

BLAST and others v Bangladesh and others [Amendment of *kabin-nama*]
Writ Petition No. 7878 of 2014

This writ petition was filed in the public interest to challenge Clause 5 of the prescribed marriage registration form (*kabin-nama*) (BG Form Nos. 1600 and 1601), which perpetuates discrimination between women and men and results in violation of Articles 27, 28, 31 and 32 of the Constitution.

BLAST, Naripokkho and Bangladesh Mohila Parishad filed this writ to ensure amendment of the impugned provisions.

Facts

Pursuant to Sections 3 and 5 of the Muslim Marriages and Divorces (Registration) Act, 1974, read with Rule 28 (1) (a) of the Muslim Marriages and Divorces Registration Rules, 1974, marriages are required to be registered in a prescribed form (*kabin-nama*). These forms in clause no. 5 require a bride to make a statement regarding her marital status and sexual history, specifically stating whether she is *কুমারী/ বিধবা/ তালুকপ্রাপ্ত* (unmarried or virgin/ widowed/ divorced). However, the groom is not required to make such a statement. These forms also do not require either the bride and the groom to produce any original identification document or photograph to confirm their identity.

Arguments

The petitioner's counsel argued that these provisions in the prescribed marriage registration forms perpetuate discrimination between women and men. Only a woman is required to provide her personal information regarding marital status, which is violative of fundamental rights, in particular , the prohibition on discrimination on grounds of sex, the rights to be treated in accordance with law as guaranteed under Articles 27, 28 and 31 of the Constitution. The inclusion of the word “*কুমারী*” instead of “*অবিবাহিতা*” violates women's personhood and dignity, protected by Article 32 of the Constitution. It was also argued that clause No. 5 is also in conflict with the state 's obligations to eliminate discrimination against women under the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) by discriminating against women.

In addition, the absence of proof of identity of the groom in the *kabin-nama* and the failure to require a photograph of the groom to be attached in the forms

results in obstructing women 's equal access to remedies in case of family disputes and in case of violence by hasband, to take recourse to protection of the law as guaranteed under Articles 27 and 31 of the Constitution.

Order

On 14 September, 2014 a Division Bench of the High Court Division, comprising of Ms. Justice Naima Haider and Mr. Justice Md. Jahangir Hossain, issued a Rule Nisi upon the Ministry of Public Administration and other Governmental agencies to show cause as to why the clause No. 5 in he BG Forms No. 1600 and 16001 should not be declared to be without lawful authority and of no legal effect being discriminatory against women. In addition, the respondents were asked to show cause as to why they should not be directed to take necessary steps to amend the aforesaid forms by omitting the use of the word “कुमारी”, to ensure that information regarding marital status is required by both men and women, and to impose a mandatory requirement for both the bride and groom to affix their respective photographs to the forms at the time of registration.

The Rule was made returnable within 4 (four) weeks.

Current Status

This case is now pending for hearing.

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