



WOMEN AGENCY, RELIGION AND LAW: CHALLENGES OF INHERITANCE RIGHTS IN PAKISTAN

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Abstract

Pakistan being an Islamic country follows Muslim personal laws, which allow women to inherit property, however, the conventional tribal customs in South Asia made women face a lot of difficulties and they normally do not get or are obliged to sacrifice their legal property. This ethnographic study aims to explore people's perceptions and socio-religious practices about women's inheritance rights and the challenges faced by women while inheriting their property. The current study was conducted in Shah Allah Ditta village, E11 Islamabad, Pakistan. Participant observation and in-depth interviews were the main data collection tools. The total number of participants is 18 women from diverse age groups, marital status, and socio-economic backgrounds selected by using a purposive sampling technique. The findings of the current study reveal that Pakistan, as an Islamic republic does not provide full rights to women while inheriting their property rights. In some cases of inheriting property, women have to end their terms with their father's family. Moreover, sometimes women's inheritance rights are denied and dowry is named as the inheritance wealth, however, some women are forced to do Watta-Satta marriages or within their families to save the property from going outside the family. Some women who are unable to exercise their inheritance rights face violence in their married lives.

Keywords: Property inheritance, women's rights, Shariah law, cultural norms, Pakistan

INTRODUCTION

Pakistan, as an Islamic state, officially governs the issue of inheritance rights as per Shariah law³ which encourages women to acquire property. Furthermore, these Shariah laws not only state that inheritance is a privilege of every individual but additionally characterize shares for each one. However, according to Islamic laws and regulations, it is assumed that the property either self-acquired through personal earnings or inherited before or after marriage is entirely women's property, and no male guardian can claim over it. According to traditional tribal traditions in South Asia, women face a lot of challenges where men appear to have the right to receive almost all the properties left to their family, while women usually do not receive or are obliged to sacrifice their legitimate share of the inheritance (Ahmad et al., 2012). This discriminatory division of property inheritance in Pakistan has been a conflicting debate in Pakistani society (Ghori, 2018). Hence, the ongoing discussion analyzes the socio-religious aspects of women's property inheritance rights and related practices in Pakistan.

Despite, being an Islamic republic, where women's inheritance rights are defined in law, however, norms, culture, traditions, and taboos pose a wide range of challenges for women to attain certain rights. The status of women in Pakistan may differ from that of other countries due to political, tribal, socio-cultural, and other factors. Women's status varies greatly across countries, classes, and the rural/urban divide as a result of unequal socioeconomic growth and the effect of colonial, tribal, and capitalist social formations on the lives of women (Rubab & Usman, 2018).

In terms of women's inheritance rights, violence is not an unusual occurrence in Western society, as it is seen as one of the inequalities that women face at various stages of their lives. Unfortunately, in developing countries, particularly in South Asia, women are mostly deprived of their inheritances. Furthermore, women in Pakistan, especially in rural areas, face multiple

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³ Shariah Law is a religious law forming a part of Islamic traditions.



problems and are devalued and unpaid in terms of the basic right to inheritance. Women are given less priority regarding education, and they have limited opportunities to reach paid employment, lack of control over income, lack of decision-making power within families, restricted mobility, lack of participation in public life, and a variety of other violations. Consequently, these are some of the reasons that limit women's chances to access resources such as inheritance and agricultural land. The foremost right of inheritance is the right to inherit the land, which has been ignored in Pakistan for a long time. It is a multi-faced and complex issue that often affects the lives of women (Ghori, 2018).

This right of inheritance is rarely an issue for males, however, it is predominantly challenging for females to own property and survive. In various countries of the developing world, gender discrimination takes the practice of unequal rights of property and inheritance. Since it is one of the most important ways for women to control and acquire land, their legal failure to inherit property can greatly disempower their freedom and economic freedom along with their access to economic opportunities (Scalise, 2009).

