

POLYGYNY: A Misconception, Virulent and Formidable Misuse in Bangladesh

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Abstract: *Polygyny has been an issue of widespread misunderstanding since laws and provisions regarding polygyny differ greatly throughout the world. Polygynous practices among the Muslims in Bangladesh are considered valid but at the same time an erroneous notion is spreading out in the country that Muslims are freely allowed to contract four marriages. In this article, an attempt has been made to clarify the justification of the issue. The article focuses on the development of polygyny from ancient period, the vision of Islam and the objectives for sanctioning polygyny. It also refers to the existing laws prevailing in the country and provides a comparative study with the laws and practices of other Muslim countries throughout the world. At the end of the article, recommendations have been made regulating the practice of polygyny in accordance with the present context of Bangladesh. The study of polygyny is mainly focused on misinterpreting the sense how the ordinary people misuse it. In the light of the objectives of the study, materials have been collected from different sources like enactments, books, journals, internet articles and case-laws. This is a short research because extensive fieldwork is not possible due to its nature. So it has been done in inductive method and it is concluded mainly with secondary information.*

1. INTRODUCTION

Polygyny is an established age old institution prevailing in human civilization from time immemorial.[1] Polygyny in various forms existed in ancient India, pre-Islamic Arabia, many countries in Europe and in the Pacific islands. In many countries, polygyny was socially recognized and religiously accepted.[2] It is well-known that polygyny is a controversial issue in Islam.[3] This is not only so because of principled objections to polygyny as an institution but because the classical Muslim position on polygyny itself is not as simple and uncomplicated as is often assumed. It could be said that Muslim Law does not simply allow any man polygynous marriages with up to four women unconditionally. The Law as classically interpreted did allow men such freedom, although subject

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to conditions which were not judicially enforceable but related to the individual's conscience.[3] However, it is correct to say that "In Islam, monogamy is a general rule while polygyny is only an exception." [4] In Bangladesh, Islam being the largest religion, [5] polygynous marriages are frequently contracted by the Muslims. An estimated 10% of Bangladeshi men are in polygynous marriage though it is much lower than the average rate found in other nations that permit polygyny. There is no known limit for the number of wives a man can take in Bangladesh, though the social norm is usually up to four. [5] It is very unfortunate that, without going into deep study of the divine rules, it is preached that Islam has permitted to have more than one and up to four wives without reservation. On the contrary, it is also opined that Islam in effect prohibited polygyny. Consequence is that polygyny has been made in Islam a moot question which it is really not. [6] Here is an attempt to clarify the issue by focusing on the existence and recognition of polygyny under the Holy Quranic principles and justification of polygynous marriages in Bangladesh in the light of situations and practices prevailing in other Muslim countries throughout the world.

2. HOW WAS POLYGYNY DEVELOPED?

Polygyny has an ancient origin in the history of human civilization. Islam had never developed polygyny. [6] Instead it curtailed its extent and made it an instrument to be used in exceptional circumstances. Long before the appearance of the prophet of Islam polygyny was being practiced by the Biblical prophets. Abraham had three wives, David one hundred, and Solomon over seven hundred. That was a very common practice of the society to marry more than one wife, and there was not any limit for that. And polygyny was not only in Arabia rather it was being practiced in the entire world. Polygyny was a recognized institution among Medas, Babylonians, Assyrians and Persians. It was customary among the tribes of Africa, Australia, and the Mormons of America. There was Polygyny among the Athenians, the most civilized and most cultured of all nations antiquity. Romans observed it until it was forbidden by the laws of Justinian. But even it afterwards continued till very recently, when public opinion abolished it. In China, Li-Ka permitted every man to keep up to 130 wives whereas elsewhere Charlemagne had about 400 wives.

The Hindu law does not restrict the number of wives. In fact the laws of Manu lay down specific conditions for celebrating marriages:

“A barren wife may be superseded in the eight year, she whose children die, in the tenth she who bears only daughters, in the eleventh, but she who is quarrelsome without delay.”[7]

The legendary Indian figures having numerous wives and concubines is a very well established fact.

