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MUSLIM WOMEN'S RIGHT TO INHERITANCE: A STUDY OF LAW AND PRACTICE IN PUNJAB, PAKISTAN

AMINA NISAR

Universiti Utara Malaysia

DOCTOR OF PHILOSOPHY

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Abstract

This study examines the principles of inheritance in Islamic law and their implementation within Pakistan's legal system, with particular attention to how cultural beliefs, traditions, and social practices shape women's access to inheritance. Inheritance rights are critical determinants of women's economic security and social autonomy. However, many women are deprived of these rights due to entrenched cultural norms and systemic barriers. The study investigates the factors that compel women to forgo their inheritance entitlements, the obstacles they face in asserting their claims, and the broader implications for their socio-economic empowerment. Using a qualitative research design, semi-structured interviews were conducted with 29 participants, including 19 women, 6 men, 3 legal experts, and 1 Islamic scholar, across urban and rural areas of the Punjab province. Thematic analysis was employed to identify key patterns and narratives in the data. Findings reveal a complex interplay between legal provisions and patriarchal practices. Despite recent legislative reforms, women's access to property remains constrained by familial resistance, limited legal literacy, and social pressures. The study emphasizes that while legal reforms are necessary, their effectiveness is undermined without complementary social and institutional change. The research ultimately advocates for a holistic approach to enhancing women's inheritance rights, combining robust legal enforcement, targeted public awareness initiatives, and community-level engagement. By bridging the gap between law and practice, such interventions can promote women's agency and foster long-term empowerment within Pakistani society.

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Keywords: Women's inheritance rights, Islamic law, Pakistan legal system, Barriers to women's inheritance, Women's empowerment.

Abstrak

Kajian ini meneliti prinsip pewarisan dalam undang-undang Islam dan pelaksanaannya dalam sistem perundangan Pakistan, dengan penekanan khusus terhadap bagaimana kepercayaan budaya, tradisi, dan amalan sosial mempengaruhi akses wanita kepada harta pusaka. Hak pewarisan merupakan penentu penting kepada keselamatan ekonomi dan autonomi sosial wanita. Walau bagaimanapun, ramai wanita dinafikan hak ini akibat norma budaya yang berakar umbi serta pelbagai halangan sistemik. Kajian ini turut meneliti faktor-faktor yang mendorong wanita melepaskan hak pewarisan mereka, halangan yang dihadapi dalam menuntut hak tersebut, serta implikasi yang lebih luas terhadap pemerkasaan sosioekonomi mereka. Kajian ini menggunakan reka bentuk penyelidikan kualitatif, dengan temu bual separa berstruktur dijalankan terhadap 29 peserta yang terdiri daripada 19 wanita, 6 lelaki, 3 pakar undang-undang, dan seorang sarjana Islam di kawasan bandar dan luar bandar di wilayah Punjab. Data dianalisis menggunakan analisis tematik bagi mengenal pasti corak serta naratif utama dalam dapatan kajian. Dapatan kajian menunjukkan wujudnya interaksi yang kompleks antara peruntukan undang-undang dan amalan patriarki. Walaupun pembaharuan undang-undang telah diperkenalkan dalam beberapa tahun kebelakangan ini, akses wanita kepada harta masih terhad akibat penentangan keluarga, tahap literasi undang-undang yang rendah, serta tekanan sosial. Kajian ini menegaskan bahawa walaupun pembaharuan undang-undang adalah penting, keberkesanannya akan terjejas sekiranya tidak disertai perubahan sosial dan institusi yang selari. Secara keseluruhannya, kajian ini mencadangkan pendekatan holistik untuk memperkukuh hak pewarisan wanita dengan menggabungkan penguatkuasaan undang-undang yang lebih berkesan, inisiatif kesedaran awam yang disasarkan, serta penglibatan komuniti. Dengan merapatkan jurang antara peruntukan undang-undang dan amalan sebenar, intervensi sedemikian berpotensi meningkatkan keupayaan wanita serta memupuk pemerkasaan jangka panjang dalam masyarakat Pakistan.

Kata kunci: Hak pewarisan wanita, Undang-undang Islam, Sistem perundangan Pakistan, Halangan terhadap pewarisan wanita, Pemerkasaan wanita

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Glossary of Terms

Asabah	Residual heirs (those who inherit what remains after fixed shares)
Ashabul Furud	Quranic sharers (heirs entitled to fixed shares)
Baradari	Kinship group/brotherhood
Bhabi	Brother's wife/sister-in-law
Budla-e-Sulh	Settlement through reconciliation
Dewar	Brother-in-law (husband's younger brother)
Dhawul Arhaam	Distant kindred heirs (relatives inheriting in absence of close heirs)
Faraid	Islamic law of inheritance (fixed shares of heirs)
Fard	Land ownership record/extract
Ghair	Non-relative/outsider
Hanafi	One of the four Sunni schools of Islamic law, founded by Imam Abu Hanifa, emphasizing the Qur'an, Sunnah, and juristic reasoning.
Haq Bakhshwana	Custom of renouncing inheritance rights
Inteqal	Mutation of land (transfer of ownership)
Ja'fari	Shia school of Islamic jurisprudence (Ja'fari madhhab)
Jahiliyah	Pre-Islamic era of ignorance
Jirga	Traditional tribal council
Khata	Land revenue record
Madhhab	School of Islamic thought/jurisprudence
Marla	Unit of land measurement
Mirath	Inheritance
Mah'r (Mehr)	Dowry or mandatory gift from husband to wife
Nafaqah	Maintenance/financial support
Para	Brother
Patwar Khana	Land record office
Patwari	Land record officer
Praya Dhan	Daughter belongs to another home
Panchayat	Village council of elders
Qazi	Islamic judge
Shajrah	Genealogical record of land ownership

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Shia	Shia Muslims believe that leadership of the Muslim communi after the Prophet Muhammad (PBUH) rightfully belonged to h family, beginning with ʿAli ibn Abi Talib. They give spec religious authority to the Imams from the Prophet's household (*A al-Bayt*). The largest Shia group is the Ithna ʿAshari (Twelver who recognize twelve Imams.
Sunni	Sunni Muslims are those who follow the Sunnah (practice) of t Prophet Muhammad (PBUH) and recognize the first four caliphs his rightful successors. Sunnis form the majority of the Musli world and follow one of the four major schools of Islamic la Hanafi, Maliki, Shafiʿi, or Hanbali**.**
Swara	Marriage to settle dispute (customary practice)
Tafsir	Exegesis/interpretation of Qur'anic verses and hadith
Tehsildar	Revenue Officer at the Tehsil level
Ulama	Islamic scholars
Wanni	Marriage as compensation (customary practice)
Waris	Heir
Wassiyah	Will
Watta Satta	Exchange marriage (bride-swap practice)
Wirasat Nama	Succession Certificate

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List of Acronyms

ADR	Alternative Dispute Resolution
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CJP	Chief Justice of Pakistan
CNIC	Computerized National Identity Card
FATA	Federally Administered Tribal Areas
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
LRMIS	Land Record Management and Information System
MFLO	Muslim Family Laws Ordinance
MDG	Millennium Development Goals
MoHR	Ministry of Human Rights
NADRA	National Database and Registration Authority
NGO	Non-Governmental Organization
PATA	Provincially Administered Tribal Areas
PPC	Pakistan Penal Code
SC	Supreme Court
SDG	Sustainable Development Goals
UNDP	United Nations Development Program

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Table of Transliteration

Arabic	Latin	Example of Transliteration	Example
أ	ʾ / A	Aṣḥāb al-Furūḍ	أصحاب الفروض
ا	ā	al-Shāfiʿī	الشافعي
ت	t	Tafsīr	تفسير
ذ	dh	Dhawu al-Arḥām	ذوو الأرحام
ج	j	Jaʿfarī	جعفري
ر	r	al-Rāzī	الرازي
ز	z	Zuhaylī	الزحيلي
س	s	Saʿd b. Rabīʿ	سعد بن ربيع
ش	sh	Shawwāl	شوّال
ش	sh	Sharāʾiʿ	شريَعه
ع	ʿ	ʿAbbās	عباس
ع	ʿ	ʿAṭāʾ	عطاء
ف	f	Farāʾiḍ	فرائض
ق	q	Qurʾān	قرآن
ق	q	Qatādah	قتادة
م	m	al-Māʾidah	المائدة
ن	n	Nisāʾ	نساء

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Long Vocal

Arabic	Transliteration	Arabic	Transliteration
آ	ā	ى	ī
و	ū		

Short Vocal

Arabic	Transliteration	Arabic	Transliteration
Fathah	a	Kasrah	i
Dammah	u		

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Diftong

Arabic	Transliteration	Arabic	Transliteration
او	Aww	و	ww
اى	Ay	يّ	iy/i

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CHAPTER ONE
INTRODUCTION

1.1 Background of Study

In Islam, inheritance rights are explicitly defined in the Qur'ān and have been discussed in detail within Islamic jurisprudence. The Qur'ān sets specific rules for the fair distribution of wealth among family members,[1] and it considers inheritance not just as a legal matter, but also as an important aspect of economic justice. Moreover, Islamic inheritance laws are comprehensive, covering not only the distribution of property and wealth, but also the payment of debts and other financial obligations left by the deceased.[2] According to Islamic law, the Qur'ān grants women the right to inherit, although male heirs are generally given a larger share. This is mentioned in *Surah al-Nisā'* (4:7), where Allah (SWT) says:

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> There is a share for men and a share for women from what is left by parents and those nearest related, whether the property is small or large, an obligatory share.[3]

The Qur'ān prescribes the inheritance shares of males and females; the share of a male is equal to the share of two females.[4] Despite this difference in share, Islam clearly recognizes and protects the inheritance rights of women. Islamic jurisprudence across all four Sunni schools of thought (*madhāhib*) confirms that women are entitled to inherit from close male relatives, including fathers, husbands, brothers, and sons.[5] Studies

[1] TRISHA Naik, "Women's Succession Rights under Muslim Law," *Int J Legal Sci Innov* 5, no. 3 (2021).247-56
[2] Adelina Zuleika and Ni Putu Desinthya, "Islamic Inheritance Law (Faraid) and Its Economic Implication," *Tazkia Islamic Finance Business Review* 8, no. 1 (2013).
[3] The Qur'ān; *Sūrah al-Nisa* 4:7
[4] Iqbal Mazahir Saujan, Seyed Mohamed Mohamed Ibrahim, Nasrin Muhammadu, "Islamic Law of Inheritance and Its Implication Amongst Muslim Society: An Empirical Analysis," *Journal of Contemporary Islamic Law* 7, no. 1 (2022).35-51
[5] Elfia Elfia et al., "Gender Equality in Imamate Shia and Sunni Inheritance Jurisprudence: A Comparative Analysis of Legal Doctrines and Familial Relationships," 23, no. 2 (2024).555-94

show that in many Muslim societies, particularly in South Asia, the practical distribution of inheritance does not always align with Islamic principles.[6] In Pakistan, for instance, research indicates that women are often denied their rightful inheritance.[7] Although both Islamic law and Pakistan's state laws guarantee women a share in inheritance, the reality is very different due to the strong influence of social customs and family traditions. In rural areas, especially in Punjab, a tribal mindset and patriarchal values often dominate the inheritance process.[8] Property is typically passed down to male heirs, while women are discouraged from claiming their share. Many families treat inheritance as a family matter rather than a legal or religious right. As a result, women are expected to give up their rightful shares willingly, often out of fear of damaging family relationships.[9]

Although the government of Pakistan has introduced several legal reforms to protect women's inheritance rights,[10] these measures have not been fully translated into effective protection for women at the ground level. For example, the Muslim Personal Law (Shariat) Application Act, 1962, enforces Islamic inheritance rules and ensures that daughters, wives, and mothers receive their prescribed shares.[11] More recently, the Enforcement of Women's Property Rights Act, 2021, was passed to help women take legal action if they are wrongfully deprived of their property.[12] Despite legal reforms in Pakistan, cultural narratives rooted in patriarchy continue to dominate inheritance

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[6] Sylvia Vatuk, "Muslim Daughters and Inheritance in India: Sharīcat, Custom and Practice," in *'Muslim Woman'/Muslim Women* (Routledge, 2024).
[7] Amina Nisar, "Islamic Inheritance Rights for Women in Pakistan: Exploring Legal Safeguards and Social Challenges," *Journal of Islamic Thought and Civilization* 15, no. 1 (2025).146-65
[8] Iram Rubab, "3 Politics around Women's Landed Inheritance in South Asia," *South Asia from the Margins: Transformations in the Political Space* (2025).
[9] Iram Rubab, Rahla Rahat, and Asma Yunus, "Convergence of Private and Public Patriarchy: Challenges of Safe Spaces and Places for Women Claimants of Inheritance in Punjab, Pakistan," *Pakistan Social Sciences Review* 7, no. 3 (2023).49-60
[10] Mohammad Zamin et al., "Cultural Barriers and Legal Gaps: Protection against the Denial of Women Rights of Inheritance in Khyber Pukhtoonkhwa," *ASSAJ* 3, no. 02 (2025).1344-54
[11] Javeria Khan, Asma Khalid, and Adeela Rehman, "Women's Inheritance Rights in the West Pakistan Muslim Personal Law, Shariat Act 1962: An Analysis of Practices," *Journal of Gender and Social Issues* (2022).
[12] Provincial Assembly of the Punjab, "The Punjab Enforcement of Women's Property Rights Act 2021," (2021).

practices, often denying women their rightful share.[13] In many cases, to avoid family conflict and preserve relationships, women forgo their legal entitlements. Despite awareness of their rights, many women remain bound by tradition, highlighting the ongoing disconnect between legal provisions and social practices regarding women's inheritance.[14] Additionally, inheritance laws can be complex and difficult to navigate, especially for those with little education or legal knowledge.[15] Registering land or property often involves lengthy procedures and high costs, which many women cannot afford.[16] This makes them more vulnerable to being excluded from property ownership. Such barriers continue to obstruct the realization of women's inheritance rights and limit their access to property ownership, ultimately hindering their economic participation and empowerment.

While scholarship has addressed inheritance from doctrinal or legal perspectives, limited research connects Islamic principles with women's lived experiences. This study seeks to fill that gap by combining Islamic legal analysis with field-based insights to show how the gap between law and practice affects women's empowerment. By adopting a multi-dimensional approach, this study explores inheritance rights through legal, religious, and socio-cultural lenses. The findings of this research will be valuable for policymakers, legal professionals, and social activists.

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[13] Ishaq Ahmad et al., "Inequality Regimes, Patriarchal Connectivity, and Women's Right to Property Inheritance in Rural Pakistan," *Journal of Positive School Psychology* (2023).
[14] Ibid.
[15] Simona Feci, "The Exclusion of Women from Inheritance Rights: An Unresolved Issue?," in *Negotiations of Gender and Property through Legal Regimes (14th-19th Century)* (Brill Nijhoff, 2021).
[16] Ibid.

1.2 Problem Statement

In Pakistan, despite clear Islamic injunctions and legal provisions that entitle women to a fixed share in inheritance, women continue to face widespread denial of these rights.[17] This concern becomes more serious in light of Qur'anic guidance, particularly Surah *An-Nisā'* verse 29,

> "You who believe, do not wrongfully consume each other's wealth,"[18]

which explicitly prohibits consuming another person's property unjustly. This verse underscores the ethical and religious obligation to ensure that women receive their rightful inheritance without coercion or denial. The denial of women's inheritance rights is prevalent throughout Punjab, where customary practices often favour male heirs and undermine the legal and religious entitlements of female family members.[19] Daughters, sisters, and widows are frequently denied their rightful share or are coerced into relinquishing it.[20] This denial not only undermines women's legal and religious rights but also makes them economically dependent and socially marginalized.[21] Social norms and customary traditions prioritize male interests, influencing perceptions of ownership and inheritance.[22] As a result, women are frequently excluded from property rights, particularly in rural areas like Punjab, where girls are raised to view men as their protectors and decision-makers.[23] This socialization fosters deep loyalty to family norms, discouraging women from asserting their inheritance rights. Male family

[17] Badriah Khaleel, Khalid Ahmed, and Syed Sajid Ali Shah, "Critical Discourse Analysis of Pakistani Inheritance Law and Justice System for Women," *Pakistan Social Sciences Review* 7, no. 3 (2023).87-100
[18] The Qur'ān; Surah Al-Nisa, 4:29
[19] Naseem Akhter, Shumaila Rafiq, and Mufti Jahazeb Rana, "Religion Vs Society: Case of Women Inheritance in Pashtun Tribes of Pakistan," *Al Meezan Research Journal of Social Sciences* 2, no. 02 (2022).43-62
[20] Shahla Tabbasum, "Inheritance Rights of Women: Laws and Practices in Punjab" (International Islamic University Islamabad, 2021).
[21] Bina Agarwal, Pervesh Anthwal, and Malvika Mahesh, "How Many and Which Women Own Land in India? Inter-Gender and Intra-Gender Gaps," *The Journal of Development Studies* 57, no. 11 (2021).1807-29
[22] Eatzaz Bibi Ahmad, Anbereen Mahmood, Tahir, "Attitudes Towards Women's Rights to Inheritance in District Lakki Marwat, Pakistan," *The Pakistan Development Review* (2012).
[23] Ahmad et al., "Inequality Regimes, Patriarchal Connectivity, and Women's Right to Property Inheritance in Rural Pakistan."

members often exploit this loyalty, framing women's inheritance claims as threats to family honour.[24] Women who attempt to claim their share are often labelled as disloyal or greedy, leading to social isolation.[25] On the legal front, they encounter challenges such as complicated procedures, prolonged litigation, and loopholes in the judicial system that are often manipulated to deprive them of their rights.[26] Socially, women are discouraged from claiming their share due to powerful cultural norms, family expectations, and patriarchal pressures.[27] Claiming inheritance is often seen as an act of rebelliousness or greed, leading to emotional blackmail, threats of social exclusion, strained family relationships, or even domestic violence.[28] These pressures compel many women to waive their rightful share in favour of male relatives to preserve family harmony or avoid conflict.[29] This ongoing deprivation weakens their position within both the household and society, hindering their overall empowerment.[30] The root of this problem lies in a combination of legal, social, and cultural factors, with one significant cause being women's limited knowledge of Islamic inheritance laws. Many women are either unaware of their religious entitlements or misinformed about them. Previous studies on women's inheritance rights have largely focused on either legal frameworks or Islamic rulings, with limited attention to how these intersect with women's lived experiences and how inheritance practices affect women's social and economic empowerment in Pakistan.[31] This study addresses that gap by combining Islamic legal

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[24] Ibid.
[25] Christine Forster and Jaya Sagade, *Women's Human Rights in India* (Routledge India, 2019).
[26] Khaleel, Ahmed, and Shah, "Critical Discourse Analysis of Pakistani Inheritance Law and Justice System for Women."
[27] Iram Rubab et al., "Issues of Information Literacy in South Punjab, Pakistan: An Analysis of Women's Inheritance Deprivation through the Theory of Manufactured Consent," *SAGE Open* 15, no. 1 (2025).
[28] Forster and Sagade, *Women's Human Rights in India*.
[29] Ahmad et al., "Inequality Regimes, Patriarchal Connectivity, and Women's Right to Property Inheritance in Rural Pakistan."
[30] Abida Bano and Aisha Alam, "Women Agency and Provincial Autonomy: A Study of Post-18th Amendment Local Government in Khyber Pakhtunkhwa, Pakistan," *Journal of Humanities, Social and Management Sciences (JHSMS)* 5, no. 1 (2024).191-207
[31] Iram Rubab, "Women's Rights of Inheritance: Practices and Challenges in Punjab" (PhD unpublished thesis, University of the Punjab, 2019).

analysis with field-based evidence, showing how the disconnection between law, religion, and practice undermines women's economic and social empowerment. It also broadens the geographical scope by including multiple cities across both North and South Punjab, moving beyond the common focus on selected areas of Punjab.[32] In terms of participants, earlier research has primarily centred on a few groups of participants; there is a lack of studies that bring together diverse group of participants,[33] while this study engages women, men, legal experts, and Islamic scholars, thereby offering a more inclusive and multi-stakeholder perspective.

1.3 Research Questions

1. How are the principles of inheritance in Islamic law enforced within Pakistan's legal system?
2. How do cultural norms, social practices, and institutional challenges shape women's access to inheritance in Pakistan?
3. What is the relationship between women's inheritance rights and their economic and social empowerment, and what best practices can improve women's access to inheritance in Pakistan?

1.4 Research Objectives

1. To examine the principles of inheritance in Islamic law and their enforcement within Pakistan's legal system.
2. To explore cultural norms, social practices, and institutional challenges that shape women's access to inheritance in Pakistan.

[32] Tabbasum, "Inheritance Rights of Women: Laws and Practices in Punjab."
[33] Ibid.

3. To analyse the relationship between women's inheritance and their economic and social empowerment, and to evaluate best practices for improving women's access to inheritance in Pakistan.

1.5 Significance of the Study

This study contributes theoretically by integrating Islamic legal analysis with socio-legal perspectives to provide a more holistic understanding of women's inheritance rights in Pakistan. It advances scholarship by bridging doctrinal interpretations with lived realities, offering a framework that connects law, religion, and practice.

Apart from its theoretical contributions, the current research also incorporates important practical implications. For instance, this study highlights the legal obstacles and challenges women in Pakistan often face when claiming inheritance rights. The findings can help government bodies and relevant organizations to improve women's access to legal aid, procedural guidance, and awareness programs, thereby encouraging them to claim their rightful shares. This study also has important practical implications by suggesting practitioners and policymakers to strengthen the implementation of inheritance laws and ensure that women can claim their rightful shares. Law enforcement agencies in Pakistan have a key role in enforcing these laws, while awareness initiatives for men about legal penalties for non-compliance can help deter violations and protect women's inheritance rights.

1.6 Scope and Limitation

This study primarily focuses on women's inheritance rights under Islamic law and the position of customary practices in relation to those rights. It examines the principles of inheritance as prescribed in the Qur'ān and Sunnah and their incorporation within

Pakistan's legal system. It further explores the influence of cultural beliefs, traditions, and social practices in either facilitating or obstructing women's access to their rightful inheritance. In addition, the research investigates the factors that compel women to waive their inheritance and identifies the obstacles women face when claiming their share. It also considers the effect of inheritance on women's economic and social empowerment. The findings highlight that strengthening legal awareness, challenging discriminatory customs, and promoting supportive social frameworks can enhance women's financial stability and contribute to their overall empowerment.

The limitation of the study helps to understand the weaknesses of the study.[34] Like all research, this study is not without its limitations. To make the research process easier, the topic was narrowed down. The study was only conducted in the more developed and populous province of Punjab, which is the largest province in terms of size among all the provinces of Pakistan. Although other provinces are highly affected by the feudal system, there are many customary practices that deny women inheritance. I focused on Punjab because it is Pakistan's most populous province, where traditional and patriarchal family structures remain strong despite social progress. Punjab also presents a diverse mix of rural and urban settings, making it a representative and significant region to study this issue in depth. Its scope is also restricted to Muslim women under Islamic family law, without comparative analysis of non-Muslim communities or other jurisdictions. Additionally, this study includes the integration of qualitative methodology for data collection and analysis. Although this methodology has been effective in providing an in-depth understanding, the limited sample size restricts the generalizability of the findings to the wider population.

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[34] James H. Price and Judy Murnan, "Research Limitations and the Necessity of Reporting Them," *American Journal of Health Education* 35, no. 2 (2004).66-67

Despite these limitations, the study offers valuable empirical insights into the disconnect between law and practice, contributing to scholarly debates and practical efforts to strengthen women's inheritance rights in Pakistan.

1.7 Literature Review

The question of women's inheritance rights has been widely studied from multiple angles, including Islamic jurisprudence, statutory law, and socio-cultural practices. The literature reviewed in this section is confined to works that are directly relevant to the central themes of this thesis, in line with its aims and objectives.

1.7.1 Women's Inheritance Rights in Islamic Law and Pakistan's Legal Framework

From a religious and doctrinal perspective, several scholars such as Trisha Naik,[35] Maimunah Saad Nalukwago[36] and Halimah Basri[37] have explored Qur'ānic injunctions and the juristic elaboration of fixed shares. Their analyses emphasize that Islam revolutionized women's social position by granting them defined rights to property inheritance, in stark contrast to pre-Islamic Arabia. These works, however, remain largely textual, offering little insight into how these rulings are actually implemented in contemporary society.

On the legal side, studies such as Badriah Khaleel[38] and Kashif Mahmood Saqib[39] have examined the statutory and constitutional frameworks governing inheritance in

[35] Naik, "Women's Succession Rights under Muslim Law."
[36] Maimunah Saad Nalukwago, "The Realization of Women's Right to Property Inheritance in the Islamic Context: A Case Study of Iganga Municipality" (Kyambogo University [unpublished work], 2022).
[37] Halimah Basri et al., "Inheritance Rights of Women in Makassar Society: A Study of Living Qur'an and Its Implications for Islamic Law," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 2 (2022).537-55
[38] Khaleel, Ahmed, and Shah, "Critical Discourse Analysis of Pakistani Inheritance Law and Justice System for Women."
[39] Kashif Mahmood Saqib, Hamid Mukhtar, and Muhammad Sohail Asghar, "Analytical Study of Article 25 of the Constitution of Islamic Republic of Pakistan, 1973," *Journal of Positive School Psychology* 7, no. 2 (2023).81-88

Pakistan. Similarly, Javeria Khan[40] focused on the Muslim Personal Law (Shariat) Application Act 1937, and Abida Yaseen[41] analysed the Muslim Family Laws Ordinance 1961, concluding that the legal framework formally safeguards women's inheritance rights. More recent research, by Bakht Aziz,[42] analysed the impact of reforms such as the Criminal Law (Third Amendment) Act 2011, highlighting how these legal measures sought to address discriminatory practices against women in inheritance matters and evaluating their effectiveness in ensuring women's access to justice. Moreover, Malik[43] and Shah[44] discussed more recent reforms in their studies related to women's inheritance, particularly the establishment of the Women's Enforcement Committees and the enactment of the Punjab Enforcement of Women's Property Rights Act, which were introduced to safeguard women's rightful share of inheritance and provide them with accessible mechanisms for redress. Hooria Hayat Khan,[45] in her study, discussed the procedural aspects of the inheritance process and highlighted the loopholes that hinder women from securing their rightful share. However, in my study, I have examined the inheritance procedure more broadly, identifying loopholes and obstacles in general as well as from a woman's perspective, while the detailed discussion of these obstacles is presented in the subsequent chapters. These studies confirm that Pakistan's legal system aligns with Islamic injunctions, yet they also acknowledge weak enforcement.

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[40] Khan, Khalid, and Rehman, "Women's Inheritance Rights in the West Pakistan Muslim Personal Law, Shariat Act 1962: An Analysis of Practices."
[41] Abida Yaseen, Ali Shouzab, and Taimoor Raza Sultan, "Inheritance of a Daughter: An Analysis Based on Islam and Laws Prevalent in Pakistan," *Pakistan Journal of International Affairs* 5, no. 2 (2022).
[42] Iram Rubab, Beenish Malik, and Zujajah Bakht Aziz, "Do Legal and Institutional Reforms in Punjab, Pakistan Protect Women's Inherited Land Rights?," *Journal of International Women's Studies* 25, no. 4 (2023).5
[43] Khaleel, Ahmed, and Shah, "Critical Discourse Analysis of Pakistani Inheritance Law and Justice System for Women."
[44] Ibid.
[45] Hooria Hayat Khan, Azmeh Khan, and Hana Zahir, "Women's Inheritance Rights: Procedures, Loopholes and Obstacles," (Lahore, Pakistan: Center for Economic Research in Pakistan. https://www …, 2020).

1.7.2 Socio-Cultural Context of Women's Inheritance in Pakistan

Scholars have widely examined the cultural and social barriers that undermine women's inheritance rights in Pakistan. Rai[46] mainly worked on tribal societies, highlighting that traditional customs continue to dominate property distribution, often restricting women's inheritance rights. Similarly, Ghazal Mir[47] emphasized that within entrenched patriarchal structures, women's right to land ownership remains largely elusive, as cultural practices override legal provisions. Moreover, the role of endogamy, exchange marriages, and dowry has also been explored in this regard. Muhammad Rizwan Safdar[48] demonstrated how caste- and clan-based endogamy reinforces patriarchal authority, thereby restricting women's access to inheritance. In the same vein, Nasra Batool[49] revealed that dowry functions as a substitute for women's rightful share in property, undermining their permanent economic security. Furthermore, Ahmad[50] argued that in many rural areas, property ownership is associated with family honour, prestige, and power, which results in men being favoured as heirs while women are systematically excluded. This deprivation is closely tied to entrenched patriarchal structures, which reinforce subordination and privilege male dominance. Rabbia[51] showed that patriarchal discourse and cultural practices weaken women's access to inheritance, even though Islam explicitly guarantees their rights. On a theoretical plane, Abeda Sultana[52] analysed the patriarchal structures that sustain women's subordination

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[46] Sanita Rai, "Property Inheritance Laws of Women in Tribal Societies: A Case Study of Sikkim" (2016).
[47] Ghazal Mir Zulfiqar, "Inequality Regimes, Patriarchal Connectivity, and the Elusive Right to Own Land for Women in Pakistan," *Journal of Business Ethics* 177, no. 4 (2022).799-811
[48] Muhammad Rizwan Safdar et al., "Socioeconomic Determinants of Caste-Based Endogamy," *Journal of Ethnic and Cultural Studies* 8, no. 2 (2021).
[49] Nasra Batool, "Dowry, Female Inheritance Share and Social Prestige: A Case Study of Village Maingan, District Chakwal," *Pakistan Journal of Women's Studies= Alam-e-Niswan= Alam-i Nisvan* 29, no. 1 (2022).97-118
[50] Ishaq Ahmad et al., "Inequality Regimes, Patriarchal Connectivity, and Women's Right to Property Inheritance in Rural Pakistan," (2023).35-47
[51] Rabbia Aslam, "Women Subordination through Patriarchal Discursive Practices Regarding Inheritance," *Pakistan Journal of Gender Studies* 1, no. 1 (2008).
[52] Abeda Sultana, "Patriarchy and Women S Subordination: A Theoretical Analysis," *Arts faculty journal* 4 (2012).1-18

and limit their economic agency, including inheritance rights. Similar work has been done by Arab Naz[53] in the area of Khyber Pakhtunkhwa[54], showing that very few women assert their legal rights to inheritance highlighting social pressures, lack of awareness, and family restrictions as cultural constraints.

Several studies have shown how deeply embedded cultural practices continue to undermine women's inheritance rights in Pakistan. Sharmeen Bano[55] highlighted the phenomenon of women being symbolically married to the Qur'an, a practice intended to prevent them from claiming property by binding them to a life of celibacy within their family. Similarly, Polok[56] examined how social customs override Islamic law, limiting women's ability to inherit despite their legal entitlements. In parts of Balochistan, Khyber Pakhtunkhwa, and Sindh, Rubab[57] and Bushra[58] examined the practice of *Haq Bukhshwana* persists, where women are denied inheritance and are branded as ungrateful, immoral, or intolerant if they assert their rights. Likewise, Naima Tabassum[59] explored *watta satta* (exchange marriages) in Pakistan, which also function as mechanisms of property control and consolidation, further restricting women's inheritance.

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1.7.3 Factors and Challenges in the Implementation of Women's Inheritance Rights

[53] Arab Naz et al., "Social and Cultural Challenges to Women's Property and Inheritance: A Study of District Dir Lower Khyber Pakhtunkhwa," *Middle-East Journal of Scientific Research* 21, no. 11 (2014).2080-91
[54] Khyber Pakhtunkhwa (KP) is a province in the northwestern region of Pakistan, formerly known as the North-West Frontier Province.
[55] Rubab et al., "Issues of Information Literacy in South Punjab, Pakistan: An Analysis of Women's Inheritance Deprivation through the Theory of Manufactured Consent."
[56] Beata Polok, "Influence of Islamic Law, Social Customs and Practices on the Women's Inheritance Rights in Pakistan," *J. Int'l L. Islamic L.* 18, no. 2 (2022).101
[57] Rubab et al., "Issues of Information Literacy in South Punjab, Pakistan: An Analysis of Women's Inheritance Deprivation through the Theory of Manufactured Consent."
[58] Bushra Shakeel and Miss Nudrat Kamal, "Department of Gender Studies University of the Punjab, Lahore."
[59] Naima Tabassum, "Gender Differences in Perceptions Regarding Victimizing Potential of Social Practices of Dowry and Watta Satta on Pakistani Women," *Pakistan Journal of Applied Social Sciences* 15, no. 2 (2024).37-52

Alongside cultural practices, lack of awareness and misconceptions about religious injunctions also serve as major barriers to women's inheritance rights. Iram Rubab and Shahida Parveen[60] highlight that insufficient awareness about Islamic values prevents women from claiming their rightful share after the death of their parents. Similarly, Fariha Bibi and Bangash[61] studied the same thing in the context of Pakhtun[62] society emphasizing that lack of knowledge about religious injunctions plays a significant role in the denial of women's inheritance rights. Syed Noor Ul Hassan Hashmi[63] further reveal that most women remain unaware of their inheritance rights and misconceptions about Islam, reinforce this exclusion. In addition to lack of awareness, socio-cultural factors also reinforce women's exclusion from inheritance. Shuhab Zamir[64] observes that many women in Pakistan give up their inheritance out of affection for brothers or in hope of social security. Moreover, Ahmed[65] add that the term *Paraya Dhan* frames daughters as "others' property," echoing Simone de Beauvoir's[66] concept of *otherness*, where women's oppression thrives on alienation and dependency. Sanchari Roy[67] observed the same practice in Indian culture, that property is often transferred to male members during the father's lifetime to prevent women's shares from moving outside the family.

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[60] Iram Rubab, Shahida Parveen, and Ahmed Usman, "Islamic Law of Inheritance: Awareness among Women of Punjab," (Al-Qalam, 2016).
[61] Fariha Bibi and Arshad Khan Bangash, "Denial of Women's Inheritance Rights in Pakhtun Society: A Study of Socio-Cultural Values and Customary Practices," *Pakistan Journal of Society, Education and Language (PJSEL)* 4, no. 2 (2018).40-53
[62] Pashtun society is a tribal and patrilineal society centered on strong family and lineage ties, governed by the traditional code of Pashtunwali which emphasizes honour, hospitality, and courage
[63] Syed Noor Ul Hassan Hashmi et al., "Examining Some Misconceptions About Islamic Women's Rights from Pakistan's Perspective," *Multicultural Education* 8, no. 12 (2022).
[64] Imtiaz Ahmed et al., "A Comparative Analysis of Women's Inheritance Rights in Urban and Rural Areas in Sindh," *Minhaj International Journal of Economics Organization Sciences* 3, no. 2 (2023).
[65] Rubab, "Women's Rights of Inheritance: Practices and Challenges in Punjab."
[66] Chris Gilleard, "Aging as Otherness: Revisiting Simone De Beauvoir's Old Age," *The Gerontologist* 62, no. 2 (2022).
[67] Sonia Bhalotra, Rachel Brulé, and Sanchari Roy, "Women's Inheritance Rights Reform and the Preference for Sons in India," *Journal of Development Economics* 146 (2020).102275

Shahla Tabassum[68] further observes that tactics such as emotional manipulation, verbal abuse, and social isolation are frequently employed to discourage women from claiming their legal shares. Raed[69] explain emotional blackmail in his studies and linking this to women's inheritance, Muhammad Faizul Haque[70] note that emotional blackmail is unfortunately common in Pakistan, where women asserting their rights face severe consequences, including psychological and physical harm. Another critical challenge is land fragmentation. Chang Tsaiyu,[71] studies in the context of Taiwan, highlighting how fragmentation of property rights affects efficiency, while similar problems are observed in Pakistan by Rida Fatima,[72] who link gender equity to female land ownership rights. Rahman Ullah[73]'s study shows how familial roles hinder women's shares in agricultural land distribution in *Pakhtun* society. In terms of dispute resolution, Javed Iqbal[74] critically analyse Pakistan's ADR framework, focusing on its structural limitations. Similarly, Shahzeb Khab and Ali Khan[75] have made a significant contribution by highlighting the differences between ADR and Jirga, and their comparative work adds valuable insights to the existing literature. However, this study emphasizes the informal mechanisms of *jirga* and *panchayat* in inheritance disputes,

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[68] Tabbasum, "Inheritance Rights of Women: Laws and Practices in Punjab."
[69] Raed A Al-Kreimeen, Nedal Ahmad Alghafary, and Fadi Soud Samawi, "The Association of Emotional Blackmail and Adjustment to College Life among Warned Female Students at Al-Balqa University Students," *Health Psychology Research* 10, no. 2 (2022).
[70] Muhammad Faizul Haque et al., "Women Rights to Inheritance in Muslim Family Law: An Analytical Study," *International Journal of Islamic Business Management* 4, no. 1 (2020).15-26
[71] Chang Tsaiyu, "Impact of Land Fragmentation and Fragmentation of Property Rights on the Profit Efficiency of Rice Cultivation and Multiple Farming in Taiwan," *Applied Economics* 57, no. 36 (2025).5460-73
[72] Rida Fatima et al., "Meeting the Challenges of Gender Equity through Female Land Ownership Rights in Pakistan," in *Effective Technology for Gender Equity in Business and Organizations* (IGI Global, 2024).
[73] Mazhar Islam and Rahman Ullah, "Familial Role Impediments Towards Women Shares in Inheritance Based Agricultural Land Distribution Practices in Pukhtun Society," *Indian Journal of Economics and Business* 20, no. 3 (2021).
[74] Bilal Khan Bilal Khan, and Javed Iqbal Javed, "Critical Analysis on Existing Framework of Adr in Pakistan," *Indus Journal of Law Social Sciences* 2, no. 2 (2023).1-9
[75] Shahzeb Khan and Aizaz Ali Khan, "Jirga as a Mechanism of Dispute Resolution: An Evaluation in the Eyes of Islamic Principles and Legal Challenges in Pakistan," *Indus Journal of Law and Social Sciences* 3, no. 1 (2024).1-11

where, as Gul[76] explains, these bodies play a decisive role but often reinforce patriarchal norms to women's disadvantage. Prolonged legal procedures are another major factor discouraging women from approaching the courts for inheritance disputes. Rao Qasim[77] explores the causes and consequences of case pendency in Pakistan, noting that delays and lengthy proceedings significantly obstruct the timely settlement of inheritance claims. Complementing this, Fiza Shahzad[78] also highlights in her study that manipulation by legal practitioners is a major contributor to these prolonged delays, as women's cases are often deliberately stretched to their disadvantage.

1.7.4 Women's Inheritance and Socio-Economic Empowerment

The relationship between women's inheritance rights and their empowerment has also been explored by a number of scholars, particularly within the broader framework of economic and social development. For example, Muhammad Azeem[79] provided a comprehensive definition of women's empowerment, highlighting its multidimensional nature and its role in enhancing women's agency in education, economic life, and decision-making. Similarly, Benish Ibrahim[80] and Al Hakim[81] examined women's economic empowerment in relation to employment discrimination, emphasizing the role of quality education as a factor that reduces barriers to women's economic participation.

[76] Sumara Gul and Sadia Fayaz, "Role of Women in Dispute Resolution and Peace Building in Khyber Pakhtunkhwa: A Critical Analysis of Khwendo Jirga (Sisters'council)," *Pakistan Journal of Social Research* 4, no. 2 (2022).1163-73

[77] Muhammad Imran, Rao Qasim Idrees, and Muhammad Arif Saeed, "Pendency of Cases in Pakistan: Causes and Consequences," *Current Trends in Law and Society* 4, no. 1 (2024).52-61

[78] Fiza Shahzad, "Public Perception Vs. Practice: Tracing Muslim Women's (Dis) Inheritance in Punjab, 1526-Present" (Tufts University, 2023).

[79] Hafiz Muhammad Azeem, Muhammad Usman Mairaj, and Malik Asif Iqbal, "Empowering Women: Making Inheritance Rights Fundamental and Mandatory in Pakistan," *Pakistan JL Analysis & Wisdom* 3 (2024).80

[80] Benish Ibrahim and Saima Asad, "Women Economic Empowerment and Employment Discrimination:(Quality Education a Factor to Boost Women's Economic Empowerment and to Reduce Employment Discrimination)," *Pakistan Review of Social Sciences (PRSS)* 1, no. 2 (2020).

[81] Ghenwa Al Hakim et al., "Women's Empowerment as an Outcome of Ngo Projects: Is the Current Approach Sustainable?," *Administrative Sciences* 12, no. 2 (2022).62

Other scholars have linked empowerment with structural and socio-economic conditions. Khan[82] studied women's empowerment through poverty. Likewise, Zulfiqar Ali[83] analysed the socioeconomic and political impediments to women's empowerment in District Peshawar, noting how entrenched cultural attitudes and systemic inequalities hinder women's full participation. Beyond the Pakistani context, Henrik Knutsen,[84] examined women's political empowerment at a global level, establishing its strong correlation with economic growth and development. Relating empowerment directly to inheritance, Shahla Tabassum[85] investigated the impact of women's inheritance on economic, social, political, and legal dimensions of empowerment. However, her study addressed inheritance only as a small component within a broader discussion. By contrast, the present study uses empirical fieldwork to examine women's inheritance rights as a determinant of empowerment, capturing respondents' experiences and perspectives. This approach provides fresh insights into how inheritance shapes women's empowerment in Pakistan

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From the discussion on the existing literature, it is evident that research on women's inheritance rights is diverse, covering Islamic jurisprudence, statutory reforms, and socio-cultural practices. In this context, the present study seeks to bridge the gaps identified in the literature by integrating Islamic legal analysis with empirical fieldwork, thereby identifying existing problems and suggesting solutions.

1.8 Methodology

[82] Sajid Khan, "Women's Empowerment through Poverty Alleviation: A Sociocultural and Politico-Economic Assessment of Conditions in Pakistan" (paper presented at the European Virtual Conference on Management Sciences and Economics, 2016).
[83] Zulfiqar Ali, "Socioeconomic and Political Impediments to Women Development and Empowerment: A Case of District Peshawar, Kpk," (2024).
[84] Sirianne Dahlum, Carl Henrik Knutsen, and Valeriya Mechkova, "Women's Political Empowerment and Economic Growth," *World Development* 156 (2022).105822
[85] Tabbasum, "Inheritance Rights of Women: Laws and Practices in Punjab."

This Study adopts a qualitative research approach and incorporates both traditional and socio-legal research methods. Traditional methods refer to doctrinal[86] and library-based research, which involve the systematic analysis of primary Islamic sources such as the Qurʾān and Sunnah, classical fiqh literature, and authoritative juristic opinions, as well as statutory laws, judicial decisions, and secondary academic literature relevant to women's inheritance rights. The research primarily relies on library-based investigation to develop a strong conceptual and legal understanding of women's inheritance rights in Islam and Pakistan. This is supplemented by an empirical component, which involves fieldwork aimed at capturing contemporary practices, perceptions, and challenges related to the enforcement of these rights.

The Methodology includes detailed procedures for collecting and analysing both textual and field data. Library research focuses on classical Islamic sources, statutory laws, case laws, and scholarly literature, while the empirical portion utilized interviews to explore real-life experiences and institutional perspectives. Together, these methods offer a comprehensive view of the legal provisions, cultural barriers, and practical enforcement issues surrounding women's inheritance in Pakistan.

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1.8.1 Library Research

A library research method is essential for this study because it facilitates the systematic collection, review, and analysis of authoritative sources required for building a strong conceptual and theoretical foundation,[87] i.e., the study of women's inheritance rights in Islam and Pakistan's legal framework. This approach supported the development of the literature review and helped determine appropriate research methods. Principal sources

[86] Terry Duncan Hutchinson, Nigel "Defining and Describing What We Do: Doctrinal Legal Research," *Deakin law review* 17, no. 1 (2012). 83-119

[87] Rafidah Binti Mohamad Cusairi, "The Application of Islamic Shari'ah to the Muslim Minority Living in the Uk: A Comparative Study on Family Mediation between English Law and Faith-Based Med-Arb at Shari'ah Councils" (Glasgow Caledonian University, 2013).

include the Qur'an and hadith (traditions of the Prophet, Muhammad (PBUH), which serve as the foundational references for Islamic inheritance laws. Primary sources included *tafasir* (Qur'anic exegesis), classical *Fiqh* texts, Pakistani statutes and regulations, case law, legal reports, and government issues guidelines. Secondary sources included scholarly books, journal articles, theses, dissertations, project papers, and official documents, both published and unpublished.

Library research was conducted using the resources of Universiti Utara Malaysia (UUM). In addition, published and unpublished theses and dissertations from the International Islamic University Islamabad (IIUI) and the University of the Punjab, Pakistan, were accessed through their digital repositories and databases. Access to various e-book platforms and online legal databases further provided a vast collection of literature and case laws on issues related to women's inheritance, as well as broader topics such as Islamic family law and inheritance practices in Pakistan. These resources were instrumental not only in forming the theoretical foundation of the study but also in identifying recent legal developments and practical challenges in the enforcement of women's inheritance rights in Pakistan.

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1.8.2 Fieldwork

This study adopts a qualitative research approach combining both traditional and socio-legal methods. While library research provided a theoretical and doctrinal foundation, fieldwork was essential to explore the real-life experiences, challenges, and perspectives of those directly affected by women's inheritance rights in Punjab, Pakistan. The qualitative method was selected because it allows for a deeper understanding of the reasons behind women's decisions regarding inheritance, which

are often influenced by complex social, cultural, and institutional factors.[88] Qualitative research enabled the researcher to capture detailed narratives, values, and behaviours that are difficult to quantify. Through in-depth conversations, the study was able to uncover personal experiences and social patterns not easily visible through statistical approaches.[89] The objective was not only to examine what decisions women make about their legal inheritance rights but also to understand why they make them and how social pressures, family expectations, and legal challenges affect their choices. For instance, some women relinquish their legal share due to familial pressure, while others face institutional obstacles, such as slow legal processes or a lack of awareness of the laws.

i. *Semi-structured and open-ended interviews:* Semi-structured, in-depth interviews were the primary method for field data collection, guided by a carefully designed interview guide.[90] The guide was divided into four sections: The first section focused on participants' understanding of women's inheritance rights according to Islamic and state law, aiming to build rapport and ease them into the discussion while collecting foundational insights. The second section delved into reasons or factors that compel women to relinquish their inheritance rights. The third section addressed the challenges women face when claiming their inheritance, providing crucial data on systemic and societal barriers. The fourth section explored the effect of inheritance rights on the economic and social

[88] John W Creswell and Cheryl N Poth, *Qualitative Inquiry and Research Design: Choosing among Five Approaches* (Sage publications, 2016).
[89] Ibid.
[90] Steinar Kvale and Svend Brinkmann, *Interviews: Learning the Craft of Qualitative Research Interviewing* (sage, 2009).

empowerment of women. Legal professionals were also interviewed for expert insights into legal procedures and reforms. A separate set of questions was developed for legal professionals (lawyers), focusing on procedural issues, legal interpretations, and reform suggestions. Along with this, Interviews with Islamic scholars were also conducted to obtain religious perspectives on women's inheritance rights. The interview questions were indirect and open-ended to allow participants to express themselves freely without discomfort.[91] Since most participants were not fluent in English, the interview guide was translated into Urdu and adapted into local languages where necessary. All interviews were conducted by the researcher personally, in locations chosen for the comfort and convenience of the participants. Interviews were audio-recorded with prior informed consent, ensuring accurate data collection.[92] To protect privacy and confidentiality, participants were anonymized using numerical codes during transcription and reporting. Semi-structured interviews are important because they combine a clear framework of predefined themes with the flexibility to follow participants' meanings as they emerge during the interaction.[93] Such interviews enable the interviewer to probe, clarify, and adapt questions in response to participants' answers, thereby enhancing the depth and validity of the data collected.[94] Moreover, silence probing (waiting silently to encourage elaboration) and echo probing (repeating the participant's last

[91] Creswell and Poth, *Qualitative Inquiry and Research Design: Choosing among Five Approaches*.
[92] Steinar Kvale, *Interviews: Learning the Craft of Qualitative Research Interviewing* (Sage, 2009).
[93] Ibid.
[94] Ibid.

words to prompt continuation) were used to deepen responses, particularly when participants recalled specific inheritance-related incidents.[95]

ii. *Selection strategy:* Purposive sampling was used to identify information-rich participants who had direct experience with women's inheritance issues. Purposive sampling is used to identify information-rich participants who have direct experience with the concerned issue, enabling an in-depth exploration of the phenomenon under study.[96] Previous qualitative research suggests that data saturation can be achieved with a relatively small number of interviews. Guest, Bunce, and Johnson argue that saturation often occurs within the first 12 interviews, with core themes emerging even earlier.[97] Similarly, Creswell notes that qualitative studies typically involve between 20 and 30 participants to allow for in-depth exploration of the research phenomenon.[98] In light of these methodological guidelines, the present study adopted a final sample of 29 participants, which was considered sufficient to ensure data saturation while enabling a comprehensive and nuanced understanding of women's inheritance issues. So, 19 women were selected because they had either directly faced inheritance denial or had witnessed such issues within their families or communities, providing firsthand accounts essential to understanding the socio-cultural barriers women encounter. The inclusion of 6 men, such as family members, local elders, or community influencers, was crucial to capture their perspectives on women's inheritance. Then 3 lawyers were included for their legal

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[95] Tabbasum, "Inheritance Rights of Women: Laws and Practices in Punjab."
[96] Michael Quinn Patton, *Qualitative Research and Evaluation Methods 3rd. Ed* (Sage publications, 2002).
[97] Greg Bunce Guest, Arwen Johnson, Laura "How Many Interviews Are Enough? An Experiment with Data Saturation and Variability," *Field methods* 18, no. 1 (2006).
[98] John W Creswell, *Research Designs. Qualitative, Quantitative, and Mixed Methods Approaches* (SAGE Publications, 2009).

insights into how inheritance laws are interpreted and implemented in practice, while the Islamic scholar was interviewed to understand the religious perspectives and interpretations influencing inheritance norms in Pakistani society. Participants were drawn from both urban and rural areas of Punjab, ensuring a diverse representation. Sampling in qualitative research does not aim for statistical generalizability but rather focuses on depth and meaning.[99]

1.8.3 Data Analysis

Data analysis is the process of transforming raw data into meaningful and interpretable information to answer research questions, draw conclusions, and make informed decisions.[100] It involves computing various summaries and deriving values from the collected data to provide insights. In research, data analysis is a critical step that helps make sense of the data collected during the study.[101] In qualitative research, data analysis refers to systematically examining and interpreting non-numeric data to identify patterns, themes, and meanings.[102] It focuses on understanding participants' experiences, perceptions, and the complexities of the studied phenomenon.[103] In this study, interviews exploring women's inheritance issues in Pakistan were analysed to uncover recurring themes such as denial of rights, socio-cultural pressures, lack of awareness, and legal barriers. The analysis aimed to interpret how women perceive their inheritance rights and the challenges they face in both rural and urban settings. This

[99] Patton, *Qualitative Research and Evaluation Methods 3rd. Ed*.
[100] Creswell, *Research Designs. Qualitative, Quantitative, and Mixed Methods Approaches*.
[101] Dawit Dibekulu Alem, "An Overview of Data Analysis and Interpretations in Research," *International Journal of Academic Research in Education Review of Economics and Political Science* 8, no. 1 (2020).
[102] Sara Rahimi, "Saturation in Qualitative Research: An Evolutionary Concept Analysis," *International Journal of Nursing Studies Advances* 6 (2024).
[103] Creswell and Poth, *Qualitative Inquiry and Research Design: Choosing among Five Approaches*.

allowed for a deeper understanding of the gap between legal/religious provisions and actual practices.

To assist in this process, NVivo software is used for organizing and analysing the qualitative data. NVivo is a computer-assisted qualitative data analysis software that helps the researcher manage, code, and identify themes within large volumes of text.[104] In this study, NVivo facilitated systematic coding of interview transcripts, helped track emerging patterns, and supported the development of themes by allowing the researcher to cluster similar ideas and visualize connections between them.[105] This process involves analysing textual and visual data gathered through interviews. The researcher pays close attention to detail and remains open to emergent ideas throughout the process. Maintaining transparency and clear documentation during analysis ensures the rigor and trustworthiness of the findings.[106]

1.9 General Structure of Thesis

This thesis begins with the chapter one introduction, proceeds through the main chapters, and ends with the Conclusion.

Chapter two examines the doctrinal framework of women's inheritance rights. It explores the principles of women's inheritance rights in Islamic law and their incorporation and enforcement within Pakistan's legal system. It provides Qur'anic injunctions, juristic interpretations, constitutional provisions, and statutory laws in Pakistan, while also addressing international human rights perspectives. This chapter provides the legal background necessary to understand the socio-legal challenges discussed later.

[104] Kerry Dhakal, "Nvivo," *Journal of the Medical Library Association: JMLA* 110, no. 2 (2022).
[105] Kristi Jackson and Pat Bazeley, "Qualitative Data Analysis with Nvivo," (2019).
[106] Ibid.

Chapter three shifts the focus to the socio-cultural context, analysing how cultural beliefs, traditions, and social practices affect women's inheritance rights. It explains the influence of customary laws, patriarchal norms, and cultural narratives, showing how these factors collectively shape the denial of women's rightful shares. Moreover, the chapter presents and analyzes the empirical findings of the fieldwork. Drawing upon interviews with women, men, legal practitioners, and Islamic scholar, it identifies recurring themes and patterns. It further explores the reasons that compel women to waive their inheritance rights, as well as examines the obstacles and challenges they face when attempting to claim their rightful shares.

Chapter four addresses how women's inheritance rights effect their economic and social empowerment. It explores the relationship between property ownership and women's financial security, independence, and ability to participate in decision-making within the family and community. The chapter also examines how access to inheritance influences women's confidence, mobility, and overall agency.

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Based on the discussions and findings presented in the preceding chapters, Chapter Five synthesises the key arguments and empirical results of the study and revisits the research objectives. It summarises the major socio-cultural, legal, and religious factors affecting women's inheritance rights in Pakistan and highlights the study's overall contributions. The chapter then proposes practical recommendations, including enhancing legal literacy, reforming institutional mechanisms, promoting community awareness, and challenging discriminatory customs, with the ultimate aim of strengthening women's financial security and socio-economic empowerment.

CHAPTER TWO

WOMEN'S INHERITANCE RIGHTS IN ISLAM AND PAKISTAN'S LEGAL FRAMEWORK

2.1 Introduction

In Islam, inheritance rights are established in the *Qur'ān* and have been a topic of considerable discussion and interpretation within Islamic jurisprudence. The *Qur'ān* clearly addresses inheritance, outlining specific guidelines to ensure fair distribution of wealth among family members.[107] Moreover, it is important to consider that Islamic inheritance laws are comprehensive and cover not only wealth and property but also debts and financial obligations.[108] According to Islamic law, the *Qur'ān* specifies that male heirs are entitled to receive a larger portion of the inheritance than female heirs. This is based on the concept of "fixed shares" (known as *Farāid*), which assigns predetermined portions to various relatives based on their relationship to the deceased and the principles of Islamic jurisprudence.[109] However, it is essential to note that the *Qur'ān* also grants women the right to inherit, regardless of their marital status.[110] Women are entitled to receive a specific share of the inheritance, and their portion is

[107] Naik, "Women's Succession Rights under Muslim Law."
[108] Zuleika and Desinthya, "Islamic Inheritance Law (Faraid) and Its Economic Implication."
[109] Mohd Ridzuan Awang, "The Islamic Inheritance Law (Faraid): The Manifestation of Comprehensive Inheritance Management in Islam" (paper presented at the The National Convention of Faraid and Hibah, 2008).
[110] Basri et al., "Inheritance Rights of Women in Makassar Society: A Study of Living Qur'an and Its Implications for Islamic Law."

protected and cannot be treated unjustly.[111] This ensures that women have a rightful claim to their family's wealth, which they can utilize for their own financial independence and well-being.[112]

Pakistan is an Islamic country, and its laws on inheritance are largely based on Sharī'ah principles.[113] Pakistan has embedded these religious principles into its legal and regulatory framework. Laws such as the West Pakistan Muslim Personal Law (*Shariat*) Application Act 1962, the Succession Act 1925, the Muslim Family Law Ordinance 1961, and subsequent legal reforms outline the procedures and mechanisms for inheritance.[114] Institutions such as the courts and the National Database and Registration Authority (NADRA) further regulate the distribution of estates through succession certificates and related processes. These provisions collectively aim to safeguard women's inheritance rights in accordance with Islamic injunctions.

Given that this research question examines both the articulation of inheritance rights in Islamic law and their codification within Pakistan's legal framework, the discussion is divided into two parts. The first addresses the principles of inheritance as laid down in the Qur'ān and Sunnah and elaborated in classical Islamic jurisprudence. The second analyses how these principles are incorporated into Pakistan's statutory and judicial framework, and to what extent they are enforced in practice. This separation allows for a clearer understanding of the relationship between religious doctrine and its legal application in the Pakistani context.

[111] Nalukwago, "The Realization of Women's Right to Property Inheritance in the Islamic Context: A Case Study of Iganga Municipality."
[112] Ibid.
[113] Khurram Baig et al., "An Analysis of the Legal System: A Comparative Study in the Context of Pakistan and the Uk," *Bulletin of Business and Economics (BBE)* 13, no. 1 (2024).
[114] Khaleel, Ahmed, and Shah, "Critical Discourse Analysis of Pakistani Inheritance Law and Justice System for Women."

2.2 Inheritance Rights in Islamic Law

Inheritance in Islam is firmly rooted in the Qur'ān and Sunnah, where specific and detailed provisions regulate the distribution of wealth among heirs. These rules establish inheritance as not merely a legal transaction but as a moral and religious duty tied to economic justice within the family and society. The principles of *Farāiḍ* assign fixed shares to both male and female heirs, ensuring that women, as daughters, mothers, wives, and sisters, receive a defined entitlement. Denial of these shares is regarded as a serious violation of divine command. This section examines the foundations of inheritance in Islamic law, focusing on its principles, objectives, and significance within the broader framework of Sharī'ah.

2.2.1 Definition of Inheritance in Islam

Al-mīrāth is a linguistic term for inheritance. It gets its name from the word "*irth*".[115] The Arabic term *irth* (إِرْث) originates from the triliteral root w-r-th (و ر ث), which conveys the meanings of inheritance, succession, and the transfer of ownership. Ibn Manẓūr explains in *Lisān al-ʿArab* that *wirth* and *mīrāth* refer to property, wealth, or rights transmitted to an heir after the death of the original owner.[116] Inheritance contains two meanings: first, it refers to items that are necessary for existence, such as cash, a house, and other possessions. Second, the transferring of a possession from one person to another, such as cash (if an heir is present).[117] Inheritance may also imply what the

[115] S. A. Cheema, " Islamic Law of Inheritance Practices in Pakistan. Pakistan," *Published by Shari'ah Academy, International*
Islamic University Islamabad. (2017).
[116] Muḥammad Ibn Mukarram Ibn Manẓūr, Yūsuf Ḥayyāṭ, and Nadīm Marʻašlī, *Lisān Al-ʻarab* (Našr adab al-ḥawzah, 1985).
[117] Al-Firūz A. U., *Al-Qāmūs Al-Muhīt (3rd Ed.)* (Al-Qāhirah: Al-matbʻah al-misriyyah., 1933).

dead left to the inheritors in terms of money.[118] The meaning of inheritance is stated in the Qur'ān in Chapter *al-Nisā'* verse 7,

> "There is a share for men and a share for women from what is left by parents and those nearest related, whether the property is small or large, an obligatory share.[119]"

Sa`id bin Jubayr and Qatadah said, "The idolators used to give adult men a share of inheritance and deprive women and children of it. Allah revealed; (There is a share for men from what is left by parents and those nearest in relation)." Therefore, everyone is equal in Allah's decision to inherit, even though their shares vary according to the degree of their relationship to the deceased, whether being a relative, spouse, etc.[120]

The term "inheritance" as used in the Code of Muslim Personal Laws can be defined as including all kinds of properties, whether ancestral or obtained, and moving or unmoving, at the time of the deceased's death.[121] According to a study, inheritance means the transfer of property from one person to another, whether intangible or tangible in nature[122]. The term "inheritance" is a phrase that is used to describe what the successor receives from the deceased due to inheritance or the transfer of property (money, movable items, intangible items, such as land, home, industries, organizations, etc.), money of someone else to others by means of succession.[123] Hence, inheritance is defined as any type of objects, movable and tangible (land, home, factories, stores, etc.) properties, money (left by a deceased) that move from one person to another according to their rights. Property inherited must be divided according to the Islamic principles outlined in the Qur'ān and Sunnah.

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[118] Sa'di Abu Syira Habib, *Al-Qamus Al-Fiqhi Lughatan Wa-Istilahan* (Dimashq: Dar Al-Fikr, 1988).
[119] The Qur'ān; *Sūrah al-Nisa* 4:7
[120] Ibn Kathīr, *Tafsir Ibn Kathir(Abridged),* trans. S. al-Rahmān, 10 vols. (Darussalam). p.977
[121] Saaduddin A Alauya, *Muslim Inheritance Law* (Rex Book Store, 1987).
[122] Mzee Mustafa Mzee, "Islamic Law of Inheritance: The Case of Illegitimate Child and Possibility of Having an Assets of Deceased Father: A Tanzanian Case Study," *JL Pol'y Globalization* 45 (2016).55
[123] *Ulam al-Hind,* n.d., vol. 6, p. 477

2.2.2 Inheritance Practices during the *Jāhiliyyah* Era

During the *Jāhiliyyah*[124] (ignorance) era, infant daughters were often murdered for fear of claiming a share of the inheritance.[125] Additionally, they were regarded as a source of disgrace for their family's honour in society.[126] As Allah (SWT) states in the Qur'ān, the following instances occurred:

> "And do not kill your children for fear of poverty. We shall provide for them as well as for you. Surely, the killing of them is a great sin."[127]

This Ayah indicates that Allah is more compassionate towards His servants than a father to his child, because He forbids killing children just as He enjoins parents to take care of their children in matters of inheritance. The people of *Jahiliyyah* would not allow their daughters to inherit from them, and some would even kill their daughters lest they make them more poor. Allah forbade that and said: (And kill not your children for fear of poverty.) meaning, lest they may make you poor in the future. This is why Allah mentions the children's provision first: (We shall provide for them as well as for you.) In Surat Al-An`am, Allah says: (kill not your children because of poverty.) (6:151) (We provide sustenance for you and for them) (6:151) and, (Surely, the killing of them is a great sin.) means, a major sin. In Two Sahihs, it is recorded that `Abdullah bin Mas`ud said: "I said, `O Messenger of Allah, which sin is the worst' He said, (To appoint rivals of Allah when He has created you.) I asked, `Then what' He said, (To kill your child

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[124] The time of Jahiliya refers to the period and state of affairs in Arab before the advent of Islam. At that time born girls were murdered or buried without any reason except that they are girls which means they will become a problem for the family.
[125] Navtej Singh and Ayush Vardhan, "Property Rights of Women: A Ceaseless Problem of Women among Different Religions," *Issue 2 Indian JL Legal Rsch* 5 (2023).1
[126] Abubakar Ibrahim Usman, "An Elucidation of the Position of Women before the Advent of Islam as Described in the Glorious Qur'an," *Spektra: Jurnal Ilmu-ilmu Sosial* 5, no. 1 (2023).31-46
[127] The Qur'ān; *Sūrah al-Isrā' 17: 31*

lest he should eat with you.) I asked, `Then what' He said, (To commit adultery with your neighbor's wife.)"[128]

> "And when the news of (the birth of) a female (child) is brought to any of them, his face becomes dark, and he is filled with inward grief! He hides himself from the people because of the evil of what he has been informed. Shall he keep her with dishonour or bury her in the earth? Certainly, evil is their decision."[129].

