

Law, Culture and Society of Bangladesh: An Appraisal on Gender Issue

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Abstract

The discussion of gender in today's legal discourse is becoming more and more significant. In human communities and cultural creation, gender serves as a key organizing factor. Like class, race, and ethnicity, gender is commonly acknowledged as a cause of inequality. The society is dominated by patriarchy. The dominance is a result of attitude and stereotypical values. This is a social sickness that has to be controlled. Only gender sensitivity may modify this unfavorable attitude. In developing nations, there are clear gender inequalities in all areas, according to empirical data. Bangladesh, a typical developing nation with significant gender inequality, particularly in rural regions, is impeding that process of progress. The patriarchal character of the social order in Bangladesh has historically affected the lives of women. The purpose of this article is to examine and ascertain the status, types, and degree of gender inequality that exists in Bangladeshi law, culture, and society. Additionally, it offers practical suggestions for addressing gender inequality in Bangladesh.

Keywords: Gender, Norms, Equality, Culture, Society.

1. Introduction

In many civilizations across the globe, gender issues arise at all ages. Patriarchy has always dominated over females in communities across the world. Although it may seem equally on male and female, gender discrimination is a prevalent phenomenon that really affects women more than men. Gender discrimination based on physical or mental fertility is inevitable. Sex refers to the biological traits that distinguish individuals as female or male, whereas gender refers to the socially created roles and relationships between men and women. Law, regional tradition, and behavior in a specific culture may or may not institutionalize, neglect, or repress women's rights. Because the liberties often vary from the freedoms essentially enjoyed by or acknowledged for men. These liberties are grouped together and distinguished from more general ideas of human rights. Advocates for this cause contend that there is an ingrained historical and conventional prejudice against women using their rights. Women's rights concerns include, but are not limited to, the following: the right to bodily integrity and autonomy; the right to vote (suffrage); the right to hold public office; the right to work; the right to fair wages or equal pay; the right to own property; the right to education; the right to serve in the military or be conscripted; the right to enter into legal contracts; and the right to have married, parental, and religious rights.

2. Social Context and Gender Issues

Human civilization is a patriarchy led community. There have been many laws passed to defend women's rights, but due to societal effects, they have not always been effective. Basically, gender prejudice exists in our culture. Although men are often in a disadvantageous situation, our societal norms and beliefs are gender prejudiced and harmful to women, who are often denied opportunities and demotivated. This societal practice and norms need to alter.

3. A Wider View of the Gender Issue

Today, gender issues should include and completely involve both men and women since they affect both genders equally. Gender equality indicates that both men and women's needs, interests, and opportunities must be taken into account. Equal rights for men and women are seen as both a human rights problem and a need before qualified individuals may pursue development. The elimination of all types of sex-based discrimination and the full and equal involvement of women in political, economic, social, and cultural life on a national, regional, and international level are thus current demands for creating a better world for everyone.

4. Historical Perspective

Gender has not been taken into account in historians' studies of the early history of Bengal. The early history of Bengal is by definition biased toward patriarchy. Women once had no legal or social position, despite the fact that there is minimal mention of them. In addition, they were only allowed to be the focus of family celebrations and had no autonomy or succession rights. Additionally, several covert beliefs rendered the lives of widows unlucky, even making them prey during their husbands' funerals. The situation remained mostly unchanged throughout Bengal's first period of Muslim rule. However, Sri Chaitanya used it to raise women's status. It is important to note that the 16th century was the "golden period" of Bengali literature, when women first appeared as literary characters in works like the Mangalkavya, which portrayed women as heroines, objects of want, and subjects of desire. Then, surprisingly, far less is known than one would anticipate regarding women during the Mughal era in the late 16th century. Historical texts are rife with stories of Hindu women being kidnapped and raped, although they are seldom described. With the prevalence of juvenile marriage and child widowhood, violence against women was pervasively evident. The people's economic, political, social, and religious life underwent significant transformation as a result of British administration. The "woman issue" took center stage in talks at the beginning of the 19th century. Women's treatment was described as "inferior" and "barbaric" by

