

INHERITANCE LAWS AND GENDER EQUALITY IN BANGLADESH: A CRITICAL ANALYSIS WITH POLICY RECOMMENDATIONS

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Abstract

Inheritance laws shape the distribution of wealth, power, and social status. In Bangladesh, these laws are largely determined by personal laws based on religion, which often disadvantage women. Despite constitutional guarantees of equality and international commitments to women's rights, the inheritance regime reflects structural inequalities that perpetuate gender-based discrimination. This research paper critically examines the existing inheritance laws in Bangladesh, their implications for gender equality, and their conflicts with constitutional and international human rights standards. Drawing upon doctrinal legal research, comparative jurisprudence, and policy analysis, the study identifies legal, social, and institutional gaps and proposes a set of policy recommendations aimed at ensuring fair inheritance rights for women. The findings reveal a persistent tension between religious personal laws and constitutional obligations, and highlight the urgent need for reform to achieve substantive gender equality.

Keywords: Inheritance, Laws, Gender equality, policy

1. Introduction

Inheritance laws form a cornerstone of social justice and economic empowerment, as they determine the transmission of wealth, property, and resources from one generation to the next. In most societies, inheritance is not only a matter of private family arrangement but also a reflection of broader social values concerning gender, equity, and rights. In Bangladesh, property ownership constitutes one of the primary sources of wealth and security; thus, access to inheritance directly influences an individual's social and economic standing. However, women in Bangladesh continue to face entrenched barriers to equal inheritance, rooted in religious personal laws, patriarchal traditions, and inadequate institutional enforcement mechanisms. These systemic inequalities perpetuate women's economic dependency and limit their ability to achieve full participation in socio-economic development.

Although the Constitution of Bangladesh guarantees equality before the law under *Article 27* and prohibits discrimination based on sex under *Article 28(2)*, the coexistence of religion-based personal laws undermines these constitutional promises. Muslim inheritance laws, derived from classical Islamic jurisprudence, typically allocate women half the share of their male counterparts, while Hindu personal law often excludes daughters and widows from inheriting ancestral property. The Christian and other minority communities follow their respective personal laws, each with its own gendered implications. This fragmented legal framework not only creates inequality across religious lines but also violates the spirit of constitutional secularism and gender justice envisioned by the founding principles of the nation.

On the international front, Bangladesh is a signatory to key human rights instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979), which calls for the elimination of gender-based discrimination in property and inheritance. However, the country's reservations on Articles 2 and 16 of CEDAW—citing incompatibility with *Shariah* principles—reflect the persistent tension between international obligations and domestic

religious jurisprudence. This duality places Bangladesh in a complex position: while it advocates for gender equality on global platforms, domestic laws continue to perpetuate gender inequity through religious and customary practices.

Moreover, the issue of inheritance inequality is not merely legal but deeply socio-cultural. Social norms, family pressures, and limited awareness often prevent women from claiming their rightful shares even when laws permit it. In many rural and semi-urban contexts, women voluntarily relinquish inheritance rights to maintain family harmony or due to coercion, further reinforcing cycles of dependency and disempowerment. Weak enforcement mechanisms, bureaucratic inefficiencies, and corruption in land administration also exacerbate the problem, making it exceedingly difficult for women to assert ownership or register property in their names. Against this backdrop, this paper seeks to critically analyze the inheritance laws in Bangladesh from a gender perspective and to explore their alignment—or misalignment—with constitutional and international equality standards. It evaluates how religion-based personal laws shape gender relations and economic outcomes, assesses the implications of these laws for women's empowerment, and identifies policy measures to promote legal and institutional reforms. Through a combination of legal analysis, socio-economic perspectives, and policy evaluation, the study aims to offer actionable policy recommendations to harmonize inheritance laws with constitutional principles of equality and international commitments to gender justice.