Moreover, dowry is granted to the bride by selling family land, and due to this families refuse to give women the right of inheritance. About four decades ago, dowry was outlawed in Pakistan but was hardly followed by most people (Rubab & Usman, 2018). Rights are the same in the context that they should be given to both men and women equally, but the allocation of rights is somewhat different. Women's rights ensure that women would not be discriminated against on the grounds of their gender (Zermina, 2018).

However, the Islamic Republic of Pakistan is an Islamic state where property inheritance rules, acts, and regulations are established based on Islamic instructions. So, it is vital to explore Islamic laws on women's inheritance, when the family head or another person denies giving inheritance share to women. Both the Islamic and Pakistan's laws on inheritance favor giving inheritance rights to women. The Qur'an (Holy Book of Muslims) is known as an essential source of direction for Muslims in Pakistan. Different Surah⁴, for example, "Al-Baqarah", "Al-Nisa" and "Al-Maidah" address the issues of inheritance in the Qur'an. From the time of Jahiliyya⁵, most people denied the right of inheritance property to the women but after the advent of Islam and the revelations of Qur'anic surah, it was declared that women are the partner in the share of inheritance property. According to the teachings of the Qur'an, it is always preferred that the testator write a bequest of inheritance share before they die because it will help their children and relatives to follow that without having any conflict (Rehman, 2010).

The unfair proportion of the inheritance between males and females in Islam has ignited an active discussion in the circle of academics for both Muslims and non-Muslims. Women are believed to be weak by receiving half of their share as males. The holders of this theory are considered to have failed to understand the motives for this apparent unfair divide between men and women in Islam (Abbasi, 2014). It is clear from the discussion of the rights of women to inheritance under Islamic law, both the testamentary and the intestate regimes, that in some cases a male has double the share of a woman. For example, a son has twice the share of a daughter. The brother inherits twice the share of the sister and the husband inherits double the share of the wife. This imbalance in inheritance shares has been misinterpreted and attacked as gender inequality by non-Muslims and some Muslim scholars/writers (Scalise, 2009).

It is argued that the verses of the Qur'an on inheritance are evidence that Islamic law honors women in their capacity as wives and daughters who have been denied inheritance during the pre-Islamic

⁴ Chapters of Qur'an, the Holy book of Muslims.

⁵ The time of Jahiliyya 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.



period or primary heirs who have always the right of inheritance. From the point of sharing inheritance, the last Prophet Muhammad had uncovered the "verse of inheritance" through his reaction until the accompanying stanza was unveiled and consistently preached to Muslims to dispense their property to wife instead of leaving it for a noble cause. The last Prophet's preachings reveal the value of women's participation in inheritance property. In addition, they are given different shares of the estate of the deceased in the Qur'an (Haque et al., 2020).

As per the instructions of Islamic law on inheritance, the law is not separate from the transferable or nontransferable property or on ancestral or self-obtained property. So, the solitary condition is the connection of kindred to the expired human being and the decree of a man (Rubab & Usman, 2018). In contrast, the lawful beneficiaries that are blood relations reserve an option to an offer on the property after the demise of an individual. There are explicit verses in Surah Al-Nisa that notice the specific solution that should be followed to decide the inheritance share (Abbasi, 2014). The following verse of Al-Nisa in the fourth chapter is: 'Allah enjoins you about [the share of inheritance of] your children: A male's share shall equal that of two females.'

Surah Al-Nisa, verses 4:11, 4:12, and 4:176 are some of the main verses in the Qur'an that provide clear descriptions of the Islamic heritage. These Qur'anic verses and the Sunnah of the Prophet set out the rules of succession and the shares assigned to unique heirs. However, the Next verse of the same Surah says that,

You shall get half of what your wives leave if they die childless. But if they do have children, your share shall then be a quarter of what they leave after carrying out any will made by the deceased or payment of any debt owed by her. And they (your wives) shall have a quarter of what you leave if you die childless. But in case you have children, they shall then get one-eighth of what you leave, after carrying out any will made by you or payment of any debt owed by you (the deceased). And if a man or a woman is made an heir on account of his [or her] kalalah relationship [with the deceased] and he [or she] has one brother or sister, the brother and sister shall each receive a sixth and if they are more than two, they shall then share in one-third, after carrying out any will that had been made by the deceased or payment of any debt owed by him -- without harming anyone. This is a command from Allah and Allah is all-knowing, most forbearing.

