

Dissolution of Hindu Marriage: A Comparative Assessment Between India and Bangladesh

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Abstract: Marriage is one of the most ancient and sacred institutions within Hindu culture, central to their social and religious life. Recognized as one of the ten sacraments (*sanskaras*), Hindu marriage establishes an indissoluble bond between husband and wife, transcending physical existence and aligning with spiritual and societal obligations. This paper provides a comparative analysis of the legal frameworks governing the dissolution of Hindu marriage in India and Bangladesh, emphasizing their historical, cultural, and societal contexts. India, through reforms like the Hindu Marriage Act of 1955, has embraced progressive changes that address gender inequalities and modern societal needs. These reforms reflect a proactive approach to adapting traditional laws to contemporary realities. Conversely, Bangladesh remains reliant on pre-colonial Dayabhaga principles, resulting in limited legislative changes. This divergence highlights the influence of religious dynamics, social structures, and political contexts on legal evolution. The paper concludes with recommendations for reforms in Bangladesh, emphasizing the need for codification, gender-sensitive provisions, and societal awareness to ensure justice and equality for Hindu women under its jurisdiction.

Keywords: Hindu marriage, sanaskaras, dissolution of marriage, legal reforms, politicization of religion, India, Bangladesh, personal law, societal trends

Introduction

In Bangladesh, family and personal matters such as marriage, divorce, maintenance, custody, and adoption are governed by religious personal laws. Muslim law applies to Muslims, Hindu law to Hindus, and similar provisions exist for other religions. However, the absence of a uniform family or personal law creates opportunities for disparities, particularly between Muslims and Hindus. This discrimination is acutely felt in the socio-economic lives of Hindu women, who often face challenges due to outdated legal provisions and inadequate protection under the existing framework. Hindu personal law in Bangladesh is still governed by the ancient Dayabhaga school, which has remained largely unrevised since independence in 1971. In contrast, many countries, including India, have enacted reforms to align Hindu personal laws with contemporary societal norms. This lack of reform has exacerbated socio-economic challenges for Hindu women, making them particularly vulnerable in areas like marriage dissolution and property rights. (Rahman, 2020) Codifying Hindu marriage laws in Bangladesh are an urgent necessity. Modern codification would ensure greater clarity and

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accessibility of the laws, reduce inconsistencies, and address socio-economic injustices. Enacting a comprehensive Hindu Code applicable across Bangladesh would facilitate better legal protection and enhance equality. Such reforms could help resolve the complexities and inconveniences of personal law while adapting to the evolving socio-economic conditions of the country. (Chowdhury, 2018)

Definition of Hindu Marriage

Hindu marriage forms the cornerstone of social organization and establishes critical legal rights and responsibilities. In shastric tradition, Hindu marriage is regarded as a sacrament or *sanskara*, symbolizing a holy union for fulfilling religious duties. It is the last and most significant of the ten sacraments prescribed in Hinduism. (Sharma, 2018)

Marriage in Hindu culture creates an inseparable bond between husband and wife. Wives are considered the better halves and religious partners of their husbands, signifying that a man's identity and spiritual completeness are inherently linked to his wife (Das, 2017). As described in the *Vedas*, a man should perform religious duties in partnership with his wife, further underscoring the spiritual and societal importance of marriage. (Mukherjee, 2020)

The *Ramayana* illustrates the wife as the soul of her husband, while the *Mahabharata* portrays her as his other half, best friend, and a source of inspiration for religion, wealth, and ambition (Banerjee, 2016). Despite the deeply religious character of Hindu marriage, the Doctrine of *Factum Valet* allows for flexibility. For instance, while shastric law advocates guardian consent for marriage, unions conducted without such consent are still considered valid once performed. (Rao, 2019)

Hindu Marriage: Sacrament or Contract

According to ancient Hindu law and current Bangladeshi practices, Hindu marriage is fundamentally a sacrament, constituting the last of the ten sacraments (*sanskaras*) of Hindu life. Unlike a contract, Hindu marriage does not rely on mutual agreement by the parties involved, as the essential elements of a contract—such as the age of majority and mutual consent—are absent in traditional Hindu marriages. For instance, under shastric Hindu law, marriages do not permit dissolution, reinforcing their sacred and indissoluble nature (Sharma, 2018). However, certain parallels to contractual principles exist. For example, a marriage involving a lunatic is invalid, and marriages induced by fraud or force are rendered null and void, akin to the invalidation of contracts under similar conditions. (Rao, 2019)