British authors, who also called for change. Rammohun Roy disagreed with the practice of sati and said that women's "backwardness" was a result of socialization. Iswar Chandra Vidyasagar dedicated his life to raising the dignity of Hindu women in general, and widows in particular. As a result, the Widow Remarriage Act was enacted in 1856 and sati was made illegal in 1829. Sati remained, nonetheless, since it tragically had little effect on the lives of women. Female education was mostly informal until the Hindu Balika Vidyalaya was founded in 1849. Later, the Brahma Samaj, the government, and civic society all stepped forward to speed up the procedure. The Muslim community took social change and concerns including female education seriously in the late 19th century. Bengali Muslims taught their daughters to study *Behesti Zewar*, a guidebook for women created by males, which describes and fixes the ideal conduct for women. But it is happy that it zealously maintained and upheld traditions, cheerfully accepted her dependence and housebound condition, and promoted education meant to elevate the woman's family's honor and dignity. The Muslim middle class came forth more and more. The first girls' school was founded by Nawab Faizunnessa Choudhurani in Comilla in 1873, followed by Rokeya Sakhawat Hossain and "The Sakhawat Memorial Girls' School" in Calcutta in 1911. *Abarodhbasini* by Rokeya, serialized and published in 1929. Rokeya founded the *Anjuman-i-Khawateen-i-Islam* in 1916 to assist underprivileged Muslim women. After thereafter, Saraladevi Chaudhurani formed "the Bharat Stri Mahamandal," with female education as one of its main priorities. Saroj Nalini Dutt also founded *Mahila Samitis* in the district towns. The participation of Bengali women in nationalist politics dates back to the late 19th century. Swarnakumari Ghosal (1856–1922), a writer, and Kadambini Basu Ganguly, one of the country's first female physicians, participated as delegates to the Indian National Congress in 1890, five years after it was established. Women joined men in 1905 in opposing the division of the Bengal Presidency. Amazingly, Sarojini Naidu and Sarala Devi Choudhurani successfully lobbied the Joint Select Committee in England to grant women the right to vote in 1926. The omnipresence

of women began here. Basanti Devi, Urmila Devi, and Suniti Devi were detained for supporting the boycott of British products during the non-cooperation campaign. The first official group to organize Bengali women for political activities was the Mahila Rastriya Sangha, founded in 1928 by Latika Ghosh. Due to the opening of the door to work for women, the 20th century was a watershed moment in the liberation of women in the Indian subcontinent. About 20% of the workers in Bengal's jute mills were women. Despite being underrepresented, women contributed significantly to strikes and other labor unrests by breaking strikes and acting as labor leaders. Other women were able to find employment in the unorganized sector, where they made a livelihood as prostitutes, coolies, and maids. Women had a significant role in the 1942-starting "leave India movement," as well. Peasant women joined men in opposing taxation, land tenure, and landholder privileges as the revolution moved to the countryside. Aruna Ganguli Asaf Ali and Sucheta Mazumdar Kripalani, two Bengali women who reside in different regions of the nation, rose to the position of all-India leaders in this movement. They were stripped of their usual revenues during the Bengal Famine of 1943–1944. Women encountered sexual harassment while seeking jobs or assistance from relief centers in addition to a lack of food. The Tebhaga Movement of 1946 thereafter completely included women. Evidently, Subhas Chandra Bose gathered 1,000 women for a battalion of ladies he dubbed "the Rani of Jhansi brigade." Women were prominent throughout the famine years as both victims and advocates. Bimala Maji, who rose to prominence as a prominent women's activist, was one of the most well-known of these ladies.

5. Status under the Constitution

The Bangladeshi Constitution recognizes certain rights for women. Under the subject of Fundamental Principles of State Policy, Article 15(d) stipulates that if the state recognizes a fundamental obligation to raise the quality of living of the populace, it expressly assumes responsibility for providing social security to persons like widows, among other groups. Boys and girls had equal access to free and obligatory education up to the level

that would be determined by legislation under Article 17(a). According to Article 18(2), the state must take decisive action to stop prostitution. Article 19 guarantees all people equal chances (1). The state was obligated to take appropriate steps to eliminate socioeconomic discrimination under Sub-Article 2 of the same Article. Fundamental rights were included under the Bangladesh Constitution's Third Section. The following are rights and opportunities for women (or rights pertinent to them):

Article 27: Each citizen is given equal protection by the law and equality before the law.