Furthermore, Islam provides a justifiable share to women in inheritance. The rights are protected by different valid laws in Pakistan, including the Muslim Family Laws Ordinance 1961, the Muslim Personal Law Shariah Application Act 1962, the Partition Act 1893, etc. Moreover, the rules and laws of inheritance in societies have changed over time. The patterns and the rights of property ownership in societies are influenced by cultural, racial, political, religious, and legal factors (Holden & Chaudhary, 2013; Rubab & Usman, 2018).

Moreover, the 'compensatory property policy' provided by Islam for women allows the females to receive their property based on various items, e.g. gifts, dowry, and maintenance in marriage. The Customary Law of Pakistan⁶ is considered valid by courts to resolve issues related to the inheritance of agricultural land and also discrimination against women, and the allowance of limited rights of ownership for a woman throughout her lifetime. On the other hand, In West Pakistan Muslim Personal Law Sharia Application Act, 1962 also provides for the inheritance under predefined shared by the Qur'an (Abbasi, 2014).

During the pre-Islamic age, women and young males did not have the right to inherit. The Arabs used to believe that only those who could fight and gather the booty must be given inheritance Wealth. In Arabs, inheritance property was granted only to sons, brothers, and other male members of the deceased, whereas females were not able to acquire a minor part of the inheritance. The

⁶ That part of the customary law which was valid before partitioning in the sub-continent, now comprising Pakistan may be referred to as customary law in Pakistan. It is mainly the customary law of Punjab concerning inheritance, descent, adoption and separation, etc.

fundamental principle of inheritance was that an individual must be able to protect the reputation of the family and the tribe. The pre-Islamic system of facilitation of inheritance, relations, acceptance of brotherhood, and supremacy remained even at the advent of Islam until the advanced reforms of the Prophet Muhammad took place. The Prophet Muhammad started a transitional model of inheritance based on the Islam fraternity called "Mu'akhah." Mu'akhah inheritance is based on brotherhood which, in essence, means that when the immigrant of Makkah died with no blood kin in Madina to inherit him, his infidel brother Madinah would inherit him.

Furthermore, it is considered important to possess the property for the right human functioning and independence (Nussbaum, 2000). Property is a significant method of acquiring a socio-political position in society. The authentic position to manage, allot, and control land is quite possibly the most fundamental part of force from which residents can be subjected at all degrees of socio-political association. It is additionally essential for the idea of authority, the last right of the State to apply control over the populace that possesses the land and the riches and assets that stay inside the region (Beitz, 1991). Inheritance is generally defined as the distribution of property in the kinship system in which the children naturally receive a portion of their inheritance. However, cultural practices and surroundings into which a human being is born can include beliefs, values, customs, and traditions which have a strong capacity to influence the practices of property inheritance (Abbasi, 2014). Property inheritance varies greatly depending on each person's geographical location, as well as the socio-economic situation and conditions of one's family. So, inheritance is a kinship association and a dominant pattern in the family organization in our society (Gedzi, 2012).

Hence, the practice of inheritance includes all kinds of movable and immovable parental property which are also considered a global practice. Some of the traditional societies are characterized by gender discrimination in the form of either total deprivation or partial deprivation. As it is a fundamental part of family life, deprivation of a child of both genders from the right to parental property is equal to weakening the family as a social unit (Leach, 1982 as cited in Muhammad, 2011). So, rejecting this legal right could also handicap an individual's capacity for social and economic functioning (Sheppard, 2006). In addition, it is argued that the issues of equal division of inherited property to females are not specific. A universal problem is that social beliefs and traditions hinder females from getting their legal property rights, so females are mostly dependent on males to get inheritance rights in the property (Agarwal, 2008).

