

HILALA MARRIAGE in Bangladesh: Women's Rights and Legal Pluralism Perspective

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Abstract: *The intention of the paper is to reveal the practice of Hilala marriage and how its implementation causes the violation of women's rights. The paper reviews the Hilala marriage incidents reported by two leading newspapers of the country, i.e. the Daily Prothom Alo and the Daily Star from the year 2008-2016. The results of the study find sufficient evidence that the practice of Hilala marriage still exists in Bangladesh, even though the laws against Hilala marriage passed long ago. However, practice of Hilala marriage is contradictory not only with state and international human rights law but also with the diversity of Shariah Laws.³ The paper also brings scholarly discussions about certain interfaces of law and culture that violate human rights.*

Keywords: *Hilala Marriage; Fatawa; Women; Human Rights; Bangladesh*

Introduction

Violence against women is now well recognized as violation of human rights worldwide (Krantz & Garcia-Moreno, 2005). Violations against women are a global phenomenon and often authorized under the apparel of cultural practices and norms, sometimes, through misinterpretation of religious canons (Nigar, 2012). These violences might be happened as a result of gender discrimination and women's lower socioeconomic status (Lee, 2010). However, Bangladesh has been progressed significantly in terms of women's mobility and their involvement in income generating activities, girls' education, legal action on domestic violence, quotas for women in local government and parliament (Kabeer, 2011). Yet, the condition of women in Bangladesh in terms of violence against women is noticeable. Islam (2010) notes that, Bangladesh has been declared as championed for several years for violence against women up to 2003. A significant percentage of the rural poor, particularly women in Bangladesh are unaware of their legal rights. This prevents them from defending these rights and also privileges others to exploit and victimise them (Rafi & Chowdhury, 2000). Though the situation is gradually improving, yet, in last few decades they have been kept oppressed by religious extremism and superstition (Nigar, 2012). Particularly, in rural areas, women suffer with various discriminations, often victims of *Fatawa* violence (ibid). Among all these *Fatawa*

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³ *Shariah* law is referred to *Islamic* law. This paper used both the terms *Shariah* law and *Islamic* law in a similar meaning.

violence occurred in Bangladesh, significant number of violence are reported in the name of *Hilala* marriage. *Hilala* marriage is considered as another important form of *Fatawa* in Bangladesh as well as South Asia in general, even among the South Asian immigrant in the West (Taz, 2013).

This paper argues that some *Fatawas* impinge upon women's rights. The intention of my paper is to explore how the practice of *Hilala* marriage and implementation of these practices cause the violation of human rights of women in Bangladesh. The paper reviews the news related to *Hilala* marriage reported in two leading newspaper of the country and discusses its contradictory factors with state and international human rights law, even with the multiplicity of *Shariah* Law. The argument in the paper concurs with the debates that culture is changeable and adaptable (Raday, 2007). Moreover, the paper also agrees with the scholarly discussions that certain interfaces of law and culture violate human rights (ibid; An-Na'im 1994; Hellum et al. 2007 and Merry 2006). Furthermore, such violations can be addressed by modification or abolishment of the gender discriminatory cultural or religious practices in cultural sensitive manner (ibid).

Objective of the Study

The intention of this paper is to look into the practice of *Hilala* marriage and how its implementation causes the violation of human rights of women in Bangladesh. To be more specific, this study intends to reveal the practice of *Hilala* marriage and how its implementation causes contradiction with family laws, state laws and international commitments.

Methodology

The paper takes case study as a method following qualitative research techniques. In general, case study is needed when how and why questions are being posed and when the research needs to study in-depth (Yin, 2003). However, case study is an empirical inquiry that carefully 'investigates a contemporary phenomenon within real life context, when the boundaries between phenomenon and context are not clearly evident' (Ibid, p. 13). The analysis is based on content analysis obtained from secondary sources, especially those cases covered by the leading newspaper of the country.