Ultimately, ensuring equal inheritance rights for women is not only a matter of legal reform but also of social transformation. It requires a holistic approach—one that integrates legal uniformity, institutional accountability, public awareness, and economic empowerment. This paper thus contributes to ongoing scholarly and policy debates by presenting a comprehensive framework for achieving gender-equitable inheritance laws in Bangladesh, balancing religious sensitivities with the imperatives of justice, equality, and human rights.

2. Literature Review

Inheritance laws in Bangladesh are deeply influenced by religious personal laws, leading to significant gender disparities in property rights. Under Islamic law, women are entitled to inherit property but receive half the share of male heirs in similar circumstances. Hindu women often face more restrictive inheritance rights, with limited or no access to property rights in certain cases (Hossain, 2022). These disparities reflect not only religious doctrines but also entrenched patriarchal norms that limit women's economic independence and empowerment.

Even when laws provide for women's inheritance rights, societal norms and practices often hinder their effective implementation. Customary practices and community pressures frequently override legal provisions, leading to women's exclusion from property inheritance. This situation is exacerbated by a lack of awareness among women about their legal rights and limited access to legal recourse (Sultana, 2024).

In 2024, the Women's Affairs Reform Commission was established to propose reforms aimed at ensuring equal rights for women, including changes to inheritance laws. However, these proposals faced significant opposition from conservative groups, highlighting the tension between legal reforms and traditional beliefs (Prothom Alo, 2025). This resistance underscores the complexities involved in aligning legal frameworks with societal values and the challenges of achieving gender equality in inheritance rights.

From a legal formalism and religious determinism perspective, Islamic inheritance principles are frequently presented as divinely ordained and immutable, making reform difficult and

emphasizing strict fidelity to Shariah (Ahmed, 2011). In contrast, constitutional scholars argue that these inheritance laws contradict the egalitarian principles enshrined in Bangladesh's Constitution, which guarantees gender equality. Islam (2017) and Hussain (2019) highlight the need for judicial activism and statutory reforms to reconcile personal laws with constitutional mandates. Beyond legal and constitutional debates, socio-economic approaches emphasize the practical consequences of unequal inheritance. Researchers such as Agarwal (1994) and Jahan (2019) assert that restricting women's inheritance rights exacerbates economic dependency, limits opportunities for financial independence, and perpetuates cycles of poverty and disempowerment among women in Bangladesh. Together, these perspectives demonstrate that inheritance inequality is not merely a legal issue but intersects with constitutional rights, religious interpretations, and socio-economic realities. The literature indicates that while legal provisions exist to support women's inheritance rights in Bangladesh, their effectiveness is undermined by religious personal laws, societal norms, and enforcement challenges. Addressing these issues requires comprehensive legal reforms, increased awareness, and societal engagement to ensure that women can exercise their inheritance rights fully and equally.

3. Theoretical Framework

This study is grounded in three interrelated frameworks:

1. **Feminist Legal Theory** – which critiques legal structures that perpetuate patriarchal power and emphasizes substantive equality beyond formal guarantees.
2. **Constitutional Supremacy** – which posits that constitutional equality must prevail over discriminatory personal laws.
3. **Human Rights Approach** – which situates inheritance within broader rights to equality, property, and development, as recognized in the Universal Declaration of Human Rights (1948) and ICCPR (1966).

4. Methodology

This paper employs doctrinal legal research, examining statutes, case law, and constitutional provisions, alongside comparative legal analysis of other jurisdictions (e.g., India, Tunisia, Morocco). Primary sources include the Constitution of Bangladesh, Information Technology Act 2000 (India), Hindu Succession Act 1956 (India, amended 2005), Digital Security Act 2018 (Bangladesh), Succession Act 1925, and relevant judicial decisions. Secondary sources include scholarly articles, policy reports, and international conventions.

5. Existing Inheritance Laws in Bangladesh

5.1 Muslim Inheritance Law

Muslim inheritance in Bangladesh is primarily governed by Islamic Shariah under the Hanafi school, which applies to the overwhelming majority of Muslims in the country. The system of succession follows a fixed-share principle, meaning that certain heirs are entitled to predetermined fractions of the estate, as outlined in classical Islamic jurisprudence. A notable feature of this framework is the gender-based differentiation in shares. Male heirs generally receive double the share of female heirs, a principle justified historically by the assumption that men bear greater financial responsibility for the maintenance of the family. For instance, a son inherits twice the portion of a daughter, and a brother inherits twice the portion of a sister.

