SONARGAON UNIVERSITY (SU)

Research Monograph

On

The powers and functions of the family court with Reference to the laws and judicial development in Bangladesh

Submitted to

Sharmin Jahan Runa

Assistant Professor & Head (Acting)

Department of Law

Sonargaon University (SU)

Submitted by

Atkeya farzana

LLM (1 year)

ID: LLM 2402031013

Batch: 31th

Department of Law

Sonargaon University (SU)

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To
Sharmin Jahan Runa
Assistant Professor & Head (Acting)
Department of Law
Sonargaon University (SU)

Subject: The Research Monograph of **The powers and functions of the family court with Reference to the laws and judicial development in Bangladesh**

Sir,

It is a gratification for me to submit the Research on **The powers and functions of the family court with Reference to the laws and judicial development in Bangladesh** While doing this Research; I have tried my best to this project the paper to the required standard. I hope that this paper will fulfill your expectation and make you happy. I therefore, hope that you would be kind enough to go through this paper for evaluation. I am always available for any clarification of any part of this paper at your convenience.

Yours sincerely

.....
Atkeya farzana
ID: LLM 2402031013
Batch: 31th
Program : LLM (1 Year)
Department of Law
Sonargaon University (SU)

Declaration of Supervisor

This is to certify that the Research Monograph entitled **The powers and functions of the family court with Reference to the laws and judicial development in Bangladesh** submitted by **Atkeya farzana** for partial fulfillment of the LLM (1 year) Degree in Law to the Department of Law at Sonargaon University (SU) is based on his original research and investigation carried out under my guidance and supervision.

Supervisor:

.....

Sharmin Jahan Runa
Assistant Professor & Head (Acting)
Department of Law
Sonargaon University (SU)

Declaration

I do hereby declare that the dissertation submitted to the Department of Law, Sonargaon University in the partial fulfillment of the requirements for the degree of the LLM (1 Year) Degree. It is carried out by me under the guidance and supervision of **Sharmin Jahan Runa, Assistant Professor & Head (Acting), Department of Law, Sonargaon University.** Research method and approaches strictly have been followed during undertaking the work. Sources consulted are duly referred, quoted and incorporated in the text and references included at the end of the work which is based on my research. I hereby declare that this dissertation is original and free from plagiarism and it has not been submitted earlier partly or wholly to any other university or institution for any degree or diploma.

Signature

……

Atkeya farzana
ID: LLM 2402031013
Batch: 31th
Program : LLM (1 Year)
Department of Law
Sonargaon University (SU)

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Atkeya farzana
ID: LLM 2402031013
Batch: 31th
Program : LLM (1 Year)
Department of Law
Sonargaon University (SU)

Abstract

In Bangladesh, the Family Court system is a specialized court system designed to settle family-related cases quickly and fairly. Established by the 1985 Family Courts Ordinance, the courts' main responsibility is to settle cases involving guardianship, maintenance, dower, divorce, and the restoration of marital rights. This essay seeks to critically analyze the judicial advancements that have shaped and expanded the role of the Family Court over time, as well as to give a thorough summary of the authority and duties granted to it by Bangladesh's legal system. The study starts by examining the Family Courts' statutory foundation, paying special attention to the 1985 Family Courts Ordinance and how it integrates with pertinent rules of the 1908 Code of Civil Procedure and Muslim personal law. It looks at how the Family Courts are set up to offer a quicker, easier, and less formal way to settle disputes, particularly for women and children who are particularly vulnerable. Significant decisions have increased the court's authority to uphold gender justice, defend the rights of separated and divorced women, and ensure the welfare of children. To guarantee justice and equity in family affairs, particular attention is paid to how courts have construed maintenance rights, child custody, and the natural justice principles.

These include the lack of infrastructure, the social stigma attached to family litigation, the slow pace of the legal process, and the shortage of judges. Additionally, the study assesses the function of alternative dispute resolution (ADR), specifically mediation, which has been formalized within the framework of the Family Court to encourage peaceful dispute resolution.

The study concludes that although the Family Court has made great strides in resolving family conflicts in a fair and effective way, much more can be done. To improve the efficiency of Family Courts and guarantee the realization of justice in family life, legal reforms, more judicial training, increased public awareness, and infrastructure investment are necessary. The study emphasizes the significance of a human-centered, dynamic approach to family law that strikes a balance between legal principles and the socio-cultural realities of Bangladesh.

List of Abbreviations

ADR Alternative Dispute Resolution

BLAST Bangladesh Legal Aid and Services Trust

CPC Code of Civil Procedure

HCD High Court Division

GWA Guardians and Wards Act

MFLO Muslim Family Laws Ordinance

NLASO National Legal Aid Services Organization

SC Supreme Court

UPL University Press Limited

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