The study plans to reviews *Hilala* cases from Bangladesh using secondary sources and reveals how it contradicts with state and international human rights law, even with the multiplicity of *Shariah* laws. Obviously, relying on the data from secondary sources might be considered as a limitation of this study. However, working with the issues like *Hilala* marriage is very much challenging as well as tough, especially in terms of collecting the data from the field. These issues are very much personal as well as confidential as victims hardly want to share their experience with others. Considering these probable difficulties, this study reviews all the news related to *Hilala* marriage reported by two leading newspapers of the country, Daily *Prothom Alo* and The Daily Star from the year 2008-2016. Later, it uses two empirical examples on *Hilala* marriage among all these news.

Defining the Key Concepts

Violence against Women

Violence against women is an ancient and universal problem exists mostly in every society (Mahtab, 2015). The 1993 United Nations Declaration on the Elimination of Violence against Women provides a useful definition of violence against women:

'Any act of gender-based violence that results in, or likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether accruing in public or private life' (in Mahtab, 2015, p. 128).

After interpreting the declaration, Islam (2010) has classified the violence against women from three different areas as follows:

Table 1: Classification and areas of violence against women

Types of Violence against women	Areas of Violence against women
Physical	Family
Psychological	Community
Sexual	State

However, violence against women is commonly practiced in different level of social construction, from family, community to state with different forms, i.e. physical, psychological or sexual (Islam, 2010).

Fatawa

According to Dr. Ali (2010), *Fatawa* is a response by a *mufti*⁴ to a real or hypothetical question and reflects the personal interpretation of the *Muslim* religious texts by the *mufti* (p.341). Dr. Ali (ibid) also provides various definitions of the term '*Fatawa*' by some other scholars of *Islam*, such as *Hallaq* (1994) who says that *Fatawa* consists of a question (*sua-al, istifta*), posed to a jurisconsult (*mufti*), together with an answer (*jawab*) provided by that jurisconsult'. The *Fatawa* is perceived by many as the 'meeting point between legal theory and social practice' (Caeiro, 2006 in Ali, 2010, p. 341).

While religion is a sensitive issue among the people much opposition and reaction if it goes against people's believes (Rafi & Chowdhury, 2000). Therefore, initiation policies against misinterpretation of *Fatawa* and it's practice is very sensitive issue since it deeply attached with Islamic interpretation.

Hilala Marriage

Hilala marriage is a marriage entered into by a divorced *Muslim* woman where she and her former husband wish to remarry and must have an intervening marriage enabling

⁴ Islamic scholar

them to marry their previous spouse. *Fatawas* are sought by couples who believe that they have been irrevocably divorced but are truly repentant and wish to reconcile but believe that without the wife marrying another man consuming the marriage and being divorced by this man, they cannot legally remarry. Most *Fatawas* about *Hilala* marriage explicitly declare that the practice of *Hilala* marriage is evil and not permitted in *Islamic* family law (Ali, 2010, p. 354). This view is based on information contained on various sources of *Islamic* law, such as this saying of Prophet Muhammad: ‘*Allah* has cursed the *muhallil*⁵ and the *muhallal lahu*⁶’. This *hadith*⁷ is stated in Abu Dawood (2076), which is one of the four most important *Hadith* book in *Sunni*⁸ sect of *Islam*.

However, a small majority of *Islamic* scholars from the *Hanafi* school⁹ of thought believes that *Hilala* marriage is valid and legally binding (ibid). It appears that the *Hanafi* scholars have inferred the notion and practice of *Hilala* from a *Hadith* of the Prophet Muhammad (SM) which stated that: ‘she (the divorced wife) must now taste the sweetness of another’ before she could be lawful to her first husband again (ibid). These scholars also base the religious validity of *Hilala* marriage on the following *Quranic* verse that seems to ban remarriage between a divorced *Muslim* couples until the woman has been married to and divorced from another man. The verse states:

‘*So if a husband divorces his wife (irrevocably), he cannot, after that, remarry her until after she married another husband and he has divorced her. In that case there is no blame on either of them if they reunite, provided they feel that can keep the limits ordained by Allah. Such are the limits ordained by Allah, which He makes plain to those who understand.*’ (*Quran* 2:230)