(And when the news of (the birth of) a female (child) is brought to any of them, his face becomes dark) meaning with distress and grief. (and he is filled with inner grief!) meaning he is silent because of the intensity of the grief he feels. (He hides himself from the people) meaning he does not want anyone to see him. (because of the evil of that whereof he has been informed. Shall he keep her with dishonor or bury her in the earth) meaning should he keep her, humiliating her, not letting her inherit from him and not taking care of her, preferring his male children over her (or bury her in the earth) meaning bury her alive, as they used to do during the days of ignorance. How could they dislike something so intensely, yet attribute it to Allah (Certainly, evil is their decision.) meaning how evil are the words they say, the way they want to share things out and the things they attribute to Him. As Allah says: (And if one of them is informed of the news of (the birth of a girl) that which he sets forth as a parable to the Most Gracious (Allah), his face becomes dark, and he is filled with grief!) (43:17).[130]

In the period of *Jāhiliyyah* (ignorance), women were not treated as heirs to their parents' estates. Moreover, women and kids in the Arab World were mostly not permitted to inherit anything from their parents prior to the introduction of Islam.[131] During that particular era, it was usual that only individuals who were capable of riding horses and

[128] Kathīr, *Tafsir Ibn Kathir(Abridged)*. p.2825
[129] The Qur'ān; *Sūrah al-Nahl, 16: 58-59*
[130] Kathīr, *Tafsir Ibn Kathir(Abridged)*. p.2706
[131] Muhammad Faizul Haque et al., "Women Rights to Inheritance in Muslim Family Law: An Analytical Study," 4, no. 1 (2020).

displaying valour on the battlefield would be considered for inheritance.[132] However, throughout the age of *Jāhiliyyah*, primitive civilizations, and all other religions besides Islam, there was no practice of granting succession to females.[133] When the socio-cultural traditions and patriarchal social systems of ancient cultures are examined, it is discovered that there is no any rule governing women's inheritance together with their brothers upon the death of their parents.[134] Most ancient civilizations saw women as subservient to men in the family and community.[135]

Before the arrival of Islam, Arab culture and normative structure were dominated by men and discriminated against females in almost all areas, including property rights.[136] Women don't possess the right to own or inherit property from their fathers or husbands.[137] In those times, women had few inheritance rights and were often passed down to men who could protect their tribe.[138] The girl was thought to be weak and dependent on her family.[139] The Arabs observed the belief that only those who could ride a horse and fight on the fields of battle would inherit.[140] By that era, it was evident that this principle preferred men and ignored women when it came to inheritance rights. Women in pre-Islamic societies had no guaranteed claim to inheritance,[141] which was often a contest between men, the males of the husband's tribe, or her own kin. As a

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[132] Aftab Hussain, *Status of Women in Islam* (Law Publishing Company, 1987).
[133] William Robertson Smith, *Kinship and Marriage in Early Arabia* (Wipf and Stock Publishers, 2023).
[134] Haque et al., "Women Rights to Inheritance in Muslim Family Law: An Analytical Study."
[135] Merry E Wiesner-Hanks, *Gender in History: Global Perspectives* (John Wiley & Sons, 2021).
[136] Hussein Solomon et al., "Beyond Patriarchy: Gender, Islam and the Mena Region," *Arab MENA Countries: Vulnerabilities and Constraints against Democracy on the Eve of the Global COVID-19 Crisis* (2021).153-66
[137] Isis Gaddis, Rahul Lahoti, and Hema Swaminathan, "Women's Legal Rights and Gender Gaps in Property Ownership in Developing Countries," *Population and Development Review* 48, no. 2 (2022).331-77
[138] Smith, *Kinship and Marriage in Early Arabia*.
[139] Ibid.
[140] Mobin Ghadermarzi and Rahman Mohamadi, "Prejudice in the Tribal Structure of the Arabs and Its Role in Islam," *Journal of Social Sciences and Humanities Research* 10, no. 1 (2022).1-6
[141] Janos Jany and Janos Jany, "Pre-Islamic Arabia," *Legal Traditions in Asia: History, Concepts and Laws* (2020).149-62

result, she was denied the right to inherit and remained unprotected until Islam provided instruction regarding their rights.[142]

2.2.3 The Inheritance Distribution System in Islamic Law

Inheritance, also known as *Mirath* that deals with inheritance.[143] When a Muslim dies, it is critical to ensure that the deceased's wealth and property are distributed according to Islamic Law after initial costs (burial expenses) and payment of all obligations and other dues, up to one-third of the leftover may be distributed according to *wasiyyah*[144] (if any).[145] Following that, the residual assets will be dispersed according to Sharī'ah to all lawful heirs. According to Qur'ān, males and females have some fixed rights in inheritance.

> "The things left from parents and relatives; there is a fixed share for male and female."[146]

Allah (SWT) also mentions in the Qur'ān regarding the inheritance shares of females and males, "The share of a male is equal to the share of two females.[147] If the family comprises only females, with more than one girl, then the girls receive two-thirds of the inheritance. However, if the family consists of only one girl, she is entitled to half of the inheritance."[148] Various verses further explain that if a family has only one son, he inherits all the family's property.[149]

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[142] Smith, *Kinship and Marriage in Early Arabia*.
[143] Muntaka Yahaya Aminu, "Contributions of Zaidbnthabit in the Development of Islamic Law of Inheritance," *International Journal of Research and Innovation in Social Science* II, no. XI (2018).
[144] Wasiyyah is a legal document that outlines how one's estate is to be distributed in the event of affairs after death
[145] Hasmah Laili Jamalurus, Siti Fairus Mokhtar, and Hasni Abd Rahim, "The Awareness of Wasiyyah (Will Writing) Practice among Muslims," *Islamic Development Management: Recent Advancements and Issues* (2019).151-60
[146] The Qur'ān; *Surah Al-Nisa,* 4:7
[147] Saujan, "Islamic Law of Inheritance and Its Implication Amongst Muslim Society: An Empirical Analysis."
[148] Ibid.
[149] Azizah Yahia Al-Hibri, "Muslim Women's Rights in the Global Village: Challenges and Opportunities," *Journal of Law and Religion* 15 (2001).37-66

The distribution of inheritance for parents in the property of the deceased is also outlined in the Qur'ān. If the deceased has children, the parents are entitled to one-sixth of the inheritance.[150] However, if the deceased has no children and both parents are alive, the mother inherits one-third of the estate. In the presence of siblings, the mother's share is reduced to one-sixth.[151] Additionally, the Qur'ān elucidates the allocation between husband and wife. In cases where they have no children, the husband receives half of the wife's inheritance. However, if children are present, a quarter of the wife's estate is allotted to her husband after settling any bequests.[152] On the other hand, if the husband passes away childless, a quarter of his assets are bestowed upon his widow. In situations where children exist, the wife receives one-eighth of the inheritance after settling any bequests.[153] The division of inheritance among siblings is also described in the Qur'ān. When a brother passes away without offspring and leaves behind only a sister, she is entitled to half of his estate. Similarly, if a sister passes away without children, her brother inherits the entirety of her estate. In the case of a brother's demise with two or more sisters, each sister will receive two-thirds of the inheritance.[154] If there are two male siblings, their portion is equivalent to that of two female siblings. When a sister has neither parents nor children, her brother inherits all her assets.[155] Likewise, if the brother passes away without parents or children, the sister is entitled to only half of his assets.[156]

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2.2.3.1 Inheritance in the Quran

[150] Md Quamrul Ahsan, "A Complete Set of Inheritance System in the Quran," *QURANICA-International Journal of Quranic Research* 13, no. 2 (2021).61-98
[151] Ibid.
[152] Ibid.
[153] Ibid.
[154] Ibid.
[155] Ibid.
[156] Ibid.

The Qur'ān extensively addresses the inheritance and passing down of ancestral property.[157] It stresses the equitable distribution of inheritance, warning against neglecting this duty as it's deemed sinful.[158] Islamic law regarding inheritance makes no differentiation between movable and immovable assets, or between familial and individually acquired possessions.[159] The sole prerequisite for claiming inheritance is familial connection to the deceased.[160] In Islam, the entitlement of an heir, whether clear or anticipated, arises upon the passing of the ancestor.[161] In seventh-century Arabia, Islam emerged as a revolutionary religion because it recognized female inheritance rights at a time when it was not the norm and women were frequently inherited and treated as property.[162]

In the Qur'ān, it is stated:

> "O ye who believe! Ye are forbidden to inherit women against their will."[163]

(O you who believe! You are not permitted to inherit women against their will,) "Before, the practice was that when a man dies, his male relatives used to have the right to do whatever they wanted with his wife. If one of them wants, he would marry her, give her in marriage, or prevent her from marriage, for they had more right to her than her own family. Thereafter, this Ayah was revealed about this practice, (O you who believe! You are not permitted to inherit women against their will)."[164]

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[157] Haque et al., "Women Rights to Inheritance in Muslim Family Law: An Analytical Study."
[158] Mubashar Tariq, Hafiz Muhammad Azeem, and Muhammad Zahid Rafique, "Reforming Gift-Giving Traditions to Promote Women's Inheritance in Pakistan: Legal and Islamic Insights," *Al-Qamar* (2024).1-16
[159] Saujan, "Islamic Law of Inheritance and Its Implication Amongst Muslim Society: An Empirical Analysis."
[160] Duman Bahrami-Rad, "Keeping It in the Family: Female Inheritance, Inmarriage, and the Status of Women," *Journal of Development Economics* 153 (2021).102714
[161] Michael Takim Otu and Miebaka Nabiebu, "Succession and Inheritance of Property under Nigerian Laws: A Comparative Anaylsis," *European Journal of Social Sciences* 62, no. 2 (2021).50-63
[162] Barbara Freyer Stowasser, "The Status of Women in Early Islam," in *Muslim Women (Rle Women and Religion)* (Routledge, 2020).
[163] The Qur'ān; *Sūrah al-Nisā', 4:19*
[164] Kathīr, *Tafsir Ibn Kathir(Abridged)*.p.997

It also gave women the assurance that their property, whether acquired by themselves, through inheritance, or through earnings prior to or following marriage, is solely their own and that their male guardians have no legal claim to it.[165] The Qur'ān's prescribed shares of inheritance are based on equity rather than equality, and they cannot be altered.[166] Inheritance issues have been thoroughly addressed in three chapters: *Al Baqarah*, *Al Ma'idah*, and *An-Nisā*.[167] The Qur'ān makes it very clear by saying,

> It is prescribed for you, when death approaches one of you, if he leaves wealth that he bequeaths unto parents and near relatives in kindness. (This is) a duty for all those who ward off (evil). [168]

This Ayah contains the command to include parents and relatives in the will, which was obligatory, according to the most correct view, before the Ayah about inheritance was revealed. When the Ayah of inheritance was revealed, this Ayah was abrogated, so fixed shares of the inheritance for deserving recipients were legislated by Allah. Therefore, deserving inheritors take their fixed inheritance without the need to be included in the will or to be reminded of the favor of the inherited person. For this reason we see the Hadith narrated in the Sunan and other books that `Amr bin Kharijah said: I heard Allah's Messenger saying in a speech: (Allah has given each heir his fixed share. So there is no will for a deserving heir.)[169]

The above-mentioned verse not only affirms the previous verse's main idea, but it also emphasizes how important it is to divide a deceased person's belongings fairly and

[165] Iram Rubab and Usman Ahmed, "Women's Right of Inheritance: Choices and Challenges in Punjab," (2018).95-109
[166] Feibe Engeline Pijoh et al., "Inheritance, Civil Procedure, and Justice: A Critical Analysis," *Journal of Law Science* 6, no. 2 (2024).
[167] Chapters of the Qur'an, the book of Muslims
[168] The Qur'an; *Sūrah al -Baqarah*,2: 180
[169] Kathīr, *Tafsir Ibn Kathir(Abridged)*.p.437

promptly.[170] It is obvious that in any situation, a person cannot be deprived of their just portion.[171] It is stated in the Qur'ān in chapter number five.

> O ye who believe! Let there be witnesses between you when death draweth nigh unto one of you, at the time of bequest - two witnesses, just men from among you, or two others from another tribe, in case ye are campaigning in the land and the calamity of death befall you. Ye shall empanel them both after the prayer, and, if ye doubt, they shall be made to swear by Allah (saying): We will not take a bribe, even though it were (on behalf of) a near kinsman, nor will we hide the testimony of Allah, for then indeed we should be of the sinful.[172]

This honorable Ayah contains a glorious ruling from Allah. Allah's statement, (O you who believe! When death approaches any of you, and you make a bequest, then take the testimony of two...) meaning that there should be two witnesses in such cases, (just men...) thus, describing them as just, (of your own folk) Muslims. (or two others from outside) non-Muslims, meaning the People of the Book, according to Ibn `Abbas as Ibn Abi Hatim recorded. Allah said next, (if you are traveling through the land) on a journey, (and the calamity of death befalls you.) These are two conditions that permit using non-Muslims from among the Dhimmis for witnesses when there are no Muslims present: When one is traveling and needs to write a will, as Sharih Al-Qadi said. Ibn Jarir recorded that Sharih said, "The witness of the Jews and Christians is not allowed except while traveling, and even then only to witness the dictation of the will." Allah's statement, (Detain them both after the Salah (the prayer),) refers to the `Asr prayer, according to Al `Awfi who reported it from Ibn `Abbas. This is the same explanation reported from Sa`id bin Jubayr, Ibrahim An-Nakha`i, Qatadah, `Ikrimah and Muhammad bin Sirin. As for Az-Zuhri, he said that they are detained after Muslim prayer (i.e., in congregation). Therefore, these two witnesses will be detained after a congregational prayer, (let them both swear by Allah if you are in doubt.) meaning, if

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[170] Rubab and Ahmed, "Women's Right of Inheritance: Choices and Challenges in Punjab."
[171] Sittihajar Muhammad, Suwarti Suwarti, and HI Baharuddin, "The Position of Childless Widows as Heirs to Husband's Inheritance (Comparative Analysis of Islamic Law Compilation and Civil Inheritance Law)," *Journal of Social Science* 4, no. 2 (2023).395-409
[172] The Qur'an;*Surah Al-Ma'idah, 5:106*

you are in doubt that they might have committed treachery or theft, then they should swear by Allah, (We wish not in this) in our vows, according to Muqatil bin Hayyan, (for any worldly gain) of this soon to end life, (even though he be our near relative.) meaning, if the beneficiary be our near relative, we will still not compromise on the truth. (We shall not hide the testimony of Allah,) thus stating that the testimony is Allah's, as a way of respecting it and valuing its significance, (for then indeed we should be of the sinful.) if we distort the testimony, change, alter or hide it entirely.[173]

Both males and females have the right to inherit property in Islam. It is said in the Qur'ān that:

> "From what is left by parents and those nearest relatives, there is a share for men and a share for women, whether the property be small or large, a determinate share.[174]."

In Islam, a man's portion is equivalent to two women's shares. It is purely revealed in the Qur'ānic Verses,

> "Allah (thus) directs you as regards your children's (inheritance): to the male, a portion equal to that of two females. If only daughters, two or more, their share is two-thirds of the inheritance. If only one, her share is a half. For parents, a sixth share of the inheritance to each, if the deceased left children. If no children and the parents are the (only) heirs, the mother has a third. If the deceased has brothers (or sisters), the mother has a sixth. After payment of legacy and debts. Ye know not whether the parents or your children are nearest to you in benefit. These are settled portions ordained by Allah, and Allah is All Knowing, All Wise".[175]

Explaining this Ayah, Al-Bukhari recorded that Jabir bin `Abdullah said, "Allah's Messenger came visiting me on foot with Abu Bakr at Banu Salamah's (dwellings), and the Prophet found me unconscious. He asked for some water, performed ablution with it, then poured it on me, and I regained consciousness. I said, `What do you command me to do with my money, O Allah's Messenger' this Ayah was later revealed, (Allah commands you for your children's (inheritance); to the male, a portion equal to that of

[173] Kathīr, *Tafsir Ibn Kathir(Abridged)*. p.1436-1439
[174] The Qur'an; *Sūrah al-Nisā', 4:7*
[175] The Qur'an; *Sūrah al-Nisā', 4:11*

two females)." This is how it was recorded by Muslim and An-Nasa'i. The remainder of the Six compilers also collected this Hadith. Another Hadith from Jabir concerning the reason behind revealing Ayah 4:11 Ahmad recorded from Jabir that he said, "The wife of Sa`d bin Ar-Rabi` came to Allah's Messenger and said to him, `O Allah's Messenger! These are the two daughters of Sa`d bin Ar-Rabi`, who was killed as a martyr at Uhud. Their uncle took their money and did not leave anything for them. They will not be married unless they have money.' The Messenger said, `Allah will decide on this matter.' The Ayah about the inheritance was later revealed and the Messenger of Allah sent word to their uncle commanding him, (Give two-thirds (of Sa`d's money) to Sa`d's two daughters and one eighth for their mother, and whatever is left is yours.)" Abu Dawud, At-Tirmidhi, and Ibn Majah collected this Hadith. It is apparent, however, that the first Hadith from Jabir was about the case of the last Ayah in the Surah 4:176, rather than 4:11 , for at the time this incident occurred, Jabir had sisters and did not have daughters, parents or offspring to inherit from him.[176]

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The following verse of the Qur'ān specifies the share of various family members in Islam:

> "In what your wives leave, your share is a half, if they leave no child. But if they leave a child, ye get a fourth, after payment of legacies and debt. In what ye leave, their share is a fourth, if ye leave no child. But if ye leave a child, they get an eight, after payment of legacies and debts. If the man or woman whose inheritance is in question, has left neither ascendants nor descendants, but has left a brother or a sister, each one of the two gets a sixth. But if more than two, they share in a third, after payment of legacies and debts, so that no loss is caused. Thus, is it ordained by Allah, and Allah is All-knowing, most for bearing.[177]

Allah says to the husband, you get half of what your wife leaves behind if she dies and did not have a child. If she had a child, you get one-fourth of what she leaves behind, after payment of legacies that she may have bequeathed, or her debts. We mentioned

[176] Kathīr, *Tafsir Ibn Kathir(Abridged)*. p.981
[177] The Qur'an; *Sūrah al-Nisā', 4:12*

before that payment of debts comes before fulfilling the will, and then comes the will, then the inheritance, and there is a consensus on this matter among the scholars. And the rule applies to the grandchildren as well as the children, even if they are great-grandchildren (or even further in generation) Allah then said, (In that which you leave, their (your wives) share is a fourth) and if there is more than one wife, they all share in the fourth, or one-eighth that the wife gets.[178]

Another verse of the Qur'ān deals with the inheritance of someone who leaves no offspring or ascendants as heirs.

> They ask thee for a legal decision. Say: Allah directs (thus) about those who leave no descendants or ascendants as heirs. If it is a man that dies, leaving a sister but no child, she shall have half the inheritance. If (such a deceased was) a woman, who left no child, her brother takes her inheritance. If there are two sisters, they shall have two thirds of the inheritance (between them). If there are brothers and sisters, (they share), the men having twice the share of the female. Thus, doth Allah make clear to you (His Law).[179]

(If the man or woman whose inheritance is in question was left in Kalalah.) Kalalah is a derivative of Iklil; the crown that surrounds the head. The meaning of Kalalah in this Ayah is that the person's heirs come from other than the first degree of relative. Ash-Sha`bi reported that when Abu Bakr As-Siddiq was asked about the meaning of Kalalah, he said, "I will say my own opinion about it, and if it is correct, then this correctness is from Allah. However, if my opinion is wrong, it will be my error and because of the evil efforts of Shaytan, and Allah and His Messenger have nothing to do with it. Kalalah refers to the man who has neither descendants nor ascendants." When `Umar became the Khalifah, he said, "I hesitate to contradict an opinion of Abu Bakr." This was recorded by Ibn Jarir and others. In his Tafsir, Ibn Abi Hatim recorded that Ibn `Abbas said, "I was among the last persons to see `Umar bin Al Khattab, and he

[178] Kathīr, *Tafsir Ibn Kathir(Abridged)*. p.986
[179] The Qur'an; *Sūrah al-Nisā', 4:176*

said to me, `What you said was the correct opinion.' I asked, `What did I say' He said, `That Kalalah refers to the person who has no child or parents.'" This is also the opinion of `Ali bin Abi Talib, Ibn Mas`ud, Ibn `Abbas, Zayd bin Thabit, Ash-Sha`bi, An-Nakha`i, Al-Hasan Al-Basri, Qatadah, Jabir bin Zayd and Al-Hakam. This is also the view of the people of Al-Madinah, Kufah, Basrah, the Seven Fuqaha', the Four Imams and the majority of scholars of the past and present, causing some scholars to declare that there is a consensus on this opinion.[180]

2.2.3.2 Farā'iḍ and the Distribution of Shares

Al-Farāiḍ is the Arabic word for inheritance law; it is made up of the Qur'ān and the Sunnah,[181] and an essential component of Sharī'ah. Prophet Muhammad (PBUH) encouraged Muslims to learn *Farāiḍ* by saying, [182]

> "Learn Farāiḍ and teach it to people, because it is one-half of knowledge, and it will be forgotten and the first to be taken up from my community".[183]

Farāiḍ is a comprehensive system because it considers the share of several groups of heirs.[184] The criteria for property distribution among successors are thoroughly analysed in a large body of traditional Islamic literature on *Farāiḍ*.[185] It is mentioned that, "The Muslim law of inheritance comprises, beyond question, the most refined and elaborate system of rules for the devolution of property that is known to the civilised world".[186] The *Farāiḍ* is comprised of several verses from the Qur'ān. Firstly, the

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[180] Kathīr, *Tafsir Ibn Kathir(Abridged)*.p.987
[181] ABM Sultanul Alam Chowdhury, "The Problem of Representation in the Muslim Law of Inheritance," *Islamic Studies* 3, no. 3 (1964).375-91
[182] " Al-Darqutni Al-Sunan, vol. 4, p. 67, Hadith no. 1 Dar al-Ma'rifah, Beirut (1966).
[183] تخريج الحديث: «إسناده ضعيف، وأخرجه الحاكم فى))مستدركه((برقم: 8043، والترمذي فى))جامعه((برقم: 2091، وابن ماجه فى))سننه((برقم: 2719، والبيهقي فى))سننه الكبير((برقم: 12303، والدارقطني فى))سننه((برقم: 4059، والطبراني فى))الأوسط((برقم: 5293»
[184] Adelina Zuleikha and Shamsher Mohamad, "Faraid as Islamic Inheritance Laws: Socio-Economic Impact on Investments," *Islamic Wealth Management: Theory and Practice* (2017).
[185] Ibid.
[186] Issa Khan et al., "The Right of Women in Property Sharing in Bangladesh: Can the Islamic Inheritance System Eliminate Discrimination?," *SpringerPlus* 5, no. 1 (2016).1-8

Qur'ān stipulates a fixed share of inheritance for both men and women. Allah (SWT) states the share of man and woman in the following verse,

> "God enjoins you about your children that a boy's share is equal to that of two girls. And, if there are only girls among the children and they are more than two, then they shall receive two-thirds of the inheritance, and, if there is only one girl, then her share is half".[187]

(Allah commands you for your children's (inheritance): to the male, a portion equal to that of two females;) Allah commands: observe justice with your children. The people of Jahiliyyah used to give the males, but not the females, a share in the inheritance. Therefore, Allah commands that both males and females take a share in the inheritance, although the portion of the males is twice as much as that of the females. There is a distinction because men need money to spend on their dependants, commercial transactions, work and fulfillling their obligations. Consequently, men get twice the portion of the inheritance that females get. Allah's statement, (Allah commands you for your children's (inheritance): to the male, a portion equal to that of two females;) testifies to the fact that Allah is more merciful with children than their own parents are with them, since He commands the parents to be just and fair with their own children.[188]

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This verse is the basis of *Farāiḍ*, which determines that the share of two girls is equal to that of one son. If there is no son, the property will be divided equally amongst the daughters. If there are multiple daughters, they each receive two-thirds of the property. The remainder of the property will be shared by others. If there is only one son, that son will inherit the entire inheritance.[189] The parents' portion of the deceased's property is also mentioned in the *Farāiḍ*. As the Qur'ān states,

> "And if the deceased has children, then the parents shall inherit a sixth each, and if he has no children and only the parents are his heirs, then his mother shall receive a third, and if he has brothers and sisters, then the mother's share is the same one-sixth

[187] The Qur'ān; Surah Al-Nisa, 4:11
[188] Kathīr, *Tafsir Ibn Kathir(Abridged)*.p.982
[189] MISIMI Uthaimin, "Tashilu Al-Faraid," (Dar al-Taibah Riyadh, 1983).

> after the payment of any legacies he may have bequeathed and after discharging any debts he may have left behind. You know not who among your children and parents are nearest to you in benefit. This is the law of God. Indeed, God is Wise and All-Knowing".[190]

(For parents, a sixth share of inheritance to each) There are several forms of the share that the parents get in the inheritance. 1. If the deceased left behind children, the parents get a sixth each. When the deceased had only one daughter, she gets half of the inheritance and the parents each one sixth, and another sixth is given to the father. 2. When the parents are the only inheritors, the mother gets one-third while the father gets the remaining two-thirds. In this case, the father's share will be twice the mother's share. If the deceased had a surviving spouse, the spouse gets half, in the case of a husband, or a fourth in the case of a surviving wife. In both cases, the mother of the deceased gets one-third of the remaining inheritance. This is because the remaining portion of the inheritance is treated just as the entire legacy in regard to the parents' share. Allah has given the mother one-half of what the father gets. Therefore, the mother gets a third of the remaining inheritance while the father gets two thirds. 3. If the deceased left behind surviving brothers and sisters, whether half brothers, half sisters or from the same father and mother, their presence does not cause reduction in the father's share. Yet, their presence reduces the share of the mother to one-sixth instead of one third, and the father gets the rest, when there are no other heirs. Ibn Abi Hatim recorded that Qatadah commented on the Ayah, (If the deceased left brothers or (sisters), the mother has a sixth.) "Their presence will reduce the share of the mother, but they will not inherit. If there is only one surviving brother, the mother's share will remain one-third, but her share will be reduced if there is more than one surviving brother. The people of knowledge attribute this reduction in the mother's share from one-third (to one-sixth) to the fact that the father is the one who helps the brothers (and sisters) of the deceased

[190] The Qur'ān; *Surah Al-Nisa, 4:11*

get married, spending from his own money for this purpose. The mother does not spend from her money for this purpose." This is a sound opinion.[191]

If your wives pass away without having children, half of all they leave will belong to you, the husband, and the wife's parts are specified.[192] Furthermore, after paying whatever legacies they may have left and paying off any outstanding debts, a quarter of anything they leave, assuming they have children, will be yours. If you pass away without having children, your wives will receive one-fourth of your estate.[193]

> "If you have children, then they shall inherit one-eighth, after payment of any legacies you may have bequeathed, and after discharging any of your outstanding debts".[194]

Allah says to the husband, you get half of what your wife leaves behind if she dies and did not have a child. If she had a child, you get one-fourth of what she leaves behind, after payment of legacies that she may have bequeathed, or her debts. We mentioned before that payment of debts comes before fulfilling the will, and then comes the will, then the inheritance, and there is a consensus on this matter among the scholars. And the rule applies to the grandchildren as well as the children, even if they are great-grandchildren (or even further in generation) Allah then said, (In that which you leave, their (your wives) share is a fourth) and if there is more than one wife, they all share in the fourth, or one-eighth that the wife gets. Earlier, we explained Allah's statement, (After payment of legacies).[195]

The Qur'ān describes the brother and sister's portion as follows,

> "They request from you a legal ruling. Say, "Allah gives you a ruling concerning one having neither descendants nor ascendants as beneficiaries". "If a man dies, leaving no child but only a female sibling, she will have half of what he left. And he

[191] Kathīr, *Tafsir Ibn Kathir(Abridged)*.p.983
[192] Ahsan, "A Complete Set of Inheritance System in the Quran."
[193] Ibid.
[194] The Qur'ān; *Surah Al-Nisa,4:12*
[195] Kathīr, *Tafsir Ibn Kathir(Abridged)*.p.986

> inherits from her if she dies and has no child. But if there are two female siblings or more, they will have two-thirds of what he left. If there are both male siblings and female siblings, the male will have the share of two females. Allah makes clear to you His law, lest you go astray. And Allah is knowing of all things".[196]

The sister inherits only half of the estate if the brother passes away without a child or parents, whereas the brother inherits the entire estate if the sister passes away without a child or parents. The next male relative in line will receive the remaining inheritance.[197] The Prophet Muhammad (PBUH) stated,

> "Give the heirs their share and if something remains, it is for the closest male relative"[198].

The types of heirs can be split into two categories based on Qur'ānic passages and prophetic narrations. First, there are the heirs, who have a fixed share of the overall property.[199] They are known as '*As'hābul furūḍ.*'[200] The father and mother (when the deceased's children are living), spouse or wife are examples of '*As'hābul furūḍ'*. After the first group of inheritors receives their share, there are others who divide the remaining property. They are known as "*Aṣ́abah*"[201] and represented by the son and father (when there are no children). The *Aṣ́abah* will receive the remainder of the property after *As'hābul furūḍ* has aquaired their fixed allotment[202]. In different conditions, one person may fall under both of the aforementioned categories. When the deceased has children, for example, a father is regarded as *As'hābul furūḍ*. When the dead had no children, the father is considered *Aṣ́abah* and will receive to the remainder of the property.[203]

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[196] The Qur'ān; *Surah Al-Nisa, 4:176*
[197] Ahsan, "A Complete Set of Inheritance System in the Quran."
[198] Muslim Bin Hajjaj, "Shahih Muslim," *Beirut: Dar al-Ji* (1972).
[199] Badrah Uyuni and Mohammad Adnan, "Concepts and Differences of Dzawil Furudh and Dzawil Arham in Islamic Inheritance," *El-Arbah: Jurnal Ekonomi, Bisnis Dan Perbankan Syariah* 7, no. 1 (2023).45-45
[200] Ibid.
[201] Zuleikha and Mohamad, "Faraid as Islamic Inheritance Laws: Socio-Economic Impact on Investments."
[202] Uthaimin, "Tashilu Al-Faraid."
[203] Uyuni and Adnan, "Concepts and Differences of Dzawil Furudh and Dzawil Arham in Islamic Inheritance."

A son is a significant heir who has a considerable influence on property distribution. The sisters of the deceased will not receive anything if the son is still alive. The daughters will remain *Aṣabah* for as long as the son is alive.[204] The daughter turns into *As'hābul furūḍ* if the son is not there.[205] If there are no children, the husband receives one-half of the wife's property; if there are, he receives one-fourth. Similarly, if there are no children, the mother earns a quarter i.e., one fourth, but if children exist, she receives one eighth.[206]

2.2.3.3 Rationale behind Men's and Women's Specific Shares

There is a widespread misperception, especially in the Muslim world, that males receive a larger share of property than women.[207] Women are regarded inferior to males in terms of inheritance.[208] It is true that male receive a larger proportion of inheritance than females. Islamic scholars have attempted to justify men's double portion of inheritance by claiming that they have higher economic responsibilities to retain the family skills to make sure that their immediate family members, such as their mother, wife, sisters, and kids are not left without an inherited wealth when they die.[209] According to Islamic beliefs, a man should retain financial obligation to his spouse and kids.[210] According to *Imam al-Shfī, nafaqah* (monetary spending) for a wife and children must be maintained by a man, it (i.e. *nafaqah*) comprises food, clothing, housing, and other necessities for the wife and children's lives.[211] Furthermore, that

[204] Ibid.
[205] Ibid.
[206] Ibid.
[207] Mohammad Yaqub Sharif, Md Rajaul Karim, and Md Mahfuzur Rahman, "Women's Economic Empowerment and Inheritance Rights across Major Global Religions: A Comparative Exploration," *Br. J. Arts Humanit* 5, no. 6 (2023).309-26
[208] Haque et al., "Women Rights to Inheritance in Muslim Family Law: An Analytical Study."
[209] Ibid.
[210] The Qur'ān; *Surah Al Baqarah, 2: 233*
[211] Abū'Abd Allāh Al-Shāfi'ī and Muḥammad Ibn Idrīs, "Al-Umm Al-Shāfi 'Ī: Habat Al-Marīḍ, Vol. 4," *Bayrūt: Dār al-Ma 'rifah* (1990).

according to Muhammad *Zuhaylī*, males are responsible for paying *Mah'r* (bridal gift) as a dowry present to their wife at the wedding ceremony.[212] He is also accountable for taking care of himself, his spouse, his kids, his parents in their old age, and his close relatives based on his ability.[213]

According to the preceding explanation, getting a dual share of property related to women doesn't really provide any additional benefits on males, nor does it imply that males are superior to females in terms of inheritance. It is argued that the wife's entitlement to *Mah'r* (bridal gift) is insufficient recompense for receiving just half of the succession of wealth in compared to her male partner.[214] Moreover, another important question is: What happens if the daughter doesn't get married or can't marry for some reason, especially if her father has passed away. In these situations, great scholar *Rashid Rid* claimed that the Qur'ān offers explicit instructions to close relatives to create a constructive legacy in her favour that would allow her to remain with respect and dignity in the society and in the family.[215] It must be based on the rules outlined in the Qur'ān in *Surah al-Nisā* verse 8,[216]

> "From what is left by parents and those nearest relatives, there is a share for men and a share for women, whether the property be small or large, a determinate share".[217]

According to research findings, the male portion is observed to be twice as large as the female part since males have specific obligations as family guardians, as previously indicated.

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[212] Muhammad Al-Zuhaylī, "Al-Mar'ah Al-Muslimah Al-Mu'āsirah Makānatuhā-Huqūquhā-Ahkāmuhā," (Dimashq: Dār al-Fikr, 2008).
[213] Ibid.
[214] Syed Mohammed Ali, *The Position of Women in Islam: A Progressive View* (SUNY Press, 2004).
[215] MRIAMS Ridā, "Tafsīr Al-Qur'ān Al-Hakīm (Tafsīr Al-Manār)," *Al-Qāhirah: Al-Hai'ah al-Misriyyah al-'Āmmah li-al-Kitāb* (1990).
[216] The Qur'ān; *Sūrah al-Nisā', 4: 8*
[217] Yunasril Ali and Jalan Kearifan Sufi, "Tasawuf Sebagai Terapi Derita Manusia," *Jakarta: Serambi* (2002).

There is a distinct direction in terms of inheritance allocation among descendent and male family members. According to the Prophet Muhammad (PBUH): "Narrated by *ibn 'Abbās (*R.A): The Prophet Muhammad (PBUH) said, "Give the *Farā'iḍ* (the shares prescribed in the Qur'ān) to those who are entitled to receive it, and then whatever remains, should be given to the closest male relative of the deceased". [218]

2.2.4 Women's Rights to Inheritance in Islam

Islam offers women many types of rights in order to recognize their status, such as the right to live, literacy, marrying, *Mah'r* (bridal gift), separation, and many more.[219] One of these rights is the right to inherit. In Islam, both men and women have the right to inherit from a deceased person.[220] Yet, in terms of inheritance, men and women have distinct shares.[221] Considering the importance and position of males and females in Muslim society, these portions are appropriate. [222] Females and males have equal inheritance rights, according to the Qur'ān.

> "To men (of the family) belongs a share of that which parent and near kindred leave, and to women a share of those which parents and near kindred leave, whether it be little or much- a determinate share".[223]

The preceding verse of the Qur'ān clearly states that Islam favoured women with the right to inherit in a deceased person's estate. The portions of the wife, parent, sister, and daughter with different examples are clearly defined in other verses of *Surah al-Nisā* 11, 12, 176.[224] There are several numbers of traditions/ Hadiths of the Prophet Muhammad (PBUH) concerning inheritance, women's inheritance, women's portions in inheritance, and traditions emphasizing Muslims to provide heirs (including men and

[218] MBI Al-Bukhārī, "Ṣaḥīḥ Al-Bukhārī: The Translation of the Meanings of Sahih Al-Bukhari: Arabic-English," *Darussalam Pub. & Distr., Riyadh* (1997).
[219] Muhammad Zafrulla Khan, *Woman in Islam* (Islam International Publications Limited, 2022).
[220] Haque et al., "Women Rights to Inheritance in Muslim Family Law: An Analytical Study."
[221] Ibid.
[222] Ibid.
[223] The Qur'an; *Sūrah al-Nisa,4:7*
[224] Ahsan, "A Complete Set of Inheritance System in the Quran."

women) their portion in the legacy.[225] Islam is a complete code of life that not only allows but also guarantees women's social space in Muslim community.[226] Men (fathers and husbands) in Islamic civilization are responsible for providing food, clothing, and shelter to female family members.[227]

After the introduction of Islam, it was decreed that no one, man or woman, stronger or weaker, ill or healthy, parented or orphaned, etc., should be barred from inheriting at the death of their parents. The procedures for distributing inherited money are stated in the Qur'ān in *Surah al-Nisā* verses 7 and 33:

> "And to everyone, we have appointed heirs of that (property) left by parents and relatives. To those (also) with whom you have made a pledge (brotherhood), give them their due portion (by Wasiyyah). Truly, Allah is Ever a Witness over all things".[228]

Qatādah and *Saa'd bin Zubayer*[229] says, the cause for the revelations of these words to the Prophet Muhammad (PBUH) was that the *Quraish* did not consider women and kids to have the right of inheritance[230]. Furthermore, *Al-Rāzī* discusses the rationale or context for the revelation of these *Qur'ānic* verses concerning inheritance allocation in his literature of exegesis[231]. According to the Islamic calendar, *'Atā', Sa'ad bin al-Rabī'*[232] was murdered at the battlefield of *Uhud* in the month of *Shawwāl* [233]AH 3[234]. He was survived by his wife, two kids, and one brother. Tragically, his brother seized

[225] Nalukwago, "The Realization of Women's Right to Property Inheritance in the Islamic Context: A Case Study of Iganga Municipality."
[226] Hamid Khan, *Islamic Law of Inheritance: A Comparative Study with Emphasis on Contemporary Problems* (H. Khan, 1980).
[227] Nancy Bonvillain, *Women and Men: Cultural Constructs of Gender* (Rowman & Littlefield Publishers, 2020).
[228] The Qura'n; *Sūrah al-Nisā' 4: 33*
[229] Name of companions of prophet Muhammad (P.B.U.H)
[230] Ibn Kathir and Abu al-Fida'Ismail bin Umar, "Tafsir Al-Quran Al-Azim, Tahqiq Sami Bin Muhammad Salamah, J. 1, C. 2," *Riyad: Dar Tayyibah* (1999).
[231] Al-Rz, 1420H, vol. 9, p. 509; Salh, 2007, p. 60
[232] Name of companion of prophet Muhammad (P.B.U.H)
[233] Name of 9th month of Islamic Calendar
[234] AH 3 stands for 3rd year of the Hijri (Islamic) calendar, which is based on the lunar year. The abbreviation AH comes from the Latin term "Anno Hegirae," meaning "in the year of the Hijra." The Hijri calendar begins with the migration (Hijra) of Prophet Muhammad (ﷺ) from Makkah to Madinah in 622 CE.

all of the deceased's fortune without compensating to *Saa'd* 's wife and kids. As a result, the widow of *Saa'd bin al Rabī* approached to the Prophet Muhammad (PBUH) and complained about her husband's brother's property. The Prophet Muhammad (PBUH) told her that Allah (SWT) would make the final decision, and he requested her to return back. After a couple of time, she reappeared to the Prophet Muhammad (PBUH) and re-explained the situation. Later then, verses 11 and 12 of Surah al-Nisā were revealed to resolve the issue. Reflecting on the verse, the Prophet Muhammad (PBUH) instructed *Saa'd's* brother to return two-thirds of *Saa'd*'s properties to *Saa'd*'s daughters and one-eighth to his wife, and he may keep the remainder of the inheritance as *Saa'd's* brother.[235]

However, it is clear from the two verses mentioned above that Islam has given a comprehensive direction regarding the rights of monetary inheritance among successors and how it would be distributed in accordance with Qur'ānic practises. Furthermore, these two verses summarise both the male and female property allocation systems in addition to covering and guaranteeing the rights of women. In addition, the mechanisms of inheritance distribution are outlined in even more details in *Surah al-Nisā* verse number 11 and 12. The first verse regarding inheritance offers specific instructions on how to share financial inheritance amongst the descendants. According to the verse:

> "Allah (SWT) enjoins concerning your children for the male is the equal of the portion of two females; but if there be more than two females, two-thirds of what the deceased left is theirs; and if there is one, for her is the half. And as for his parents, for each of them is the sixth of what he left, if he had a child; but if he did not have any child and (only) his two parents inherit him, for his mother is the third, but if he had brothers, for his mother is the sixth, after (payment of) a bequest he may have bequeathed or a debt. Your parents and your children, you know not which of them is the nearer to you in benefit. This is an ordinance from Allah".[236]

[235] Abu Esa Muhammad Bin Esa, *Al Tarmizi, Sunan Al Tarmizi* (Halb, Misar1395h/ 1975).
[236] The Qur'ān;*Sūrah al-Nisā', 4: 11*

As a result, the Qur'ān guarantees women's rights to inherit not just as a daughter upon the death of her parents, but rather as a mother upon the death of her child.[237] Similarly, according to Qur'ānic rules, women also inherited as wives upon the death of their spouses.[238] In the *Surah al-Nisā*, Allah (SWT) states about this:

> "…and theirs, i.e., wives' is the fourth of what you left if you did not have any child, but if you had a child, their share is the eighth of what you left after payment of legacies that you may have bequeathed or debts".[239]

It is crucial to note that the backdrop of the above-mentioned verses' revelation was the *Jahiliyyah* era, which was the pre-Islamic age in which women possessed no rights to inheritance upon the death of their father, spouse, or brother. According to *Imam al Tabarī's* book of *Tafsīr,* women and children have not been authorized to inherit during the period of *Jahiliyyah.*[240] In reality, there were no consistent and comprehensive regulations governing inheritance distribution. During that period, women were considered subservient to males everywhere, and after the passing of their blood relatives, they had no social status to access financial resources.[241]

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Islam was the first divine religion to establish women's inheritance rights.[242] The commandment was issued at a time when women had no such rights in Arab society. Actually, in Arab society, women were inherited and passed down like property. Islam condemned the treatment of women as an object.[243] The Prophet Muhammad (PBUH) received a revelation of the following verse in this context:

> "O ye who believe! It is not lawful for you forcibly to inherit the women (of your deceased kinsmen), nor (that) ye should put constraint upon them that ye may take away a part of that

[237] Najmun Khatun, "Women's Rights to Inheritance and Property Ownership in Islam," *International Journal of Applied Ethics* 9 (2023).
[238] Asgharali Engineer, *The Qur'an, Women, and Modern Society* (Sterling Publishers Pvt. Ltd, 2005).
[239] The Qur'ān;*Sūrah al-Nisā', 4: 11*
[240] Muḥammad bin Jarīr Al-Ṭabarī, "Jāmi 'Al-Bayān Fī Ta'wīl Al-Qur'ān," *Damascus: al-Risalah Foundation* (2000).
[241] Leila Ahmed, *Women and Gender in Islam: Historical Roots of a Modern Debate* (Veritas Paperbacks, 2021).
[242] Sameer Ul Khaliq Jan et al., "Women's Property Inheritance Rights in Pakhtun's Society: A Study of Dir Lower, Khyber Pakhtunkhwa, Pakistan," *Webology (ISSN: 1735-188X)* 19, no. 1 (2022).
[243] Rubab and Ahmed, "Women's Right of Inheritance: Choices and Challenges in Punjab."

> which ye have given them, unless they be guilty of flagrant lewdness. But consort with them in kindness, for if ye hate them it may happen that ye hate a thing wherein Allah hath placed much good".[244]

In *Sūrah al-Nisā'* Allah (SWT) says:

> Unto the men (of a family) belongeth a share of that which parents and near kindred leave, and unto the women a share of that which parents and near kindred leave, whether it be little or much - a legal share.[245]

This verse was revealed to the Prophet Muhammad (PBUH) when *Aus Ibn Thabit*'s[246] widow inquired about Islamic injunctions on female inheritance, as *Aus Ibn Thabit* passed, and left three young children and one widow.[247] It was common practice at the time to deny inheritance to minor children and widows. The property was taken over by the dead person's nephews. The widow went to the Prophet Muhammad (PBUH) to express her dissatisfaction with the situation. The Prophet Muhammad (PBUH) delayed since no Scriptures about inheritance had been revealed until then. The words were later disclosed, and Prophet Muhammad (PBUH) allocated the property in just such a way that one eighth of it was handed to the widow, and the rest was split into two halves. Because in Islam, a son's portion is equal to the shares of two daughters, one portion was handed to the son and the other to the two daughters.[248]

According to an incident related by *Sa'ad bin Abbi Waqqas*[249] Prophet Muhammad (PBUH) advised *Sa'ad bin Khaula*[250], who was dying, to divide his property among his wife and daughter instead of leaving it for charity.

> "I was stricken by an ailment that led me to the verge of death. The Prophet Muhammad (PBUH) came to pay me a visit. I said, "O Allah's Apostle! I have much property and no heir except my single daughter. Shall I give two-thirds of my property in charity?" He said, "No." I said, "Half of it?" He said, "No." I said, "One-third of it?" He said, "You may do so, though one-third is also to a much, for it is better for you to leave your offspring wealthy than to leave them poor, asking others for help. And whatever you spend (for Allah's sake) you will be rewarded for it, even for a morsel of food which you may put in the mouth of your wife." I said, "O Allah's Apostle! Will I remain behind and fail to complete my emigration?" The Prophet Muhammad (PBUH) said, "If you are left behind after me, whatever good deeds you

[244] The Qur'an; *Sūrah al-Nisā', 4:19*
[245] The Qur'an; *Sūrah al-Nisā', 4:7*
[246] Name of companion of Prophet Muhammad (PBUH)
[247] Mufti Sahbeer Ahmad Usmani, *Tafseer Ma'areful Quran* (Karachi: Al Ilm Publications, 1980).
[248] Ibid.
[249] Name of companion of Prophet Muhammad (PBUH)
[250] Sufyan, a sub-narrator said that Sa'd bin Khaula was a man from the tribe of Bani 'Amir bin Lu'ay.

> will do for Allah's sake, that will upgrade you and raise you high. Maybe you will have a long life so that some people may benefit from you and others (the enemies) may be harmed by you." But Allah's Apostle felt sorry for *Sa'd bin Khaula* as he died in Mecca.[251]

The primary concern here is to leave one's family well settled. The aforementioned incident emphasizes the importance of women receiving their fair share of inheritance in Islam. It also highlights the fact that Islam discourages depriving anyone of their rightful share of inheritance,[252] even if it is for something noble like charity. Similarly, *Jābir bin Abdullah* said that the widow of *Saa'd bin Rabī* and his daughter paid a visit to the Prophet, claiming that they were the offspring of *Saa'd bin Rabī,* who was martyred in the battlefield of *Uhud.* Their paternal uncle has taken all of their belongings and left them with nothing. These ladies are not married yet. It is said by the Prophet that:

> "Allah will make a decision on it and then verses of Surah al Nisa are revealed. The Prophet sent a message to their uncle and ordered him to give one third of the property to the daughters of *Saad bin Rabi* and one eighth to the widow, and the remaining is yours".[253]

Similarly, a narration occurs in Sahih Al-Bukhari[254] about the inheritance rights of a wife, *Ibn 'Abbas* narrates: [255]

> "The custom (in old days) was that the property of the deceased would be inherited by his offspring; as for the parents (of the deceased), they would inherit by the will of the deceased. Then Allah cancelled from that custom whatever He wished and fixed for the male double the amount inherited by the female, and for each parent a sixth (of the whole legacy), and for the wife an eighth or fourth, and for the husband a half or a fourth".[256]

Another tradition of Prophet Muhammad regarding the Share of a Granddaughter in the presence of a daughter, *Hudhayl ibn Shurahbil* narrates: [257]

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[251] Al- Bukhari, Abu `Abd Allah bin Muhammad bin Ismail, Sahih al-Bukhari vol 8, book 80, n. 725.
[252] Iram Rubab, "Status of Women Inheritors in Islam: Institutional Hurdles in Punjab, Pakistan," *AL-QAWĀRĪR* 2, no. 04 (2021).13-24
[253] Al Tirmizi, Abu Esa Muhammad Bin Esa, Sunan Al Tirmizi p. 322, Halb, Misar, 1395h/ 1975

[254] Sahih al-Bukhari is the first hadith collection of the Six Books of Sunni Islam. It was compiled by Persian scholar al-Bukhari around 846. The author was born in Bukhara in today's Uzbekistan. Alongside Sahih Muslim, it is one of the most valued books in Sunni Islam after the Quran.
[255] Al- Bukhari, Abu `Abd Allah bin Muhammad bin Ismail, Sahih al-Bukhari vol 8, book 80, n. 731.
[256] تخريج الحديث: أخرجه الإمام البخاري في صحيحه، كتاب الوصايا، حديث رقم)2747(، وجميع أحاديث صحيح البخاري صحيحة.
[257] Al- Bukhari, Abu `Abd Allah bin Muhammad bin Ismail, Sahih al-Bukhari vol 8, book 80, n. 728.

> "Abu Musa was asked regarding (the inheritance of) a daughter, a son's daughter, and a sister. He said, "The daughter will take one-half and the sister will take one-half. If you go to Ibn Maswud, he will tell you the same." Ibn Maswud was asked and was told of Abu Musa's verdict. Ibn Maswud then said, "If I give the same verdict, I would stray and would not be of the right–guided. The verdict I will give in this case will be the same as the Prophet did, i.e., one-one-half is for the daughter, and one-sixth for the son's daughter,i.e., Both shares make two-thirds of the total property; and the rest is for the sister." Afterwards, we came to Abu Musa and informed him of Ibn Maswud's verdict, whereupon he said, "So, do not ask me for a verdict, as long as this learned man is among you."[258]

It is ensured by the Quran and Sunnah that nobody deprives their inheritance share,[259] even the proportion for the grandmother is also specified. [260]

> Ibn 'Abbas narrates: the Prophet gave to the grandmother one-sixth.[261]

Along with this inheritance share of a sister, the share of the daughter is also described. Narrated by *Al-Aswad bin Yazid*: [262]

> Mu'adh bin Jabal came to us in Yemen as a tutor and a ruler, and we (the people of Yemen) asked him about (the distribution of the property of) a man who had died, leaving a daughter and a sister. Mu'adh gave the daughter one-half of the property and gave the sister the other half.[263]

2.3 The Legal and Regulatory Framework Governing Inheritance In Pakistan

As an Islamic republic, Pakistan integrates Islamic principles into its statutory and judicial system, making Qur'ānic rules on inheritance legally binding. The Constitution of 1973 clearly states that no law can contradict Islamic injunctions, making Sharī'ah principles central to governance. [264] Inheritance is regulated by both civil and Islamic law, with the majority of citizens following Sharī'ah rules on property distribution. The

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[258] تخريج الحديث: أخرجه الإمام البخاري في صحيحه، كتاب الفرائض، حديث رقم)6736(، وجميع أحاديث صحيح البخاري صحيحة.
[259] Rubab, "Status of Women Inheritors in Islam: Institutional Hurdles in Punjab, Pakistan."
[260] Sunan Ibn Majah, Vol. 4, Book 23, n. 2725.
[261] تخريج الحديث دارالدعوه: »تفرد به ابن ماجه،)تحفة الأشراف: 5746، ومصباح الزجاجة: 965(، وقد أخرجه: سنن الدارمى/الفرائض 18 (2975) (ضعيف الإسناد)«
[262] Al- Bukhari, Abu `Abd Allah bin Muhammad bin Ismail, Sahih al-Bukhari vol 8, book 80, n. 726.
[263] تخريج الحديث: أخرجه الإمام البخاري في صحيحه، كتاب الفرائض، حديث رقم)6734(، وجميع أحاديث صحيح البخاري صحيحة
[264] Muhammad Zubair Abbasi, "Islamic Constitutionalism in Pakistan: Nature, Impact, and Compatibility with International Human Rights Law," *J. Int'l L. Islamic L.* 18 (2022).3

Muslim Personal Law (Shariat) Application Act of 1937 was the earliest legislation in this regard, followed by reforms such as the Muslim Family Laws Ordinance of 1961 and the Criminal Law (Third Amendment) Act of 2011, which criminalized the unlawful deprivation of women's inheritance rights. In recent years, new legal measures and parliamentary committees have been introduced to strengthen implementation, while the courts have delivered important judgments that reinforce women's entitlement to property. Furthermore, administrative procedures, including the issuance of succession certificates through NADRA, have been streamlined to simplify inheritance distribution. As part of the global community, Pakistan has also signed international conventions that require it to align its laws with commitments to gender equality. [265] Together, these constitutional provisions, laws, and reforms form the basis of women's inheritance rights in Pakistan.

Although Islamic inheritance law mandates fair distribution of assets among all heirs, including women, in practice, women frequently encounter significant challenges in claiming their rightful share.

The slow legal system and lack of awareness about laws and regulations further hinder women's ability to claim their inheritance.[266] Effective enforcement of laws and protection of individual rights are fundamental functions of the legal system. Moreover, various legal obstacles hinder women from acquiring and holding property.[267] This section therefore, analyses how Islamic principles of inheritance have been incorporated into Pakistan's statutory framework and examines the extent of their enforcement in practice.

[265] Rubab and Ahmed, "Women's Right of Inheritance: Choices and Challenges in Punjab."
[266] Rubab, Malik, and Bakht Aziz, "Do Legal and Institutional Reforms in Punjab, Pakistan Protect Women's Inherited Land Rights?."
[267] Feci, "The Exclusion of Women from Inheritance Rights: An Unresolved Issue?."

2.3.1 Administration of Inheritance Laws during the Colonial Period

Pakistan has a long colonial history characterized by a lack of coherent law-making.[268] Since 1872, British law has allowed Indians to handle inheritance disputes in accordance with their customary rules rather than Hindu and Muslim personal laws.[269] This was a period when European colonial powers, including the British, French, and Portuguese, had established their dominance over large parts of the Indian subcontinent.[270] Under colonial rule, the inheritance laws of the colonizers were often imposed on the local population, and these laws were heavily influenced by patriarchal norms and values.[271] For example, the British colonial authorities in India enacted the Hindu Succession Act, which explicitly favoured male heirs over female heirs.[272] Similarly, in Muslim inheritance law, which was also heavily influenced by patriarchal norms, male heirs were given priority over female heirs. This was particularly true in cases of property inheritance, where daughters were often excluded from inheriting property altogether.[273] The impact of these patriarchal inheritance laws was significant, as they reinforced existing gender inequalities and denied women the ability to inherit property or wealth from their families. This perpetuated the cycle of male dominance and female subordination that was already present in many South Asian societies.[274] Muslims now have the freedom to deal with inheritance issues in line with their own religious norms, owing to amendments made in 1937.[275] These regulations did not apply to agricultural land, though; therefore, Muslim women continued to be severely

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[268] Rubab and Ahmed, "Women's Right of Inheritance: Choices and Challenges in Punjab."
[269] Ibid.
[270] Sabareesh PA and Sony AL, "Science and Knowledge as a Tool of Subjugation: Perspectives of European Colonialism in India," *Journal of Scientific Temper (JST)* 10, no. 3 (2022).
[271] Uma Chakravarti, *Gendering Caste: Through a Feminist Lens* (Sage Publications Pvt. Limited, 2018).
[272] Somlata Sharma, "Hindu Women's Property Rights from Past to Present-a Transformative Journey," *Journal of Legal Studies & Research* 8, no. 1 (2022). 387-403
[273] Rajini Menon and Preet Rustagi, "Gender Asset Gaps and Land Rights in the Context of the Asia-Pacific Region," in *Women, Land & Power in Asia* (Routledge India, 2020).37-59
[274] Sugata Bose and Ayesha Jalal, *Modern South Asia: History, Culture, Political Economy* (Taylor & Francis, 2022).
[275] Rubab and Ahmed, "Women's Right of Inheritance: Choices and Challenges in Punjab."

deprived.[276] This decision was defended by means of false justifications, such as the segmentation of land and the infeasibility of small family farms.[277] The restriction on women inheriting agricultural land persisted after the partition and wasn't changed until 1962. This demonstrates that the British gave the patriarchs special favour.[278] Thus, Pakistan, from its colonial history, acquired a number of discriminatory laws regarding women's inheritance.

2.3.2 Regulations of Inheritance in Pakistan

Pakistan was established as an ideological state in the name of Islam.[279] The constitution of Pakistan and its legal system are demonstrably shaped by principles and jurisprudence derived from Sharī'ah, or Islamic law.[280] The 1973 Pakistani constitution makes it explicit that any law that violates Islamic beliefs shall be regarded as invalid.[281] Minorities have received special attention under their own laws. In Pakistan, the regulation of inheritance is governed by both civil and Islamic Sharī'ah law.[282] Islamic Sharī'ah law is followed by the majority of Pakistanis and provides guidelines for the distribution of property among family members after the death of a person. Under Islamic Sharī'ah law, a person's estate is divided among his or her heirs according to a specific formula.[283] The Quran specifies the shares of inheritance for different categories of heirs, such as spouses, children, parents, and siblings.[284] However, the

[276] Ibid.
[277] Rubya Mehdi, *Gender and Property Law in Pakistan: Resources and Discourses* (Djoef Pub, 2001).
[278] Rubab and Ahmed, "Women's Right of Inheritance: Choices and Challenges in Punjab."
[279] Imam Feisal Abdul Rauf, *Defining Islamic Statehood: Measuring and Indexing Contemporary Muslim States* (Springer, 2015).
[280] Baig et al., "An Analysis of the Legal System: A Comparative Study in the Context of Pakistan and the Uk."
[281] Abbasi, "Islamic Constitutionalism in Pakistan: Nature, Impact, and Compatibility with International Human Rights Law."
[282] Ghulam Rasul Zahid, "Family Laws in Pakistan: A Comparative Study of Islamic and Civil Code," *Jahan-e-Tahqeeq* 4, no. 4 (2021). 28-86
[283] Shahbaz Cheema, "Distribution of Inheritance under Islamic Law: An Appraisal of Online Inheritance Calculators," *Journal of Islamic Thought and Civilization* 11, no. 1 (2021).112-31
[284] Muhammad Faizul Haque et al., "Women Rights to Inheritance in Muslim Family Law: An Analytical Study," *International Journal of Islamic Business & Management* 4, no. 1 (2020).15-26

distribution of assets may vary depending on the circumstances of the case, such as the presence of multiple heirs or the type of property being inherited. In Pakistan, Islamic Sharī'ah law is incorporated into the legal system through various laws, such as the Muslim Personal Law[285] (*Shariat*) Application Act of 1937.[286] This law applies to Muslims and governs matters such as marriage, divorce, and inheritance.[287] However, there have been debates and discussions on the interpretation of Islamic Sharī'ah law and its compatibility with modern legal principles and human rights.[288] In recent years, there have been some efforts to reform the inheritance laws in Pakistan. For example, in 2018, the Muslim Personal Law (*Shariat*) Application (Amendment) Ordinance was passed, which amended the existing law to provide fair inheritance rights for women.[289] This amendment was a significant step towards protecting women's entitlement to inheritance. In addition to Islamic law, there are also civil laws that govern inheritance in Pakistan. The Succession Act of 1925 provides fair distribution of property among all heirs, regardless of gender.[290]

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Similarly, the laws governing a woman's inheritance of her family's property in Pakistan are derived from a multifaceted source, statutory, customary, and religious principles.[291] The application of these laws can be complex and influenced by state and customary laws, sometimes creating conflicts. Sharī'ah law outlines specific portions for female heirs, often based on the Qur'an. However, in many jurisdictions, state laws

[285] Muslim Personal Law, "Muslim Personal Law (Shariah) Application Act," in *Enacted by the Government of India* (1937).
[286] Martin Lau, "The Re-Islamization of Legal Systems," in *The Ashgate Research Companion to Islamic Law* (Routledge, 2016).
[287] Lynn Welchman, Zahia Jouriou, and Marwa Sharafeldin, "Muslim Family Laws: Trajectories of Reform," (2023).
[288] Ali Alkubaisy, "A Critical Analysis of the Continued Relevance of Secularism to Contemporary Islamic States' Attitudes to International Human Rights Law" (Anglia Ruskin Research Online (ARRO), 2023).
[289] Noorjehan Safia Niaz and Zakia Soman, *Seeking Justice within Family: A National Study on Muslim Women's Views on Reforms in Muslim Personal Law* (Notion Press, 2023).
[290] Sharif, Karim, and Rahman, "Women's Economic Empowerment and Inheritance Rights across Major Global Religions: A Comparative Exploration."
[291] Yaseen, Shouzab, and Sultan, "Inheritance of a Daughter: An Analysis Based on Islam and Laws Prevalent in Pakistan."

and customary practices may modify or contradict these Sharī'ah provisions, leading to variations in how inheritance is ultimately distributed. [292]

To address these conflicting areas, the Muslim Personal Law (Shariat) Application Act of 1937 was the first legislation enacted in British India.[293] This act sought to resolve cases by simultaneously considering legal, Islamic, and customary practices. As the first enactment of its kind, this statute holds more historical significance than legal importance. Its legal significance lies in affirming the 'special property of females' rights.[294] The Muslim Personal Law (Shariat) Application Act of 1937, which was repealed in 1962 during Ayub's regime[295], is now known as the West Pakistan Muslim Personal Law (Shariat) Application Act of 1962.[296] This act also includes provisions entitling women to agricultural estates. Another significant enactment from General Ayub's presidency is the Muslim Family Law Ordinance of 1961. Similarly, the Constitution of the Islamic Republic of Pakistan of 1973 does not explicitly address the protection of a woman's paternal inheritance. However, various articles, when read together, imply the right of women to inherit.[297] Article 23 grants every citizen the right to hold, acquire, and dispose of property in Pakistan.[298] Article 24 states that no person can be deprived of their property except according to the law.[299] Additionally, Article 25 ensures equality before the law and emphasizes non-discrimination based on

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[292] Rr Dewi Anggraeni, "Islamic Law and Customary Law in Contemporary Legal Pluralism in Indonesia: Tension and Constraints," *Ahkam: Jurnal Ilmu Syariah* 23, no. 1 (2023).
[293] Yaseen, Shouzab, and Sultan, "Inheritance of a Daughter: An Analysis Based on Islam and Laws Prevalent in Pakistan."
[294] Ibid.
[295] Muhammad Ayub Khan (14 May 1907 – 19 April 1974), widely known as Ayub Khan was a Pakistani army officer who served as the second president of Pakistan from 1958 to 1969. He previously served as the third Commander-in-Chief of the Pakistan Army from 1951 to 1958.
[296] Mujeeb Ahmad, "'Ulamā'and the Muslim Family Laws in Pakistan," *Islamic Studies* 59, no. 1 (2020).51-78
[297] Beata Polok, "Influence of Islamic Law, Social Customs and Practices on the Women's Inheritance Rights in Pakistan," *Manchester Journal of Transnational Islamic Law & Practice* 18, no. 2 (2022).
[298] Amjad Hussain, Muhammad Arif Saeed, and Shahzada Aamir Mushtaq, "Application of Human Rights Laws in Pakistan: A Study with Reference to International Bill of Human Rights," *Journal of Business and Social Review in Emerging Economies* 7, no. 4 (2021).963-76
[299] Amr Ibn Munir, "Article 9 of the Constitution of Pakistan: The Right to Life or Substantial Due Process?," *Available at SSRN 4522566* (2023).

gender.[300] Therefore, a collective reading of these articles suggests that all citizens, including women and daughters, have the lawful right to hold, acquire, and dispose of property, deterring unlawful deprivation and ensuring equal application of these provisions to all citizens.[301]

The Criminal Law (Third Amendment) Act of 2011 marked another significant advancement in Pakistan's inheritance laws.[302] This act introduced Section 498A to the Pakistan Penal Code, making it illegal to deprive any woman of her inheritance. It established penalties for this offense, including imprisonment for five to ten years, a fine of up to one million rupees, or both.[303] By criminalizing this behaviour, the amendment aimed to further discourage discriminatory practices by male family members against females regarding inheritance rights.[304] The recent years have shown more consistent progress in the development of inheritance laws for women in Pakistan compared to the past.[305] A notable recent development in daughters' succession rights occurred when the Supreme Court overturned a Peshawar High Court judgment, stating that "a woman's inheritance cannot be claimed after her death".[306] These substantive laws aim to protect a daughter's right to her paternal inheritance. However, proper execution and manifestation of these laws require their procedural personification.

2.3.3 Constitutional Rights of Women in Pakistan

[300] Shaheen S Ali, *Gender and Human Rights in Islam and International Law: Equal before Allah, Unequal before Man?* (Brill, 2021).
[301] Yaseen, Shouzab, and Sultan, "Inheritance of a Daughter: An Analysis Based on Islam and Laws Prevalent in Pakistan."
[302] Criminal Law Amendment, " The Prevention of Anti-Women Practices Act," ed. Lahore: Punjab Commission on the Status of Women. (2011).
[303] Government of Pakistan, "Prevention of Anti-Women Practices Act, 2011(Amendment in 498-a of Pakistan Panel Code)," (2011).
[304] Yaseen, Shouzab, and Sultan, "Inheritance of a Daughter: An Analysis Based on Islam and Laws Prevalent in Pakistan."
[305] Polok, "Influence of Islamic Law, Social Customs and Practices on the Women's Inheritance Rights in Pakistan."
[306] Daily Dawn, " A Woman's Inheritance Cannot Be Claimed after Her Death: Sc. Dawn," *Daily Dawn* (2021, September 24).