Article 28(1) prohibits discrimination only on the basis of race, caste, gender, or place of birth.

Equal opportunity is guaranteed under Article 28(2) in all areas of public and official life.

Article 28(3): Access to any public amusement or resort or admittance to any educational institution should be without discrimination on the basis of religion, race, caste, sex, or place of birth.

Equal opportunity for all citizens in terms of employment or office in the service of the Republic is stated in Article 29(1).

Women are allowed to run for election from any constituency, according to Article 65(3).

There were 15 seats set out for women in the 1972 Original Constitution; now there are 50.

It is claimed that these constitutional provisions have adequately protected women's rights in Bangladesh. However, in practice, women's rights are not widely used, despite the constitutional guarantees. The succeeding administrations did not take any particularly noteworthy initiatives to repeal the previous anti-rights women's legislation.

In light of women's social and economic disadvantage, the Bangladeshi Constitution established allocated seats for them. The Constitution of 1972 set aside 15 seats for women for a period of 10 years, but an amendment made in 1978 boosted this number to 30 and extended the reservation term to fifteen years. However, the system shut down in December 1987. Therefore, in the 1988 parliamentary election, there was no provision for

reserved women's seats. However, the system was reestablished by the 10th Amendment in 1990, reserving 30 seats for 10 years from the date of the first meeting of the following parliament, after pressure from various women's groups. The Constitutional (fourteenth Amendment) of 1994 increased the number of seats allotted for women in the parliament from 30 to 45. The number of reserved seats for women in the parliament has increased from 45 to 50 after the 15th amendment to the Bangladeshi Constitution. The number of reserved seats for women in the parliament, which was established by the 15th amendment, was maintained by the 17th amendment to the Bangladeshi Constitution.

6. Connotation of Gender Bias

Understanding and defining gender prejudice is crucial when looking at the topic. The American Heritage Dictionary describes gender as "a categorization of sex." A preference or prejudice for one gender over the other is known as gender bias. It is the uneven treatment of individuals or groups of employees with regard to job opportunities such as promotions, wages, perks, and privileges as a result of attitudes based on their sex. Gender prejudice may have modest or significant repercussions and can be covert or overt. The majority of nations have laws that prohibit gender discrimination at employment. Legal grounds for a lawsuit under anti-discrimination legislation might include gender prejudice. Therefore, gender bias is the preference for one sex over the other via the separation of gender.

7. Gender Issues in Bangladesh

Bangladesh is a patriarchal culture, and gender inequality exists at every level of the local community. From their fathers to their spouses to their kids, males are a constant source of need for women. Even though there are constitutional affirmations of gender equality, the government's structures and machinery regularly disregard women's rights. Women, for instance, have less access to financial resources, health care, and education than males do. Women have always been urged to avoid participation in public life. However, since the middle of the 1980s, there has been a significant growth in the employment of women

owing to rising poverty and increasing labor demand. Below are some examples of gender discrimination in different contexts:

7.1. Women and Marriage

Bangladesh is a country where marriage is common. In Bangladesh, 70% of girls are married by the time they are 15 to 19 years old. [1] Muslim marriage is a contract between two willing people, and for females, it is often arranged by the parents or other family members. Muslim marriage rules do, however, partly safeguard women via the practice of mahr, which is the habit of giving the bride mahr (money, assets, jewelry, or clothes) in the event of a divorce. Typically, Mahr is mentioned in the Kabinnama (marriage contract). Mahr's importance has progressively become more of a ceremonial tradition than a practical practice. [2] It's possible that the majority of women, particularly those from lower socioeconomic groups, lack written kabinnamas. Women are also seldom able to enforce this claim since they often aren't aware of the mahr that the parents or guardians of the bride and the groom have agreed upon. Even women who are aware of the specifics of the contract may waive the right to enforcement out of fear of a legal dispute. [3] Over the last two decades, dowry — gifts, money, and other items provided to the groom by the bride's family — has taken the role of the mahr custom. Such a money flow reversal is linked to women's decreased status.

