KHAN FOUNDATION

In Consultative Status with the Economic & Social Council of the United Nations

Report on

Women's Property and Inheritance Rights



June 2001 - May 2002

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REPORT
ON
WOMEN'S PROPERTY AND INHERITANCE RIGHTS

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This report was prepared with funds provided by Development Alternatives, Inc. with financing from the US Agency for International Development under Contract Number FAO- Q – 00-96-90006-00, NGO Small Grants Programme

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Introduction

PURPOSE OF THE PROJECT AND THE GAP IN KNOWLEDGE

In Bangladesh, Personal Law (Mohammedan & Hindu Law) guides the property law of the Muslims and the Hindus. But as far as inheritance is concerned, women do not enjoy equal right as men. According to the Mohammedan Law a daughter does not inherit equal portion of property as a son on the death of their parents. A daughter inherits only half of the amount to which the son is entitled to. In the absence of a son, the daughter receives nothing. She can inherit only as a residuary. This is a gross violation of human rights. This discrimination severely affects the dignity of women. So, a significant change to secure women's property right and to ensure human rights needs to be brought about.

The picture is even bleaker in case of a Hindu woman. She is not entitled to inherit anything from her father's property and a Hindu widow cannot become heir to her husband's property either. She can enjoy only the life interest of her husband property. She does not retain any ownership not even the right to transfer the property.

In practical life women cannot enjoy their property rights' due to our social environment. This is due to interference and eventual deprivation of her inheritance by her brothers or family members. Sometimes widows are evicted from their husband's home resulting in homelessness. Khan Foundation (KF) feels it essential to create a sense of awareness among women about their right to property so they can exert it accordingly.

Khan Foundation looks at it as an extremely important issue. So as a part of its various noble programmes Khan Foundation has taken initiatives to carry out awareness programme through out the country. At the first stage, KF decided to involve women members (representative of the grass-roots people) of the Union Parishad. Union Parishad (UP) is the most important tier of the Local Government in Bangladesh. A total of Four different tiers of Local Government have been created years ago but the UP remains the only tier which comprises directly elected public representatives and represents solely the grass-roots people. Union Parishad consists of 9 general member seats, 3 reserve seats for women and 1 seat for the chairman.

PAST EXPERIENCE OF KHAN FOUNDATION IN WOMEN'S PROPERTY AND INHERITANCE RIGHTS :

As part of its on-going programmes KF provides training for Women Members of Union Parishad on roles and responsibilities as directly elected public representatives. Through Khan Foundation's advocacy Programme, Women Members all over the country are familiarized about Personal Law (Mohammedan & Hindu Laws). It is an attempt to raise the awareness of 14,000 women members on Women and Children Rights issues.

The worst situation resulting from the Hindu Law is that women are totally deprived of their father's property after their death. While religion continues to be a sensitive issue amongst the common people in Bangladesh, Khan Foundation's approach on this issue has been to change the mind set of the people through counseling, advocacy and mobilization, rather than taking a confrontational approach, as commonly undertaken by many organizations which had so far done more harm than good in achieving these objectives by way of antagonizing one group against the other. Thus KF remains committed to solving such religious conflicts

without inciting segregation, a extreme polarization in the society. Furthermore, KF hopes to take a conciliatory approach through confidence building and creating awareness amongst our rural populace against prevailing social evils. This approach of delicate handling of sensitive religious issues by KF has already achieved significant success in the operational level of our existing programmes.

PROJECT'S GOALS AND OBJECTIVES

Goal :
Ensure womens equal rights to property through elimination of gender discrimination and enactment.

Objectives

1. To increase community awareness & social mobilization amongst the elected women members of UPs on property and inheritance rights.
2. To raise awareness and inform UP elected women members through all available mechanisms to protect women's rights in particular to ensure inheritance and property rights of the personal laws.
3. To develop and increase skills of the elected women in the decision making process particularly in the Shalish, Mediation and Arbitration. These members eventually can play an important role in case of inheritance and property rights of the women.
4. To ensure equal rights and eliminate all forms of discrimination against women according to our constitution and CEDAW.