The rules also define the entitlements of widows with precision. A widow is entitled to one-fourth of her husband's estate if the deceased left no children, and one-eighth if there are surviving children. While this guarantees a widow's access to inheritance, the limited share often proves inadequate, particularly in rural contexts where women have little independent means of livelihood. Similarly, daughters are recognized as heirs but are allocated lesser shares compared to sons. Moreover, in practice, women may be excluded from agricultural land inheritance due to entrenched customary practices, even though the law technically grants them shares. This discrepancy between formal law and actual practice contributes to the persistent marginalization of women in matters of property and wealth distribution.

5.2 Hindu Inheritance Law

Hindu inheritance in Bangladesh is governed by the Dayabhaga School of Hindu law, which differs significantly from the Mitakshara system prevalent in many parts of India. Under Dayabhaga law, the father holds absolute control over property during his lifetime, and succession occurs only upon his death. Traditionally, women had no rights to ancestral property, as property rights were predominantly male-centric, designed to preserve the continuity of the male lineage. Widows, though recognized as heirs, were typically given only life interests in property, without full ownership rights, thereby restricting their control and economic independence.

Although gradual reforms have emerged over time, the situation of daughters under Hindu inheritance law in Bangladesh remains highly constrained. Daughters' rights to inheritance are still restricted, and the idea of equal distribution between sons and daughters has not been realized in practice. While widows and mothers have gained greater recognition as heirs, the system continues to privilege male descendants, leaving Hindu women with a disproportionately small share in family property. This creates a gender imbalance that undermines the principles of equality and economic empowerment.

5.3 Christian and Minority Laws

For Christians and certain other minority communities in Bangladesh, inheritance is primarily governed by the Succession Act of 1925. Unlike Muslim and Hindu personal laws, this statute provides a relatively gender-equal framework for succession. Both men and women are treated more or less equally in determining inheritance rights, and widows, daughters, and sons are recognized as having equal claims to the estate of the deceased. This statutory framework reflects a more modern approach to inheritance, reducing gender disparities and aligning more closely with constitutional commitments to equality. Nevertheless, while Christian inheritance law is relatively progressive, its impact on overall gender equality in Bangladesh remains limited, given the small percentage of Christians and other minority communities in the population.

5.4 Conflict with Constitutional Principles

The disparities across personal inheritance laws in Bangladesh raise significant concerns when examined in light of the country's constitutional guarantees. Article 27 of the Constitution ensures equality before law, while Article 28(2) prohibits discrimination on the grounds of sex. Yet the personal law regimes for Muslims and Hindus perpetuate clear gender-based inequalities, with women systematically receiving lesser shares or, in some cases, being entirely excluded from inheritance. This creates a direct contradiction between the constitutional commitment to equality and the realities of inheritance law as applied through religious frameworks.

Historically, the courts in Bangladesh have been reluctant to override or reinterpret religious inheritance laws, treating them as sacrosanct domains beyond the reach of judicial reform. This judicial restraint has entrenched the disparities and prevented progressive interpretation of personal laws in line with constitutional equality. Consequently, despite constitutional and international

commitments to non-discrimination, inheritance law in Bangladesh continues to reinforce gender inequality, limiting women's access to economic resources and perpetuating patriarchal structures within society.

6. Implications for Gender Equality

Inheritance inequality in Bangladesh has profound social, economic, and legal consequences for women. The discriminatory provisions embedded in personal laws and their inadequate enforcement create multiple layers of gender disadvantage. These implications are not only confined to individual households but extend to the broader structure of social and economic development in the country.