Hilala marriage is practiced in South Asia where most of the *Muslim* populations belong to the *Hanafi* school of thought (Taj, 2013). It is also practiced by *Muslim* minorities in the West who came from South Asia (Ali, 2010 and ibid). Upon *Fatawa* in favour of *Hilala* marriage, divorced parties end up requesting the *mulla/imam*¹⁰ of the local mosque to act as the ‘intervening’ husband who often obliges the desperate couple. This paper focuses on *Hilala* marriage related *Fatawas* in Bangladesh and discusses how women’s rights could be protected from such gender discriminatory practices.

Theoretical Underpinning: *Hilala* Marriage, *Fatawa* and Patriarchy

However, *Hilala* marriage, as a form of *Fatawa* is considered as violence against women. Particularly, *Hilala* marriage might be seen from an institutional social setting and imposed on women as forms of gender based violence. In order to analyse the result of the study, the paper takes the theory of patriarchy into consideration. However, the

⁵ One who marries a woman and divorces her so that she can go back to her first husband

⁶ The first husband who divorces his wife and wants to get her back through *Hilala* marriage.

⁷ Meaning a report of the deeds and sayings of Prophet Muhammad (SM).

⁸ There are two major denominations in *Islam*, e.g. *Sunni Islam* and *Shia Islam*.

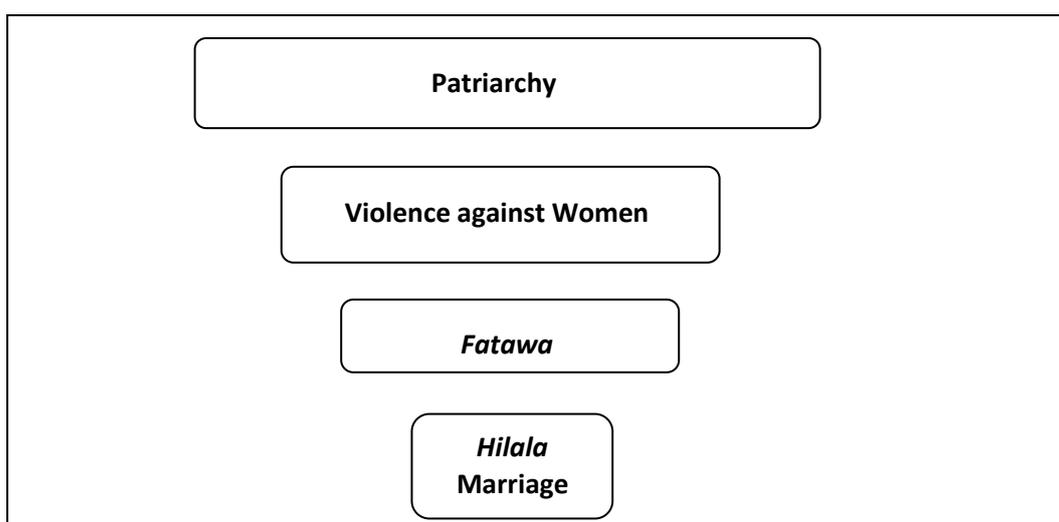
⁹ There are four schools of thought (or sects) in *Sunni Islam*. There are called *Hanafi* School, *Shafi* School, *Maliki* School and *Hanbali* School.

¹⁰ Religious leader/ scholar

concept of patriarchy can be best defined as control by men. Walby (1990) defines patriarchy as a social structural system works with certain practices where men dominate, oppress and exploit women (in Mahtab, 2015). Millet (1969), with quite similar notion argues that patriarchy refers to male domination and to the power relationship where men dominate women in different spheres (in *ibid*).

While *Hilala* marriage can be seen as serious types of violence against women, obviously the study considers and analyses related cases under broader umbrella patriarchy where the concepts i.e *Fatawa* and *hilala* marriage interplay with each other.