Profile of the Issue in Our Country

SITUATION OF INHERITANCE LAW IN BANGLADESH

In general, women do not enjoy equal rights in property in our country regardless of her religions affiliation. But the constitution of Bangladesh reflects equal treatment for citizens irrespective of their religion, race, caste, sex or place of birth. According to Article 27 of the constitution, " All citizens are equal before law and entitled to equal protection of Law". However, under the personal Laws of Bangladesh, women do not enjoy equal rights like men do, especially in the case of property rights.

Under the provisions of Muslim Law of Inheritance a son takes the double the portion of a daughter. A daughter is not a rightful sharer in absence of a son. She can inherit only as a residuary. This ironically is a major discrimination to women's dignity. Women under Hindu Law in Bangladesh are very much deprived from property. According to the law of inheritance, a daughter in Hindu Law who is deaf or lame, cannot inherit her father's property. She has to live in a hapless condition. Similarly a widow cannot inherit her husband's property. She can only enjoy life interest in her husband's property. She cannot transfer the property. She has to tolerate many unexpected events from her husband's family members. Even a widow is sometimes forcefully evicted from her husband's house. It should be considered that there is no such provision prohibiting a Hindu woman from inheriting her father's or husband's property in the Holy Bedh, Gita or in any other Holy Book. But according to Daybhaga School, a Hindu women has to tolerate the miserable conditions due to Hindu Customary Law. Still today birth of daughters are not welcome by their family members because they cannot inherit property equally as with sons.

NEED FOR SOCIAL MOVEMENT AND AWARENESS RAISING

In order to enjoying laws of equal property rights, we need an enactment of the parliament. Before reaching that goal, a strong social movement is inevitable to mobilize awareness both at policy & grass root level. By depriving women from property the country is lagging behind as its half is not getting economic independence at all. A sense of awareness has to be launched so that people from all levels irrespective of religion and sex, would motivate to act as a pressure group for an enactment of equal rights of property. In this regard women UP members would act as a Key player to raise the awareness programmes at the grass root level.

CHALLENGES AND OBSTACLES

The process of gaining equal access to property and inheritance right is a challenge to form a uniform code. Though article 27 of Bangladesh Constitution states about equality before law but in article 42 indicates that existing family law should follow property rights. On the other way, Bangladesh is a signatory of the CEDAW Convention, there is still a reservation on Article (2) of this convention. This reservation is a bar to implement equality and equal rights as far as enjoying property rights and inheritance right is concerned. Through these project activities KF is raising a voice advocating for ensuring women's equal rights in the property. It also helps in ensuring human rights for all. As there is provision for withdrawal of reservation at any time in this Convention, it will help us to lobby for withdrawal of this reservation.

METHODOLOGY AND ACTIVITY DESIGN

According to the project description 400 elected women members of 150 Union Parishad of 13 Districts of 4 Division has been trained up for a two days training workshop on the issue. Consequently 1.3 millions women and children will be benefited by these trained members as they play an important leadership role in village court and in different public interest oriented activities.

These trained UP women members organized 150 community meetings at the community level and disseminate the knowledge they learned with the help of Women Lawyers. They raised a voice, demanding of equal share in property.

ACTIVITIES DESIGN

1. Prepared training Module
2. Planned training method on selected materials.
3. Arranged 10 Two-day training workshop's in Dhaka
4. Elected women UP members organized 150 community workshop's at union level.

TRAINING TOPICS

Multifaceted topics were selected, i.e.;

1. Law, Personal Law and Family Law;

2. Women's Right to Property Under Muslim Personal Law;
3. Women's Right to Property Under Hindu Personal Law;
4. Equal Rights of Women In Property in the Light of CEDAW and the Constitution of Bangladesh;
5. Legal Counseling;
6. Gender Sensitization;
7. Arbitration, Mediation and Solution through Mediation;
8. Community Meeting and Forum;
9. Economic Empowerment of Women and Right to Property : Social Aspect;

METHODOLOGY OF TRAINING

- Discussion and Speech
- Speech
- OHP
- Cards and Pictures
- Questions and Answers
- Posters
- Hand out distribution
- Flip Chart
- Group Presentation
- Single Presentation
- Open Discussions
- Opinion Exchange
- Role Play
- Comments
- Brain Storming
- Interview