Any study of rights should generally begin with an examination of the Constitution, which is a normative document that lays forth the fundamental values that govern the operation of the state.[307] The Constitution not only specifies the powers and responsibilities of the State, but it also secures and defends citizens' fundamental rights.[308] The legal system is a method for successful law enforcement that enshrines citizens' rights within this framework. In Pakistan, the Constitution guarantees equal rights to men and women, including the right to inheritance.[309] Article 25(1) of the Constitution of Pakistan states that "All citizens are equal in the eyes of law and are entitled to equal protection of law," while Article 25(2) prohibits discrimination on the basis of gender.[310] The Pakistani Constitution ensures women's rights based on justice and equality by enshrining all protections for women.[311] According to the constitution, there are numerous legal protections available to women in order to elevate their status and eliminate discriminatory practices against them.[312] The safeguards offered by civil law, criminal law, and family law are among these legal recourses. Despite this, the status granted to women by the constitution, the reality is very different.[313]

In terms of inheritance, Pakistan has both religious and civil laws governing the distribution of property.[314] Under Islamic law, which is followed by the majority of Pakistanis, daughters are entitled to inherit from their parents' estate, but their share is

[307] Mohamad Hidayat Muhtar et al., "Addressing the Paradox: Why Environmental Constitutionalism Is More Than Just Rights?" (paper presented at the E3S Web of Conferences, 2024).
[308] Martin Loughlin, *Against Constitutionalism* (Harvard University Press, 2022).
[309] Khaleel, Ahmed, and Shah, "Critical Discourse Analysis of Pakistani Inheritance Law and Justice System for Women."
[310] Saqib, Mukhtar, and Asghar, "Analytical Study of Article 25 of the Constitution of Islamic Republic of Pakistan, 1973."
[311] Saira Akram et al., "Women Rights in Pakistan: Role of International Treaties," *PalArch's Journal of Archaeology of Egypt/Egyptology* 18, no. 08 (2021).5167-76
[312] Salma Nawaz et al., "The Effects of Cultural Limitations, Constitution, Feminism, Sexual Orientation Status among the Women in Pakistani Families," *Pakistan Journal of Humanities and Social Sciences* 9, no. 3 (2021).526-34-26-34
[313] Ibid.
[314] Khaleel, Ahmed, and Shah, "Critical Discourse Analysis of Pakistani Inheritance Law and Justice System for Women."

less than that of their male siblings.[315] According to Article 23, every citizen has the right to acquire, own, and dispose of property in any territory of Pakistan.[316] Article 24 proceeds by emphasizing that the property of any person cannot be taken from them unless it has been done legally.[317] Although there are no express provisions in the Constitution addressing women's right to inheritance, the above-mentioned Articles provide assurance that this right is safeguarded.[318]

2.3.4 International Treaties regarding Property and Women's Rights

Being a part of the global community, Pakistan has signed a number of international conventions and agreements.[319] Pakistan is obligated to make sure that its national and provincial laws and policies comply with its international responsibilities after signing these agreements.[320] Gender equality and women's access to property are specifically emphasized in all international agreements, treaties, and resolutions.[321] Pakistan has several international legal obligations related to property rights and women's inheritance. These obligations are primarily based on international human rights treaties, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Convention on the Rights of the Child.[322] Under these treaties, Pakistan has committed to ensuring equitable rights to property and inheritance for women.[323] In 2004, Pakistan ratified CEDAW, which

[315] Haque et al., "Women Rights to Inheritance in Muslim Family Law: An Analytical Study."
[316] Rubab and Ahmed, "Women's Right of Inheritance: Choices and Challenges in Punjab."
[317] Ibid.
[318] Pakistan and Pakistan. National Assembly, *The Constitution of the Islamic Republic of Pakistan* (Manager of Publications, 1973).
[319] Rubab and Ahmed, "Women's Right of Inheritance: Choices and Challenges in Punjab."
[320] Ibid.
[321] Ali, *Gender and Human Rights in Islam and International Law: Equal before Allah, Unequal before Man?*
[322] Muhammad Imran Khan, "The Treatment of Women within Pakistani Domestic Legal System: A Relativist Challenge to the Universalist Concept of Human Rights, the Potential of European Union's Mandate of External Relations and Actions for Addressing the Challenge," (2022).
[323] Rubab and Ahmed, "Women's Right of Inheritance: Choices and Challenges in Punjab."

obligates the country to take all appropriate measures to eliminate discrimination against women in the field of property and inheritance rights.[324] Article 16 of CEDAW specifically mandates that states parties shall ensure women's equal rights to own, acquire, and dispose of property, and that they shall have equitable rights with men in matters relating to inheritance.[325] Furthermore, Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) and Article 2(1) of the Convention on the Rights of the Child deal with fair and equitable property rights of people.[326]

According to Article 17 of the Universal Declaration of Human Rights, every person has the right to acquire property, either alone or together with others.[327] Additionally, it urges against the arbitrary deprivation of any person's property.[328] The Universal Declaration of Human Rights was followed by two agreements to ensure its legal and practical application. Both agreements acknowledged property rights without discrimination, i.e., the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) address the provision of non-discriminatory rights and equality.[329] The ICESCR obligates the country to ensure that women have equal access to economic resources and to ensure the equal right of men and women to the enjoyment of all economic, social, and cultural rights.[330] Pakistan, along with other United Nations member states,

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[324] José E Álvarez and Judith Bauder, *Women's Property Rights under Cedaw* (Oxford University Press, 2024).
[325] Muhammad Waqas Javed et al., "Comparative Study of Article 13 (a), & 16, Convention on Elimination of All Form of Discrimination against Women 1979, Islam & Practices in Pakistan," *PalArch's Journal of Archaeology of Egypt/Egyptology* 17, no. 8 (2020).779-92
[326] David Keane, "Mapping the International Convention on the Elimination of All Forms of Racial Discrimination as a Living Instrument," *Human Rights Law Review* 20, no. 2 (2020).236-68
[327] Ferdinand Wollenschläger, "Article 17 (1)–Right to Property" (paper presented at the The EU Charter of Fundamental Rights, 2022).
[328] Ibid.
[329] Abdi Jibril Ali, "Economic, Social and Cultural Rights: General Obligations in the African Charter on Human and Peoples' Rights" (Ghent University, 2020).
[330] Thomas Kleinlein, "Social Rights Protection through Core International Human Rights Treaties Beyond the Icescr," in *Research Handbook on International Law and Social Rights* (Edward Elgar Publishing, 2020).

has committed to achieving the Sustainable Development Goals by 2030.[331] Goal 5 of the SDGs aims to achieve gender equality and empower all women and girls, including their equal rights to property and inheritance.[332] Similarly, MDGs have their goals that specifically address maternal health and gender equality.[333] Pakistan was one of the 189 countries that adopted the Beijing Declaration and Platform for Action in 1995, which reaffirmed the commitment of the international community to women's rights and gender equality.[334] The Platform for Action recognizes that women's access to and control over land and property is a crucial factor in achieving gender equality.[335] In conclusion, Pakistan is bound by several international legal obligations to ensure women's equal rights to property and inheritance, including the CEDAW, ICESCR, Beijing Declaration and Platform for Action, and the SDGs. These treaties and conventions require the country to take concrete steps to eliminate discrimination against women and promote gender equality.

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2.3.5 Examination of National Laws related to Inheritance

In Pakistan, inheritance laws are primarily governed by Islamic Sharī'ah, particularly for Muslims, who make up the majority of the population. However, major legal frameworks and principles for inheritance in Pakistan include.

2.3.5.1 The Succession Act, 1925

[331] Fernanda Brollo, Emine Hanedar, and Mr Sébastien Walker, *Pakistan: Spending Needs for Reaching Sustainable Development Goals (Sdgs)* (International Monetary Fund, 2021).
[332] Prisca Tanui–Too, "Gender Equality and Empowerment of Women and Girls," *Africa Habitat Review* (2021).13-21
[333] Jenny Summerfield and Lesley Regan, "How Can We Achieve Sustainable Development Goal-5: Gender Equality for All by 2030?," *Clinical Obstetrics and Gynecology* 64, no. 3 (2021).415-21
[334] Abdul Qayyum Gondal et al., "Women's Rights Protection: Analysis of Implementation of Cedaw and Beijing Declaration in Pakistan," *Russian Law Journal* 11, no. 5 (2023).795-807
[335] BEIJING DECLARATION, "Synthesis Report on the Implementation of the Beijing Declaration and Platform for Action," (2020).

The Succession Act 1925 is an important law in Pakistan that governs the distribution of property and assets after a person's death. With the intention of creating some mechanisms relating to the decedent's property, whether by will or without, it was first implemented in India in September 1925.[336] The Succession Act of 1925 was enacted during the British colonial period in India and was later adopted by Pakistan after independence in 1947.[337] The Act is based on the principles of Islamic law and provides for the distribution of property and assets according to the rules of inheritance prescribed by Islamic law for Muslims. [338] The Act provides that a Muslim can dispose of his property by way of a will in accordance with Islamic law, subject to certain restrictions.[339] The Act also applies to non-Muslims and provides for the distribution of their property and assets according to their personal laws.

In matters concerning the inheritance, obtaining a succession certificate is a legal prerequisite**.** Under the Succession Act of 1925, the legal heirs of the deceased are required to file an application before the competent court to acquire this certificate.[340] The application must contain certain details, such as the names and addresses of the legal heirs, the date and place of the deceased's death, and a list of the assets and liabilities of the deceased. The court may require additional information or documentation to be submitted as well.[341] Once the application is filed, the court will issue notice to all interested parties and give them an opportunity to raise any objections. If no objections are raised or if the objections are dismissed by the court,

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[336] Christa Rautenbach, "Indian Succession Laws with Special Reference to the Position of Females: A Model for South Africa?," *Comparative and International Law Journal of Southern Africa* 41, no. 1 (2008).105-35
[337] Government of Pakistan, "The Succession Act of 1925," (1925).
[338] Sai Jahnavi Thota and Shreya Dubey, "Succession Rights of Women in India and Muslim Countries: Comparative Analysis," *Available at SSRN 4541215* (2023).
[339] Anand Kumar Tripathi, "The Concept of 'Will'under Muslim Law: A Study," *International Journal of Law and Legal Jurisprudence Studies* 4 (2018).70-83
[340] Shahla Tabassum and Amber Ferdoos, "Moving from Legislation to Implementation: Participants' Resolve on Inheritance Property of Women," *sjesr* 3, no. 4 (2020).374-81
[341] Ibid.

the court will issue a succession certificate to the legal heirs. The succession certificate will authorize the legal heirs to collect and distribute the deceased's assets and liabilities according to the rules of inheritance prescribed by the Succession Act 1925.[342]

2.3.5.2 The Muslim Family Law Ordinance, 1961

The Muslim Family Law Ordinance 1961 is a law that was passed by the Government of Pakistan to regulate the legal rights and obligations of Muslim families in the country.[343] The ordinance covers a wide range of issues related to marriage, divorce, maintenance, and inheritance.[344] The ordinance's main goals were to improve the status of women generally in Pakistan and to stop the pervasive bad family practices.[345] The Muslim Family Law Ordinance (MFLO) of 1961 was Pakistan's first legal attempt to codify Muslim personal law.[346] It is argued that the Sharī'ah Act of 1937 had laid the groundwork for such codification, but it lacked Islamic legitimacy due to its enactment by the British colonial administration.[347] In contrast, the 1961 ordinance marked a significant step towards protecting women's rights in marriage, divorce, custody, and inheritance.[348] The first Constitution of Pakistan, promulgated in 1956, included a repugnancy clause stating that no law contrary to Islamic injunctions would be enacted and existing laws would be revised accordingly.[349] This clause was maintained and strengthened in later constitutions and amendments. The ulama argued that the MFLO violated traditional Islamic laws on marriage, divorce, and inheritance by introducing

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[342] Ibid.
[343] Musferah Mehfooz and Farhat Aziz, "Legal Efforts of Council of Islamic Ideology & Muslim Family Law Ordinance 1961: Application & Outcomes in Pakistan," *Al-Qawārīr* 2, no. 1 (2020).23-34
[344] Ibid.
[345] Marriyam Siddique and Syed Sibtain Hussain Shah, "Violence against Women: An Analysis of the Infirmed Legal System of Pakistan," *Journal of Public Policy Practitioners* 2, no. 2 (2023).116-34
[346] Muhammad Farooq, "Neo-Ijtihad: A Hierarchical Process Adopted by Pakistani Judiciary in the Context of Muslim Family Laws," *J. Int'l L. Islamic L.* 17 (2021). 95
[347] Mehfooz and Aziz, "Legal Efforts of Council of Islamic Ideology & Muslim Family Law Ordinance 1961: Application & Outcomes in Pakistan."
[348] Ibid.
[349] POOJA KAPOOR, "An Analytical Study on the Constitution of Islamic Republic of Pakistan," *PalArch's Journal of Archaeology of Egypt/Egyptology* 18, no. 08 (2021).156-72

fundamental changes.[350] They contended that the ordinance transferred their traditional authority over these matters to secular state authorities.[351] Religious scholars from various schools of thought united in opposition to the MFLO. Fourteen prominent ulama from Lahore issued a joint statement denouncing the ordinance as anti-Islamic and demanding its immediate withdrawal.[352] Their primary concern appeared to be the loss of their influence rather than the substantive changes in family law.[353] They suggested that appointing competent *Ulama* as *Qazi* (judges) and marriage registrars could address jurisprudence and religious issues through mutual discussions.[354] In response to this controversy, the advisory council resolved to recommend suitable amendments to the MFLO in light of the Holy Quran and Sunnah.[355] The 1956 Constitution was short-lived, abrogated on October 7, 1958, and replaced by a new Constitution in 1962.[356] Before this new Constitution, the government issued the MFLO in March 1961, based on recommendations from the Commission on Marriage and Family Laws.[357] The ordinance addressed various aspects of family law, including succession, marriage registration, polygamy, divorce, maintenance, dower, and the dissolution of marriages.[358] The Muslim Family Law Ordinance represented Pakistan's initial attempt to formally codify Muslim personal law.[359] The 1961 law marked the first move towards safeguarding women's rights in areas such as marriage, divorce,

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[350] Ahmad, "'Ulamā'and the Muslim Family Laws in Pakistan."
[351] Mehfooz and Aziz, "Legal Efforts of Council of Islamic Ideology & Muslim Family Law Ordinance 1961: Application & Outcomes in Pakistan."
[352] Ibid.
[353] Ibid.
[354] Ibid.
[355] Ahmad, "'Ulamā'and the Muslim Family Laws in Pakistan."
[356] Ghulam Mustafa Gah, Yasmeen Yousuf Pardesi, and Jamshed Ali Baloch, "Critical Analysis of the 1956 Constitution: Origins and Its Failure," *Government: Research Journal of Political Science* 9 (2020).
[357] Ahmad Hassan, Muhammad Ahmad Qadri, and Muhammad Saleem, "The Muslim Family Law Ordinance 1961: Pioneer of Women Empowerment in Pakistan," *Journal of the Research Society of Pakistan* 58, no. 1 (2021).210
[358] Ibid.
[359] Mehfooz and Aziz, "Legal Efforts of Council of Islamic Ideology & Muslim Family Law Ordinance 1961: Application & Outcomes in Pakistan."

custody, and inheritance.[360] To further enhance the protections provided under the Muslim Family Laws Ordinance, 1961, the Muslim Family Laws (Amendment) Act, 2021, was enacted.[361] It reinforces the original objectives of the 1961 Ordinance, promoting justice and protecting the rights of women within the framework of Islamic family law.[362]

2.3.5.3 The West Pakistan Muslim Personal Law (Shariat) Application Act, 1962

The West Pakistan Muslim Personal Law Shariat Application Act, 1962, was enacted to consolidate and amend provisions for applying Muslim Personal Law (Shariat) in the provinces of West Punjab.[363] The current law has overturned earlier customary regulations that generally denied Muslim women access to their inherited agricultural property.[364] The 1962 Act addresses both the customary law and the application of Muslim personal law. The West Pakistan Muslim Personal Law (Shariat) Application Act 1962 was enacted to give effect to the Islamic law provisions relating to personal law.[365] The law was intended to apply to Muslims in West Pakistan, which at the time included the provinces of Punjab, Sindh, Khyber Pakhtunkhwa, Baluchistan, and the Islamabad Capital Territory. The main objective of the law was to provide a comprehensive legal framework for regulating the personal affairs of Muslims in West Pakistan, in accordance with the principles of Islamic law. The law covers a wide range of topics, including marriage, divorce, maintenance, inheritance, and other related

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[360] Hassan, Qadri, and Saleem, "The Muslim Family Law Ordinance 1961: Pioneer of Women Empowerment in Pakistan."
[361] National Assembly of Pakistan, " The Muslim Family Laws (Amendment) Act, 2021," ed. Govt. of Pakistan (Islamabad, Pakistan2021).
[362] Ibid.
[363] Khan, Khalid, and Rehman, "Women's Inheritance Rights in the West Pakistan Muslim Personal Law, Shariat Act 1962: An Analysis of Practices."
[364] Khaleel, Ahmed, and Shah, "Critical Discourse Analysis of Pakistani Inheritance Law and Justice System for Women."
[365] Government of Pakistan, "The West Pakistan Muslim Personal Law (Shariat) Act, 1962," (1962).

matters.[366] The West Pakistan Muslim Personal Law, Shariat Act of 1962, is significant for women's inheritance rights concerning immovable property.[367] It provides women with full ownership, acquisition, and disposal rights.[368] This law outlines inheritance divisions as per the Muslim Family Law Ordinance of 1961 and is applicable to all succession cases (both testate and intestate), as well as matters related to special property of females, marriage, divorce, dowry, adoption, guardianship, legitimacy or illegitimacy, family relations, wills, legacies, gifts, and religious practices or institutions, where the parties involved are Muslims.[369]

2.3.5.4 Prevention of Anti-Women Practices (Criminal Law Amendment) Act, 2011

The Prevention of Anti-Women Practices (Criminal Law Amendment) Act, 2011, is an important piece of legislation in Pakistan aimed at curbing anti-women practices in the country.[370] The Act criminalizes several practices that are discriminatory against women, including forced marriages, depriving women of inheritance, and denying women their right to education.[371] It also criminalizes the giving and receiving of dowry, which is a common practice in some parts of Pakistan.[372] This Act defines various forms of anti-women practices that are now considered criminal offenses, as well as provides punishment for committing these offenses, which includes imprisonment and fines.[373] The Act recognizes several offenses against women, including forcing a woman into marriage, whether it is through coercion, abduction, or

[366] Khan, Khalid, and Rehman, "Women's Inheritance Rights in the West Pakistan Muslim Personal Law, Shariat Act 1962: An Analysis of Practices."
[367] Ibid.
[368] Ibid.
[369] Haque et al., "Women Rights to Inheritance in Muslim Family Law: An Analytical Study."
[370] Hafiz Abdul Rehman Saleem et al., "Women Access to Justice in Pakistan; Extrapolating Abuses and Barriers," *Competitive Education Research Journal* 3, no. 2 (2022).
[371] Rubab, Malik, and Bakht Aziz, "Do Legal and Institutional Reforms in Punjab, Pakistan Protect Women's Inherited Land Rights?."
[372] Iram Rubab, "Women's Experiences of Criminal Justice System in Pursuit of Inheritance: Voices from Pakistan," in *The Routledge Handbook of Women's Experiences of Criminal Justice* (Routledge, 2022).
[373] Saleem et al., "Women Access to Justice in Pakistan; Extrapolating Abuses and Barriers."

any other means[374], depriving a woman of her inheritance or depriving her of any right or property she is entitled to[375], denying a woman her right to education[376]. Under the Act, the punishment for these offenses includes imprisonment for up to seven years and a heavy amount of fine.[377]

Women's movements in Pakistan have worked diligently to protest against harmful traditional practices that are discriminatory and biased towards women.[378] It was a revolutionary legal provision that, for the first time, stigmatised the phenomenon of forcible deprivation of women's legally inherited shares. it also criminalises and prohibits the following customary practices in order to reduce discrimination against women, like offering a female in marriage as "*budla -e-sulh"*[379] i.e. , providing a female in marriage as ransom to stop hatred among tribes and *baradaries, wanni* (*wanni* is a form of arranged or forced child marriage, and the result of punishment decided by a council of tribal elders named *jirga*), *swara*, marriage with the Holy Quran, and forced marriage.[380] The Act is an important step forward in addressing the discrimination and violence faced by women in Pakistan.[381] However, there have been criticisms that the implementation of the Act has been slow and that it is not always enforced effectively.[382]

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2.3.5.5 The Punjab Land Revenue (Amendment) Act, 2015

[374] Rubab, "Women's Experiences of Criminal Justice System in Pursuit of Inheritance: Voices from Pakistan."
[375] Ibid.
[376] Khaleel, Ahmed, and Shah, "Critical Discourse Analysis of Pakistani Inheritance Law and Justice System for Women."
[377] Rubab, "Women's Experiences of Criminal Justice System in Pursuit of Inheritance: Voices from Pakistan."
[378] Abida Bano, "Women's Rights and Democratic Transitions: A Comparative Study of Democratic Transitions in Pakistan, Chile and South Africa," *Review of Human Rights* 7, no. 1 (2021).1-26
[379] *Badla e sulh*, *wanni* and *swara* is a custom where girls, often minors, are given in marriage or servitude to an aggrieved family as compensation to end disputes, often murder. Vani is a form of arranged or forced child marriage, and the result of punishment decided by a council of tribal elders named *jirga*.
[380] Kiramat Shah and Manzoor Ahmad, "Issues in Women Political Empowerment: An Analysis of Policies Formulation and Implementation in Pakistan (2001-2018)," *Journal of Positive School Psychology* 6, no. 10 (2022).4417-37
[381] Saleem et al., "Women Access to Justice in Pakistan; Extrapolating Abuses and Barriers."
[382]Amendment, " The Prevention of Anti-Women Practices Act."

The Punjab Land Revenue (Amendment) Act, 2015 (Act IX of 2015) introduced crucial reforms to the Punjab Land Revenue Act, 1967,[383] with the primary objective of streamlining inheritance procedures and protecting the rights of legal heirs, particularly women. One of the key provisions of the amendment mandates that Revenue Officers must initiate partition proceedings of joint holdings immediately after the sanctioning of an inheritance mutation, without requiring any formal application from the heirs. This step helps ensure the timely and automatic division of inherited property.[384] The Act also enhances accountability among Revenue Officers by enabling disciplinary action against those who, through collusion or negligence, hinder rightful inheritance distribution.[385] Additionally, the amendment facilitates the establishment of District Enforcement of Inheritance Rights Committees, which monitor the implementation of inheritance laws and intervene in cases where heirs are wrongfully deprived. Overall, this legislation marks a significant step toward improving land governance and ensuring gender-equitable access to inheritance in Punjab.

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2.3.5.6 Formation of District Inheritance Enforcement Committee

The Establishment of District Enforcement of Inheritance Committees in Pakistan is a government initiative aimed at addressing the issue of inheritance rights. The committee is responsible for safeguarding and addressing inheritance-related complaints within its respective districts.[386] The proposed composition of the committee includes the Deputy Commissioner as Chairperson, along with the District Attorney, District Public Prosecutor, Additional District Collector, and Assistant

[383] Government of Pakistan, "The Land Revenue Act, 1967 (Amendments in Procedure for Making Records in Section, 41-a, 41-B, 42)." (1967).
[384] *Punjab Assembly. "The Punjab Land Revenue (Amendment) Bill 2015."* https://www.pap.gov.pk/bills/details/en/20/140
[385] Punjab Commission on the Status of Women., " Punjab Land Revenue (Amendment) Act, 2015," https://pcsw.punjab.gov.pk/plr.
[386] Government of Pakistan: Punjab Police, "Inheritance Rights : Establishment of District Enforcement of Inheritance Committee," https://punjabpolice.gov.pk/Inheritance-Rights.

Commissioner of the Subdivision as members.[387] The committees are given the power to handle inheritance-related complaints against revenue officials and anybody else who tries to forcefully deny women their inheritance.[388]

The committees have several functions, including raising awareness about inheritance laws, providing legal aid to heirs seeking to claim their inheritance rights, and facilitating the resolution of inheritance disputes through mediation and other alternative dispute resolution mechanisms. [389] Overall, the establishment of District Enforcement of Inheritance Committees in Pakistan has been an important step towards addressing the issue of women's inheritance rights in the country. Additionally, the committees have the authority to refer specific cases to appropriate authorities, who may then pursue criminal charges or disciplinary measures as needed.[390]

2.3.5.7 The Punjab Enforcement of Women's Property Rights Act 2021

The most recent legislation related to inheritance in Pakistan is the Punjab Enforcement of Women's Property Rights Act, 2021.[391] This act was passed by the Punjab Assembly in May 2021 and aims to protect the inheritance rights of women in the province. Under the act, women are guaranteed an equal share of inheritance in all cases, and any attempt to deny them their rightful share is punishable by law. The act safeguards women's rights to own and possess property, ensuring that they aren't breached by harassment, coercion, force, or fraud.

Women who have been denied their property may lodge a complaint with the Punjab Ombudsperson. The Ombudsperson may take steps on their own, as he is authorized to

[387] Rubab, Malik, and Bakht Aziz, "Do Legal and Institutional Reforms in Punjab, Pakistan Protect Women's Inherited Land Rights?."
[388] Ibid.
[389] Ibid.
[390] Iram Rubab, "Women's Rights of Inheritance: Practices and Challenges in Punjab," *PhD unpublished thesis University of the Punjab* (2019).
[391] Provincial Assembly of the Punjab, "The Punjab Enforcement of Women's Property Rights Act 2021."

hear property disputes and pass orders under section 5, ideally within 60 days of receipt of the complaint under subsection (1).[392] The ombudsman will conduct a preliminary inquiry. If further investigation is required, the ombudsperson may refer the case to the concerned Deputy Commissioner of the district where the property is located, who must submit a report within 15 days. The officer in charge of a police station may also be instructed by the Ombudsperson to offer support when needed. The Ombudsperson may write to the court to request a transfer of the complaint if the complainant wishes to do so. This act also revoked the Punjab Enforcement of Women's Rights in Property Ordinance, 2019.[393] Thus, a strengthening of national legislation is required to safeguard women's rights to inheritance.[394] Overall, the Act represents a robust legal framework for securing women's property rights and ensuring that justice is both accessible and enforceable for women in Punjab.

2.3.5.8 Punjab's NADRA-Based Inheritance Transfer Initiative in 2024

In August 2024, the Punjab Urban Land System Enhancement Project (PULSE) launched an initiative to streamline inheritance transfers by utilizing NADRA[395]-issued certificates.[396] This measure was aimed at reducing bureaucratic hurdles and ensuring that women's inheritance rights are recognized and protected.[397] The Punjab Urban Land System Enhancement Project has taken a significant step to protect women's inheritance rights across the province.[398] Under this initiative, inheritance transfers will now be ensured based on certificates issued by NADRA. The Punjab government has

[392] Ibid.
[393] Ibid.
[394] Khaleel, Ahmed, and Shah, "Critical Discourse Analysis of Pakistani Inheritance Law and Justice System for Women."
[395] The National Database & Registration Authority is an independent and autonomous agency under the control of the Interior Secretary of Pakistan that regulates Government Databases and statistically manages the sensitive registration database of all the National Citizens of Pakistan.
[396] Government of Punjab., "Punjab Urban Land Systems Enhancement (Pulse) Project," https://pulse.gop.pk/..
[397] Amir Mahmood Butt, "Pulse Moves to Protect Women's Inheritance Rights," *Daily Times*, August 1, 2024. 2024.
[398] Punjab., "Punjab Urban Land Systems Enhancement (Pulse) Project".

issued a formal notification in this regard. Revenue officers have been directed not to demand any additional documents apart from the NADRA-issued certificate.[399] The objective of this measure is to ensure the protection of women's inheritance rights.

According to the Punjab government's directive, there will no longer be a need for Patwari field reports or other witness statements. The NADRA-issued certificate will be considered the final proof for determining heirs' rights. In cases of failure or delay in inheritance transfers, appropriate action will be taken against relevant service centre staff, circle revenue officers, and revenue officers as per the regulations. Considering the emotional state of women, it has been decided that a woman cannot relinquish her property rights or gift the property within forty days of the property owner's death.[400] A district committee for the enforcement of inheritance rights has been established under the leadership of the Deputy Commissioner. This committee will address and resolve complaints. Revenue officers have been instructed that in cases of negligence or failure to include any heir or woman's name, they will face legal action.[401] This initiative marks a crucial step towards protecting women's inheritance rights and restoring their dignity and respect.

2.3.5.9 Punjab Women's Inheritance Rights Implementation Bill 2025

In a significant step toward addressing the persistent denial of women's inheritance rights, the Punjab Assembly introduced the *Punjab Women's Inheritance Rights Enforcement Bill 2025* on 13 May 2025.[402] This bill aims to ensure the implementation

[399] Ibid.
[400] Butt, "Pulse Moves to Protect Women's Inheritance Rights."
[401] Ibid.
[402] Daily Times. "Punjab Moves to Enforce Women's Inheritance Rights with Strict Legal Measures." *Daily Times*, July 2025. https://dailytimes.com.pk/1309036/punjab-moves-to-enforce-womens-inheritance-rights-with-strict-legal-measures/

of women's Sharī'ah-based inheritance rights by criminalizing the act of depriving them of their legal shares. It mandates the formation of fast-track inheritance tribunals, headed by District or Additional Sessions Judges, to facilitate the timely resolution of inheritance disputes. Additionally, the bill proposes the appointment of an Ombudsperson empowered to investigate complaints, correct land records, initiate legal proceedings, and mediate disputes related to women's inheritance. Strict penalties are prescribed, i.e., violators may face up to three years of imprisonment and a fine of Rs. 1 million, with increased penalties for repeat offenses. Moreover, the bill includes provisions for public awareness by integrating inheritance rights education into schools, madrasas, and Friday sermons to challenge harmful cultural practices. This legislation represents a comprehensive provincial effort to bridge the gap between constitutional rights and social practices.

2.3.5.10 Federal Shariat Court's Ruling Issued in 2025

In a landmark ruling in March 2025, the Federal Shariat Court of Pakistan declared that any customary practices used to deprive women of their rightful inheritance are un-Islamic and legally invalid.[403] The court emphasized that denying women their Quranic share in inheritance constitutes a violation of Sharī'ah and Pakistani law.[404]. It declared such practices void, illegal, and without any legal standing. Additionally, it directed authorities to take action against violators under Section 498-A of the Pakistan Penal Code.[405]

[403] Nasir Iqbal, "Fsc Declares Discriminatory Inheritance Customs Illegal " *Dawn*, March 19, 2025 2025.
[404] Ibid.
[405] Pakistan, "Prevention of Anti-Women Practices Act, 2011(Amendment in 498-a of Pakistan Panel Code)."

The judgment stemmed from a petition filed by Syeda Fouzia Jalaal Shah, who challenged these discriminatory customs and sought justice for her mother.[406] The court emphasized that protecting women's inheritance rights falls under the state's constitutional duty of *Amr bil M'arūf Wa Nahī Anil Munkar,* promoting good and preventing evil under the Enforcement of Sharī'ah Act, 1991.[407] Authorities were also urged to launch public awareness campaigns to educate communities about women's Islamic inheritance rights. This decision is widely regarded as a progressive step toward gender justice in Pakistan's legal and religious landscape.

2.3.6 Judicial Precedents on Inheritance Rights in Pakistan

Inheritance laws in Pakistan are grounded in Islamic principles, yet their implementation has often been challenged by cultural and administrative barriers. The judiciary has played a vital role in protecting the inheritance rights of women, offering legal redress where societal norms have failed. The examples listed below demonstrate how, courts have maintained justice and supported heirs' legitimate interests, especially in the face of longstanding discrimination.

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- **Sara Akhtar Case 2023:** [408] In a landmark judgment, a three-member bench of the Supreme Court of Pakistan has granted a woman her inheritance right from her maternal uncle's property.[409] During the hearing, Chief Justice Qazi Faez Isa[410] remarked that

[406] Terence J Sigamony, "Shariat Court Says Denying a Woman Right to Inheritance Is Un-Islamic.," *Business Recorder*, March 20 2025.
[407] Ibid.
[408] In a case title as "SARA AKHTAR VS MEHMOOD KHAN" cited as 2024 S C M R 178.
[409] The News International, "Sc Grants Niece Inheritance Right from Uncle's Property after 34 Years," *The News International*, October 27 2023.
[410] Qazi Faez Isa is a Pakistani jurist who served as the 29th Chief Justice of Pakistan from 17 September 2023 to 25 October 2024.

"women's rights are being crucified in an unconstitutional and non- Sharīʿah manner,"

Sara Akhtar waited for 34 long years before being granted her inheritance right from her maternal uncle's, (ex-chairman District Council, DG Khan, Sardar Mansoor Ahmed Khan Leghari) property.[411] The Revenue Department of Dera Ghazi Khan has been directed to hand over the possession of 125 acres of land to Sara Akhtar. Furthermore, her uncle has also been ordered to pay her legal costs.[412] During the hearing, Akhtar's lawyer informed the court that his client was a minor when the property was sold. He added that Sardar Mansoor, who was the chairman of the district council, transferred the land to his young children, wife, mother-in-law, and brother-in-law.[413] The lawyer argued that not every instance involved a man snatching a woman's rights. Responding to the arguments of the lawyer, the CJP said that he hasn't come across a case yet where a woman snatched someone's possession.[414]

- **Shamim Aktar Case 2024:**[415] Shamim Akhtar vs. Merhban's Nephew case, decided on September 2024 by Supreme Court of Pakistan. In 1988, after Shamim Akhtar's husband Mehrban passed away, his second wife Aksar Jan's nephews claimed ownership of the land, asserting that it was a gift from their uncle. The dispute dragged on in court for two and a half decades before the SC's verdict finally resolved it, awarding property rights to the rightful owner. A three-member bench led by CJP Isa ruled on this inheritance dispute involving 456 Kanal land in Chakwal.[416] The Supreme Court ordered the land to be transferred to the widow immediately and imposed a fine of Rs. 500,000

[411] Arsalan Khattak, "Supreme Court Finally Settles Property Case after 34 Years," *ProPakistani*, October 27 2023.
[412] International, "Sc Grants Niece Inheritance Right from Uncle's Property after 34 Years."
[413] Khattak, "Supreme Court Finally Settles Property Case after 34 Years."
[414] International, "Sc Grants Niece Inheritance Right from Uncle's Property after 34 Years."
[415] In a case title as "SHMIM AKHTAR VS AKSAR JAN" cited as 2025 S C M R 88.
[416] Amanat Gishkori, "Culture of Denying Women Inheritance Must End: Cjp," *24 News HD*, September 25 2024.

on the opposing party, with the CJP criticising them for infringing on someone's rightful share.[417] If the fine remains unpaid, the revenue department will recover the amount from the property, the SC said. The apex court's head warned the offenders of the consequences in this "world and the afterlife" for producing false witnesses and fabricating testimonies. CJP Isa said while expressing disapproval of the prolonged duration of the case due to unnecessary complications.

> "Enough is enough; the case has been dragged on for 26 years, and whoever wants to unjustly hold onto the property. The culture of depriving women of their inheritance must end."[418]

- **Zaitoon Bibi Case 2022:** The Supreme Court has granted a woman her right to inheritance after 46 years. Zaitoon Bibi, a resident of Dera Ismail Khan (DIK), got the right to her father's property that was denied to her by brothers in 1976.[419] Taking legal action, Zaitoon Bibi had moved to civil court in 2005 against his brothers for occupying her inheritance rights. As the case progressed, in 2012, the sessions court and in 2017, the Peshawar High Court gave a verdict in favour of Zaitoon Bibi.[420] In response, Zaitoon's brothers filed an appeal in the Supreme Court in 2018 against the decision of the High Court.[421] Finally, in a landmark decision, the Supreme Court recognised Zaitoon Bibi's share of her father's property and dismissed the brothers' appeal against the High Court's decision. The petitioners' counsel argued that Zaitoon had gifted her inheritance right to her brothers 46 years ago.[422] Justice Ijazul Ahsan[423] observed that

[417] Ibid.
[418] Ibid.
[419] Express Tribune, "Woman Gets Rightful Share in Inheritance after 46 Years," *Express Tribune*, October 20 2022.
[420] Ibid.
[421] The News International, "Woman Gets Right to Inheritance after 46 Years," *The News*, October 20 2022.
[422] Ibid.
[423] Ijazul Ahsan is a Pakistani jurist who served as a justice of the Supreme Court of Pakistan from 28 June 2016 to 11 January 2024.

Zaitoon Bibi was a minor at that time and asked how a minor could gift her property to her brothers. The court observed that the deal was not transparent and accepted Zaitoon Bibi's inheritance right to her father's property.[424]

2.3.7 Procedural Framework

Under the procedural framework for inheritance rights, one can only claim inheritance after her father's death.[425] The Punjab Land Revenue Act 1967 outlines the regulations for transferring property obtained through purchase, gift, mortgage, inheritance, and other means.[426] Under Islamic inheritance law, the estate is distributed only after meeting three obligations: payment of funeral expenses, settlement of debts, and execution of valid bequests (*waṣiyyah*) within the one-third limit.[427] The remaining estate is then divided among the rightful heirs. In Pakistan, the process of claiming inheritance begins with obtaining several essential documents. First, the legal heirs must acquire the Death Certificate of the deceased from the Union Council using the deceased's CNIC and proof of death.[428] Next, a Family Tree Certification (*Shajra Nasab*) is required to officially identify all legal heirs.[429] Following this, the legal heirs must obtain either a Legal Heir Certificate or a Succession Certificate and Letter of Administration. This certificate, commonly referred to as the '*Wirasatnama*'[430] serves as legal proof of inheritance and can be acquired through the civil court or NADRA

[424] International, "Woman Gets Right to Inheritance after 46 Years."
[425] Yaseen, Shouzab, and Sultan, "Inheritance of a Daughter: An Analysis Based on Islam and Laws Prevalent in Pakistan."
[426] Khan, Khan, and Zahir, "Women's Inheritance Rights: Procedures, Loopholes and Obstacles."
[427] Trey Jackson, "An Examination of the Probate Process and Alternative Estate Distribution Mechanisms," *Available at SSRN 5049911* (2024).
[428] Yaseen, Shouzab, and Sultan, "Inheritance of a Daughter: An Analysis Based on Islam and Laws Prevalent in Pakistan."
[429] *"Inheritance Laws in Pakistan: Understanding Your Legal Rights and Obligations,"* Pakistan Law Bot, accessed July 1, 2025, https://pakistanlawbot.com/inheritance-laws-in-pakistan-understanding-your-legal-rights-and-obligations/.
[430] A wirasatnama is an inheritance certificate issued by a civil court in Pakistan that legally recognizes the heirs of a deceased person and their right to inherit their assets.

under the Succession (Amendment) Act 2021.[431] This is granted once the heirs complete biometric verification and no objections are raised within the 14-day public notice period published in both English and Urdu media.[432] These documents form the foundation of the inheritance claim process

Next, the daughter seeking inheritance must visit the *Patwar Khana*[433] and provide the following documents, (a) Proof of possession by the deceased (such as *khata/fard*[434] number or tax documentation), (b) The death certificate, (c) A succession certificate (issued by NADRA[435], in accordance with the relevant provincial or federal Letters of Administration and Succession Act), (d) An application signed by one legal heir (to initiate succession), (e) An affidavit on stamp paper (stating the number of legal heirs), (f) A family registration certificate (issued by NADRA). The Revenue Officer, *Patwari*[436], then verifies the application by matching his computerized records with the diary. If there are discrepancies between the manual and computerized records, the *Patwari* has the discretion to verify the application. Once the *Patwari* confirms the records, the inheritance mutation is sanctioned and sent to the Naib *Tehsildar*[437], who checks the ownership status of the deceased's property.[438]

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[431] Khan, Khalid, and Rehman, "Women's Inheritance Rights in the West Pakistan Muslim Personal Law, Shariat Act 1962: An Analysis of Practices."
[432] Khalid Zafar Law Associates, "Letters of Administration and Succession Certificates Act, 2021,", https://khalidzafar.com/laws-of-pakistan/letters-of-administration-and-succession-certificates-act-2021/.
[433] An Urdu language term used for an office where government officials sit and keep records regarding the ownership of land
[434] A Fard is an official document that provides detailed information about a piece of land, including its area, location, and ownership details.
[435] The National Database & Registration Authority is an independent and autonomous agency under the control of the Interior Secretary of Pakistan that regulates Government Databases and statistically manages the sensitive registration database of all the National Citizens of Pakistan.
[436] A Government official who keeps records regarding the ownership of land
[437] A Tehsildar is a revenue officer in charge of a Tehsil (administrative area), while a Naib Tehsildar is subordinate to a Tehsildar and refers to a deputy assistant.
[438] Yaseen, Shouzab, and Sultan, "Inheritance of a Daughter: An Analysis Based on Islam and Laws Prevalent in Pakistan."

At that point, the Punjab Land Revenue (Amendment) Act 2012, which modifies the Punjab Land Revenue Rules of 1967, becomes applicable. After confirming that the deceased had a clear title to the property, the Patwari creates a *Shajrah* (family tree) based on his records, registers the *Inteqal* (change of ownership), and begins the process of transferring the land to the legal heirs as stated in the affidavit.[439] At this level, the estate is jointly owned by all heirs. Here, the daughter has the option to either retain her share of the property or yield it to her brothers, depending on her preference.[440] If her brothers do not permit her to claim possession or sell her rightful inheritance, she can file a suit for partition proceedings.[441] However, Pakistan's social structure often discourages women from pursuing legal cases, especially without male guardians.[442] To address this cultural gap, the Punjab Province recently enacted the Punjab Enforcement of Women's Property Rights Act 2021.[443] The legislation allows a woman to file a complaint of unlawful deprivation of her property with the Ombudsperson, provided no proceedings regarding her property are already pending in court.[444] This alternative forum spares women from the difficulties associated with court cases. It is evident that various Islamic principles, state laws, and court decisions work together to protect women's inheritance rights.[445] Nonetheless, the existence of these laws and their effective implementation are two different matters. Procedural shortcomings, inefficiencies, and irregularities often hinder the proper enforcement of both substantive and procedural frameworks.

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[439] Ibid.
[440] Ibid.
[441] Ibid.
[442] Ibid.
[443] Rubab, Malik, and Bakht Aziz, "Do Legal and Institutional Reforms in Punjab, Pakistan Protect Women's Inherited Land Rights?."
[444] Yaseen, Shouzab, and Sultan, "Inheritance of a Daughter: An Analysis Based on Islam and Laws Prevalent in Pakistan."
[445] Khaleel, Ahmed, and Shah, "Critical Discourse Analysis of Pakistani Inheritance Law and Justice System for Women."

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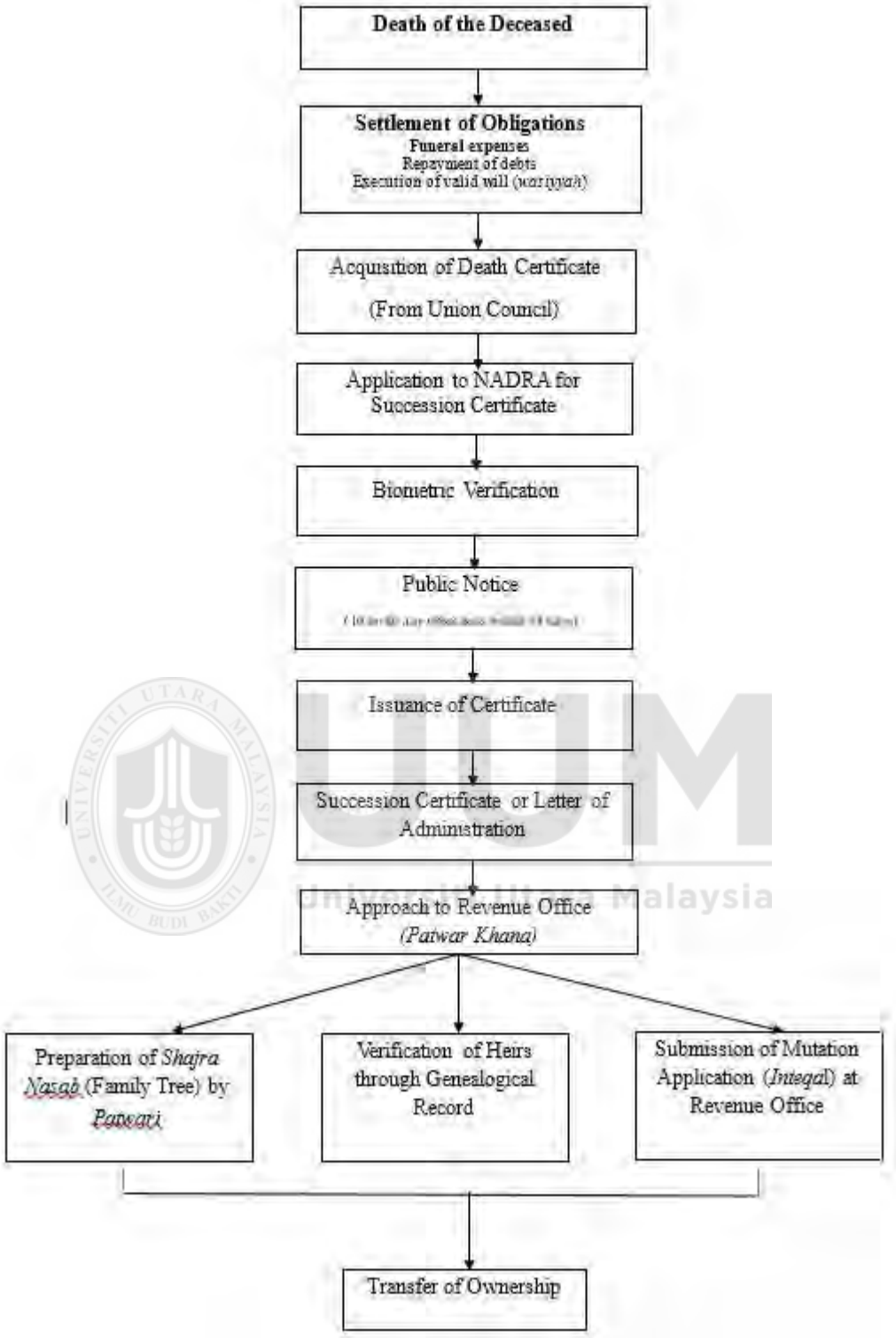


Figure 2.1: Procedure for applying for inheritance in Pakistan[446]

2.3.8 Legal and Procedural Deficiencies

The legislature and courts in Pakistan have largely introduced and interpreted inheritance laws effectively during the country's legal transition.[447] However, there is a significant lack of proper compilation and updating of these laws.[448] This results in complexities that make inheritance laws challenging for both women and legal practitioners to navigate. The primary role of courts is to settle disputes and interpret the law.[449] Inheritance matters are resolved based on the personal law of the parties involved. However, unreasonable delay tactics employed by some parties can lead to cases remaining unresolved for extended periods. Consequently, many claimants do not receive their rightful share of the estate within their lifetime.[450] Moreover, Patwaris, who hold significant clerical authority over inheritance matters, often misuse their power by favouring certain heirs over others.[451] For example, in Punjab, a woman named Shahnaz Bibi reported that Patwaris demanded bribes during her efforts to obtain a land title. She stated,

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> "They would ask for bribes; it was after a great struggle that I bought this [small piece of] land for my children."[452]

Patwaris may unlawfully conspire with some heirs to exclude females from their inheritance.[453] When computerized records do not align with those in the register,

[446]Yaseen, Shouzab, and Sultan, "Inheritance of a Daughter: An Analysis Based on Islam and Laws Prevalent in Pakistan."
[447] Khaleel, Ahmed, and Shah, "Critical Discourse Analysis of Pakistani Inheritance Law and Justice System for Women."
[448] Nisar Ali Khan et al., "Critical Review of Pakistani Current Legislation on Sustainable Protection of Cultural Heritage," *Sustainability* 14, no. 6 (2022).
[449] Jeremy Waldron, "The Rule of Law and the Role of Courts," *Global Constitutionalism* 10, no. 1 (2021).91-105
[450] Yaseen, Shouzab, and Sultan, "Inheritance of a Daughter: An Analysis Based on Islam and Laws Prevalent in Pakistan."
[451] Rubab, "Status of Women Inheritors in Islam: Institutional Hurdles in Punjab, Pakistan."
[452] World Bank, "In Pakistan and Beyond, Land Records Get a Digital Upgrade," World Bank, https://www.worldbank.org/en/news/feature/2017/09/20/in-pakistan-and-beyond-land-records-get-a-digital-upgrade?
[453] Ahmad et al., "Inequality Regimes, Patriarchal Connectivity, and Women's Right to Property Inheritance in Rural Pakistan."

Patwaris often exploit their discretionary power.[454] This collusion by *Patwaris* is a major reason why many inheritance cases remain pending.[455]

There are several shortcomings in the computerized registration systems in Pakistan.[456] Ideally, the authority responsible for recording a transaction should also handle the proper registration of *inteqal* (transfer of ownership). However, this is unlikely due to the dominance of *Patwaris* over *inteqal* registration.[457] Public announcements[458] in Newspapers are intended to inform the public, but people often choose local newspapers over prominent regional or national ones to avoid alerting additional potential heirs.[459] Moreover, women's lack of awareness contributes to women being less informed about inheritance matters, sometimes resulting in the unintentional forfeiture of their inheritance.[460] Social constraints are as significant as legal ones. Sometimes, dowry is used as an excuse to deny daughters their inheritance.[461] Additionally, men often take possession of the most fertile land, leaving less valuable plots for their sisters.[462] The absence of in-person verification by Revenue Officers fosters fraudulent and discriminatory practices.[463] Some men bring random women, disguised in veils, to offices, claiming they are their sisters who have willingly

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[454] Muhammad Ahsan Rana and Muhammad Nadeem Malik, "Friendly Fire," *The Pakistan Development Review* 60, no. 2 (2021).153-74
[455] Shahzad, "Public Perception Vs. Practice: Tracing Muslim Women's (Dis) Inheritance in Punjab, 1526-Present."
[456] Muhammad Irfan Khalid et al., "Blockchain-Based Land Registration System: A Conceptual Framework," *Applied Bionics and Biomechanics* 2022 (2022).
[457] Khan, Khan, and Zahir, "Women's Inheritance Rights: Procedures, Loopholes and Obstacles."
[458] In Pakistan it is a legal practice that, a newspaper advertisement is required for the *inteqal* (transfer) of property, the purpose of this is giving seven days to public to raise any claims regarding that property.
[459] Yaseen, Shouzab, and Sultan, "Inheritance of a Daughter: An Analysis Based on Islam and Laws Prevalent in Pakistan."
[460] Rubab, Malik, and Bakht Aziz, "Do Legal and Institutional Reforms in Punjab, Pakistan Protect Women's Inherited Land Rights?."
[461] Rifat Akhter, "Denying the Daughters: A Cross-National Study of Factors That Impact Women's Right to Inheritance," *The International Journal of Interdisciplinary Social and Community Studies* 18, no. 1 (2022).33
[462] Yaseen, Shouzab, and Sultan, "Inheritance of a Daughter: An Analysis Based on Islam and Laws Prevalent in Pakistan."
[463] Afzal, M. (2021, November 20). Personal Communication (Telephonic Conversation with Patwari).

surrendered their property.[464] This fraudulent consent denies actual female heirs their rightful inheritance.

2.4 Conclusion

Before Islam, women in many societies were often excluded from inheritance rights, and inheritance was usually reserved for male relatives. In pre-Islamic Arabia, women were not granted inheritance rights, and their property and assets were usually inherited by male relatives. Women were also often considered the property of their male relatives and had limited control over their own lives. However, after the advent of Islam, inheritance rights for women underwent a significant change. Islamic law grants women the right to inherit from their parents, spouses, and other family members. The Qur'ān states that a woman is entitled to one-half of the share of an equivalent male heir in most cases. This change in inheritance law represented a significant shift in the social status of women in Islamic societies. By granting women the right to inherit property and assets, Islamic law recognized their economic and social contributions to their families and communities.

Building upon these Islamic principles, Pakistan has developed its legislative framework to regulate inheritance in accordance with Sharī'ah while also incorporating state laws. The legislative framework governing inheritance in Pakistan includes a blend of Islamic principles, state laws such as the Succession Act 1925, the Punjab Land Revenue Act 1967, the Punjab Enforcement of Women's Property Rights Act 2021, and amendments like the Punjab Land Revenue (Amendment) Act 2012. Additionally, the Muslim Family Laws Ordinance 1961 and the West Pakistan Muslim Personal Law (Shariat) Application Act 1962 play crucial roles in shaping inheritance

[464] Afzal, M. (2021, November 20). Personal Communication (Telephonic Conversation with Patwari).

rights and ensuring adherence to Islamic jurisprudence. Despite these robust legal provisions, systemic inefficiencies, procedural irregularities, and entrenched societal norms continue to impede true gender equity in inheritance matters. Addressing these issues requires not only legal reforms but also increased legal awareness, social change, and robust enforcement mechanisms to ensure that women in Pakistan can fully exercise their inheritance rights. Ensuring proper registration practices, enhancing the accessibility of legal processes, and fostering a supportive environment for women are essential steps towards achieving meaningful progress in this area.

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CHAPTER THREE

CUSTOMARY PRACTICES IN PAKISTAN AND THEIR IMPACT ON WOMEN'S INHERITANCE RIGHTS

3.1 Introduction

In a common phrasing, inheritance means the form of property that an heir receives from an ancestor under the inheritance law.[465] Women in Islam have the right to inherit property left over by their forefathers.[466] Despite this clear right, traditional customs significantly impact its implementation, so the right of women to inherit is often denied in practice.[467] In particular, the tribal viewpoint of social structure, particularly in rural Pakistani society, denies women this essential right because it is governed by patriarchal ideas and male heirs.[468] As a result, women are socially and economically disadvantaged, with limited options due to their lack of access to manage and own property.[469] Even in cases where property is owned by women, the male members of society tend to hold actual power over it.[470] Additionally, women require the consent of the male members of their family to sell their property, further limiting their autonomy. Similarly, property is often recorded in the names of women, but they do not actually receive or control it.[471] The way society is structured and the way people accept these norms make it even harder for women to claim their inheritance rights in

[465] Novi Muharam and Suparno Suparno, "The Analysis of Inheritance Property Distribution in the Perspective of Minangkabau Customary Law and Islamic Law" (paper presented at the Proceedings of the First Multidiscipline International Conference, MIC 2021, October 30 2021, Jakarta, Indonesia, 2022).
[466] Mohd Anuar Ramli et al., "Women's Right of Inheritance in Islam: Between the Sharia Provision and Demand of Socio-Cultural Changes," *Khazanah Hukum* 5, no. 2 (2023).171-82
[467] Khaleel, Ahmed, and Shah, "Critical Discourse Analysis of Pakistani Inheritance Law and Justice System for Women."
[468] Ibid.
[469] Agarwal, Anthwal, and Mahesh, "How Many and Which Women Own Land in India? Inter-Gender and Intra-Gender Gaps."
[470] Shehzadi Zamurrad Awan, "Role of Civil Society in Empowering Pakistani Women," *South Asian Studies* 27, no. 2 (2020).
[471] Tabbasum, "Inheritance Rights of Women: Laws and Practices in Punjab."

Pakistan. People's beliefs and attitudes on management, ownership, and women's inheritance rights are influenced by social normative order and recognized customary practices.[472] Patriarchal culture[473], norms, and traditions have deprived women of access to possession, property, and land-dwelling.[474] As a result, the essential idea of the family as a social unit is weakened if women are denied the opportunity to inherit from their parents due to their gender. As a consequence, women's deprivation of inheritance rights weakens their economic, social, and political participation, leading to a broader societal imbalance. The rejection of the rights of a woman to inherit is becoming a serious societal issue in Pakistan, particularly when daughters are starved of inheritance rights offered by their parents. This chapter will explore how cultural practices, tribal customs, and patriarchal norms influence women's inheritance rights in Pakistan.

Moreover, this chapter explores the issue of women's inheritance rights in Punjab, Pakistan, focusing on the socio-cultural and legal dimensions that impact their ability to claim these rights. It is based on empirical research conducted through interviews with key stakeholders, including Islamic scholars, legal practitioners, women affected by inheritance disputes, and men. During the course of conducting the fieldwork and engaging directly with respondents, the researcher came to realize that the issue of women's inheritance rights in Pakistan is far more complex than it initially appears. While a significant number of women do give up their inheritance, my encounters also revealed another dimension: some women attempt to assert their rights but face numerous hurdles and obstacles along the way. This realization shaped the direction of

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[472] Ahmad, "Attitudes Towards Women's Rights to Inheritance in District Lakki Marwat, Pakistan."
[473] Patriarchal culture refers to system, rules, or customs that favour men and reinforce male dominance in society. This often limit women's rights, including their ability to own property, inherit wealth, or make independent decisions.
[474] Ahmad et al., "Inequality Regimes, Patriarchal Connectivity, and Women's Right to Property Inheritance in Rural Pakistan."

this chapter. Beyond recording data, it became an exercise in listening, observing, and feeling the weight of the realities these women lived. Their experiences reflect a struggle that is often silenced, either through societal pressures that push them toward waiving or through structural barriers that make the act of claiming extremely difficult. Therefore, this chapter seeks to gather, interpret, and evaluate these experiences. Together, these provide insight into the ways women navigate between surrender and resistance in the broader socio-legal context of Pakistani society.

3.2 Customary Practices Regarding Inheritance

Customary practices play a significant role in shaping inheritance arrangements in many parts of Pakistan, often operating alongside or in place of formal legal and Islamic provisions. These practices are deeply rooted in local traditions, social norms, and family structures, and frequently prioritise male authority and lineage continuity. As a result, women's inheritance rights are commonly restricted, delayed, or entirely denied through socially accepted customs. The following sub-sections examine specific customary practices related to inheritance and analyse their impact on women's access to their rightful shares.

3.2.1 Customary Laws

Customs can be defined as the adoption of customary practices and behaviours passed down from generation to generation that have become the rule of the community.[475] Customary law refers to long-standing practices and norms that acquire legal recognition and enforceability through consistent usage and acceptance by a community or legal system.[476] When rules and regulations emerge within the

[475] Asoka Kumar Sen, "Defining Custom," *INDIGENOUS AFFAIRS* (2012).44
[476] Werner F Menski, *Comparative Law in a Global Context: The Legal Systems of Asia and Africa* (Cambridge University Press, 2006).

community, such practices and customs become essential to the community's identity. Customary property rights systems are frequently referred to as informal or genuine systems that emerged in communities based on the concept of local laws.[477] The sources of customary laws can be understood as sets of traditional rules and norms considered intrinsic to tribal communities.[478] Tribal customary law represents patterns of behaviour practiced by individuals and groups across generations.[479] These laws derive their strength from the habitual obedience of community members.[480] Customs and practices tend to favour male-centric and patrilineal inheritance interests. This male dominance can be viewed as a form of violence, as it places women at a significant disadvantage regarding land rights. Consequently, women are the economically weaker section of society.[481] This dilemma also perpetuates women's subordinate position in society.[482] Customary laws are paramount among communities, but women do not benefit from these laws. Instead, women remain governed by the archaic system of customary laws of their tribe, despite constitutional provisions aimed at gender equity.

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Although women demand equal inheritance rights, customary laws are often reinterpreted in ways that maintain male dominance, creating barriers to gender equity.[483] The patriarchal ethos of customary law ignores gender justice, affecting the management and control of natural resources, including land. In conflicts between

[477] USAID, "Study on Women and Property Rights: Project Best Practices," ed. United States Agency for International Development (.gov) (2006).
[478] Manfred O Hinz, "Customary Law and the Environment" (paper presented at the Environmental law and policy in Namibia, 2022).
[479] Rai, "Property Inheritance Laws of Women in Tribal Societies: A Case Study of Sikkim."
[480] Partha S Ghosh, *The Politics of Personal Law in South Asia: Identity, Nationalism and the Uniform Civil Code* (Routledge India, 2018).
[481] Rai, "Property Inheritance Laws of Women in Tribal Societies: A Case Study of Sikkim."
[482] Urusa Mohsin, *Women's Property Rights in India: With Latest Amendment and Cases* (Kalpaz Publications, 2010).
[483] Rai, "Property Inheritance Laws of Women in Tribal Societies: A Case Study of Sikkim."

formal and customary laws, formal laws tend to be uniformly applied, but laws alone are inadequate to secure women's rights.[484]

3.2.1.1 Customary Laws in Pakistan in Relation to Inheritance

Pakistan's inheritance laws are founded on Islamic principles, but the distribution of property has long been impacted by cultural customs and customary laws.[485] These traditions favour male heirs in many tribal and rural areas, effectively denying women any inheritance rights. Even though they listen to and know about religion, they deal with issues like women's inheritance rights through their own traditions and customs. Although people in Pakistani society are aware that Islam commands providing women with a fair share of inheritance, in practice, family property distribution often follows customary norms rather than religious directives.[486] In many cases, religious principles regarding women's inheritance rights are overlooked, resulting in women being denied their rightful shares. In many land- and asset-rich regions of Pakistan, this Islamic injunction is often ignored. As a result, daughters and sisters are denied their rightful inheritance, provided they agree to support male ownership and control of family property.[487] It is very uncommon for a woman to hold a share in household property. A survey shows that 97 % of women in Pakistan do not inherit land or property, while men inherit at much higher rates, highlighting the widespread exclusion of women from inheritance.[488] Such traditional and social structures of property inheritance ensure male governance, thus limiting women's rights.[489] Tribal societies share similar experiences

[484] Forster and Sagade, *Women's Human Rights in India*.
[485] Ahmad et al., "Inequality Regimes, Patriarchal Connectivity, and Women's Right to Property Inheritance in Rural Pakistan."
[486] Ibid.
[487] Parveen Gul, Ms Bushra Zeb, and Ms Kainat, "Women's Property and Inheritance Rights in Pakistan: A Legal and Socio-Cultural Analysis," *PAKISTAN JOURNAL OF LAW, ANALYSIS AND WISDOM* 4, no. 6 (2025).
[488] Sharmila Faruqi, "Women's Unfinished Struggle for Inheritance Rights in Punjab," *The News International*, March,26 2025.
[489] Poonam Pradhan Saxena, "Succession Laws and Gender Justice," in *Redefining Family Law in India* (Routledge India, 2020).

concerning the inheritance of property rights, where tribal women typically do not inherit land.[490] Customary law does not recognize women's property rights, as patriarchal societies often do not permit such rights.[491] The rationale for denying property rights to women often includes preventing land fragmentation and shortages in agricultural holdings.[492]

As a result, the prevalent set of known customary values in this rural area leads to gender discrimination in relation to land rights and establishes a system of treating women as legal minors in society, which prohibits them from entering into contracts, purchasing property, or disposing of it.[493] In most cases, this discriminatory attitude towards women is reinforced by the concepts of endogamy, exchange marriage, and dowry, which prevent them from succession and inheritance. Endogamy is the practice of marrying people from your clan, caste, and social group.[494] This tradition has been followed for centuries by different communities, religious groups, and royal families around the world. It became deeply rooted in the subcontinent and is still common today.[495] Similar to this, an exchange marriage, known as "*Watta Satta"* in the local language, is a marriage in which a family gives a female member to a man from a different household and returns the favour by giving a female member to a man from the original family.[496] Dowry, on the other hand, is a stipulated quantity of estate, cash, and goods that, in traditional societies, a wife or her family, as a premortem inheritance, pays her husband when they marry.[497] In order to preserve and strengthen the bonds of

[490] Rai, "Property Inheritance Laws of Women in Tribal Societies: A Case Study of Sikkim."
[491] Ibid.
[492] Saxena, "Succession Laws and Gender Justice."
[493] Ahmad et al., "Inequality Regimes, Patriarchal Connectivity, and Women's Right to Property Inheritance in Rural Pakistan."
[494] Muhammad Rizwan Safdar et al., "An Assessment of the Structural Relationship between Determinants and Implications of Caste-Based Endogamy in Pakistan," *International Social Science Journal* 72, no. 243 (2022).S
[495] Safdar et al., "Socioeconomic Determinants of Caste-Based Endogamy."
[496] Ahmad et al., "Inequality Regimes, Patriarchal Connectivity, and Women's Right to Property Inheritance in Rural Pakistan."
[497] Batool, "Dowry, Female Inheritance Share and Social Prestige: A Case Study of Village Maingan, District Chakwal."

kinship, endogamous and exchange marriages typically occur in clans, similar races, and joined family systems. As a result, these practices are also realized as a form of kinship formation, cultural preservation, and grouping. However, these types of marriages, as well as the practice of dowry, are major contributors to avoiding the distribution of a family's financial assets, particularly women's property inheritance in rural areas.[498] In the focused zone, owning property is seen as a symbol of honour, strength, and respect for families and clans. Generally, the public has a deep respect for a family that has a lot of property.[499] As a result, the elders of the family are thought to be in charge of ensuring the property's survival, and it is regarded as a family right. In this rural culture, there is also a great deal of respect for their elders, family members, and peers. In order to prevent the division of the family's assets, an elder's first choice for a son's spouse is thought to be his close relatives, or cousins of his son, i.e. *biradary*[500] in the local language.[501] Then, under rural customs, women are required to pay a dowry (wedding gift), which is neither mandated by Islam nor a legally binding contract, when making marriage decisions. In this particular area, this illegitimate and unfounded custom is regarded as an excellent substitute for female inheritance, although it is a temporary subsidy and not as valuable as real inheritance. The local Punjab expresses a strong preference for it and has a widespread belief in dowry compared to the legal heritage. Thus, these attitudes and methods are deeply ingrained in this community in order to achieve high social status and a position in the established social setup, as well as to preserve the property, which represents the strength and

[498] Ahmad et al., "Inequality Regimes, Patriarchal Connectivity, and Women's Right to Property Inheritance in Rural Pakistan."
[499] Ibid.
[500] *Biradari* is a social class system that's based on ethnicity and occupation. The term comes from the Persian word Baradar, which means "brother".
[501] Ahmad et al., "Inequality Regimes, Patriarchal Connectivity, and Women's Right to Property Inheritance in Rural Pakistan."

integrity of a family.[502] The data shows that women face family-related challenges in securing their property rights, as it is common in this rural region for them to give up their property claims to male relatives. If a woman asks to acquire her property in a family, the whole family, at first, condemns her for disregarding the male's respect in the family, and then, every member of the family, even her mother and sisters, starts preventing all kinds of connection with her and even restricts their children from going to her home.[503] Property matters can sometimes lead to long-term family disputes; therefore, in order to avoid such circumstances, women give up all claims to the property. Conversely, some women recognize the contributions of male family members by taking care of their children, sponsoring them, giving them security, and all the things they need when they get married, and voluntarily giving up their property to their siblings. These two-dimensional attitudes were expressed by a group of respondents that included both highly educated and low-educated women. One respondent said that,

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> I did not demand property from my family as I have a good relationship with them, and claim that claiming property inheritance may lead to a strained relationship between our families.[504]

On the contrary, in the remaining two cases, they said that we claim our share, but the males in our family did not properly accommodate our demands.[505] Therefore, in both situations, the rights of women are constrained by the customary laws and values that are in place. In rural areas, gender-based discrimination in families also makes it difficult for women to assert and obtain their rights to inherit property. At birth, sons

[502] Ibid.
[503] Ibid.
[504] Interview with Respondent no.1, on 23rd January, 2023.
[505] Interview with two Ladies having their court case regarding their inheritance share.

are always chosen over daughters because it is believed that boys will ensure the family's financial stability, whereas women bring significant financial responsibilities to their parents, marry into other families, and give their in-laws their share of the family's property.[506] As a result, men are respected and have the right to all family perks and advantages, while women are not supported by their families and are not given access to their due rights. Girls in Punjab are raised with the specific belief that men are their guardians and protectors and that they must rely on male members of their family.[507] As a result, women who are socialized into patriarchal social structures develop a strong sense of loyalty to their families, as well as to their norms and values. And this bond between them and their families provides males a privileged position, which they exploit by prohibiting women from questioning family norms and values, even raising the issue of their inheritance, because males' honour is based on the actions of their family's women.[508] This is why, despite knowing their rights and supporting modern ideas, the majority of women strictly adhere to traditional cultural norms and abandon their property rights to the discretion of their families.[509] Empirical evidence shows that women in Pakistan continue to face significant barriers in claiming their legally guaranteed inheritance rights.[510] National survey results indicate that an overwhelming proportion of women, approximately 97 %, did not inherit land or

[506] Ahmad et al., "Inequality Regimes, Patriarchal Connectivity, and Women's Right to Property Inheritance in Rural Pakistan."
[507] Ibid.
[508] Ibid.
[509] Ibid.
[510] Fauzia Viqar, "To Claim or Not to Claim," *The News International* 2024.

property, highlighting systemic exclusion despite statutory and Islamic provisions for inheritance for female heirs. In Punjab specifically, more than 7,000 women have lodged legal claims for inheritance since 2021, with over 3,000 cases still unresolved and involving property valued in the billions of rupees, illustrating the persistence of structural and procedural obstacles in practice.[511] On the contrary, women who claim legal inheritance rights are often perceived as greedy, selfish, and lacking empathy for their natal family, causing family conflicts.[512] This perception shows that cultural settings and traditional practices remain obstacles to women inheriting property rights.