Table 2: Conceptual Framework of the Study



***Fatawa* Related To *Hilala* Marriage: Cases From Bangladesh**

Hilala Marriage is prohibited by state laws and state legislated Muslim Family Laws in Bangladesh. Yet, numbers of incidents have been reported in the newspapers. Reviewing the two of the leading newspapers of the country, the Daily *Prothom Alo* and the Daily *Daily Star* within the time period of 2008-2016, the study has found numbers of incidents have been reported.

Table 3: Number of *Hilala* Marriage Incidents from 2008-2016

Name of the Newspaper	Year	Number of Reported Incidents	Place of the incidents	Number of Reports
The Daily Prothom Alo	2015	1	Bogra	1
	2013	5	Nilphamari- 1	4
			Bogra- 1	

Name of the Newspaper	Year	Number of Reported Incidents	Place of the incidents	Number of Reports
The Daily Star	2016	1	Norail	1
	2012	1	Nilphamari	1
	2011	1	Thakurgoan	1
	2008	3	Thakurgaon	3
			Bogra- 2	4

Among all these reports, this paper would use two empirical examples covered by Daily *Prothom Alo*.

Example 1

In 19 September 2013, the Daily *Prothom Alo* published news from Nilaphamari.¹¹ The news reported that Hemaz Uddin and Jahanara Begum have been living in Majhpara village. In the month of *Ramadan*¹² Hemaz Uddin quarrelled with Jahanara Begum over domestic issues. Immediately afterwards, the issues were settled mutually and they started staying together as before. The neighbours complained to the *Matobbor*¹³ that while getting angry, Hemaz Uddin had uttered triple *Talaq*¹⁴ to his wife. With references to the information provided by the villagers, *Matobbor* with other *mullahs* gave the *Fatawa* of *Hilala* marriage to continue conjugal relationship. If not, they have to live separately like a divorced couple. Hemaz Uddin and Mamtaz denied this *Fatawa* and continued living together. Yet again, *Matobbor* had given the *Fatawa* of keeping them out casted until they accept *Hilala*. According to the *Fatawa*, since they are staying together, even after uttering triple *Talaq*, the marriage became illegal and a great sin. Jahanara Begum had to purify herself and her family through *Hilala* marriage; otherwise the family and even the society will bear the punishment of that sin. For the safety of the villagers from the sin, they must be kept isolated from society. Even during their daughter's time of child delivery, when it was crucial to take their daughter to hospital, nobody came to help.

¹¹ A district of northern west part of Bangladesh

¹² The ninth month of the Islamic calendar

¹³ Muslim village leader

¹⁴ Triple *Talaq*, traditional form of divorce a quick oral way to end a marriage. In a triple *Talaq*, a man pronounces the word '*Talaq*' three times to the wife and the marriage is deemed to dissolve immediately. This is actually saying 'I divorce you' three times to the wife to end the marriage. Triple *Talaq* is only one of the several methods of dissolution of *Muslim* marriages developed by of *Muslim* legal scholars of early centuries of *Islam*. Bangladesh, Pakistan, Turkey, Iran, Tunisia, Indonesia and Iraq have legally banned triple *Talaq*. However, the *Hanafi Sunni Muslims* in India, Bangladesh and Pakistan continue to view triple *Talaq* as a valid method of marriage dissolution. It is often triple *Talaq* that leads to *Hilala* marriage. Men who divorce their wives in triple *Talaq* often repent and wish to remarry them again through *Hilala* marriage.