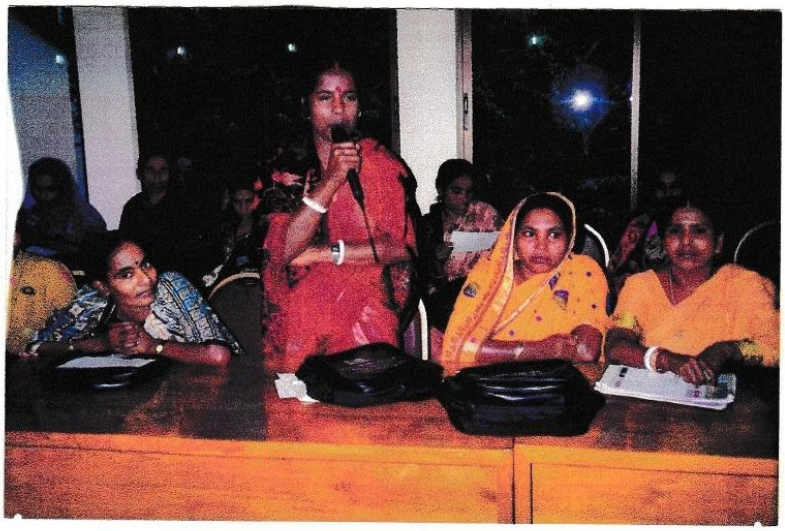
TRAINING MATERIALS

- Overhead Project
- White Board and Marker
- Flip chart
- Cards
- Information Materials

THE CULTURAL ACTIVITIES OF THE PARTICIPANTS

Besides the training classes, some side activities like drawing, group music, reciting etc. were arranged in order to make the training more attractive and enjoyable. These programmes took

place in the afternoon, after the classes each day. They also published Wall Magazines with recommendations.



Folk song presented by a participant in the training programme

CASE STUDY

This is the participatoriest process of training. Participants came out from their seats and played a hypothetical role on a particular issue. At that time, they imitated each character so and the event became very lively indeed.

Role-play and case studies were included in the training on the following topics :
"Public Representative Policy" under Inheritance Law
Salish
Community Meeting
Equal Share in Inherited property
Economic empowerment of women

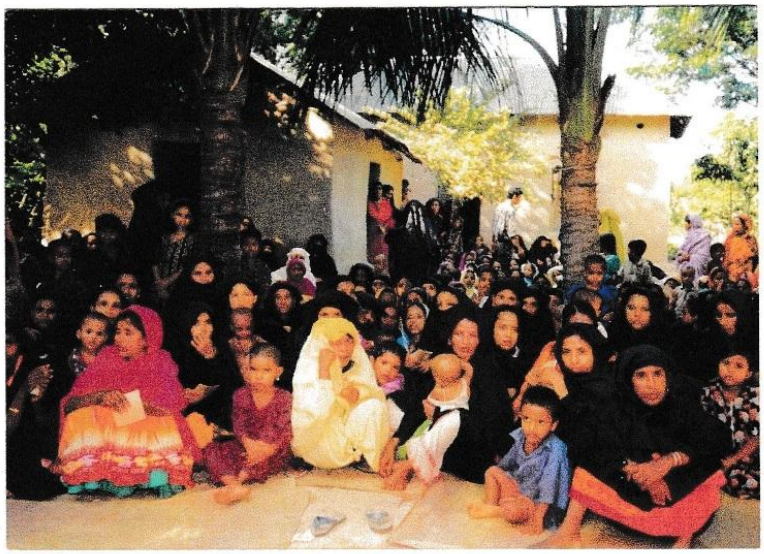
COMMUNITY MEETINGS & FINDINGS

Community meeting was an important part of this training programme. The related papers, information and materials were provided to the members prior to the meetings.

Through these meetings KF's achievements are as follows:

- Increased legal awareness among 30,000 women at the grass root level;
- About 5,000 women who are literate were awarded on the International Treaty;
- Increased the leadership role of 400 UP women Members;
- An estimated 20,000 women at grass root level were enlightened on empowerment, while 400 elected UP women members were involved in decision making and implementation process through this awareness programme;
- About 300 women are resoluting disputes through Salish and mediation;

- 400 women UP members are working to protect women and child trafficking through 13 committee in 13 Districts;
- 400 women UP members are working continuously to stop women and child abuse in 13 districts through child & women committee;



Participants of a community Meeting

SUCCESS STORY :

Rashida Akhtar, an UP elected women member of Manikganj Sadar Upazilla took part in two days training on Inheritance Law. Being inspired and aware of her inheritance rights she demanded her share of property from her co-sharer. With the help of District women lawyers she received land property valued at Taka 2 lakh. She is very pleased to have received training at KF and wants to increase awareness among her UP women members.