3.2.2 A Comparative Analysis of Customary and Statutory Laws

In Pakistan, customary laws and statutory laws significantly differ in their treatment of women's inheritance rights. Although Pakistan's legal system upholds Islamic inheritance laws, in reality, traditional customs often dictate inheritance distribution. Women are often denied their fair share by customary laws that have their roots in patriarchal norms, resulting in a discrepancy between the law and practice.[513] Customs, norms, and traditional values are practices that are frequently followed by communities in their daily lives, and the continuous practice of such conventional values becomes customary law.[514] One could contend that customary laws are a composite of different behaviours that have been passed down, seen, transformed, acquired, and accepted.[515] Customary laws show "flexibility" in the sense that they developed in response to

[511] Faruqi, "Women's Unfinished Struggle for Inheritance Rights in Punjab."
[512] Forster and Sagade, *Women's Human Rights in India*.
[513] Rai, "Property Inheritance Laws of Women in Tribal Societies: A Case Study of Sikkim."
[514] Ibid.
[515] Rachael S Knight, "Statutory Recognition of Customary Land Rights in Africa: An Investigation into Best Practices for Lawmaking and Implementation," *FAO Legislative Study*, no. 105 (2010).

changes in the economic, social, and political environments.[516] Customary laws have been challenged and have flaws in many areas, such as the system of inherited land. It does not acknowledge a woman's ability to inherit land or own property.[517] In most developing countries, 90% of property transactions are still governed by customary laws.[518] Customary practices, particularly in rural and tribal areas, often deny women their rightful inheritance despite Islamic and legal provisions ensuring their share. For instance, traditions like *Haq Bakshwana*[519] (where women are pressured to renounce their inheritance), *Watta Satta* and *Vani* (forced marriages to retain family property),[520] and *Jirga* or *Panchayat* decisions frequently override legal rights, depriving women of their due share.

On the other hand, written laws or formal laws that are implemented by a central or local government define the statutory system.[521] Statutory laws are official state regulations established and enacted by government legislatures to serve the public interest. According to Merriam-Webster, statutory law is defined as

> "The law that exists in legislatively enacted statutes, especially as distinguished from common law."[522]

Possession of property and other resources is guaranteed by statutory laws as well as by customary laws of local communities. Statutory laws explicitly protect women's inheritance rights. For example, the Muslim Personal Law (Shariat) Application Act,

[516] USAID, "Study on Women and Property Rights: Project Best Practices."
[517] Tiernan Mennen, "Customary Law and Land Rights in South Sudan," *Oslo: Norwegian Refugee Council* (2012).
[518] Knight, "Statutory Recognition of Customary Land Rights in Africa: An Investigation into Best Practices for Lawmaking and Implementation."
[519] Polok, "Influence of Islamic Law, Social Customs and Practices on the Women's Inheritance Rights in Pakistan."
[520] Anbreen Bibi et al., "Womens' Inheritance Right in Jeopardy: Assessing the Socio-Economic and Cultural Factors Hindering Womens' Right to Own Land," *Indian Journal of Economics and Business* 20, no. 4 (2021).197-227
[521] USAID, "Guide to Rule of Law Country Analysis," ed. United States Agency for International Development (.gov) (2009).
[522] Merriam-Webster.com Legal Dictionary, s.v. "statutory law," accessed March 3, 2025, https://www.merriam-webster.com/legal/statutory%20law.

1962, enforces Islamic inheritance laws, ensuring that daughters, wives, and mothers receive their prescribed shares.[523] Additionally, the Enforcement of Women's Property Rights Act, 2021, strengthens these rights by allowing women to seek legal remedies if they are unlawfully deprived of their inheritance.[524] Although statutory laws are based on equality principles, a lack of understanding of their provisions, as well as a lack of enforcement at the local level, continues to undermine women's rights.[525] Along with this statutory laws provide a clear framework for women's inheritance, customary laws continue to challenge their practical implementation, highlighting the ongoing struggle between tradition and legal enforcement.

3.2.3 Distinguishing Culture and Religion in Islamic Jurisprudence

Islamic jurisprudence can only be understood in the context of the distinction between and the relationship of culture and religion. Religion is a system of beliefs, practices, and values centred around the worship of a higher power or divine being.[526] Culture is the shared customs, traditions, languages, and social behaviours of a particular group of people.[527] The Qur'an praises racial, ethnic, and other forms of diversity, and hadith (reported statements of the Prophet) emphasize the equal status[528] of all human beings.[529] Due to this, jurists have encouraged many civilizations to preserve their

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[523] Khan, Khalid, and Rehman, "Women's Inheritance Rights in the West Pakistan Muslim Personal Law, Shariat Act 1962: An Analysis of Practices."
[524] Provincial Assembly of the Punjab, "The Punjab Enforcement of Women's Property Rights Act 2021."
[525] Rai, "Property Inheritance Laws of Women in Tribal Societies: A Case Study of Sikkim."
[526] Hillary P Rodrigues and John S Harding, *Introduction to the Study of Religion* (Routledge, 2023).
[527] Stella Aririguzoh, "Communication Competencies, Culture and Sdgs: Effective Processes to Cross-Cultural Communication," *Humanities and Social Sciences Communications* 9, no. 1 (2022).1-11
[528] See Al-Qur'an 4:1, 6:98, 7:189; Khutbat al-Wadaa' by the Prophet Muhammad (PBUH) stated: O People, all believers are siblings. Your God is one and your father is one. You are all from Adam and Adam is from dust. The most favoured amongst you in the sight of God is the one who is most pious; no Arab is favoured over a non-Arab except on the basis of piety.
[529] Hassan Ibrahim Hassan, *Tarikh Al-Islam* 7* ed. ed., vol. 1, 186 (Cairo: Maktabat al-Nahda alMisriyyah 1964).

cultural identities by incorporating their conventions into their legal systems.[530] The only criterion for such inclusion was that these rituals were consistent with the fundamental teachings of Islam.[531] In case cultural customs are inconsistent, they should be abandoned.[532] This strategy allowed several Islamic civilizations to flourish, all of which shared the same fundamental religious law but had unique cultural traditions.

Religion as outlined in the Qur'an *Surah An-Nisa* 4:7, 4:11-12, grants women a fixed share of inheritance. According to Islamic rulings, a daughter receives half the share of a son.[533] A wife receives one-eighth of her husband's estate if they have children, and one-fourth if they do not.[534] A mother receives one-sixth if her deceased child has children, and one-third if the deceased had no children.[535] These rules are divinely ordained and cannot be altered by human customs or cultural practices. However, despite these clear Islamic rulings, cultural norms in Pakistan often deprive women of their rightful inheritance due to patriarchal traditions.[536] For example, in many rural and feudal areas, families discourage or even forbid daughters from claiming inheritance, fearing property division or loss of land control. In addition, some families pressure women to "voluntarily" forgo their shares in favour of male relatives.[537] Furthermore, in some areas, traditions like forcing women to renounce their inheritance are practiced, which has no basis in Islam. Moreover, to prevent land from transferring outside the

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[530] Mohammad Hashim Kamali, "Principles of Islamic Jurisprudence (the Islamic Texts Society)," *Terj. Noorhaidi, Prinsip dan Teori-Teori Hukum Islam (Ushul al-Fiqh)* (1991).
[531] Azizah Yahia Al-Hibri, "Muslim Womens Rights in the Global Village: Challenges and Opportunities," *Women and islam: Critical Concepts in Sosiology. London & New York: Routledge* (2005).449-66
[532] Azizah Yahia Al-Hibri, "Muslim Womens Rights in the Global Village: Challenges and Opportunities," *Women islam: Critical Concepts in Sosiology. London*
New York: Routledge (2005).
[533] The Qur'ān;*Sūrah al-Nisā', 4: 11*
[534] The Qur'ān;*Sūrah al-Nisā', 4: 11*
[535] The Qur'ān;*Sūrah al-Nisā', 4: 11*
[536] Hazir Ullah, Umar Daraz, and Raza Ullah, "Women's Right to Inheritance: Challenging Cultural Barriers through Education in Khyber Pakhtunkhwa, Pakistan," *Pakistan Journal of Social Issues* (2023).
[537] Rubab et al., "Issues of Information Literacy in South Punjab, Pakistan: An Analysis of Women's Inheritance Deprivation through the Theory of Manufactured Consent."

family, women are sometimes forced into cousin marriages or denied inheritance altogether.[538]

While discussing the socio-cultural structure and religious teachings on inheritance, the majority of studies have criticized the discriminatory structure in these cultures and have acknowledged Islam's commandments.[539] It is often argued that Islam is the only religion that empowers women economically and gives them status and position in society. However, society tends to reject all of the teachings that protect women's interests.[540] Furthermore, due to the conservative mindset in Punjab's culture, women are often not given the recognition they deserve as individuals. Instead, they are primarily confined to domestic responsibilities.[541] There is a need to change social structures to eliminate all forms of discrimination against women.

3.2.4 Patriarchy in Pakistani Culture

The term patriarchy refers to a type of social organisation in which the male is the head of the family.[542] This word primarily refers to male dominance and power by which men subjugate women, and characterizes a system in which women are kept subordinated in a number of ways.[543]

Pakistani society reflects entrenched patriarchal norms, granting men greater authority and privilege, which tends to restrict women's rights.[544] From inheritance and education

[538] Bibi et al., "Womens' Inheritance Right in Jeopardy: Assessing the Socio-Economic and Cultural Factors Hindering Womens' Right to Own Land."
[539] Abdul Rasool et al., "Hurdles to Women's Inheritance Rights among Various Societies of Pakistan (a Sociological Investigation)," *European Journal of Agricultural and Rural Education* 2, no. 4 (2021).
[540] Ibid.
[541] Ibid.
[542] Mohammad Mushfequr Rahman, "Why Society Needs Patriarchy: A Scientific and Social Justification," *Social Sciences* 10, no. 5 (2021).229
[543] Nde Paul Ade, "Rethinking the Implications of the Patriarchic System of Male Dominance and Female Subordination in the Twenty First Century," *International Journal of Sustainability Management and Information Technologies* 5, no. 1 (2021).1-6
[544] Ahmad et al., "Inequality Regimes, Patriarchal Connectivity, and Women's Right to Property Inheritance in Rural Pakistan."

to employment and political participation, women are deliberately marginalized, often denied autonomy over their own lives. Despite legal protections, outdated customs and societal biases continue to deprive women of their rightful place, reinforcing a cycle of oppression.[545] The pervasive influence of patriarchy ensures that men's voices dictate decisions, while women are expected to submit, silenced by tradition and fear. Without radical societal change, gender equity remains an elusive dream in Pakistan.

Women typically do not inherit property due to the deeply rooted patriarchal structure of the region, which oppresses women while promoting men's interests.[546] This severely restricts women's access to various occupations, keeping them in a lower status, while male family members maintain control over essential resources and the means of livelihood.[547] Women's dependence on men reinforces their marginalization, leaving them vulnerable to economic and social oppression.[548] The patriarchal system cannot operate in a vacuum; Punjab's social practises are firmly rooted in the culture, which promotes patriarchal beliefs. The rights guaranteed by religion are rarely enforced, and customs or traditions take supremacy.[549]

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3.2.4.1 Patriarchal System and Inheritance Rights of Women

Under Islamic law, women in Pakistan are entitled to inherit property, yet due to their subordinate position in society, they are often unlikely to receive their rightful share.[550] More importantly, very few women assert their legal rights to inheritance, either due to

[545] Ahmad et al., "Inequality Regimes, Patriarchal Connectivity, and Women's Right to Property Inheritance in Rural Pakistan."
[546] Zulfiqar, "Inequality Regimes, Patriarchal Connectivity, and the Elusive Right to Own Land for Women in Pakistan."
[547] Rasool et al., "Hurdles to Women's Inheritance Rights among Various Societies of Pakistan (a Sociological Investigation)."
[548] Ibid.
[549] Hannelie J Wood, "Gender Inequality: The Problem of Harmful, Patriarchal, Traditional and Cultural Gender Practices in the Church," *HTS Teologiese Studies/Theological Studies* 75, no. 1 (2019).
[550] Khaleel, Ahmed, and Shah, "Critical Discourse Analysis of Pakistani Inheritance Law and Justice System for Women."

social pressures, lack of awareness, or family constraints.[551] In Pakistan, cultural laws, traditions, and social norms often prevent women from gaining equitable access to and control over assets. Land is typically passed from father to son, leaving women with little to no control over property.[552] As a result, in many cases, they are deprived of their rightful inheritance. This exclusion from property ownership is one of the key factors contributing to their lack of involvement in decision-making.[553] This strengthens men's control over family matters, giving them full power over money and property. As a result, it creates social divisions, increases gender gaps, and leads to inequality in society.[554] This reflects what Walby (1990)[555] conceptualizes as "patriarchy," a system of social structures in which men dominate women through control of resources, authority, and cultural norms.[556] The majority of respondents agreed that patriarchy perpetuates gender inequality regarding inheritance rights. For instance, tribal communities are structured as joint families, and the male head of the family has supreme power in decisions regarding the partition of any property.[557] In such families, women do not have control over property and are ultimately dependent on the male members of their family and their decisions.[558] In this sense, men are seen as the breadwinners[559] and active participants in family and public affairs, and as such,

[551] Ibid.
[552] Naz et al., "Social and Cultural Challenges to Women's Property and Inheritance: A Study of District Dir Lower Khyber Pakhtunkhwa."
[553] Ibid.
[554] Ahmad et al., "Inequality Regimes, Patriarchal Connectivity, and Women's Right to Property Inheritance in Rural Pakistan."
[555] S Walby, "Theorizing Patriarchy. Cambridge, Ma: Basil Blackweel," (Inc, 1990).
[556] Zareena Qasim, Muhammad Afzal, and Faizan Ali, "Patriarchal Subjugation of Women in Sabyn Javeri's Hijabistan: A Feminist Perspective," *Journal of Applied Linguistics and TESOL (JALT)* 7, no. 4 (2024).171-81
[557] Rai, "Property Inheritance Laws of Women in Tribal Societies: A Case Study of Sikkim."
[558] Ibid.
[559] Amna Khan and Raana Malik, "Male Perspective on Construction of Masculinity: Issues and Challenges in Lahore," *Journal of Social Sciences Review* 3, no. 1 (2023).737-46

they should have greater rights to enjoy property and inheritance and make decisions in this area at their own discretion, which devalues women's opinions on these matters.[560]

It is evident that men dominate the power structure in Punjabi society, leaving women with little influence or decision-making authority. In line with Walby's framework, this concentration of authority in men's hands shows how patriarchal structures in family and property institutions work to marginalize women systematically.[561] The male dominance of the power structure has been identified as a factor in women's exclusion from decisions pertaining to inheritance and property.[562] According to the respondents, men are viewed as the legitimate heirs of the family in Punjabi social structures, making them the controllers of the property and influencing women's destiny in a variety of ways.[563] The goal of stealing inheritance is simple greed and the need to protect patriarchal beliefs by preventing women from gaining any socioeconomic power. To prevent controversy and maintain family support, daughters provide such privileges to brothers.

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3.2.5 Cultural Narratives used for Denial of Women's Inheritance Rights

In Pakistan, inheritance laws are heavily influenced by cultural narratives and religious beliefs. Unfortunately, these cultural narratives are often used to deny women their rightful share of inheritance. One of the most common justifications is the belief that women are not capable of managing their own property or finances.[564] This belief is based on the idea that women are inherently emotional and therefore not suited for

[560] Naz et al., "Social and Cultural Challenges to Women's Property and Inheritance: A Study of District Dir Lower Khyber Pakhtunkhwa."
[561] Qasim, Afzal, and Ali, "Patriarchal Subjugation of Women in Sabyn Javeri's Hijabistan: A Feminist Perspective."
[562] Zulfiqar, "Inequality Regimes, Patriarchal Connectivity, and the Elusive Right to Own Land for Women in Pakistan."
[563] Khaleel, Ahmed, and Shah, "Critical Discourse Analysis of Pakistani Inheritance Law and Justice System for Women."
[564] Bibi et al., "Womens' Inheritance Right in Jeopardy: Assessing the Socio-Economic and Cultural Factors Hindering Womens' Right to Own Land."

making financial decisions.[565] This mindset is deeply rooted in Pakistani society and frequently serves as a reason to exclude women from their inheritance.

Another widespread notion is that women are not entitled to property because they will eventually get married and leave their natal home.[566] According to this narrative, women are seen as temporary members of the family and, therefore, do not deserve a share of the family's property. In Punjabi culture[567], daughters are viewed as "others' wealth" since it is assumed that they will move out and live with their future husbands, leaving their parents alone.[568] As was already said, there is a traditional preference for a son to inherit the family home and property because there is an honour associated with it. Here, the patriarchal interests are served by the interactions between societal norms and patrilineal lineage[569]. These stories are all interconnected and woven together in complex social realities. These ideas are especially prevalent in rural areas of Pakistan, where traditional gender roles are still deeply entrenched.

Additionally, women are often denied inheritance on the grounds that they are already financially supported by their husbands or other male family members.[570] This assumption disregards the fact that many women may have no independent means of support.[571] These cultural narratives are deeply problematic, as they perpetuate gender inequality and deny women their fundamental human rights. Despite efforts to reform inheritance laws in Pakistan, these narratives continue to persist, leaving many women deprived of

[565] Jessica M Salerno, Liana C Peter-Hagene, and Alexander CV Jay, "Women and African Americans Are Less Influential When They Express Anger During Group Decision Making," *Group Processes & Intergroup Relations* 22, no. 1 (2019).57-79
[566] Beatrice Moring, *Women and Family Property* (Taylor & Francis, 2024).
[567] The culture of Punjab is called “Punjabi culture”.
[568] Tabassum, "Gender Differences in Perceptions Regarding Victimizing Potential of Social Practices of Dowry and Watta Satta on Pakistani Women."
[569]Sarah Zaman, *Forced Marriages and Inheritance Deprivation in Pakistan: A Research Study Exploring Substantive and Structural Gaps in the Implementation of Prevention of Anti-Women Practices Act, 2011, in Six Select Districts of Pakistan* (Aurat Foundation, 2014).
[570]Rubab, Rahat, and Yunus, "Convergence of Private and Public Patriarchy: Challenges of Safe Spaces and Places for Women Claimants of Inheritance in Punjab, Pakistan."
[571] Ibid.

their legal entitlements. The patriarchal structure of Pakistani society frequently favours men, thereby undermining women's rights and limiting their inheritance claims.[572] These cultural narratives perpetuate gender inequality and deny women their fundamental rights.

3.2.6 Customary Practices Restricting Women's Inheritance Rights

Customary practices are informal, socially accepted traditions and behavioral norms that regulate social relations within families and communities, even though they are not formally codified as law.[573] Various customary practices also play a significant role in restricting women's inheritance rights in Pakistan. These practices are often justified as ways of preserving family honour or protecting property from leaving the natal household. Practices such as marriage with the Qur'an, *watta satta* (exchange marriages), and forced marriages illustrate how social customs are strategically employed to prevent women from accessing their rightful shares of property.

3.2.6.1 Marriages with the Holy Qur'an

Marriages with the Holy Qur'an are a strange custom.[574] Women who are "married to the Holy Qur'an" live isolated, single lives during which they study and pray the holy books.[575] The decision to marry a girl to the Qur'an in Pakistan is often motivated more by economic considerations than religious ones. The high cost of a daughter's wedding is a significant financial burden for families, and marrying a woman outside the family with inheritance further reduces family wealth. In such cases, women are wed to the Qur'an, ensuring that their property remains within the family and, upon their death, is

[572] Ahmad et al., "Inequality Regimes, Patriarchal Connectivity, and Women's Right to Property Inheritance in Rural Pakistan."
[573] Sally Engle Merry, "Legal Pluralism," *Law & society review* 22, no. 5 (1988).
[574] Polok, "Influence of Islamic Law, Social Customs and Practices on the Women's Inheritance Rights in Pakistan."
[575] Mohamed Hoosain Sungay, "Do Women Face Discrimination under the Islamic Law of Succession? An Examination of the Male-Preferential 2: 1 Rule of Inheritance," *Law, Democracy and Development* 27 (2023).450-67

inherited by their closest relatives.[576] However, due to the sensitive nature of the topic, it is difficult to find reliable information about how common this practice is. M. A. Chaudhary describes the process of marrying into the Holy Qur'an as follows:

> "In the presence of her close family members, like her mother, her father, or her brothers and sisters, a woman will place her hand onto the book to dedicate her life to the service and recital of the Holy Qur'an rather than ever marrying a human being. The ceremony took place after the girl of the family was asked to take a bath, after which a Quran was put before her as the menfolk apologized to her for the ritual, which would condemn the girl never to get married but to read the Quran every day.[577]

The marriage ceremony with the Qur'an deprives women of all fundamental rights, forces them to remain chaste, and denies them the opportunity to start a family for a lifetime.[578] The custom of marrying women to the Holy Qur'an is entirely against Islamic teachings and the spirit of Islam.[579] It is practiced solely to prevent the division of family property among female relatives.[580] In this context, the government received a recommendation from the Council of Islamic Ideology that a penalty of imprisonment for life must be the punished for marriages based on the Qur'an. The Council believes that this practice is equivalent to blasphemy.[581] Similarly, the Criminal Law (Amendment) known as the Prevention of Anti-Women Practices Act 2011, was enacted to prohibit practices that deprive women of their rights, including disinheritance. Under this Act, Section 498C specifically prohibits the practice of marrying a woman to the Holy Qur'an.[582] It states that

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[576] Rahul K Gairola and Sharanya Jayawickrama, *Memory, Trauma, Asia: Recall, Affect, and Orientalism in Contemporary Narratives* (Routledge, 2021).
[577] M Azam Chaudhary, "A Woman's Marriage to the Quran. An Anthropological Perspective from Pakistan," *Anthropos* 106, no. 2 (2011).411-22
[578] Karin Carmit Yefet, "What's the Constitution Got to Do with It-Regulating Marriage in Pakistan," *Duke J. Gender L. & Pol'y* 16 (2009).347
[579] Shabana Kausar, Erum Iftikhar, and Ali Raza Laghari, "Use of Digital Technology in Providing Women's Inheritance Rights under Islamic Law," *Human Nature Journal of Social Sciences* 3, no. 3 (2022).207-15
[580] Ibid.
[581] Nasir Iqbal, "Cii Okays Draft Bill to Stop Marriage with Quran," *Dawn, June* 17 (2005).
[582] Kausar, Iftikhar, and Laghari, "Use of Digital Technology in Providing Women's Inheritance Rights under Islamic Law."

> Whoever compels, arranges, or facilitates such a marriage shall be punished with imprisonment of not less than three years and up to seven years, along with a fine of five hundred thousand rupees.

Marriage with the Holy Qur'an is a freak custom of Pakistan that mocks not only the institution of marriage itself, but also breaches the teachings of Islam and basic human rights. In many parts of Pakistan, specifically in the Province of Sindh, marriages based on the Holy Qur'an are most common.[583] As Respondent No. 1 highlighted this cultural practice during the interview, she said;

> The cultural practice of marrying daughters to the Holy Qur'an still exists in some parts of Pakistan, particularly in areas of Sindh. This practice is primarily used as a means to deprive women of their share in family inheritance.[584]

This tradition, however, deprives women of their basic rights, imposes celibacy upon them, and permanently denies them the opportunity to establish a family and have children. Although this practice is gradually diminishing, it is difficult to find more instances due to existing taboos and legal prohibitions, yet occasional press reports shed light on women married to the Holy Qur'an.[585]

3.2.6.2 Exchange Marriages and Forced Marriages

In many Muslim societies, the custom of exchanging brides within the family is common as a way to protect inherited property.[586] The exchange marriage, or *watta satta*[587], usually occurs between two related families.[588] In Pakistan's rural areas, it is

[583] Mazhar Abbas, Minha Fazal, and Muhammad Yasin Shafique, "Women's Land Rights in Pakistan: Laws, Policies, and Practices," *Pakistan Social Sciences Review* 9, no. 1 (2025). 433-44
[584] Interview with Respondent no. 1, on 23rd January,2023.
[585] Polok, "Influence of Islamic Law, Social Customs and Practices on the Women's Inheritance Rights in Pakistan."
[586] Tabassum, "Gender Differences in Perceptions Regarding Victimizing Potential of Social Practices of Dowry and Watta Satta on Pakistani Women."
[587] Watta satta or shighar is an exchange marriage common in Pakistan and Afghanistan. The custom involves the simultaneous marriage of a brother-sister pair from two households.
[588] Tabassum, "Gender Differences in Perceptions Regarding Victimizing Potential of Social Practices of Dowry and Watta Satta on Pakistani Women."

estimated that one-third of marriages are contracted in this manner.[589] This custom is especially prevalent in the Punjab[590] and Sindh[591] provinces. When a brother and sister engage in *watta satta*, they typically marry a related pair of siblings;[592] the key objective of this kind of marriage is to keep property inside the family's boundaries.[593] According to data from a survey conducted in Pakistan's rural districts, only 28% of women in these types of marriages got their fair share of inheritance.[594] According to the same study, 78% of women in non-watta satta marriages received their share of inheritance, while only 22% were denied it.[595] Apart from the obvious injustice of such a situation, which prevents both couples from freely choosing a spouse, these relationships also have additional adverse effects.[596] Watta satta is frequently regarded as a form of sexual abuse against women who are treated just as reproductive objects.[597] In such a relationship, a husband who misconduct his wife can expect his brother-in-law to do the same to his sister.[598] In turn, the collapse of one relationship automatically dissolves the other one, even if the other couple has a happy marriage.[599] Exchange marriages are regarded as unworthy, but to avoid disputes, the parents believed that neither daughter would claim her share in inheritance.[600] A gender expert said that "to

[589] In rural and tribal areas, more than 50% of marriages are concluded between first- and second-degree cousins. The Pakistan Household Survey (PRHS-II) report reveals that 78% of marriages in Pakistan are between relatives and 10% between people of the same caste or tribe.
[590] Roomana Naz Bhutta et al., "Dynamics of Watta Satta Marriages in Rural Areas of Southern Punjab Pakistan," *Open Journal of Social Sciences* 3, no. 12 (2015).166
[591] Polok, "Influence of Islamic Law, Social Customs and Practices on the Women's Inheritance Rights in Pakistan."
[592] Abbas, Fazal, and Shafique, "Women's Land Rights in Pakistan: Laws, Policies, and Practices."
[593] Abdul Ahmad Rasool, Izhar Khan, Muhammad Irfan Veesar, Sanaullah "Hurdles to Women's Inheritance Rights among Various Societies of Pakistan (a Sociological Investigation)," *European Journal of Agricultural Rural Education*
2, no. 4 (2021).33-38
[594] Mahtab Ahmad, Moazma Batool, and Sophia F Dziegielewski, "State of Inheritance Rights: Women in a Rural District in Pakistan," *Journal of Social Service Research* 42, no. 5 (2016).622-29
[595] Ibid.
[596] Tabassum, "Gender Differences in Perceptions Regarding Victimizing Potential of Social Practices of Dowry and Watta Satta on Pakistani Women."
[597] Ibid.
[598] Ibid.
[599] Hanan G Jacoby and Ghazala Mansuri, "Watta Satta: Bride Exchange and Women's Welfare in Rural Pakistan," *American Economic Review* 100, no. 4 (2010).1804-25
[600] Rubab, "Women's Rights of Inheritance: Practices and Challenges in Punjab."

avoid the division of property, often intermarriages are held within the family. Women do not demand their shares in case of swap marriages".[601]

Similarly, forced marriages are marriages in which one or both parties do not give their full and free consent to the marriage.[602] Forced marriages can be used as a means of securing property and controlling women's inheritance rights.[603] In Pakistan, women may be forced into marriages to secure their family's economic future, or they may be married off to relatives to consolidate family assets.[604] In the same way, widows in Pakistani society typically do not inherit anything from their late husbands, and if they do, they are often forced into marrying their husband's brother or another close relative to keep the inheritance within the family.[605] Those who resist forced marriages may face violent threats or even death. One participant from a previous study,[606] a graduate student from Lahore, recounted how she was called home under the pretext of attending her sister's wedding, only to discover that it was her own marriage. Despite resistance, she was forced to marry her illiterate cousin to ensure that ancestral land remained within the family, as her relatives feared that unrelated in-laws might claim her share of inheritance. She eventually escaped to a shelter home in Lahore, where she is seeking legal aid for divorce. She expressed living in constant fear of being located by her family and subjected to retribution through honour killing.[607]

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[601] Munazza Mubarak et al., "Rethinking of Women Empowerment in Pakistan; Dimensions and Trends Related to Female in District Rawalpindi," *Pakistan Vision* 21, no. 1 (2020).1
[602] Zaman, *Forced Marriages and Inheritance Deprivation in Pakistan: A Research Study Exploring Substantive and Structural Gaps in the Implementation of Prevention of Anti-Women Practices Act, 2011, in Six Select Districts of Pakistan.*
[603] Ibid.
[604] Ibid.
[605] Michael Ndisika and Monday Abiola, "Widows'perception of Widow Inheritance in Benin City, Edo State, Nigeria," *SAPIENTIA FOUNDATION JOURNAL OF EDUCATION, SCIENCES AND GENDER STUDIES* 4, no. 1 (2022).
[606] Rubab, "Women's Rights of Inheritance: Practices and Challenges in Punjab."
[607] Ibid.

3.2.6.3 *Haq Bukhshwana* (Waiver of Inheritance)

Some tribes in the provinces of Balochistan, Khyber Pakhtunkhwa Province, and Sindh follow a tradition known as *haq bukhshwana*.[608] To do this, the future bride must formally inform her family that she is waiving her inheritance right.[609] It is a common misconception that women who assert their right to inherit are ungrateful, immoral, and intolerant of traditional practices.[610] If a woman refuses to give up her inheritance rights, it is seen as an insult to the family's honour, and she may be executed in a specific practice known as "*karo kari,*"[611] or honour killing.[612] In fact, *kari* is a practice prevalent in interior Sindh, involves the killing of women as a means to deprive them of their rightful inheritance. In some cases, women who demand their inheritance are falsely accused of having illicit relations with an unseen man and are subsequently declared Kari (dishonourable women) alongside an invisible Karo (dishonourable man).[613] In Punjab, however, women typically imprint their thumbs on an official form that is left blank and filled in by male relatives, thereby relinquishing their inheritance.[614]

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3.2.7 Overall Status of Women in Pakistani Society

Since ancient times, women have been denied fundamental rights such as access to education and property ownership.[615] In Pakistan, Islamic laws serve as the foundation for all standards and guidelines.[616] On the other hand, there are a few traditions and

[608] Polok, "Influence of Islamic Law, Social Customs and Practices on the Women's Inheritance Rights in Pakistan."
[609] Abbas, Fazal, and Shafique, "Women's Land Rights in Pakistan: Laws, Policies, and Practices."
[610] Rubab and Ahmed, "Women's Right of Inheritance: Choices and Challenges in Punjab."
[611] Honour killings in Pakistan are known locally as *karo-kari* (کاروکاری)
[612] Abbas, Fazal, and Shafique, "Women's Land Rights in Pakistan: Laws, Policies, and Practices."
[613] Ibid.
[614] Ibid.
[615] Salma Nawaz, Mouna Koser, and Malik Shahzad Shabbir, "The Conceptual Framework of Study to Analyze the Status of Women in Pakistani Family System," *Pakistan Journal of Educational Research* 4, no. 4 (2021).
[616] Abida Mumtaz et al., "Islamic Law and Constitutionalism in Pakistan: Exploring the Role of Sharia in Constitutional Development," *International Journal of Innovative in Social Science and Humanities* 1, no. 1 (2024).24-31

customs that contradict the Islamic laws that are commonly practiced.[617] In Pakistan, social examples prevent women from fully exercising their legitimate and religious rights as guaranteed by law and Islamic teachings. In Pakistan, women's status varies due to the influence of gender along with different forms of social exclusion. The status of women varies significantly between urban and rural areas, social classes, and regions due to unequal social and economic factors, including feudal systems.[618] Nevertheless, women's situation compared to men remains one of fundamental subjugation, shaped by the forces of patriarchy across different regions (both urban and rural) and social classes. The social as well as traditional setting of the society in Pakistan is primarily man-centric. One key reason for this is the lack of skills, few job opportunities, and social restrictions, which make it hard for women to work and be independent. This situation has led to women's social and financial dependence, allowing men to dominate in all aspects of society.[619] However, patriarchy does not affect all societies in the same way. The level and form of women's oppression vary based on factors such as urban and rural differences and social class.

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In Pakistan, cultural norms prevent women from using their legal and religious inheritance rights, which are guaranteed by the law and Islam. Although Pakistan is an Islamic state, its concept of women's rights is based on cultural norms and conventions.[620] Legal and religious protections and measures do not penetrate the social structure because parallel justice institutions like *panchayats*[621] and *Jirgas*[622] are

[617] Nawaz, Koser, and Shabbir, "The Conceptual Framework of Study to Analyze the Status of Women in Pakistani Family System."
[618] Ibid.
[619] Ibid.
[620] Polok, "Influence of Islamic Law, Social Customs and Practices on the Women's Inheritance Rights in Pakistan."
[621]Panchayat is an indigenous local-level governing body of the Indian sub-continent. In Pakistan, post 1947 it continued. A number of them are run by local elites, feudal lords and the powerful, often run the Panchayats. These bodies are not accountable to anyone and do enjoy unlimited power in the rural areas over under-privileged sections of society like women, low ranking clan members, landless tenets etc.
[622] Jirga is an assembly of rural set-up, in the *Pashtun/Pakhtoon* belt of Pakistan and Afghanistan. It is also important to note that there are three types or levels of jirgas: a *maraka* (local jirga), a *qawmi* (tribal jirga) and a loya jirga (national assembly)

generally indifferent to women's issues and complaints.[623] Consequently, both legal and religious protections fail to create a meaningful impact on societal structures. For example, in many families, daughters are pressured to forgo their inheritance in favour of their brothers,[624] even though Islamic law grants them a rightful share. Fear also hinders women from claiming their rights.[625] When an individual stands up for their rights against the tribe's or community's established standards, these groups illegally punish them.[626] Thus, Islam, the religion of peace and equality, is overshadowed by the malevolence of local culture. Although certain regions (such as FATA and PATA)[627] have accepted this type of tribal judicial system by constitutional law, it is present illegally throughout Pakistan. [628] In such areas, formal judicial institutions lack authority over a Jirga judgment, and fundamental rights guaranteed by the Constitution are violated. These Jirgas act against the interests of women, and their choices are frequently based on obious bias and prejudice against women.[629]

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3.3 Factors That Lead Women To Waive Their Inheritance Rights

Although Islamic teachings and Pakistani laws clearly grant women the right to inherit, the reality in Punjab often reflects otherwise. Many women either receive less than their prescribed share or willingly forgo it altogether.[630] This section examines the reasons

[623] Saima Murtaza Pandhiani, "Women in Pakistan: A Review of Socio Cultural Forces & Education."
[624] Rubab et al., "Issues of Information Literacy in South Punjab, Pakistan: An Analysis of Women's Inheritance Deprivation through the Theory of Manufactured Consent."
[625] Ibid.
[626] Farzana Bari and Saba Gul Khattak, "Power Configurations in Public and Private Arenas: The Women's Movement Response," *Power Civil Society in Pakistan* 217 (2001).
[627] Federally Administered Tribal Areas (FATA) and the Provincially Administered Tribal Areas (PATA)
[628] Zeeshan Ashraf, Mohammad Azam Hussain, and Ain Husna Mohd Arshad, "Jirga and Panchayat for the Resolution of Family Disputes in Pakistan: An Analytical Prospects," *Pakistan Journal of Criminology* 15, no. 3 (2023).
[629] Ibid.
[630] Haque et al., "Women Rights to Inheritance in Muslim Family Law: An Analytical Study."

behind such waivers, which are deeply rooted in socio-cultural, familial, and emotional pressures.

A majority of women lack awareness of their legal and religious entitlements,[631] leaving them dependent on the information provided by male relatives. In many cases, they are persuaded to relinquish their share in exchange for promises of continued support or under threats of forced marriage to relatives, ensuring that property remains within the family.[632] Cultural practices such as equating dowry with inheritance further reinforce this deprivation, despite having no basis in Islamic law.[633] Women are also socialized from an early age to view their brothers as protectors and providers, which fosters emotional dependence and a fear of family conflict if they claim their rights.[634] As a result, many women voluntarily give up property they both need and deserve.

The discussion below explores these factors in greater detail, highlighting how limited knowledge, cultural traditions, and emotional attachments collectively compel women to waive their inheritance rights.

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3.3.1 The Culture of Waiving Off

Before this study further unveiled the reality behind factors as well as challenges faced by women in Pakistan when claiming inheritance, it is noteworthy to begin by saying that forgoing inheritance rights is a widespread cultural practice among women in this country. This practice is commonly regarded as the culture of ‘waiving off’. This

[631] Batool, "Dowry, Female Inheritance Share and Social Prestige: A Case Study of Village Maingan, District Chakwal."
[632] Adeel Abid, Zeeshan Hyder, and Afrasiab Ahmed Rana, "Deprivation of Women's Inheritance Rights in Pakistan: Islamic Provisions, Judicial Pronouncements and Social Barriers," *Competitive Research Journal Archive* 3, no. 02 (2025).55-66
[633] A dowry that is not allowed in Islam is one that is demanded by the groom's family or is given under duress or coercion. In Pakistani culture, dowry refers to the tradition where the bride's family provides gifts, including cash, jewellery, clothing, and household items, to the groom's family as part of the marriage arrangement. While dowry is not mandated by Islam, it has become a deeply ingrained social custom in Pakistan, often seen as a way to express the bride's family's status and ability to provide for the couple.
[634] Bahrami-Rad.

phenomenon is deeply rooted in traditional societal norms, where women often do not claim, or even consider claiming, their legal share of inheritance from their family.[635] Many women justify this practice by referring to generational precedent, stating that if their grandmothers and mothers did not assert their inheritance rights, they too feel obligated to follow the same path.[636] This cultural continuity reflects the powerful influence of familial and societal expectations, which discourage women from exercising their legal entitlements.[637] Respondent No. 17 explains this reality in such a way that;

> Women often waive their rights voluntarily, because at the end of the day, money is temporary, but relationships with parents and sisters are for life.[638]

For decades, history has shown that socio-cultural traditions have had a negative impact on the growth of women's empowerment in our modern era, particularly in the areas of inherited property ownership.[639] Due to prevailing cultural and traditional practices, women are denied the opportunity to inherit property and are prevented from holding any possessions. Respondent No. 16 highlighted the socio-cultural environment that discourages women from claiming their inheritance rights, stating that,

> Women often refrain from asserting their share to avoid creating conflict with relatives such as brothers and sisters. Women are reluctant to upset their parents, as societal norms in Pakistan foster an environment where asserting such rights is seen as inappropriate or disrespectful.[640]

[635] Khawar Mumtaz and Meher Noshirwani, "Women's Access to Inheritance and Rights in Pakistan," (Shirkat Gah – Women's Resource Centre, 2013).
[636] Rubab, "Women's Rights of Inheritance: Practices and Challenges in Punjab."
[637] Mumtaz and Noshirwani, "Women's Access to Inheritance and Rights in Pakistan."
[638] Interview with Respondent no. 17, on 21st January,2023.
[639] Abubakar Nazeer Choudhry, Rozita Abdul Mutalib, and Nur Syakiran Akmal Ismail, "Socio-Cultural Factors Affecting Women Economic Empowerment in Pakistan: A Situation Analysis," *International Journal of Academic Research in Business and Social Sciences* 9, no. 5 (2019).90-102
[640] Interview with Respondent no. 16, on 19th January,2023.

Whereas women are officially allowed to inherit by Islamic law and national rules in Pakistan, yet data indicate that up to 97% of women are deprived of their inheritance in practice.[641] It is also important to highlight here that these women accept exclusion from inheritance as a prevailing culture of the society. According to research published in 2008 by the National Commission on the Status of Women and the United Nations Development Programme (UNDP), 50.6% of Pakistani women agreed to be barred from inheritance, with 97% of women from Punjab and 100% from Baluchistan.[642] Respondent No. 5 pointed out a key reason why women often forgo their inheritance rights, stating:

> Daughters feel ashamed, thinking their parents have already done too much for them, so they no longer have the right to claim inheritance.[643]

She emphasized that this mindset is reinforced by longstanding family traditions and unnecessary rituals, which have been passed down through generations and continue to hinder women from claiming their rightful share. In the 17th and 18th centuries in the United States, a woman's personal belongings were passed to her spouse upon marriage. The woman had no authority to use or dispose of her property without her husband's approval.[644] A similar belief still exists in contemporary Muslim societies, such as Pakistani society, that women do not have the authority to inherit property and manage it according to their will.[645] The denial of a woman's inheritance rights is emerging as a significant societal issue in Pakistan, especially when daughters are not

[641] National Institute of Population Studies - NIPS/Pakistan and ICF, "Pakistan Demographic and Health Survey 2017-18," (Islamabad, Pakistan: NIPS/Pakistan and ICF, 2019).
[642] Ibid.
[643] Interview with Respondent no. 5, on 17th January,2023
[644] Marylynn Salmon, *Women and the Law of Property in Early America* (UNC Press Books, 2016).
[645] Haque et al., "Women Rights to Inheritance in Muslim Family Law: An Analytical Study."

allowed to inherit what is left by their parents. As Respondent No. 6 highlighted a prevailing family custom regarding inheritance, noting that,

> There is no concept of granting women their share," she said. "No female member of my family has ever received or even demanded her inheritance rights to this day. It shows how deeply rooted this practice is in our society.[646]

Traditional norms and the socio-cultural system do not promote women inheriting property. Even culturally, it is sometimes regarded as disgraceful for women to ask their brothers for inheritance property, unless it is offered.[647] Respondent No. 7 reflected on her reaction to the inheritance rights, stating that she and her sisters never felt the need to formally discuss the matter. She explained,

> My elder brother is very kind; he helps us with everything. That's why we never brought up the issue. Why should we take the land? It's about emotional connection. When he takes care of all our needs, how can we then ask him for a share in the land? We have willingly given it to him and have no regrets.[648]

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Respondent No. 9 described her reaction when her brother approached her to discuss her inheritance rights. She stated that after consulting with her husband and children, who advised against claiming the share due to their stable financial condition, she willingly relinquished her inheritance and transferred the property rights to her brothers. She explained that, by the grace of Allah (SWT), they already had substantial financial resources, and therefore she saw no need to claim her share.[649]

3.3.2 Illiteracy and Lack of Awareness

[646] Interview with Respondent no. 6, on 5th January,2023
[647] Khan et al., "The Right of Women in Property Sharing in Bangladesh: Can the Islamic Inheritance System Eliminate Discrimination?."
[648] Interview with Respondent no. 7, on 3rd January,2023
[649] Interview with Respondent no. 9, on 28th December,2022

In Pakistan, women's understanding of their inheritance rights is often limited, partly because they do not have access to clear and reliable information on the subject.[650] Although those women who are educated or belong to religious backgrounds have an Islamic view of female inheritance. Respondent No. 3 highlighted the point of illiteracy and lack of awareness among Pakistani women regarding their inheritance rights.

> The majority of women are not adequately informed about their legal entitlements, and that awareness is largely confined to those who have acquired religious education or possess a deeper understanding of the Qur'an.[651]

Another interviewee, Respondent No. 11, echoed the same perspective, stating that

> Only women who come from religious backgrounds or have received an Islamic education are generally aware of the inheritance rights granted to them under Islamic law.[652]

On the contrary, inadequate knowledge of Islam is often riddled with misconceptions regarding the female right of inheritance under Sharī'ah law. A limited number of women possess a comprehensive understanding of inheritance laws, while the majority have only a superficial awareness, often restricted to the commonly known ratio of one-half for females compared to males. Respondent No. 15 reflected on the general level of understanding among Pakistani women regarding inheritance. She stated:

> Like every second woman in Pakistan, I also have very limited knowledge. I only know that a woman receives one share and a man receives two, that is, women are entitled to half of what men inherit.[653]

[650] Bibi and Bangash, "Denial of Women's Inheritance Rights in Pakhtun Society: A Study of Socio-Cultural Values and Customary Practices."
[651] Interview with Respondent no. 3, on 2nd February,2023
[652] Interview with Respondent no. 11, on 2th February,2023
[653] Interview with Respondent no. 15, on 10th February,2023

In addition to general unawareness, illiteracy, and lack of awareness about institutional mechanisms are significant barriers to women's rights in Pakistan, including their inheritance rights. A small number of women are aware of the legal bindings associated with inheritance, but they are only aware of a few laws regarding inheritance.[654] Many women in Pakistan are illiterate and cannot access legal information or services.[655] Respondent No. 22, while sharing her personal experience related to legal proceedings, highlighted the challenges women face in asserting their rights. She stated,

> I am an educated woman, yet when I filed a case to claim my inheritance rights, I encountered significant difficulties in navigating legal procedures and understanding complex legal terminology." She further remarked, "Then I thought, if it was this difficult for me, how much more challenging must it be for a laywoman or someone with limited education in Pakistan?[656]

According to a report by the United Nations Development Programme (UNDP), the female literacy rate in Pakistan is 45.8%, compared to a male literacy rate of 72%.[657] This lack of literacy can prevent women from accessing information about their rights, including their inheritance rights, and from accessing legal services to claim their inheritance. Many women in Pakistan are not aware of the institutional mechanisms available to them to claim their inheritance.[658] This lack of awareness can prevent women from accessing these mechanisms and can result in them being denied their inheritance.[659] Women in Pakistan are not aware of the legal provisions that protect their inheritance rights, such as the Muslim Family Laws Ordinance and the Protection of Women's Rights Bill. This lack of awareness can prevent women from claiming their

[654] Result of responses from interview of female respondents
[655] Fozia Naseem, Farhana Nosheen, and Nazia Malik, "Women Economic Empowerment in Pakistan: A Critical Analysis of Legal Framework," *Pakistan Journal of Social Research* 3, no. 3 (2021).77-88
[656] Interview with Respondent no. 22, on 5th March,2023
[657] Samina Sadia Umme Salma, "Educational Rights of Women in Perspective of Islam Review of Educational Policies of Pakistan Planning and Implication Flows," *AL-QAWĀRĪR* 2, no. 3 (2021).1-10
[658] Asmao Diallo, "Mali's Land Tenure Systems: An Assessment of Small-Scale Female Farmers' Plot Proprietorship and Legal Rights" (Doshisha University, 2022).
[659] Mumtaz and Noshirwani, "Women's Access to Inheritance and Rights in Pakistan."

inheritance and can result in them being denied their rightful share of property. Furthermore, insufficient awareness about religious values is a significant factor that hinders women's ability to inherit after their parents pass away.[660] Most women don't know they have inheritance rights.[661] Even if they do, they often do not know how much they should get or how to get it.[662] This is especially true for women from tribes or communities where men usually inherit most of the property.

In predominantly Muslim areas, some women believe that any portion they receive from an estate fulfils their Qur'anic entitlements.[663] However, those from families with limited knowledge of Islam may not comprehend their entitled shares. Both a lack of religious understanding and misconceptions about justice in Islam contribute to some women adopting a fatalistic attitude.[664] Instead of asserting their entitlements, they resign themselves to their disinheritance, hoping for compensation from God in the Hereafter.[665] It is common to hear statements like, "I leave everything for Allah (SWT) to adjudge for me," reflecting a willingness to relinquish rights in favour of divine judgment.[666]

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As we can see, even in the twenty-first century, in certain Muslim countries such as Bangladesh and Pakistan, women often face discrimination in terms of inheritance rights.[667] Nonetheless, several Muslim-majority countries, such as Turkey and Tunisia, have made efforts to reform inheritance laws to promote gender equality. However,

[660] Rubab, Parveen, and Usman, "Islamic Law of Inheritance: Awareness among Women of Punjab."
[661] Hashmi et al., "Examining Some Misconceptions About Islamic Women's Rights from Pakistan's Perspective."
[662] Rubab, Parveen, and Usman, "Islamic Law of Inheritance: Awareness among Women of Punjab."
[663] Ally Moza, "The Inheritance Rights of Muslim Women in Kenya: Reality or Rhetoric?" (University of Nairobi, 2020).
[664] Batool, "Dowry, Female Inheritance Share and Social Prestige: A Case Study of Village Maingan, District Chakwal."
[665] Moza, "The Inheritance Rights of Muslim Women in Kenya: Reality or Rhetoric?."
[666] Ibid.
[667] Nadia Agha, "Rural Pakistani Women in Context: Patriarchy and Poverty," in *Kinship, Patriarchal Structure and Women's Bargaining with Patriarchy in Rural Sindh, Pakistan* (Springer, 2021). 11-40

these initiatives have faced resistance, partly due to differing interpretations of *Sharī'ah* and a lack of contextual understanding of the rights that Islam grants to women.[668]

3.3.3 Social Pressures

The study discovers that on many occasions, women face significant social pressure to relinquish their rightful claims of inheritance. This pressure commonly originates from multiple sources, including societal norms, immediate family members, and extended relatives, particularly when a woman seeks to assert her legal entitlements to inherited property. Respondent No. 21, whose mother has an ongoing inheritance case, shared her experience during the interview. She stated,

> We belong to a village, and when we filed the case in court, our relatives and members of the community urged us to withdraw it. They said it was not appropriate to pursue legal action and insisted that the matter should be resolved through mutual consultation at a Panchayat (Alternate Dispute Resolution). They assured us they would speak to the opposing party on our behalf.

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She further explained that after these negotiations, the opposing party agreed to provide a compensation amount and pressured her to withdraw the case:

> Although we received some payment," she added, "it did not match the actual value of the property. [669]

Studies have shown that in some regions, male relatives influence or pressure women into giving up their rightful share of inheritance.[670] If a woman demands the right to own property, it is regarded as unethical and a sin. She is seen as a rebellious lady and deprived of her parents' and brothers' love for the rest of her life.[671] Respondent No.

[668] Budi Juliandi, "Demanding Equal Inheritance Rights for Women: Tension among Shari'a and Tunisia's New Constitution 2014," *Al-Ahkam: Jurnal Ilmu Syari'ah dan Hukum* 7, no. 2 (2022).177-88
[669] Interview with Respondent no.21, on 10th January,2023
[670] Mubarak et al., "Rethinking of Women Empowerment in Pakistan; Dimensions and Trends Related to Female in District Rawalpindi."
[671] Rubab and Ahmed, "Women's Right of Inheritance: Choices and Challenges in Punjab."

19 highlighted the societal stigma attached to women who assert their right to own property. He explained that,

> When a woman demands her rightful share, it is often perceived as unethical, and she is subjected to negative labelling. Society tends to view such women as greedy, thereby discouraging them from claiming their inheritance rights.[672]

Even if she inherits property, she may gift it to her male relative because good relations with male kin are considered a safety net in the case of future financial issues.[673] Male members of the family, regardless of age or relation, are deemed the head of the family; they have the sole ability to make all choices, while women, as daughters, sisters, wives, and mothers, stay under the male's guardianship.[674] As a result, strategically, girls are bound to remain submissive and quietly follow the norms established by male members of the family.[675] Emphasizing the deep-rooted gender norms in society, Respondent No. 12 remarked,

> Mothers taught their daughters from childhood that they were born to follow, while their sons were raised to believe they are leaders and authoritative.[676]

It is widely agreed that women are denied the right to own land titles, that they are exploited over land inheritance, and that they are expected and sometimes pressured to give up their property inheritance rights in favour of male family members.[677] It has been noticed that the head of the family transfers property to male members during his lifetime, excluding women, with the fear that this property will be transferred to their

[672] Interview with Respondent no. 19, on 3rd March,2023
[673] Rubab and Ahmed, "Women's Right of Inheritance: Choices and Challenges in Punjab."
[674] Ifeoma Peace Okafor et al., "“Men Are the Head of the Family, the Dominant Head”: A Mixed Method Study of Male Involvement in Maternal and Child Health in a Patriarchal Setting, Western Nigeria," *Plos one* 17, no. 10 (2022).e277059
[675] Ibid.
[676] Interview with Respondent no. 12, on 2nd January,2023.
[677] Mumtaz and Noshirwani, "Women’s Access to Inheritance and Rights in Pakistan."

husbands, who belong to other families.[678] Respondent No. 15 interviewed shared her personal account of gender-based exclusion from inheritance within her family. She explained that;

> My grandfather, who owned only a single house, transferred the property exclusively to his four sons during his lifetime, while his two daughters were excluded. The justification given was the limited value of the property, which was deemed insufficient to be divided among all heirs.[679]

As property is considered a symbol of dignity and respect in the community, they refuse to offer their property to other families.[680] Some families offer alternative forms of support to women, such as access to education or material gifts on special occasions, instead of granting them their rightful share of inheritance. [681] Nevertheless, this practice does not benefit the women with financial empowerment; it is the most sought-after path to financial independence by the women in Punjab and Pakistan in general. This is largely because women, due to family pressure, give up their inherited portion in favour of male family members.[682] Respondent No.1 shared that she gave up her inheritance rights due to familial pressure, she said,

> I waived my right to inheritance because my brother forced me to sign the documents. I was dealing with personal issues at the time and didn't want to be involved in any kind of family conspiracy, so I gave up my share. [683]

Without male or familial support, women generally do not claim their inheritance. Respondent No. 21, who is currently involved in a court case concerning her inheritance

[678] Bhalotra, Brulé, and Roy, "Women's Inheritance Rights Reform and the Preference for Sons in India."
[679] Interview with Respondent no. 15, on 10th Febuary,2023.
[680] Mubarak et al., "Rethinking of Women Empowerment in Pakistan; Dimensions and Trends Related to Female in District Rawalpindi."
[681] Ibid.
[682] Mumtaz and Noshirwani, "Women's Access to Inheritance and Rights in Pakistan."
[683] Interview with Respondent no. 1, on 23rd January,2023.

rights and whose mother is also pursuing a similar legal claim, emphasised the importance of familial support during such legal struggles. She stated,

> The male members of our family are supporting us; we have them standing behind us.[684]

They are considered outcasts if they do it without any kind of support.[685] Women receive little support and approach the courts to gain their rights due to financial restrictions and pressure from family; however, this practice causes many social issues for them in terms of their relationship with their family, and especially the paternal family. This perspective was shared by Respondent No. 24 during the interview, who is currently pursuing a court case to claim her rightful entitlement to inheritance from her brother. She revealed,

> I filed a case against my brother, but the legal proceedings have been financially burdensome for me. Moreover, my brother and mother are not supportive of my decision; she is emotionally aligned with my brother and expresses more affection towards him than me. Also, my brother pressured me to withdraw the case.[686]

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The denial of women's inheritance rights is not limited to lower socio-economic groups; it is also observed among the upper classes, regardless of education levels.[687] When parents, husbands, and brothers deny their inheritance, they do not even go to court to fight for it. Instead of fighting for inheritance rights, women accept it silently and give up everything.[688] Women believe that one of the reasons women are denied the right to inheritance is that they are not treated as permanent family members within either their birth family or their in-law families.[689]

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[684] Interview with Respondent no. 21, on 10th January, 2023.
[685] Mubarak et al., "Rethinking of Women Empowerment in Pakistan; Dimensions and Trends Related to Female in District Rawalpindi."
[686] Interview with Respondent no. 24, on 16th January,2023.
[687] Mubarak et al., "Rethinking of Women Empowerment in Pakistan; Dimensions and Trends Related to Female in District Rawalpindi."
[688] Ibid.
[689] Rubab and Ahmed, "Women's Right of Inheritance: Choices and Challenges in Punjab."

Women in Pakistan are mostly pressured by a misconception that if they claim their inheritance rights, the doors of their family will be closed on them, or they will lose their blood relations forever.[690] However, when women do assert their rights, the tense situation tends to gradually improve or settle down over time.[691] This account was actually shared by a Respondent No. 14 whose mother, along with her maternal aunts, initiated legal proceedings against their brother, her maternal uncle, over an inheritance dispute. She explained,

> My mother and aunts filed the case after my maternal uncle sold our grandfather's property without informing or including his sisters in the decision." She further noted that the legal action initially led to strained family relations, stating, "Following the lawsuit, my uncle's family ceased communication and social interactions with us for a period of time. However, the tension eventually eased, and both families reconciled.[692]

It was also discovered that women are often pressured, blackmailed, and forced to give up their inheritance rights. For instance, in cases where a woman is a widow, her in-laws may threaten to take away her children. Such threats create fear and compel women to relinquish their rightful share.

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3.3.4 Emotional Attachment with Brothers

One of the factors that urges women to waive their inheritance rights is a strong emotional attachment to their brothers. Girls are taught at a very young age that their brothers are superior to them because they provide them with a high level of security.[693] In many cases, women forgo their inheritance portion out of love and attachment to their parents and brothers under cultural expectations.[694] Interview data from a previous

[690] Ibid.
[691] Response from a female respondent during interview
[692] Interview with Respondent no. 14, on 11th January, 2023.
[693] M Azam Chaudhary, "Good Brothers Bad Husbands: Female Inheritance and the Punjabi Society," *Scrutiny* 5 (2011).135
[694] Ahmed et al., "A Comparative Analysis of Women's Inheritance Rights in Urban and Rural Areas in Sindh."

study highlighted that emotional attachment to brothers was a key factor influencing many women's decisions to relinquish their inheritance rights.[695] The findings indicated that most women held a deep-rooted belief that only men, particularly male agnatic relatives, qualified as rightful heirs. Several educated women expressed that, although they were fully aware of their legal and religious rights to inheritance, they still considered it more appropriate and practical for familial property to be retained by their brothers.[696] Moreover, surrendering inheritance was seen as a sign of love and loyalty towards brothers, helping to maintain familial harmony.[697] Additionally, the perception that women receive dowries and occasional gifts, such as jewellery upon their mother's death, further reinforced the view that inherited land rightfully belonged to the brothers.[698] As one of the participants of the previous study shared that she had five sisters and one brother. Their father had passed away the previous year, and their brother was responsible for arranging the marriages and dowries of all five sisters. She explained that if they were to claim their inheritance, it would become difficult for their brother to manage the dowry expenses. There was also the concern that if he failed to provide dowry, the community would blame him. As a result, the sisters collectively decided to surrender their share in favour of their brother, acknowledging that he was the one taking care of their mother and the rest of the family.[699] Respondent No. 18 spoke about the emotional attachments that influence women's decisions regarding inheritance, stating:

> Social pressure and emotional attachment matter a lot in our society. Women often

[695] Rubab, Iram, "Women's rights of inheritance: practices and challenges in Punjab" (unpublished Ph.D. thesis, University of the Punjab, 2019).

[696] Iram Rubab, Usman, Ahmed "Women's Right of Inheritance," *Journal of Islamic thought and civilization* 8, no. 2 (2018).

[697] Ibid.

[698] Rubab, Iram, "Women's rights of inheritance: practices and challenges in Punjab" (unpublished Ph.D. thesis, University of the Punjab, 2019).

[699] Ibid.

> give up their inheritance rights not because they don't need it, but because they want to protect their relationships. Even in need, they stay silent to avoid damaging family ties.[700]

Families are one of the fundamental structures that create and sustain gender inequality; they are continually told, "Your father's son is better than anyone else's".[701] They are also informed that brothers will always be the family *waris (real heir)*.[702] Therefore, women should not rebel against their family and should make every effort to keep good relations with their brothers to sustain a positive relationship with them.[703] One respondent shared her personal account illustrating how societal values influence women's decisions regarding inheritance:

> The property of my father was a house of 10 *marlas*. Both my aunts willingly waived their rights, saying that it was their brother's right. In our society, people tend to appreciate and praise such women for making this sacrifice.[704]

Most of these women give up their inheritance out of affection for their brothers or expectation of social security from them.[705] Respondent No. 22 highlighted during the interview how emotional and social dynamics prevent women from claiming their inheritance, even in difficult situations:

> Emotional attachment and social pressures are key factors. Women don't even demand their inheritance, even when they are in financially difficult conditions.[706]

It was noted that women from most of the areas of Pakistan shared a common tendency to give up property in favour of their brothers. This practice was so embedded that even higher levels of education did not necessarily alter these views; cultural and familial

[700] Interview with Respondent no. 18, on 17th January,2023.
[701] Rubab et al., "Issues of Information Literacy in South Punjab, Pakistan: An Analysis of Women's Inheritance Deprivation through the Theory of Manufactured Consent."
[702] Ibid.
[703] Rubab and Ahmed, "Women's Right of Inheritance: Choices and Challenges in Punjab."
[704] Interview with Respondent no.22, on 5th March, 2023.
[705] Chaudhary, "Good Brothers Bad Husbands: Female Inheritance and the Punjabi Society."
[706] Interview with Respondent no. 19, on 3rd March,2023.

norms often held greater weight than legal knowledge or awareness of Islamic teachings..[707] Overall, the study found that emotional attachment, familial expectations, and cultural values collectively contributed to the widespread practice of women waiving their inheritance rights in favour of their brothers, even when they were fully informed of their entitlements under Islamic law and the Constitution of Pakistan.

3.3.5 The Constraint of the Court System

There is a widespread lack of trust among women in Pakistan towards courts and legal institutions.[708] Most of the women in Pakistan are not in favour of legal battles for ownership of their inheritance.[709] According to the women in Pakistan, courts, legal institutions, and society as a whole do not provide conducive environments for women to visit courts, which may devalue them in the eyes of society. Respondent No. 19, who was a practicing lawyer, shared her observations about the challenges women face in pursuing inheritance rights through the legal system:

> The environment of the court does not support women coming alone; male members must be present to accompany them. The legal system is slow and flawed. The procedures and complications can push a woman into despair. She wandered from place to place and, in the end, got nothing.[710]

Pakistani women think that courts and police stations are not places for any dignified woman to visit, so why should one risk their honour and name by going to such places?[711] Respondent No. 21 shared her personal experience visiting the court while dealing with an inheritance matter, highlighting the discomfort and societal judgment faced by women in such spaces:

> I just went to court a couple of times, and I saw people staring at us. We had to face many men. When we returned home and talked about it, we wondered, 'Did we do something wrong?' because people were saying bad things about us. Even the

[707] Rubab and Ahmed, "Women's Right of Inheritance: Choices and Challenges in Punjab."
[708] Javeria Khan et al., "Women's Inheritance Rights in the West Pakistan Muslim Personal Law, Shariat Act 1962: An Analysis of Practices," (2022).
[709] Ibid.
[710] Interview with Respondent no. 19, on 3rd March,2023.
[711] Rubab, "Status of Women Inheritors in Islam: Institutional Hurdles in Punjab, Pakistan."

> lawyers were hesitant, saying these kinds of cases take a lot of time, money, and sometimes continue until the end of your life.[712]

Parents marry off their daughters honourably and give them dowries that are sufficient for them.[713] Women in Pakistan don't want to cause their family any problems by bringing them to court and damaging the family name among their relatives. The women's stated opinions are reflections of their culture, educational backgrounds, and life experiences. Respondent No. 23 expressed her concerns about corruption and the barriers women face in accessing justice related to inheritance rights:

> When it comes to women's rights, bribery is very common in these situations. A lawyer may appear to support you openly, but then take a bribe and abandon your case for money. In Pakistan, unless the media supports you or you spend money like water, it's very difficult to get your rightful share.[714]

In Pakistani culture, a respectable woman is defined as one who remains faithful to her own family as well as that of her husband, even during times of hardship and misfortune.[715] Women should demand and stand up for what is rightfully theirs, but doing so makes them more vulnerable, so it may be simpler to give up the fight.