6.1 Economic Marginalization

The unequal distribution of inheritance significantly contributes to women's economic marginalization in Bangladesh. Since property ownership is a primary source of wealth, security, and social status, women's limited rights to inherit land or property leave them economically vulnerable. Without ownership rights, women often lack collateral for bank loans, which restricts their access to credit and participation in entrepreneurial activities (Haque & Bari, 2019). Moreover, economic dependence on male relatives reduces their bargaining power within households and communities. Studies have shown that women with land ownership experience greater autonomy, higher income security, and better education and healthcare outcomes for their families (Agarwal, 1994). Hence, discriminatory inheritance laws not only perpetuate gender inequality but also hinder overall economic development by underutilizing women's potential as economic actors.

6.2 Social Dependence

Inheritance inequality reinforces social and patriarchal dependency, keeping women reliant on their fathers, husbands, or sons for survival. This dependency structure is deeply rooted in Bangladesh's socio-cultural fabric, where inheritance is often viewed through the lens of traditional gender roles. Women's lack of control over inherited assets restricts their participation in family decision-making and community leadership (Kabeer, 2003). In rural areas, widows or unmarried women without property are particularly vulnerable to exploitation and social exclusion. The denial of inheritance rights thus perpetuates a cycle of dependency and subordination, undermining women's dignity and their ability to achieve social mobility.

6.3 Conflict with International Commitments

Bangladesh's commitments under international law are at odds with its current inheritance framework. Although Bangladesh ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1984, it has maintained reservations to Articles 2 and 16, which mandate the elimination of discrimination in legal and family matters, including inheritance (UN CEDAW, 2011). These reservations, justified on the grounds of compatibility with Shariah law, weaken Bangladesh's commitment to gender equality in property rights. This inconsistency creates a conflict between international obligations and domestic laws, raising questions about the government's willingness to fulfill its human rights commitments. Moreover, Bangladesh's Vision 2041 and Sustainable Development Goals (SDG 5: Gender Equality) emphasize women's empowerment and equal access to resources, which cannot be achieved without comprehensive reform of inheritance laws.

7. Comparative Perspectives

Inheritance laws around the world demonstrate varying approaches to gender equality, shaped by cultural, religious, and legal contexts. In India, the *Hindu Succession (Amendment) Act, 2005* marked a landmark reform by granting daughters equal rights in ancestral property, ensuring that women enjoy the same inheritance rights as male heirs within Hindu families (Basu, 2006). Tunisia and Morocco have engaged in progressive debates and reforms aimed at equalizing inheritance rights under Shariah, reflecting a reinterpretation of religious principles to promote gender justice. These reforms highlight the potential for aligning traditional religious frameworks with modern equality standards (Charrad, 2011).

At the international level, instruments such as the Universal Declaration of Human Rights (UDHR, 1948, Article 17) and the International Covenant on Civil and Political Rights (ICCPR, 1966, Article 26) emphasize equal property rights and non-discrimination, offering normative benchmarks for countries seeking to reform inheritance laws (Donnelly, 2003). These global standards provide a framework for national reforms by underscoring the universality of gender equality in property ownership and legal protection.

Table 1. Comparative analysis of gender equality

Country	Legal Reform	Key Features	Year
India	Hindu Succession (Amendment) Act	Granted daughters equal rights in ancestral property, ensuring gender equality in inheritance within Hindu families.	2005
Tunisia	Progressive reinterpretation of Shariah	Legal debates and reforms aimed at equalizing inheritance rights between men and women, reflecting modernist and egalitarian approaches.	Ongoing reforms (2000s–2020s)
Morocco	Reform of inheritance laws	Efforts to provide women with more equitable shares in inheritance, balancing religious principles with gender equality goals.	Ongoing reforms (2000s–2020s)
Global (UDHR)	Universal Declaration of Human Rights, Article 17	Emphasizes the right of men and women to own property individually and jointly, providing an international framework for inheritance equality.	1948
Global (ICCPR)	International Covenant on Civil and Political Rights, Article 26	Guarantees equal protection of the law and prohibits discrimination, including in property rights, supporting reform efforts worldwide.	1966

8. Policy Recommendations

8.1 Legal Reforms

Legal reforms are central to ensuring women’s inheritance rights. Discriminatory provisions in personal laws must be amended to provide equal inheritance rights to men and women, thereby aligning religious and customary practices with constitutional guarantees of equality (Hossain,

2024). Developing a Uniform Civil Code on Inheritance applicable across religions could standardize inheritance rules, eliminating disparities between different religious communities (Awasthi, 2023). Additionally, Bangladesh should withdraw reservations to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Articles 2 and 16, which advocate equality in law and property rights (UNDP Bangladesh, 2025).