LIMITATIONS

1. Some of participants demanded extension of training period so that they could gras the matter more clearly.
2. The training programme should include both male & female members as property generally remains under the direct possession of male members of the family.

Results and Discussion of Findings

Although the constitution of our country equally protects the rights and privileges of both men and women, our country women are still deprived of their fundamental rights especially that concerning inheritance of property.

Keeping this in mind, KF initiated a program that voiced against this prejudicial status of women and trained women representatives at the local level. These training modules had been highly successful and been able to bring out substantial recommendations as far as women and property ownership are concerned.

General people of Bangladesh are not aware of the law. They do not have adequate knowledge regarding the laws. It is not exceptional in case of inheritance law. Nevertheless, the issue *'Women Property and Inheritance Rights'* is a sensitive topic as women rural areas believe that if they demand their property from co-sharers, family relations would be effected. But KF decided to organize training programmes on this issue because dissemination of knowledge is essential for women's economic emancipation. To do so, KF selected 400 UP elected women members as target audience.

FIELD SELECTION

In our awareness raising programme, UP elected members from 4 divisions naming Dhaka, Chittagong, Khulna, Rajshahi comprising of nearly 13 districts (Tangail, Mymensing, Manikgonj, Chandpur, Comilla, Jessore, Nator, Dinajpur, Gybandha, Bogra, Meherpur, Magura, Thakurgoan) and 25 Upazillas have been involved.

The trainees were categorized in the following areas :

- The members who already attended the In-depth (Follow-up) training.
- The members who are genuinely interested in receiving training and aware of their roles as members.
- The Thanas from which the maximum number of members already received training.
- From the Districts where the Women Lawyers' Network existed.

UPAZILLAS AT A GLANCE :

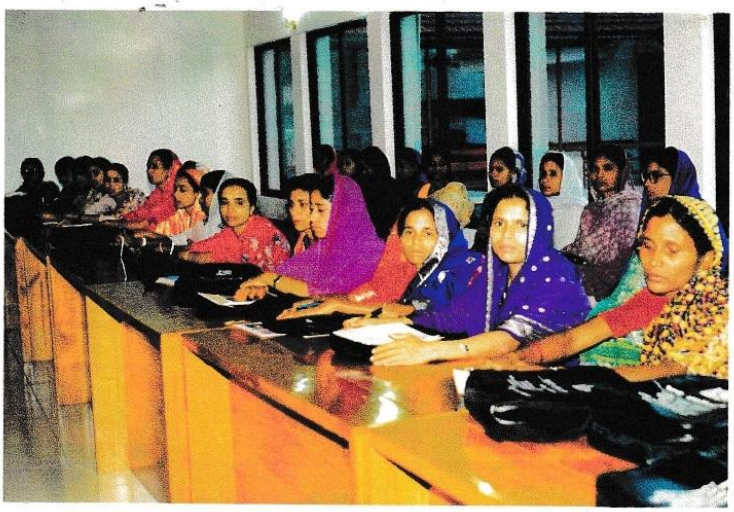
Division	District	Upazilla
Dhaka	Tangail	Nagorpur
	Mymensingh	Fulpur
		Ishwargonj
		Sadar
		Trisal
		Nandail
	Manikgonj	Sadar
		Singair
Chittagong	Chandpur	Matlob
		Faridganj
	Comilla	Laksam
		Chandina
		Dabidar
Khulna	Jessore	Jhikarghacha
		Monirampur
		Abhaynagar
	Meherpur	Muzibnagar
	Magura	Salikha
Rajshahi	Nator	Sadar
	Thakurgaon	Sadar
	Dinajpur	Sadar
	Gaibandha	Gobindhagonj
		Sadar
	Bogra	Sadar

The project activity has two aspects:

1. The basic two day training at KF.
2. The community workshop at field level.

The Basic two day Training:

Khan Foundation conducted a pre-test survey through questionnaire among UP elected women members who joined the on going training of KF. In the pre-test survey they showed keen interest to know details about inheritance law & property rights. 100 questionnaires (each containing 14 questions) were filled up by 4 batches. On the basis of these findings training topics were selected.



