

June 2023

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Recommended Citation

Rubab, Iram; Malik, Beenish; and Bakht Aziz, Zujajah (2023) "Do Legal and Institutional Reforms in Punjab, Pakistan Protect Women's Inherited Land Rights?," *Journal of International Women's Studies*: Vol. 25: Iss. 4, Article 5.

Available at: <https://vc.bridgew.edu/jiws/vol25/iss4/5>

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Do Legal and Institutional Reforms in Punjab, Pakistan Protect Women's Inherited Land Rights?

By Iram Rubab,¹ Beenish Malik,² and Zujajah Bakht Aziz³

Abstract

Economic marginalization is a key feature of gender inequality globally. In Pakistan, which ranks 153 out of 156 countries on the Global Gender Gap Index Report 2020, economic marginalization has significantly hampered efforts towards inclusivity. In comparison to dismal levels of female literacy and formal occupation (traditional measures of development), inheritance is an interesting category—a right enshrined both in Islam (the official state religion) and the country's constitution. Given Pakistan's agrarian and otherwise rent-seeking economic orientation, land inheritance plays a pivotal role in financial wellbeing regardless of gender. However, a pervasive denial of women's inheritance rights has been the norm. Considering the data and impelled by its international obligations, the Government criminalized denial of inheritance in 2011, followed by a series of legal and institutional reforms in the province of Punjab. These reforms include provisions for help desks dedicated to women at key offices, digitization of land records, and clamping down on anti-women practices that aid denial of inheritance. It is alarming to note that not much has changed in terms of women's land inheritance since 2011. To understand what is impeding the amendment's efficacy, the study frames these developments from a socialist feminist perspective and captures the opinions of experts engaged with the cause in various capacities. We selected Punjab as a case study and recruited twelve legal, revenue, Islamic, and women's right experts through purposive sampling. In-depth interviews were conducted, and the findings were thematically organized. Experts largely agreed that cultural change is a long-term process and that there has been a patriarchal monopoly of Islamic interpretation. On a more practical end, issues plaguing developing economies were highlighted in addition to institutionalized patriarchy, female mobility, patriarchal control of citizenship and land documents, and bureaucratic hurdles. We recommend the recruitment of more female staff in all relevant offices, adoption of better data management practices catering to institutional harmony, and that district inheritance committees be operationalized, among other measures.

Keywords: Land inheritance, Women, Punjab, Institutional reforms, Legal reforms, Qualitative research

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Introduction

Women's social, economic, and political empowerment has been a serious challenge across the globe, making these issues a key focus of development plans and agendas in recent times (Agarwal, 2020; Patel, 2010). There are specific United Nations conventions and declarations like the Convention on the Elimination of Discrimination against Women (CEDAW) (UNHRC, 1979) and the Beijing Declaration and Platform for Action (1995) to address these empowerment goals. Similarly, general global development initiatives like Millennium Development Goals (MDGs) adopted in 2000 and Sustainable Development Goals (SDGs) adopted in 2015 have also reiterated the need for gender equality by centering it as a sustainable development goal across the globe. Despite such varied international developmental and women-centered initiatives, the on-the-ground situation has not changed significantly (Kumar et al., 2016). Follow-up reports on MDGs and SDGs indicate that the situation is worse when it comes to South Asian countries (Asadullah et al., 2020). Pakistan, specifically, paints a dismal picture when it comes to gender equality. It ranks 153 out of 156 countries in the Global Gender Gap Index Report 2021, and on the sub-indicator of Economic Participation and Opportunity, it ranks 152 out of 156 countries (World Economic Forum, 2021). Similarly, women's labor remains unrecognized and non-monetized in most cases (Saigol, 2016). Against this backdrop, women's inherited shares in land hold the potential to empower them economically. The pervasive denial of inheritance, however, prevents any meaningful movement in this direction (PCSW, 2016). Being a signatory of MDGs, SDGs, CEDAW, and the Beijing Declaration, Pakistan is bound to address the pressing issues of gender inequality and women's economic empowerment, the latter of which is key to ensuring parity in other fields of life. To elevate women's socio-economic status, the Government of Pakistan introduced the Prevention of Anti-Women Practices (Criminal Law Amendment) Act, 2011. Following the 18th amendment in the Constitution of Pakistan, all provinces, including Punjab, attained provincial autonomy. This devolution of powers enabled legislation and policy measures in accordance with respective provincial needs (Hussain & Kokab, 2012). Hence, the Government of Punjab has introduced initiatives to protect women's land inheritance rights since 2012; the following text provides a brief overview of these initiatives. Here it is pertinent to note that initiatives related to domestic violence also are intertwined with matters of inheritance deprivation, which has been recognized in the amendment (Zaman, 2014).