Example 2

In 1st September 2013, another report came out from Chokjora village of the district Bogra. The news reported that hundreds of families in this village are the victim of *Fatawa*(s). Particularly in case of *Hilala* marriage, if any husband in a fit of anger, or mistakenly or as a joke utters three times thrice uttered the word '*Talaq*' (divorce), they would be given the *Fatawa* of accepting *Hilala* marriage. If they (the husbands and/or wives) deny *Talaq* or refuse to perform *Hilala* marriage, they would be out casted from society. According to the village *Matobbor* (leader), the spouse has to be purified through *Hilala* marriage and only then can legally stay together. In *Chokjora* village, the rural *Islamic* scholars formed an organization called '*ekotaboddho somaj*' (united society) through which they controlled 100 families and impose *Fatawa* on them. However, the news portrayed the case of three different victim families. In first case, since the family denied to accept the *Fatawa* of *Hilala* marriage, they were forced to leave the village. The second case was about casting a family from the society due to the same reason. It was declared that living together after '*Talaq*' (divorce) is illegal and a curse for the society. The third case is about another spouse who was forced to accept the *Hilala* marriage.

***Hilala* Marriage: Questioning Women's Rights and Legal Pluralism**

Women and girls in Bangladesh severely suffer different types of violence (Lee, 2010; Nigar, 2012; Islam, 2010). Though the country gradually improved with the situation, violence against women is still a common news in the leading daily newspapers. *Hilala* marriage, which was prohibited by law in 1961, still occurs in different part of the country. Yet, the good news is that the number is not that much significant. Besides, we need to consider what Lee (2010) claimed in her study, she argues that most of the time the victims, irrespective of gender, suffered with violence in Bangladesh don't report to police or media. The main reasons for not to complain or not to report was 'no justice is received/no benefit/no result', followed by 'fear of harassment and/or further torture', 'fear of losing dignity and prestige', and 'family pressure' (p.9). Lee again argues that the tendency of women and adolescent girls is to complain to informal sources such as the family and relatives, '*matbars*' (village leaders) or neighbours. Reporting to the polices seemed very rare, particularly in the cases of family violence (Lee, 2010). Only 1% of female victims faced family violence reported the crime to the police (ibid). Similarly, the cases on *Hilala* marriage might also be unreported by the media. That makes the possibility to of having more number of incidents those left hidden and unreported.

However, analysing the news from two leading newspaper of the country, the practice of *Hilala* marriage still exist in different part. And most of the time the forms of punishments inflicted by *Fatawa* are imposed in the name of '*Shariah*' law. But these *Fatawas* related to *Hilala* Marriage directly conflict with the multiplicity of *Shariah* laws, which rooted in the vast *Islamic* legal tradition. Bangladesh has different state laws for civil and criminal issues, yet, in terms of marriage, divorce, property and other family related issues, people have to follow their own religious laws (Sourav, 2015). Nigar (2012) explains different state legislated family laws for *Muslim* communities in

Bangladesh; for example, *Muslim Personal Law (Shariah) Application Act, 1937*; *Muslim Family Laws Ordinance, 1961* and the *Muslim Marriages and Divorces (Registration) Act, 1974*. However, author contends that these laws do not contain any provision allowing a private person such as *Mufti, Maulana*¹⁵ or *Imam* to administer marriages or divorces on behalf of the concerned authority. The Family Law Ordinance 1961 actually prohibits *Hilala* marriages (GOB, 1961). According to interpretation of this law, the concept of *Hilala* marriage might be considered, but not mandatory while it might be applied when a man tries to re-marry the same woman for the 4th time. However, the ordinance of 1961 was a good initiative in order to stop the misuse of the *Hilala* marriage concept, while it discourages or mostly forbids the practice of *Hilala*. Therefore, if a woman is forced to perform *Hilala* marriage by a local or social pressure, it completely goes contrary to the existing state legislated Muslim Family Laws based on Islam.

A part from family laws, the punishment through *Fatawas* by private individuals, such as *Mulla* or *Matobbor*, is completely against the state laws of Bangladesh. Even the constitution of Bangladesh guarantees equal rights to men and women in article 27, 28 (1), 28 (2), 28 (3) (GOB, 1972). Here, the *Fatawa* amounts to a clear violation of the fundamental rights of women as guaranteed by constitution. Article 28 of the Constitution expressly prohibits discrimination amongst citizen on grounds of religion, race, caste, sex or place of birth (ibid).