Participants are listening class lecture

PHILOSOPHY OF TWO DAY TRAINING PROGRAMME

- Provide a preliminary idea of the existing laws relating inheritance law & property rights.
- Provide a clear conception on the constitutional Law and CEDAW.
- Identify the existing inconsistency between constitutional law and personal law.
- Make the participants aware about their property rights.
- Launch awareness at the grass root level for a legislative Act on equal property rights.
- Raise consciousness amongst community people through UP women leaders on women property rights.

TRAINING ISSUES COVERING RELEVANT AREAS ARE AS FOLLOWS :

- Give general idea about Muslim Family Law and Hindu Family Law as well.
- Issues like Marriage, Child-marriage, polygamy, dowry, divorce, separation, maintenance are closely related with economic solvency.

- Family Court Ordinance 1985.
- Muslim inheritance Law, women's rights in the light of the constitution.
- General Knowledge about the procedure of transfer of property (Will, Gift, Heba)
- Realize the problems of a Hindu women without property.
- Illustrate women's life and needs in the light of economic solvency and on the role her equal share of property.
- Find out women participants recommendation about inheritance law and property rights.

STATUS OF THE PARTICIPANTS

The training programme took part in 10 batches, each consisting of 40 participants.

The training began in September 2001. The trainer evaluated socio-economic status of the participants & they developed their class strategies to cope with them. Among the 400 participants these were 357 house wives, 6 employers, 22 teachers, 8 traders and 7 engaged in other professions. And as far as education is concerned, most, ie., 220 participants are in the range of secondary high school certificate holders while 4 completed graduation, 20 higher secondary school certificate holders, 70 secondary school certificate holders, 76 passed primary education and 7 were capable of signing their name.



A trainee is receiving certificate from guest at the end of two-day training programme

The basic training was built up on follows fundamental steps :

1. Orientation
2. Evaluation of knowledge including pre-test exams.
3. Providing expectation card
4. Basic class
5. Working session including group work

SHARE THE EXPERIENCE & PROVIDE COUNSELING

In the training programme, there is a special session on legal counseling. Participants share their personal experience and bring up the scenerios of their unions. Sometimes they merely want to share their views and sometimes they seek advice or guideline. Most of the experiences are guided under the following Laws :

- The Oppression of Women and Children (Special Enactment) Act 2000.
- Inheritance and Property Rights
- Muslim Family Law, Hindu Family Law

About Inheritance law and women's property rights they pointed out the following problems :

- Male members of family do not want to transfer womens share and advice them to file case for receiving property.
- Women are helpless and object of sympathy as they do not get equal share in property.
- As most of the women in our country are less educated they do not realize that their economic solvency mostly depend on property rights..

WOMEN LAWYERS ATTENDED IN THE CLASS AS A RESOURCE PERSON

Khan foundation has an active Women Lawyers Network with 450 women lawyers of 57 districts. As part of training programme KF invited women lawyers of 13 districts in two days training sessions. Women lawyers discussed on inheritance law and women property rights with the participants. Participants from each of the districts become very pleased to have them. They raised problems relating to inheritance law, also exchanged opinion and provided pragmatic guidelines.

CASE STUDY

Case Study: 01

The Incident:

Aliya got married four years earlier. It was an arranged marriage and her marriage was registered (Kabin) according to the Muslim law. At the time of her marriage Aliya's father gifted the bride as much as he could. During the first three years of the marriage her life was steady : they had a child and every thing also was normal. But, all of a sudden, because of financial constraints Aliya's husband pressurized her for dowry, and eventually she was forced to leave her house with her infant. Ironically, her husband threatened her remarrying.

But, Aliya denied him her permission and remained firm on her decision.

Consequently, Aliyas husband Rob informed the matter to the local Chairman and Members. As a result, they called for a Salish. Rob and Aliya complied.

Recommendations:

- The Parishad advised Rob on how to lessen his economic hardship and also forwarded their hand to help him.

- The Parishad also warned Rob that he canot remarry without the prior permission of his wife since their marriage was registered.