The introduction of the Hindu Marriage Act of 1955 in India marked a paradigm shift, transforming Hindu marriage into a form of civil contract. This Act introduced key conditions, such as age restrictions—21 years for the bridegroom and 18 years for the bride—and the possibility of dissolving the marriage through legal recourse. These changes reflect a contractual approach while retaining the sacramental essence in some respects. The Act stipulates that:

1. Neither party should have a living spouse at the time of marriage (excluding divorced spouses).
2. Both parties must give valid consent, requiring sound mental capacity.
3. The bridegroom and bride must meet the minimum age requirement.
4. The parties must not fall within prohibited degrees of relationship unless customs permit such unions.
5. The parties must not be *sapindas* of each other unless customary practices allow. (Banerjee, 2016)

Violation of these conditions, such as bigamy, renders subsequent marriages null and void. Section 494 of the Indian Penal Code imposes penalties, including seven years of imprisonment and fines, for offenders violating these provisions. (Mukherjee, 2020)

In Bangladesh, the Hindu Marriage Registration Bill of 2012 introduced measures to address marriage-related challenges, particularly for women. The Act permits optional marriage registration, requiring the bride to be at least 18 years old and the groom 21 years old. While optional, this legislation provides a critical framework for legal and social protections, aiming to prevent marriage-related fraud and ensure justice for Hindu women. (Rahman, 2020)

Age of Hindu Marriage

Under shastric Hindu law, there is no prescribed minimum age for marriage, and marriages conducted during the minority of either party are not considered invalid. This traditional perspective reflects ancient societal norms where the concept of age in marriage was influenced by social and familial considerations rather than legal standards (Sharma, 2018). In Bangladesh, the Majority Act of 1875 does not apply to Hindu marriages, leaving them outside the purview of general age restrictions.

However, the Child Marriage Restraint Act of 1929, later amended by the Ordinance of 1989, established 21 years as the minimum age for men and 18 years for women. Although these regulations apply to Hindus and Muslims alike, they do not invalidate Hindu marriages performed below these ages. This legal discrepancy highlights the gap between statutory reforms and the prevailing customs in Bangladesh. (Rahman, 2020)

In India, the Hindu Marriage Act of 1955 introduced a significant shift by mandating the bridegroom to be at least 21 years old and the bride 18 years old at the time of marriage. By imposing these age conditions, the Act modernized Hindu marriage laws, aligning them with contemporary societal expectations and reinforcing the legal framework for marriage as a civil contract. This reform marks a departure from the traditional view of Hindu marriage as solely a sacrament, offering a balance between religious customs and legal regulations. (Banerjee, 2016)

Registration of Hindu Marriage in India and Bangladesh

The Hindu Marriage Act of 1955 in India provides for the registration of marriages, facilitating legal proof of such unions. Under this Act, state governments are empowered to establish rules for marriage registration and may make it compulsory. Once a marriage is registered, its details are entered into an official register maintained for this purpose. Importantly, the validity of a Hindu marriage is not affected by the failure to register it, ensuring that traditional ceremonies remain legally recognized. A nominal fine of Rs. 25 can be imposed for late registration. Upon registration, the parties are issued a marriage certificate, serving as formal proof of the marriage. (Banerjee, 2016)

Historically, ancient Hindu law did not provide for marriage registration, relying instead on religious and customary practices as the foundation of marital legitimacy. The introduction of registration under the 1955 Act represents a significant modernization, aligning legal practices with administrative requirements and offering safeguards for legal and social disputes. (Mukherjee, 2020)