Moreover, Bangladesh has compulsion under international law to prevent, prohibit and punish torture and other inhuman or humiliating treatment or penalty (Rashiduzzaman, 1997; Islam, 2010; Lee, 2010). It is also under an obligation to stop all discriminations against women (ibid). These obligations are contained in a number of international treaties binding on Bangladesh, such as, the ICCPR¹⁶ (Rashiduzzaman, 1997). In 1984, Bangladesh ratified CEDAW¹⁷, 1979. By ratifying CEDAW, state obligates itself to implement its provisions which provide that state-parties should ensure in every sphere of life, that women enjoy all the human rights and fundamental freedoms (Islam, 2010; Lee, 2010). Still it's true that Bangladesh has also put some reservations on CEDAW what may create the opportunity to make the violation happen. Additionally, Bangladesh is a signatory to the Charter of the United Nations and has endorsed the BPFA¹⁸ in 1995 without any reservations (Mahtab, 2015). Therefore the country is committed to promote universal respect for all, ensure 'gender equality' and combat 'discrimination against women' (Ibid).

All of these previous discussion shows that Bangladesh has guaranteed and committed to ensure equal rights of women in the constitution, state law and international convention. Despite of all, unfortunately incidents of *Fatawa* related to *Hilala* marriage are happening on a regular basis and the authorities do not move into action to stop such violations of the law.

¹⁵ Islamic scholar

¹⁶ International Covenant on Civil and Political Rights

¹⁷ Convention on Elimination of all forms of Discrimination Against Women

¹⁸ Beijing Platform for Action

Discussion

However, from the mentioned case the study and content analysis of the news reports, the study finds that *Hilala* marriage as a result of patriarchal system actually violates human rights in many different ways.

Firstly, according to *The Muslim Family Law Ordinance, 1961* Triple *Talaq* is not legally valid rather one has to go through a three-month long procedure involving the authorities to make the divorce valid. 'A divorce given by the husband shall not take effect until the husband has given notice of the divorce to the chairman of local administrative unit - *Union Parishad* and ninety days have elapsed after issuance of the said notice and within the said period the husband can revoke the divorce' (Section 7 of *Muslim Family Law Ordinance of 1961* cited by Hossain, 2003, p.101). These restrict the possibility of *Hilala* marriage to be done.

That means *Hilala* directly conflicts with state laws. Since the divorce is not valid, the question of *Hilala* is wrong. It is, therefore, important that people care made aware about invalid divorce.

Secondly, in most of the cases *Hilala* marriage is conducted intentionally and in a pre-planned way. Though the *Mulla/ Imam/ Matobbor* referred to the '*Shariah*' law, but in reality there is no *Shariah* law, rather there are multiple versions of *Shariah* laws. Some versions of *Shariah* laws are relatively more in conformity with women's rights (such as the state legislated *Muslim Family Law Ordinance* in Bangladesh) and some versions are out rightly against women's rights, such as the traditional versions of *Hanafi* laws that allow *Hilala* marriage. Yet, the *mullah/matobbar's* interpretation of *Hilala* marriage is not universally acceptable in *Islamic* legal scholarship.

Thirdly, in most of the cases if the victim accepts the *Fatawa* of *Hilala* marriage, they do it unwillingly. It is also clear from the previous case that mostly the men utter the word triple '*Talaq*' but in terms of giving *Fatawa*, women are made to accept *Fatawas* and perform accordingly under the pressure of family and society. The *Hilala* marriage that the women accept to legalize the previous marriage is often forced marriage. Forced marriage, of course, violates human rights.

Article 16 of CEDAW protects the equal marital right of women stating that – '*States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations...*' (The United Nations 1988, p. 207). It is also stated in article 16.1(b) to ensure '*The same right freely to choose a spouse and to enter into marriage only with their free and full consent*' (The United Nations 1988, p. 207). So from the perspective of CEDAW, *Hilala* marriage compromises women's right to free consent in marriage.

Fourthly, women lose their dignity and self-respect if they accept *Hilala* marriage. Women are treated like a puppet; one can use them whenever, where ever and however they want. Women keep passive in the total procedure and it definitely reproduces the violation of human rights.