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3.3.6 Common Perception about Dowry as an Alternative to Inheritance

Dowry to women plays an important role in depriving women of their right to inherit. The cultural practice in Pakistan sees that a dowry is usually given to the bride as compensation for her inheritance.[716] This is because the bride's family wishes to avoid the transfer of family property to her husband's family. Daughters are commonly denied the right to inherit because they were provided with a dowry and many other gifts at the

[712] Interview with Respondent no. 21, on 10th January,2023.
[713] Khan et al., "Women's Inheritance Rights in the West Pakistan Muslim Personal Law, Shariat Act 1962: An Analysis of Practices."
[714] Interview with Respondent no. 23, on 8th March,2023.
[715] Beenish Ijaz Asad Butt, Amir Zada "Refutation, Relinquishment and Inheritance: Exploring Women's Inheritance Rights in Pakistan," *Pakistan Journal of Social Sciences* 36, no. 2 (2016).1001-9
[716] Momoe Makino, "Dowry in the Absence of the Legal Protection of Women's Inheritance Rights," *Review of Economics of the Household* 17, no. 1 (2019).287-321

time of their marriage.[717] Respondent No. 1 shared a real-life example from her neighbourhood, illustrating how some women pursue legal action to claim their inheritance rights:

> In my neighbourhood, two sisters opted for litigation after their mother refused to give them their share of the inheritance. The mother claimed that they had already received too much in the form of dowry. However, the sisters pursued the case through court and eventually secured their rightful inheritance.[718]

When daughters or sisters get married, some parents manage to buy them furniture and other necessities so that they can begin a happy married life. However, these women adjust this portion of their property share by arguing that their male family members need to be strong in their dominant position, regardless of the rights of women guaranteed by Islam.[719] Respondent No. 19 emphasized the misconception of equating dowry with inheritance rights, stating:

> The right of inheritance can never be a substitute for dowry under any circumstances. Property often holds a much higher value, and the amount spent as dowry is far less. Even if a large dowry is given, it should never replace a woman's rightful share of inheritance.[720]

The parents thought that the dowry would be an appropriate means to replace their inheritance rights.[721] Respondent No. 3 pointed out a common societal belief that undermines women's inheritance rights:

> Yes, many people consider dowry as a substitute for inheritance. When women claim their right to inheritance, parents often respond by saying, 'We already gave you a dowry.' This mindset prevents women from receiving their rightful share of property.[722]

[717] National Commission on the Status of Women, "Women's Rights of Inherence and Its Implementation," (2005).
[718] Interview with Respondent no. 1, on 23rd January, 2023.
[719] Qazi Attaullah and Lutf Ullah Saqib, "Women's Right to Inheritance in Sharī'ah: Flaws Lie in the Society and Judicial System of Pakistan, Not in Law on the Subject (a Realistic Jurisprudential Approach)," *Journal of Islamic and Religious Studies* 5, no. 1 (2020).1-22
[720] Interview with Respondent no. 19, on 3rd March,2023.
[721] Bahrami-Rad, "Keeping It in the Family: Female Inheritance, Inmarriage, and the Status of Women."
[722] Interview with Respondent no. 3, on 2nd February,2023.

Women themselves usually give up their portion of the property and give a justification that their brothers and parents paid thousands of rupees for their wedding ceremonies.[723] Respondent No. 9 reflected on the emotional reasoning that leads women to remain silent about their inheritance rights,

> Parents and families do a lot for us; they already give us many things at the time of the wedding and support us financially throughout our lives. So why should we disturb them again by asking for our inheritance?[724]

In Punjab, the girls are told that the things their brothers do for them, such as caring for them and giving them gifts on special occasions, are part of their property.[725] In Pakistani society, dowry is often regarded as a substitute for a woman's inheritance, reflecting a social practice that not only justifies the denial of her rightful share but also reinforces the norm of not transferring property directly to women.[726]

However, the practice of giving dowry is not imposed by Islam[727] and is not even widely practiced in other Islamic countries other than South Asian countries, where the custom was already an integral part of Hindu culture[728] before conversion to Islam.[729] Dowry is thought to be an ideal substitute for female inheritance.[730] Even some women preferred dowry to inheritance, even though it only provides a short-term

[723] Saeed Rehman, "Denial of Women's Rights of Inheritance: Enhancing Their Vulnerability and Domestic & Societal Violence," *Awaz Foundation Pakistan: Centre for Development Services* (2010).
[724] Interview with Respondent no. 9, on 28th December,2022.
[725] Batool, "Dowry, Female Inheritance Share and Social Prestige: A Case Study of Village Maingan, District Chakwal."
[726] Makino, "Dowry in the Absence of the Legal Protection of Women's Inheritance Rights."
[727] Syeda Saadia, "Status of Dowry in Islam," *Jihat ul Islam* 9, no. 1 (2015).15-30
[728] In Islam, dowry, known as Mahr or Sadaq, is a mandatory gift or payment from the groom to the bride at the time of marriage. It is not a price paid for the bride, but rather a gift signifying the husband's respect and commitment to his wife. The Quran and the Prophet Muhammad (PBUH)'s teachings emphasize the importance of Mahr as a right of the woman. Whereas, in Pakistani culture, dowry is a traditional practice where the bride's family provides gifts, often including cash, jewellery, and household items, to the groom's family upon marriage. This practice, though deeply rooted in tradition, has become a social evil, causing financial burdens and contributing to gender inequality and violence. While dowry is not mandated by Islam, it has become a widespread custom, with origins tracing back to neighbouring Hindus and influenced by various factors, including social status and perceived security for the bride.
[729] Abdul Waheed, "Dowry among Indian Muslims: Ideals and Practices," *Indian Journal of Gender Studies* 16, no. 1 (2009).47-75
[730] Makino, "Dowry in the Absence of the Legal Protection of Women's Inheritance Rights."

benefit and has little monetary worth compared to an actual inheritance.[731] In fact, women are unaware of their rights; therefore, they believe that wedding gifts and dowries received from family members are equivalent to inheritance.[732] The courts, on the other hand, clearly state that gifts received from brothers or other male relatives can never be considered as compensation for exclusion from inheritance.[733] However, unless the government takes strict and consistent action against dowry practices, it will be difficult to eliminate this deeply rooted custom.

3.3.7 Use of *Paraya Dhan* as Notion of Otherness

In Pakistan, the term *Paraya Dhan* is commonly used to refer to a daughter's share of inheritance. Literally translated, the term means "strange wealth" or "other's property," implying that a daughter's share of inheritance is not rightfully hers, but rather belongs to someone else.[734] The term *Paraya Dhan* also referred to "someone else's wealth," and "birds that will fly away" (get married).[735] This language is often used to reinforce the belief that women are not entitled to inherit property, and that their share of inheritance is a gift from their male relatives. The use of the term *Paraya Dhan* has serious implications for women's inheritance rights in Pakistan. By framing a daughter's inheritance as "others' property," this language reinforces the notion that women in Pakistan are not entitled to inherit property as a matter of right, but rather it belongs to male members of the family.[736] This reinforces gender inequality and undermines women's ability to assert their inheritance rights. Moreover, the use of this language

[731] Ibid.
[732] Rubab and Ahmed, "Women's Right of Inheritance: Choices and Challenges in Punjab."
[733] Livia Holden and Azam Chaudhary, "Daughters' Inheritance, Legal Pluralism, and Governance in Pakistan," *The Journal of Legal Pluralism Unofficial Law* 45, no. 1 (2013).104-23
[734] Bahrami-Rad, "Keeping It in the Family: Female Inheritance, Inmarriage, and the Status of Women."
[735] Rubab et al., "Issues of Information Literacy in South Punjab, Pakistan: An Analysis of Women's Inheritance Deprivation through the Theory of Manufactured Consent."
[736] Rubab, "Women's Right of Inheritance."

perpetuates the idea that women are a financial burden on their families.[737] Daughters in many families are treated as temporary members, who will finally move to their 'real families' and 'permanent homes' after marriage.[738] This has greatly influenced how language shapes the perception of women in society. As a result, many women begin to feel that they do not truly belong to their parental family and believe they have no right to claim inheritance, which they see as the entitlement of their male relatives. Respondent No. 7 during the interview shared that in many families, women are not considered when it comes to inheritance. She said that,

> People often believe once daughters are married, their responsibility to the family is over, so they no longer have any right to the family property. It is commonly thought that the whole inheritance belongs to the sons, as they are seen as the main heirs.[739]

One of the respondents added that if a girl gets married outside the family, people would say she will give her entire share to her in-laws. That is another reason why women are not considered for inheritance.[740] This reflects a common belief that married daughters no longer belong to their parental household and, therefore, should not receive a share of the family property. Respondent No. 12 shared a painful example from her own family to highlight how property concerns affect women's lives.

> One of my relatives has a daughter who got divorced at a young age. Her parents didn't try to get her married again, and the only reason was property. They were afraid that if she remarried, her new husband might demand a share in the family property. Now, after years of loneliness and emotional stress, she has almost lost her mental stability.[741]

According to the respondents of the study, when women try to claim their share of family property, it is often seen as against accepted norms. The common belief is that familial property belonged only to male members of the family who are seen as rightful

[737] Rubab et al., "Issues of Information Literacy in South Punjab, Pakistan: An Analysis of Women's Inheritance Deprivation through the Theory of Manufactured Consent."
[738] Ibid.
[739] Interview with Respondent no.7, on 3rd January,2023.
[740] Interview with Respondent no. 14, on 11th January,2023.
[741] Interview with Respondent no. 12, on 2nd January,2023.

heirs.[742] Such ideas directly come from cultural beliefs that men carry family names and bloodlines. As a result, in Punjab, since land and familial homes are closely associated with honour, daughters' identities are therefore constructed as "others" or outsiders.[743] In many cases, giving inheritance to daughters is viewed as dishonourable, as it is believed that doing so would transfer ancestral property and family honour to another family.[744] This belief is often upheld by close relatives, as shown in the following case of a participant from a previous study;

> When I asked for my share of the inheritance from my brother, my *bhabi* (brother's wife) asked me not to claim my share. She said, 'I was married in a *ghair* family (out of family), and after my death, our familial land would solely have others. Would this not be disrespectful and dishonourable for our ancestors?' My sister-in-law had no apprehensions in talking about my death just to dissuade me from pursuing my case.[745]

3.3.8 Fear of Breaking Kinship Ties

The interviews revealed a deeply rooted cultural dilemma faced by many women regarding their right to inheritance. Several respondents shared that women often forgo their inheritance due to fear of damaging family relationships. A woman expressed her deep isolation after her husband's death, noting that even her own brothers did not support her during that time.[746] Many women avoid demanding their share out of courtesy or fear of ruining familial ties, as said by Respondent No. 1:

> I cannot claim my rights from in-laws because of courtesy or to avoid damage to our relations. Moreover, "violence and fighting occur if a woman is forced to get her right of inheritance and the family parts away from that woman.[747]

Several respondents explained how women hesitate to claim their inheritance because it leads to violence, emotional blackmail, and severed family ties. Respondents from

[742] Rubab, Malik, and Bakht Aziz, "Do Legal and Institutional Reforms in Punjab, Pakistan Protect Women's Inherited Land Rights?."
[743] ibid.
[744] ibid
[745] Rubab, "Women's Rights of Inheritance: Practices and Challenges in Punjab."147.
[746] Rubab, "Women's Right of Inheritance."
[747] Interview with Respondent no. 1, on 23rd January,2023.

the previous studies shared the same views, that they were threatened with social boycotts and endangered losing their blood relations on asking for their shares. For instance, one respondent shared her views, "If we demand our inheritance rights, our parental family will shut their doors on us forever."[748] Women are often labelled as troublemakers or become estranged from their families when they attempt to assert their legal rights. Respondent No. 3 echoed this sentiment, saying,

> Many women forego their right of inheritance because they think their brothers will feel bad and stop talking to them.[749]

Respondent No. 4, a women activist during the interview, highlighted how women are expected to remain silent to be considered "good daughters" and preserve their relationship with their families.

> First of all, brothers end their relation if a sister takes her share now, she can't come to our house." She also added, "Those who ask for their right, their behaviour changes, their relationships are threatened, when they leave their right, they become good girls.[750]

Similarly, Respondent No. 6 pointed out the stark double standard in many families; while the sons' inheritance rights are protected; daughters are told their wedding expenses and dowry replace their legal share. She further added,

> If we take our share from the house, the brother might not even allow us to come home again.[751]

Hence, the threat of broken relationships is a common consequence when a woman claims her rightful inheritance. The data reveal a harsh reality that many women remain silent rather than pursue justice, fearing they may lose the only family connections they

[748] Rubab, Malik, and Bakht Aziz, "Do Legal and Institutional Reforms in Punjab, Pakistan Protect Women's Inherited Land Rights?."
[749] Interview with Respondent no.3, on 2nd February,2023.
[750] Interview with Respondent no.4, on 24th February,2023.
[751] Interview with Respondent no. 6, on 5th January,2023.

have. Respondent No. 12 expressed the emotional resignation many women feel when their family ends up the talk by saying,

You died for us, and we died for you.[752]

It was found in the previous study that women who had claimed their rights did not always see it as their full right. Instead, they viewed it as a necessity justified only during serious financial needs.[753] The respondents who shared experiences of claiming inheritance from male family said they were called greedy by their parental family, or their in-laws were mocked for their inability to fulfil the financial needs of their daughter.[754] One of the respondents in the previous study shared how financial desperation eventually pushed her to claim her share in her deceased father's property. Although she was aware of her legal and religious right, she initially refrained from asserting it due to fear of damaging her relationship with her natal family. For several years, she chose silence over confrontation. However, when her husband became seriously ill and required urgent heart bypass surgery, the financial burden became overwhelming. Under pressure from her children and the severity of the situation, she finally approached her brothers to request her share. In response, they gave her a small amount of money and had her sign a stamp paper declaring that she had willingly accepted the amount in cash as her rightful inheritance. This case reflects how women, even when legally entitled, often delay or limit their claims until driven by critical need, and even then, the compensation may be unfair. [755]

It was evident from her words and tone that she claimed her rightful share in extreme financial need. She remained silent about her share for seven years and would not have

[752] Interview with Respondent no. 12, on 2nd January,2023.
[753] Rubab, Malik, and Bakht Aziz, "Do Legal and Institutional Reforms in Punjab, Pakistan Protect Women's Inherited Land Rights?."
[754] ibid.
[755] Rubab, "Women's Rights of Inheritance: Practices and Challenges in Punjab."146,

claimed it until her situation became so difficult. According to one study, those women who claimed inheritance were often stigmatized and blamed for creating conflict in the family.[756] This fear of being seen as the cause of trouble discourages many women from demanding their rightful share.[757] Another woman said that she only asked for her rights when she desperately needed money for her son's education. After a long and painful struggle, she could receive only a small part of what was rightfully hers.[758] Similarly, one of the participants in the previous study recounted that when she attempted to claim her share of inherited land, her family perceived it as a dishonourable act and an insult to family honour. As a result, they severed all social ties with her. She had not returned to her ancestral home for three years, and her family members also chose not to attend her daughter's wedding.[759] This case illustrates how women who assert their inheritance rights may face intense social backlash, including estrangement and exclusion from important family events.

These voices highlight how emotional pressure, societal expectations, and fear of distancing compel many women to sacrifice their legal rights in the name of preserving family bonds.

3.3.9 Lack of Parental Support

Several respondents shared how deeply rooted cultural attitudes and family practices prevent women from accessing their inheritance rights. Many women do not receive their inheritance because their parents do not support them equally. In many families,

[756] Rubab, Malik, and Bakht Aziz, "Do Legal and Institutional Reforms in Punjab, Pakistan Protect Women's Inherited Land Rights?."
[757] ibid
[758] idid
[759] Rubab, "Women's Rights of Inheritance: Practices and Challenges in Punjab."

all the property is given to the sons, while the daughters are left out. Respondent No. 21 highlighted the issue of gender disparity in inheritance practices. She expressed that,

> Generally, parents tend to prioritize sons over daughters when it comes to property matters.[760]

Respondent No. 5 echoed this sentiment, explaining that families believe they have already done enough for their daughters and must now focus on their sons. She further shared that,

> They care for their sons' inheritance but not for their daughters. Parents think that wedding expenses and dowry have fulfilled their duty toward their daughters.[761]
>
> .

Another respondent shared a personal experience involving her close friend, who belonged to a low-income background and had recently lost her father. Due to her vulnerable financial condition and the desire to build her own house, the friend felt compelled to pressure her brother to divide the inherited property. While her siblings were financially stable, her mother, who resided with her sons, did not support her claim. As a result, she received only a small amount from her mother, without a formal or equitable division of the property. [762] Similarly, Respondent No. 7 during the interview highlighted the emotional manipulation involved, where her paternal grandmother used to say,

> If my daughters take their share, they should not touch my dead body.[763]

Such statements reflect the immense emotional and social pressure faced by women, discouraging them from asserting their legal rights. This reflects how even parents

[760] Interview with Respondent no. 21, on 10th January,2023.
[761] Interview with Respondent no.6, on 5th January,2023.
[762] Interview with Respondent no.5, on 17th February,2023
[763] Interview with Respondent no. 7, on 3rd January,2023.

sometimes play a role in denying daughters their inheritance rights to favour sons. Respondent No. 12 shared her childhood friend and classmate experiences. She told,

> We studied together. Her mother had passed away, and only her father was alive. Later, her father made all his daughters sign a statement saying they had willingly given up their share of the property to their brothers.[764]

This clearly shows how parental support is often directed towards sons, even at the cost of daughters' rightful inheritance.

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[764] Interview with Respondent no. 12, on 2nd January,2023

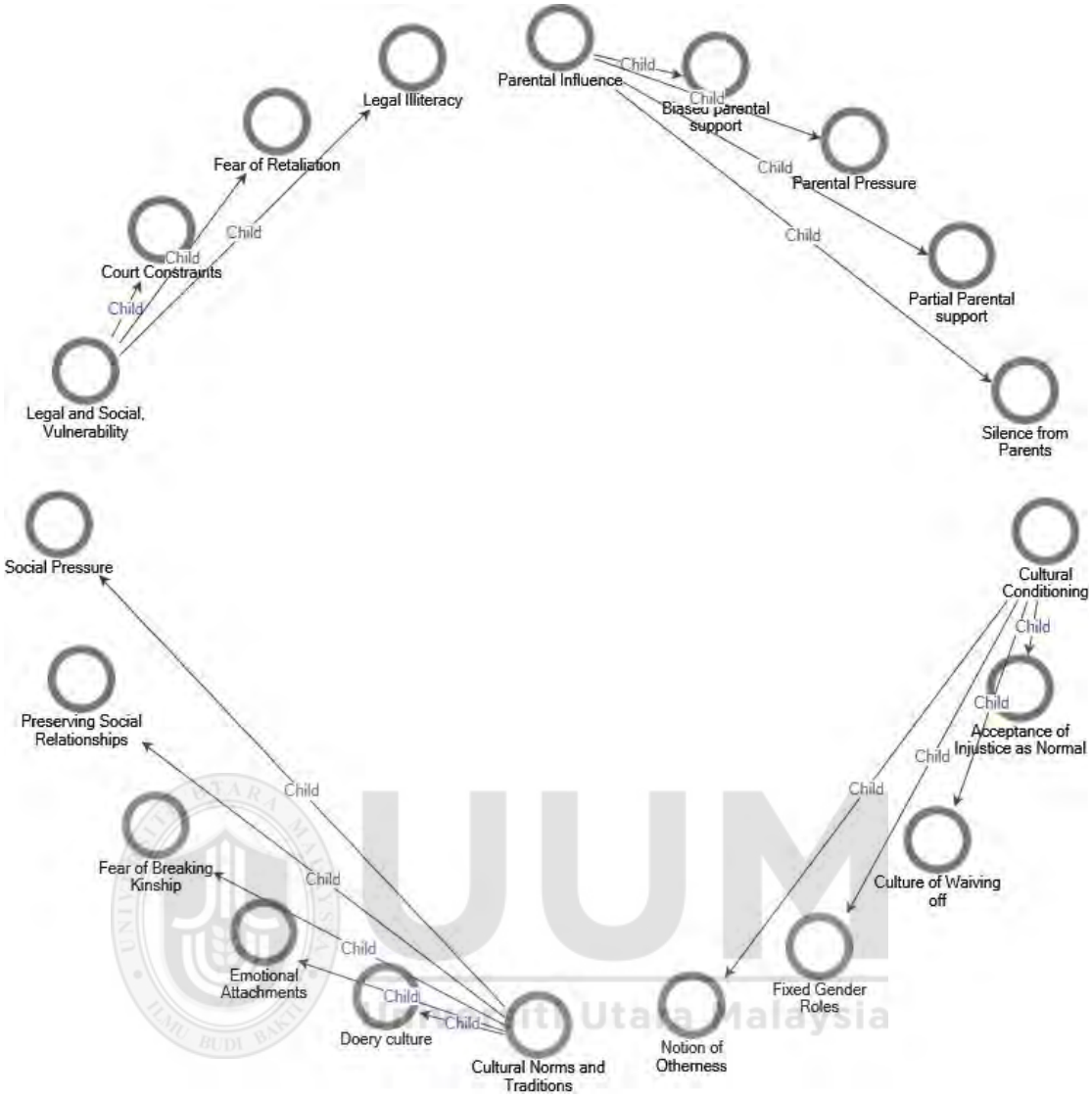


Figure 3.1: Project Map for Thematic Analysis of Factors That Lead Women to Waive Their Inheritance Rights

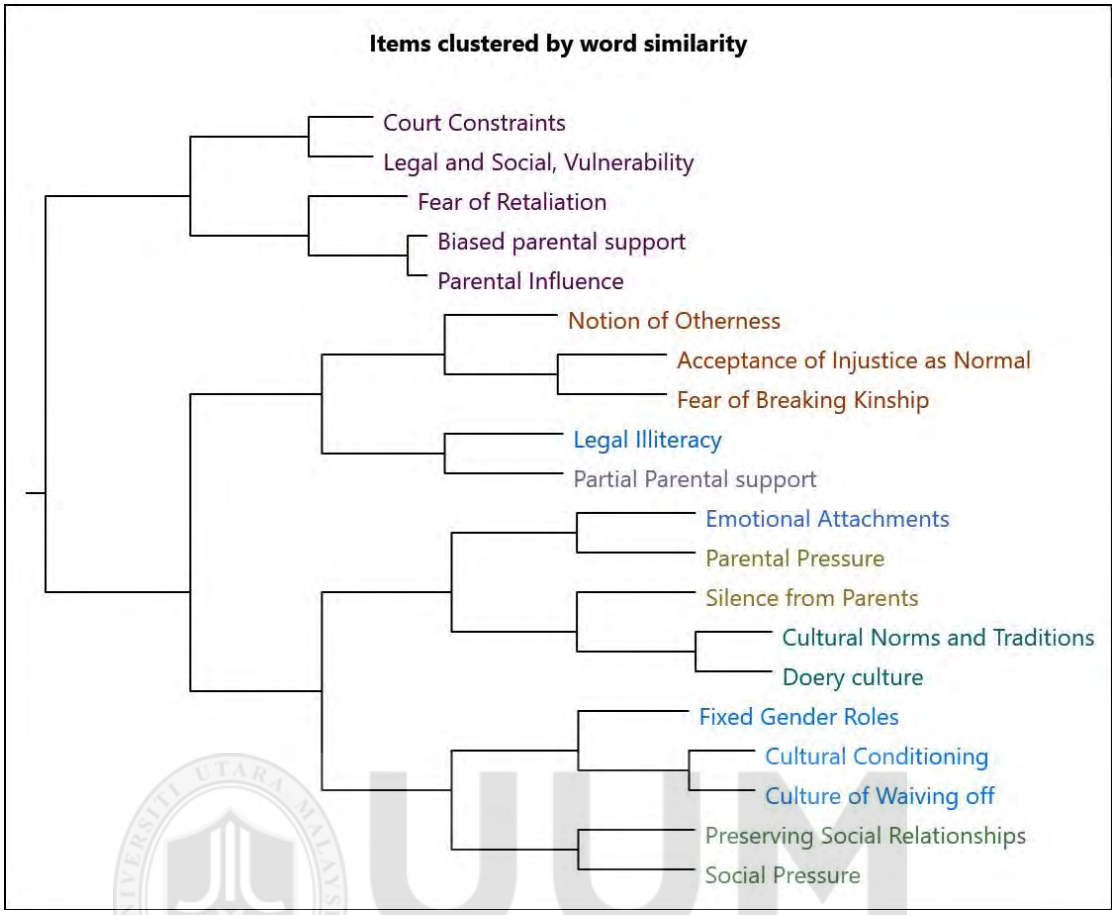


Figure 3.2: Cluster Analysis for Themes and Subthemes for Factors That Lead Women to Waive Their Inheritance Rights

3.4 Challenges Confronted by Women While Asserting Their Inheritance Rights

This section addresses the obstacles women face when attempting to claim their inheritance rights. Social stigma surrounding women's entitlement to property remains one of the most pervasive barriers,[765] often reinforced by patriarchal beliefs and the resistance of male relatives determined to retain control over family assets.[766] This situation is particularly evident in rural areas of Punjab, where traditional customs often override legal provisions. Women who assert their rights may face coercion, intimidation, or even violence,[767] with extreme practices such as honour killings reported in some cases.[768]

Another critical challenge lies in the lack of awareness and understanding of inheritance provisions.[769] Many women remain unaware of the legal protections afforded to them, particularly in rural Punjab, where traditional customs often override statutory law. Limited access to legal services and resources further compounds the problem, leaving women unable to engage legal counsel or navigate complex judicial procedures. In addition, reliance on informal dispute resolution mechanisms frequently disadvantages women, as such forums are influenced by customary norms rather than formal law.[770] Procedural inefficiencies within the court and administrative system also hinder women's ability to secure their rightful inheritance.[771]

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[765] Bahrami-Rad, "Keeping It in the Family: Female Inheritance, Inmarriage, and the Status of Women."
[766] Rubab and Ahmed, "Women's Right of Inheritance: Choices and Challenges in Punjab."
[767] Arslan Asghar, Mussarat Hussain, and MA Safdar, "Sociological Analysis of the Relationship between Inheritances Rights of Females and Domestic Violence in District Bhakkar," *Journal of Social Work and Sustainable Development (JSWSD)* 1, no. 1 (2021).1-18
[768] Abbas, Fazal, and Shafique, "Women's Land Rights in Pakistan: Laws, Policies, and Practices."
[769] Agnes Andersson Djurfeldt, "Gendered Land Rights, Legal Reform and Social Norms in the Context of Land Fragmentation-a Review of the Literature for Kenya, Rwanda and Uganda," *Land Use Policy* 90 (2020).104305
[770] Muhammad Bilal Usmani, Abida Hassan, and Muhammad Tayyab Tahir, "Reluctance of People Using Alternative Dispute Resolution: A Critical Analysis in the Pakistani Context," *Law Research Journal* 3, no. 1 (2025).72-81
[771] Tabassum and Ferdoos, "Moving from Legislation to Implementation: Participants' Resolve on Inheritance Property of Women."

Taken together, these socio-cultural and institutional challenges illustrate how, despite constitutional and legal guarantees, women in Pakistan continue to face systemic obstacles in accessing justice. This section directly addresses Objective 4 of the study by investigating the major barriers women encounter in their struggle to obtain their inheritance rights.

3.4.1 Emotional Blackmail

Emotional blackmail is a form of psychological manipulation that is used to control and influence someone's behaviour.[772] It involves the use of fear, guilt, or other emotional tactics to make someone do something they do not want to do or to prevent them from doing something they do want to do.[773] Emotional blackmail can have a significant impact on women's mental health, as they may feel pressured, anxious, or depressed as a result of the emotional manipulation. Women who resist emotional blackmail may also experience social isolation or rejection from their family or community, which can further exacerbate their mental health.[774] Emotional blackmail is unfortunately prevalent in some communities in Pakistan when it comes to women's inheritance.[775] This kind of manipulation is often used to pressure women into giving up their inheritance rights, either by convincing them that it is morally wrong or by using emotional tactics to guilt-trip them.[776]

The belief that it is better to give property to one's paternal relatives than to outsiders is often rooted in the Punjabi proverb: *Piyo de puttar, praye puttran naalon changay hondae ne,* which means, "Your father's sons are better than someone else's sons".

[772] Al-Kreimeen, Alghafary, and Samawi, "The Association of Emotional Blackmail and Adjustment to College Life among Warned Female Students at Al-Balqa University Students."
[773] Rubab et al., "Issues of Information Literacy in South Punjab, Pakistan: An Analysis of Women's Inheritance Deprivation through the Theory of Manufactured Consent."
[774] Md Mahmudul Hassan, "Addressing Injustice to Women in Bangladeshi Families: An Examination of the Issue and Islamic Solutions," *Asian Journal of Social Sciences and Legal Studies* 6, no. 1 (2023).
[775] Haque et al., "Women Rights to Inheritance in Muslim Family Law: An Analytical Study."
[776] Haque et al., "Women Rights to Inheritance in Muslim Family Law: An Analytical Study."

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Respondent No. 10 illustrates how emotional blackmail can affect women's inheritance rights within families.

> In my mother's family, emotional blackmail played a major role, leading her to give up her rightful share of the inheritance. For example, my uncle pressured all his sisters, including my mother, by saying they were already well-settled in their own homes. Due to this emotional manipulation, they eventually waived their rights to inheritance.[777]

Moreover, women are emotionally blackmailed into giving up their inheritance rights by being told that it is against their moral obligations to take a share of their family's wealth. For example, some women are told that it is their duty to let their brothers or male relatives inherit the property or wealth, as they are seen as the protectors of the family[778]. Women frequently lose their inheritance rights, and fewer than 20% actually receive what they are legally entitled to. Many are encouraged to waive their inheritance or transfer it to their brothers. Respondent No. 11 said they are emotionally blackmailed with warnings like,

> "You have to come to your brother's house often; if you take your share, they will never treat you well." As a result, most women give up their rightful inheritance to preserve family ties. In some cases, a brother outright refuses to grant his sister her share, justifying it by saying, "We took care of our parents in their last days, so the property belongs to us".[779]

Emotional blackmail can also take the form of guilt-tripping, where women are made to feel guilty for wanting to inherit property or wealth from their family.[780] This can be done by making them feel like they are being greedy or selfish, or by suggesting that they are not grateful for what they already have.[781] The denial of women's inheritance rights is not only driven by brothers, but sometimes even by parents. In some cases, parents themselves are unwilling to grant their daughters their rightful share and

[777] Interview with Respondent no. 10, on 20th February,2023
[778] Muhammad Aqeel Khan and Muhammad Zubair, "Women's Rights in Pakistan," *sjesr* 3, no. 2 (2020).34-41
[779] Interview with Respondent no. 11, on 24th February,2023
[780] Rubab, Rahat, and Yunus, "Convergence of Private and Public Patriarchy: Challenges of Safe Spaces and Places for Women Claimants of Inheritance in Punjab, Pakistan."
[781] Ibid.

counsel them to waive their inheritance "for the sake of their brothers." This thing is expressed by Respondent No. 13, stating, sometimes this pressure becomes forceful, with statements like,

> We have already given you too much in your marriage or dowry, so you must give up your claim.[782]

Women who resist emotional blackmail may find themselves without the support of their family or community, as their decision to assert their inheritance rights may be seen as disruptive or disrespectful.[783] This lack of support can make it difficult for women to stand up for themselves and can exacerbate the emotional pressure they may already be feeling.[784] While emotional blackmail is unlawful in Pakistan, women do have legal protections under inheritance laws that can help them assert their rights.[785] Women can seek legal advice and support to help them navigate the complex legal system and to advocate for their interests. In this situation, it is important for women to have legal support from qualified legal professionals to help them understand their rights and to advocate for their interests. This legal support can help women to resist emotional blackmail and to assert their inheritance rights without fear of consequences.

3.4.2 Violence and Intimidation

When women assert their right to inheritance, they often face severe consequences in the form of both psychological and physical harm. Previous studies revealed that emotional manipulation, verbal abuse, and social isolation are commonly used tactics to discourage women from claiming their legal shares.[786] For instance, when women demand inheritance, their family may react aggressively by fighting with them, scolding

[782] Interview with Respondent no. 13, on 22nd January,2023.
[783] Hassan, "Addressing Injustice to Women in Bangladeshi Families: An Examination of the Issue and Islamic Solutions."
[784] Ibid.
[785] Rubab, "Women's Rights of Inheritance: Practices and Challenges in Punjab."
[786] Tabbasum, "Inheritance Rights of Women: Laws and Practices in Punjab."

them, or cutting off communication.[787] As Respondent No. 1 shared this thing during the interview;

> Violence and fighting occur if a woman attempts to get their right of inheritance and the family parts away from that woman, and everyone becomes against her.[788]

In some cases, relatives go further by pressuring married daughters through their in-laws, particularly when they are married within the family, instigating them to suppress the claim.[789] Moreover, women are sometimes coerced into surrendering their rights by being forced to sign or give thumb impressions on legal documents without proper consent or understanding.[790] Similarly, brothers often instil fear in their sisters by warning them about the court process, claiming they will be harassed if they pursue legal action, and advising them not to even consider going to court.[791] Respondent No. 14 expressed a similar perspective during the interview, stating:

> Women face emotional pressure from male relatives such as brothers and fathers, who often discourage them or suggest that they not go to court, knowing that family norms usually prevent women from taking legal action.[792]

In addition to this, women are subjected to threats, physical abuse, and violence as a means to deprive them of their inheritance. According to Official and civil society reports, in 2024 Pakistan recorded thousands of cases of violence against women, including reports of rape, domestic abuse, acid attacks, and other forms of gender-based violence, indicating widespread societal challenges.[793] Several respondents highlighted, during the interviews, the severe forms of abuse and intimidation women face when claiming their inheritance rights.

[787] Ibid.
[788] Interview with Respondent no. 1, on 23rd January,2023.
[789] Tabbasum, "Inheritance Rights of Women: Laws and Practices in Punjab."
[790] Ibid. 175.
[791] Ibid. 174.
[792] Interview with Respondent no. 14, on 11th January,2023.
[793] Tahir Khaleel, "Honor Killing," (Human Rights Commission of Pakistan, 2024).

> In some cases, women are treated terribly by their families, locked in rooms, beaten badly, and denied basic necessities if they demand their rightful share.[794]

Another Participant of the study, Respondent No. 7, noted,

> In many cases, women are threatened or subjected to character assassination. Some are even warned of extreme consequences like acid attacks or staged accidents, just for demanding what is rightfully theirs.[795]

A participant from a previous study recounted the same incident which her mother was subjected to severe physical violence after the entire family inheritance was transferred to her elder brother. The younger brother assaulted her, incited his children to throw objects at her, and encouraged his wife to spread defamatory rumours. This attack resulted in injuries requiring stitches when she was struck by an object thrown by her nephew.[796] In rural areas, the situation is worsened by a lack of legal awareness and education, which leads to women experiencing various forms of violence, both physical and emotional, when they attempt to assert their inheritance rights.

In extreme situations, such violence can escalate to honour killings.[797] In 2024, the Human Rights Commission of Pakistan reported at least 405 honor-related killing cases across the country, primarily affecting women.[798] Experts further argued that honour killings often have a material dimension, whereby the elimination of a female family member serves the purpose of retaining property within the male line.[799] These murders are often framed as crimes committed to "restore family honour," enabling perpetrators to avoid serious legal consequences.[800] This observation is supported by previous

[794] Interview with Respondent no. 7, on 3rd January,2023.
[795] Interview with Respondent no. 5, on 17th February,2023.
[796] Tabbasum, "Inheritance Rights of Women: Laws and Practices in Punjab." 180.
[797] Abbas, Fazal, and Shafique, "Women's Land Rights in Pakistan: Laws, Policies, and Practices."
[798] Khaleel, "Honor Killing."
[799] Rubab, "Women's Rights of Inheritance: Practices and Challenges in Punjab." 156.
[800] Abbas, Fazal, and Shafique, "Women's Land Rights in Pakistan: Laws, Policies, and Practices."

scholarly literature as well as current study on inheritance-related disputes. As illustrated by a Respondent No. 4 during the interview;

> In some cases, women are killed or their kids are murdered, and people take it as a matter of honour.[801]

Moreover, respondent No. 20 narrated a recent incident from their village;

> Recently, in our village, brothers killed their sister for demanding her share of the inheritance, and they threw her body into a well.[802]

In the case of a widow, there are also numerous instances where in-laws attempt to kill her to prevent her from acquiring property after her husband's death.[803] In many situations, even when the widow's life is not directly threatened, her access to her rightful share is made conditional upon fulfilling certain demands imposed by her in-laws, which may include compromising personal choices or agreeing to arrangements that serve the family's interests. One case from a previous study involved a widow who obtained her inherited share from her in-laws only after marrying her brother-in-law (dewar).[804] Similarly, in the present study, Respondent No. 7 highlighted the persistence of this practice, stating,

> Widows also face many challenges. In some cases, the in-laws pressure the widow to marry her deceased husband's brother.[805]

These findings demonstrate that women's attempts to secure their rightful inheritance are not merely legal struggles but are deeply intertwined with entrenched patriarchal attitudes, where violence, intimidation, and even the threat of death are systematically used to maintain male control over property.

[801] Interview with Respondent no. 4, on 24th February,2023.
[802] Interview with Respondent no. 20, on 2nd March,2023.
[803] Rubab, "Women's Rights of Inheritance: Practices and Challenges in Punjab."
[804] Ibid. 181.
[805] Interview with Respondent no. 7, on 3rd January,2023.

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3.4.3 Issues of Mobility

In the context of Pakistan, women's mobility issues refer to social and cultural restrictions that limit their freedom to move freely outside the home, such as going to work, school, or legal institutions without male permission or accompaniment..[806] Women who lack mobility in Pakistan could have limited ability to access citizenship rights and inheritance.[807] For example, they may face difficulty accessing government offices to register for citizenship or claim their inheritance. As a result, their limited access to public and legal services directly undermines their ability to claim entitlements such as inheritance.[808] Besides that, any woman who step outside the home may be at risk of gender-based violence[809], including harassment and assault. Women who are victims of gender-based violence may be reluctant to seek assistance from government offices or law enforcement due to fear of retaliation.[810]

Legal barriers can also contribute to limiting women's mobility in Pakistan. In this sense, legal barriers mean the absence of women-friendly laws, the poor implementation of existing legal protections, and the inaccessibility of courts and legal aid for women due to fear, stigma, or lack of awareness. These legal challenges not only restrict women's freedom of movement but also make it difficult for them to claim entitlements such as inheritance and other constitutional rights.[811] For example, women may be required to provide proof of identity or a male relative to accompany them to government offices to claim their inheritance. This can be especially complicated and

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[806] Bahrami-Rad, "Keeping It in the Family: Female Inheritance, Inmarriage, and the Status of Women."
[807] Ibid.
[808] Zulfiqar, "Inequality Regimes, Patriarchal Connectivity, and the Elusive Right to Own Land for Women in Pakistan."
[809] Abdul Hadi, "Patriarchy and Gender-Based Violence in Pakistan," *European Journal of Social Science Education Research* 4, no. 4 (2017).
[810] Ibid.
[811] Khaleel, Ahmed, and Shah, "Critical Discourse Analysis of Pakistani Inheritance Law and Justice System for Women."

challenging for widows, divorcees, or women living alone, as they may struggle to access their rightful inheritance. Legal barriers can also make it difficult for women to travel outside their home province or country.[812] Due to the lack of women's own social mobility, whenever women inherit property in the form of land, they must hand it over to male members of the family, e.g., husband or father-in-law.[813] In either case, they would lost control of their lands. Therefore, women would prefer to give up their land in favour of their brothers instead of giving it to male members of their in-laws.

Along with this, woman also encounter many challenges in accessing relevant state institutions or agencies. In order to claim their inheritance, women often have to navigate multiple state institutions, including Union Councils, NADRA, and Revenue Departments. In cases involving litigation, they are also required to make several visits to police stations and courts.[814] For example, one respondent explained that she had to seek permission from her family elders before approaching NADRA and other government offices to pursue her inheritance claim. She also felt the need to be accompanied by her husband to avoid potential mistreatment by officials, highlighting how even reaching these institutions independently can be a significant challenge for many women.[815] Moreover, many respondents felt that the state institutions lacked a female-friendly environment, often perceiving them as highly masculine in both infrastructure and available facilities.[816] For instance, legal procedures often required repeated visits to government offices and courts. The respondents noted that in Pakistan, such places are rarely visited by women. The absence of women at these

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[812] Ibid.
[813] Rubab, Rahat, and Yunus, "Convergence of Private and Public Patriarchy: Challenges of Safe Spaces and Places for Women Claimants of Inheritance in Punjab, Pakistan."
[814] Rubab, "Women's Rights of Inheritance: Practices and Challenges in Punjab."
[815] Rubab, Rahat, and Yunus, "Convergence of Private and Public Patriarchy: Challenges of Safe Spaces and Places for Women Claimants of Inheritance in Punjab, Pakistan."
[816] Rubab, Malik, and Bakht Aziz, "Do Legal and Institutional Reforms in Punjab, Pakistan Protect Women's Inherited Land Rights?."

places often creates feelings of fear and discomfort. As a result, many respondents perceived these state institutions as threatening. This discouraged environment led women to avoid pursuing their inheritance claims legally.[817] Another respondent from the same study recounted that during one court visit with her brother, she found the premises overcrowded with male visitors.[818]

3.4.4 Issue of Fragmentation of Land

The issue of land fragmentation refers to the division of land into smaller, less viable plots over generations,[819] especially due to inheritance practices.[820] In Punjab, where land is a key economic resource, this leads to reluctance in giving women their rightful share, as families fear further division or transfer of land to another family through marriage.[821] As a result, women are often pressured to give up their inheritance either by accepting token compensation, verbally waiving their rights, or remaining silent to avoid family conflict. A study found that only 36 out of 1,000 rural women in Punjab held formal property rights, and merely nine could sell or manage land independently, illustrating how patriarchal norms and fragmented holdings undermine women's legal entitlements in practice.[822]

In Pakistan, agriculture forms the backbone of the economy and serves as the primary source of livelihood for rural communities.[823] Land ownership plays a critical role in reducing poverty and providing economic security.[824] However, women are

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[817] ibid.
[818] Ibid.
[819] Joseph Mayindo Mayele, Jacob B Kolleh, and Joel Emmanuel Saburi, "The Impacts and Causes of Land Fragmentation on Farm Productivity: Case Review of East African Countries," *Open Journal of Ecology* 14, no. 5 (2024).455-82
[820] Tsaiyu, "Impact of Land Fragmentation and Fragmentation of Property Rights on the Profit Efficiency of Rice Cultivation and Multiple Farming in Taiwan."
[821] Rubab et al., "Issues of Information Literacy in South Punjab, Pakistan: An Analysis of Women's Inheritance Deprivation through the Theory of Manufactured Consent."
[822] Abbas, Fazal, and Shafique, "Women's Land Rights in Pakistan: Laws, Policies, and Practices."
[823] Fatima et al., "Meeting the Challenges of Gender Equity through Female Land Ownership Rights in Pakistan."
[824] Mayele, Kolleh, and Saburi, "The Impacts and Causes of Land Fragmentation on Farm Productivity: Case Review of East African Countries."

disproportionately excluded from land rights, despite constitutional protections and religious entitlements.[825] This exclusion is not merely legal but deeply cultural, rooted in patriarchal norms and traditional practices that prioritize male inheritance. As a result, women are often relegated to subordinate roles within families and denied access to one of the most important economic assets, land.[826] Hence, the fear of landed property fragmentation was discovered to be a challenge for the access of women's right to inheritance. Despite legal provisions ensuring gender equality in land ownership, women continue to face terrible obstacles due to prevailing societal attitudes favouring men.[827] In many cases, although both genders have equal rights to land usage, men retain control over property titles, passing them down to their sons.[828] Patriarchs often justify denying women inheritance by claiming that giving them a share would reduce the family's landholding. To maintain the land's size and control within male hands, they use this excuse to pressure women into giving up their rights.[829] Furthermore, in order to prevent land fragmentation, women were either given an amount of money equivalent to their portion in landed property or were entirely denied their share.[830] Respondent No. 24 shared her personal experience of asserting her inheritance rights by initiating legal proceedings against her brother. She reported that,

> Rather than acknowledging my rightful share in the property, my brother offered to settle the matter by paying me a lump sum amount.[831]

This reflects a broader trend where women's legal entitlements are often substituted with monetary compensation, undermining their full ownership and reinforcing male

[825] Islam and Ullah, "Familial Role Impediments Towards Women Shares in Inheritance Based Agricultural Land Distribution Practices in Pukhtun Society."
[826] Govind Kelkar and Maithreyi Krishnaraj, *Women, Land and Power in Asia* (Taylor & Francis, 2020).
[827] Islam and Ullah, "Familial Role Impediments Towards Women Shares in Inheritance Based Agricultural Land Distribution Practices in Pukhtun Society."
[828] Ibid.
[829] Ibid.
[830] Iram Rubab, Usman, Ahmed, "Women's Right of Inheritance," *Journal of Islamic thought civilization* 8, no. 2 (2018).
[831] Interview with Respondent no. 24, on 16th January,2023

control over family assets. A similar situation was described by Respondent No. 21, who pursued a legal case on behalf of her mother to claim her rightful share in her father's property. She stated that although the case was formally initiated, the maternal uncle, along with other family members, pressured them to settle the dispute by accepting a fixed monetary compensation instead of the actual share in the property.[832] This instance highlights how women's inheritance claims are often negotiated informally within the family, resulting in compromises that fall short of their legal entitlements. In other cases, men often take possession of the most fertile land, leaving fewer valuable plots for their sisters.[833] In our society, brothers are usually reluctant to give their due shares of inheritance to their sisters, and in cases where they agree to give their share, they used to give them a small portion with low market value instead of their actual share.[834] One of the respondents from the previous study quoted her own case by stating, "In our society, brothers are usually reluctant to give due shares of inheritance to their sisters. In rare cases when they agree to give their share, they prefer to give a little share instead of the actual one and make sure that even that little share must be of low market value. As in my case, my brothers allotted me a barren piece of land.[835]

3.4.5 Involvement of Informal Alternative Dispute Resolution Mechanisms

The Alternative Dispute Resolution (ADR) framework in Pakistan marks a significant shift toward resolving disputes outside the conventional court system. Over the years, lawmakers have introduced various laws and regulations to support ADR mechanisms, aiming to enhance the efficiency and effectiveness of dispute resolution across different

[832] Interview with Respondent no. 21, on 10th January,2023
[833] Yaseen, Shouzab, and Sultan, "Inheritance of a Daughter: An Analysis Based on Islam and Laws Prevalent in Pakistan."
[834] Rubab, "Women's Rights of Inheritance: Practices and Challenges in Punjab."
[835] Ibid. 146.

sectors, including family matters, taxation, customs, and local governance.[836] In addition to federal initiatives, provincial assemblies have also enacted their own ADR legislation, such as the Islamabad ADR Act of 2017, the Punjab ADR Act of 2019, the Khyber Pakhtunkhwa ADR Act of 2020, and the Baluchistan ADR Act of 2022.[837] Under these laws, courts are required to refer civil disputes (as listed in the schedule) to ADR, unless one of the following conditions applies, the parties explicitly refuse, the court determines that ADR is unsuitable for the case, or the dispute involves a significant question of law or fact that warrants formal adjudication.[838]

While Pakistan's formal ADR framework reflects a legal commitment to resolving disputes efficiently and outside the conventional court system, a parallel system of informal dispute resolution mechanisms continues to operate, especially in rural and remote areas of Punjab. These informal systems, such as *jirgas, panchayats*, and tribal councils, are deeply rooted in local traditions and often function outside the bounds of the formal legal or religious structure.[839] These mechanisms often prioritize maintaining social harmony over upholding legal rights. Women, however, are often excluded from these forums, which are dominated by male elders, and their voices and interests are not adequately represented.[840] These forums can also perpetuate discriminatory practices, such as denying women their rightful share of inheritance. For instance, *jirgas* and *panchayats* are primarily controlled and administered by patriarchs and feudal lords. Decisions made by panchayats and jirgas often reflect patriarchal norms, which can disadvantage women, particularly in matters of inheritance and

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[836] Khan, "Critical Analysis on Existing Framework of Adr in Pakistan."
[837] Ibid. 2.
[838] Ibid.
[839] Khan and Khan, "Jirga as a Mechanism of Dispute Resolution: An Evaluation in the Eyes of Islamic Principles and Legal Challenges in Pakistan."
[840] Ibid.

family disputes.[841] Respondent No. 22 shared her experience of filing a legal case to claim her mother's inheritance in her maternal grandfather's property, illustrating how informal dispute resolution mechanisms can undermine women's access to formal legal justice and their rightful inheritance.

> After we filed the case against my maternal uncle, our extended family called a panchayat to settle the issue. We were pressured to withdraw the case in return for a fixed amount of money. In the end, we had no choice but to accept the offer and stop the legal process.[842]

Informal dispute resolution mechanisms continue to hold a strong influence, and patriarchal attitudes persist, making it challenging for women to access their rights fully.[843] In fact, women's limited social mobility is an important factor in their decision to rely on *jirga* judgments and, therefore, be deprived of their inheritance.[844]

Therefore, greater efforts are required to raise awareness among women about their legal inheritance rights, to strengthen the capacity of legal institutions to enforce these rights, and to ensure accountability for those who violate them. Respondent No.22 further enforced by saying:

> These laws should be put into effect, and all those who refuse to give women their share of inheritance should be held accountable.[845]

3.4.6 Absence of Legal Documents

Another significant challenge includes the absence of essential documents, which hinders the initiation and processing of inheritance claims. Many women do not possess essential documents such as birth certificates, Computerized National Identity

[841] Gul and Fayaz, "Role of Women in Dispute Resolution and Peace Building in Khyber Pakhtunkhwa: A Critical Analysis of Khwendo Jirga (Sisters'council)."
[842] Interview with Respondent no. 21, on 10th January,2023
[843] Khan and Khan, "Jirga as a Mechanism of Dispute Resolution: An Evaluation in the Eyes of Islamic Principles and Legal Challenges in Pakistan."
[844] Khalil ur Rahman, Tariq Anwar Khan, and Zia Ullah Khan, "An Analysis of the Perceptions of Fata Students on Frontier Crimes Regulations: An Empirical Study at Hazara University Mansehra, Pakistan," *Pakistan Journal of Social Research* 3, no. 3 (2021).99-105
[845] Interview with Respondent no. 21, on 10th January,2023

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Card (CNIC)[846], *Nikah Namas*[847], CRC or B-forms,[848] and Family Registration Certificates (FRCs), especially in rural and less-educated communities..[849] Without these, they are unable to meet the mandatory documentary requirements, such as proof of the deceased's identity, confirmation of death, and property records needed to pursue their rightful share of inheritance.[850] This lack of documentation effectively bars them from accessing legal mechanisms designed to protect their property rights.

The problem is compounded by deliberate restrictions. Respondent No. 21 highlighted during the interview,

> In many villages, women are deliberately prevented from obtaining a Computerized National Identity Card (CNIC), with the underlying motive of restricting their ability to claim their inheritance rights.[851]

The inability of women to register themselves not only impedes access to inheritance but also limits broader economic, legal, and social rights. For instance, without a birth certificate, individuals may find it difficult or impossible to exercise economic, social, and cultural rights guaranteed by national law. According to UNICEF, only 34% of all children in Pakistan are currently registered.[852] In such circumstances, especially after the death of parents or guardians, women may struggle to prove their identity or familial relationship with the deceased. This leaves room for manipulation, as some men falsely present another woman to government authorities to waive the rightful heir's claim.[853]

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[846] C*omputerized National Identity Card* (*CNIC*) is issued to the citizens of Pakistan.
[847] Marriage contracts
[848] Child Registration Certificate (CRC) or B-form is used to register a minor under age of 18 years. Every minor under the age of 18 years has a fundamental right to apply and receive registration certificate from the place of origin. CRC is also commonly known as B-Form.
[849] Rubab, "Women's Right of Inheritance."
[850] Yaseen, Shouzab, and Sultan, "Inheritance of a Daughter: An Analysis Based on Islam and Laws Prevalent in Pakistan."
[851] Interview with Respondent no. 21, on 10th January,2023.
[852] UNICEF Pakistan, "A Partnership to Protect. Digital Birth Registration Is Giving Children the Inalienable Right to Identity," (2018).
[853] Khan, Khan, and Zahir, "Women's Inheritance Rights: Procedures, Loopholes and Obstacles."

Despite government initiatives to improve civil registration systems, the lack of proper documentation remains a persistent barrier for women seeking their rightful inheritance.[854] Respondent 22 of our study shares her experience of facing a challenge due to her missing documents.

> When I applied for my inheritance case, I discovered that I did not have my marriage certificate. This caused significant difficulties in completing the required paperwork. To make matters worse, the lawyer manipulated the situation and demanded a bribe. Unfortunately, I had to pay money just to obtain my own marriage certificate.[855]

Another form of absence of documents is the lack of custody over the legal papers that women do possess, which forces them to rely on male relatives for access and use. One of the participants from the previous study shared that when the inheritance process began in her natal family, her brother asked for her ID card, but in her in-laws' family, all legal documents remained under male control. When she requested her husband's elder brother to return her ID card so she could proceed with her inheritance claim, he refused and told her that she was now the responsibility of their family, that they had sufficient wealth to support her.[856] Such a lack of control over essential documents not only prevents women from independently pursuing their rightful claims but also reinforces their economic dependency on male relatives. A particularly severe example of enforced absence of documentation came from a widow whose husband died suddenly from cardiac arrest. Following his death, the patriarchs of her in-laws' family burned her *nikahnama* (marriage contract) and took away her husband's ID card. When she attempted to claim her share in her husband's property, she was unable to do so because she lacked any legal documents to prove her marital relationship with the deceased.[857] This deliberate destruction and withholding of legal records not only

[854] Khaleel, Ahmed, and Shah, "Critical Discourse Analysis of Pakistani Inheritance Law and Justice System for Women." Op.Cit. no.177
[855] Interview with respondent no. 22, on 5th March,2023
[856] Rubab, "Women's Rights of Inheritance: Practices and Challenges in Punjab." 139.
[857] Ibid. 183.

deprived her of her rightful inheritance but also exemplifies how the absence or enforced absence of documentation is used as a tool to exclude women from property rights.

It is evident from both previous studies and the present research that in less-educated families, particularly in backward areas, the absence of legal documentation, whether due to systemic neglect, cultural barriers, or deliberate suppression, remains a widespread and persistent obstacle to women's inheritance rights.

3.4.7 Prolonged Proceedings

Prolonged legal procedures are another major factor that discourages women from approaching the courts to resolve inheritance disputes, as delays and lengthy proceedings hinder the timely settlement of their cases. Prolonged proceedings refer to the extended duration of legal cases due to procedural delays, backlog of cases, and inefficiencies within the judicial system. [858]The issue of delayed proceedings in the Pakistani judicial system remains a significant barrier to justice, particularly in inheritance cases involving women. Typically, inheritance disputes last for years and involve enormous costs that women cannot afford. A striking example is the case of Sara Akhtar, who had to wait 34 years before the Supreme Court of Pakistan granted her the rightful share of her maternal uncle's property. Despite clear legal and religious provisions supporting women's inheritance rights, the prolonged delay reflects systematic inefficiencies and procedural complexities within the legal system. During the hearing, Chief Justice Qazi Faez Isa criticised the injustice, stating that "women's rights are being crucified in an unconstitutional and non Sharī'ah manner." This case

[858] Imran, Idrees, and Saeed, "Pendency of Cases in Pakistan: Causes and Consequences."

underscores how bureaucratic hurdles and institutional inertia contribute to long-lasting legal battles that often discourage women from pursuing their rightful claims.[859]

Another example of this issue emerges from a recent decision by the Supreme Court, whereby it was decided in favour of six sisters who had been denied inheritance of their father's property for more than 38 years.[860] Only two of the siblings involved in the case were still alive and able to witness justice. In its ruling, the court emphasized that:

> It is a matter of great regret that the laws of Almighty Allah and the law of Pakistan was not abided by the appellant, who brought forth a fictitious gift in his favour by depriving the legal heirs of their respective shares as prescribed by Islamic Sharī'ah and based on such manipulation the appellant managed to remain in possession till date, that is, after a period of almost thirty-eight years"[861]

Similar challenges were shared by several respondents in this study who had filed inheritance cases in court. Many of them expressed deep frustration with the slow and burdensome legal process. As Respondent no. 22 shared that she had applied for her inheritance rights about six months ago, and although her case is currently in court, she has only made minimal progress, just two or three steps, due to the slow judicial process, and her case remains pending.[862] Similarly, Respondent No.24 mentioned that her family eventually received their share, but only after many conflicts and a legal struggle that lasted seven to eight years.[863] Moreover, Respondent No.23 described her situation in such a way;

> I have filed a case against my brother to claim my rightful share of the inheritance. it's been two years now, and there has been no progress at all. We are still in the same place, struggling with delays and empty promises.[864]

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[859] International, "Sc Grants Niece Inheritance Right from Uncle's Property after 34 Years."
[860] The Express Tribune, "Tahsinullah V Mst. Parveen (Deceased) through Her L. Rs and Other (Civil Appeal No 46-P of 2020). M. Malik, 'Supreme Court Gives Sisters Rightful Share in Inheritance," https://www.supremecourt.gov.pk/downloads_judgements/c.a._46_p_2020.pdf.
[861] Ibid.
[862] Interview with Respondent no. 22, on 5th March,2023.
[863] Interview with Respondent no. 24, on 16th January,2023.
[864] Interview with Respondent no. 23, on 8th March,2023

Many respondents highlighted ongoing struggles with uncooperative lawyers, lengthy court procedures, and the financial burden of legal action. As one woman expressed, despite all the efforts, I have not yet succeeded in getting my share. I am still struggling, but I haven't given up. These narratives reflect the broader systemic delays within Pakistan's judicial system that hinder women's access to timely justice in matters of inheritance. However, unreasonable delay tactics can lead to cases remaining unresolved for extended periods. Consequently, many claimants do not receive their rightful share of the estate within their lifetime.[865]

3.4.8 Absence of Female Staff in Revenue Departments

Another challenge in asserting inheritance rights is the recruitment of only male officials to handle important inheritance cases,[866] and the lack of female staff in the revenue department.[867] In Pakistan, the majority of employees in the revenue department are male, which often discourages women from visiting these offices alone due to prevailing cultural and social norms.[868] As previously mentioned, women make significant efforts to access the relevant institutions; however, many of these women do not return for follow-up visits. This reluctance is mainly due to the reason that they are uncomfortable in a male-dominant environment.[869] Female respondents from previous studies highlighted that these offices are mostly run by men, and the way they

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[865] Yaseen, Shouzab, and Sultan, "Inheritance of a Daughter: An Analysis Based on Islam and Laws Prevalent in Pakistan."
[866] Tabassum and Ferdoos, "Moving from Legislation to Implementation: Participants' Resolve on Inheritance Property of Women."
[867] Ahmad et al., "Inequality Regimes, Patriarchal Connectivity, and Women's Right to Property Inheritance in Rural Pakistan."
[868] Rubab, Rahat, and Yunus, "Convergence of Private and Public Patriarchy: Challenges of Safe Spaces and Places for Women Claimants of Inheritance in Punjab, Pakistan."
[869] Rubab, Malik, and Bakht Aziz, "Do Legal and Institutional Reforms in Punjab, Pakistan Protect Women's Inherited Land Rights?."

work is often informal. This makes it uncomfortable and difficult for women to visit or deal with them.[870] Respondent No. 23 shares the same thoughts on it by stating

> Going to court and dealing with lawyers is not easy. It requires time, money, and emotional strength. Not every woman is willing or able to go through that process.[871]

As a result, many women feel intimidated in such environments, which makes it difficult for them to express themselves clearly. This lack of confidence further limits their ability to navigate the legal and administrative processes required to claim their inheritance.[872] . It was revealed that if a woman claimed her inheritance, she would find it difficult to communicate with revenue officers.[873]. As one of the respondents expressed her situation by stating, "How could I fight my case for so long without having any male family member on my back?"[874] Women found it difficult to communicate with unfamiliar male officials, further complicating their efforts to claim inheritance. As a result of this tradition, *patwaris*[875] played a significant role in denying women their inheritance because they preferred men to women.[876] The government recently computerized the documents, but *patwaris* continued to manipulate the records and take advantage of women.[877] Under such circumstances, one effective measure to address this issue would be to employ female staff in revenue offices.

[870] Rubab, Rahat, and Yunus, "Convergence of Private and Public Patriarchy: Challenges of Safe Spaces and Places for Women Claimants of Inheritance in Punjab, Pakistan."
[871] Interview with Respondent no. 23, on 8th March,2023
[872] Rubab, Rahat, and Yunus, "Convergence of Private and Public Patriarchy: Challenges of Safe Spaces and Places for Women Claimants of Inheritance in Punjab, Pakistan."
[873] Rubab, "Women's Right of Inheritance."
[874] Rubab, Malik, and Bakht Aziz, "Do Legal and Institutional Reforms in Punjab, Pakistan Protect Women's Inherited Land Rights?."
[875] A government revenue official, who keeps records of land ownership and is responsible for making new entries, etc.
[876] Ahmad, "Attitudes Towards Women's Rights to Inheritance in District Lakki Marwat, Pakistan."
[877] Rubab, "Status of Women Inheritors in Islam: Institutional Hurdles in Punjab, Pakistan."

3.4.9 Obstructions by Legal Practitioners

Legal practitioners, who are expected to uphold justice and facilitate legal process, sometimes become obstacles in the path of rightful claimants, particularly in inheritance cases. Despite their professional obligation, some lawyers engage in practices that delay or complicate the legal resolution of inheritance disputes. In many instances, legal professionals exploit the lack of legal awareness among women to manipulate proceedings.[878] The involvement of these practitioners in inheritance cases is often marked by unethical practices, including unnecessary litigation, deliberate delays, and collusion with powerful parties.[879] During the interview, Respondent No. 22, a widow fighting for her late husband's inheritance, expressed the pain and frustration of navigating the role of lawyers in these words;

> Lawyers are ruthless and exploitative. They demand high fees despite knowing the full details of the case and the suffering involved. Rather than offering clarity or support, they intentionally delay proceedings, keeping you in uncertainty. There is no assurance of receiving your rightful share only vague promises of 60 or 70 percent after a draining process. The system seems built to crush hope instead of delivering justice.[880]

Moreover, Respondent No. 16 highlighted a major concern regarding legal professionals, stating:

> Lawyers often manipulate cases when they are paid by the opposing party. They intentionally weaken their own client's case. This, I believe, is a serious problem in our society.[881]

Another barrier regarding this is the cost of hiring a lawyer,[882] which is difficult to afford because most women rely on men for financial support. In many cases, the legal

[878] ibid.
[879] Ahmad et al., "Inequality Regimes, Patriarchal Connectivity, and Women's Right to Property Inheritance in Rural Pakistan."
[880] Interview with respondent no 22, on 5th March,2023
[881] Interview with respondent no 16, on 19th January,2023
[882] Rubab, "Status of Women Inheritors in Islam: Institutional Hurdles in Punjab, Pakistan."

fees are unaffordable for most of the women. Respondent No. 4 highlighted this issue during the interview in these words;

> The real problem is money. The moment you approach a lawyer, there's a heavy fee waiting for you. On top of that, there are endless expenses, such as traveling back and forth to court, paying for documents, and other unforeseen costs[883]

Respondent No. 22 added by saying;

> A lawyer's fee depends on their reputation, which means we have to spend a large amount just to hire them."[884]

Similarly, the *patwaris* who have a significant clerical authority in inheritance matters often misuse their power by supporting, leading to unequal distribution and prolonged disputes.[885] For instance, in Punjab, a woman named Shahnaz Bibi shared that the *patwaris* asked for bribes when she tried to get the legal papers for her own land.886 In some cases, *patwaris* unfairly cooperate with specific heirs to exclude women from receiving their rightful inheritance.[887] Discrepancies between computerized records and the legal register often allow *patwaris* to exploit their discretionary power.[888] This manipulation is a significant factor behind the prolonged delay in many inheritance cases.[889] Pakistan's computerized registration system faces several shortcomings. [890] Ideally, the same authority that records a transaction should also be responsible for properly registering the *inteqal* (ownership transfer). However, this is unlikely due to the continuous prominence of *patwaris* over *inteqal* (ownership transfer) registration.[891]

[883] Interview with Respondent no.4, on 24th February, 2023.
[884] Interview with Respondent no.22, on 10th January, 2023
[885] Rubab, "Status of Women Inheritors in Islam: Institutional Hurdles in Punjab, Pakistan."
[886] Bank, "In Pakistan and Beyond, Land Records Get a Digital Upgrade".
[887] Ahmad et al., "Inequality Regimes, Patriarchal Connectivity, and Women's Right to Property Inheritance in Rural Pakistan."
[888] Rana and Malik, "Friendly Fire."
[889] Shahzad, "Public Perception Vs. Practice: Tracing Muslim Women's (Dis) Inheritance in Punjab, 1526-Present."
[890] Khalid et al., "Blockchain-Based Land Registration System: A Conceptual Framework."
[891] Khan, Khan, and Zahir, "Women's Inheritance Rights: Procedures, Loopholes and Obstacles."