In Bangladesh, the Hindu Marriage Registration Act of 2012 offers similar provisions but with a key distinction: registration is optional for Hindu marriages. The Act empowers the

government and local authorities to appoint marriage registrars, known as Hindu Marriage Registrars, at every ward within city corporations, municipalities, and upazilas. These registrars facilitate the recording of Hindu marriages, aiming to provide legal recognition and documentation while respecting the religious sentiments of the Hindu community. Despite being optional, this legislation marks a progressive step toward ensuring legal safeguards for Hindu marriages in Bangladesh, particularly in addressing issues of marital fraud and social disputes. (Rahman, 2020)

Hindu Marriage System in Bangladesh

Marriage, as a social and legal institution, is universally recognized and integral to all societies and faiths. However, since the independence of Bangladesh in 1971, legislative measures addressing the Hindu marriage system have been limited, with the notable exception of the Hindu Marriage Registration Act of 2012. While this Act represents a step toward formal recognition and legal protection, it remains optional and fails to address the broader systemic issues within the Hindu marriage framework. (Siddique, 2018)

From both gender and religious perspectives, the Hindu marriage system in Bangladesh has often been criticized for its inherent discrimination against women. Despite constitutional guarantees under Articles 27 and 28 of the Constitution of Bangladesh—abolishing all forms of gender and religious discrimination—these principles are not consistently applied in practice. Hindu women, in particular, face significant socio-legal challenges stemming from outdated personal laws that fail to provide adequate protection or equality. (Hasan, 2020)

As a signatory to various international conventions, Bangladesh is obligated to uphold the principles of equality and non-discrimination. The country ratified the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1979, with certain reservations. Although Bangladesh became the first nation to ratify the optional protocol to CEDAW, which provides tools to address discrimination, the reservations maintained by the state contradict its commitment to gender equality. These reservations undermine the sincerity of efforts to eliminate discrimination, particularly in areas such as marriage, where Hindu women remain vulnerable to systemic inequalities. (Khan, 2021)

Reforms addressing these disparities are essential to align Bangladesh's municipal laws with its constitutional and international obligations. Codification and modernization of Hindu marriage laws could serve as a critical step toward ensuring gender justice and upholding the principles enshrined in both domestic and international legal frameworks.

Dissolution of Marriage under Bangladeshi and Indian Law

Divorce, derived from the Latin word *devortium*, signifies the legal termination of a matrimonial bond. It allows individuals to sever the marital relationship on legally acceptable grounds, such as irreconcilable differences or other reasons recognized by law. Despite the universal applicability of divorce in many cultures, Hindu marriage has historically been considered unbreakable due to its sacral nature. (Sharma, 2018)

In traditional Hindu law, marriage is viewed as a sacramental union characterized by three key attributes:

- **Permanence:** It is considered a lifelong, indissoluble bond.
- **Eternity:** The union transcends a single lifetime and continues spiritually.
- **Holiness:** The marriage is a sacred obligation, integral to religious and social duties.

Ancient Hindu law strictly prohibited the dissolution of marriage, regardless of circumstances. Even in situations of unbearable cohabitation, separation was not an option. Exceptions to this strict rule were rare and applied only to certain *unapproved forms* of marriage. For instance, *Narada* and *Parasar*, ancient Hindu lawgivers, identified five specific conditions under which a wife could abandon her husband and remarry:

1. If the husband was lost or missing.
2. If the husband was dead.
3. If the husband had renounced the world to become a *sannyasi*.
4. If the husband was impotent.
5. If the husband was ousted from his caste. (Banerjee, 2016)

However, these conditions applied only to marriages considered unapproved forms, and the overall consensus among *Dharmashastra* writers rejected the notion of dissolution. Approved forms of Hindu marriage were deemed absolutely indissoluble, emphasizing the unique and permanent nature of the marital bond.