- They also make Rob cautious about " Dowry Prohibition Act - 1980 ".

Result:

At the end, Rob repented and promised to work for a prosperous future for his wife and child



A moment of a case study played by the participants

Case Study: 02

Case study on socio and family restrictions

Facts : Korimon was married to Majid, the son of a poor family. Majid was very poor worked on other people's land. Korimon was a housewife and was carring on life with their son Hiron. But, an accident left Mojid with an infected leg. Physicians recommended cutting off Mojids leg. Alas, Mojid had no choice but to accept the reality.

Consequently, Korimon came to her fathers' house and demanded her fair share of the property.

Direction : Participants played the role of different character i.e. brother, uncle, mother, sister in laws etc. Finally they concluded a result. Result was based on fact and experience gained from life.

Impact: After the presentation many women cried as they found this incident to be similar with their own life. Women were more conscious after they saw the film.

Training Impact:

Some important recommendations compiled from the women members during the training:

- Effective steps should be taken to ensure women's fair share of inherited property.
- Wife should receive more share of inherited property.
- Daughter should have equal right to inherit father's property.
- Father-in-Laws should specify the amount of property to be received by the widow of their son.
- Union Parishad Members should have substantial knowledge on inheritance law.
- Women members representing at the local level should get the privilege to resolve cases regarding inheritance law.
- Girl child will inherit the total proportion of their father property in lieu of their son.
- Women and men should have equal share of property as stated by the constitution of the country.
- If a woman is divorced she should receive half of the property of her husband.
- The portion of inheritance in case minor Hindu women should be clarified.
- Hindu women must possess the right to divorce.
- Laws should be enforced restraining Hindu men from monogamy.
- Registration should be mandatory in Hindu Marriage. etc.

Usefulness of the Training

The training and community workshop at the grass root level is useful because-

1. Most of the women do not have a clear conception about their property rights.
2. Women are helpless and face indiscrimination for not having equal rights to property .
3. This training will help to raise a voice unitedly from women.
4. Women leader would share their experience to the Union Parishad with male colleague.
5. Women representatives were very enthuisiastic to deal with property rights in the village court and Salish.
6. The practical knowledge gained by women members will have a positive impact in their socio-economic life.
7. Level of consciousness raised as motivational activities were carry out by the UP elected women members.
8. Recommendations from participants should be properly emphasised at the policy making level.

NEED FOR REPLICATING THE PROGRAMME THROUGH OUT THE COUNTRY

The project covered only 400 elected women members from 13 districts of 4 divisions. In order to raise social awareness, this programme must be launched in other districts of all 6 divisions. If the programme successfully trains up more UP elected women they can motivate

more community people. On the other hand, this training should involve male participants also. Many UP elected women members also expressed their sincere interest to participated in this training programme by male.

SUSTAINABILITY OF THE PROGRAMME

Of course this programme is sustainable as women are still the disadvantaged group in our society. Lack of economic solvency is the reason behind torture and violence in many cases. First they need to know the process and mechanism of existing laws. During training session a participant from Comilla burst into tears stating that her brothers deprived her from property, giving a lump sum money in spite of her share. As she did not know the law, they forced her to sign the deed. Before training she had no idea about her rights to property and was satisfied with the little amount of money. She expressed her determination to launch the consciousness amongst the women of her community. Most of the participants commented that the state should legislate new law ensuring equal rights of property. They pointed out that divorced women cannot inherit property, making them suffer the most generally. The scenerio of Hindu women is much more miserable. They expressed the view , *'out of property out of confidence'*. Their rights for property is safeguarded by law. But they face various complexities when trying to claim their share of property. So, they were very enthusiastic about the training topic and voluntarily organized community workshops. They conducted almost 150 community workshops.

ANALYZING RESULTS OF THE COMMUNITY MEETING

Elected UP women members organized the community meetings. They invited district women lawyers as a resource person to discuss on the topic. Union complex yard, Upazilla



Elected Woman Union Parishad Members is Addressing a indoor Community Meeting

complex, primary school building were used as venue of community meetings. A community meeting consisted 50-60 women of different ages. Three women leaders of a Union Parishad presented in the meeting and one presided the meeting. Women leaders responsibility was to raise awareness and motivate community people while women lawyers discussed on legal

points. Lawyers explained women share property according to existing laws and focus on the discriminating portion of property.