As reported by patwaris during telephonic interviews in earlier research, the lack of in-person verification by revenue officers enables fraudulent and discriminatory practices.[892]In some cases, men present a veiled woman at office, falsely claiming they are sisters who have willingly relinquished their inheritance.[893] Such deceitful actions deprive genuine female heirs of their rightful share. The persistence of these practices points to their negligence or lack of accountability. As key officials in the mutation process, their failure to verify the identity and consent of female heirs enables ongoing fraud and discrimination. This highlights the urgent need to reform the existing system to ensure that women receive their rightful share of inheritance. As highlighted by Respondent No.11 during the interview;

> Unless there are changes in the procedures of law and strict monitoring, women cannot have their due share[894]

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[892] Yaseen, Shouzab, and Sultan, "Inheritance of a Daughter: An Analysis Based on Islam and Laws Prevalent in Pakistan." Personal Communication (Telephonic Conversation with Patwari).
[893] Ibid.
[894] Interview with respondent no. 11, on 24th February,2023

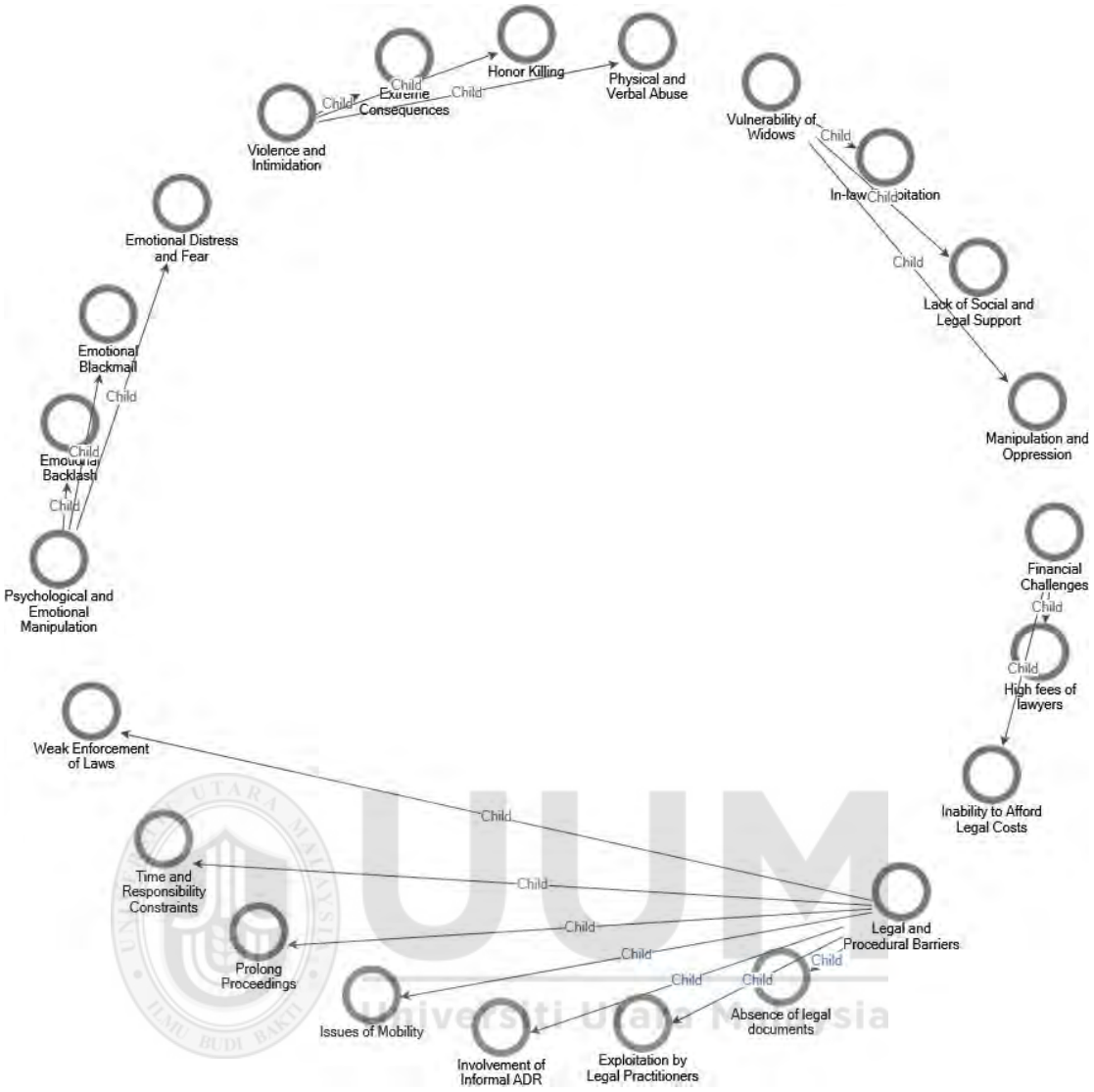
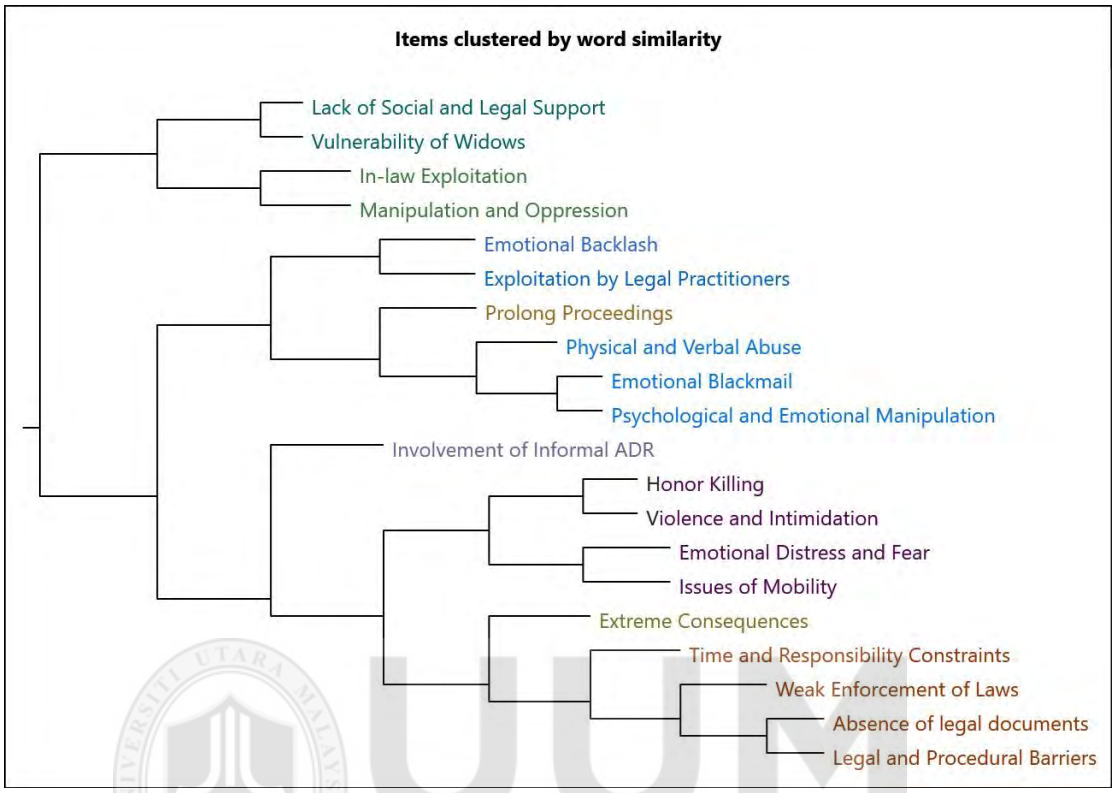


Figure 3.3: Project Map for Thematic Analysis of the obstacles and challenges women faced when claiming their inheritance



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Figure 3.4: Cluster Analysis for Themes and Subthemes for the obstacles and challenges women faced when claiming their inheritance

3.5 Conclusion

This chapter has demonstrated that the denial of women's inheritance rights in Pakistan cannot be understood in isolation from cultural practices and patriarchal structures that shape property relations. While Islamic law and statutory provisions guarantee women a fixed share, customary norms continue to dominate inheritance practices. The comparative analysis revealed that customary laws often override statutory law, reflecting a persistent gap between legal entitlements and actual practice. A key factor in this disconnect is the conflation of culture with religion. As discussed, Islamic

jurisprudence clearly distinguishes between divine injunctions and social customs, yet in Pakistan, patriarchal traditions are often misrepresented as religious obligations to justify women's exclusion. Practices such as *marriage to the Holy Qur'an*, *watta satta* (exchange marriages), and *haq bukhshwana* (waiver of inheritance) operate as cultural mechanisms that deny women independent property ownership, reinforcing male dominance within families and communities. The broader patriarchal system sustains these practices by framing inheritance not merely as an economic right but as a matter of family honour and social prestige. Consequently, many women relinquish their inheritance to maintain familial harmony, perpetuating cycles of economic dependency and social subordination. Hence, the cultural narratives explored in this chapter highlight how women's inheritance rights are undermined not by religion but by entrenched patriarchal traditions. The persistence of such practices underscores the urgent need to separate cultural norms from Islamic teachings and to strengthen mechanisms that protect women's inheritance rights. Only through a comprehensive strategy that includes legal, educational, and societal reforms can true equality in inheritance be realized for Pakistani women.

Moreover, this chapter has examined the multifaceted reasons why women in Punjab, Pakistan, often waive their inheritance rights, as well as the challenges confronted by those who attempt to assert them. The findings reveal that the denial of inheritance is not a singular act but the outcome of an interlocking system of cultural norms, patriarchal attitudes, legal inefficiencies, and institutional weaknesses.

From the first part of the analysis, it is clear that deeply rooted values passed down through generations, along with the fear of being socially isolated or stigmatized as greedy, unsupportive family members (often parents), and the fear of severed family ties, further reinforce this trend. Moreover, factors such as illiteracy, lack of awareness,

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emotional attachment to brothers, social pressures, and the perception of dowry as a substitute for inheritance shape women's decisions to relinquish their rights. These findings demonstrate how deeply ingrained cultural practices normalize exclusion, socializing women from an early age to accept dependency and sacrifice in the name of family harmony.

The second part highlighted that for those women who do try to fight for their inheritance, the path is marked by considerable hurdles. When women attempt to assert their rights, they face numerous psychological, physical, and social challenges, including sentimental coercion, psychological manipulation, and, in some cases, violent intimidation. The act of claiming inheritance is frequently perceived as a dishonour to the family, which serves as a powerful deterrent. In addition to social constraints, legal and procedural hurdles significantly impede women's ability to obtain their inheritance. These include mobility restrictions, land fragmentation, reliance on informal dispute resolution mechanisms, absence of legal documents, prolonged judicial proceedings, lack of female staff in revenue departments, and exploitation by legal practitioners. Together, these obstacles illustrate the gap between law and practice, although Pakistan's legal system and Islamic law guarantee women's inheritance rights, entrenched cultural traditions and institutional deficiencies continue to undermine them.

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Importantly, the evidence shows that even when women are educated and aware of their rights, they remain constrained by familial resistance and structural inequalities. This underscores that the problem is not merely one of awareness, but of power relations sustained by patriarchal norms and weak institutional enforcement. The findings, therefore, confirm that inheritance is not only a legal or religious matter, but also a socio-cultural struggle deeply embedded in gendered power dynamics. Overall, the

chapter underscores the urgent need for legal reform, institutional accountability, and widespread awareness, both religious and legal, to ensure women are able to access their inheritance rights without fear or resistance. Recognizing both the reasons behind waiver and the obstacles to claiming is essential to understanding the lived realities of Pakistani women in Punjab and to devising strategies that enable them to access their rightful entitlements.

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CHAPTER FOUR

ANALYSIS OF WOMEN'S INHERITANCE RIGHTS AND THEIR EMPOWERMENT

4.1 Introduction

Inheritance in Islam is not merely a religious obligation but also a vital mechanism for ensuring social justice and equitable wealth distribution. Women's inheritance rights, in particular, play a central role in shaping their economic independence, social status, and overall empowerment. [895] Across societies, inheritance has served as a key means of wealth transfer and long-term security; however, in Pakistan, women's access to these rights remains deeply constrained by patriarchal norms, cultural practices, and weak enforcement of legal provisions. [896] Since the country's independence, women have struggled to secure equal status and opportunities, often excluded from education, employment, and decision-making processes. [897]

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This chapter explores the concept and dimensions of women's empowerment, situating it within the Pakistani context and highlighting the barriers that restrict women's empowerment more broadly. It further examines how inheritance impacts women's economic, social, political, and legal empowerment, illustrating that the denial of such rights not only perpetuates inequality but also undermines national development. By linking women's inheritance rights with broader empowerment goals, this chapter

[895] Salma Jabeen et al., "Impacts of Rural Women's Traditional Economic Activities on Household Economy: Changing Economic Contributions through Empowered Women in Rural Pakistan," *Sustainability* 12, no. 7 (2020).2731

[896] Bano and Alam, "Women Agency and Provincial Autonomy: A Study of Post-18th Amendment Local Government in Khyber Pakhtunkhwa, Pakistan."

[897] Aliya Bushra and Nasra Wajiha, "Assessing the Socio-Economic Determinants of Women Empowerment in Pakistan," *Procedia-Social and Behavioral Sciences* 177 (2015).3-8

underscores the transformative potential of inheritance as a tool for advancing justice, dignity, and gender equality in Pakistan.

4.2 The Idea of Empowerment

Empowerment is defined as a dynamic procedure that is difficult to determine because it is influenced by social, political, and economic factors.[898] Empowerment as a scientific concept first appeared in the literature in the 1960s and 1970s, specifically in relation to democratic processes and civil rights in South Africa, South America, and the United States. [899] Empowerment is based on social action and seeks to increase the autonomy, power, and influence of oppressed communities. Lack of empowerment was linked to the patriarchal and authoritarian viewpoint of power.[900] In this context, power refers to both status and the ability to control people, their actions, and economic resources.[901] The political ideals of empowerment aimed to highlight people's strengths and abilities and encourage participation and power instead of concentrating on people's shortcomings and needs.[902] Furthermore, empowerment is a commonly used concept that is defined as occurring at various levels, ranging from the political macro level to the level of individuals and groups. Previous research has identified individual empowerment as an intellectual motivational factor that stems from within.[903] It is challenging to define empowerment precisely because there is diversity in the ways it is conceptualized, which leads to a focus on various facets of women's lives. Additionally, each conceptualization offers a unique strategy for achieving

[898] Ambreen Khursheed, Ather Azim Khan, and Faisal Mustafa, "Women's Social Empowerment and Microfinance: A Brief Review of Literature," *Journal of international women's studies* 22, no. 5 (2021).249-65
[899] Kristin Halvorsen et al., "Empowerment in Healthcare: A Thematic Synthesis and Critical Discussion of Concept Analyses of Empowerment," *Patient education and counseling* 103, no. 7 (2020).1263-71
[900] Els Lecoutere and Eva Wuyts, "Confronting the Wall of Patriarchy: Does Participatory Intrahousehold Decision Making Empower Women in Agricultural Households?," *The Journal of Development Studies* 57, no. 6 (2021).882-905
[901] Halvorsen et al., "Empowerment in Healthcare: A Thematic Synthesis and Critical Discussion of Concept Analyses of Empowerment."
[902] Ibid.
[903] Ibid.

empowerment. It is the act of challenging injustice, which forces people to participate in society under unfair conditions or in ways that violate their rights. It implies the ability to choose and necessitates changes in the social structures that create imbalances in power and unequal allocation of resources and opportunities.[904]

At its core, this concept is an approach to economic development that emphasizes social values. It is a way to improve the economy by focusing on people, involving them, giving them power, and making sure it lasts.[905] This idea goes beyond meeting fundamental needs or offering a safety net, a system that keeps people from becoming even poorer. It encompasses a society's values and norms as well as the development of its members.[906] The primary objective of the empowerment effort is to embed modern cultural values such as diligence, frugality, openness, and responsibility, as well as to renew social institutions and integrate them into development activities, and to consider the role of society in those programs.[907] Similarly, the World Bank, in its publication, put a strong emphasis on the definition of empowerment in relation to the element of societal participation in policymaking.[908] Moreover, empowerment is described as a condition where decision-making and power are present. Power will be fully utilized when it is converted into self-capability through social interactions.[909] This idea refers to the theory that holds that choice and ability are determined by power, i.e., the ability to make a decision and the authority to do so. Hence, the concept of empowerment in development has long been emphasized for the benefit of women.[910]

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[904] Bernadette Mukhwana Wanjala, "Women, Poverty, and Empowerment in Africa," in *The Palgrave Handbook of African Women's Studies* (Springer, 2021).
[905] Mukhaer Pakkanna, Ismail Rasulong, and Sentot Imam Wahjono Akhmad, "Microfinance Institutions and Women Empowerment: Evidence in the Rural Areas of Tangerang, Indonesia," *International Journal of Scientific and Technology Research* 9, no. 2 (2020).3994-99
[906] Ibid.
[907] Ibid.
[908] World Bank, "Prosperity for All: Ending Extreme Poverty" (paper presented at the Note for the World Bank Group 2014 Spring Meetings, 2014).
[909] Pakkanna, Rasulong, and Akhmad, "Microfinance Institutions and Women Empowerment: Evidence in the Rural Areas of Tangerang, Indonesia."
[910] Ibid.

4.3 The Concept of Women's Empowerment

The term "empowerment" originated from the word "power."[911] According to the Oxford English Dictionary, empower has two meanings: to give power or authority and to give ability or enable.[912] The first meaning refers to a transfer of power or delegation of authority. Meanwhile, the second meaning refers to the effort to make someone capable rather than powerless. Both of these meanings highlight the significance of women's empowerment in relation to their roles.[913] The concept of empowerment is defined as the process of improving women's ability to make strategic life decisions. This resonates with Naila Kabeer's framework of empowerment, which views it as a process involving resources, agency, and achievements.[914] This description emphasizes two critical aspects of empowerment: resources and agency; both are required to make and implement life decisions.[915] Most developing countries continue to struggle with women's empowerment.[916] Women's empowerment is an essential component of every nation's success, as women are an integral part of every society.[917] It is essential for the economic development of communities as well as families.[918] It is crucial for the country's growth and development. However, the phenomenon of women's empowerment does not appear to be widely recognized in most developing countries,

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[911] Tri Purwani and Indah Arvianti, "The Economic Empowerment Model of Multicultural Society" (paper presented at the The 2nd Tarumanagara International Conference on the Applications of Social Sciences and Humanities (TICASH 2020), 2020).
[912] Pakkanna, Rasulong, and Akhmad, "Microfinance Institutions and Women Empowerment: Evidence in the Rural Areas of Tangerang, Indonesia."
[913] Ibid.
[914] Pallabi Bhattacharyya, "A Matter of Choice: Reflections on Agency and Empowerment among Refugee Women and Older Youth Resettling in Canada," (2022).
[915] Karolin H Lehmann, "To What Extent Does Labor Force Participation Empower Women?," *Journal of International Women's Studies* 25, no. 8 (2023).7
[916] Ali Asad et al., "The Contribution of Microfinance Institutes in Women-Empowerment and Role of Vulnerability," *Rev. Argent. Clín. Psicol* 29 (2020).
[917] Waseem Ul Hameed, Hisham Bin Mohammad, and Hanita Binti Kadir Shahar, "Determinants of Micro-Enterprise Success through Microfinance Institutions: A Capital Mix and Previous Work Experience," *International Journal of Business and Society* 21, no. 2 (2020).803-23
[918] Ali Asad et al., "The Contribution of Microfinance Institutes in Women-Empowerment and Role of Vulnerability," (2020).

such as Pakistan. As a result, women make a limited contribution to the economy and GDP.[919]

There are differences of opinion among authors about how to define the concept of women's empowerment. Sajid Khan describes women's empowerment as a process that starts with a state of helplessness and ends with the attainment of socioeconomic and political participation.[920] However, in a developing nation, the woman might not be in a position to "enable" her to gain control over resources and participate in decision-making. The female community is more socially empowered when decision-making authority is increased.[921] Women's empowerment eliminates negative value systems and oppressive beliefs from society. Women who have an education gain confidence, knowledge, and skills that will help them take advantage of economic opportunities.[922] Women who want to be empowered should value their skills and knowledge, value themselves, and have a higher sense of self-worth, self-confidence, and awareness of their own potential.[923] Women should have equal power distribution and participation in decision-making at home, in society, the economy, and politics via women empowerment.[924] Women's empowerment is measured in terms of knowledge, resources, health, decision-making, and employment.[925]

Although, working women have control over their own lives and are optimistic about the future. Increasing women's rights, resources, decision-making ability, dignity,

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[919] Asad et al., "The Contribution of Microfinance Institutes in Women-Empowerment and Role of Vulnerability."
[920] Khan, "Women's Empowerment through Poverty Alleviation: A Sociocultural and Politico-Economic Assessment of Conditions in Pakistan."
[921] Asad et al., "The Contribution of Microfinance Institutes in Women-Empowerment and Role of Vulnerability."
[922] Rita Devi Karki and Tek Mani Karki, "Analyzing the Educational Attainment of People in Nepal from Gender Perspective," *Education and Development* 30, no. 1 (2020).141-59
[923] Jennifer Zavaleta Cheek and Priscilla E Corbett, "Public Decision Making by Women's Self-Help Groups and Its Contributions to Women's Empowerment: Evidence from West Bengal, India," *World Development Perspectives* 33 (2024).100549
[924] Ibid.
[925] Abdou Musonera and Almas Heshmati, "Measuring Women's Empowerment in Rwanda," in *Studies on Economic Development and Growth in Selected African Countries* (Springer, 2017).11-39

opportunities, and power can lead to their empowerment.[926] Women entrepreneurs face obstacles such as limited mobility, ability, and professional skills compared to men when trying to enter and compete in the markets of developing country.[927] Since women's empowerment is regarded as one of the key elements contributing to the expansion of global development initiatives, it is crucial for socioeconomic development.[928] Women comprise almost half of the world's population and make significant contributions to the economy. It is globally recognized that women make significant contributions to national and global development.[929]

4.4 Women's Empowerment in The Context of Pakistan

Pakistan is an Islamic Republic, and the majority of its laws are based on Sharīʿah. Certain customs appear to conflict with Islamic law, preventing women from enjoying the protection of the law. Cultural norms and customs influence how women's rights are interpreted.[930] In Pakistan, women's empowerment has received limited attention since the country's independence.[931] Women have been denied their basic legal rights to equal status and the opportunity to grow as individuals. Moreover, empowerment remains a significant issue for Pakistani women, rooted in the country's deeply patriarchal society, where cultural, social, and legal barriers continue to limit their opportunities for advancement.[932] Women have been excluded from the development

[926] Gillian Dowie et al., "Introduction: The Growth and Economic Opportunities for Women Programme," *Women's Economic Empowerment: Insights from Africa and South Asia. Edited by Kate Grantham, Gillian Dowie and Arjan de Haan. Routledge and International Development Research Centre* (2021).
[927] Ms Nadia Noor et al., "Women Economic Empowerment: Challenges and Opportunities for Women Entrepreneurs in the Agriculture Sector of Pakistan," *Journal of Contemporary Issues in Business and Government Vol* 28, no. 03 (2022).
[928] Lu Gram, Joanna Morrison, and Jolene Skordis-Worrall, "Organising Concepts of 'Women's Empowerment'for Measurement: A Typology," *Social Indicators Research* 143 (2019).1349-76
[929] Rabia Naguib, "Grounded Approach to Women's Empowerment: Understanding the Complexities," in *Women's Empowerment and Public Policy in the Arab Gulf States: Exploring Challenges and Opportunities* (Springer Nature Singapore Singapore, 2023).
[930] Moula Bux Naich, Muhbat Ali Shah, and Samra Iqbal, "Women-Empowerment Issue in Pakistan: A Sociological Perspective," *Journal of Development and Social Sciences* 4, no. 4 (2023).641-48
[931] Bushra and Wajiha, "Assessing the Socio-Economic Determinants of Women Empowerment in Pakistan."
[932] Bano and Alam, "Women Agency and Provincial Autonomy: A Study of Post-18th Amendment Local Government in Khyber Pakhtunkhwa, Pakistan."

process and various social factors.[933] In addition, Pakistani society's patriarchal framework operates at all levels to relegate women to inferior positions in comparison to men.[934] Women are denied their basic educational rights, and they are not given the same employment, health care, and decision-making authority as men.[935] Instead, they are expected to perform traditional tasks such as housecleaning and dish/clothes washing.[936] Furthermore, the female literacy rate demonstrates that investment in human capital favours men over women.[937] According to the 2017 Pakistan Census, women make up 48.76% of the population.[938] Pakistan's literacy rate is 49.9%, the lowest in South Asia. In urban Pakistan, the literacy rate stands notably higher at 74%, in contrast to the rural areas, where it is 51%.[939] Consequently, women in Pakistan have lower literacy rates which create lower educational opportunities, and these lower educational achievements lead to lower women's empowerment. [940] Similarly, Pakistani women show relatively low participation in political activities.[941] In this regard, family background and cultural values influence women's political activities. Women's democratic roles demonstrate the importance of women's political empowerment in political parties.[942] However, females do not have equal rights in rural areas where traditions favour men in positions of power. To contextualize the discussion on the effects of inheritance on women's empowerment, it is important to consider broader

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[933] Wei Wei et al., "The Influence of Women's Empowerment on Poverty Reduction in the Rural Areas of Bangladesh: Focus on Health, Education and Living Standard," *International journal of environmental research and public health* 18, no. 13 (2021).6909
[934] Muhbat Ali Shah, "Gendered Power Dynamics: A Comparative Analysis of Women's Status In'agora'and Contemporary Pakistani Society," *Pakistan Social Sciences Review* 7, no. 4 (2023).33-45
[935] Ibid.
[936] Ibid.
[937] Muhammad Javed Aftab, Hina Hadayat Ali, and Rukhsana Bashir, "The Cultural Barriers Faced by Women in Acquiring Higher Education in Tribal Areas of Pakistan: A Case of Dera Ghazi Khan," *IUB Journal of Social Sciences* 5, no. 1 (2023).82-94
[938] Madiha Hussain, "Challenges and Opportunities for the Inclusion of Women in Politics in Pakistan," (2022).
[939] Ghulam Yaseen Kalhoro, "The Role of Off-Grid Solar Electrification Sustainability in the Economic Growth of Pakistan" (Politecnico di Torino, 2021).
[940] Abbas et al., "Determinants of Women's Empowerment in Pakistan: Evidence from Demographic and Health Surveys, 2012–13 and 2017–18."
[941] Azeema Begum, "Political Participation of Female in Pakistan: Prospects and Challenges," *Unisia* 41, no. 1 (2023).39-76
[942] Ibid.

gender empowerment indicators in Pakistan. Women's labour force participation remains low, at approximately 22–25 % of women aged 15–64, reflecting limited economic engagement relative to men.[943] Pakistan also ranks poorly on global gender parity measures, with significant gaps in economic participation, educational attainment, and political empowerment.[944] Cultural law plays a key role in political and economic systems, contributing to social and economic difficulties for women.[945] Likewise, traditional and cultural norms impose strict expectations on women.[946] Pakistani women and girls are mostly restricted to household chores and are frequently seen assisting their mothers with these responsibilities.[947] As Respondent No. 12 describe how the mind-set of women in Pakistan is developed from the childhood;

> From childhood, girls are taught by their mothers that their responsibility is to look after the household work, assisting their mothers in daily house chores, and obey their male family members, whereas boys are responsible for outside tasks.[948]

Hence, women's conditions in Pakistan about customs, illiteracy, public awareness, poverty, religious beliefs, cultural and social values, and poverty all contribute to the powerlessness of women.[949] As a result, women's helplessness destroys their self-esteem and confidence; they are unable to talk about or share their desires, worries, or issues. Additionally, women in Pakistan have few job opportunities, high and rising levels of poverty, and an increase in public and domestic violence against girls and women.[950] Similarly, high levels of racism and discrimination, as well as incidents of

[943] World Bank, " Women's Economic Empowerment in Pakistan " ((Washington: World Bank, 2021).
[944] World Economic Forum, " Global Gender Gap Report 2023 " (Geneva: World Economic Forum, 2023).
[945] Naich, Shah, and Iqbal, "Women-Empowerment Issue in Pakistan: A Sociological Perspective."
[946] Naeem Akram, "Women's Empowerment in Pakistan: Its Dimensions and Determinants," *Social Indicators Research* 140, no. 2 (2018).755-75
[947] Jabeen et al., "Impacts of Rural Women's Traditional Economic Activities on Household Economy: Changing Economic Contributions through Empowered Women in Rural Pakistan."
[948] Interview with Respondent no.12, on 2nd January, 2024.
[949] Jabeen et al., "Impacts of Rural Women's Traditional Economic Activities on Household Economy: Changing Economic Contributions through Empowered Women in Rural Pakistan."
[950] Fouzia Younas, Mustafa Naseem, and Maryam Mustafa, "Patriarchy and Social Media: Women Only Facebook Groups as Safe Spaces for Support Seeking in Pakistan" (paper presented at the Proceedings of the 2020 international conference on information and communication technologies and development, 2020).

"honour" killings,[951] are frequently discussed in Pakistani society.[952] Overall, women have the lowest levels of mobility, protection, decision-making, independence, and economic empowerment.[953] They have limited access to ownership of land, economic assets, and credit.[954] In Particular, research indicates that many women face disparities in access to financial resources,[955] including limitations in property ownership, inheritance rights, and control over household income.

Importantly, patriarchal norms and discriminatory practices continue to hinder women's access to their rightful share of inheritance, [956] despite it being a crucial means of wealth transfer and long-term economic security. Thus, these customs do not promote women claiming their rights. Instead, the understanding of women's rights is shaped by traditions and gender roles.[957] For example, in an unjust system like the 'Jirga' and 'Panchayat,' discrimination against women is common.[958] As a result, certain parts of the legal system fail to protect women's inheritance rights properly. Another major problem that prevents women from seemingly exercising their rights is fear.[959] Therefore, women's inheritance rights not only strengthen their financial independence but also enhance their social standing and decision-making capacity. [960] In conclusion, inheritance serves as a powerful driver of women's empowerment, with implications

[951] Honour killing is an act of murder, in which a person is murdered for his or her perceived immoral behaviour. Such "immoral behaviour" may take the form of alleged marital infidelity, refusal to submit to an arranged marriage, demanding a divorce, perceived flirtatious behaviour and being raped.
[952] Farwa Qazalbash, Muhammad Islam, and Irshad Ullah, "The Socio-Political Construction Of'honor'in the Patriarchal Society of Pakistan," *South Asian Studies* 34, no. 2 (2020).
[953] Jabeen et al., "Impacts of Rural Women's Traditional Economic Activities on Household Economy: Changing Economic Contributions through Empowered Women in Rural Pakistan."
[954] Ibid.
[955] Sarah Ahmed, "Women Left Behind: Migration, Agency, and the Pakistani Woman," *Gender & Society* 34, no. 4 (2020).597-619
[956] Ahmad et al., "Inequality Regimes, Patriarchal Connectivity, and Women's Right to Property Inheritance in Rural Pakistan."
[957] Ibrahim and Asad, "Women Economic Empowerment and Employment Discrimination:(Quality Education a Factor to Boost Women's Economic Empowerment and to Reduce Employment Discrimination)."
[958] Allah Nawaz, "Jirga and Panchayat as the Precursor to Honour Killing in Pakistan," *Dialogue (Pakistan)* 15, no. 1 (2020).
[959] Jacqui True, *Violence against Women: What Everyone Needs to Know*® (What Everyone Needs to Know, 2020).
[960] Kelkar and Krishnaraj, *Women, Land and Power in Asia*.

that extend across social, economic, and political spheres. Ultimately, advancing women's empowerment is essential for sustainable social, political, and economic development, as their active participation and decision-making are critical to shaping a more equitable and progressive society.[961]

4.5 Dimensions of Women's Empowerment

Women's empowerment is not limited to one area of life but covers many aspects that shape their role and status in society. It means giving women the ability to make choices, participate in decision-making, and have equal opportunities. To understand it fully, empowerment can be seen through different dimensions such as personal, social, economic, political, and legal. These dimensions together explain how women can gain confidence, independence, and a stronger position in society.

4.5.1 Individual and Social Aspects of Women's Empowerment

The concept of women's empowerment has been observed and addressed in terms of individual development and social thought. Empowerment is the ability of women to become more independent and internally strong. This is defined as the freedom to choose how things go in life and to direct change by having control over both material and non-material resources.[962] Building on this, Moser highlights the value of the individual by emphasizing internal courage and self-reliance. Importantly, in describing her perspective on empowerment, Moser acknowledges that empowerment is essential but not a sufficient prerequisite for tackling gender disparities.[963] She suggests that all hierarchical structures from the family to the state and international levels be

[961] Naich, Shah, and Iqbal, "Women-Empowerment Issue in Pakistan: A Sociological Perspective."
[962] Faraha Nawaz, "From Gender Disparity to Women's Empowerment" (Flinders University Adelaide, 2015).
[963] Caroline ON Moser, "From Gender Planning to Gender Transformation: Positionality, Theory and Practice in Cities of the Global South," *International Development Planning Review* 43, no. 2 (2021). 205-29

transformed. Moreover, self-worth and confidence are key components in empowering women to creatively mobilize change in the systems.[964]

In previous studies, empowerment is defined as,

> "The process by which those who have been denied the ability to make strategic life choices acquire such an ability."965

Empowerment begins when women recognize their own strength and develop the confidence to manage resources and make choices.[966] This requires understanding their real-life challenges and focusing on the issues that matter most to them. True empowerment goes beyond simply joining decision-making; it helps women see themselves as capable and agents of change.[967] When women join together to improve their lives, they can create new opportunities and change society for the better. This empowerment makes them more confident and independent as individuals and helps the whole community grow. [968]

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Turning to Pakistan, despite progress in various areas of life, women, who make up 52 percent of Pakistan's population, continue to face a relative shortage of necessities, skills, opportunities, dignity, fairness, and equality.[969] Therefore, it is crucial to look at women's empowerment in Pakistan from a social, economic, and political perspective.[970] For instance, they often face barriers such as limited access to land ownership, credit, and essential resources. Women in Pakistan continue to face major challenges, including limited access to justice and restricted access to essential social

[964]Ibid.
[965] Savita Sangwan and Shivaleela HB, "Importance of Nutrition on Women's Empowerment," *Indian Journal of Social Research* 63 (2022).
[966] Al Hakim et al., "Women's Empowerment as an Outcome of Ngo Projects: Is the Current Approach Sustainable?."
[967] Sangwan and HB, "Importance of Nutrition on Women's Empowerment."
[968] Khan, "Women's Empowerment through Poverty Alleviation: A Sociocultural and Politico-Economic Assessment of Conditions in Pakistan."
[969] Waqas Ali et al., "Cultural Barriers in Women Empowerment: A Sociological Analysis of Multan, Pakistan," *European Journal of Social Sciences* 18, no. 1 (2010).
[970] Khan, "Women's Empowerment through Poverty Alleviation: A Sociocultural and Politico-Economic Assessment of Conditions in Pakistan."

services such as healthcare, reproductive health, and basic education.[971] These barriers hinder their personal development and reduce their ability to participate in social and economic life actively. Respondent No. 12 depicts the situation of women within Pakistani society in such a way.

> Social awareness among women is not developed; from childhood, they are silenced and denied the freedom to speak for their rights, which ultimately stifles their mental growth.[972]

Additionally, the gender gap can be seen in the data on male and female literacy.[973] According to the Pakistan Labour Force Survey 2020-21, the literacy rate for men and women is, respectively, 73.4% and 51.9%, which is in rural areas 67.2% for men and 40.8% for women, and in urban areas 83.5% for men and 70.8% for women.[974]

Area	Male literacy rate (%)	Female literacy rate (%)
Overall	73.4	51.9
Rural	67.2	40.8
Urban	83.5	70.8

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Table 4.1: Literacy Rate by Gender and Area in Pakistan (2020–21)

Supporting this point, Respondent No. 19 stated this during an interview,

> Women in Pakistan are highly talented but largely unaware of their own abilities and the opportunities available to them. According to the respondent, education enables women to recognize their potential and actively contribute to the development of the state. [975]

[971] Ali et al., "Cultural Barriers in Women Empowerment: A Sociological Analysis of Multan, Pakistan."
[972] Interview with Respondent no.12, on 2nd January 2023.
[973] Nadia Rehman, Irum Andleeb, and Mussarat Iqbal, "Unraveling the Gender Gap: A Comparative Analysis of School Enrollment and Secondary Education Completion in Pakistan's Provinces," *Journal of Research in Educational Sciences* 14, no. 16 (2023).26-39
[974] Government of Pakistan, "Pakistan Labour Force Survey 2020-21," (Government of Pakistan Ministry of Planning, Development & Special Initiatives Pakistan Bureau of Statistics, 2020-21).
[975] Interview with Respondent no. 19, on 3rd March 2023.

Because of the wide regional variations and low enrolment of women, Pakistan faces ongoing challenges in achieving the femininity uniformity indicator and gender parity index (GPI).[976] In conclusion, strengthening women's empowerment at both the individual and social levels is essential. Building self-worth and confidence within women, while simultaneously transforming societal structures, ensures that empowerment becomes a shared process, one that benefits not just individual women but the entire community.

4.5.2 The Political Empowerment of Women

It is considered that political change leads towards empowerment. When women initiate political change, it allows them to become more empowered.[977] Thus, political empowerment is regarded as a prerequisite for both social and personal empowerment.[978] Women's political empowerment significantly influences technological development, shaping a country's economic growth trajectory.[979] Women's political empowerment (WPE) is defined as the enhanced ability of women to impact political decisions, which can be advanced through three key pathways: (1) their representation in political decision-making roles; (2) the protection of their civil liberties, ensuring freedom of choice; and (3) their opportunity to organize and express their voices effectively.[980] In practical terms, it involves coordinating women to gain political power who work for individual women's empowerment. Around the world,

[976] Safia Begum, Shahla Anbreen, and Azra Jamal, "The Role of Women Education and Empowerment in the Economic Development in Areas Naseerabad, Sibi and Kachi of Baluchistan," *Pakistan Journal of Social Research* 5, no. 02 (2023).1261-71
[977] Tariq Rahim, "Beyond Quotas: Examining Patriarchal Barriers to Women's Political Participation in Pakistan," *J. Pol. Stud.* 31 (2024).67
[978] Maleeha Mohammed Zaaf Al-Qahtani et al., "The Role of the Academic and Political Empowerment of Women in Economic, Social and Managerial Empowerment: The Case of Saudi Arabia," *Economies* 8, no. 2 (2020).45
[979] Dahlum, Knutsen, and Mechkova, "Women's Political Empowerment and Economic Growth."
[980] Ibid.

women still face a lot of difficulties and barriers that prevent them from participating in politics, especially in developing countries.[981]

In a country like Pakistan, political power looks more significant for women because a truly democratic political system, especially for women, is not supported by Pakistan's social and political environment.[982] Pakistani political parties are weak organizations with an undemocratic organizational structure, which eventually has a detrimental effect on the representation of women in politics.[983] At the party level, women face an unwelcoming social and political climate, and parties today do not provide equal opportunity and support to all female politicians in Pakistan.[984]

Women who are politically protected can exercise their 'power within' more strongly. Political empowerment of women is strongly discouraged by local customs that are based on social stigma.[985] This type of restrictive mindset is also incompatible with fundamental Islamic principles. During Prophet Muhammad's leadership, both men and women committed their devotion and loyalty to him, with no distinction in content or responsibility. He took a pledge from both men and women to support the state. Furthermore, women such as *Nusaibah bint Kab*[986] agreed to participate in Jihad, and she did so in many battles alongside men.[987] Women also took part in *Shura* (mutual consultation), which is one of the pillars of the Islamic political system.[988] The

[981] Amanda E Mosier, Evava S Pietri, and India R Johnson, "Inspiring Visibility: Exploring the Roles of Identification and Solidarity for Alleviating Black Women's Invisibility in Politics," *Group Processes & Intergroup Relations* 26, no. 6 (2023).1351-67

[982] Tasmia Matloob, Malik Shahzad Shabbir, and Noreen Saher, "Women's Political Representation in the Local Governance of Azad Jammu and Kashmir, Pakistan," *Review of Economics and Political Science* 6, no. 4 (2021).328-47

[983] Ibid.

[984] Ibid.

[985] Zulfiqar Ali, "Socioeconomic and Political Impediments to Women Development and Empowerment: A Case of District Peshawar, Kpk," (2020).

[986] Nausaibah bint Ka'ab: نَسيبة بنت كعب; also *ʾUmm ʿAmmarah*, was one of the early women to convert to Islam. She was one of the companions of Muhammad.

[987] Sanchita Bhattacharya, "Status of Women in Pakistan," *Journal of the Research Society of Pakistan* 51, no. 1 (2014).

[988] Ibid.

Constitution of Pakistan imposes no limitations on women's involvement in politics; however, their representation in political parties and within the political framework at local, provincial, and national levels remains minimal due to cultural and structural challenges.[989] The patriarchal system, which has become deeply ingrained in Pakistani society, creates an imbalanced power structure in which men have more status and authority than women.[990] This power imbalance reinforces gender disparities and limits women's autonomy, preventing them from actively participating in public life. Women are scrutinized for their ability to strike a balance between their political involvement and family responsibilities because of the expectation that they should prioritize their responsibilities to their families and follow social norms regarding caregiving and homemaking.[991] It is generally discouraged for women to work for pay outside the home in order to avoid suggesting that men rely on their income because men are typically seen as the breadwinners and providers for their families.[992] Furthermore, concerns are frequently raised about women's ability to provide effective political leadership.[993] Additional barriers that keep women out of politics include limited access to leadership opportunities, financial resources, and education.[994] In Pakistan, family ties and hierarchy are important, and women are often seen in relation to the men in their lives. This makes politics mostly viewed as an area for men, so women have less chance to take part in important decisions.[995] Women are discouraged and kept out of politics because it is thought that the nature of politics demands masculine ability, such as confidence, activeness, rather than feminine traits of indifference and

[989] Rahim, "Beyond Quotas: Examining Patriarchal Barriers to Women's Political Participation in Pakistan."
[990] Ibid.
[991] Ibid.
[992] ANILA KAMAL and AISHA ZUBAIR, "Chapter One Gender Issues and Challenges," *Psychosocial Explorations of Gender in Society* (2020).1
[993] Rahim, "Beyond Quotas: Examining Patriarchal Barriers to Women's Political Participation in Pakistan."
[994] Ibid.
[995] Akhlaq Ahmad and Haq Nawaz Anwar, "Femininity and Women Political Participation in Pakistan," *The Pakistan Journal of Social Issues* 8, no. 1 (2017).

submissiveness.[996] Moreover, female participation has remained extremely low at the provincial and national levels throughout history.[997]

Women's participation in politics will result in better decisions about gender-based laws and regulations in a variety of sectors, including education, health, the workplace, and society as a whole.[998] Female leadership in political domains is regarded as socially beneficial across all cultures because it ensures equal opportunities and participation in decision-making for women.[999]

4.5.3 Women's Economic Empowerment

Women's economic empowerment is essential for achieving sustainable development, poverty reduction, and overall economic growth.[1000] Empowering women means ensuring that they have access to better job opportunities, supportive environments for entrepreneurship, financial institutions that meet their needs, and job security during difficult times.[1001] In addition, it also requires safeguarding their legal rights and amplifying their voices in decision-making processes.[1002] Discrimination against women harms national economies,[1003] whereas empowering them benefits families, communities, corporations, and countries.[1004] Globally, financially independent women contribute significantly to household income, children's education, health, and

[996] Rahim, "Beyond Quotas: Examining Patriarchal Barriers to Women's Political Participation in Pakistan."
[997] Umer Khayyam and Fariha Tahir, "Female Political Power and the Complexity of Social Barriers in Pakistan," *NUST Journal of Social Sciences and Humanities* 5, no. 2 (2019).153-75
[998] Begum, "Political Participation of Female in Pakistan: Prospects and Challenges."
[999] UN Women, "Facts and Figures: Women's Leadership and Political Participation. Un Women," (2022).
[1000] Elodie Besnier, "Women's Political Empowerment and Child Health in the Sustainable Development Era: A Global Empirical Analysis (1990–2016)," *Global Public Health* 18, no. 1 (2023).1849348
[1001] Mariam Sohail, "Women Empowerment and Economic Development-an Exploratory Study in Pakistan," *Journal of Business Studies Quarterly* 5, no. 4 (2014).210
[1002] AHJM Van Eerdewijk et al., "White Paper: A Conceptual Model on Women and Girls' Empowerment," (2017).
[1003] Irsan Hardi et al., "Decomposed Impact of Democracy on Indonesia's Economic Growth," *Ekonomikalia Journal of Economics* 1, no. 2 (2023).51-60
[1004] T Sudha and Irshad Ahmad Reshi, "Unleashing the Power: Empowering Women for a Stronger Economy," *International Journal of Educational Review, Law And Social Sciences (IJERLAS)* 3, no. 3 (2023).286-33

nutrition, leading to long-term economic growth.[1005] As a result, when women have equal access to resources, skills, and economic institutions, they are better able to make economic decisions and participate meaningfully in society.[1006] Moreover, women who are economically empowered have easier access to opportunities and resources in the economy.[1007] In particular, education remains one of the most accessible resources for women's advancement,[1008] yet uneducated women, particularly in developing countries, are more likely to live in poverty due to their dependence on men.[1009]

Failure to invest in women results in lower national income and passive economic growth.[1010] However, empowerment contributes to economic growth by increasing women's earnings, bargaining power, and participation in the economy.[1011] For this purpose, development organizations play a critical role by supporting women's empowerment through initiatives in microcredit, education, health, reproductive rights, and political engagement. [1012] In fact, previously, women were largely dependent on men, but greater employment opportunities have allowed them to play an active role in the economy. [1013] Notably, the number of female entrepreneurs is rising in Africa, Asia, Eastern Europe, and Latin America, directly impacting job creation and poverty eradication. [1014] It is important to note that women's economic empowerment and

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[1005] Ching Seng Yap, William Keling, and Poh Ling Ho, "Determinants of Entrepreneurial Performance of Rural Indigenous Women Entrepreneurs in Sarawak, Malaysia," *Gender in Management: An International Journal* 38, no. 3 (2023).337-56
[1006] Irshad Ahmad Reshi and T Sudha, "Economic Empowerment of Women: A Review of Current Research," *International Journal of Educational Review, Law And Social Sciences (IJERLAS)* 3, no. 2 (2023).601-05
[1007] Ibid.
[1008] Sohail, "Women Empowerment and Economic Development-an Exploratory Study in Pakistan."
[1009] Nahom Eyasu Alemu, Elisabeth Temesgen, and Mesfin Dessiye, "Do Gender Roles Affect Urban Poverty in Ethiopia? A Focus on Women in Micro and Small Enterprises," *Cogent Social Sciences* 9, no. 1 (2023).
[1010] Araiz Murad Dahir, "The Impact of Oil Rents on Income Inequality: Does Fiscal Decentralization Matter?," *NICE Research Journal* (2021).55-67
[1011] Dahlum, Knutsen, and Mechkova, "Women's Political Empowerment and Economic Growth."
[1012] Manisha A Desai, "Hope in Hard Times: Women's Empowerment and Human Development," *UNDP-HDRO Occasional Papers*, no. 2010/14 (2010).
[1013] Francine D Blau and Lisa M Lynch, "50 Years of Breakthroughs and Barriers: Women in Economics, Policy, and Leadership," (National Bureau of Economic Research, 2024).
[1014] Sarah Bradshaw, Sylvia Chant, and Brian Linneker, "Gender and Poverty: What We Know, Don't Know, and Need to Know for Agenda 2030," *Gender, Place & Culture* 24, no. 12 (2017).1667-88

economic development are mutually reinforcing.[1015] Economic development can help reduce gender inequality, [1016] while gender equality accelerates development by improving productivity and capital accumulation.[1017] Businesses and organizations must therefore support women's health, education, and safety, while implementing workplace reforms to maximize female talent.[1018] Ultimately, providing women with rights, skills, safety, and respect leads to improved workplace productivity.[1019]

In the context of Pakistan, traditional cultural norms have historically restricted women's economic involvement, often prioritizing men for employment and confining women's roles to the household.[1020] Despite progressive policies and improved educational access, women's economic participation remains low and continues to challenge national growth.[1021] According to the World Bank, Pakistan's female labour force participation rate was only 22% in 2020.[1022] This figure reflects deep-rooted social and economic barriers, including discrimination in vocational education, workplace bias, and restrictive cultural expectations.[1023] Similarly, the Pakistan Bureau of Statistics reports that women earn 34% less than men for similar work, highlighting a significant gender wage gap. [1024] Consequently, these discriminatory barriers not only limit women's ability to fully participate in the economy but also hinder national productivity and development. Currently, only one in four Pakistani women is

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[1015] Swara Seshadri and Chad Marsh, "Correlation between Economic Growth & Women's Rights," *Journal of Student Research* 12, no. 2 (2023).
[1016] Reshi and Sudha, "Economic Empowerment of Women: A Review of Current Research."
[1017] Sibylle Lehmann-Hasemeyer, Klaus Prettner, and Paul Tscheuschner, "The Scientific Revolution and Its Implications for Long-Run Economic Development," *World Development* 168 (2023).
[1018] Ifrah Yasin and Savita Nayyar, "Employment Arrangements, Labour Conditions, and Job Satisfaction among the Women Workers Employed in the Pencil Village of India (Pulwama, Kashmir)," *SEDME (Small Enterprises Development, Management & Extension Journal)* (2023).09708464231167957
[1019] Catherine Pereira-Kotze, Mieke Faber, and Tanya Doherty, "Knowledge, Understanding and Perceptions of Key Stakeholders on the Maternity Protection Available and Accessible to Female Domestic Workers in South Africa," *PLOS Global Public Health* 3, no. 6 (2023).e00011199
[1020] Aqsa Rasheed and Misbah Nosheen, "Role of Women in Economic Development of Pakistan," *International Journal of Business and Management Sciences* 5, no. 2 (2024).912-212
[1021] Ibid.
[1022] World Bank, "Supporting Legal Reforms to Increase Womens Workforce Participation Pakistan," (2020).
[1023] Asad et al., "The Contribution of Microfinance Institutes in Women-Empowerment and Role of Vulnerability."
[1024] Rasheed and Nosheen, "Role of Women in Economic Development of Pakistan."

employed, underscoring the urgent need to realign economic policies toward inclusivity. [1025] Furthermore, women in Pakistan face multiple challenges, including limited employment opportunities, poverty, domestic and public violence, low mobility, and restricted decision-making power.[1026] Additionally, women have limited access to education and training, credit facilities, and property rights, and they face cumbersome business registration processes and exclusion from business networks. [1027] Previous research examines the relationship between women's rights and economic development, focusing on a fundamental economic right for women, that is property right.[1028]

To address these issues, effective policy measures are needed to reduce gender disparities[1029] and ensure equal opportunities for men and women.[1030] In order to achieve this, strategies must focus on mobilizing women, raising awareness about their rights, and providing access to education, vocational skills, and community resources.[1031] Although NGOs, media campaigns, and skill-training programs are already working to promote women's rights and legal protections,[1032] but wider efforts are necessary to create an enabling environment for women's full participation in the economy. However, to highlight the positive aspects of women's socio-economic participation in Pakistan, the following table presents selected indicators related to education, government employment, and political representation.

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[1025] Asad et al., "The Contribution of Microfinance Institutes in Women-Empowerment and Role of Vulnerability."
[1026] Tazeen S Ali, Rida Farhan, and Michelle Ayub, "Intimate Partner Violence against Women in Pakistan: A Review of Qualitative Research," *JPMA. The Journal of the Pakistan Medical Association* 70, no. 5 (2020).892
[1027] Naila Kabeer, "Gender Equality, Inclusive Growth, and Labour Markets," *Women's Economic Empowerment: Insights from Africa and South Asia* (2021).13-48
[1028] Sohail, "Women Empowerment and Economic Development-an Exploratory Study in Pakistan."
[1029] Ibid.
[1030] Amanda Keddie, "Gender Equality Reform and Police Organizations: A Social Justice Approach," *Gender, Work & Organization* 30, no. 3 (2023).810-25
[1031] Hadia Majid and Maryam Mustafa, "Transformative Digital Spaces? Investigating Women's Digital Mobilities in Pakistan," *Gender & Development* 30, no. 3 (2022).497-516
[1032] Ishma Fairooz Iqbal, "A Gendered Analysis of the Ready-Made Garments (Rmg) Sector of Bangladesh: A Paradox of Empowerment and Dis-Empowerment," (2020).

Indicators	Male	Female	Notes and Sources
University Graduates (2020–21)	~50% (approx.)	~50% (approx.)	Higher Education Commission (HEC), Pakistan
Federal Government Employees	~550,126	31455	Women ≈ 5.83% of federal govt staff (Establishment Division)
National Assembly Members	273	69	Out of 342 total seats (Election Commission of Pakistan)
Senate Members	78	18	Out of 96 total seats (Inter-Parliamentary Union)

Table 4.2: Women's Representation in Key Sectors in Pakistan

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4.6 Effect of Inheritance on Women's Empowerment

In Pakistan, patriarchal norms and discriminatory practices often prevent women from accessing equal inheritance rights,[1033] despite inheritance being a critical source of wealth transfer and economic stability.[1034] Once women are granted their due inheritance rights, it can have a transformative effect on their empowerment.[1035] Empowerment is the process of raising women's awareness and encouraging them to participate more actively in socioeconomic, political, and cultural activities.[1036] Women's empowerment refers to providing women with the necessary power,

[1033] Ahmad et al., "Inequality Regimes, Patriarchal Connectivity, and Women's Right to Property Inheritance in Rural Pakistan."
[1034] Spencer Bastani and Daniel Waldenström, "Perceptions of Inherited Wealth and the Support for Inheritance Taxation," *Economica* 88, no. 350 (2021).532-69
[1035] Kelkar and Krishnaraj, *Women, Land and Power in Asia*.
[1036] Shipra Gupta and Hitendra Singh Rathore, "Socio-Economic and Political Empowerment through Self Help Groups Intervention: A Study from Bilaspur, Chhattisgarh, India," *Journal of Public Affairs* 21, no. 1 (2021).2143

resources, and opportunities to lead their own lives with autonomy. It entails enabling them to make choices regarding their education, career, security, and well-being, while ensuring equal voice, respect, and opportunities alongside men.[1037] Such activities would result in representation in the decision-making process. According to a study, if women get inheritance rights, they will have a strong influence and ability to control their environment and contribute to the development of society.[1038] Research suggests that allowing women to inherit empowers them, increases their autonomy, and encourages gender equality.[1039] Women's inheritance rights in the modern world allow them to take charge of and profit from their property, which enhances their economic opportunities.[1040]

Inheritance shares provide benefit to women not only economically, but also in terms of education, family health, and well-being. Women who assert their inheritance rights are more likely to have better access to food, healthcare, and education.[1041] The following section discusses the dimensions of women's empowerment that emerge from the realization of inheritance rights, as reflected in respondents' sharing.

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4.6.1 Inheritance and Women's Economic Empowerment

Women's empowerment is an essential component of every nation's success, as women are an integral part of every society.[1042] Women's empowerment is essential for the economic development of communities as well as families.[1043] In Pakistan, women face threats and violence from their husbands, have less mobility and authority in decision-

[1037] Azeem, Mairaj, and Iqbal, "Empowering Women: Making Inheritance Rights Fundamental and Mandatory in Pakistan."
[1038] Rai, "Property Inheritance Laws of Women in Tribal Societies: A Case Study of Sikkim."
[1039] Tanu Gupta, *Women's Inheritance Rights and Time Use: Evidence from the Hindu Succession Act in India* (WIDER Working Paper, 2022).
[1040] Bahrami-Rad, "Keeping It in the Family: Female Inheritance, Inmarriage, and the Status of Women."
[1041] Rai, "Property Inheritance Laws of Women in Tribal Societies: A Case Study of Sikkim."
[1042] Hameed, Mohammad, and Shahar, "Determinants of Micro-Enterprise Success through Microfinance Institutions: A Capital Mix and Previous Work Experience."
[1043] Asad et al., "The Contribution of Microfinance Institutes in Women-Empowerment and Role of Vulnerability."

making, and have limited access to financial resources.[1044] Historically, women in Pakistan have been marginalized in terms of economic participation due to entrenched socio-cultural norms, political constraints, and structural economic barriers. [1045] However, there is growing recognition that sustainable development cannot be achieved without integrating women into the economic mainstream. This awareness is reflected in various policy measures, academic research, and empowerment initiatives aimed at enhancing women's role in the economy. [1046] Ensuring women's inclusion is not only essential for achieving gender equality but also a critical requirement for attaining broader economic development goals.[1047] In order to achieve development objectives, including economic growth, reduction in poverty, health, education, and welfare, women must be empowered.[1048] Previous research has examined the relationship between women's rights and economic development, with particular emphasis on inheritance rights as a fundamental economic entitlement for women.[1049] Inheritance right is the main factor in booming economic growth and development. Likewise, for economic growth secured, Inheritance is regarded as a pre-requisite.[1050] It has been acknowledged that securing inheritance rights enables women to achieve economic empowerment. Interviews and previous research highlight the following economic benefits that women gain from inheritance rights:

i. Many women are skilled and capable, but lack of inherited wealth often limits their opportunities. When women receive their rightful

[1044] Ahmed, "Women Left Behind: Migration, Agency, and the Pakistani Woman."
[1045] Ali, "Socioeconomic and Political Impediments to Women Development and Empowerment: A Case of District Peshawar, Kpk."
[1046] Rasheed and Nosheen, "Role of Women in Economic Development of Pakistan."
[1047] Ibid.
[1048] Besnier, "Women's Political Empowerment and Child Health in the Sustainable Development Era: A Global Empirical Analysis (1990–2016)."
[1049] Sohail, "Women Empowerment and Economic Development-an Exploratory Study in Pakistan."
[1050] Roopanand Mahadew, "The Constitution, Constitutionalism and the Economy of Mauritius: An Assessment of Their Interactions Critical to the Relative Economic Success of the Country," *African Journal of Legal Studies* 14, no. 1 (2021).116-37

inheritance, it provides them with a form of passive income and financial security[1051], which leads to greater respect, independence, and equality in society.[1052]

ii. Inheritance rights can significantly improve a woman's economic status. When women receive their inheritance, they have the freedom to spend it as they wish. Some women expressed that if they were to receive an inheritance, they would not limit its use to personal benefit but would also dedicate a portion towards religious causes and helping those in need. This kind of financial independence allows women to make a meaningful impact on their communities and society at large.[1053]

iii. If a woman has her own money through inheritance, she can start a business[1054] even without her husband's support. This allows her to earn independently and achieve financial stability and satisfaction.[1055]

iv. Inheritance rights can make a woman financially strong. Even if she is not earning through a job or business, receiving her rightful share of inheritance can be highly beneficial for both her and her family.[1056] When a woman receives an inheritance in the form of land, a shop, or a house, she can use the income or resources to improve her lifestyle and achieve greater financial stability. This not only enhances her economic status but also strengthens her position within the family and community.[1057]

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[1051] Ullah, Daraz, and Ullah, "Women's Right to Inheritance: Challenging Cultural Barriers through Education in Khyber Pakhtunkhwa, Pakistan."
[1052] Interview with Respondent no. 4, on 24th February,2023.
[1053] Interview with Respondent no. 13, on 22nd january,2023.
[1054] Bushra and Wajiha, "Assessing the Socio-Economic Determinants of Women Empowerment in Pakistan."
[1055] Interview with Respondent no. 15, on 10th February,2023.
[1056] Interview with Respondent no. 18, on 17th january,2023.
[1057] Interview with Respondent no. 18, on 17th january,2023.

v. A woman becomes more powerful when she is financially independent. For example, if she receives her rightful inheritance and becomes a co-owner with her brother in a factory, her social and economic status is significantly strengthened.[1058] Inheritance empowers women when it is given in a meaningful way, such as income-generating property, plots, or assets that provide ongoing financial benefits. It is important to avoid giving women "dead property" that holds no real value or earning potential, which normally happens.[1059] The woman must retain full ownership of the property and should not be pressured to transfer it to her husband. Additionally, women should use media and digital platforms to increase their awareness about their legal rights and stay informed about their social and economic entitlements.[1060]

vi. If a woman receives her rightful share of inheritance, it can significantly reduce poverty. Inheritance strengthens women's financial security, reduces their dependence on male relatives, and helps them withstand situations of marital breakdown or widowhood.[1061] Similarly, if a brother is very wealthy while his sister is living with low finances just to survive, it becomes his duty to give her a fair amount. This support can help resolve many of her problems and improve her status.[1062]

vii. Inheritance rights can play a vital role in improving women's social and economic conditions. There are many women who have knowledge and

[1058] Interview with Respondent no. 19, on 3rd March,2023.
[1059] Yaseen, Shouzab, and Sultan, "Inheritance of a Daughter: An Analysis Based on Islam and Laws Prevalent in Pakistan."
[1060] Interview with Respondent no. 19, on 3rd March,2023.
[1061] Chris Huggins and Ogochukwu Udenigwe, "Does the Canadian Government Support Women's Rights to Land in Sub-Saharan Africa?," *Canadian Journal of Development Studies/Revue canadienne d'études du développement* 45, no. 2 (2024).222-41
[1062] Interview with Respondent no. 20, on 27th January,2023.

skills in business, but lack the financial resources to start something of their own. If they receive their rightful share of inheritance, they can use it to establish their own business.[1063] This not only helps them support themselves but also enables them to support their families, as well as put their share in the economic growth of the country.

viii. One respondent shared that inheritance rights had made a positive difference in her life. She explained that she and her mother would deposit their share in the bank and use the monthly profit to cover small expenses such as medicine. This financial support would enable them to manage their basic needs without relying on others, giving them a sense of independence and dignity.[1064]

ix. Inheritance rights support women on two key levels: first, by generating income through agricultural production, [1065] and second, by reducing financial insecurity and helping families overcome poverty. Inheritance rights can significantly improve a woman's economic conditions by giving her financial security and property ownership.[1066]

x. Inheritance rights provide women with a means to access and control resources, such as land, property, and financial assets.[1067] A woman gains power through her right to inheritance. Women should be granted assets that provide sustainable financial benefits rather than symbolic shares. Keeping legal title in their name safeguards their financial

[1063] Interview with Respondent no. 21, on 10th January,2023.
[1064] Interview with Respondent no. 24, on 16th January,2023.
[1065] Naomi Kenney and Ana Paula De la O Campos, *Developing Gender-Equitable Legal Frameworks for Land Tenure: A Legal Assessment Tool* (Food and Agriculture Organization of the United Nations, 2016).
[1066] Interview with Respondent no. 4, on 24th February,2023.
[1067] Bahrami-Rad, "Keeping It in the Family: Female Inheritance, Inmarriage, and the Status of Women."

position and gives them room to participate in economic life with dignity.[1068]

xi. Share from inheritance provides women with direct economic benefits, such as a source of income through rental or sale, which expands women's livelihood possibilities.[1069] This allows them to participate more actively in economic activities, start businesses, invest, and accumulate wealth. It will also raise awareness and exposure for females, allowing them to have equal opportunities to hold managerial positions and contribute to the organization and the country's economy.[1070]

xii. Women's unearned income is also increased by getting an inheritance share.[1071] Furthermore, in terms of economic empowerment, owning property allowed for financial assistance through sales, mortgages, or leasing, i.e. generate income by leasing or borrowing from the government or other financial institutions.[1072]

xiii. One of the benefits of giving women their inheritance rights is to increase their independence and decision-making power, which helps them invest more in their children, family well-being, and long-term economic growth.[1073] If a woman is not financially strong, receiving her inheritance rights can help her provide better education for her children and pursue her own education, thereby strengthening her family's

[1068] Interview with Respondent no. 19, on 3rd March, 2023.
[1069] Kenney and De la O Campos, *Developing Gender-Equitable Legal Frameworks for Land Tenure: A Legal Assessment Tool*.
[1070] Bushra and Wajiha, "Assessing the Socio-Economic Determinants of Women Empowerment in Pakistan."
[1071] Bahrami-Rad, "Keeping It in the Family: Female Inheritance, Inmarriage, and the Status of Women."
[1072] Rai, "Property Inheritance Laws of Women in Tribal Societies: A Case Study of Sikkim."
[1073] Esther Duflo, "Women Empowerment and Economic Development," *Journal of Economic literature* 50, no. 4 (2012).1051-79

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financial situation and supporting her husband.[1074] If a woman receives her rightful share of inheritance, it can significantly improve her financial conditions.[1075]

4.6.2 Inheritance and Women's Social Empowerment

Inheritance rights, from a sociological standpoint, raise women's position in the home and in the community, and they can aid in stronger bargaining power inside the family.[1076] Thus, Inheritance rights not only monetarily empower women, but also socially, in the home and in societies.[1077] Inheritance rights contribute to enhancing women's roles within the home and outside the home, as well as decision-making procedures and powers. As Respondent No. 19 spoke about his mother's empowerment, saying,

> My mother plays a vital role in making key decisions at home and outside, and her social empowerment stems from being an educated working woman. Although education is important, it is financial independence and wealth that truly elevate a woman's social standing.[1078]

Women's property ownership is thought to be the means to bring about changes in patriarchal ideology and structures, within the home, and in social relations.[1079] The patrilineal society's social standards prevent women from owning autonomous land. Amartya Sen's essay, "Many Faces of Gender Inequality", also emphasizes that in many societies, property ownership is unequal, and this sort of inequality for women makes it even more difficult to participate in economic and social activitiesvities.[1080] Women's

[1074] Interview with Respondent no. 1, on 23rd January, 2023.
[1075] Interview with Respondent no. 20, on 27th January, 2023.
[1076] E. Scalise, "Property Rights and Resource Governance Issues and Best Practices.," (2011).
[1077] Bibi et al., "Womens' Inheritance Right in Jeopardy: Assessing the Socio-Economic and Cultural Factors Hindering Womens' Right to Own Land."
[1078] Interview with Respondent no. 19, on 3rd March, 2023.
[1079] Govind Kelkar, *At the Threshold of Economic Empowerment: Women, Work and Gender Regimes in Asia* (International Labour Organization, DWT for South Asia and Country Office for …, 2013).
[1080] Nasrin Jahan Jinia and Mohammed Asaduzzaman, "Gender Inequality and Sustainable Development," in *Reduced Inequalities* (Springer, 2021).

unpaid labour in the family, on the other hand, cannot be counted as labour, and their family's agricultural land is also overseen by their spouse or male family members. Findings from interviews and prior research point to several social benefits that women derive from inheritance rights:

i. Inheritance rights give women a sense of security, dignity, and stability, particularly during times of family disruption. Having control over land or assets not only protects them from vulnerability but also provides a foundation for reducing poverty, improving food security, and supporting their overall well-being.[1081]

ii. Inheritance can influence women's roles within the household and society by strengthening their ability to participate in decision-making, contribute to family income, and shape their social position. [1082] Through inheritance shares, women gain not only financial security but also a stronger voice and greater respect in both family and community matters.[1083]

iii. In developing countries, women are often not in a position to gain control over resources or actively participate in shaping household and community choices. Without financial stability, it becomes difficult for them to build or enhance their social standing. [1084] However, when women are given greater influence and authority within the family and society, their social empowerment increases.[1085] Such empowerment helps to challenge harmful norms and weaken oppressive belief systems, paving the way for a more equitable society.