However before the advent of the Holy Quran this practice was not only rampant, chaotic, but also without any order or discipline. Thus it would be a reprehensible mistake to suppose that the Prophet of Islam originated and legalized polygyny. On the contrary, the cautions and prudent steps that he had taken in this connection must be appreciated. He limited the unbounded license of polygyny and accepted it only as an exception to the general rule of monogamy.[8]

3. POLYGYNY – VISION OF ISLAM

In pre-Islamic Arabia or before the advent of Islam there was no restriction as to the number of wives. Arab men took numerous ladies as wives and it was practiced according to their own whim and caprice. The then era was called “**Iyam-E-Jahiliya.**” Quran limits as to the number of wives in four, but it should be noted that Quran always directed men for monogamy and in extreme cases it allowed polygyny. Thus, monogamy is a general rule and polygyny is an exception. The related verse in the Holy Quran goes:

“And if you fear that you shall not be able to deal justly with the orphan girls, then marry (other) women of your choice; two or three or four but if you fear that you shall not be able to deal justly with them then marry only one -- this is better so that you may not deviate from the right path.”[9] “And it is not in your power to do justice between wives, even though you may covet it, but keep yourself not aloof from one with total aversion nor leave her like one in suspense.....”[10]

It is very clear from the above narrated verse from the Quran that:

- Islam exhorts its followers to have only one wife; but
- Under exceptional circumstances such as to tackle problems of orphans, young widows, and divorcees, Islam allows more than one wife;

- But the person taking up more than one wife is obliged to do equitable justice among all his wives; and
- If he fears that he will not be able to do equitable justice among his wives, he is very clearly instructed to take only one wife;
- At the same time, Islam restricts the total number of wives to a maximum of four only.

Thus, under Muslim Law, the permission to have more than one wife is conditional, and the condition is to deal with the wives justly. Therefore, the permission of polygyny is an exception and not a general rule.[5]

Holy Prophet (peace and blessings of Allah be upon him) married more than one wife according to the Arab culture, but of course there were some other reasons behind. The Holy Prophet (peace and blessings of Allah be upon him) was required to present to humanity an ideal and perfect model for all stages of human experience. As a husband he was kind, he lived with one wife and with more than one, with the old and the young, with the widow and the divorced, with the pleasing and the moody, with the overconfident and the humble; but in all cases he was the symbol of benevolence and comfort. To educate the female population he needed female helpers, and for that purpose the Holy Prophet (peace and blessings of Allah be upon him) required fully trained ladies. The ideal way to solve this problem was to personally train some ladies, and no one can be better in this field, than the wives.[11] The Holy Prophet (peace and blessings of Allah be upon him) eliminated racial, ethnic, cultural, tribal and national distinctions and prejudices through these marriages, and encouraged piety as criterion of reliability and superiority. He married some of the humblest and poorest women, a Coptic girl from Egypt and a Jewess. That was the time when divorced women were looked down upon as inferior in status and were usually not allowed to remarry. By marrying a divorced lady the Holy Prophet Muhammad (peace and blessings of Allah be upon him) taught that such a marriage is not only lawful but also desirable to grant a divorced woman an honorable status in the society. Some of the Holy Prophet's marriages were in order to wipe out certain prevailing evil customs and practices. Practically to make the difference between the real children and the adopted ones, Holy Prophet (peace and blessings of Allah be upon him) married Hadrat Zainab, the divorced wife of Hadrat Zaid, a freed slave and the adopted son of the Holy Prophet (peace and