Although traditional Hindu law did not recognize divorce, it did acknowledge the concept of separation or desertion under limited circumstances. However, such separations did not equate to divorce as they failed to completely dissolve the marital tie. This distinction reflects the deep-seated sacramental view of Hindu marriage, which contrasts with the more liberal approach found in modern legal systems. (Mukherjee, 2020)

In Bangladesh, Hindu marriage laws remain rooted in the pre-colonial Dayabhaga system, which does not permit divorce. This legal framework leaves many Hindu women vulnerable to severe hardships, particularly in cases of abandonment. A husband can marry multiple times, leaving his wife in a precarious position, unable to divorce or remarry. This situation affects thousands of Hindu women in Bangladesh, subjecting them to socio-economic and emotional struggles. (Rahman, 2020)

Under the Hindu Married Women's Right to Separate Residence and Maintenance Act of 1946, Hindu women in Bangladesh have limited recourse to address marital grievances. They may file cases in court to secure their rights to separate residence and maintenance, but they cannot seek divorce or remarry. Grounds for claiming separate residence and maintenance include:

1. The husband suffers from a loathsome disease not contracted from the wife.
2. The husband is guilty of cruelty, making cohabitation unsafe or undesirable.
3. The husband has deserted the wife without her consent or against her will.
4. The husband has married another woman.
5. The husband has converted to another religion.
6. The husband keeps a concubine in the home or habitually resides with one elsewhere.
7. Any other justifiable cause.

However, these rights are conditional. A Hindu married woman forfeits her right to separate residence and maintenance if she is deemed unchaste, converts to another religion, or fails to comply with a court decree for the restitution of conjugal rights. (Siddique, 2018)

In India, Section 18(2) of the Hindu Adoption and Maintenance Act, 1956, provides similar but more detailed conditions under which a wife can claim separate residence and maintenance:

1. Desertion by the husband without reasonable cause or against the wife's consent.
2. Cruelty that creates a reasonable apprehension of harm.
3. The husband suffers from a virulent form of leprosy.
4. The husband has another wife living.
5. The husband keeps a concubine in the marital home or resides with one elsewhere.
6. The husband converts to another religion.
7. Any other cause that justifies the wife living separately. (Mukherjee, 2020)

Hindu women in Bangladesh may also seek redress under general laws, such as:

- The Family Courts Ordinance, 1985.
- The Dowry Prohibition Act, 1980.
- The Women and Children Repression Prevention Act, 2003.

While these laws provide some level of protection, they remain inadequate in addressing the fundamental issue of divorce and remarriage rights for Hindu women. Without comprehensive reforms, the current legal system fails to protect Hindu women's rights effectively and perpetuates gender inequality within marriage. (Khan, 2021)

Divorce under Muslim Law in Bangladesh

In Muslim law, marriage (*Nikah*) is treated as a civil contract between the husband (*zawj*) and wife (*zawja*), grounded in mutual rights and obligations. This contractual nature of marriage allows for its dissolution under specific circumstances, emphasizing the flexibility within Islamic jurisprudence. Unlike the sacramental perception of marriage in other religious systems, Islam allows for the termination of the marital relationship when it ceases to fulfill its intended purpose.

The primary methods of divorce under Islamic law include:

1. **Repudiation of the Marriage Contract (*Talaq*):** This unilateral right of the husband allows him to dissolve the marriage by pronouncing *Talaq* three times. It can be exercised either instantly (*Talaq-e-Bid'ah*) or over a period of three menstrual cycles (*Talaq-e-Hasan*).
2. **Divorce by Mutual Agreement (*Mubarat*):** Both spouses mutually agree to terminate the marriage.
3. **Judicial Divorce (*Faskh*):** A wife may approach a court to dissolve the marriage on grounds such as cruelty, desertion, or non-fulfillment of marital obligations.
4. **Divorce by Law (*Khula*):** The wife initiates divorce by returning her *Mahr* (dowry) to the husband, contingent upon his consent.

In Bangladesh, these mechanisms are codified under The Muslim Family Laws Ordinance, 1961, ensuring legal procedures are followed in divorce cases. While this framework grants women a significant degree of agency compared to Hindu personal laws, social stigmas and economic dependencies often limit their ability to exercise these rights (Haque, 2019).