Also, the most questionable issue in this condition is division, the half ratio of property to the daughters, and denial of the inheritance right to the pre-expired child which is non-Muslim. The law of inheritance regarding immovable property was developed under the West Pakistan Land Revenue Act 1967, but because of the failure of close administration laws are not properly followed, and hence the women are denied any inheritance right in the property. In Baluchistan, women are not allowed any inheritance if male relatives are present in the family. In many cases, male family members utilize power or attempt to kill if their female family members approach the court to claim any right to inheritance (Ahmed, Batool, & Dziegielewski, 2016). So, this situation in Pakistan's current structure affects the status of women and their right to own and own land. This also brings immense strength to men when they influence land (Gedzi, 2012). The deterioration of the role of women in all facets of life, including inheritance, is thus considered a cultural climate (Dascalopoulos, 1990).

Consequently, in Pakistan huge number of governmental reforms are operating for women's rights, they aim to provide safety and empowerment to women of Pakistan. These organizations have facilitated many women, especially those belonging to rural areas where most women are denied to get any share in inheritance. In rural areas, mostly men are dominant and no inheritance is given to women there also have been cases where male people coerce or threaten to murder females if they try to approach the court to claim their share in the property or if they deny giving their

inheritance rights (Rehman, 2010). However, despite the existence of inheritance rights in Pakistan, still a very small number of cases are reported to courts for rejecting or violating these rights (Ahmed, 2010). Hence, this researcher aims to explore the social, cultural, and religious practices as well as the challenges faced by women in inheriting property rights.

Considering the socio-religious aspects of women's inheritance rights, the researcher will see the present study in the light of Marxist feminism. The concept of Marxist feminism is an intersection of Marxism and feminism. Marxism was pioneered by two German philosophers, Karl Marx and Friedrich Engels, in the early to mid-19th century. It is an economic and socio-political worldview and a system of socio-economic investigation based on the dialectical interpretation of social transformation and the study and criticism of the growth of capitalism. It presents an analysis of problems and their solutions to society. However, Marxist feminism is an approach that analyzes the plights of women in the patriarchal setup of the capitalist society. Marxist feminism is concerned with women's liberation. It claims that patriarchy is the primary source of women's inequality. The oppressed status of women is seen as a result of the advent of private property and their loss of control over the means of production. Feminism argues that women have fewer rights or powers in a patriarchal society (Thompson, 2015).

Moreover, Marxist Feminism is a sub-type of feminist philosophy that focuses on undermining patriarchy as a means of liberating women. Marxist feminism also argues that economic injustice, dependency, political confusion, and essentially, unhealthful social ties between men and women are at the core of the abuse of women in the current social context. Marxist feminism points out the role of patriarchy in the oppression of women as they are oppressed by a patriarchal power structure. Marxist Feminism believes that women's subordination was the result of the advent of private property, as women became the property of men and the first discriminated community. Women's inequality was caused by their economic reliance on the home, but also on the labor force, which maintains an exploitable reserve labor force. Women have always had unpaid labor (housewife) and the most poorly wage and repetitive work. Women must have fair representation in the process of economic development propose housework salaries can build a scheme for paying women directly for their household work. Consequently, this feminism perceives society and its institutions as oppressive models where most institutes are ruled by a dominant class of men and females are considered as the subject class. Gender disparities are the product of the domination of women by men, and it is mostly men who have gained from the subordination of women making them a marginalized group. From a similar perspective, it also argues that the traditional nuclear family arrived only through capitalism, and the traditional female occupation of housewife promotes capitalism, so women are double exploited by the nuclear family and the capitalist system (Thompson, 2015).