blessings of Allah be upon him).[11] This way he established correct status of an adopted child. Before that it was not allowed to marry the widow or the divorced wife of the adopted son. Widows and the orphans were totally neglected in the Arab society. Holy Prophet (peace and blessings of Allah be upon him) set up his own example for his followers by marrying with widows. He made his followers realize that they should take care of them with respect, dignity and honor. And one of the best possible ways to establish the relation with them was through marriages. In the time of the Prophet of Islam the prisoners of war were taken as slaves. The Holy Prophet (peace and blessings of Allah be upon him) set up an example by freeing them on ransom and on several occasions without charging anything. The Holy Prophet (peace and blessings of Allah be upon him) not only set the slaves free, but also married two of the captive women, to set up a personal example for the believers. Some of the marriages of the Holy Prophet (peace and blessings of Allah be upon him) were to unite his followers with different clans and tribes in mutual love and affection, and that was the object in marrying Juwairiyah (may Allah be pleased with her), daughter of Harith, the Chief of Bani al-Mustaliq. Similar was the reason of marrying Safiyah (may Allah be pleased with her) who belonged to a Jewish tribe. And by marrying Maria the Copt, (may Allah be pleased with her) the Holy Prophet (peace and blessings of Allah be upon him) established close relations with an Egyptian ruler.[11]

4. WHY DOES ISLAM RECOGNIZE POLYGyny?

Thus it is clear from the above discussion as to that in what conditions and under what exceptional circumstances polygyny is permitted in Islam.

4.1. For the greater interest of individual and society

Islam accepts marriage as an essential requirement for the wellbeing of the individual and the society. On the contrary, Islam clearly disapproves celibacy and treats it as an unnatural condition which produces evil. However, it does not regard marriage as inevitable. In the need of individual, family or society, there may be divorce and remarriage; and there are provisions for those. Likewise, Islam provides for polygyny for the better interest of the individual and as well as the society.

4.2. Rehabilitation of orphans and widows after wars

After the 'Battle of Badar' and 'War of Ohud' many Muslims embraced martyrdom leaving a lot of widows and orphans having no one to look after them.[12] So, in order to protect and take care of the helpless widows and orphans, polygyny was badly needed and it was permitted only in those exceptional circumstances. Thus, it should be assumed that Islam permits polygyny only to face disastrous aftermath of wars and it should not be allowed in peacetime.

4.3. To fulfil the purpose of marriage

Polygyny may be resorted to in those circumstances in which the purpose of marriage becomes frustrated. Capacity of procreation, care of children, of household affairs, marital sex satisfaction and compatibility of behaviour as between spouses are some of the elements of comprehensive purpose of a marriage. When such purpose is frustrated or not fulfilled because of wife's barrenness, chronic illness, feeble-mindedness, madness, physical handicaps etc., polygyny may be permitted. The insights into this provision is that if another marriage was not allowed in such circumstances, and monogamy was the only way, then men would become prone to divorce the first wife resulting in throwing her in a more helpless and unsecured state of life.[8]

4.4. To reduce the imbalanced ratio of husbands and wives

Whenever there is war, natural disaster, violent crimes or other like circumstances, too many males embrace death than the females. The normal life span of females is also longer than the males. So there will always be women who will never get married if every man marries one woman. In such a situation when there is an imbalanced ratio of wives to husbands, what will be the fate of the additional or outliving women? For want of male counterparts of same religion, they may choose men of other religion or they may voluntarily adopt prostitution as a profession resulting to the birth of too many illegitimate children. Thus, when women outnumber men, polygyny may be an acceptable alternative.[12]

5. POLYGyny UNDER THE PREVAILING LAWS OF BANGLADESH

In Bangladesh, there are provisions regulating polygynous marriage of Muslim communities in 'The Muslim Family Laws Ordinance, 1961'. The Ordinance has imposed certain restrictions on the practice of polygyny by providing that:

No man, during the subsistence of an existing marriage, shall, except with the previous permission in writing of the Arbitration Council, contract another marriage, nor shall any such marriage contracted without such permission be registered under this Ordinance.[13] An application for permission under sub-section (1) shall be submitted to the Chairman in the prescribed manner, together with the prescribed fee and shall state the reasons for the proposed marriage, and whether the consent of the existing wife or wives has been obtained thereto.[13] On receipt of the application under sub-section (2), the Chairman shall ask the applicant and his existing wife or wives each to nominate a representative and the Arbitration Council so constituted may, if satisfied that the proposed marriage is necessary and just, grant, subject to such conditions, if any, it may be deemed fit, the permission applied for.[13] In deciding the application the Arbitration Council shall record its reasons for the decision, and any party may, in the prescribed manner, within the prescribed period, and on payment of the prescribed fee, prefer an application for revision..... to the (Assistant judge) concerned and his decision shall be final and shall not be called in question in any Court.[13] Any man who contracts another marriage without the permission of the Arbitration Council shall (a) pay immediately the entire amount of the dower, whether prompt or deferred, due to existing wife or wives, which amount, if not so paid, shall be recoverable as arrears of land revenue; and (b) on conviction upon complaint be punishable with simple imprisonment which may extend to one year or with fine which may extend to ten thousand taka, or with both.[13]

Bangladeshi Law has, therefore, initially sought to focus on registration of marriages to affect a better control of polygyny.[4] The relevant section restricts the practice of polygyny and permits it only in cases where it appears to be reasonable to the Arbitration council. It is to be noted that the Ordinance does not prohibit polygyny. It only provides that a man may contract another marriage, during the subsistence of his existing marriage, only with the permission of the Arbitration Council.

Thus in case he does so without the permission of the Arbitration Council the marriage is not void. The Ordinance only penalizes the person in respect of a marriage, celebrated in contravention of the provisions of the Ordinance by making him liable to imprisonment of fine or both, but does not invalidate the marriage itself.[14]

The provisions of Law relating to polygyny in Bangladesh have also been reflected in different case-laws. Some of the important cases in which those provisions have been reiterated are: *Makbul Ali v. Manwara Begum*[15]; *Ahmed Mia Shaha v. Kazi Abdul Motaleb*[16]; *Abdul Halim Pattader v. M. Rahmat Ali*[17]; *Tahera Begum v. Farukh Meah*[18]; *Ayesha Sultana v. Shahjahan Ali*[19]; *Abul Basher v. Nurun Nabi*[20]; *Jesmin Sultana v. Mohammad Elias*[21].

6. POLYGYNIOUS PRACTICE AS VISUALIZED IN BANGLADESH – HOW FAR JUSTIFIED?

Not surprisingly, polygynous marriages in contravention of The Muslim Family Laws Ordinance remain fully valid marriages in Bangladesh. The couple is not allowed to register the marriage under the Muslim Marriages and Divorces (Registration) Act, 1974. The registration system is not as effective as was perhaps hoped.

Unregistered marriages in Bangladesh remain clearly valid marriages and can be proved in various ways.[4] It appears that the existing law in Bangladesh is clearly seeking to restrict it but the legal mechanisms for controlling polygyny are not as effective as they could be, being defeated by a combination of social forces and awareness of the Muslim justifications of polygyny in cases where husbands simply exercise their discretion.[4] Moreover, In Bangladesh most of the people are uneducated and ignorant. They don't realize the injunction of the Holy Quran and really are unable to understand these verses explicitly and unequivocally. The people only know that Quran permits four wives at the same time. Nothing can be more erroneous than this. Arbitrary and caprice misuse of the verse of the Holy Quran persuade the Muslim males to adopt practice of polygyny eventually resulting in different types of disorder and unhappy situations taking place in the family as well as in the society.

In Bangladesh, Muslim females usually fall a victim to polygyny by

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reason of the following conceptions:

- Polygyny is not banned or restricted by the provisions of Sharia Law.
- Polygyny tends to extend practical security to a woman against losing her husband.
- It safeguards her husband from possible adultery and its disastrous ill effects.
- It facilitates a career-oriented woman to pursue her career by having a husband as a male friend to share family responsibilities.