7.2. Women and Fertility

Only after having children can a woman fully integrate into her husband's family; nevertheless, being childless might lead to polygamy and divorce. [4] A high fertility rate for women is also a direct result of the dominant cultural focus on lineage preservation, early marriage, and the economic rewards of having children. 2010 had a 4.8 overall fertility rate in Bangladesh. [5] One of the main responsibilities of a woman is to raise children and provide food for the whole household. Other tasks performed by women include preparing crops during and after harvest, slaughtering chickens, caring for animals, kitchen gardening, and other similar tasks. Generally speaking, a woman's job

is one that is done in the confines of her home. However, this kind of work is still socially taboo, has little market value, and has minimal impact on how much authority women have over their own decisions. Fertility thus connects women mostly to unpaid domestic workers.

7.3. Women and Religion

Particularly among Muslims, local religious rituals in Bangladesh have a considerable impact on a woman's position. [6] Islam does not explicitly support the subordination of women, as is often believed, but certain of its practices do, as shown in purdah. Religious explanations also result in behavioral limitations. According to the Islamic teaching, women should respect elders by remaining silent and covering their heads when in their company, as Feldman and McCarhy [7] note out. A woman who “n has shame” won't act in a manner that would endanger her husband's family's reputation. Most Muslim rural women now widely embrace the local myth that “haven resides at the foot of the husband” [8]. Such a notion results in total and unquestioning loyalty to the husband's wants and decisions.

7.4. Women's Property Rights, Section

The right to income and property is guaranteed under Bangladeshi civil and personal laws. But having the right to own something and right in a source of income are two quite different things. [9] Women make up a relatively tiny portion of the workforce, making it very difficult for them to save money for a down payment. Whatever income rural women may generate via the purchase of poultry or cattle is often used for subsistence needs. Formally, Bangladesh's property inheritance laws are governed by Hanafi Muslim Laws, one of the four main schools of Islamic interpretation. A woman is entitled to a piece of the estate based on her relationship to the dead as the deceased's daughter, wife, or mother. If there are no male brothers, the daughter inherits half of the inheritance upon the passing of both parents; the remaining half is given to the father's brother(s) or his/their live children. She will get half of her brother's inheritance if she inherits as a

residual. If there are no children, a widowed lady is entitled to one-fourth of the inheritance; if there are, she gets just one-eighth. A widower may get one-half if there are no children present and one-fourth if there are. A woman may inherit one-sixth of her son's fortune as his mother provided she divides it with her grandchildren. In conclusion, local customs, poverty, illiteracy, and ignorance all prevent women from using whatever inheritance rights they may have. These circumstances have an impact on household decision-making and reflect the reduced status of women in society as a whole.

7.5. Civil liberties

Within the confines of their house and neighborhood, women have a fair amount of freedom. The Islamic system of purdah may put certain limitations on women's engagement in activities outside the house, such as education, work, and social activities, to varying degrees, greatly dependent on the traditions of specific families. The majority of the time, a woman needs her husband's consent to participate in any such actions. Most Bangladeshi women are expected to cover at least their hair when it comes to their freedom of clothing.

7.6. Education Access

Education is a social phenomenon that significantly affects how much power women have over their own futures, yet in Bangladesh, low levels of female education have often been mentioned. One of the key reasons that prevents women from participating equally in socioeconomic activities with their male counterparts and contributes to the persistence of gender inequality is a lack of education. The widespread perception in many rural communities that educated girls are uncivilized, less loving, and disobedient also works against female education. [10] Everyone has an equal right to education, according to the 1948 Universal Declaration of Human Rights, CEDAW, and the People's Republic of Bangladesh Constitution. But throughout many interregal eras in Bangladesh, the literacy rates among women have not risen in line with those of the men. During interregal times in our nation, the literacy percentage of women really lags much

below that of males. There are various reasons that account for this variation. The difference begins inside the family, where it is evident that parents are more worried about the safety of their girls than their boys. When it comes to enrolling into school and receiving help to continue in secondary school, girls often face discrimination. Daughters are forced into early marriage and kept within the home.