Furthermore, as mentioned earlier, in Article 28 Bangladesh constitution guaranteed equal treatment of men and women; it states that ‘*The State shall not discriminate against any citizen on grounds only of religion, race caste, sex or place of birth.*’ In this context *Hilala* marriage violates the fundamental rights of women as a citizen of Bangladesh and in additions; it is a form of violence against women and violates human rights.

State Policies with Some Limitations

State has taken so many effective policies to ensure human rights but still there are some loopholes that create a path to continue these violations.

Firstly, in case of *Fatawa*, Bangladesh Supreme Court has ruled that clerics can issue *Fatawas* (Islamic religious edicts) but they cannot be enforced (Nigar, 2012). This may be a good rule but also create some scopes to enforce *Fatawas*.

Secondly, Bangladesh still maintains its reservation on CEDAW article 2 and 16 (1) (c) (Mahtab, 2015). Keeping reservations on these articles unreasonable and simply serve the wishes of patriarchal society of Bangladesh. Bangladesh has put the reservations to keep the ‘*Shariah*’ law in concern; where as many *Muslim* countries, for example Indonesia, Libya, Zambia, Yemen, Gabon, Maldives, Nigeria and Benin did not put a single reservation. Another very important point is that Bangladesh is a *Muslim* dominated country but it also has communities such as Hindu, Buddhist and Christians. So, these reservations in names of ‘*Shariah*’ laws do not only restrict the right of *Muslim* women only, but also women from other religion who actually do not follow Islam as well as these ‘*Shariah*’ laws.

Thirdly, Bangladesh has actually failed to explain how it’s reservation on CEDAW are against the ‘*Shariah*’ laws. Only the personal laws, which are sometimes discriminatory towards women, are based on ‘*Shariah*’ laws. So, it’s a valid question why these ‘*Shariah*’ laws are the barrier to remove CEDAW reservation whereas in article 5 (a), CEDAW obligates the states to change or abolish socio-cultural practices that clash with women’s rights (Raday, 2007).

It might be always challenging to implement international human rights laws when it conflicts with religion and culture. *Hilala* marriage which is mostly a forced procedure imposed on women and women’s will obviously harms women’s sexual, psychological and sometimes physical health. Family and kinship relations in Bangladesh have many common characteristics deals with ‘ideal typical modes of household arrangements’ (Kabeer, 2011, p. 501). Kabeer (2011) refers to Kandiyoti (1988), who explained it as ‘classic patriarchy’. Commonly, the features are organized and followed on patriarchal lines, where the authority goes to senior male household head, descent as well as property are also transmitted through the male line (in Kabeer, 2011). Within this context, *Hilala* marriage is commonly imposed on women, seemed to be accepted forcefully by women in Bangladesh. Thus, the whole process works as a form of violence with broader shadow of patriarchal social system. Incidents of *Hilala* marriage actually practice within social, cultural and religious setting where men dominate and control women.

However, scholars have developed various concepts to reconcile culture with the demand of human rights. An Na'im (1994) proposes 'internal discourse' and 'cross cultural dialogue' to gain cultural legitimacy for human rights, suggests context sensitive to human rights to make them acceptable in any cultural context. Merry (2006) advocates the 'vernacularization' of human rights to make culture concur with human rights. The 'vernacularization' provides a cultural covering to the basic notion of human rights, whereas the notion itself remains intact and firmly rooted in the gender equality demands of human rights. The 'covering' provides cultural acceptance of human rights. Radaay (2007) emphasizes on state role to change or reformulated the laws based on article 5 of CEDAW. In case of Bangladesh, as in case of many other *Muslim* states, the policy-makers and authorities- in coordination with NGOs and scholars of *Islam* and human rights (such as Ali, 2010, An-Na'im, 1994) could and should find appropriate ways and means to eliminate the practice of *Hilala* marriage through an alternative women's friendly *Islamic* discourse and effective implementation of the Bangladeshi law.

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