Marxist feminists argue that women are considered as a separate class in society which makes them vulnerable to numerous kinds of exploitation by men (Abraham, 1990). So, this situation in the present system in Pakistan affects the position of women and their ability to possess and get property. This also gives major power to men as they have control over property (Gedzi, 2012). Furthermore, this theory also argues that the main cause of male dominance and the oppression of women in society is a capitalistic mode of production hence this emphasizes that man is the owner of private property where somehow women cannot own and inherit property easily as men do (Engels, 1884) so this is somehow one of the challenges faced by the women in Pakistan.

RESEARCH METHODOLOGY

The present ethnographic study, which is conducted in Shah Allah Ditta village located in E11 Islamabad, Pakistan aims to explore the people's perceptions, socio-religious beliefs, and practices regarding women's inheritance rights and the challenges that women face while exercising these rights. In-depth interviews were conducted to carry out the research in which extensive data was taken from the respondents of the study. Participant observation and In-depth interviews are

important ethnographic research methods in which the data is directly collected from the participants (Kawulich, 2005). For carrying out in-depth interviews, an interview guide based on the research questions was made. An interview guide is a tool that includes a list of topics and questions, which helps the interviewer plan the direction of the interview and maintain consistency throughout multiple interviews (Eppich, Gormley, & Teunissen, 2019). The research questions on which the interview guide was based were two exploring questions: What are the perceptions and socio-religious practices of people regarding women's inheritance in Shah Allah Ditta? What are the challenges faced by women regarding property inheritance? Further, sub-questions were made under the main research question to get expanded data about the topic.

For this study, purposive sampling and convenient sampling techniques are used to extract data from the community based on the availability and willingness of people. Purposive sampling is a non-random sampling technique that simply leads the researcher which kind of information the researcher requires and the other one is a convenient sampling technique that is used to extract data from the community based on the availability and willingness of people (Lopez, & Whitehead, 2013). For this study, both genders, with diverse socioeconomic backgrounds were represented in the sample. An inclusion and exclusion criterion of the study was clearly defined. As the aim of the study was to explore the socio-religious aspects of women's inheritance rights, people below the age of 18 were not included in this study. People who do not own property are also not included in this study. The total number of respondents who were interviewed is 18 women with an age range from 18- 40.

Before starting the interviews, rapport building was done for the ease and comfort of the respondents so that they could answer the questions in a natural and free environment. It builds a strong relationship of trust between both the interviewer and the respondent. Before conducting interviews, the first stage was to develop a strong relation in order to build trust. For that, participant observation was done to create a worthy relaxed connection. It also helps a researcher in understanding the different norms, values, beliefs, and practices of a particular culture. This technique is used to make the research authentic. The topic of the research was discussed before the interview and it was made clear that their real identity will not be disclosed and pseudonyms will be used in the research.

Field jotting was also made during the research where the audio recording was not permitted. Moreover, the consent form was signed by the respondents and the details about the introduction, research question, and the purpose of the study were made clear to them. The interviews were taken in Urdu and Punjabi because most of the respondents were fluent in these languages. Furthermore, different probing techniques were used during the interviews. Every interview was about 35-45 minutes. After the fieldwork, all the interviews were transcribed. For analysis, at first data sorting was done to categorize data in a systematic order. Themes were generated after data sorting to analyze every chunk of data in detail. The basic method employed for data analysis in this study was thematic analysis.

RESULTS AND DISCUSSION

As an Islamic republic of Pakistan, the Shariah Law and the constitution of Pakistan safeguard this right but it is not practiced in most of the areas of Pakistan. According to Islam, it is assured that the property of women, either self-acquired through personal earnings or inherited before or after marriage is completely their own, and no male guardian can claim over it (Rubab & Usman, 2018). However, the cases of inheritance deprivation can be seen clearly among different rural and urban areas of Pakistan where they deny giving a rightful share of the property to female heirs. Forced marriages, Watta-Satta⁷ marriage tradition, child marriages, and marrying women to the Holy Qur'an are several reasons to save the inheritance land or assets in the family. There are many

⁷ Watta-Satta is also called a Barter marriage which involves a marriage of a sister-brother pair from one family for a brother-sister pair in another family (Hyder, 2020).



cases of child marriages, arranged and forced marriages where, either bride, groom, or both spouses are married without their consent to save the inheritance property. These kinds of marriages are hard to distinguish in the sense that some arrangements involve emotional blackmailing and psychological pressures (Zaman, 2014).

