
BEYOND MAINTENANCE: A CRITICAL RETHINKING OF POST-DIVORCE ECONOMIC JUSTICE FOR WOMEN IN BANGLADESH

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ABSTRACT

Divorce is becoming more common in Bangladesh and women often carry the heaviest economic burden once a marriage ends. The present legal framework, especially the Muslim Family Laws Ordinance 1961 and the Family Courts Act, 2023, mainly focuses on maintenance during the iddat period, a short waiting period of about three months. This narrow view of maintenance leaves many divorced women without long-term financial protection, even though they may have spent years contributing to the household. This paper states that post-divorce economic justice should move beyond the traditional idea of maintenance and instead adopt a wider framework that includes recognition of matrimonial contribution, fair dower recovery and long-term financial support. The study follows a doctrinal and analytical method, examining statutes, reported case law and secondary literature, together with recent statistics from the Bangladesh Bureau of Statistics and reports published in national newspapers. Landmark cases are examined alongside international examples. The paper also considers Bangladesh's reservations to Articles 2 and 16.1(c) of the CEDAW Convention and how these reservations affect the rights of divorced women. The paper concludes with policy suggestions, including reform of maintenance provisions, statutory recognition of matrimonial property and stronger enforcement mechanisms to build a fairer and more sustainable system of economic justice for divorced women in Bangladesh.

Keywords: Divorce; Post-Divorce Economic Justice; Maintenance; CEDAW.

1. Introduction

Marriage in Bangladesh is not only a personal relationship; it is also an economic arrangement in which women, more often than men, give up paid work, education or career growth to manage the household. When such a marriage ends, the economic consequences usually fall unevenly on the wife. According to the Bangladesh Bureau of Statistics, the national divorce rate rose sharply between 2020 and 2022, from about eight divorces per ten thousand people to fourteen per ten thousand, before showing a slight decline to eleven per ten thousand in 2023[1]. News reports from Dhaka North City Corporation recorded thousands of divorce applications in a single year, describing the pace as roughly one divorce every forty minutes in the city, a pattern later reports suggest has continued rather than reversed[2]. Divorce, in other words, is no longer a rare event in Bangladeshi society; it is a recurring social and legal reality that the law must respond to more fully.

Yet the legal response to divorce in Bangladesh remains centered on a narrow concept: maintenance, understood mainly as short-term financial support during the iddat period. Sections 6 to 9 of the Muslim Family Laws Ordinance, 1961[3], and Section 5 of the Family Courts Act, 2023[4], place dissolution of marriage, dower and maintenance within the same forum but none of these provisions clearly address what happens to a woman's economic position once the iddat period ends. Hindu women face an even harder situation, since Hindu personal law in Bangladesh still does not recognize a general right to divorce, leaving the outdated Hindu Married Women's Right to Separate Residence and Maintenance Act, 1946[5], as one of the few available remedies[6]. Christian marriages remain governed by an old colonial statute that has also been criticized for being unequal and out of date.

This paper asks a simple but important question: is 'maintenance,' as currently understood in Bangladeshi law, enough to deliver economic justice to divorced women? The paper argues that it is not. A woman who has spent years on unpaid domestic labor, child-rearing and family care cannot be made economically whole by a few months of support after divorce. The paper therefore proposes a broader framework of post-divorce economic justice, one that looks beyond maintenance to matrimonial contribution, dower recovery, property considerations and reintegration into paid work.

2. Literature Review

A growing body of research has examined divorce and maintenance in Bangladesh, though

much of this work looks either at the social causes of divorce or at narrow doctrinal questions about maintenance, rather than at economic justice as a whole. Studies using Bangladesh Fertility Survey data found that a woman's education, work status before marriage and area of residence were all linked to her likelihood of divorce, suggesting that economic independence changes marital outcomes in measurable ways[7]. More recent socio-legal work has connected rising divorce rates in rural areas to poverty, early marriage, and the after-effects of the COVID-19 pandemic[8], while other researchers have linked increasing separation among educated urban women to greater financial independence gained through paid work[9]. A 2025 study of divorce among urban women in Dhaka similarly attributes rising separation rates partly to industrialization, women's empowerment and a growing sense of individual autonomy among educated women, reinforcing the link between women's economic position and marital outcomes[10].