Governmental Initiatives to Meet Pakistan's National and International Obligations

In order to achieve the goal of gender equality and women's economic empowerment, the government of Pakistan introduced legal and institutional reforms.

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

This ground-breaking legislation was the first time in Pakistan that the act of disinheriting women was penalized and declared a criminal offense through the enactment of the Prevention of Anti-Women Practices (Criminal Law Amendment) Act, 2011 (Rubab, 2019; PCSW, 2016). Additionally, the Act criminalized customary marriage patterns like forced marriages, exchange marriages, marriages with Quran (a marriage to keep the familial property and caste status intact, especially with regards to endogamy), and *vani* or *swara* (a practice in which women are given in marriage to resolve issues of familial enmity) (Zaman, 2014). The following clauses were added to the Pakistan Penal Code of 1860 (Senate Secretariat, 2011):

- 310-A: Punishment for giving a female in marriage or otherwise in *badla-e-sulh*, *wanni* or *sawara*. Whoever gives a female in marriage or otherwise compels her to enter into marriage, as *badal-e-sulh*, *wanni*, or *sawara* or any other custom or practice under any name, in consideration of settling a civil dispute or a criminal liability shall be punished with imprisonment of description for a term which may be no less than three years and shall also be liable to fine of 500,000 Rupees.
- 498–A: Prohibition of depriving women from inheriting property. Whoever by deceitfully or by illegal means deprives any woman from inheriting any movable or immovable property at the time of opening of succession shall be punished with imprisonment for a term which may not be less than five years and a fine in the amount of 1,000,000 Rupees.
- 498–B: Prohibition of forced marriages. Whoever coerces or in any manner whatsoever compels a woman to enter into marriage shall be punished with imprisonment of description for a term, which may not be less than three years and shall also be liable to fine of 500,000 Rupees.
- 498–C: Prohibition of marriage with the Holy Quran. (1) Whoever compels or arranges or facilitates the marriage of a woman with the Holy Quran shall be punished with imprisonment of description which may not be less than three years and shall also be liable to a fine of 500,000 Rupees. (2) Notwithstanding anything contained in sub-section (1), oath by a woman on Holy Quran to remain unmarried for the rest of her life or, not to claim her share of inheritance shall be deemed marriage with the Holy Quran.

History of Legislation on Women’s Inherited Property Rights in Punjab

Following the aforementioned legislative work, the Government of Punjab took the following additional steps to safeguard women’s inherited land rights:

- The West Pakistan Land Revenue Act, 1967 & Insertion of Section 135-A
In the Punjab Land Revenue Act 1967, another clause (135-A) was added to safeguard women’s inherited land rights. The process of owning land was streamlined by assigning the rights to relevant revenue officials; now they can issue a notice to all joint landholders right after the mutation of inherited shares. The process of separate applications was suspended to make the process hassle-free for women. Similarly, revenue officials were bound to decide the partition of land within 180 days of submission of relevant documents (PCSW, 2016; Rubab, 2019).
- Registration Act 1908
In 2012, Punjab Government amended the fee process under section 78 of the Registration Act. The registration fee was exempted for the partition deed in respect to agricultural land of rural areas, and gifts in favor of legal heirs of agricultural land in rural areas (PCSW, 2016).
- Amendment in Transfer of Property Act 1882, sub-section 6(1)
This amendment was made to curb instances of surrender among women regarding a practice that has been termed “socially sanctioned surrender” in literature (Rubab, 2019).