[1081] Huggins and Udenigwe, "Does the Canadian Government Support Women's Rights to Land in Sub-Saharan Africa?."
[1082] Ibid.
[1083] Interview with Respondent no. 19, on 3rd March, 2023.
[1084] Interview with Respondent no. 19, on 3rd March, 2023.
[1085] Asad et al., "The Contribution of Microfinance Institutes in Women-Empowerment and Role of Vulnerability."

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iv. Inheritance holds multiple values; it provides a source of livelihood, a sense of security, social status, and even a means for collective influence. Inheritance allowed women to invest in their children's education and healthcare, thereby contributing to long-term human capital development. In this way, access to inheritance does not merely benefit individual women but also has broader social implications, contributing to intergenerational empowerment.[1086] Moreover, inheritance rights help establish clear bonds of rights, responsibilities, and recognition within society.[1087]

v. Findings from a study suggest that when inherited land is registered in a woman's own name, it not only enhances her economic security but also strengthens her self-reliance and sense of esteem within the family.[1088] Moreover, inheritance rights help establish clear bonds of rights, responsibilities, and recognition within a society.[1089]

vi. Women's inheritance rights carry significant social implications. Women who own and control inherited resources are more likely to exercise influence not only within their households but also in broader social and economic spheres.[1090] Ensuring property rights through the interconnection of social, political, economic, and legal systems is therefore seen as essential. Social empowerment enables women to build confidence, gain knowledge and experience, and raise their children with greater security, while also improving

[1086] Rai, "Property Inheritance Laws of Women in Tribal Societies: A Case Study of Sikkim."
[1087] Usman Qadir, "Un Development Programme (Undp). Human Development Report 2015-Work for Human Development," *Pakistan Development Review* 54, no. 3 (2015).277-78
[1088] Kelkar and Krishnaraj, *Women, Land and Power in Asia*.
[1089] Qadir, "Un Development Programme (Undp). Human Development Report 2015-Work for Human Development."
[1090] Interview with Respondent no.12, on 2nd January, 2023.

their standard of living, enhancing family welfare, and enabling them to play a more active role in wider social and collective affairs. [1091]

vii. Property Ownership enables women to exercise greater independence in the face of gender-based prejudice and enhances their social interactions within the community. Compared to women without land resources, those who possess assets gain stronger negotiating power, particularly in matters of household resources and financial security. It also provides women with greater influence in family decisions and contributes to the fair allocation of household needs. [1092]

viii. A woman's sound financial capacity plays a crucial role in improving her social and economic status, especially if she has strong support from her family. When women are given their rightful inheritance, they become financially stable and gain courage, independence, and respect from their in-laws. In cases where the husband is not earning well, a woman's financial strength becomes even more important.[1093]

ix. Moreover, inheritance can be a turning point in a woman's life, as it provides her with financial security and strengthens her position. Women without such resources often face neglect even from their own children. By contrast, a financially strong woman can live with assurance, recognition, and influence.[1094] In short, inheritance equips women with the means to improve their lives and shape the way they are treated by others.

x. Inheritance does more than provide financial relief; it allows women to play an active role in supporting their families, giving them recognition as valuable

[1091] Bushra and Wajiha, "Assessing the Socio-Economic Determinants of Women Empowerment in Pakistan."
[1092] Bina Agarwal, "Labouring for Livelihoods: Gender, Productivity and Collectivity," *The Indian Journal of Labour Economics* 63, no. 1 (2020).21-37
[1093] Interview with Respondent no.11, on 24th February, 2023.
[1094] Interview with Respondent no.22, on 5th March, 2023.

members rather than dependents.[1095] Beyond meeting material needs, inheritance enables her to be seen as capable and responsible.[1096]

4.6.3 Inheritance and Women's Political Empowerment

Women's lack of access to inheritance and other financial resources creates a major barrier to their political participation. Financial independence is essential for contesting elections, as political campaigns require significant funding.[1097] When women are excluded from economic power structures, they cannot raise the funds needed to run effective campaigns, even if they have the skills and knowledge.[1098] This financial gap limits their representation and weakens their voice in decision-making processes. Inheritance plays a crucial role in this context. Ownership of inherited property not only provides economic security but also strengthens political engagement.[1099] Inherited assets can be used to obtain credit, enabling women to compete for political positions and exercise authority.[1100] Politically, possession of inheritance rights is used to secure and exercise political patronage, and economically, it is regarded as a way of generating wealth from land-based resources.[1101] Women's participation in politics enriches decision-making by bringing diverse perspectives and prioritizing issues often overlooked in male-dominated spaces, such as healthcare, education, child welfare, and gender equality.[1102] Female leaders also play a vital role in addressing gender-based violence and discrimination through progressive legislation.[1103] Moreover, their

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[1095] Interview with Respondent no.21, on 10th January, 2023.
[1096] Interview with Respondent no.18, on 7th January, 2023.
[1097] Sonakshi Singh, "Women in Politics: Barriers to Participation and Strategies for Inclusion," *International Journal of Social Science Research* 1, no. 2 (2024).19-28
[1098] Ibid.
[1099] Christcola Basila and Kennedy Sialoombe, "Does House Ownership Entail Economic Empowerment among the Low-Income People in Zambia?," (2020).
[1100] Ibid.
[1101] Action Aid, "From Marginalisation to Empowerment: The Potential of Land Rights to Contribute to Gender Equality," *Observations from Guatemala, India and Sierra Leone* (2013).
[1102] Singh, "Women in Politics: Barriers to Participation and Strategies for Inclusion."
[1103] Ibid.

presence contributes to inclusive policies and long-term development, with research showing a positive link between women's political representation and overall economic growth.[1104] Economic development necessitates effective political engagement through political leadership; yet, secured inheritance rights are a prerequisite for economic progress.[1105] This participation in the political process at various levels allows them to form political forums and become more involved in the inheritance rights movement.[1106] Political empowerment stems from representation in decision-making structures. Women who do not own or control inherited property often play limited roles because they are underrepresented in household and community decision-making processes.[1107] Respondent No. 19 shared his perspective during our interview, noting that a woman's role in decision-making is often diminished when her income is low.

> If a woman is not financially strong, there is no value in her sayings. However, my mother was a financially strong woman, which allowed her to play a critical and active role in decision-making in our household matters.[1108]

The majority of respondents believed that inheritance serves not only their own desires, but also those of their children and communities.[1109] Women's entry and retention in the formal workforce are hampered by a lack of educational opportunities, mobility constraints, and societal gender norms. These patriarchal structures appear in the political sphere, limiting women's political involvement and leadership roles at the party and state levels.[1110] Pakistan has a deeply ingrained culture of male dominance, which makes it difficult for women to thrive and have equal opportunities, particularly

[1104] Ibid.
[1105] Abodh Kumar, Muhammad Ramzan Sheikh, and Kashif Saeed, "Weak Institutions and Persistence of Slums in Bihar, India," *ANNALS OF SOCIAL SCIENCES AND PERSPECTIVE* 2, no. 2 (2021).157-75
[1106] Rai, "Property Inheritance Laws of Women in Tribal Societies: A Case Study of Sikkim."
[1107] Ibid.
[1108] Interview with Respondent no. 19, on 3rd March, 2023.
[1109] Rai, "Property Inheritance Laws of Women in Tribal Societies: A Case Study of Sikkim."
[1110] United Nations Development Programme, "Development Advocate Pakistan " (2023).

in politics.[1111] making secured inheritance rights a prerequisite for meaningful political empowerment.

4.6.4 Inheritance and Women's Legal Empowerment

According to the legal positivist theory of inheritance property rights, a person's property rights are defined and safeguarded by the law.[1112] In principle, legal property rights are managed through the state's legislative system, with both law and social standards expected to guarantee equal access for all individuals. Scholars of law and economics argue that "law is a manifestation of social policy," highlighting its role in shaping equitable societies. [1113] According to the United Nations Commission on the Legal Empowerment of the People, property rights are one of the mechanisms through which an individual might be empowered. According to them, "property rights aid in the establishment of explicit ties of rights, obligations, responsibilities, and recognition in a community".[1114] Women are still confined to the regular land tenure system in many countries.[1115] Legal property ownership would be characterized as an acknowledgement of women's position and sense of their empowerment in communities or society. Furthermore, the Report of the Commission on the Legal Empowerment of the Poor stated that in most developing countries, the rule of law with regard to equal property rights has not been functioning smoothly, and that this scenario is the fundamental cause of poverty.[1116] Women are still "deprived in many statutory

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[1111] Anila Shakil et al., "Women Issues in Pakistan's Politics: A Case of Psychological and Economic Challenges," *Bulletin of Business and Economics (BBE)* 12, no. 3 (2023).303-09
[1112] Glenn Fox, "The Origins, Nature, and Content of the Right to Property: Five Economic Solitudes," *Canadian Journal of Agricultural Economics/Revue canadienne d'agroeconomie* 60, no. 1 (2012).11-32
[1113] J Shahar Dillbary and William M Landes, *Law and Economics: Theory, Cases, and Other Materials* (Aspen Publishing, 2021).
[1114] Qadir, "Un Development Programme (Undp). Human Development Report 2015-Work for Human Development."
[1115] Charlotte Goemans, Jennifer Sheahan, and Seve Loudon, "Financing for Gender Equality in the Sahel and West Africa," (2022).
[1116] UNDP CLEP, "Making the Law Work for Everyone: Report of the Commision on Legal Empowerment of the Poor," *Topman Printing Company America Inc., New Jersey* (2008).

and customary land tenure arrangements" in these nations.[1117] In Pakistan, although laws exist but these are not working with its full spirit to provide women with their rights of inheritance. Respondent No. 12 illustrated the state of law and order for women, portraying it as follows:

> Pakistan ranks poorly worldwide when it comes to women's inheritance rights. Discussing this issue is often seen as taboo, and a woman who asserts her right to inheritance may be perceived by society as lacking loyalty or love for her family.[1118]

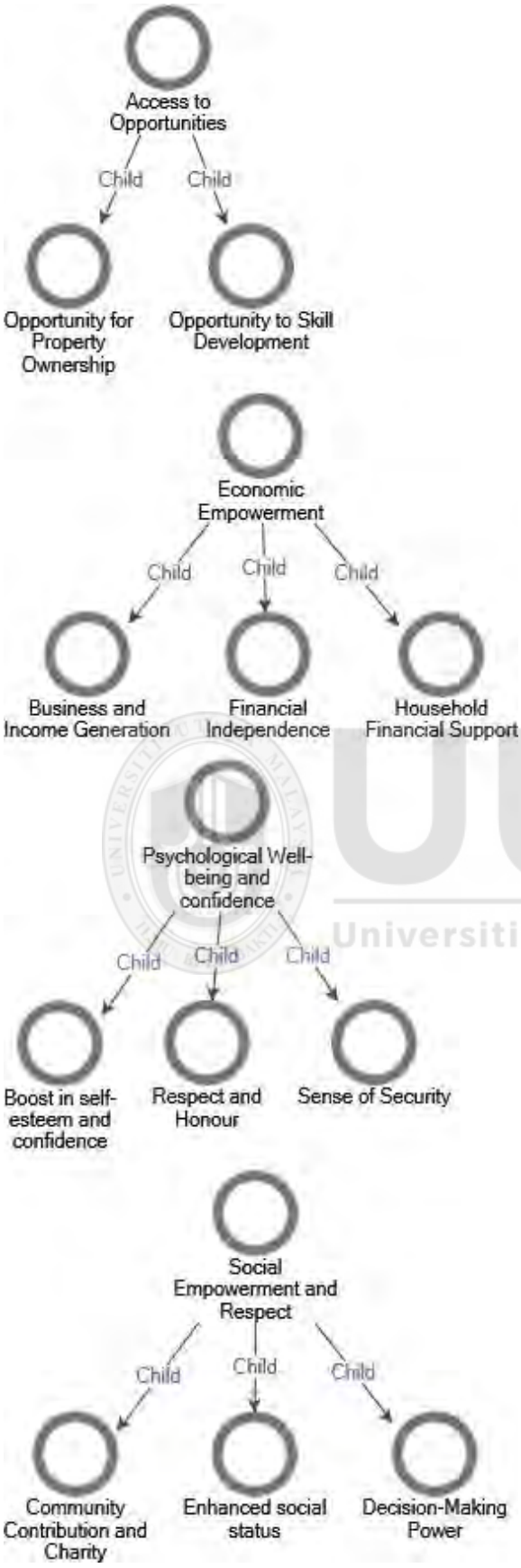
While Pakistan's legal framework and constitution formally guarantee inheritance rights to women, implementation remains weak, leaving these rights largely inaccessible. Similarly, Respondent No. 13 commented on this issue, highlighting the systemic gaps that continue to hinder women's rightful access to assets and autonomy.

> In Pakistan, laws exist to protect women's rights, but they are often ignored or unknown to many. Governing authorities must enforce these laws rigorously, ensuring accountability and compliance. While legal protections are in place, they fail to practically safeguard women's rights, leaving many vulnerable and unprotected.[1119]

Without consistent oversight and institutional support, women remain vulnerable, unable to benefit from inheritance laws, and deprived of the financial empowerment necessary to improve their lives.

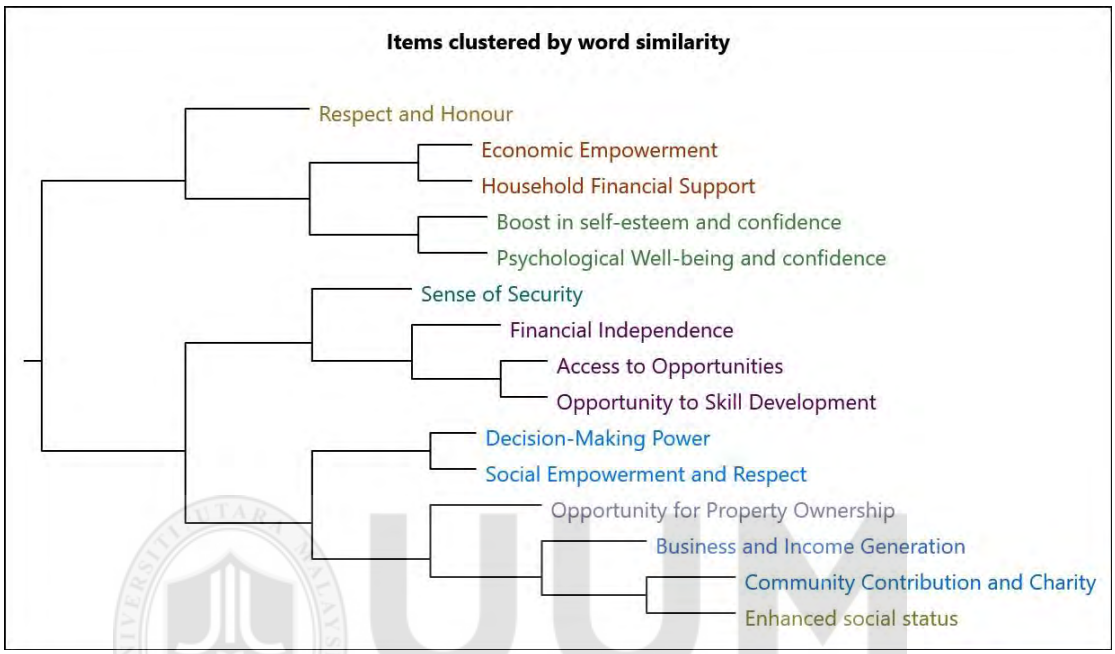
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[1117] Katy Oswald and Laurent Ruedin, "Empowerment Sustainability and Phasing out Support to Empowerment Processes," (Citeseer, 2012).
[1118] Interview with Respondent no. 12, on 2nd January 2023.
[1119] Interview with Respondent no. 13, on 22nd January 2023.



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Figure 4.1: Project Map for Thematic Analysis of Inheritance Rights and Women Empowerment



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Figure 4.2: Cluster Analysis for Themes and Subthemes for Inheritance Rights and Women Empowerment

4.7 Conclusion

In Pakistani society, women have traditionally been excluded from inheriting property and wealth, leaving them dependent on their male relatives for their livelihood. This lack of economic independence can result in gender inequalities, such as limited access to education, healthcare, and political participation, and lower levels of economic productivity. When women are granted inheritance rights, it can significantly improve their economic and social status, such as increased income generation, financial security, and access to credit. The deeply ingrained patriarchal structures often limit their ability to fully capitalize on these opportunities. By inheriting property, women gain control over their own resources, which can enable them to start businesses, invest in education, and improve their standard of living. In turn, this can lead to increased financial independence and social mobility of women in Pakistan. In addition to economic benefits, inheritance rights can also lead to increased social empowerment for women. Socially, property rights enhance women's status and bargaining power within households and communities, challenging gender norms and improving family welfare. In Pakistani society, the ability to own property and assets is closely linked to status and power. By inheriting property, women can gain a greater voice in decision-making processes and increased social influence. However, despite the benefits of inheritance rights, women in Punjab, Pakistan, still face significant barriers to accessing them. Social norms, legal restrictions, and cultural biases often limit women's ability to inherit property and assets, leaving them at a disadvantage. Politically, inheritance rights contribute to women's ability to enter decision-making spaces by giving them the resources to finance campaigns, exercise autonomy, and represent their interests in governance. Women who own property are better positioned to participate in political processes, influence legislation, and ensure that issues such as education, healthcare,

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and gender equality are prioritized. Legally, while Pakistan has provisions for women's property rights, enforcement remains inconsistent, and traditional practices continue to deprive many women of their rightful inheritance. Strengthening legal empowerment through effective implementation, accountability, and awareness is therefore essential to ensure that inheritance rights are not only guaranteed in principle but realized in practice.

Therefore, for genuine empowerment, legal, social, and economic reforms must work together to ensure that women can freely access and control their inheritance rights, paving the way for greater gender equality and sustainable development in Pakistan. Women can't become more empowered and get equal opportunities unless traditional values are changed. Only when inheritance rights are fully accessible and protected will women in Pakistan achieve the economic independence, social status, political influence, and legal equality necessary for sustainable empowerment and national development.

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CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This study examined women's inheritance rights in Pakistan, with the purpose of understanding the gap between Islamic principles, constitutional provisions, and the socio-cultural practices that shape women's access to inherited property. Inheritance is not simply a legal entitlement but a deeply contested socio-cultural practice, one that is shaped by patriarchal traditions, systemic institutional weaknesses, and entrenched gendered power relations.

The foundation of women's inheritance rights is firmly embedded in Islamic teachings, which transformed women's social and economic position by granting them a defined share of family property at a time when most other societies denied women any claim to inheritance. Pakistan's legislative framework has attempted to translate these principles into enforceable law through instruments such as the Succession Act 1925, Muslim Family Laws Ordinance 1961, and more recent reforms like the Punjab Enforcement of Women's Property Rights Act 2021. Yet, the reality remains that many women are unable to benefit from these protections. What emerges from this study is a contradiction: although Islam and state law clearly grant women inheritance rights, these rights are weakened in practice due to cultural resistance, poor enforcement, and institutional barriers that prevent women from receiving their rightful shares.

Cultural factors emerged as one of the strongest barriers to gender equality in inheritance. In Punjab, as in many other parts of Pakistan, patriarchal traditions have historically positioned property as the domain of men, representing family continuity

and authority. Women are frequently persuaded, pressured, or even forced to relinquish their rights, often under the justification of maintaining family harmony or avoiding social stigma. Practices such as considering dowry a replacement for inheritance or discouraging women from claiming property to protect family honour reveal how societal norms can override both legal provisions and religious principles. The evidence demonstrates that women themselves, socialized from an early age into accepting dependency and sacrifice, often internalize these norms, which perpetuates cycles of exclusion. This shows that denial of inheritance is not an isolated act but part of a broader system of cultural expectations and patriarchal attitudes.

Women who pursue their rightful share of inheritance often find the process complex and challenging. The study shows that they often face emotional coercion, psychological manipulation, and at times even threats or violence when challenging family arrangements. Legal and institutional barriers further compound these struggles. Women face prolonged litigation, lack of documentation, male-dominated bureaucratic structures, and exploitation by legal practitioners. The absence of female staff in revenue departments and mobility restrictions further discourage them from engaging with formal legal processes. Thus, while Pakistan's legal system theoretically supports women's rights, its operation in practice frequently reflects patriarchal resistance rather than justice. Importantly, the study demonstrated that even educated and legally aware women are not exempt from these challenges, for they remain bound by family pressures and power structures that discourage them from pursuing their entitlements.

The findings also underscored the transformative potential of inheritance rights when they are fully realized. Women's ownership of property does not only improve their personal economic standing but carries broader social, political, and developmental implications. Economically, inheritance provides women with the resources necessary

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to generate income, access credit, and secure livelihoods, thereby reducing dependency on male relatives. Socially, it enhances women's bargaining power within households and strengthens their status in communities. Politically, inheritance enables women to enter decision-making spaces, finance campaigns, and participate more effectively in governance. Legally, secure inheritance rights reinforce the principle of equality enshrined in both Islam and the Constitution, moving society closer to justice and fairness. The study revealed that the benefits of inheritance extend far beyond the individual, contributing to family welfare, gender equality, and national development.

Punjab government has introduced significant reforms in response to both national and international commitments, these measures remain insufficient to eliminate systemic discrimination. Laws without effective implementation lose their force, and reforms without institutional accountability fail to change realities on the ground. Thus, the study highlights that meaningful change requires more than legal drafting; it requires robust enforcement mechanisms, strengthening administrative processes through gender-sensitive reforms, and sustained awareness campaigns targeting both men and women.

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In fulfilling the objectives of this study, it becomes clear that women's inheritance rights in Pakistan are at once a matter of legal entitlement, religious justice, and socio-cultural struggle. The research has demonstrated why women often waive their rights, what challenges they face when claiming them, and how institutional and cultural barriers combine to deny them justice. At the same time, it has shown the potential benefits of inheritance for women's empowerment and the shortcomings of existing reforms. These insights confirm that while significant progress has been made in recognizing women's rights in law, the journey toward their realization in practice remains incomplete. The research therefore calls for a comprehensive and sustained

effort that harmonizes legal provisions with cultural change and institutional reform. By doing so, Pakistan can move closer to fulfilling both its religious and constitutional commitments, while ensuring that women are no longer excluded from one of the most fundamental rights guaranteed to them by Islam and the law.

5.2 Suggestions and Recommendations

Based on the findings of this study and the issues discussed in the preceding chapters, the following suggestions and recommendations are proposed. These recommendations are categorized into short-term and long-term solutions to ensure both immediate impact and sustainable improvement in women's access to inheritance rights in Pakistan.

5.2.1 Short-Term Recommendations

This section outlines practical and immediately implementable measures aimed at addressing the existing challenges in women's inheritance rights within the current legal and social framework.

5.2.1.1True Implementation of Law

According to the legal experts, the true implementation of the inheritance law is crucial to provide the inheritance rights to women. A true implementation refers to not just having laws in place, but also enforcing them through timely legal action, administrative support, and public awareness. In this regard, Article 23 of the "Constitution of Pakistan 1973,"[1120] every citizen is given the right to dispose of, hold, and acquire any property in any region of the country, which is subject to any

[1120] Naveed Ahmed, "A Critical Analysis of Fundamental Rights under the Constitution of Pakistan, 1973," *Journal of Political Studies* 28, no. 1 (2021).11-21

restriction, i.e., implemented by the associated law within public interest. This also highlights the significance of the implementation of the law to attain the required outcomes. Therefore, Pakistan, being an Islamic nation, has to follow "Islamic Inheritance Jurisprudence" regarding inheritance matters.[1121] Therefore, according to Sharī'ah law, the blood relations are the legal heirs and have the inheritance right to the ancestors' property after their death. This law also clearly presents the women's rights within the context of inheritance property. Even though Section 498A of the Penal Code of Pakistan has also stated that:

> If any individual forces a woman to give up her right to a rightful share of property, that individual is punishable under the law.[1122]

In this regard, the imprisonment of 5 to 10 years is implemented, along with a fine of 10 lac rupees to the individuals who prevent women from attaining their inheritance rights.[1123] However, the women in Pakistan face various issues in acquiring the rights to property due to ineffective implementation of the associated law. Respondent no 21 who file a case regarding her mother's inheritance in the court stated during interview that:

> These laws should be put into effect, and all those who refuse to give women their share of inheritance should be held accountable.[1124]

Therefore, in order to overcome this issue, it is essential to ensure a true implementation of the inheritance law in Pakistan. Even though Pakistani courts resolve inheritance disputes in accordance with the Sharī'ah, there is currently no system in place to ensure that women receive their just and rightful share. To address this issue, it is suggested

[1121] Mursyid Djawas et al., "The Construction of Islamic Inheritance Law: A Comparative Study of the Islamic Jurisprudence and the Compilation of Islamic Law," *JURIS (Jurnal Ilmiah Syariah)* 21, no. 2 (2022).207-19
[1122] Anam Saleem and Ghania Khan, "Constitutional Safeguard and Plight of Women in Pakistan," *Pakistan Journal of Multidisciplinary Research* 1, no. 1 (2020).14-24
[1123] Muneeb Yasin, "What Are the Laws of Property Inheritance in Pakistan
" (2023).
[1124] Interview with Respondent no 21, on 10th January, 2023

that the government set up a unit dedicated to monitoring and recording whether women are receiving their fair share of inheritance under the law and their religion.

As discussed earlier, women are entitled to a fair share of inheritance under both the law and Islamic principles. This issue becomes even more critical in the case of widows. In Pakistan, widowhood often leads to insecurity for many women, as they may face forcible eviction from their homes and denial of inheritance rights.[1125] However, the Quran clearly states that a widow has a share in her husband's inheritance property, which is not conditional on any situation. In Pakistani society, if a widow remarries before receiving her share of her deceased husband's inheritance, she will lose that share.[1126] Furthermore, women who take the risk of filing an inheritance case in court may face delays in decisions, which can last for more than thirty years.[1127] During the interview, a Legal Expert shared the same thing:

> While it is true that our justice system is slow and delayed, inheritance cases also take time.[1128]

This directly indicates a crucial need for improvement in the procedure and administration of cases, in which a timeframe for making decisions on these cases must not be more than a year. These institutions are currently a hub for corruption, and bribery is commonplace when it comes to property transfers.[1129] As it was shared by one of the Respondent who have to pay bribe in her inheritance process to obtain one of her own legal documents.[1130] It is important to look into these problems and take steps to stop such practices. To control corruption, the legal system needs to be strong

[1125] Tazeen Saeed Ali et al., "Widowhood," in *Gender-Based Violence: A Comprehensive Guide* (Springer, 2023).
[1126] Tabassum and Ferdoos, "Moving from Legislation to Implementation: Participants' Resolve on Inheritance Property of Women."
[1127] Rubab, "Status of Women Inheritors in Islam: Institutional Hurdles in Punjab, Pakistan."
[1128] Interview with Legal Expert no. 2, on January 2023
[1129] Rubab, "Status of Women Inheritors in Islam: Institutional Hurdles in Punjab, Pakistan."
[1130] Interview with Respondent no 22, on 5th March,2023

and fair, and anyone who takes bribes in inheritance cases should be punished. It is also suggested by one of the Legal Experts during the interview:

> The focus should instead be on better implementation and raising awareness about women's right to inheritance. Proper enforcement will help prevent violations and lead to criminal accountability for those who deprive women of their rights.[1131]

5.2.1.2 Proper Check and Balance

In order to ensure the protection of the inheritance rights of women in Pakistan, important measures also need to be taken by the government of Pakistan and other associated organisations to carry out an effective check and balance. Different private organizations, such as "Awaz Foundation Pakistan"[1132] and others have also focused on the protection of women's inheritance rights in Pakistan. Therefore, such organisations also need to develop an effective check and balance in order to ensure that the inheritance rights of women are being protected within the country. As highlighted by respondent no. 11 during the interview:

> Unless there are changes in procedures of law and strict monitoring, women cannot have their due share.[1133]

For this purpose, specific policies can also be developed and implemented by the government of Pakistan, ensuring proper check and balance within the context of protection of inheritance rights of women within the country. This approach can be effective in leading to important amendments within the implementation of inheritance law of Pakistan.

[1131] Interview with Legal Expert no. 1, on January, 2023
[1132] Awaz Foundation Pakistan: Centre for Development Services (AWAZCDS) is a non-for-profit, non-governmental and non-political organization, striving for socio- economic development and political empowerment of the vulnerable populations, especially women and young people across Pakistan
[1133] Interview with Respondent no 11, on 24th February, 2023.

5.2.1.3 Less Involvement of Lawyers

In Pakistan, legal procedures related to inheritance often pose challenges for women. Among these challenges, the involvement of lawyers in such processes often complicate things for women applicants. During the interview, respondent no 22, a widow fighting for her late husband's inheritance highlighted unsupportive role of lawyers, she told,

> Lawyers are unfair and take advantage of people. They charge very high fees, even when they know all the details of the case and understand how much the person is already suffering. Instead of helping and giving clear guidance, they often cause unnecessary delays, leaving women confused and unsure of what will happen next.[1134]

Thus, less involvement of lawyers should be encouraged in such processes in order to provide a fair share for each heir according to the Sharī'ah Law. At the same time, awareness among men should also be increased regarding the repercussions of the denial of women's inheritance rights as per the "Prevention of Anti-Women Practices Act 2011."[1135] However, the involvement of lawyers in such a process can help the male heirs to identify loopholes within the *Wirasatnama* (Inheritance Certificate), creating issues for women heirs. This also emphasizes the lesser involvement of lawyers in the inheritance process.

Another barrier is the cost of hiring a lawyer,[1136] which is difficult to afford because most women rely on men for financial support. As this thing is highlighted by Respondent No. 4, that in many cases lawyers charge high fees, which is difficult for most of the women to afford, they further added that the real problem is money;

[1134] Interview with Respondent no. 22, a Widow who have a court case over her late husband's inheritance, on 5th March, 2025.
[1135] Ahmad et al., "Inequality Regimes, Patriarchal Connectivity, and Women's Right to Property Inheritance in Rural Pakistan."
[1136] Rubab, "Status of Women Inheritors in Islam: Institutional Hurdles in Punjab, Pakistan."

whenever a person approaches a lawyer, they charge heavy fees[1137], and the amount of fees depends on the reputation of lawyers.

Hence, our study highlighted that women's inheritance cases can be effectively addressed without involving private lawyers. One of the legal experts interviewed pointed out that there is no longer a need to involve private lawyers in such cases, as this responsibility has now been assigned to the Ombudsman by the government.[1138] Women can directly approach the Ombudsman for support in claiming their rightful share, which helps avoid the burden of high legal fees and delays often caused by lawyers. To strengthen this process further, one of the solutions is to address this issue by making a list of district-level volunteer lawyers who can offer women free legal aid. If women are fighting for their inheritance rights, there should be some reduction in the fees of legal advisors.

5.2.1.4 Role of Religious Leaders

Although Pakistan was founded on Islamic principles, it is essential to recognize that the society often ignores the religious values related to women's rights and status. As a result, harmful practices that Islam opposes have become deeply rooted in the culture. One major contributing factor is that patriarchal interpretations have posed severe limitations on women's empowerment and social mobility. To address this issue, an emphasis on understanding religion from the perspective of both men and women can help Muslim countries establish gender equality and shape people's attitudes towards women's rights.[1139] Firstly, religious factors have a significant impact on societal attitudes towards women. For example, though religion allows women to acquire their

[1137] Interview with Respondent no. 4, Head of an NGO and Women Activist in Pakistan, on 24th February, 2024.
[1138] Interview with Legal Expert no. 2, on January 2023.
[1139] Roumaissaa Tailassane, "Women's Rights and Representation in Saudi Arabia, Iran, and Turkey: The Patriarchal Domination of Religious Interpretations," (2019).

rightful share in inherited property, several cultural norms establish gender discrimination against women's rights. To counter this, religious authorities and leaders can help shape people's attitudes and strengthen women's rights in inheritance by promoting the relevant religious doctrine. Specifically, the doctrinal preaching of the religious authorities can help establish gender equality in terms of the right to inheritance. As a result, this will also empower the mindset of the general public to get rid of the patriarchal system that deprives women of their fundamental right to inherit to property.[1140] Therefore, religious authorities can play a substantial role in shaping people's attitudes towards women's shares in inheritance.

In addition to inheritance rights, the religious leaders have also accepted the social norms of female subjugation and marginalized women.[1141] Existing research further highlights the significant role of religious leaders in female education for bringing about social change. This suggests that efforts can change the perceptions regarding the role of women in contemporary society in Pakistan. Moreover, various religious misconceptions have normalized the suppression of women in Pakistan. Consequently, it becomes a primary responsibility of the religious leader to bring a positive social change by avoiding misinterpretations of Islamic teachings and promoting women's rights. Similarly, the role of local activists and community leaders has also been acknowledged in the existing literature. Moreover, considering the influence of local tribal leaders in rural areas of Pakistan, more emphasis should be put in training these

[1140] Oluwakemi D Udoh, Sheriff F Folarin, and Victor A Isumonah, "The Influence of Religion and Culture on Women's Rights to Property in Nigeria," *Cogent Arts & Humanities* 7, no. 1 (2020).1750244

[1141] Muhammad Mostofa Hossain, "Achieving Sustainable Development Goals: Poverty Alleviation from an Islamic Perspective" (paper presented at the International Conference on Religion, Governance and Sustainable Development (ICRGD2019). Kuala Lumpur, October, 2019).

leaders. Thus, the roles of both religious and community leaders should be acknowledged for promoting women's rights to inheritance in the community.

Finally, several religious institutions in the country can help preach the Islamic rulings about the rights of women in inheritance. Through collaboration, the religious authorities can help implement the principles of Sharī'ah in the country.[1142] For instance, the religious institutions can help the government in raising awareness about the women's right of inheritance in accordance with Islamic principles. This can be achieved by popularizing religious texts that preach the women's rights and prohibit the deprivation of women at the hands of men. Additionally, religious institutions can preach the religious texts about the inheritance laws through Friday sermons and through collaboration with governmental initiatives and campaigns.[1143] During the interview an important perspective was shared by an Islamic scholar, who highlighted the importance of utilizing religious gatherings to challenge misconceptions and promote awareness regarding women inheritance rights:

> Friday sermons can also be utilized to educate communities about women's inheritance rights by emphasizing the Islamic principles of justice and equity. These sermons can highlight the Quranic injunctions that ensure women receive their rightful shares in inheritance, addressing cultural misconceptions that lead to the denial of these rights.[1144]

5.2.1.5 Transforming Society through Awareness and Education on Inheritance

Education is regarded as the most effective instrument to bring about change in women's status in society. Similarly, in Pakistan, education can play a significant role in ensuring women's empowerment and reducing gender inequalities to uplift women

[1142] Rubab, "Status of Women Inheritors in Islam: Institutional Hurdles in Punjab, Pakistan."
[1143] Ibid.
[1144] Interview with an Islamic Scholar, on 16th March, 2023.

in society.[1145] Mobilizing public opinion is important for encouraging people to abandon their conservative mindsets and embrace positive change. Education is essential to this transformation because it is one of the fundamental instruments for socialization. [1146] A curriculum based on appropriate principles can assist children in developing egalitarian values. Incorporating inheritance into school, college, and university curricula would familiarize both men and women with the terminology used in inheritance. During an interview with respondent no. 11 she suggested,

> Educational institutes can play a role in disseminating knowledge about inheritance as children can learn about inheritance rights during this time.[1147]

Thus, education can enhance women's legal literacy and help them take a stand against gender discrimination in Pakistan.[1148] The current discrimination against women is caused by trying to take advantage of their low education levels.[1149] As respondent no. 19 pointed out during the discussion,

> Women's knowledge about inheritance property can make a difference in getting inheritance property.[1150]

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A vast majority of women in Punjab are unaware of their legal rights or government initiatives.[1151] Most women give up their inheritance rights to their male family members, often out of love for their brothers, though sometimes they are pressured to do so. Only a few women exercised this right voluntarily. Women must develop

[1145] Muhammad Tahir Nadeem and Farooq Asif, "A Study of the Perception of the Community Regarding the Impact of University Education in Resolving Gender Issues," *Journal of Research and Reflections in Education* 12, no. 2 (2018).188-203
[1146] Faiz ul Hassan Shah, Urooj Fatima, and Sohail Hussain, "Economic Status and Women's Higher Education in South Punjab (Pakistan)," *Journal of Positive School Psychology* 6, no. 8 (2022).6734-48
[1147] Interview with Respondent no. 11, a Quran Teacher and Quran Volunteer, on 24th February, 2023.
[1148] Sania Muneer, "Women Empowerment, and Access to Education in Pakistan: Barriers within Home," *Journal of the Research Society of Pakistan* 58, no. 2 (2021).32-41
[1149] Udoh, Folarin, and Isumonah, "The Influence of Religion and Culture on Women's Rights to Property in Nigeria."
[1150] Interview with Respondent no 19, on 3rd March 2023.
[1151] Hina Rashid, "Dynamics of Women Empowerment: A Qualitative Investigation of Gender-Based Discriminatory Practices in Punjab, Pakistan," *Pakistan Languages and Humanities Review* 6, no. 2 (2022).1014-13

diligence and the ability to assert and protect their rights.[1152] Along with this, a Lack of awareness among the general public is also observed when it comes to the rights of women to obtain a share in the inherited property. The general lack of public awareness regarding the inheritance laws indicates a need to conduct awareness campaigns aimed at educating the communities about women's inheritance rights.[1153] It should be the responsibility of the government to raise public awareness about inheritance and its procedures. The state must use communication tools to raise awareness among women. During interview with Respondent no 11, she highlighted the importance of awareness by stating:

> Half of the population does not have any awareness regarding inheritance at all and people in rural areas are less aware of the law of inheritance.[1154]

Furthermore, specific measures are required to shift societal mindsets. At the community level, there should be more emphasis on raising awareness through mass media, social media, and Friday sermons. Moreover, organizations can organize seminars to educate the community members regarding the inheritance rights of women, in accordance with the religious and constitutional rights of women. In addition to this, families should be educated to change their socialization patterns and train men and women equally to secure their legal rights. Along with this, women should be engaged in various awareness programs to empower them and enable them to make their own decisions. This can empower them to secure their rights to inheritance property as well.[1155] Seminars at the union council level for both male and female can

[1152] Ibid.
[1153] Tabassum and Ferdoos, "Moving from Legislation to Implementation: Participants' Resolve on Inheritance Property of Women."
[1154] Interview with Respondent no. 11, a Quran Volunteer, on 24th February, 2023.
[1155] Muhammad Fakhir Aftab Ahmad and Shaukat Hussain Bhatti, "Assessing Women's Rights in Pakistan: An Analysis of Legal & Social Challenges with Potential Solutions," *Pakistan Journal of Humanities and Social Sciences* 11, no. 2 (2023).991-1003-991-03

be held to raise awareness. Respondent No. 4 strongly emphasized this need, suggesting that:

> Seminars at the union council level in rural areas should be arranged to make them aware of their rights.[1156]

Along with this, mass media can play a substantial role by starting awareness campaigns and reaching out to the community through various educational programs. Specifically, social media, in particular, can be an effective tool for spreading targeted messages about women's inheritance rights.[1157] For example**,** popular programs can help to redefine traditional gender roles and responsibilities. Furthermore, awareness programs regarding women's legal and constitutional rights should be broadcast regularly.[1158] These platforms should also serve as opportunities to address the challenges faced by helpless and oppressed women who lack knowledge of legal technicalities. Ultimately, such initiatives can empower women and drive meaningful societal change. Highlighting the role of modern communication, respondent no. 11 remarked

> Social media can be used to spread awareness about the inheritance property of women.[1159]

Society can empower women and raise awareness of inheritance rights by putting these suggestions into place and enhancing education efforts.

5.2.1.6 Building Fair and Equitable Family Systems

In Pakistani society, children first learn about fairness and unfairness within their families, where ideas of inequality can take root. Families should be shaped into places

[1156] Interview with Respondent no. 4, Head of an NGO and Women Activist in Pakistan, on 24th February, 2024.
[1157] Rashid, "Dynamics of Women Empowerment: A Qualitative Investigation of Gender-Based Discriminatory Practices in Punjab, Pakistan."
[1158] Ibid.
[1159] Interview with Respondent no. 11, on 24th February, 2023.

of justice, where both boys and girls are given equal opportunities and taught skills based on their abilities, not limited by traditional gender roles. During the interview, Respondent No. 12 described this thing by stating;

> People think that sons are the owners of family property and only tell their sons about property matters, so it is essential to train both boys and girls about property matters.[1160]

It is commonly believed that parents' responsibilities end once their daughters are married, and there is no need to allocate property to them since they are moving to another household. Often, marriages are intentionally arranged to ensure that property remains within the male members of the family. Respondent no. 19, who is a practicing lawyer, shed light on this evil side of society by stating;

> "Many families often marry their daughters into close relatives to keep the inheritance within the family. Additionally, this practice creates social and emotional pressure, discouraging daughters from demanding their rights."[1161]

To address these issues, it is recommended that both men and women share the assets of the family, rather than men having sole authority over property. This shift has the potential to empower women, make them less dependent on men, and allow them to make decisions for their families independently. Firstly, Men should take the role of supporters rather than competitors or barriers.[1162] By working together, men and women can drive change at every level. For instance, fathers as heads of family can play an important role in reshaping socialization in modern Pakistani society by refraining from making decisions on their daughters' behalf and actively granting them their rightful inheritance. Moreover, the inclusion of women in domestic decision-making and providing them control over financial assets are critical steps. These measures not only promote women's financial independence but also foster their self-

[1160] Interview with Respondent no.12, on 2nd January, 2023.
[1161] Interview with Respondent no. 19, on 3rd March 2023.
[1162] Rashid, "Dynamics of Women Empowerment: A Qualitative Investigation of Gender-Based Discriminatory Practices in Punjab, Pakistan."

confidence and reduce their reliance on others.[1163] During the interview, Respondent No. 14 shed light on this issue.

> "The practice of giving property as a gift to sons should be changed, and women should not withdraw their share; parents should be forced to give their daughters their due share."[1164]

It is essential to shift the mindset that views daughters as outsiders after marriage, as this perspective limits their autonomy and sense of belonging. Importantly, daughters should be regarded as part of the family even after marriage, as this helps them feel valued within their house. In this respect, women's role in the families especially mothers are pivotal in shaping empowered futures by educating their daughters, instilling confidence, and inspiring them to embrace their inherent rights and potential. As a result, women will be able to stand up for their own rights in their families instead of waiting for their brothers or other family members to do so. Women can make sure they claim their inheritance as sisters, daughters, wives, and mothers by altering their own perspectives and fostering an environment of empowerment.

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5.2.2 Long-Term Recommendations

This section proposes sustainable and structural measures aimed at bringing lasting change to the protection and realization of women's inheritance rights over time.

5.2.2.1 Betterment in Current Laws Governing Women's Inheritance Rights

Although Pakistan has enacted several laws, including the 2011 Criminal Law Amendment, to protect women's inheritance rights, practical challenges still remain. The legislation exists, but its implementation is limited, and many women especially widowed, divorced, single, or socially vulnerable groups struggle to benefit from these protections. Moreover, while the law criminalizes the unlawful deprivation of

[1163] Ibid.
[1164] Interview with Respondent No.14, on 11th January, 2023.

inheritance, many harmful customary practices continue because the enforcement process is slow. Therefore, the aforementioned deficiencies should be seriously noted by the government and legislative authorities, who should act immediately to address them. Moreover, the current system makes it illegal to deny women their rightful inheritance share. However, the penalties are seldom, if ever, enforced.[1165] As a result, the necessary infrastructure for implementation should support the legislation. On the other hand, in Pakistan, Sharī'ah law serves as the foundation for all laws about inheritance. One significant aspect of this is *ijtihad*[1166], which is widely utilized in other Muslim countries to satisfy the demands of the contemporary world. However, in Pakistan, the door to consultation and consensus has largely been closed.[1167] Thus, Pakistan should use *Ijtihad* to increase the equity of inheritance shares, just as some other nations have done.[1168]

Additionally, several members of the legislative assembly are influential landowners often referred to as feudal lords, who resist women-friendly legislation in order to preserve traditional power structures. Countering these forces requires sustained legal and political advocacy. Furthermore, it is necessary to outlaw parallel legal systems. For instance, *jirgas*[1169] and *panchayats*[1170] are primarily controlled and administered by patriarchs and feudal lords. It was found that decisions made by customary tribunal, such as *panchayats* and *jirgas,* are often harmful to women.[1171] However, the

[1165] Rubab and Ahmed, "Women's Right of Inheritance: Choices and Challenges in Punjab."
[1166] *Ijtihad* refers to the process of independent juristic reasoning exercised by qualified Muslim jurists (*fuqahāʾ*) to derive legal rulings from the primary sources of Islamic law, namely the Qurʾān and the Sunnah, in cases where explicit textual guidance is not available. It involves the application of reason, legal principles, and interpretive methodologies within the framework of Islamic jurisprudence (*fiqh*).
[1167] Rubab and Ahmed, "Women's Right of Inheritance: Choices and Challenges in Punjab."
[1168] Ibid.
[1169] A Jirga is a traditional institution that acts as a form of conflict resolution, utilizing local customs and traditions to resolve disputes within communities.
[1170] Panchayat is a traditional, informal system of local governance, particularly in rural areas, where a council of elders or respected community members resolves disputes and mediates conflicts.
[1171] Gul and Fayaz, "Role of Women in Dispute Resolution and Peace Building in Khyber Pakhtunkhwa: A Critical Analysis of Khwendo Jirga (Sisters'council)."

government's decision to legalize *jirgas* and *panchayats* as part of Alternative Dispute Resolution (ADR) to ease the burden on overcrowded courts is concerning,[1172] as it could promote legal pluralism across Punjab. In light of this, the government should reconsider its decision and redirect its efforts to ensure the current justice system is more transparent and efficient.

In addition to this, dowry presents significant challenges in the pursuit of women's inheritance from their natal families, as it is often falsely treated as a substitute for their rightful share[1173]. Although the central government has passed anti-dowry laws, Punjab must follow suit at the provincial level, just like *Khyber Pakhtunkhwa* (KPK), a Province of Pakistan. Consequently, a provincial law is hoped to help alleviate the common implementation problems.

5.2.2.2 Enhancement in Institutional Effectiveness

There are significant gaps in the current system, for instance, the data stored in various institutions is not synchronized. To address this issue and minimize errors, measure should be taken to link the National Database & Registration Authority (NADRA) and Land Records Management and Information System (LRMIS) records. Currently, citizens are expected to visit these institutions separately to file death or birth certificates. As a result, many individuals deliberately avoid registering property transfers or inheritance-related changes in official records to retain informal control over assets and prevent rightful heirs from claiming their share. This disconnects, in turn can lead to misuse and makes the bureaucratic process tedious. Furthermore, the study discovered that state institutions frequently experienced instances of inadequate

[1172] Ibid.
[1173] Discussed in detail in Previous Chapters

data management.[1174] To enhance the accuracy of official records, it is suggested to strengthen NADRA's data verification processes. It is also recommended that the revenue department update the LRMIS software to acknowledge the ownership of separate land parcels in jointly owned properties. Additionally, steps must be taken to computerize union council data. As a result, digitization not only improved accessibility and accuracy but also reduced dependence on outdated and error-prone documentation practices by patwaris.[1175] A Legal Expert highlighted its importance during the interview by stating:

> There has been significant progress, especially in the computerization of the revenue system. In the past, village registrars or accountants used to handle inheritance matters and often relied solely on verbal statements. For example, if someone claimed that the sisters had waived their rights, the registrar would accept it without personally verifying or meeting the sisters. With the modern digitized system, such unverified claims can now be more easily challenged and documented accurately.[1176]

Furthermore, they frequently feel uncomfortable interacting with male officials, lacking the social capital and experience to engage on equal footing. This leads to feelings of intimidation, preventing them from effectively articulating their concerns. In some cases, male officers exploit this vulnerability and fail to provide the necessary support. Therefore, it is recommended that trained female officers be appointed in revenue departments, courts, and other key institutions to ensure a more supportive and inclusive environment for women.[1177]

5.2.2.3 Easy Procedure

In Pakistan, the process of claiming inheritance begins with obtaining several essential documents. First, the legal heirs must acquire the Death Certificate of the deceased from the Union Council or municipal authority. Next, a Family Tree Certification (*Shajra*

[1174] Rubab, "Status of Women Inheritors in Islam: Institutional Hurdles in Punjab, Pakistan."
[1175] Ibid.
[1176] Interview with Legal Expert no. 2, on January 2023
[1177] Rubab, "Status of Women Inheritors in Islam: Institutional Hurdles in Punjab, Pakistan."

Nasab) is required to officially identify all legal heirs.[1178] Following this, the legal heirs must obtain either a Legal Heir Certificate or a Succession Certificate. This certificate, commonly referred to as the '*Wirasatnama*',[1179] serves as legal proof of inheritance and can be acquired through the civil court or NADRA under the Succession (Amendment) Act 2021. [1180] These documents form the foundation of the inheritance claim process.

However, this often creates different complications for the female heirs, such as a lack of legal awareness, dependence on male relatives, and difficulty accessing required documents, which prevent them from claiming their rights. Therefore, it is also essential for the government of Pakistan and associated organizations to focus on the implementation of an effective and friendly procedure for claiming their rightful share of inheritance. For this purpose, transparency is also needed to be improved in the associated procedure for providing an opportunity for female heirs to claim their rights without any complications. During an interview, respondent no. 22, who is fighting a court case over her late husband's inheritance shared her struggles, saying:

> I have faced countless challenges while pursuing my case, navigating the complex questions from lawyers, understanding their legal jargon, and understanding court procedures. Now, just imagine if an educated woman like me finds this process so overwhelming, what kind of unbeatable obstacles must an uneducated woman face in such situations?[1181]

5.2.2.4 Availability of Female Staff at Revenue Department

Pakistan is a male-dominant society,[1182] which can also play an important role in influencing the inheritance rights of women. Therefore, in Pakistan, most of the

[1178] *"Inheritance Laws in Pakistan: Understanding Your Legal Rights and Obligations,"* Pakistan Law Bot, accessed July 1, 2025, https://pakistanlawbot.com/inheritance-laws-in-pakistan-understanding-your-legal-rights-and-obligations/.
[1179] A wirasatnama is an inheritance certificate issued by a civil court in Pakistan that legally recognizes the heirs of a deceased person and their right to inherit their assets.
[1180] Khan, Khalid, and Rehman, "Women's Inheritance Rights in the West Pakistan Muslim Personal Law, Shariat Act 1962: An Analysis of Practices."
[1181] Interview with Respondent no. 22, on 5th March, 2023.
[1182] Tazeen Saeed Ali et al., "Perpetuation of Gender Discrimination in Pakistani Society: Results from a Scoping Review and Qualitative Study Conducted in Three Provinces of Pakistan," *BMC Women's Health* 22, no. 1 (2022).540

employees in the revenue department are male, which often prevents women from visiting such departments alone due to different cultural and social values. As previously stated, women make great efforts to get to the appropriate offices; however, many do not return for follow-up appointments.[1183] In addition, many women are uncomfortable around male officers. They lack the social capital and experience to interact equally with men. They are intimidated and often fail to express themselves. It has also been observed that male officers often take advantage of this credulity and are unhelpful.[1184] Thus, it is recommended that trained female officers be placed in revenue departments, courts, and other institutions.

In this regard, "Punjab Women Empowerment Package 2012" has also played an important role in protecting the rights of women in Pakistan by providing them equal work opportunities.[1185] In this regard, focus can also be given specifically on increasing the availability of female staff at the revenue department to provide a comfortable legal and social environment for women heirs. This legal provision has also played an important role in protecting the inheritance rights of women in Pakistan. Within this context, the quota for women employees in public services is also increased by 15%. These women employees are hired via the Punjab Public Service Commission (PPSC)[1186]. At the same time, the general seats for women employees also increased by 25% in the "Punjab Public Service Commission," while 33% of the statutory organizations' board members will be women. Moreover, these amendments also emphasized the integration of 33% of women consultants in the "Provincial

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[1183] Tabassum and Ferdoos, "Moving from Legislation to Implementation: Participants' Resolve on Inheritance Property of Women."
[1184] Ibid.
[1185] Rashid, "Dynamics of Women Empowerment: A Qualitative Investigation of Gender-Based Discriminatory Practices in Punjab, Pakistan."
[1186] The Punjab Public Service Commission (PPSC) is a government agency responsible for hiring and administering the provincial civil services and management services in the Punjab Province of Pakistan.

Ombudsman office."[1187] Thus, the development of an effective scheme in order to increase the availability of female staff at the revenue department will also be effective for answering important queries of women heirs.

5.2.2.5 Betterment in Ombudsman

In Pakistan, Ombudsman[1188] refers to *Wafaqi Mohtasib*, also known as the Federal Ombudsman, it is a governmental institution established by Presidential Order I of 1983, to perform functions at federal, provincial, and specialized levels..[1189] The main aim of the Ombudsman[1190] is to ensure the protection of individual rights, focusing on the adherence to the rule of law.[1191] Within the context of women's inheritance rights, there is a growing need to strengthen the role of the Ombudsman. The Enforcement of Women's Property Rights Act 2020 provides female heirs with a legal pathway to reclaim their rightful share by filing complaints through the Ombudsperson.[1192] This legal mechanism is further supported by Supreme Court rulings, which have consistently reaffirmed that denying inheritance to female heirs is both unlawful and contrary to Islamic principles. Together, these legal developments highlight the importance of improving the effectiveness and accessibility of the Ombudsman's office to ensure justice for women in inheritance matters." One of the legal experts

[1187] WDD, "Punjab Women Empowerment Package 2012," (2012).
[1188] In Pakistan, Ombudsmen can have a specific role in inheritance matters, particularly concerning the enforcement of women's property rights, as outlined in the Enforcement of Women's Property Rights Act 2020, which establishes a complaint mechanism for female heirs to reclaim their rightful inheritance through an Ombudsperson's office. The Wafaqi Mohtasib (Federal Ombudsman) and provincial Ombudsmen handle public and service-related complaints and can be involved when administrative inaction or injustice prevents the rightful distribution of inherited property.
[1189] "Federal Ombudsman of Pakistan," *Wikipedia*, last modified July 1, 2025, https://en.wikipedia.org/wiki/Federal_Ombudsman_of_Pakistan.
[1190] In Pakistan this institute also known as *Wafaqi Mohtasib*.
[1191] Safdar Hussain, Arsalan Rasool, and Nouman Rasool, "Federal Ombudsman (Wafaqi Mohtasib) in Pakistan: A Reappraisal of Its Origin, Development and Functions," *PalArch's Journal of Archaeology of Egypt/Egyptology* 17, no. 12 (2020).25-35
[1192] Interview with a Legal expert no. 3, on January, 2023

interviewed emphasized the significance of the Ombudsman in facilitating women's access to inheritance rights, stating:

> Now women can get their inheritance easily; they just need to fill out an application to the Ombudsman's office, and the matter is solved in one or two weeks. This has made it much easier and faster for women to get their rights.[1193]

Moreover, the Ombudsman can play a significant role in providing legal advocacy and support to female heirs, thereby improving their access to necessary resources. This approach can also facilitate the provision of essential legal aid to women seeking to claim their inheritance rights. According to the report issued by the ombudsperson in 2024, since the establishment of the Office of the Punjab Ombudsperson for Women under the legal framework linked with the *Punjab Enforcement of Women's Property Rights Act, 2021*, the Ombudsperson's office has actively addressed women's complaints related to harassment and rights violations.[1194] Official figures indicate that 4650 complaints were received and processed by the office over a four-year period (2021–2025), with the majority resolved and a small number remaining under investigation.[1195]

5.3 Directions for Further Research

Almost every research study has its own pros and cons. Similarly, the current study has been effective in proposing important solutions for improving the situations related to women inheritance rights in Pakistan. Based on the study carried out, there are other possible areas for future research that could benefit this area of study. For instance, the scope of this study has focused only on women inheritance rights within the context of Punjab, forthcoming researchers are urged to study other provinces of Pakistan where

[1193] Interview with a Legal expert no. 2, on January, 2023
[1194] Office of the Ombudsman Punjab, "Annual Report 2024," (Lahore: Government of Punjab, 2024).
[1195] "4,650 Harassment Cases Addressed in Four Years,," *Pakistan Today*, 17 june 2025.

the researcher was unable to carry out extensive research due to time and financial limitations. In other provinces feudal and patriarchal systems are very strong and often override law. Narratives of women from the region need to be explored and brought to the fore.

Furthermore, comparative analysis regarding inheritance rights of non-Muslim communities or women in other jurisdictions is not covered within the scope of this study. Moreover, this study includes the integration of qualitative methodology for data collection and analysis. Therefore, future studies can play an important role to overcome the aforementioned gaps. It would be beneficial if future research could extend the analysis to non-Muslim communities in Pakistan or undertake comparative studies with other jurisdictions to provide a broader perspective on women's inheritance rights. Another possible direction for future research is the collection of primary quantitative data, particularly on the number of cases in which the women were not provided with their inheritance rights. In this regard, a survey method can also be used to prevent any research bias. This will also help in collecting the data from a larger population. To conclude, while most studies on inheritance primarily focus on the devolution of immovable assets, movable assets such as bank balances, vehicles, and other personal property also play a significant role in the transfer of ancestral wealth. Future research should, therefore, investigate women's inheritance rights concerning movable assets to address this overlooked aspect comprehensively.

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5.4 Final Remarks

This study highlights the complex interplay between cultural norms, legal awareness and women's inheritance rights in Pakistan. It provides a detailed understanding of Pakistan's legal framework related to women's inheritance rights and identifies key

cultural and legal barriers that hinder women from claiming their rightful share of inheritance. By discussing the various challenges women face in family settings and within the legal system, the study contributes valuable insights into the lived realities of women in Pakistan. Moreover, it also highlights the transformative impact of inheritance on women's empowerment and proposes practical solutions to improve the enforcement and awareness of inheritance rights. Overall, the findings of this research have significant implications for policy and practice. Government institutions and relevant organizations are encouraged to improve the accessibility of legal resources and information to support women in claiming their rights. Furthermore, the study highlights the role of law enforcement agencies in ensuring that inheritance laws are implemented effectively. Thereby promoting gender equality and empowering women economically and socially.

In conclusion, the study emphasizes that improving women's access to inheritance is not merely a legal concern but a crucial step toward achieving justice and economic empowerment. To achieve this, strengthening the legal framework, promoting awareness, and confronting norms are essential in transforming the current inheritance practices in Pakistan. Ultimately, empowering women with their rightful share of inheritance can serve as a powerful tool for social change, fostering not only individual well-being but also broader societal development.

Through this study, my aspiration is to contribute toward bridging the gap between law and practice in the field of women's inheritance rights in Pakistan. I hope that the findings will not only enrich academic debates but also inspire policymakers, legal practitioners, and community leaders to take meaningful steps in ensuring women's rightful access to inheritance. On a personal level, this research reflects my commitment

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to advancing gender justice and promoting an equitable society where women can exercise their rights without fear or compromise.

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Appendix A

Muslim Women's Right to Inheritance: A Study of Law and Practice in Punjab, Pakistan

Participant's Consent Form

About the Research & the Researcher

I, Amina Nisar, am a PhD student at Awang Had Saleh Graduate School, Universiti Utara Malaysia, Malaysia. I am conducting my research on the topic "*Muslim Women's Right to Inheritance: A Study of Law and Practice in Punjab, Pakistan*". The research is for the fulfillment of my PhD degree. The study is interested in knowing about women's practices regarding inheritance. It is further interested in exploring the challenges women confront in the pursuit of their inheritance claims. I request you to participate in my research with your own free will and consent. The information you will share will be used for academic purposes only. Your privacy is our top priority. With your permission, the interview will be audio-recorded to facilitate the collection of information and later transcribed for analysis. All information you provide is considered completely confidential.

I sincerely thank you for your valuable time, cooperation, and contribution to this research. Your participation is highly appreciated and will play a significant role in the success of this study.

With gratitude,
Amina Nisar
Ph.D. Student,
Awang Had Saleh Graduate School,
Universiti Utara Malaysia

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Appendix B

INTERVIEW GUIDE 1

Muslim Women's Right to Inheritance: A Study of Law and Practice in Punjab, Pakistan

SECTION 1:

DEMOGRAPHIC INFORMATION

Age

Location: Village, Union Council, Thesil, District

Marital status

Siblings

Children

Education

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SECTION 2:

A. WOMEN'S RIGHTS OF INHERITANCE

1. What is your understanding of women's rights?
2. According to your knowledge, what rights are granted to women under Sharī'ah law?
3. What do you know about the right of inheritance?
4. How do you understand women's right to inheritance in the context of Pakistan?
5. In your opinion, are women in Pakistan generally aware of their inheritance rights?

6. Based on your observation, do women usually receive their rightful share of inheritance?
7. Have you personally received your share of inheritance, or did you waive your rights? (Personal Experience)
8. In your opinion, do parents consider inheritance matters when selecting a marriage proposal for their daughters?
9. To what extent do you think dowry is regarded as a substitute for women's inheritance?

B. REASONS FOR SURRENDERING THE INHERITANCE RIGHTS

10. Have other women in your family received their rightful share of inheritance from their family?
11. Do you think women should waive their inheritance rights?
12. Do you know any women around you who have given up their inheritance rights?
13. What factors, in your view, compel women to surrender their inheritance rights?

C. CHALLENGES IN CLAIMING INHERITANCE

14. What is the inheritance-related norms (legal, traditional, or cultural) followed in your family?
15. Do parents generally support their daughters' right to inheritance?
16. In your opinion, should women claim their inheritance rights?
17. When a woman claims her inheritance rights, do you think she usually makes this decision independently?

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18. Are you aware of any woman in your area who has pursued legal action to obtain her inheritance share?
19. What are the major challenges or obstacles women face when trying to claim their inheritance rights?
20. Do you believe that Pakistan's Islamic Family Law sufficiently protects women's inheritance rights?

D. INHERITANCE EFFECT ON THE ECONOMIC AND SOCIAL EMPOWERMENT OF WOMEN

21. What is your understanding of women's economic and social empowerment?
22. Do you or other women participate in decision-making regarding family matters?
23. Do you or other women contribute financially to the family?
24. In your view, does a woman's financial independence play a significant role in enhancing her economic and social status in society?
25. How do you think inheritance rights can help improve the social and economic status of women?

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INTERVIEW GUIDE 2

(For Legal Experts)

(to gather their expert opinions and insights on the topic)

1. What law or set of laws are followed in Pakistan when it comes to matters of inheritance?
2. What legal protections exist for women's inheritance rights in Pakistan, and which courts or legal forums are responsible for handling such cases?
3. To what extent do you believe that effective enforcement of inheritance laws can ensure women's equal rights in property distribution?
4. What do civil laws in Pakistan state regarding women's inheritance rights, and to what extent are these laws aligned with Islamic (Sharī'ah) principles?
5. Which legal forum do people usually approach to claim inheritance rights Sharī'ah courts, civil courts, or another platform?
6. What amendments have been made by the government concerning women's inheritance rights?
7. What are the legal and ethical consequences when a woman waives her inheritance rights under pressure and signs a statement acknowledging compensation she may not have actually received?
8. To what extent do you think the current laws on women's inheritance in Pakistan are effective, and what areas, if any, require improvement?
9. To what extent does the perception of judicial injustice influence women's reluctance to claim their inheritance rights through the courts?
10. How can people become aware of how to claim inheritance through the courts?
11. What are your recommendations for improving women's access to their inheritance rights and control over inherited property?
12. What general improvements do you suggest?

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INTERVIEW GUIDE 3

(For Islamic Scholars)

(to gather their expert opinions and insights on the topic)

1. How aware are women in Pakistan about their inheritance rights?
2. How can we raise awareness among men and women about inheritance rights?
3. What role can media play in raising awareness about women's rights?
4. What does Islam say when a woman refuses to take her right or when a man denies giving it? How accountable are both?
5. How can we motivate people, both men and women, regarding women's inheritance rights?
6. What role can Islamic scholars play in this issue?
7. How can Islamic family laws related to inheritance be properly implemented?
8. How responsible is the government and are the rulers accountable too?

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Appendix C

Thematic Analysis Results

Table 1.

Coding Framework of Thematic Analysis for Research Objectives 1 and 2:

"To examine the principles of inheritance in Islamic law and its incorporation and enforcement in Pakistan's legal system".

And

"To explore the role of cultural norms, and social practices in either facilitating or hindering the realization of women's inheritance rights in Pakistan".