7.7. Nutrition and Health

In Bangladesh, women often experience high mortality rates, malnutrition, and poor health. Women's general health care is mostly disregarded, and women are more vulnerable to health risks because of anemia, ill health, poor nutrition, repeated pregnancies, abortion, etc. Even if a housewife is responsible for the health of the whole family, there is barely anybody to look after her. Females have a shorter life expectancy than men do. [11] Low social standing and poverty among women contribute to their poor health, increased fertility, and difficulty accessing necessary medical treatment. A high maternal mortality rate is the final result of these last three causes. Females have poorer resistance capacities due to poor environmental cleanliness and lower food intake, making them more susceptible to diarrhea and communicable illnesses, which are the leading causes of death and morbidity in this nation. About ten thousand women die in the nation each year as a result of the ineffective usage of indigenous abortion-related practices. The mortality rate of female children is greater than that of boy children due to a widespread gender disparity in right to food, nourishment, and care. [12]

7.8. Economic Activities

In Bangladesh, women are given less significance. Because of patriarchal societal structures, traditions, and conventions, women's involvement in economic activities is still undervalued on a national level. By gender, kind of activity, and location of residence, Bangladeshi women's engagement in economic activities varies greatly. Household labour performed by women is still not acknowledged, recorded, or visible. [13] Women have always had a role in economic output, but their contribution to

consumption and control over money and capital has always been negligible. Unpaid family workers, who are disproportionately women, are overrepresented in the agricultural industry. Self-employed or own account employees are mostly found in the commerce, hospitality, transportation, storage, and communications sectors, where males are much more involved than women.

7.9. In Administration, Politics, and Decision-Making

The position of women in a growing society is the result of their participation in the home, numerous administrative and social institutions, and political decision-making. All of these have contributed to the exclusion of Bangladeshi women from the political and administrative establishment in their country. Women have made up a relatively small percentage of the political and national movements. Although two women who had close personal relationships to dead male political figures from their respective parties have recently become significant political figures in the nation. All societal institutions, including the government, the military, the court, the educational system, charitable organizations, etc., are still under the authority of patriarchy. [14] Because of illiteracy and the underrepresentation of women in public life and politics, there is a low level of female political engagement. Despite being chosen in a direct election, the female members of the Union Parishad, the lowest tier of the Local Government, actually have less authority.

7.10. Violence against Women

Violence against women is pervasive and transcends all barriers related to age, class, region, race, and religion. It takes many different forms and usually happens at home, either at the hands of male relatives or with their consent. Children who witness violence are severely impacted and often develop many of the same behavioral and psychological issues as kids who experience abuse themselves. The physical and emotional health, personal growth, and sometimes even survival of teenage girls and women in Bangladesh are seriously threatened by various forms of violence perpetrated against them. Teasing

and harassment are commonplace on the route to school for girls and the workplace for women. In bus stops, train stations, and other public locations, they have comparable experiences. Additionally, they experience sexual harassment at their desks.

8. Current Legal Framework

Every Muslim marriage must be registered under current legislation. A law known as the "Marriage and Divorce Registration Act, 1974" has also been passed. But even a cursory look around the rural regions indicates that the great majority of weddings are not legally recorded. Once again, in spite of the fact that there is a law prohibiting child marriage, girls are being married off much before the legal minimum age of 18 years. Due to Bangladesh's lack of a birth registration process, especially in rural regions, it is difficult to execute this rule. Even though dower (a sum payable to the wife) is allowed by religion, it is seldom paid. The custom of dowries, which are gifts of cash, jewelry, and opulent goods given by the bride's guardians during the wedding, has been established by society. The majority of the time, failure to pay dowry results in catastrophe for the lives of many women. The government sometimes made changes to existing laws and established new ones in response to requests made by women's groups to better women's legal standing. The Muslim Personal Law (Shariah) Application Act of 1937, the Muslim Family Laws Ordinance of 1961 (Amended in 1986), the Muslim Family Laws Rules of 1961, the Muslim Marriages and Divorces Registration Act of 1974, the Muslim Marriages and Divorces Registration Rules of 1975, the Dissolution of Muslim Marriages Act of 1939, the Family Courts Ordinance of 1985, and the Family Courts Rules of 1939 are among them. While the civil laws are relevant to the Hindu community, the Hindu Personal Laws oversee private matters such as marriage, divorce, inheritance, and guardianship. Since 1947, these statutes have not altered (the year of partition of the subcontinent). Marriage is not a contract but a ceremony in the Hindu faith. A Hindu father's primary responsibility is to marry off his daughter. Unrestricted polygamy is permitted, and the girl's assent is not necessary for marriage or divorce. While the mother may act as the