According to sub-section 6(1) neither Muslim men nor Muslim women can withdraw their right of inheritance (Punjab laws, 2021).

Institutional Reforms

In lieu of the aforementioned national and international commitments, the Government of Punjab introduced the following institutional reforms:

- **Initiation of Women Development Department, 2012**

In Pakistan, devolution of powers from the federal level took place after the 18th amendment was passed in 2010. Provincial autonomy led the provinces to establish their own mechanisms to safeguard the interests of their respective populations. In Punjab, the Women Development Department was established in 2012 to safeguard women's rights (Mufti, 2020).

- **Women Empowerment Packages, Punjab (2012-2017)**

Under the auspices of the Women Development Department, the Government of Punjab introduced a series of women empowerment packages. One of the packages' key initiatives was to assure women's inheritance and land rights through legislation and improved institutional mechanisms (Women Development Department, 2021).

- **Punjab Commission on the Status of Women (PCSW), 2014**

PCSW was established as an autonomous statutory body in 2014. The commission is working as a monitoring authority with regard to women's issues and publishes its annual findings alongside other instrumental research (PCSW, 2016).

- **Gender Management Information System (GMIS)**

The initiative was introduced by PCSW in order to record gender-desegregated data and make it widely accessible. It collects data on six key areas with more than 200 sub-indicators. The data is collected through different governmental departments to monitor the status of women across the province. Further, it is focused on addressing issues of dearth of data or even absence of data in some areas to aid targeted policymaking (Punjab Commission on the Status of Women, 2019).

- **Women's Helpline (1043)**

A 24/7 helpline was launched by PCSW to register women's complaints about domestic violence, forceful deprivation of inheritance, and other issues pertaining to women rights (PCSW, 2016).

- **Help Desks for Women in Police Stations of Punjab**

These were made in 2010 to make it easier for women complainants. The desk assists women with the provision of information, lodging First Information Reports (FIRs), and so on. Most importantly, it provides a friendly face in the otherwise highly masculine environment of police stations.

- **Land Revenue Management Information System (LRMIS)**

LRMIS, a program that digitized and streamlined land records and weeded out the role of *patwaris*, brought an immense change in the lives of landowners. Efforts to

streamline the process aid transparency and quick transfers by eliminating corruption and facilitating marginalized groups such as women and small landowners. The role of technology in development is crucial to note here. Similar to GMIS, it makes data widely available for research purposes as well.

- Establishment of District Enforcement of Inheritance Committee

In 2012, inheritance committees were established across Punjab for monitoring purposes. It was said that each committee would be responsible for safeguarding and monitoring inheritance-related complaints in respective districts. The composition of the committees was proposed as follows: Deputy Commissioner (Chairperson), District Attorney (Member), District Public Prosecutor (Member), Additional District Collector (Member), and Assistant Commissioner of Subdivision (Member). The committees have the authority to deal with complaints regarding inheritance against revenue officials as well as any other person who attempts to perpetrate or facilitate forceful denial of women's inheritance. The committees can also recommend particular cases to competent authorities, which can then take necessary action under criminal prosecution or disciplinary action (PCSW, 2016; Rubab, 2019).

- Fee Waiver on Registration of Documents and Mutation of Inherited Land for Women

To ensure women's inheritance rights and to make the mutation process of inherited land easier, the Government of Punjab has waived off registration fee on documents for inheritance-related properties. This fee was waived through notification number 1823-2012/1202-ST (1). The notification was issued on 13th August 2012 (PCSW, 2016). To further facilitate women, the Government has also waived fees for initiation of partition of inherited property. In terms of expenses, now women only have to pay 500PKR for a token permutation.