Furthermore, Pakistani society is usually considered a classical patriarchal system, where the elder male member is supposed to have all the authority of the family and has the power of decision-making, inside and outside of the family matters whereas in some rare cases, women can play this role. These decisions include securing the assets and inheritance land, and marrying children forcefully with cousins even if they are not agreed. Children, especially girls are married to their elder cousins to avoid giving the property to the girls who will move to the in-law's family after marriage. Thus, it is considered more important for many people to keep the inheritance of land, money, and property in the family, even extended ones, than their children's happiness (Tahir, 2019).

In the same context, one of the respondents Fatima Amjed 26-year-old housewife stated that her family has a lot of land and property. They give the inheritance land and property according to Shariah Law because they believe in this inheritance right but they do not want to send that share outside the family. Adding to this she states that,

My parents did my forced marriage to my cousin when I was just 18 years old because they wanted to give my inheritance share but they did not want to send this out. So, they were in favor of cousin marriage to keep the inheritance within the family.

Another respondent Mehreen, a 36-year-old housewife shared her opinion that women are just toys for their family who play with them and their feelings. Women do not have an option other than listening and obeying their family's decisions. According to her, she wanted to marry her friend's brother but due to the fear of sharing the inheritance, she was married forcefully to her cousin who was illiterate and just spending his life on his father's property. Adding to this she said that,

Women are considered as a burden and someone else's property i.e. people think that they will have to move to the next home after marriage. Due to this, the property is kept away from females otherwise it will be beneficial for their husband's family.

As the above responses show there are a lot of cases of inheritance deprivation within the family. Likewise, the theory of Marxist feminism relates to this research argues that the main cause of male dominance and the oppression of women in society is the capitalistic mode of production. However, the patriarchal culture of Pakistan has a male dominance where women are somehow less than men so they cannot take action and say anything to them because of respect in deprivation of inheritance rights. Furthermore, Watta-Satta is practiced in most parts of Pakistan to keep the inheritance in the family. Watta-Satta marriages are practiced for several cultural, social, and economic reasons.

Most of the Watta-Satta marriages are compromised marriages where the bride and groom are not happy to marry each other but due to pressure or some other reasons, they have to do so. One of the major reasons for Watta-Satta is to save the inheritance. In this case, the brides are exchanged within the families and no bride is given her inheritance right from both families. There are several cases reported in Watta-Satta marriages against their will which later results in domestic violence. Women in Watta-Satta marriages have to compromise with the bad circumstances of their lives so that they do not get divorced which is considered taboo in most families and brings a bad name to the family honor (Jacoby & Mansuri, 2010).

Similarly, another respondent, Maryam Ali 32-year-old housewife shared her experience that her marriage to her cousin is a result of the Watta-Satta tradition. Her father and uncle do not want to give their property outside the family so they married their children inside the family. She further stated that my parents have a mindset that if you are married out of the family then it might be



possible that they can harass me and sell all of my inheritance in terms of their greediness and that is why my parents were in favor of cousin marriage. It can be seen that this response indicates that people in Pakistan are following the practice of cousin marriages because they do not want to share their property out of the family. She also added:

I was married to my cousin and my brother was married to the sister of my husband and the decision was made that no girl would be given her inheritance right because both girls were from the same family and there was no need to exchange the property.