Conclusion

Khan Foundation from its long working experience on women's empowerment & rights, realized that the reason the behind disadvantages women is a lack of awareness and consciousness on their rights. So awareness raising programme is essential. KF established itself as the pioneer organization in the field of training programme for elected women members who are the leaders at the grass root level. In two-day training of *'Inheritance Law & Property rights for Women's* 400 women leaders were trained up who were involved in advocating & mobilizing the community people about the existing personal law. This awareness would help to set forth a social movement to legislate an Act to gain equal access to property.

During the training classes the trainees showed immense interest. They came to know about the existing and non-existing law on this issue. Some of them were surprised, and even astonished about the unequal share of property rights. They raised questions and wanted to know how they can eliminate this inequality. Most of the classes were participatory in method. They participated in role-play, debate, open discussion and in brainstorming sessions. They commented on the topic being very familiar to them and the problems being a part of their day to day life. Some women even expressed that they are not traditionally habitual in acquiring or even claiming property. The debate class was more lively because the participants pointed out many significant issues. After the completion of training they did confess that they did not demand their property from co-sharer for a long time, because there was a prejudice that *'if women take share, she would destroy'*. After training they realized that it is their fundamental right. They urged for an enactment of equal rights to property.

As a follow-up activity these UP elected women member organized a community workshop at the local levels. They spread the message they had learned. They motivated rural women to fight for their property rights. They focus on whatever property rights exist on personal law that were discriminating and not exercised in the society to its full extent. These women leaders made community people aware to raise a voice for amendment of personal law & enactment of laws. The UP elected women members organized the community workshop and women lawyers were present at the meeting as a resource person. Women lawyers explained the limitations in existing laws for equal property rights and also answered other questions raised by the community people.

LESSONS LEARNED

1. This training created awareness among the UP women leader.
2. Some Trainees thought property would always be under the guidance of male but after training they realized that it was their own rights.
3. Participants demanded the extension of training period instead the existing of 2 days.
4. The project included only 150 community meetings in 150 union parishad at one time. But these community meetings need to continue simultaneously in the community level as well.
5. Establishing equal rights to property needs to be legislated as an Act. In order to do that social movement must be launched in every part of the country. However, the project covers only limited district of 4 divisions.

6. During training class women participants urged that this training should include male UP members.
7. After completion of training effective linkages between economic solvency & property rights were established.
8. The programme raised concern on the inconsistencies between the constitutional law & personal law.
9. Raised community awareness of the grass root level on enactment of law.
10. Encouraged UP elected women members to resolute the disputes through salish and mediation.
11. Increased the effective involvement of women in decision-making and implementation.

HOW THE RESULT USED BY TARGET AUDIENCE

Khan Foundation has a strong network of women lawyer's, which includes 57 district Bar Associations. 400 elected UP women members who are the projected target audience, organized 150 community workshops with the help of district women lawyers to create social awareness amongst the community people.

SOME IMPORTANT RECOMMENDATION

Recommendation to reform the existing law

1. Though Bangladesh is signatory of the CEDAW, still their exists reservation on Article 2 which is a bar for implementing equality and equal rights for women. As there is provision for withdrawal of reservation at any time in this convention, strong lobbying is needed at local & national level to withdraw the reservation.
2. Legislative Act & amendment of personal law is essential to have equal rights to property.
3. Inconsistency between constitutional law & personal law regarding property rights should be abolished.

Recommendation Relating to Programme

1. In this project selected UP women member from 13 Districts of 4 Divisions were involved. Women members from all over the country should get this training. So that a strong social movement involving a large number of community people can be launched.

Recommendation Relating Research

1. Effective steps should be taken to ensure fair share of women on inherited property.
2. Wives should receive greater share of inherited property.
3. Both women and men should receive equal share of property as stated by the constitution of the country.
4. The portion of inheritance in case of minor Hindu women should be clarified.
5. If a women is divorced she should receive half the property of her husband.

Recommendation Relating advocacy

1. Union Parishad member should have substantive knowledge on inheritance law.
2. Women members should get the privilege to resolve cases regarding inheritance law.
3. People of civil society, NGO representatives and other concerned body should come forward with this issue and lobby for enactment.