Besides apprehension of physical and mental torture by the husband for the purpose of obtaining consent for second marriage and even for avoiding destitute condition and fear of divorce, the first wife gives her consent to second marriage.

It should always be borne in mind that in Islam, protection of chastity and purity of sex life constitutes the basis of marital status. And the Holy Quran in different places indicates that lust, lewdness, property, beauty, lineage, or status cannot be the motive for seeking a woman in marriage. Thus where any of these constitutes the basis of desiring a polygynous marriage, that will be violation of divine commandments and hence impermissible.[8]

7. PRACTICE OF POLYGYNY IN DIFFERENT MUSLIM COUNTRIES

Polygynous marriages are mostly recognized in Muslim and African countries.[22] The countries that do not permit polygynous civil marriages recognize polygynous marriages under customary law, though in the eyes of the government, they are not considered to be genuine marriages.[22] Some countries, e.g. Saudi Arabia, Qatar, Bahrain, Oman, Sudan and Brunei have enacted no legislation restraining or restricting the practice of polygyny and the traditional law still prevails. The countries which have introduced reforms may be divided into three groups. The first group of countries including Lebanon, Jordan, Morocco and Egypt have imposed no obvious restriction on polygyny but conferred rights on women to make stipulations in marriage contracts against second marriage of the husband during the life-time of the first wife. In the second group of countries consisting of Syria, Iraq, Iran before 1979, Algeria, Indonesia and the Malaysian states of Sarawak and

Selangor reforming legislation established judicial control over polygynous marriages. In the third group of countries, namely Turkey, Cyprus and Tunisia and among the Druzes of Lebanon and of Syria and the Ismaili Khoja community of East Africa, Polygyny has been altogether prohibited.[23]

Turkey is the first so far the only Muslim country to have completely abandoned the Shari'a law in favour of secular laws of Western inspiration. The Turkish Civil Code of 1926 provides that no person shall marry again unless he proves to the satisfaction of the court that the earlier marriage has been dissolved by the death of the other party or by divorce or by a decree of nullity and that a second marriage shall be declared invalid by the court where it is established that at the date of the marriage one of the parties is already married.[24]

Tunisia is the first country to have abolished polygyny within the framework of the Sharia. Article 18 of the Tunisian Code of Personal Status, 1957 provides: "Plurality of wives is prohibited. Any person who being already married and before the marriage is lawfully dissolved marries again shall be liable to imprisonment for one year or a fine of 240.000 francs or to both.[25]

Syria was the first country to impose statutory restrictions on the practice of polygyny. The Syrian Law of Personal Status, 1953 provides that requests for permission to marry must be presented to the court and the court will refuse to a person who is already married, permission to marry a second wife where it is established that he cannot support two wives.[26]

Section 38 of the Ottoman Law of Family Rights, 1917 (which though repealed in Turkey is still applicable to all Sunni Muslims in Lebanon) provides: "Where a woman stipulates with the husband that he would not marry another wife and that if he does so she or the second wife would stand divorced." [24]

The Jordanian Law of family Rights, 1951 allows the wife to stipulate in the marriage contract that husband shall not take another wife during the continuance of their marital union and entitles the wife to sue for divorce if the husband does not honour the stipulation.[23]

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In Iran, under the Family Protection Act, 1975, a married man willing to take a second wife was required to seek the prior permission of the Court. The Court would only grant such permission if the first wife either consented to the marriage or was herself unable to cohabit.[27]

Under the Algerian Family Code, 1984 the Court will grant a husband permission to take a second wife if it is satisfied that there is a clear and genuine need for it and that he is able and willing to treat the wives and the children with equality. Here also the first wife is entitled to seek dissolution of her marriage on the sole ground of the husband's second marriage.[3]

Under the Indonesian legislation of 1975 a man may be given permission by a court to contract a second marriage if and only if his wife cannot perform her conjugal duties or becomes crippled, or terminally ill, or cannot give him children and (a) his present wife or wives give him permission. (b) his ability to maintain all the wives and children is certain and (c) his ability to be just to all his wives is certain.