On the legal side, scholars have paid close attention to the conflicting judgments in *Hefzur Rahman v. Shamsun Nahar Begum*, which is widely treated as the leading Bangladeshi case on post-divorce maintenance[11]. Commentators generally agree that the case exposed a deep tension between a progressive, welfare-based reading of Islamic maintenance law and a narrower, classical reading that limits a husband's duty to the iddat period. However, most legal commentary on the case stops at doctrinal analysis; it rarely connects the outcome to wider questions of economic justice, labor-market participation, or property rights after divorce.

Separately, researchers writing on Hindu personal law in Bangladesh have documented the continuing absence of a codified right to divorce for Hindu women, arguing that the Hindu Marriage Registration Act, 2012, though a positive first step, remains incomplete because registration is optional and no divorce mechanism was introduced alongside it[12]. Likewise, advocacy-focused literature and newspaper commentary have repeatedly called on the Bangladesh government to withdraw its reservations to Articles 2 and 16.1(c) of CEDAW, arguing that these reservations directly limit the government's ability to reform discriminatory family law provisions[13].

A significant gap in the existing literature is the lack of a comprehensive approach that examines maintenance law, dower practices, property rights, labor-market realities and international human rights commitments as interconnected dimensions of post-divorce economic justice. This paper seeks to address this gap by bringing statutory analysis, case law, recent empirical data and comparative perspectives into a single analytical framework, rather than treating maintenance as an isolated legal entitlement.

3. Methodology

This study uses a doctrinal, legal research method, supported by socio-legal and statistical analysis. The doctrinal method was chosen because the central research question concerns the content, interpretation, and adequacy of existing legal rules, which requires close reading of statutes and judicial decisions rather than field data collection.

Sources of Data

Primary legal sources include the Muslim Family Laws Ordinance, 1961; the Dissolution of Muslim Marriages Act, 1939; the Family Courts Act, 2023; the Hindu Marriage Registration Act, 2012; the Hindu Married Women's Right to Separate Residence and Maintenance Act, 1946; the CEDAW Convention; and reported judicial decisions of the High Court Division and Appellate Division of the Supreme Court of Bangladesh, drawn from official law reports such as the Dhaka Law Reports (DLR) and Bangladesh Legal Decisions (BLD). Secondary sources include peer-reviewed journal articles, government statistical reports published by the Bangladesh Bureau of Statistics, international indices such as the World Economic Forum's Global Gender Gap Report and reports published between 2019 and 2026 by national and international newspapers, including The Daily Star, The Business Standard, Prothom Alo.

4. Limitations

As a doctrinal study, this paper does not include interviews or survey data collected directly from divorced women, and it therefore cannot measure their lived experiences or personal views of the maintenance system in a first-hand way. Statistical figures are drawn from published government, international, and news sources rather than from independent data collection carried out for this paper; where more recent official figures were not yet available at the time of writing, this gap is noted rather than filled with an estimate.

5. Legal Framework

5.1 Domestic Legal Framework

Family law in Bangladesh is not unified; it differs according to the religious community of the parties. For Muslims, the Muslim Family Laws Ordinance, 1961[14], together with the Dissolution of Muslim Marriages Act, 1939[15], and the Family Courts Act, 2023[16] forms the main legal structure. Section 9 of the 1961 Ordinance allows an Arbitration Council to

determine maintenance where a husband fails to provide it, but the Ordinance itself does not clearly extend a husband's duty beyond the iddat period. The Family Courts Act, 2023, gives Family Courts exclusive jurisdiction over dissolution of marriage, restitution of conjugal rights, dower, maintenance and guardianship of children. Importantly, this Ordinance applies to all citizens of Bangladesh regardless of religion, so a Hindu or Christian wife may also bring a maintenance claim before a Family Court.[17]

Dower, or mahr, is a further economic protection under Muslim law. It is a sum of money or property that a husband is bound to pay his wife, and it becomes immediately payable on demand once the marriage ends, whether by death or divorce[18]. In practice, however, dower amounts recorded in the marriage contract are frequently symbolic rather than reflective of real economic value, and recovering unpaid dower through the courts can be slow and difficult[19].