Divorce under Hindu Law in Bangladesh and India

Hindu law in Bangladesh remains deeply rooted in the pre-modern Dayabhaga system, which categorically does not recognize divorce. Marriage is perceived as an indissoluble union, leaving Hindu women particularly vulnerable in cases of abandonment, cruelty, or marital

neglect. The inability to legally dissolve a marriage or remarry often leads to severe socio-economic hardships for Hindu women, many of whom are left to fend for themselves with limited legal recourse. (Rahman, 2020)

The Hindu Married Women's Right to Separate Residence and Maintenance Act, 1946, offers limited provisions for Hindu women to claim separate residence and maintenance under circumstances such as:

- Cruelty by the husband,
- Desertion,
- Bigamy,
- Conversion of the husband to another religion.

However, the Act stops short of allowing divorce, maintaining the notion of marriage as a sacrament. This legislative gap highlights the systemic inequality embedded in Bangladesh's Hindu personal laws.

The Hindu Marriage Act of 1955 revolutionized Hindu personal law in India by introducing provisions for divorce. Section 13 of the Act outlines comprehensive grounds for divorce, making it accessible to both spouses. Grounds for divorce include:

- Adultery,
- Cruelty (physical or mental),
- Desertion for at least two years,
- Conversion to another religion,
- Incurable diseases like leprosy or venereal diseases,
- Renunciation of the world,
- Absence for over seven years.

Expanded Case Analyses under Indian Law

The Hindu Marriage Act of 1955 marked a pivotal reform in India, introducing divorce as a legal remedy and addressing the evolving dynamics of marital relationships. Several landmark judgments under the Act have clarified and expanded its provisions, ensuring the law remains responsive to societal needs. These cases not only illustrate the flexibility of the Act but also underline its relevance in promoting gender equality and justice. [*Maya Devi v. Jagdish Prasad (2007)*]

In this case, the court recognized mental cruelty as a valid ground for divorce, emphasizing that it does not necessarily require physical harm. Verbal abuse, unreasonable behavior, or actions causing sustained mental agony were deemed sufficient to dissolve the marital bond. This judgment was significant because it addressed the non-physical dimensions of cruelty, acknowledging the profound psychological impact such behavior can have on a spouse. The ruling also emphasized the importance of mental well-being in marital relationships, setting a precedent for cases where emotional abuse forms the crux of marital discord. [*Neelu Kohli v. Naveen Kohli (2004)*]

This case expanded the definition of cruelty to include persistent indifference, humiliation, and behavior that renders cohabitation untenable. The court ruled that when one spouse's conduct creates a hostile or oppressive environment, it becomes impossible for the other spouse to continue the marriage. This judgment is particularly relevant in modern contexts where psychological abuse and neglect are increasingly recognized as significant issues in marriage. By broadening the scope of cruelty, the court reinforced the idea that marital relationships require mutual respect and support, not just the absence of overt conflict. [*Jai Dayal v. Shakuntala Devi (2004)*]

The court ruled that false allegations of extramarital affairs constitute mental cruelty. This judgment acknowledged the severe emotional distress caused by baseless accusations, which can irreparably damage trust and dignity within a marriage. The case highlights the court's sensitivity to the emotional and reputational harm such allegations can cause, emphasizing that trust is a cornerstone of any marital relationship. By categorizing false accusations as cruelty, the ruling provided legal recourse for individuals subjected to this form of psychological harm. [*Vimlesh v. Prakash Chand Sharma (1992)*]

This case addressed the cumulative impact of persistent and repeated acts of cruelty on the mental well-being of the affected spouse. The court recognized that a pattern of oppressive behavior, even if individually minor, can collectively lead to significant emotional and psychological harm. This judgment was instrumental in highlighting the importance of assessing the overall environment of the marital relationship rather than isolated incidents. It underscored that persistent cruelty, regardless of intent, can justify the dissolution of marriage.

These landmark judgments collectively reflect the evolving interpretation of the Hindu Marriage Act, aligning it with contemporary understandings of marital dynamics. By recognizing mental cruelty and its various manifestations, the courts have ensured that the Act remains a robust and adaptable tool for addressing issues of marital incompatibility and injustice.