An Overview of Global, Regional, and Local Research: Identification of Gaps in Research

A number of pertinent studies explore issues of women's rights of inheritance and landholdings within global, regional, and local contexts. If we take a global overview of women's inheritance rights, an important finding emerges: developments for equitable inheritance are recent in most societies and so remain contested globally despite varied forms of feminist activism and organizing (Patel, 2010). This has far-reaching effects, even putting women's access to food and housing in precarity in many cases (Habitat, 2006). The situation in postcolonial nations offers an even more dismal picture due to the collaboration of colonizers with entrenched patriarchal elites, legal pluralism, and weak state institutions among other reasons. With reference to related practices in South Asia, Agarwal (1994), Chowdhry (1998), and Mehdi's (2001) works remain instrumental. Agarwal's (1994) exploration of issues of women's land ownership across South Asia, Chowdhry's (1998) research on customary practices and deprivation of women from their inheritance and other landholdings among Hindu and Muslim communities of India, and Mehdi's work (2001) on women's property rights in the Pakistani context provide valuable region-specific insights.

However, there remains a paucity of recent work directly addressing issues of women's inheritance in Pakistan and Punjab's feudal context. NCSW's study (2005), PCSW's study (2016), Awaz Foundation's study (2010), and SDPI's study (2008) were largely concerned with cultural impediments and the relationship between the denial of inheritance and violence against women.

Similarly, Zaman and Zia (2014) and Zia (2012) provide critical insights in relating the practice to Pakistan's legal and criminal justice system. However, few studies exclusively focus on the recent legal and institutional reforms. Some of these studies talk about the Revenue Department and delayed justice system, but the role of Union Councils (UCs), National Database and Registration Authority (NADRA), and police stations as pertinent institutions regarding women's inherited landholdings remains understudied. Similarly, the impact of LRMIS on women's land rights is yet to be studied in depth. Additionally, a detailed appraisal of 2011's criminal law amendment and its impact on the overall status of women's inheritance and land rights across Punjab has not been qualitatively explored. The present study's research question was refined in light of these gaps. Simultaneously, socialist feminist theory was utilized to understand the situation at hand.

The Study

Women's socioeconomic and political empowerment in Pakistan is intrinsically linked to their ownership of land and other productive resources (Mehdi, 2001; Ahmed et al., 2016). Inheritance shares are a major source of land acquisition and ownership for women in Pakistan. In Pakistan, the Constitution and Shariah both guarantee women's inheritance rights and give them autonomy to hold and dispose of landed property. However, historically pervasive denial of women's inheritance rights in Pakistan reified their marginalization (Holden & Chaudhary, 2013). Cognizant of its international obligations and on-the-ground realities, the Government of Pakistan has taken various steps to curb denial of women's inheritance rights; these include both legal and institutional reforms. The present study aimed to appraise these legal and institutional reforms in the light of experts' insights. It further sought solutions to improve the situation. The major questions posed by this study relate to the effectiveness of these legal and institutional reforms in enabling women to claim, access, and control their inherited lands. Theoretically, the study rests upon socialist feminism (Sarvasy & Vanallen, 1984). Socialist feminism critically examines subjugation of women due to the underlying connections between capitalism and patriarchy. It analyzes the interlocking systems of religion, culture, and tradition developed by capitalist patriarchy to assure women's economic deprivation by exploiting their productive and reproductive resources (Armstrong, 2020). Women's landed inheritance is a critical source of economic empowerment, so within the patriarchal and feudal social fabric of Pakistan, socialist feminist theory is best suited to analyze the efficacy of legal and institutional reforms with reference to women's landed inheritance. Socialist feminist thought was utilized to design a research instrument and to refine the analysis to inform findings (Hennink et al., 2020).