For Hindu citizens, the law is far less developed. Hindu personal law in Bangladesh has traditionally treated marriage as a lifelong sacrament and no general statutory right to divorce exists. A Hindu wife may claim separate residence and maintenance under the Hindu Married Women's Right to Separate Residence and Maintenance Act, 1946[20], but only on limited grounds such as cruelty, desertion, or the husband keeping a second wife[21]. The Hindu Marriage Registration Act, 2012[22], introduced optional registration of Hindu marriages, which helps with proof of marriage in maintenance and inheritance disputes, but it did not introduce any judicial mechanism for divorce[23]. Christian marriages, meanwhile, remain governed by the nineteenth-century Divorce Act, 1869[24], which requires judicial proceedings for dissolution and, unlike Muslim or Hindu law, sets unequal grounds for husbands and wives: a Christian husband may petition for divorce on adultery alone, while a wife must additionally prove cruelty, desertion, or a further aggravating ground before a petition will succeed[25]. Scholars have long argued that section 10 of the 1869 Act should be reformed to allow divorce by mutual consent and to remove this gendered asymmetry, and that Christian personal law more broadly has been left out of the reform conversation that has periodically touched Muslim and Hindu law[26].

5.2 International Legal Framework

Bangladesh ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1984.[27] Article 2 of the Convention requires states to remove laws and practices that treat women as inferior, while Article 16.1(c) requires equal rights and

responsibilities for men and women during marriage and at its dissolution. Bangladesh, however, entered reservations against both articles, along with two further articles that were withdrawn in 1997, on the ground that full compliance could conflict with religious personal laws[28]. These continuing reservations mean that Bangladesh has not committed, at the international level, to equal treatment of men and women in matters of marriage and divorce, which weakens the pressure for domestic reform of maintenance and property law. Article 25 of the Universal Declaration of Human Rights, which recognizes a right to an adequate standard of living[29], and the International Covenant on Economic, Social and Cultural Rights[30] offer further international support for the idea that post-divorce economic protection is a human rights concern and not simply a private family matter.

5.3 Constitutional Framework

The Constitution of Bangladesh[31] provides a broader constitutional basis for women's post-divorce economic justice. Article 27 guarantees equality before law, while Article 28(1) prohibits discrimination on the ground of sex and Article 28(2) recognizes equal rights of women with men in all spheres of state and public life. Article 19(1) further emphasizes equality of opportunity, while Article 15(b) recognizes the State's responsibility regarding the right to work. Although these provisions do not expressly establish a post-divorce maintenance right, they provide an important constitutional framework for assessing gender equality, economic security and legal protection of divorced women.

Courts have, on occasion, drawn on these constitutional guarantees to reinterpret personal-law doctrines that had previously been read to disadvantage women. In *Mossammat Jesmin Akhter v ASM Moniruzzaman*, for example, the High Court Division moved away from a rigid, gender-based rule of paternal guardianship and instead centred a mother's fitness to care for her child, an approach commentators have linked to the equality guarantees in Articles 27 and 28[32]. The judgment illustrates that Bangladeshi courts are not entirely confined to a literal reading of religious personal law when a constitutional equality argument is squarely raised; it also suggests a doctrinal path - so far underused in the maintenance context - through which the narrow reading of 'maintenance' in *Hefzur Rahman* could in principle be revisited.

6. Landmark Case Law

The most significant Bangladeshi case on post-divorce maintenance is *Hefzur Rahman (Md.)*

v. Shamsun Nahar Begum. At the High Court Division stage[33], the Court held that a husband remains bound to maintain his divorced wife on a reasonable scale for an indefinite period, until she loses her status as a divorcee through remarriage, relying on an interpretation of Ayat 241 of Surah Al-Baqarah[34]. On appeal, however, the Appellate Division reversed this position[35], holding that the concept of 'mata'a' referred to in the Qur'anic verse could not be equated with maintenance under the Family Courts Act and reaffirming the classical view that a husband's duty of maintenance generally ends with the iddat period[36]. This reversal remains the binding position in Bangladesh today and it illustrates how far Bangladeshi maintenance law still is from recognizing any long-term entitlement for divorced women.

