from the deceased's property as inheritance. It is found that the discrimination is more in the rural areas where only 13% women got inheritance from their relatives, 9% women succeeded in getting partial share and 78% of women were deprived of their inheritance right for many reasons. Clearly, Bangladeshi women do not get inheritance as prescribed in Islam. Men do not think it an offence to deprive their sisters of inheritance rights which has now become a custom.

Khan, a Law professor, in an interview, said that Islam has maintained justice between men and women giving half share in one respect and ensuring more rights in all other respects and making them free from all types of financial responsibilities. He also said that if equal rights and obligations have been imposed on men and women, then women would be loser as they would be earning less but need more than men need. He regretted that the golden rule of Islam is not practiced in Bangladesh; most of the husbands do not pay the dower money to their wives; and very few males and females have proper knowledge of maintenance right of women. As a result, women are deprived of their proper maintenance.

Ex-District Judge Md. Jashim Uddin, when contacted, disclosed that during his long service life, he received only few cases on inheritance right of women. According to him, women in Bangladesh are not interested to take inheritance from their brothers and brothers are also doing not intend to give the due inheritance to sisters.

Md. Jafor Ullah Talukder says women in Bangladesh should be treated as equal to men and the right to inheritance must be given as prescribed in the Holy Qur'an. Md. Mohiuddin Khaled, Associate professor of law and Islamic law expert, is of the view that inheritance right of women is a hollow promise for women in Bangladesh. The government should enact laws prescribing punishment for non-payment of inheritance rights of women.

Conclusion

It is clear from the discussion presented above that a woman earns from at least four sources with no obligation and a man earns only from two sources with many obligations. A male is given more shares in inheritance only for their many responsibilities but in any exceptional situations when the male does not provide proper support to the parents and female takes the responsibility to provide maintenance and services to the parents then the parents can make a gift in favor of the daughter just to make a balance between men and women. It is observed that the rights bestowed upon women in Islam are not taken seriously Bangladesh. The women are usually deprived of their dower, maintenance and most commonly inheritance rights. To ensure the inheritance right of women the following steps can be taken by the state.

1. Like birth, marriage and divorce registration, death should also be registered to maintain the records of deaths where the date of death, the names of the living heirs (both male and female) and amount of his property must be included.
2. In every upozila, an inheritance monitoring centre should be established headed by a legal expert and other members whom the government thinks necessary. This body will accept application from the victims and dispose of them, collect information on the transfer of inheritance, after the death of a person, distribute the deceased's property among the heir according to law and issue a certificate. For creating awareness among the women they should conduct seminars, symposia, mass gatherings and group discussions and disseminate this information through the printed media.
3. The state may telecast and broadcast the issue of women's inheritance rights through electronic and printed media.
4. A chapter on inheritance right of women should be included in the curriculum of the Secondary and Higher Secondary Schools.

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