The law of the Malaysian State of Sarawak permits a man to marry more than one wife only if he can prove that he is financially capable of supporting more than one wife.[24]

The Moroccan Code of Personal Status 1958 reiterates the Quranic injunction that if any injustice between the wives is feared, plurality of wives is not permitted.

The Law of Egypt follows the same trend and gives right to the wife whose husband has married again to apply for divorce if she suffers a material or moral injury as a result of her husband's second marriage, even if there is no stipulation in the contract that he may not marry a second wife during the subsistence of her marriage with him.[28]

The Iraqi Law of Personal Status, enacted in 1959 and amended in 1963 requires a man who desires to contract bigamous marriage to apply to the court permission. The court shall give him such permission if it is satisfied that (i) he is financially capable of supporting more than one wife (ii) there is legitimate interest for contracting the second marriage, e.g, the first wife is barren or physically incapacitated and thus unable to cohabit and (iii) there is no fear that the husband will not treat each wife with equal justice.[29]

The Selangor Family Law Enactment 1984 allows a man to contract a

second marriage if it is established that the husband has the financial means to support two wives the proposed marriage is both just and necessary and the husband has the capability of according equal treatment for both wives.[30]

In Pakistan, The Muslim Family Laws Ordinance, 1961 constraints polygyny placed on by requirement of application to the local Union Council for permission and notification of existing wife/wives, backed up by penal sanctions for contracting a polygynous marriage without prior permission; husband's contracting polygynous marriage in contravention of legal procedures is sufficient grounds for first wife to obtain decree of dissolution.[30]

In India, under 'The Hindu Marriage Act, 1955'[31] polygyny is banned for the Hindus. As a result, an increasing number of Hindu men have been showing a tendency to convert to Islam whenever they want a second wife. Finally, the Indian Supreme Court on May 5, 2000 plugged this last legal loophole for good for all potential Hindu bigamists. Now, if it is found that a newly converted Muslim has embraced the faith only to embrace another wife or two, he should be prosecuted under 'The Hindu Marriage Act' and 'The Penal Code'. Thus, bigamy for all Hindus has been ultimately outlawed.[32]

The above survey shows that at one extreme stands the Tunisian legislation which has abolished polygyny within the framework of the Sharia and at the other extreme are of countries like Jordan, Morocco and Egypt which have introduced only peripheral changes in the traditional law. Iraq, Algeria and Indonesia have adopted a middle course by introducing judicial control over polygyny. Bangladesh and Pakistan belong to this group of countries. With the only difference is that in place of judicial control they have introduced administrative-cum-social control, through an Arbitration Council headed by an elected official.[25]

8. SOME PROPOSITIONS ATTEMPTING TO CURB POLYGYNOUS MARRIAGES IN BANGLADESH

In a country where majority of the people rely on religious myth and faith, it is not possible to completely restrict or ban polygyny overnight by adopting legislative measures. The sole thing necessary is to raise constructive awareness regarding polygyny and appropriate explanation of Quaranic verses seeking co-operation from the Olema groups. A holistic liberal approach with slight legal modification may be quite

helpful in this regard and hence, the following propositions may be considered:

8.1. Establishment of a Marriage Bureau

A Marriage bureau may be set up to regulate the marriage registrar office. The head office of bureau of marriage may be set up in Dhaka and the branch office may be formed in every district. Every registrar office shall send the document of marriage deed to the branch Marriage bureau after fifteen successive days. Every branch office will send this document to the head office. For preparing the list it should add upon the list: 1) permanent address of husband and wife along with photos. 2) Where the marriage is registered? As for example, A's permanent address is in Noakhali. His marriage is registered at G.E.C. branch in Chittagong. In this case, it may be very easy to find out a person who is preparing for second marriage. Then any guardian of a female can make an inquiry as to the document in the district office of Marriage bureau where the document is sent. In case any doubt arises as to that the husband who concealed his first marriage is taking preparation for the second marriage, then the Marriage bureau may take necessary steps to reduce the fraudulent activities.