An earlier case, Rustom Ali v. Jamila Khatun[37], had already limited a wife's maintenance claim to the period between the filing of the suit and three months after the decree of dissolution, denying any claim for arrears prior to filing. Read together, Rustom Ali and Hefzur Rahman show a consistent judicial pattern: Bangladeshi courts have generally been reluctant to extend a husband's maintenance duty beyond a short, clearly defined window, even where lower courts have tried to expand protection for divorced women.

On the question of who may use the Family Courts, Pachan Riski Das v. Khuku Rani Dasi[38], confirmed that the Family Courts Act, 2023, is not limited to Muslim litigants; a Hindu wife may also bring a maintenance suit in a Family Court. This case is important because it shows that, at least procedurally, the Family Courts are meant to serve women of every religious community, even though the substantive personal laws that apply once a case reaches court remain very different for Muslims, Hindus, and Christians.

Comparative Case Law

India offers a useful point of comparison because it shares much of the same Anglo-Muhammadian legal history as Bangladesh. In Mohd. Ahmed Khan v. Shah Bano Begum[39], the Indian Supreme Court held that a divorced Muslim woman could claim maintenance under the general, religion-neutral Section 125 of the Code of Criminal Procedure, even beyond the iddat period, if she could not otherwise maintain herself. The judgment caused strong political reaction and the Indian Parliament responded with the Muslim Women (Protection of Rights on Divorce) Act, 1986[40], which appeared to limit a husband's duty to the iddat period alone.

Importantly, the story did not end there. In Danial Latifi v. Union of India[41], the Supreme

Court upheld the 1986 Act as constitutional but interpreted its wording in a way that substantially restored protection for women: the husband's duty to make a 'reasonable and fair provision' within the iddat period was read to mean a lump-sum provision covering the wife's foreseeable future needs, not merely three months of support. Later decisions, including *Shabana Bano v. Imran Khan*[42], confirmed that divorced Muslim women in India may still use Section 125 alongside the 1986 Act. This Indian experience shows that it is possible to keep religious personal law in place while still using statutory interpretation and later legislative clarification, to secure broader and longer-lasting economic protection for divorced women - an approach from which Bangladesh may usefully learn.

7. Recent Statistics on Divorce and Women's Economic Position

Recent government, international and news data help to show the scale of the problem. According to the Bangladesh Sample Vital Statistics 2023, published by the Bangladesh Bureau of Statistics, the national divorce rate stood at 1.1 percent in 2023, down slightly from 1.4 percent in 2022, with the rural divorce rate consistently higher than the urban rate[43]. The Daily Star (2024) reported that, across the country in 2023, eleven people were found to be divorced out of every ten thousand, compared to eight in 2020, seven in 2021 and fourteen in 2022, showing a sharp rise followed by only a partial decline[44]. In Dhaka alone, Prothom Alo (2023) reported that the Dhaka North City Corporation received 5,590 divorce applications in a single year, with a settlement rate of only about two percent[45], and separate reporting on the Dhaka South City Corporation recorded 7,698 divorces in 2022, roughly 70% of which were filed by wives[46], illustrating both how rarely reconciliation succeeds once a case reaches the formal process and how often it is women who initiate proceedings. A 2025 news account confirms that the pace of roughly one divorce every forty minutes in Dhaka has persisted rather than eased since these figures were first reported[47]. At the time of writing, BBS had not yet released divorce-rate figures for 2024 or 2025, so the most recent official national rate remains the 2023 figure reported above; this gap is noted as a limitation of the available data rather than filled with an estimate.