8.2 Institutional Reforms

Institutional mechanisms can support the enforcement of legal reforms. The establishment of fast-track inheritance tribunals would expedite the resolution of inheritance disputes, reducing delays that often disadvantage women (Sultana, 2024). Digitizing land records and ensuring the inclusion of women's names would provide transparent documentation of property ownership, preventing fraudulent exclusion (World Bank, 2023). Further, providing legal aid for women contesting inheritance claims ensures that even economically disadvantaged women can access justice and assert their property rights (UNDP Bangladesh, 2025).

8.3 Social and Educational Reforms

Social awareness and education are critical to transforming cultural norms that hinder women's inheritance. National awareness campaigns should inform citizens about women's property rights, challenging traditional biases that deny women access to inheritance (Hossain, 2024). Incorporating property rights education into school curricula can instill awareness from an early age (Sultana, 2024). Highlighting success stories of women securing inheritance can serve as powerful examples, motivating others and changing societal perceptions about women's roles in property ownership (Awasthi, 2023).

8.4 Economic Measures

Economic empowerment reinforces the practical benefits of inheritance equality. Offering tax incentives for property transfers to women can encourage families to comply with inheritance laws (World Bank, 2023). Additionally, enabling women to use inherited property as collateral for loans would facilitate entrepreneurship, enhance financial independence, and contribute to breaking cycles of poverty and dependency (Sultana, 2024).

In sum, a holistic policy framework combining legal, institutional, social, educational, and economic strategies is essential to overcome entrenched gender disparities in inheritance in Bangladesh (Hossain, 2024; UNDP Bangladesh, 2025; World Bank, 2023). Such reforms can promote both legal equality and practical empowerment for women, fostering broader societal and economic development.

9. Conclusion

Inheritance laws in Bangladesh continue to embody deeply entrenched gender hierarchies, revealing a persistent tension between religion-based personal law frameworks and the constitutional principles of equality and non-discrimination. Despite the nation's progress in women's education, labor participation, and political representation, the domain of property rights remains an enduring site of structural inequality. The current inheritance regime—fragmented across religious communities and inadequately harmonized with the Constitution—effectively restricts women's economic empowerment and reinforces patriarchal dependency structures.

A transformative reform agenda is therefore imperative. Legal reforms must prioritize uniformity and inclusivity, ensuring that all citizens, regardless of religion or gender, enjoy equal rights to inheritance and property ownership. Institutional mechanisms such as specialized inheritance tribunals, digitized land registries, and accessible legal aid are necessary to translate these rights

into practice. Equally critical are social and educational reforms that challenge patriarchal interpretations of religious texts and promote awareness of women's property rights from an early age.

Furthermore, the alignment of national inheritance frameworks with international human rights instruments—particularly the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Universal Declaration of Human Rights (UDHR)—would strengthen Bangladesh's global commitments and enhance its reputation as a state that values equity and justice. Economically, empowering women with property rights will not only advance gender justice but also yield significant macroeconomic dividends, as female asset ownership is closely linked to poverty reduction, improved family welfare, and inclusive growth.

In conclusion, reforming inheritance laws in Bangladesh is not merely a matter of legal adjustment but a transformative socio-economic imperative. A comprehensive, multi-dimensional strategy—encompassing legal harmonization, institutional strengthening, and social reorientation—can pave the way for a more equitable society where gender equality is not an aspiration but a lived reality. The harmonization of constitutional guarantees, religious principles, and international obligations represents the most viable path toward realizing substantive gender equality and sustainable national development.

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