8.2. Online Data-base Process

The above process may also be regulated by maintaining digital database. By this process any person can make an inquiry through the online process of the person who is going to prepare for the second marriage. Thus it is obviously required to equip every branch office with online technology so that any person interested may resort to such assistance for getting the information relating to marriage. The govt. should come forward to take immediate and proper steps in this regard.

8.3. Reforms Regarding Authority of Arbitration Council

– No reason has been shown under what circumstances the Arbitration Council would permit the husband for taking more than one wife. In this regard, it is suggested that the Arbitration Council may permit under the following circumstances:

- a. If he is financially capable of supporting more than one wife,

- b. If there is legitimate interest for contracting the second marriage,
- c. If first wife is barren or physically incapable or unfit for sexual intercourse.

– Application to the Chairman of the Arbitration Council is an extra-judicial activity outside the Court. So it is required that the permission for contracting a second marriage would be the duty of the Court to see the legitimate interest of the proposed marriage and necessary for the applicant.

– This law has given the Arbitration Council a wide discretionary power to deal with the issue. Also, it has not defined what can possibly be 'necessary and just grounds' in this regard. According to legal experts, this law is prone to be abused. They think that it is necessary to define the expression 'necessary and just ground' with illustrations. But this should be done in light of the rules of conduct provided in the Holy Quran.

– It may also be suggested that the husband should be required to obtain permission from a Court of law and not from the Arbitration Council. In this regard, the husband should, for contracting a second marriage, deposit in the Court the entire amount of the dower payable to the exceeding wife which she will be able to receive from the court before the second marriage is contracted by the husband. If a husband contracts a bigamous marriage without the court's permission, the second marriage shall be invalid and the husband liable for the offence of bigamy under section 494 and 495 of the Penal Code 1860.[33]

8.4. Reforms in Family Laws Ordinance

In section 6(4) of 'The Muslim Family Laws Ordinance, 1961', the decision of the Assistant Judge has been made final. In this regard, a provision of appeal has to be added where a person is aggrieved by the decision of Assistant Judge.

8.5. Imposition of Hefty Tax

Hefty taxes may be imposed on the practice of polygyny with the tax increasing per each new wife the man takes. This will reduce the practice of polygyny among the poor males to a considerable extent. In 2006, the city of Rajshahi (fourth largest city of Bangladesh) introduced a new law

and a so-called “polygyny tax”; any man taking a second wife must pay a one-time amount of BDT 10,000 (Bangladeshi taka) (USD 142). The tax rises to BDT 30,000 (USD 426) for a third wife and BDT 40,000 (USD 568) for a fourth wife.[34]

9. CONCLUSION

Polygyny should not be permissible since a man will not be able to deal equitably with his wives. Multiple marriages are a heavy responsibility on the male and a man is not capable of showing perfect justice towards all wives. In Bangladesh, the existing law is not adequate to provide protection against the abuse of polygyny in the society. It is to be noted that ‘The Muslim Family Laws Ordinance, 1961’ does not prohibit polygyny. It only penalizes the person in respect of a marriage, celebrated in contravention of the provisions of the Ordinance by making him liable to imprisonment or fine or both, but does not invalidate the marriage itself. Though the practice of polygyny is somehow gradually declining in city areas but in rural areas less educated and illiterate people are still marrying more women according to their whim and caprice. It should be borne in mind that polygyny was approved to mitigate the frustrate condition of the then antique ambience of Arab which is not applicable at the present socio-economic condition of Bangladesh. So practice of polygyny is, in no way, acceptable in modern context. But whatever may be done, should be done in the light of the rules of conduct provided in the Holy Quran. No doubt, that will ensure maximum good to the Muslim individuals as well as the society.

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