child's guardian, her rights are subordinate to those of the father and the father is always the preferred guardian. Not all a man's daughters are equally qualified to inherit. Daughters who are not married and daughters who are married and have boys may inherit in that order. Widows without boys and married daughters who are beyond reproductive age are not eligible to inherit. Adoption is permitted under Hindu law, but only for males. In many circumstances, the laws for the Christian communities are unconstitutional and discriminatory towards women's rights. Rights to divorce, alimony, and maintenance are generally discriminatory towards women. It should be defeated by new laws that are put into action. For members of our nation's tribal, Buddhist, and a few other religious organizations, there are no personal laws. This purpose is much in demand. To safeguard women's rights and establish laws that apply to women effectively in our nation, state authorities must identify the shortcomings of existing laws, revise them as required, or pass new laws to address the relevant difficulties. As members of society, we must abandon our ingrained negative attitudes and urge women to stand up for their rights in order to successfully implement laws that forbid gender discrimination against both men and women.

9. Suggestions

The following suggestions are based on the research and deal with ways that gender inequality might be addressed via increased awareness and practical action:

- Coordinated efforts are needed to combat societal conventions that are harmful to women's human rights and to increase awareness of gender equality at all levels of society, from grassroots activities to official legislation.
- Invest in research to better understand the causes and effects of the many types of gender discrimination that result in disparities across the life cycle of women in order to develop evidence-based policy and take more efficient action.
- To elevate the social standing of women in Bangladeshi society, strengthen and implement pertinent laws, policies, and institutional and domestic practices to reflect the

principles of gender equality. This would also guarantee that these laws are properly enforced via appropriate procedures.

- To ensure gender equity in education, education stipends should be updated and tailored to the age, gender, and geographic location of the students (urban/rural, low-performing upazilas/unions, slum areas, etc.) of the students. The potential cost of education, which varies depending on important characteristics including family, socioeconomic, and geographic location of the kid population, should eventually be better targeted and accommodated through stipends. In order to reach underprivileged, out-of-school children, particularly teenage females, with non-formal basic education and related vocational training, it will also be necessary to extend current creative initiatives.
- Teenage empowerment via education on their rights, sexual and reproductive health, and violence in all Bangladeshi rural, urban, and slum areas in order to stop child marriage, dowries, and other types of abuse and exploitation of adolescent females.
- Detailed plans to end child marriage, including complete implementation of laws against coerced child marriage, early marriage, dowries, and other kinds of mistreatment and exploitation of young and teenage girls. Programs like the female stipend program, which delays pregnancy and marriage, and particular initiatives to improve females' chances of acquiring necessary competences and skills and gaining equitable access to the labor market should be strengthened and efficiently targeted.
- Establishing clear roles and responsibilities in the promotion of gender equality goals in all areas through collaboration and partnership between the government and civil society organizations, the private sector, development partners, the media (both electronic and print), and all other key stakeholders.

10. In Summary

Regardless of its potential, gender equality concerns are not automatically included in government policies and plans. The Bangladeshi government is attempting to eliminate

gender inequality by strengthening its plans to boost the involvement of women in the workforce. The concept of “development” is still being changed in institutions that support development and manage resources as well as in interpersonal interactions as part of a mainstreaming strategy for gender equality. Non-governmental organizations have become a crucial component of institutional frameworks for addressing social issues such as poverty, rural development, gender equity, environmental preservation, disaster management, and human rights. The need for unbiased law enforcement, regardless of race, is obvious in today's globe. It may be even more difficult to make the legislation improve gender equality in the face of such complexity since it also involves a number of international players and deeply held normative ideas. We must approach the gender problem positively in every sphere of society. Only then would we be able to successfully create equality, which would bring about social order and justice in the truest sense.

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