Method

The research employed qualitative methods to glean information and solutions offered by field experts. Philosophically, the study was grounded in the interpretive paradigm and relied on unique and information-rich cases to get answers to the questions posed (Rust et al., 2017). Twelve experts were recruited as study participants after obtaining free and voluntary consent through purposive sampling (Hennink, Hutter & Bailey, 2020). An in-depth interview guide was used as the instrument of data collection. Key questions of the guide were informed by literature relevant to the field of women's land inheritance. Insights from socialist feminism, a framework that connects patriarchy and capitalism, were also utilized to further refine the in-depth interview guide. The study and instrument both went through a rigorous review process by the University of Management and Technology, Lahore's ethical review committee (Mason, 2017). After approval, interviews were started in October 2019 and were completed by February 2020. All interviews

were digitally recorded after taking participant consent. Later on, verbatim transcripts were made. The coding process involved both inductive and deductive codes. Similar codes were arranged into categories, and similar categories were subsequently organized into themes for analysis. In order to assure the validity of findings, all findings were cross-verified with the participants (Hennink, Hutter & Bailey, 2020).

Table 1: Participants' Profiles

| | Sex | Age | City of residence in Punjab | Nature of Expertise | Years of Experience | Designation |
|-----|------------|------------|------------------------------------|--------------------------------|----------------------------|---|
| 1. | Male | 62 | Lahore | Legal expert | 32 | Secretary Law Punjab |
| 2. | Female | 49 | Lahore | Legal expert | 18 | Chairperson of Law department in a private university |
| 3. | Male | 53 | Lahore | Legal expert | 20 | Judge at Lahore High Court |
| 4. | Male | 55 | Bahawalpur | Lawyer | 23 | High court lawyer |
| 5. | Female | 54 | Rawalpindi | Lawyer | 22 | Supreme court lawyer |
| 6. | Female | 52 | Rawalpindi | Women's rights expert | 27 | Resident Director Aurat Foundation |
| 7. | Female | 50 | Lahore | Women right expert | 23 | C.E.O Women In Struggle for Empowerment (WISE) |
| 8. | Male | 40 | Rawalpindi | Revenue official | 10 | Assistant director land record (ADLR) |
| 9. | Male | 38 | Bahawalpur | Revenue official | 7 | Service center in-charge (SCI) |
| 10. | Female | 71 | Lahore | Islamic religious scholar | 40 | Emeritus professor |
| 11. | Female | 57 | Lahore | Legal and institutional expert | 28 | Chairperson Punjab Commission on the Status of Women (PCSW) |
| 12. | Male | 50 | Lahore | Data handler | 25 | Gender management information system |

Results

Appraisal of Prevention of Anti-Women Practices Act, 2011

To ensure that Pakistan's national and provincial laws conform to its international obligations, the Prevention of Anti-Women Practices (Criminal Law Amendment) Act was passed in 2011. The amendment advocates for women's rights and criminalizes a range of oppressive and discriminatory practices against them. Most importantly, it prohibits forceful deprivation of women from their lawful inherited shares. All the research participants acknowledged the amendment and considered it a major accomplishment. Participant 1, Secretary Law Punjab, stated:

This amendment is a significant milestone in the fight against patriarchal forces in the parliament. In addition to honoring women's rights, I believe it has maintained the true essence of Islamic inheritance law. This law will only be effective if the victim recognizes the value of their inheritance share and initiates the long process of getting justice (personal communication).

Aside from appreciating the amendment, most experts believed the current law was insufficient and expressed reservations about the law benefiting a select few. Tedious legal procedures and lack of legal awareness among stakeholders were major concerns. Some experts believed that the law was inherently discriminatory towards women when it came to deciding inheritance portions, which are governed by Shariah. They argued that the law must change to fit the requirements of modern society, especially since Islam has always permitted *Ijtihad*.⁴ Participant 7, C.E.O of Women in Struggle for Empowerment (WISE), shared:

Although the Criminal Law Amendment of 2011 is a positive step in the right direction, the bottom line is that Shariah inheritance law is discriminatory. It does not address women's equal inheritance rights and makes no reference to transgender inheritance rights. It needs to be updated to match the needs of today's society (personal communication).