Themes	Subthemes	Quotes
Understanding of Women's Rights in Islam	Equal Rights in Islam	"Islam grant equal rights to women like men." (Respondent 4)
	Inheritance Rights under Sharī'ah	"Sharī'ah gives right of inheritance to women." (Respondent 13)
	female gets half of men	"Male get two part and female get one part in inheritance." (Respondent 2)
	Men's duties justify larger share.	"In Sharī'ah,women are given rights, though in matters of inheritance, they often receive half of what men receive. This is because traditionally, men are financially responsible for the family, while women are not expected to provide financially. Sharī'ah ensures that women are protected and provided for, even if their share is different." (Respondent 17)

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Women's inheritance rights in Pakistan	Widespread denial	"In Pakistan, many women are denied their rightful share of inheritance. It's estimated that fewer than 20% of women actually receive what they are entitled to." (Respondent 11)
	Lack of awareness	"I would say only about 10 to 20 percent are aware. Even if they know, they often lack the willpower to fight for their inheritance rights. Most of these women stay quiet, accepting that if they get their share, it's fine, but if not, they don't make an issue of it." (Respondent 7)
	Unsupportive Legal system	In Pakistan Legal System regarding inheritance is unsupportive for women. (Respondent 3)
Legal Framework vs. Practical Reality	Law exists but doesn't work	"The law is clear and it supports women's inheritance rights. However, the real problem lies in its implementation. Many people do not follow the law, and in some cases, lawyers manipulate the case especially when they are paid by the opposing party to weaken it." (Respondent 14)
	Weak or no implementation	"Yes, our law protects but there is no implementation." (Respondent 2) "I don't think so not in practice. While laws exist on paper, they are not properly implemented." (Respondent 8)
Consensus on Waiver or Claiming	Voluntary waiver if financially secure	If a woman is financially strong in her own home and her brothers do not have the capacity to give her share, then she may willingly give up her rights." (Respondent 16)
	Never waive rights	"Not at all! They should never give up their rights absolutely not! They should take their share; they should claim their right. It is their rightful entitlement." (Respondent 6)

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	Strong belief that women should claim rights	"Women should claim their rights. Allah (SWT) has granted inheritance rights as a blessing, and women must receive what is rightfully theirs, regardless of their financial situation." (Respondent 11)
Economic and Social Concerns	Fear of greedy in-laws	Nowadays, if parents mention that they will give the right of inheritance to their daughters, the in-laws often become greedy. As a result, many parents prefer not to announce it openly and instead keep this matter silent, avoiding potential conflicts." (Respondent 5)
	Gender Bias in Resource Distribution	Indirectly parents realize the daughter that you brother is doing too much for you at the time of wedding and he has children so you will not claim about anything in future." (Respondent 10)
	Inheritance considered post-marriage	"Some people do consider a woman's inheritance properly at the time of her wedding and say that they have given their daughter her rightful share. However, around 75 to 80% of people believe that the large amount of money spent on the wedding is enough and consider that as her share." (Respondent 16)
Varying Family Trends	Fair distribution trend	"In my mother's family all the women got their right of inheritance." (Respondent 8) "In our families most of the women's gets right of inheritance." (Respondent 3)
	Deniel Trend	"I did not see any women that get right of inheritance in my family." (Respondent 15)
	Forceful Attainment of share	"In our families, women have to claim their right to inheritance forcefully, and only then they do receive it." (Respondent 13)

Property Retention Tactics	Marrying within family	"I belong to Okara, where most people live in villages. It is common for families to marry their daughters within close relatives to avoid giving inheritance outside of the family." (Respondent 19)
	Exchange marriages	"Exchange Marriages are often taking place in families to retain inheritance within family." (Respondent 19)
	Avoid marriages to protect inheritance	In many areas women are not married to avoid inheritance and keep it within family. (Respondent 1) One of my relatives has a daughter who got divorced at a young age. Her parents didn't try to get her married again, and the only reason was property. They were afraid that if she remarried, her new husband might demand a share in the family property. Now, after years of loneliness and emotional stress, she has almost lost her mental stability. (Respondent 12)
	Marry to Quran	In many parts of Pakistan people marry their daughter to Quran to avoid inheritance distribution. (Respondent No. 1)
Cultural Concerns	Cultural Norm of Denial	"In many parts of our society, these rights are not fully accepted or practiced due to cultural norms and a male-dominated mindset." (Respondent 5)
	Pressure to waive share for brothers	"Often, families pressure women to give up their share saying things like, "forgive your right" or "give it to your brother." (Respondent 11)
	Dowry as inheritance substitute	"In Pakistani Society, dowry is mostly considered a substitute for inheritance." (Respondent 5)

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Women's Personal Experiences	Legal Action and Struggle	I applied for my inheritance rights about six months ago, and my case is currently in court." (Respondent 22)
	Varied Personal Experiences	"I wave of my right of inheritance due to the reason that my brother forced me and I signed the documents due to my personal problem and to avoid any kind of conspiracy." (Respondent 1) "I am struggling for it, and I will receive from my brother." (Respondent 4) "No, I did not get my inheritance right." (Respondent 6) "Yes, we got our share after many conflicts." (Respondent 21)
Patriarchal and Gender-Based Control	Male Dominance	"Women have been granted many rights in Islam, such as the right to education, inheritance, marriage, ownership, and participation in social matters. However, in many parts of our society, these rights are not fully accepted or practiced due to cultural norms and a male-dominated mindset." (Respondent 5)
	Women's Subordination	"The social setup often conditions women to follow the orders, advice and decisions of their husbands, brothers, or fathers." (Respondent 19)

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Figure 1. Project Map for Thematic Analysis of Research Objectives 1 and 2

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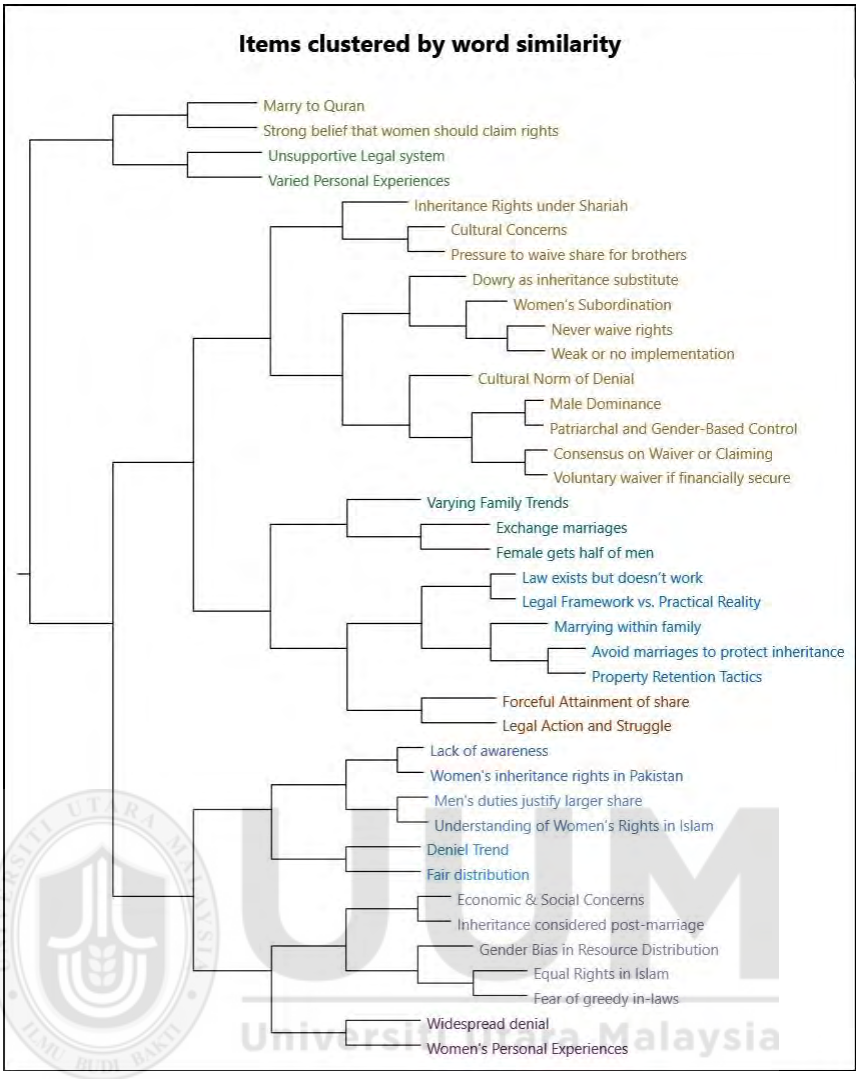


Figure 2. Cluster Analysis for Themes and Subthemes for Research Objectives 1 and 2

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Table 2.

Coding Framework of thematic analysis for research objective 3: "To investigate factors that compel women to waive their inheritance."

Main Themes	Subthemes	Quotes
Cultural Norms and Traditions	Emotional Attachments	"Our traditional norms and values often urge women to give up their right to inheritance. Cultural factors, social pressure, and emotional attachments with brothers and parents are the key reasons why women waive their inheritance rights." (Respondent 15)
	Social Pressure	"Family restriction and pressure. Social pressure and emotional pressures are the main reason." (Respondent 1)
	Fear of Breaking Kinship	"Fear of breaking kinship ties are among major reasons to waive their rights". (Respondent 4)
	Preserving Social Relationships	"Preserving Social Relationships can enforce women to wave off." (Respondent 2)
	Dowry Culture	"Nowadays, many people think that the expenses they spend on a girl's wedding, such as dowry, count as her inheritance share." (Respondent 16)
Cultural Conditioning	Acceptance of Injustice as Normal	"People have a fixed mindset that it is not a woman's responsibility to deal with property matters she should focus on household work and raising children. Secondly, many question the need, asking, 'What will you do with this property?' Women also think the same." (Respondent 21)

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	Fixed Gender Roles	"Girls are taught to perform household works and boys are conditioned to work outside and see the matters of inheritance, it's not duty of a women, she only has to obey male members of family." (Respondent 12)
	Culture of Waiving off	"There is no tradition of women claiming inheritance rights; our grandmothers and ancestors rarely did so." (Respondent 7)
	Notion of Otherness	"People often believe once daughters are married, their responsibility to the family is over, so they no longer have any right to the family property. It is commonly thought that the whole inheritance belongs to the sons, as they are seen as the main heirs". (Respondent No. 7)
Legal and Social, Vulnerability	Fear of Retaliation	"When a woman asks for her share, especially if she's financially weak, she often faces criticism and negative judgment from her family. Out of fear of damaging relationships, many women stay silent." (Respondent 7)
	Legal Illiteracy	"Many women are also unaware of the proper legal procedures. And have very little knowledge about legal language and mechanisms." (Respondent 23)
	Court Constraints	"Going to court and dealing with lawyers is not easy. It requires time, money, and emotional strength. Not everyone is willing or able to go through that process." (Respondent 21)
Parental Influence	Partial Parental support	"Mothers are often more willing to support their daughters' rights. However, fathers sometimes tend to favour their sons." (Respondent 10)

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	Biased parental support	"In Most of cases, parents show bias and support their sons over daughters in case of inheritance." (Respondent 6)
	Silence from Parents/Neutral	"Passive or silent stance from parents due to fear of sons". (Respondent 12)
	Parental Pressure	"In many cases parents pressurize daughters to waive off their rights, they even say if you take your share from your brothers, you are not allowed to touch my dead body." (Respondent 5)

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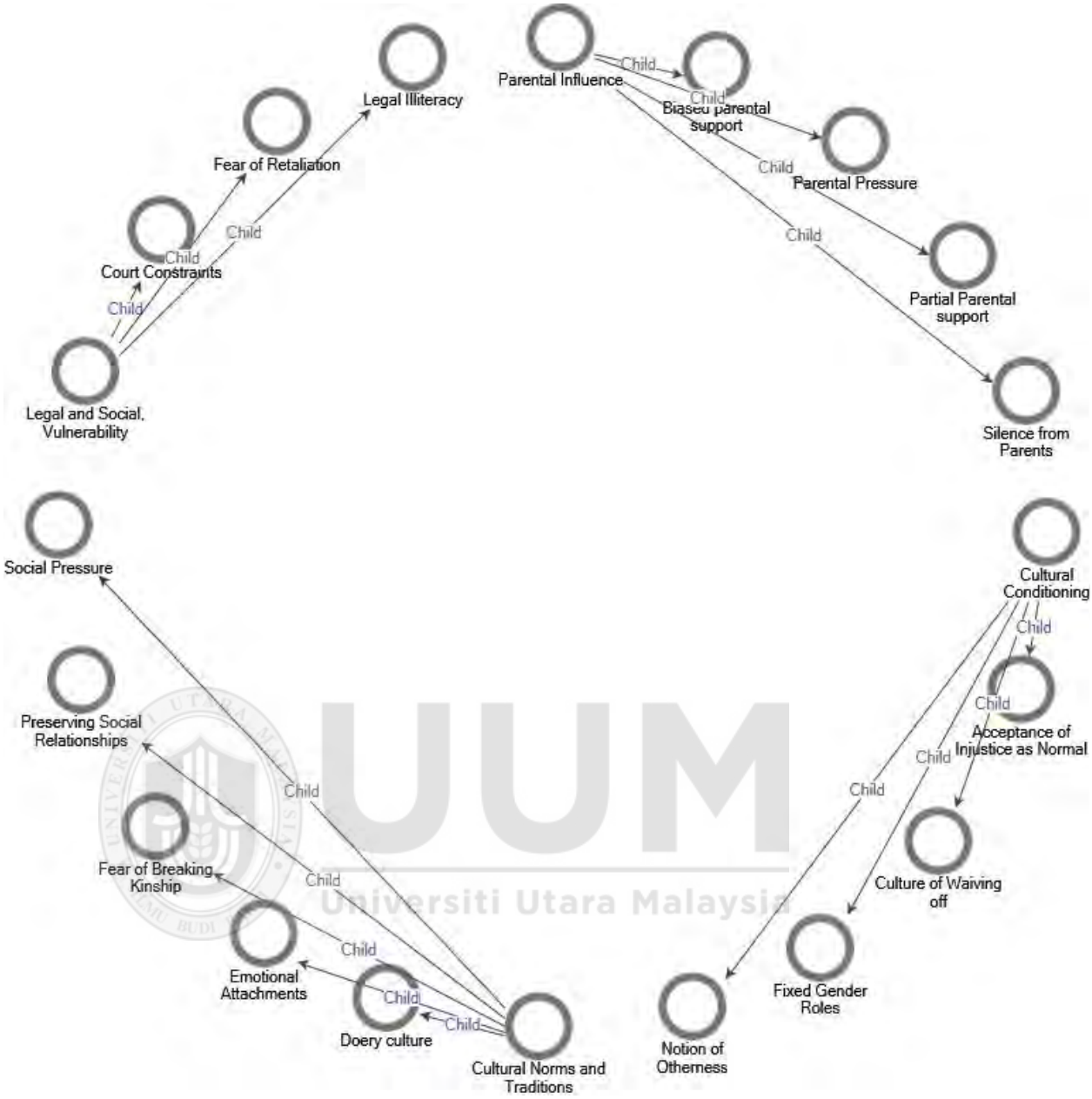


Figure 3. Project Map for Thematic Analysis of Research Objective 3

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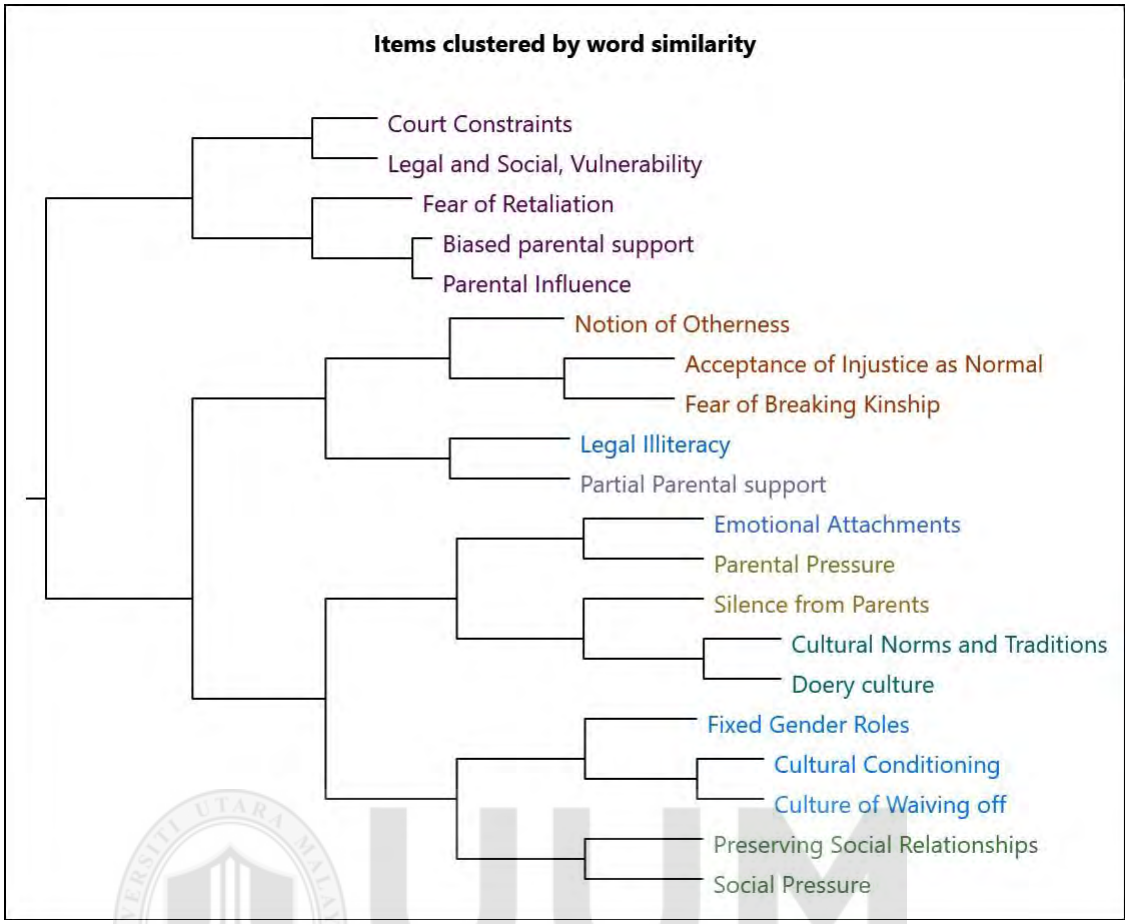


Figure 4. Cluster Analysis for Themes and Subthemes for Research Objective 3

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Table 3.

Coding Framework of thematic analysis for research objective 4: "To investigate the obstacles and challenges women faced when claiming their inheritance**."**

Themes	Subthemes	Quotes
Violence and Intimidation	Extreme Consequences	"In some cases, women are treated terribly by their families locked in rooms, beaten badly, and denied basic necessities if they demand their rightful share." (Respondent 5)
	Physical and Verbal Abuse	"Violence and fighting occur if a woman forced to get their right of inheritance and family parted away from that woman and everyone become against her." (Respondent 1)
	Honor Killing	"A Women was Murdered recently in our area due to asking for her inheritance share from her brothers, they kill her and throw her in a well." (Respondent 20)
Psychological and Emotional Manipulation	Emotional Distress and Fear	"Women face numerous obstacles in claiming their inheritance rights, including emotional pressure from male relatives such as brothers and fathers, who often discourage them or suggest they go to court knowing that family norms usually prevent women from taking legal action." (Respondent 14)
	Emotional Backlash	"If a woman takes the legal route, she encounters numerous obstacles, including emotional stress, backlash, and social isolation. In many cases, women are threatened or subjected to character assassination. Some are

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		even warned of extreme consequences like acid attacks or staged accidents, just for demanding what is rightfully theirs." (Respondent 5)
	Emotional Blackmail	Emotional blackmail is common in case of inheritance. People use to say if you take your share, you will not be treated well as before or some time, they are blackmailed by saying, if you take your share don't touch my dead body even." (Respondent 5 and 11)
Financial Challenges	Inability to Afford Legal Costs	"The problem is high cost when one applies for a case, there will be fee, the costs of traveling to court, cost of documents etc." (Respondent 4)
	High fees of lawyers	"Lawyers charge high fees for cases and cost of fees is also depends upon the reputation of a lawyers". (Respondent 22)
Legal and procedural Barriers	Exploitation by Legal Practitioners	"Many women are also unaware of the proper legal procedures, and some fall victim to fraudulent lawyers who misguide them. These challenges make it extremely difficult for a woman to stand up for the inheritance that is legally and religiously hers." (Respondent 21)
	Issues of Mobility	Women face issue of mobility i.e. going to court or related offices especially in a male dominant society. (Respondent 6 and 21)

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	Involvement of Informal ADR	"When we filed a case against my maternal uncle, the extended family held a panchayat (informal ADR). They pressured us to settle it informally with a fixed amount of money. We had no choice but to accept and drop the case."(Respondent 21)
	Prolong Proceedings	“I have filed a case against my brother to claim my rightful share of inheritance. it’s been two years now, and there has been no progress at all. We are still in the same place, struggling with delays and empty promises”. (Respondent 23)
	Absence of legal documents	“Many women in villages don’t even have national Identity Card, and they are not encouraged to have to prevent inheritance share”. (Respondent 22)
	Time and Responsibility Constraints	“There are too many obstacles for women to claim their inheritance. Going to court is difficult, legal fees are high, and the process is time-consuming. Women with children struggle even more, making it nearly impossible to pursue their rights.” (Respondent 7)
	Weak Enforcement of Laws	“In my opinion, the main reason behind all these struggles is the weak and poorly enforced legal system, which fails to protect women's inheritance rights. When a woman tries to seek legal help, she faces numerous challenges.” (Respondent 12)

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Vulnerability of Widows	In-law Exploitation	"Widows also face many challenges. In some cases, the in-laws pressure the widow to marry her deceased husband's brother." (Respondent 6)
	Lack of Social and Legal Support	"Widows are unable to seek justice due to the complicated legal system. The legal process in Pakistan is so lengthy that by the time any decision is made, the widow grows old and her children become adults. During this entire period, no one stands by her not even her own brothers." (Respondent 19)
	Manipulation and Oppression	"In some cases, widows are threatened, locked in the rooms, kids are taken aways." (Respondent 5)

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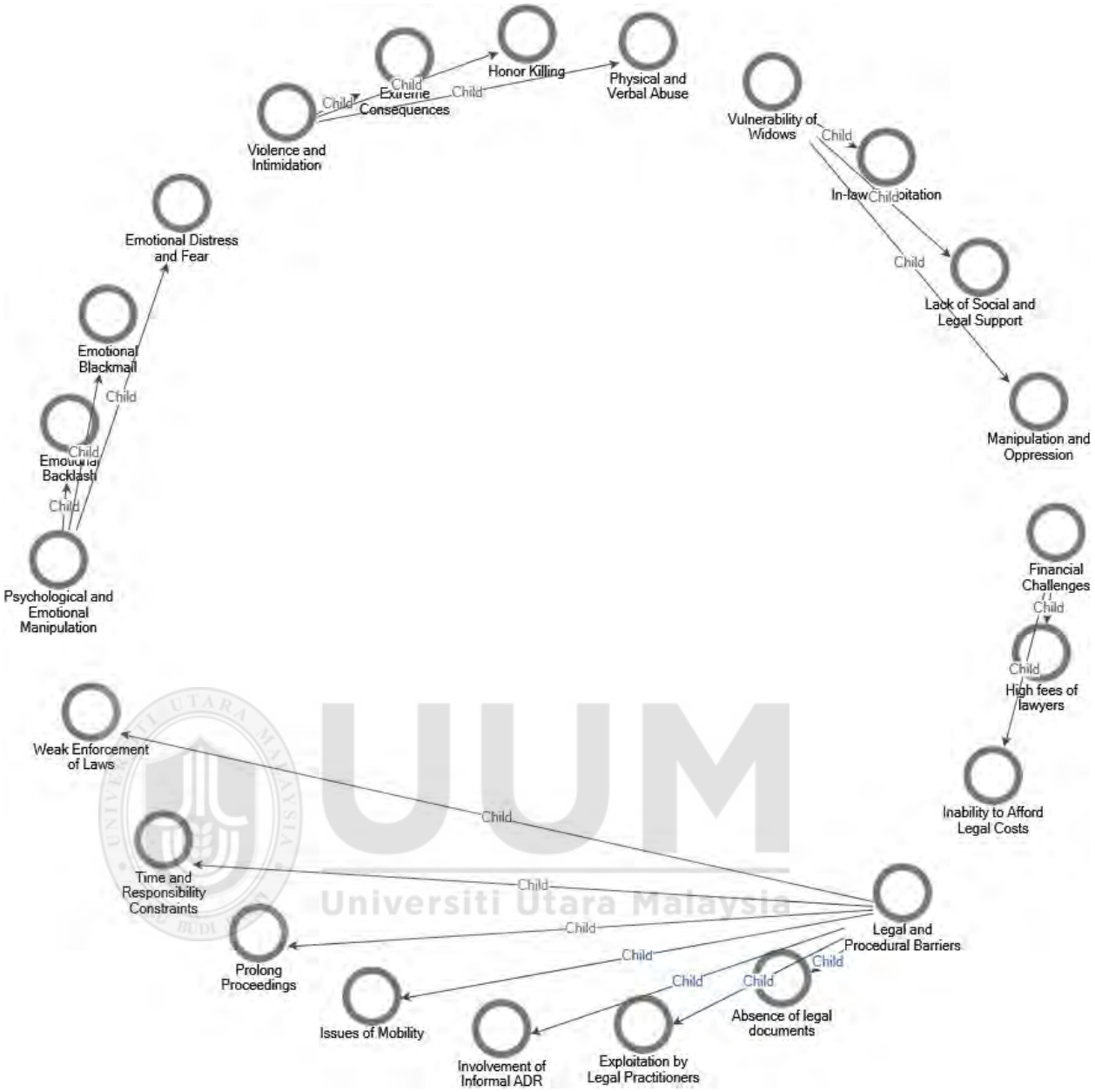


Figure 5. Project Map for Thematic Analysis of Research Objective 4

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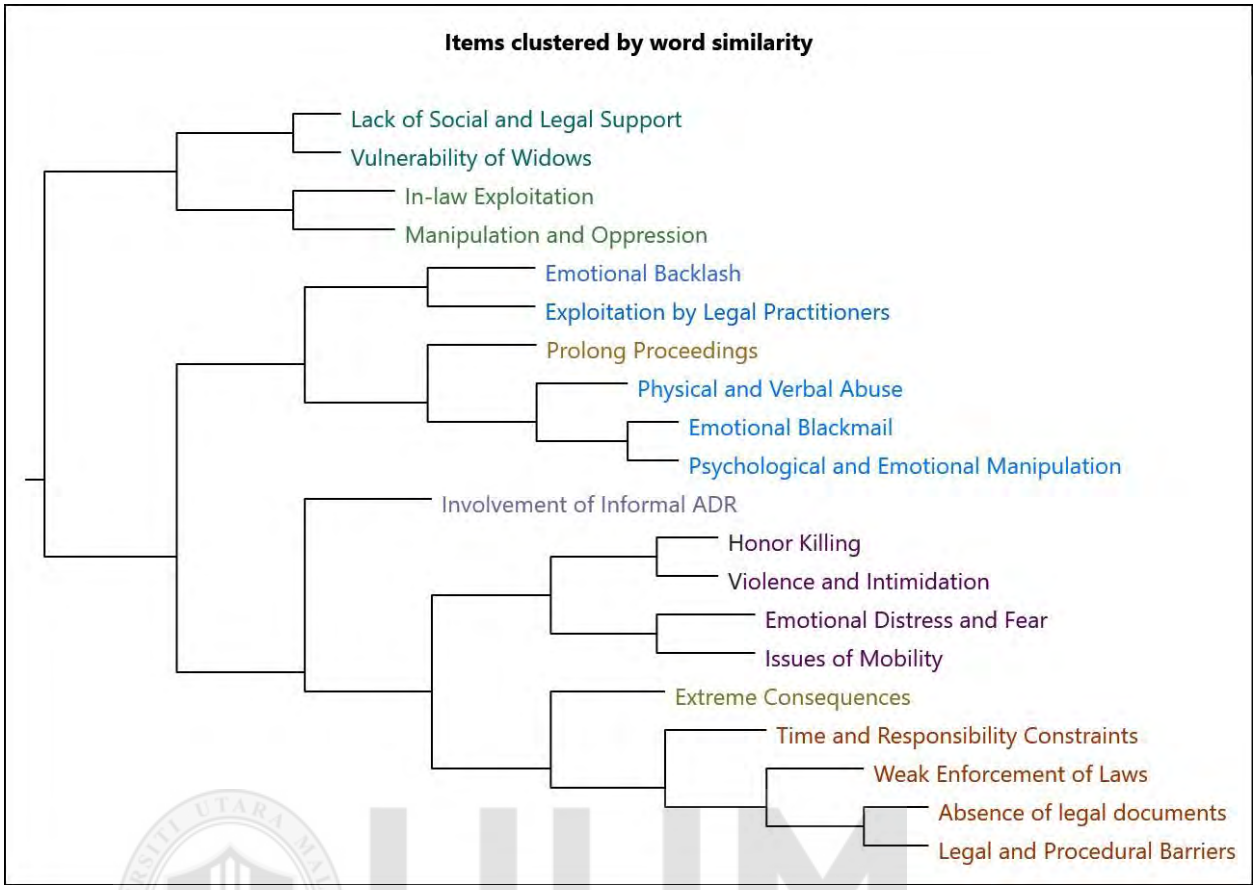


Figure 6. Cluster Analysis for Themes and Subthemes for Research Objective 4

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Table 4.

Coding Framework of thematic analysis for research objective 5: "To analyse the effect of women's inheritance on their economic and social empowerment.**"**

Main Themes	Subthemes	Quotes
Access to Opportunities	Opportunity to Skill Development	There are many women who have knowledge and skills in business, but lack the financial resources to start something of their own. If they receive their rightful share of inheritance, they can use it to establish their own business. (Respondent 12)
	Opportunity for Property Ownership	"Inheritance rights can significantly improve a woman's social and economic status by giving her financial security and property ownership." (Respondent 4)
Economic Empowerment	Business and Income Generation	"Yes, after getting her inheritance share, she can invest her money in business and make profits." (Respondent 3)
	Financial Independence	"Acquiring her inheritance rights give financial independence to women." (Respondent 4) "Women can buy a house and not rely on rented places. She can start a business and be financially independent." (Respondent 10)
	Household Financial Support	"If she is not financially strong and get rights of inheritance she can gives better education to her children and get education

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		and can make financially strong to husband." (Respondent 1)
Psychological Well-being and Confidence	Boost in Self-Esteem and Confidence	"She will feel confident and she gives that confidence to her children. It is her own wish how she uses the money. She can start something or support her husband and children." (Respondent 8)
	Sense of Security	"It helps to manage basic needs without relying on others, which give a sense of independence and dignity." (Respondent 24)
	Respect and Honour	"Inheritance rights can greatly improve a woman's social and economic status. If she supports her family or relatives financially, they are more likely to respect and honor her. (Respondent 14) "If a woman receives her rightful share of inheritance, she may be appreciated by her in-laws and husband. (Respondent 17)
Social Empowerment and Respect	Community Contribution and Charity	"If a woman receives her rightful share of inheritance, she can contribute in community and can give charity." (Respondent 3) I were to receive inheritance, I would use the money not only for my own benefit but also to contribute to my religion and help others in need. This kind of financial independence

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		allows women to make a meaningful impact on their communities and society at large." (Respondent 13)
	Decision-Making Power	"Having her own assets allows her to make independent financial decisions." (Respondent 4)
	Enhanced Social Status	"Providing women with their rightful inheritance would enable them to live a better life." (Respondent 6) "Inheritance rights can significantly improve a woman's social and economic status by giving her financial security and property ownership." (Respondent 4)

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Figure 7. Project Map for Thematic Analysis of Research Objective 5

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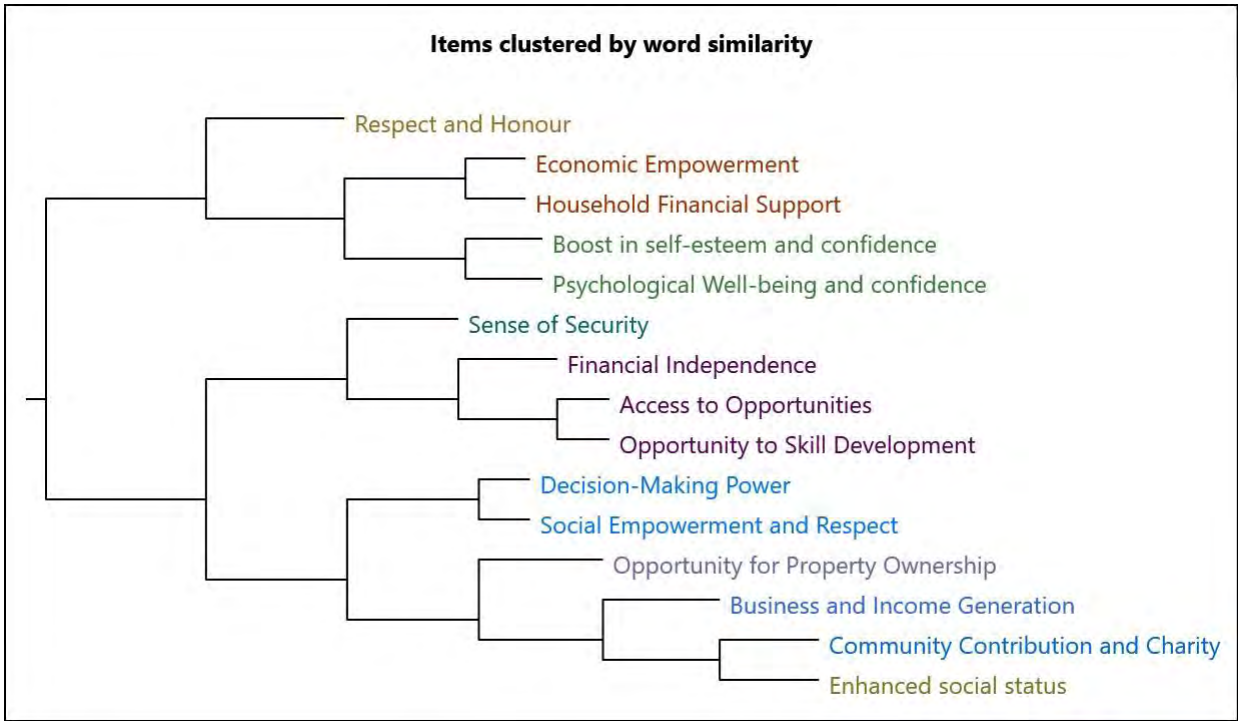


Figure 8. Cluster Analysis for Themes and Subthemes for Research Objective 5

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Table 5.

Coding Framework of thematic analysis for research objective 6: "To propose solutions for the improvement of women's access to inheritance in Pakistan.**"**

Main Themes	Themes	Quotes
Community-Level Engagement	Hold workshops in villages	"Workshops should also be held in remote areas without access to digital media."(Legal practitioner)
	Islamic Scholars to educate women	"Islamic scholars can play a major role in teaching people about inheritance." (Legal practitioner)
Court System & Access	Ombudsman Intervention	"Now, women can approach the Ombudsman's Secretariat, and the process is expedited cases are resolved within one to two weeks." (Legal practitioner)
	Digitization of the system	"There has been significant progress, especially in the computerization of the revenue system. With the modern digitized system, such unverified claims can now be more easily challenged and documented accurately." (Legal practitioner)
	Less Involvement of Lawyers	"One major change is that women no longer need to hire a lawyer to claim their right to inheritance. They can now go directly to the Ombudsman's Secretariat, where lawyers are not permitted." (Legal practitioner)

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Educational Curriculum Reform	Inheritance in school syllabus	"Awareness can also be increased by including a chapter on inheritance rights in school syllabi. (Legal practitioner)
	Surah An-Nisa translation for students	"A translation of relevant verses from Surah An-Nisa could be included in curriculum." (Legal practitioner)
	Teach legal steps to claim inheritance	"We can also include the aspect of legal forums and the procedure for claiming inheritance rights. This important information requires no more than a single chapter in the curriculum." (Legal practitioner)
Enforcement of Rights	Strict Legal Action	"These corrupt practices need to be addressed through strict legal action and accountability mechanisms." (Legal practitioner)
	Role of Criminal Law	"Additionally, amendments to criminal law now allow a woman to file an FIR if her brother forcibly denies her inheritance. Offenders may face up to 10 years of imprisonment." (Legal practitioner)

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Justice Misperception	Belief that women never win in court	"There is a widespread misconception that if a woman approaches the court, she will not receive her inheritance. While it is true that our justice system is slow and delayed, and inheritance cases also take time." (Legal practitioner)
	Delays misperceived as denial of justice	"Our legal justice system does have its flaws, but when it comes to inheritance cases, the system itself is not the core issue. While the process is indeed lengthy and may involve costs, it is incorrect to assume that women never receive justice." (Legal practitioner)
	Legal Framework vs. Cultural Practices	"The laws themselves are appropriate and strict. However, the restrictions women face often stem from cultural customs rather than legal flaws." (Legal practitioner) "Laws itself are accurate; the problem is within the cultural values. Many people assume that giving a car or hosting a lavish wedding for their daughter replaces the need to give her a share in property." (Legal practitioner)
Media-Based Awareness	Awareness through dramas	"Awareness should be raised through social media, radio, and TV. Dramas are especially effective since women watch them regularly." (Legal practitioner)
	True Awareness	"There is need to make true awareness through media, because normally laws are

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	through media	often misrepresented in dramas, which sends the wrong message." (Legal practitioner)
	Radio and TV campaigns	"Awareness should be raised through radio, and TV programmes. (Legal practitioner)
Recommendations for Improvement	Education and Awareness	"People should be educated and aware about inheritance." (Legal practitioner)
	Ban on immediate property waivers	"The government should ban immediate waivers to protect women from being misled or pressured." (Legal practitioner)
	Effective implementation of Laws	"Laws are only effectively implemented when there is a fear of punishment. Therefore, the recent legal amendments should be strictly enforced so that the fear of criminal charges or imprisonment (up to 10 years) compels men to fulfil their obligations." (Legal practitioner)
Recommendations from Islamic scholar	Islamic Short Courses	"Awareness can be raised through education, and short-term Islamic courses lasting four to six months." (Islamic scholar)
	Jumma Khutbah (Friday Sermons)	"Islamic scholars can play a major role, especially through platforms like Jumma prayer, where hundreds gather without invitations or formal setups." (Islamic scholar)

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	Role of Islamic Scholars	"Islamic scholars can play a vital role by utilising their platforms to disseminate education and awareness about these rights". (Islamic scholar)
	Positive Utilization of Media	"Media is a powerful and independent platform. If used positively by sharing relevant posts, educational videos, or public messages it can create significant awareness." (Islamic scholar)
	Motivating Change in Society	There is a need to change the culture of delaying the distribution of inheritance property, there must be immediate distribution of inheritance after death of deceased person in our society. There should be no delay. (Islamic scholar)
	Rulers Responsibility	"The government is definitely responsible. They should define clear protocols for execution and public awareness. At the same time, it is also our responsibility as citizens to follow these laws sincerely. When rulers create just laws, they are also accountable for making sure they are enforced." (Islamic scholar)

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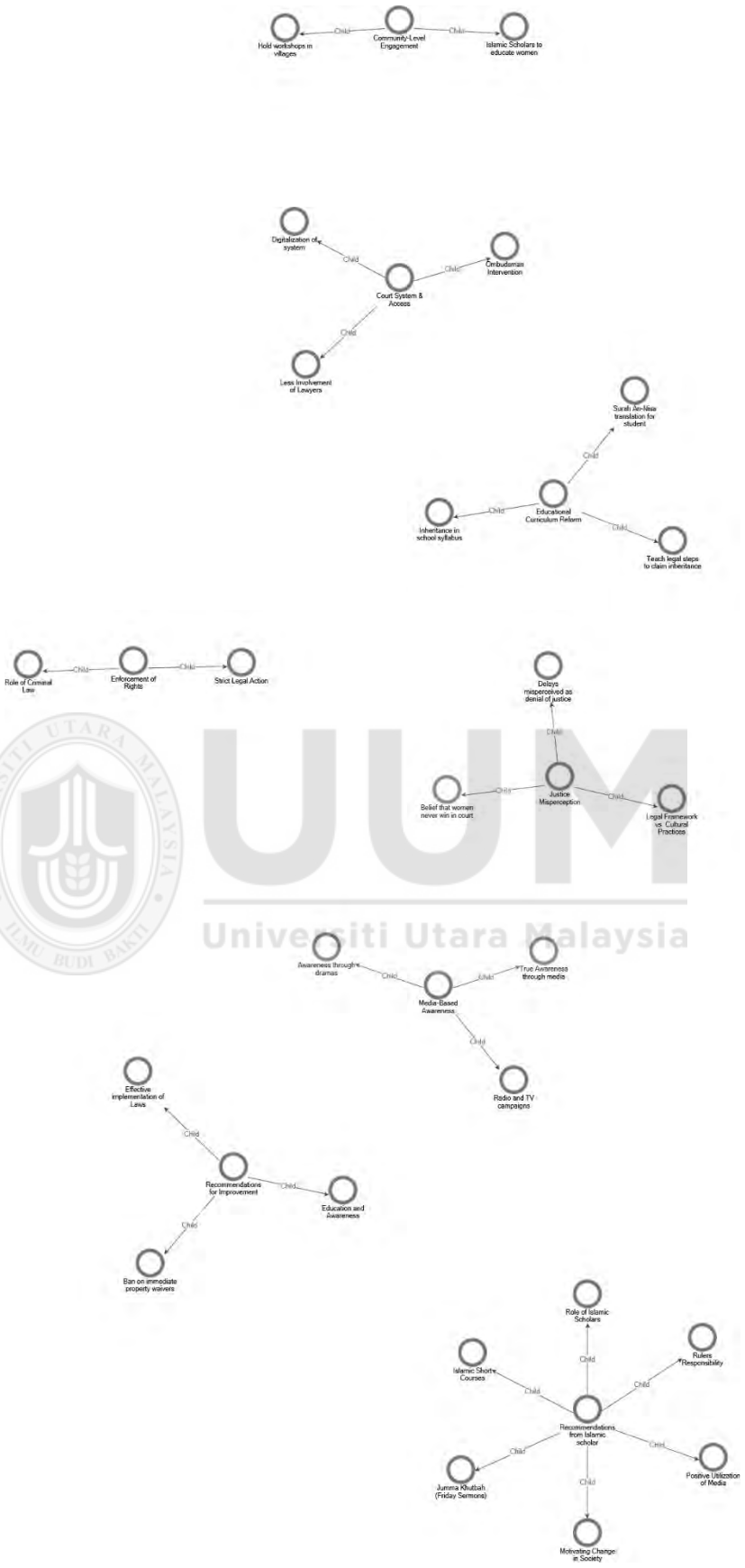


Figure 9. Project Map for Thematic Analysis of Research Objective 6

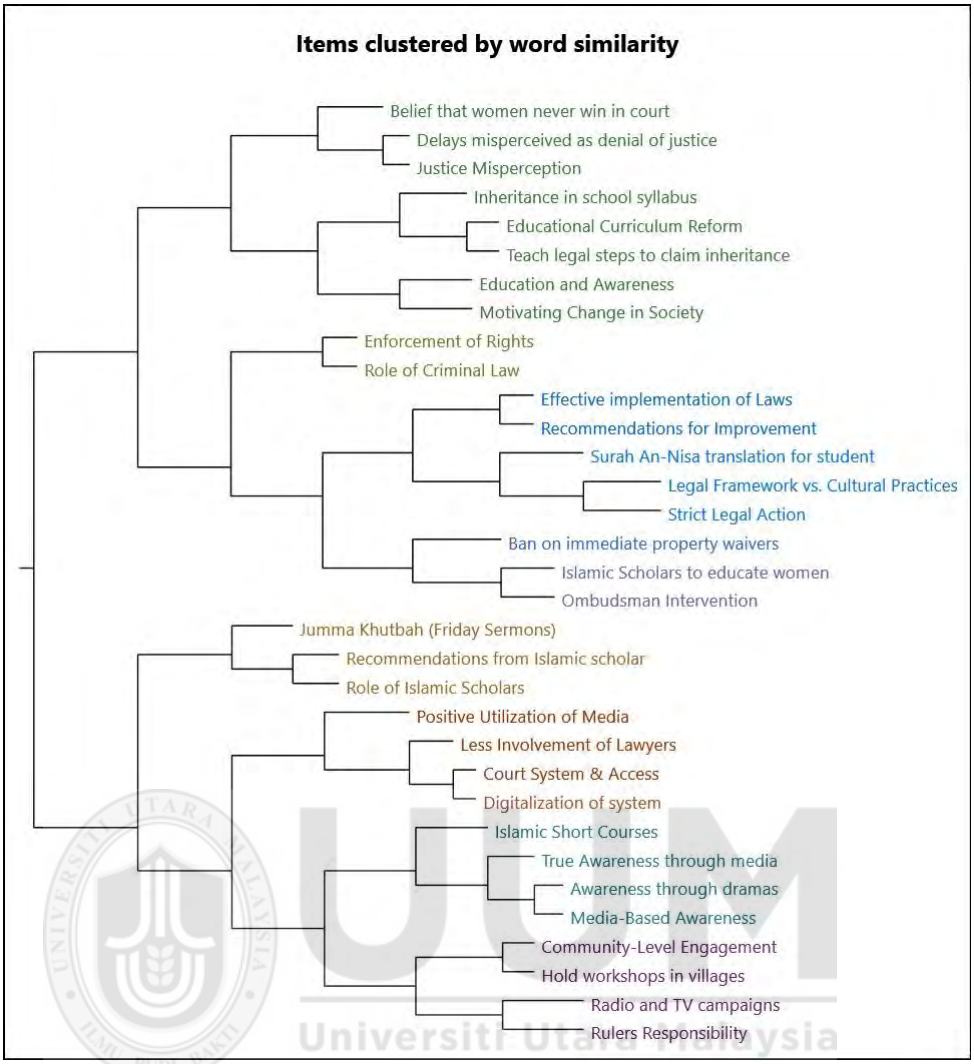
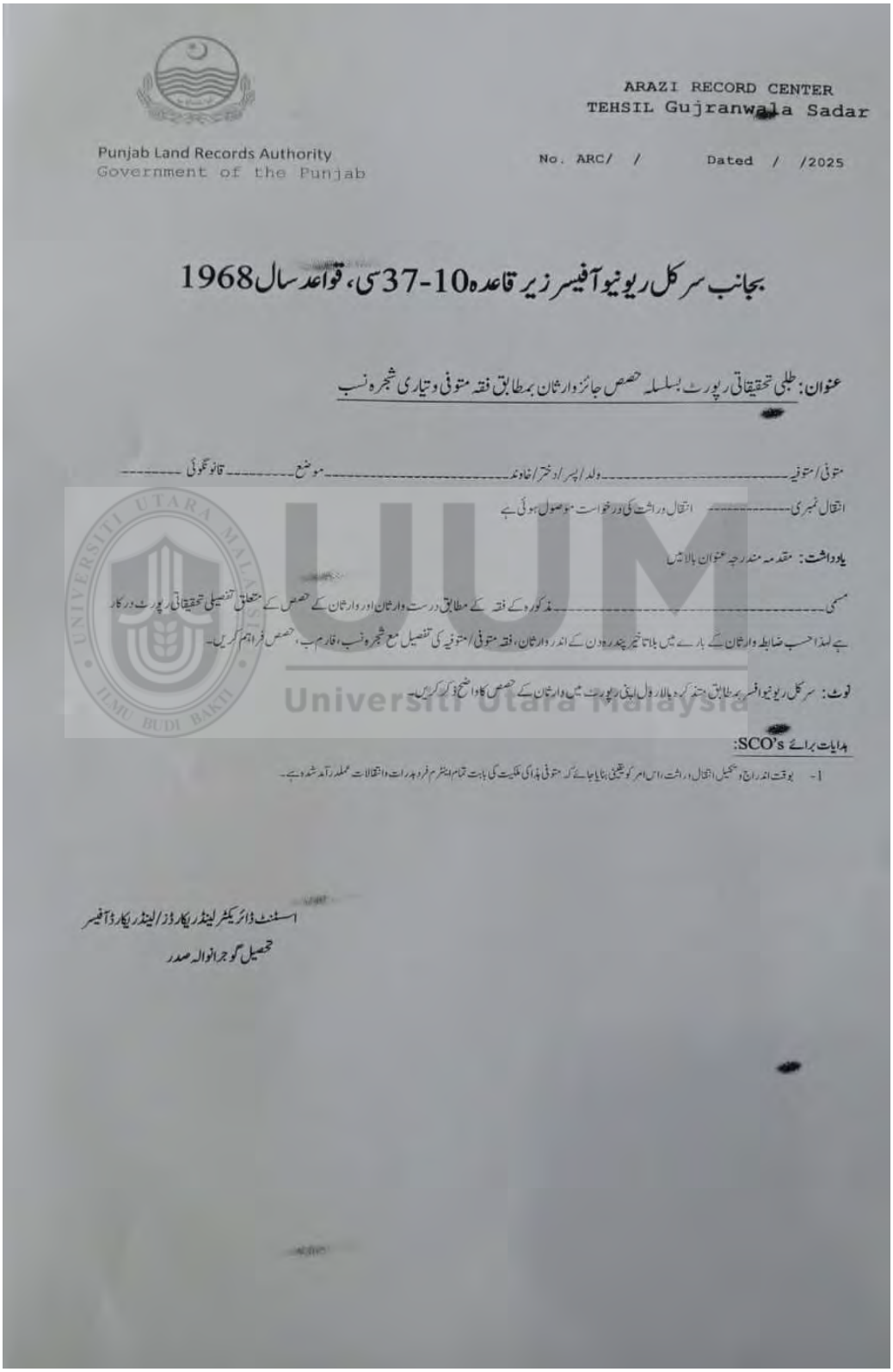


Figure 10. Cluster Analysis for Themes and Subthemes for Research Objective 6

Appendix D

Application Form for Inheritance



ARAZI RECORD CENTER
TEHSIL Gujranwala Sadar

Punjab Land Records Authority
Government of the Punjab

No. ARC/ / Dated / /2025

بجانب سرکل ریونیو آفیسر زیر قاعدہ 10-37 سی، قواعد سال 1968

عنوان: طلبی تحقیقاتی رپورٹ بسلسلہ حصص جائز وارثان بمطابق فقہ متوفی و تیاری شجرہ نسب

متوفی/متوفیہ _____ ولد/پسر/دختر/خاوند _____ موضع _____ قانونگوئی _____

انتقال نمبری _____ انتقال وراثت کی درخواست موصول ہوئی ہے

یادداشت: مقدمہ مندرجہ عنوان بالا میں

مسمی _____ مذکورہ کے فقہ کے مطابق درست وارثان اور وارثان کے حصص کے متعلق تفصیلی تحقیقاتی رپورٹ درکار ہے لہذا حسب ضابطہ وارثان کے بارے میں بالتاخیر پندرہ دن کے اندر وارثان، فقہ متوفی/متوفیہ کی تفصیل مع شجرہ نسب، فارم ب، حصص فراہم کریں۔

نوٹ: سرکل ریونیو افسر بمطابق مندرجہ بالا رول اپنی رپورٹ میں وارثان کے حصص کا واضح ذکر کریں۔

ہدایات برائے SCO's:

1- بوقت اندراج و تکمیل انتقال وراثت، اس امر کو یقینی بنایا جائے کہ متوفی ہذا کی ملکیت کی بابت تمام اینٹرم فردہدارات و انتقالات مملہ زد شدہ ہے۔

اسسٹنٹ ڈائریکٹر لینڈ ریکارڈز/لینڈ ریکارڈ آفیسر
تحصیل گوجرانوالہ صدر

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Appendix E

Specimen for Succession Certificate

TRACKING ID: 100081003908

100081000010

GOVERNMENT OF PAKISTAN
NATIONAL DATABASE AND REGISTRATION AUTHORITY
MINISTRY OF INTERIOR

SUCCESSION CERTIFICATE

(U/S Section 3,6 and 7 of Succession Certificate and Letters of Administration Ordin

It is to certify that Muhammad Imtiaz s/o Muhammad Saleem

bearing Identity number [redacted] applied on 22-11-2019 for issuance of Succession Certificate with respect to

debts left by deceased Runwi d/o Father

bearing Identity number [redacted], described here under.

MOVABLE PROPERTY DETAILS

Sr #	Name of Debtor	Description of Debt
1	Cash In Hand	one billion dollar
2	Motor Vehicle	mercedes benz
3	Commercial Property	flat in centaurus mall
4	Other	plaza mall

Name(s) of Legal-heirs of deceased and their shares are as under

LEGAL HEIRS DETAILS

Sr #	Name	CNIC	Relation with Deceased	Share
1	Muhammad Imtiaz	[redacted]	Daughter	2/5 Of Total
2	Haris	[redacted]	Mother	3/7 Of Total
3	Azmat Ali Khan Jadoon	[redacted]	Maternal Grand Parent	2/5 Of Total

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This certificate is issued on the basis of information provided by applicant and after fulfilling legal formalities under the provision of Succession and Letter of Administration Ordinance 2019.

Document Number 100081000010
Tracking ID: 100081003908
Date of Issue: 02-12-2019

REGISTRAR GENERAL OF PAKISTAN

SUCCESSION CERTIFICATE

This certificate can be verified at https://id.nadra.gov.pk/e-succession_certificate?100081000010

NADRA

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Appendix F

Inheritance Case Judgments

2025 S C M R 88

[Supreme Court of Pakistan]

Present: Qazi Faez Isa, C.J., Naeem Akhtar Afghan and Shahid Bilal Hassan, JJ

Mst. AKSAR JAN and others---Petitioners

Versus

Mst. SHAMIM AKHTAR and others---Respondents

Civil Petition No. 4576 of 2023, decided on 25th September, 2024.

(Against the judgment dated 03.10.2023 of the Lahore High Court, Rawalpindi Bench passed in Civil Revision No. 100 of 2010).

Islamic law---

----Inheritance---Female legalheirs---Inheritance denied through bogus gift mutations and Razi Nama---An attempt to deprive the widows of the deceased from their inheritance was made through two gift mutations purportedly made by their husband---Petitioners (alleged donees) made an attempt to show that the respondent (one of the widows) had given up her claim/right to inheritance by preparing an undated Razi Nama (agreement), which commenced by stating that it was being executed on behalf of the other widow through her special attorney, namely, "MF", but the same was not signed by him---A fingerprint or thumb impression purporting to be that of respondent (widow) was affixed on it---However, no consideration was given to respondent or received by her for executing the Razi Nama and giving up the claim to her inheritance---For the sake of argument, if it be assumed that respondent had executed the Razi Nama it was wholly without consideration which would make it inconsequential---However, it was tendered to the Court and the Judge without ensuring that respondent had executed it with knowledge of its contents assumed that all of a sudden she had surrendered her rights for which she had filed a suit---On its part the High Court did not attend to the main issue, which was the denial of inheritance, and instead concerned itself with peripheral matters---It was now the twenty-fifth year since respondent, a widow, had been struggling to get her inheritance---Bogus gift mutations were made and dated just before the death of her husband and then the bogus Razi Nama emerged---Unfortunately, and all too often, females continue to be deprived of their inheritance by employing various nefarious tactics, bogus documentation, fraudulent statements with the facilitation of Revenue department officials and some advocates---Courts too at times are not vigilant enough to protect inheritance rights, particularly of females and other vulnerable members of society---And, simple cases such as the present one are not expeditiously decided, and when they do get decided the decision is assailed---Practice of depriving females of their inheritance must be put a stop to, and those who do so must be made to pay substantial costs and not be permitted to benefit from procedural technicalities---Petition was converted into appeal and allowed, impugned judgment and the orders passed by the High Court were set aside, and judgment and decree passed by First Appellate Court was restored with the direction that petitioners (alleged donees) shall pay five hundred thousand rupees as

costs to the respondent within three months, failing which the said amount shall be recovered from them as arrears of land revenue.

Iftikhar Ahmad Bashir, Advocate Supreme Court along with Pervez Akhtar, Petitioner No. 4 for Petitioners.

M. Atif Farzauq Raja, Advocate Supreme Court for Respondent No. 1 and L.Rs. of R.No.3.

Date of hearing: 25th September, 2024.

ORDER

Qazi Faez Isa, CJ. This petition for leave to appeal assails order dated 3 October 2023 of the High Court passed on a civil miscellaneous application submitted in Civil Revision No. 100 of 2010.

2. A simple matter of inheritance has been unduly complicated. The dispute between the parties was with regard to the inheritance of a Muslim man of the sunni sect, namely, Meherban, who died on 26 June 1998, leaving behind two widows, namely, Mst. Aksar Jan (petitioner No. 1) and Mst. Shamim Akhtar (respondent No. 1) (collectively referred to as 'the widows'). An attempt to deprive the widows from their inheritance was made through two gift mutations purportedly made by their husband Meherban. He is supposed to have gifted his entire land holding just a few days before his death to the petitioners Nos. 2 to 6 who are the nephews of Mst. Aksar Jan.

3. Mst. Shamim Akhtar filed a suit in 1999 seeking to obtain her inheritance, which the Appellate Court decreed on 16 January 2010. Civil Revision No. 100 of 2010 was filed challenging the decree. The petitioners made an attempt to show that Mst. Shamim Akhtar had given up her claim/right to inheritance by preparing an undated Razi Nama (agreement), which commenced by stating that it was being executed on behalf of Mst. Aksar Jan through her special attorney, namely, Muhammad Farooq son of Ch. Sultan Khan, but the same was not signed by him. A fingerprint or thumb impression purporting to be that of Mst. Shamim Akhtar was affixed on it. However, no consideration was given to Mst. Shamim Akhtar or received by her for executing the Razi Nama and giving up the claim to her inheritance. For the sake of argument, if it be assumed that Mst. Shamim Akhtar had executed the Razi Nama it was wholly without consideration which would make it inconsequential. However, it was tendered to the Court and the learned Judge without ensuring that Mst. Shamim Akhtar had executed it with knowledge of its contents assumed that all of a sudden she had surrendered her rights for which she had filed a suit.

4. On its part the High Court did not attend to the main issue, which was the denial of inheritance, and instead concerned itself with peripheral matters. It is now the twenty-fifth year since Mst. Shamim Akhtar, a widow, has been struggling to get her inheritance. Bogus gift mutations were made and dated just before the passing of her husband and then the bogus Razi Nama emerged. There is yet another serious aspect of the case, which is that Mst. Aksar Jan joined hands with her nephews, the petitioners Nos. 2 to 6, even though she stood deprived of her own share in the inheritance of her husband; this constituted a clear conflict of interest which regretfully the petitioners' counsel did not consider.

5. The inheritance shares in the estate left by a Muslim is stipulated in the Holy Qur'an and a deceased's legal heirs become owners on his/her death. Unfortunately, and all too often, females continue to be deprived of their inheritance by employing various nefarious tactics, bogus documentation, fraudulent statements with the facilitation of Revenue department officials and some advocates. The courts too at times are not vigilant enough to protect inheritance rights, particularly of females and other vulnerable members of society. And, simple cases such as this one are not expeditiously decided, and when they do get decided

the decision is assailed. The practice of depriving females of their inheritance must be put a stop to, and those who do so must be made to pay substantial costs and not be permitted to benefit from procedural technicalities.

6. A simple matter has been dragged out for twenty-five years on account of fake documents prepared and fraudulent tactics employed by the petitioners and their advocates. They fear not shariah nor the law. The impugned judgment overlooked the merits of the case and on a technicality again remanded the case, which in the circumstances of the case was wholly unjustified.

7. Therefore, we set aside the impugned judgment and the orders passed by the High Court in Civil Revision No. 100 of 2010 and restore the judgment and decree dated 16 January 2010 passed by the Additional District Judge, Rawalpindi in Civil Appeal No. 87 of 2007. The petitioners Nos. 2 to 6 (Muhammad Mumraiz, Muhammad Farooq, Parvez Akhtar, Javaid Akhtar and Abid Zaheer) are directed to pay five hundred thousand rupees as costs to Mst. Shamim Akhtar (respondent No. 1) within three months from today, failing which the said amount shall be recovered from them as arrears of land revenue. Copy of this order be sent to the concerned revenue authorities who are directed to implement judgment of the Additional District Judge, Rawalpindi dated 16 January 2010 and this order, and they should ensure that the estate of Meherban is distributed amongst his legal heirs in accordance with Islamic shariah immediately, and to submit compliance report to the Senior Member Board of Revenue.

8. This petition is converted into an appeal and allowed in the aforesaid terms.

MWA/A-40/SC Appeal allowed.

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2024 S C M R 178

[Supreme Court of Pakistan]

Present: Qazi Faez Isa, C.J., Amin-ud-Din Khan and Athar Minallah, JJ

MEHMOOD KHAN and others---Petitioners

Versus

SARA AKHTAR---Respondent

Civil Petition No. 3030 of 2021, decided on 26th October, 2023.

(Against the judgment dated 10.03.2021 of the Lahore High Court, Multan Bench passed in Civil Revision No. 288-D of 2020)

Specific Relief Act (I of 1877)---

----Ss. 42 & 39---Qanun-e-Shahadat (10 of 1984), Arts. 115 & 129(g)---Suit for declaration and cancellation of sale mutations---Fraud---Sale of land---Proof and burden of proof---Petitioners claimed that the respondent-lady had allegedly sold the suit land to them---Respondent denied selling her land pursuant to the sale mutations or otherwise, and also denied receipt of sale consideration---Counsel for respondent contended that the burden to establish the sale lay upon the beneficiaries of the sale, i.e., the petitioners in terms of Article 115 of the Qanun-e-Shahadat, 1984; that respondent was not aware of the sale mutations and upon coming to learn of them filed the suit well within the period prescribed in the Limitation Act, 1908; that the respondent's lands were being looked after by her maternal uncle (petitioner No. 7), and as such she was in constructive possession thereof, which fact is further confirmed as she did not claim mesne profits in her suit; that only one of the beneficiaries of the purported sale came forward to testify, that is petitioner No. 2, who admittedly was a child at the time of the sale and as such could not have testified regarding facts thereof; that his father (petitioner No. 1) also testified but stated that the sale consideration was paid by his wife, who did not come forward to testify, and in not doing so an adverse presumption, in terms of Article 129(g) of the Qanun-e-Shahadat, 1984, would be drawn that if she had testified it would be that she had not paid the sale consideration---Validity---Contentions of the counsel representing the respondent were correct---Furthermore, burden to establish the sales and the sale mutations, lay upon the beneficiaries thereof, i.e. the petitioners, but they failed to discharge it, and when the same was not discharged it may be stated to constitute fraud---Petition for leave to appeal was dismissed and the revenue authorities of the area were directed to immediately ensure delivery of subject land's exclusive possession to the respondent, as she was deprived of her land.

Shahzeb Masud, Advocate Supreme Court and M. Anis Shahzad, Advocate-on-Record for Petitioners.

Muhammad Yasin Bhatti, Advocate Supreme Court for Respondent.

Date of hearing: 26th October, 2023.

ORDER

Qazi Faez Isa, C.J. The learned counsel representing the petitioners states that Sara Akhtar, whose maiden name was Sara Ghouri, had filed a suit in the year 2009, seeking declaration and cancellation of six sale mutations, bearing Nos. 30, 31, 32, 33, 37 and 38, all of which were attested on 16 January 1989 and together were in respect of 977 kanals and 19 marlas of land ('sale mutations'). The sale mutations were in favour of petitioners Nos. 1 to 6, three mutations were in favour of Mr. Mansoor Ahmed Khan's sons, namely, Mehmood Khan, Muhammad Ali Khan and Muhammad Ahmed Khan, one in favour of his wife, namely,

Rubina Bibi, one in favour of his mother-in-law, namely, Sharafat Jaleel, and one in favour of his brother-in-law, namely, Shahid Jaleel. The suit was decreed on 28 June 2019, the petitioners' appeal against the same was dismissed on 26 November 2019 and the civil revision, filed before the Multan Bench of the Lahore High Court, was dismissed on 10 March 2021, which is the judgment impugned herein.

2. The learned counsel states that though there are three concurrent decisions against the petitioners, however, none of them considered the fact that the suit was belatedly filed and that possession of the subject land was not sought. He further states that the burden of proof lay upon the plaintiff-respondent, which she had failed to discharge and had also failed to establish fraud, yet the High Court held that fraud was committed. He further states that there were other factual errors committed by all three courts, decisions whereof have been impugned herein.

3. Learned Mr. Muhammad Yasin Bhatti represents the respondent. He states that the respondent had denied selling her land pursuant to the sale mutations or otherwise; had denied receipt of sale consideration; and that the burden to establish the sale lay upon the beneficiaries of the sale, that is, petitioners Nos. 1 to 6. Responding to the contentions of the learned counsel for the petitioners he submits that the respondent was not aware of the sale mutations and upon coming to learn of them filed the suit well within the period prescribed in the Limitation Act, 1908. With regard to the burden of proof he stated that the one who asserts a fact has to prove it and in the instant case the sale mutations were relied upon by the petitioners, therefore, the burden to prove the same lay upon them, in terms of Article 115 of the Qanun-e-Shahadat, 1984. With regard to the contention that the respondent had not sought possession he submits that the respondent's lands were being looked after by her maternal uncle, namely, Mr. Mansoor Ahmed Khan (petitioner No. 7), and as such she was in constructive possession thereof, which fact is further confirmed as she did not claim mesne profits. He submitted that only one of the beneficiaries of the purported sale came forward to testify, that is, Muhammad Ali Khan (petitioner No. 2), who admittedly was a child at the time of the sale and as such could not have testified regarding facts thereof. His father (petitioner No. 1) also testified but stated that the sale consideration was paid by his wife, who did not come forward to testify, and in not doing so an adverse presumption, in terms of Article 129(g) of the Qanun-e-Shahadat, 1984, would be drawn that if she had testified it would be that she had not paid the sale consideration.

4. We have heard the learned counsel for the parties and have examined the record. The learned counsel for the petitioners has not been able to show any illegality committed in the impugned judgment of the learned Judge of the High Court. The burden to establish the sales and the sale mutations, lay upon the beneficiaries thereof, the petitioners, but they failed to discharge it, and when the same was not discharged it may be stated to constitute fraud. The contentions raised by the learned counsel with regard to factual errors are not borne out from the record. We also agree with the submissions of the learned counsel representing the respondent.

5. Therefore, for the aforesaid reasons, leave to appeal is declined, and consequently this petition is dismissed with costs throughout. The revenue authorities of the area are directed to immediately ensure delivery of said land's exclusive possession to the respondent, as she was deprived of her land, which necessitated her filing of the suit in the year 2009, fourteen years ago.

MWA/M-55/SC Petition dismissed.