Alongside rising divorce, women's position in the paid labor market remains fragile. Modelled ILO estimates put Bangladesh's female labor force participation rate at around 44% in 2024[48], but the Bangladesh Bureau of Statistics' own Labor Force Survey 2024 recorded an actual fall in the number of women in the labor force, from 2.53 crore in 2023 to 2.37 crore in

2024, the first such contraction since 2010[49]. The most recent modelled estimate for the ratio of female-to-male labor force participation stood at 48.07 percent in 2025, only marginally higher than 48.03 percent in 2024, indicating that the underlying gender gap in labor-market engagement has narrowed only slightly even as other indicators of gender parity have improved[50]. Roughly 85 percent of Bangladesh's workforce remains informally employed[51], meaning that most divorced women who need to re-enter paid work will do so without pension coverage, job security, or legal protection against dismissal. Bangladeshi women also continue to carry a heavy unpaid workload: on average they spend about 5.8 hours a day on household and care work, compared with 0.8 hours for men[52], a burden that limits their ability to build savings, credentials, or independent income even before a marriage ends.

On broader measures of gender parity, Bangladesh's Gender Inequality Index value stood at 0.530 in 2021, ranking 131st out of 170 countries assessed[53]. More recent figures present a more mixed picture: Bangladesh rose 75 places to rank 24th of 148 countries, with a parity score of 77.5 percent, in the World Economic Forum's Global Gender Gap Report 2025, the largest single-year improvement recorded for any country that year[54]. However, this improvement was driven almost entirely by gains in political empowerment, particularly a sharp rise in the share of women in ministerial positions, rather than by gains in economic participation, where the region as a whole still has not closed two-thirds of the gender gap[55]. Read together with the labor-force and unpaid-care-work figures above, this suggests that political and economic gender gaps in Bangladesh are moving at very different speeds - a divergence that matters directly for divorced women, whose post-divorce economic security depends far more on labor-market access than on political representation.

Table 1. National Divorce Rate in Bangladesh, 2020–2023 (per 10,000 population)

Year	Rate
2020	8
2021	7
2022	14
2023	11

Table 2. Women's Labor Force Participation and Unpaid Care Work

Indicator	Value
Women in labor force (crore), 2023	2.53
Women in labor force (crore), 2024	2.37
Daily unpaid care work – women (hrs)	5.8
Daily unpaid care work – men (hrs)	0.8

Table 3. Key Indicators on Divorce and Women's Economic Position in Bangladesh

Indicator	Value	Year	Source
National divorce rate	1.4%	2022	BBS, 2023 (SVS 2022)
National divorce rate	1.1%	2023	BBS, 2024
Divorce applications, Dhaka North City Corporation	5,590 (settlement rate ~2%)	2022	Prothom Alo, 2023
Divorce applications, Dhaka South City Corporation	7,698 (70% filed by wives)	2022	Prothom Alo, 2024
Female labor force	44.15%	2024	TheGlobalEconomy.com, 2025
Ratio of female-to-male labor force participation	48.07%	2025	CEIC, 2026; Trading Economics, 2026
Women in labor force	2.53 crore - 2.37 crore	2023-2024	BBS Labor Force Survey 2024; The Daily Star, 2025
Daily unpaid care/household work (women vs. men)	5.8 hrs vs. 0.8 hrs	2023	BBS, 2023
Gender Inequality Index (value; rank)	0.530; 131st of 170	2021	UNDP HDR 2021-22, as cited in UN Women, 2024
Global Gender Gap Index (score; rank)	77.5%; 24th of 148	2025	World Economic Forum, 2025

8. Findings and Discussion

Three main findings emerge from this study. First, Bangladeshi maintenance law remains narrowly time-bound. The Appellate Division's decision in Hefzur Rahman effectively closed the door that the High Court Division had opened, confirming that, outside of exceptional arrangements agreed between the parties, a Muslim husband's statutory duty of maintenance generally ends with the iddat period. Combined with Rustom Ali's restriction on arrears, the law offers a divorced woman, at most, a few months of guaranteed support, regardless of how many years she was married or how much unpaid labor she contributed to the household.

Second, dower functions in theory as an economic safety net but performs poorly as one in practice. Because dower amounts are fixed at the time of marriage and are rarely revisited, they often bear little relationship to a couple's actual accumulated wealth by the time of divorce, and enforcement through the courts can be both slow and costly for women who may already be in a vulnerable financial position[56]. There is, moreover, no separate concept of matrimonial property or equitable distribution in Bangladeshi law; whatever assets were acquired during the marriage generally remain with whichever spouse holds legal title, which in most households continues to be the husband.