The judgments emphasize the equal rights of both spouses to seek divorce, ensuring that neither party is compelled to remain in a toxic or oppressive relationship. This progressive stance has been instrumental in empowering individuals, particularly women, who historically faced barriers to exiting harmful marriages. The cases highlight the importance of personal dignity and mental well-being in marriage. They reinforce the idea that marital relationships are partnerships built on mutual respect and trust, and any behavior that undermines these principles can be grounds for dissolution. This approach recognizes the autonomy of individuals to make decisions that prioritize their happiness and mental health.

The cases also reflect the courts' awareness of changing societal dynamics, where mental health and emotional well-being are increasingly prioritized. By expanding the scope of cruelty to include psychological abuse, the judgments provide a comprehensive framework for addressing the complexities of modern marital relationships. In conclusion, these cases demonstrate how the Hindu Marriage Act has been interpreted and applied to ensure justice and equality within the institution of marriage. They highlight the Act's role in fostering a balanced and humane legal framework that adapts to the needs of a changing society, ensuring that it remains a cornerstone of marital jurisprudence in India.

Comparative Insights: Bangladesh and India

The divergence between Bangladesh and India's approach to Hindu marriage law is stark. While India has embraced legislative reforms to modernize its personal laws, Bangladesh continues to adhere to archaic principles that perpetuate gender discrimination. The absence of divorce provisions in Bangladesh's Hindu law not only undermines constitutional guarantees of gender equality but also contradicts international conventions, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), to which Bangladesh is a signatory (Khan, 2021). On the other hand, Bangladesh's ratification of CEDAW and its optional protocol underscores its commitment to eliminating

gender-based discrimination. However, the retention of reservations to key provisions related to marriage and family undermines these commitments. The lack of substantive reform in Hindu personal laws raises questions about the state's sincerity in upholding its constitutional and international obligations.

Recommendations for Reform in Bangladesh

Reforming Hindu personal laws in Bangladesh is an urgent necessity to address systemic discrimination and align the legal framework with constitutional principles and international commitments. One of the key steps toward reform is the codification of Hindu personal laws. Unlike the current reliance on outdated Dayabhaga principles, a codified legal framework would ensure clarity, consistency, and accessibility for all Hindus in Bangladesh. A unified Hindu Marriage Act, similar to India's 1955 legislation, could establish clear provisions for divorce, remarriage, maintenance, and inheritance. This codification would modernize the legal system while respecting cultural values.

Gender equality must be at the core of these reforms. Hindu personal laws in Bangladesh currently perpetuate systemic discrimination against women by denying them the right to divorce or remarry. Legislative changes should establish equal rights for men and women in initiating divorce, ensuring maintenance, and accessing marital property. The inclusion of gender-sensitive provisions, such as financial independence for women through the equitable distribution of marital assets, would help address the economic vulnerabilities faced by Hindu women, particularly in cases of abandonment or cruelty.

The establishment of dedicated Hindu Family Courts could streamline the resolution of disputes related to marriage, divorce, and maintenance. These courts should be staffed with judges well-versed in Hindu jurisprudence and sensitive to the unique challenges faced by the Hindu community. Special attention should be given to rural and marginalized Hindu populations to ensure that access to justice is not limited by geography or socio-economic status. Such courts would expedite case resolution, minimize delays, and provide a more supportive environment for litigants.

Mandatory registration of Hindu marriages is another crucial reform. The optional registration introduced by the Hindu Marriage Registration Act, 2012, has limited utility in providing legal safeguards. Making registration compulsory would help prevent fraudulent marriages, safeguard women's rights, and ensure that all marriages are legally recognized. A robust registration system would also simplify the process of seeking legal remedies in cases of marital disputes.

Legal protections for women need to be significantly strengthened. Existing laws, such as the Family Courts Ordinance, 1985, and the Dowry Prohibition Act, 1980, are inadequate in addressing the specific challenges faced by Hindu women. These laws should be revised to include stricter penalties for marital abandonment, bigamy, and dowry-related offenses. Additionally, comprehensive provisions should be introduced to protect women from domestic violence, marital fraud, and other forms of abuse. Expanding these protections would ensure that women have effective recourse in cases of marital discord.

Aligning national legislation with international obligations is essential for meaningful reform. As a signatory to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Bangladesh has committed to promoting gender equality. However, the country's reservations to certain provisions of CEDAW undermine this commitment.