She further elaborated that if I were not in this reciprocal marriage (Watta-Satta), my family had to give me my share in the inheritance which they were not willing to give. On the other hand, some of the respondents stated that women faced domestic violence and criticism in their in-laws' families for not having their inheritance property from their fathers or brothers. In this regard, an uneducated middle-aged woman articulated, 'Women sometimes feel unsafe in their husband's houses for not getting their inheritance right. Due to this, they think that their future will always remain unpredictable.' In the same context, another respondent Saira, a 27-year-old student, said that Watta-Satta tradition should be discouraged because there is always a risk of a woman being pushed out of the house, regardless of her efforts to fulfill the needs of her husband and his family. She elaborated,


The majority of the time, a woman in a Watta-Satta marriage encounters harsh attitudes and criticism from her husband and in-laws. This is because the woman's sister-in-law is facing difficulties at home, and the Watta-Satta marriage entails implications for her.

Moreover, it has been seen that inheritance rights are denied for some women after their marriage because the parent thinks that the inheritance money is spent on her education, and dowry, and gifts are given to her in-law's relatives so she cannot claim her inheritance. Dowry has played a key part in the sacrifice of women's inheritance. Women especially those from remote regions, believed that dowry is an alternative to inheritance. This showed that in most parts of Pakistan, where dowry is considered a power equal to inheritance, many women sacrificed their right to inheritance (Rubab & Usman, 2018). Giving a large number of dowries at the time of marriage to daughters is known as a cultural value in Pakistan. Dowry is a tradition of giving gifts to the bride and the groom's family which seems a harmless exercise. Most of the time groom's family demands a large amount of dowry that includes jewelry, heavy cash, and an expensive car for the groom. The families who cannot afford these things face a lot of problems. Some women stay unmarried their whole life because their parents are poor and cannot arrange dowry for them.

In the case of dowry, some of the families give inheritance property at the time of marriage or after marriage to their son-in-law for their daughter's better future whereas on the other hand, some consider dowry as a replacement of inheritance property. According to them, the money they spend on dowry is worth more than their property share (Roy, 2015). It is emphasized that men are the owners of private property because, according to Marxist feminism theory, this is the primary cause of male dominance and women's oppression in society. However, women face many challenges because they are not able to own and inherit property as easily as men.

In the same context, Hira Anwar 24-year-old unmarried woman stated that women should be given equal rights. According to her, dowry and education are basic rights of every female but the family members covert these rights into inheritance property rights due to which they cannot claim their property share in the future. Adding to this, she also stated: 'Due to the strong patriarchal patterns of society, females are not given equal rights in the inheritance here. All the property is held by men and thus they have control over everything.'

Another respondent, Sabra Mehmood 41-year-old housewife states that her father did not give her property rights because according to them the dowry they gave me at my wedding and other gifts to my husband and his family is enough and worth more than my inheritance share. Due to this, my



husband abuses me because he thinks that I am not claiming my inheritance rights as he wants to start a business with that share. She also said, 'I have no other choice but to endure violence of any kind in order to care for my children and live with my spouse.' Some other respondents answered in the same way that those women who owned non-agricultural property i.e. houses; vehicles etc. had much more respect than those women who owned only agricultural property whereas on the other hand, some women have to face violence in the in-law's house because their family does not give them inheritance property. In customary social systems, some fathers are not in favor of giving property share to their daughters, due to which most of the women experience violence from their in-laws especially their husbands for not claiming and owing to the property from their father or brother. Many women's status among their in-laws depends on the level of their property ownership. Furthermore, it is also found that women who own property also have the authority in decision-making because when they own property, they can use it as a tool of power (Ahmed, 2010).

Another challenge that was also explored during the fieldwork was the association between property distribution among women and property ownership. The daughter whose mother owns land will get a share in a property from her motherland or property at the time of distribution. As one of the respondents, Mehreen 36-year-old housewife states that in our family there is a tradition of giving the mother's property to the daughter because the father's inheritance property share is only for their sons to run their business and build their own houses. Women can only have their share if their mother brings some inheritance property from her maternal family. He further added, 'I could not get my share of inheritance because my mother got no property with her from my grandmother, even though my brothers have a lot of property from my father's side.' Consequently, various responses shed light upon the challenges and problems faced by women while inheriting their property rights in Pakistani society. Some women are the victims of forced marriages and Watta-Satta tradition because their parents want to give their inheritance right according to Shariah but they are not ready to send it out from the family. Some women are not given their rights because their parents think that the money they spend on their education and dowry during their marriage is worth more than their property share.