Third, the gap in the law is widest for Hindu women, who have no statutory right to divorce at all and must instead rely on a narrow, fault-based maintenance remedy dating from 1946. Even the 2012 registration reform, though welcome, left this core problem untouched. Because CEDAW's Articles 2 and 16.1(c) remain subject to reservation, Bangladesh has not accepted a binding international obligation to correct these religion-based disparities, which removes one of the strongest external levers that has driven family law reform in other countries.

Underlying all three findings is a labor-market problem. Even where a divorced woman successfully obtains maintenance or dower, Bangladesh's low and only slowly narrowing female labor force participation, combined with the dominance of informal employment, means that many divorced women have limited realistic options for building independent income after their court case ends. The recent rise in Bangladesh's overall gender-parity ranking, discussed above, does not change this picture, since that improvement rests mainly on political representation rather than on women's economic participation. Economic justice after divorce, in other words, cannot be achieved through family law reform alone; it also depends on women's access to stable, protected work.

9. Comparative Insights

The Indian experience, from Shah Bano through the 1986 Act to Danial Latifi, demonstrates that it is possible to preserve the basic structure of Muslim personal law while still expanding a divorced woman's economic protection through statutory language such as a 'reasonable and fair provision,' judicially interpreted to cover more than a few months of support. Bangladesh has no equivalent statutory phrase; its law speaks only of 'maintenance,' a term the Appellate Division in Hefzur Rahman read narrowly. A similar interpretive or legislative move in Bangladesh, introducing a one-time, forward-looking settlement requirement alongside ordinary maintenance, could achieve a comparable result without requiring a wholesale change to personal law.

More broadly, many legal systems around the world now treat marriage as an economic partnership, dividing property acquired during the marriage between spouses upon divorce, regardless of whose name is on the title and taking account of non-financial contributions such as childcare and housework when making that division. Bangladesh currently has no equivalent principle for any religious community. Introducing even a limited version of this idea, for example a statutory presumption that assets acquired during the marriage should be shared in recognition of both spouses' contributions, would represent a meaningful step from a maintenance-only model toward a genuine economic-justice model.

10. Recommendations

- Amend the legal provisions to introduce a statutory 'fair and reasonable settlement' standard, following the interpretive model developed in *Danial Latifi v. Union of India*, so that maintenance is not limited to the iddat period alone.
- Introduce statutory recognition of matrimonial contribution and property sharing, so that unpaid domestic and care work performed during the marriage is taken into account when dividing assets after divorce.
- Reform Hindu personal law to introduce a judicial right to divorce with accompanying maintenance provisions, building on the registration framework already established by the Hindu Marriage Registration Act, 2012.
- Simplify and speed up dower recovery procedures in the Family Courts and consider

periodic review of dower amounts so that they better reflect a couple's actual economic circumstances.

- Strengthen enforcement mechanisms for maintenance and dower decrees, since a legal entitlement that cannot be enforced provides little real protection.
- Reconsider Bangladesh's reservations to Articles 2 and 16.1(c) of CEDAW, in line with recommendations already made by the Bangladesh Law Commission and by civil society organizations.
- Expand access to free legal aid, vocational training and re-employment support for divorced women, recognizing that legal reform alone cannot solve a problem rooted partly in labor-market exclusion.

11. Conclusion

Maintenance, as currently defined in Bangladeshi law, was never designed to deliver full economic justice to divorced women; it was designed only to prevent immediate destitution during a short transitional period. As this paper has shown through the Hefzur Rahman and Rustom Ali line of cases, the courts have consistently read this duty narrowly and Hindu women face an even more limited remedy under a law that does not recognize divorce at all. At the same time, rising divorce rates, a shrinking female labor force and continuing CEDAW reservations all point toward the same conclusion: Bangladesh needs a broader, more forward-looking framework of post-divorce economic justice, one that goes beyond maintenance to include matrimonial contribution, property sharing, faster dower recovery and stronger labor-market support. The comparative example of India shows that meaningful reform is possible without abandoning the basic structure of religious personal law. What remains is the political and legislative will to make that reform a reality for the women of Bangladesh.

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