Removing these reservations would demonstrate Bangladesh's sincerity in upholding international standards and addressing gender-based discrimination. Additionally, integrating international best practices into national legislation would enhance the effectiveness of these reforms.

Awareness and education initiatives must accompany legal reforms to ensure societal acceptance. Many Hindu women are unaware of their legal rights, which limits their ability to seek justice. Public awareness campaigns, legal literacy programs, and community dialogues can empower women and encourage families to support their rights. Engaging religious leaders in these discussions is critical, as they play a significant role in shaping community attitudes. Highlighting scriptural support for gender equality and social justice can help reconcile traditional values with modern legal principles.

Reforming Hindu inheritance laws is another priority. Under the current framework, Hindu women in Bangladesh often receive no share of ancestral property, leaving them economically disadvantaged. Legislative changes should grant equal inheritance rights to daughters and sons, ensure widows receive a fair share of their husband's estate, and protect women from being coerced into relinquishing their rights. Equal inheritance rights would not only promote gender equality but also provide financial security to women in vulnerable situations.

To support women facing marital disputes, the government should establish a comprehensive support system. Legal aid clinics offering free or subsidized services can help women navigate the complexities of the legal system. Shelters and counseling centers can provide a safe haven and emotional support for women escaping abusive marriages. Additionally, community-based initiatives can offer mediation services to resolve disputes amicably.

Monitoring and accountability mechanisms are essential to the successful implementation of these reforms. The government should establish a dedicated body to oversee the impact of changes to Hindu personal laws. Regular reviews and public reports can ensure transparency and allow for necessary adjustments. Establishing grievance redressal mechanisms would also provide individuals with a platform to voice concerns and seek resolutions.

In conclusion, the reform of Hindu personal laws in Bangladesh is long overdue. Codification, gender-sensitive provisions, mandatory marriage registration, and strengthened legal protections are critical steps toward ensuring justice and equality for Hindu women. By aligning national laws with constitutional and international obligations, Bangladesh can uphold the principles of equality and human dignity. Legal reforms, combined with societal awareness and robust institutional support, would create a more equitable and inclusive society for all Hindus in Bangladesh.

Conclusion

India has witnessed radical reforms in Hindu personal laws, transforming them into a framework that accommodates societal changes and promotes gender equality. These reforms were driven by the demands of the Hindu majority, whose leaders advocated for modernization, leading to legislative enactments such as the Hindu Marriage Act of 1955. Conversely, Bangladesh has retained its pre-1947 Hindu personal laws, leaving significant inequalities unaddressed. This stagnation stems from the sensitive nature of minority issues, coupled with a lack of advocacy from within the Hindu community itself.

Articles 10, 19, 27, 28, and 29 of the Constitution of Bangladesh emphasize equality and the removal of social and economic disparities. There is no constitutional barrier to reforming Hindu laws; rather, the constitution encourages steps toward achieving social justice. However, a free and democratic environment is essential for initiating these reforms. The government, in collaboration with NGOs and civil society, must take a proactive role in building awareness about the limitations of existing Hindu personal laws and the necessity of reform.

Awareness campaigns targeting the Hindu community are critical to fostering change. Currently, issues such as sanitation and female health are widely discussed and promoted through media, but the challenges faced by Hindu women remain largely ignored. Media platforms could play a pivotal role in highlighting these issues through short films, documentaries, music, and other creative means. By raising awareness, the community itself can be motivated to advocate for reform.

Once the Hindu community is aware of the limitations of their personal laws and the potential benefits of modernization, its leaders are more likely to come forward and demand legislative changes. Reform would then be possible through democratic processes, ensuring that it is both inclusive and culturally sensitive. Such an approach would align Bangladesh with the principles of equality and human dignity enshrined in its constitution.

Achieving these reforms would mark a significant step toward building a modern democratic society in Bangladesh. Addressing the inequalities in Hindu personal laws would not only improve the socio-economic conditions of Hindu women but also demonstrate the nation's commitment to justice and inclusivity for all its citizens. Through collective effort and sustained advocacy, the dream of a more equitable legal framework can become a reality.

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