Besides, not giving inheritance property share to the daughter results in facing violence from their in-laws and husbands. They spend their whole life facing violence because they do not want the tag of divorced women. Moreover, some women are not eligible for the property share from their father's side because some traditions show that a woman can only have that property share with her which her grandmother gave to her mother. The woman whose mother has no property will get nothing for her in the inheritance.

Dowry is also granted to pay for the legitimate share of the bride's inheritable family property resulting in a tactful rejection of the right to a female inheritance. Customary traditions facilitate cousin marriages to ensure that property remains within the family and, in unusual circumstances, between feudal houses, marriage to the Qur'an is a way of safeguarding property. In other cases, women abandon their rights out of the fact that their families will disown them.

However, women were pressured to sacrifice their property rights in favor of their male relations, and the reason for this unlawful action is that, because women are granted dowry and the substantial cost they pay to their marriages, they do not have the moral right to claim a share of the inheritance. While the denial of their rights in favor of a male heir has been found unconstitutional in the form of these cases, which have been enforced by the higher courts of Pakistan. Section 498A of the Anti-Practices Women's Act, 2011:

Depriving the women of inheriting property by deceitful or illegal means shall be punished with imprisonment which may extend to ten years but not be less than five years or with a fine of one million rupees or both.

Thus, the requirements of the above-mentioned activities and their applications which discriminate against the inheritance right of property against women have not been challenged constitutionally

or legally. The distinction in inheritance rights for women has repeatedly been justified by the formal legal system and religious scholars argue based on arguments regarding inheritance rights (Ghori, 2018). Courts in Pakistan have been upholding the rights of women to inherit property; however, very few cases are brought to the notice of courts (Ahmed, 2010). In other situations, women surrender their rights due to the fear that their families might disown them (Rubab & Usman, 2018). Moreover, most Muslim women surrendered their right of inheritance to their brothers with the opinion that they could protect their future in the case of their marriage breakdown. This point of view also indicates that surrendering land rights in favor of their brothers is one of the main reasons for women's inferior status.

CONCLUSION


Pakistan is an Islamic state that follows Shariah law, rules, and the teaching of the Qur'an which encourages women to acquire property. However, in terms of women's inheritance rights, there are some socio-cultural and economic reasons which come into play. This chapter concludes the whole above discussion of Shah Allah Ditta village, which observes that due to the patriarchal system, women have lower status in the society and are mostly deprived of their inheritance shares. In Shah Allah Ditta village, it is the most common practice in the family system that men are the head of the family and have the whole control over the house. Further, various factors were acknowledged in the findings where it is observed that refutation of the inheritance share from the women. In the present study, it was also observed that deprived women were either less educated or illiterate or insufficiently aware of their moral, religious, and legal rights which played an important role in women's deprivation.

On the other hand, the study also identified that people have different perceptions about the rights of women and they also have diverse practice patterns. Some women are married forcefully and they are not even free to make the decisions of their life on their own. The Watta-Satta marriages and early child marriage are done in Shah Allah Ditta village to save the inheritance property share within the family. Moreover, some women do not have their rights because their parents believe that the money they spend on their education and dowry during their marriage is worth more than their share of land. Most of the women face abusive behavior in their husbands' homes because their parents did not grant them property share.

However, the results of the study show that there are many hurdles and challenges that women face while inheriting their property. People have different perceptions about women's inheritance, according to their religious and socio-economic statuses. Compared to women who do not inherit property, there are only fewer women found, who inherit property rights and who own a home or piece of land. Women who do not inherit their property rights are viewed as having less value than women who have inherited property.

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