She was of the view that the intent of this amendment is to address the concerns of happily married women, while sidelining concerns of single women, divorcees, widows, and second spouses. Married women put a lot of effort into their homes, but their struggles go unnoticed, and they receive only one-sixth of their husband's wealth. Furthermore, according to Shia law, childless wives are not entitled to anything. In addition, second wives in polygamous marriages are often deprived of their shares in their husband's estate. All these examples not only highlight women's vulnerability in patriarchal societies, but also point to legal flaws of the system in place.

Participant 5, a Supreme Court lawyer, opined:

It is safe to say that the law has served as a deterrent to some extent. However, in order to receive her half of the inheritance, the claimant must now file a civil complaint following the perpetrator's conviction through criminal proceedings. Women have had to deal with

⁴ Though a historically weighted concept, *Ijtihad* (literally translated as “effort” or “independent reasoning”) is a secondary source of law-making in Islam and is defined as a context driven, independent inquiry into a problem that is not precisely covered by Quranic injunctions, hadith and sunnah, and scholarly consensus (Esposito, 2004). Since it is a more contested source of law, details about its origins, types, evolution, and subsequent reclamation within discourses on modernizing Islamic law can be found in Hasan (2003). Abbasi (2017) illustrates how it has come to inform women-friendly legislation in Pakistan.

more stress as a result of this. Given Pakistani women's restricted mobility, most victims are unable to devote time and money for seeking justice (personal communication).

She added that this problem stems directly from Pakistani society's patriarchal structure. Most women have never had opportunities to interact with government agencies on their own. As a result, they can only claim inheritance if they receive assistance from male family members in navigating the system.

Experts further discussed the ambiguous nature of the Act. It was argued that Section 498-A of the amendment points to acts of denial that are "deceitful" and "illegal" to be punishable offenses. However, it never explicitly states what comes under the scope of these terms, leading to even more ambiguous provisions.

Another critical concern raised during in-depth interviews was lack of awareness about the amendment among its beneficiaries (women) and upholders (state bureaucrats). Participant 2, Chairperson of Law Department, stated:

Whenever a new law is being introduced, the first and most crucial step for the respective governments is to arrange legislative awareness sessions with all stakeholders. However, this was not done in case of 2011's amendment. Women as well as relevant stakeholders such as judges, police, and revenue officers are unaware of the law. The situation is dire since essential parties are still unaware of or only have a hazy understanding of the legislation even six years after it was implemented. Even in the face of mass awareness, gender sensitization of implementing authorities is a difficult task (personal communication).

Prospects and Challenges of Shariah Law

Experts believed that when it comes to inheritance Sharia law favors men. They argued that the new legislation is substantial, but even in the best-case scenario, it will not be enough to remove fundamental inequality. Therefore, more equitable inheritance laws are needed through *Ijma*.⁵ Talking about Islam favoring male heirs, participant 4 clarified:

In all sects of Islam, a daughter receives half of a son's part in a natal inheritance. In the absence of a brother, half the natal inheritance is diverted to the residuary class according to Sunni law. While Shia law does not allow this practice, it does not believe in an issueless widow's entitlement to inherit. As a result, each group discriminates against women in some fashion (personal communication).

Participant 6 further cited transgender people's inheritance rights in Islam as evidence that the law is inherently discriminatory. She said:

There are no fixed shares of transgender inheritors. The share is determined by the person's resemblance to male or female characteristics. A transgender son inherits three-fourths of a son's shares in this way. This emphasizes that a person's degree of masculinity is the only criterion for determining an heir's status and inheritance share (personal communication).

⁵ *Ijma* is an Arabic word that refers to consensus among leading Muslim scholars of the time as well as the broader community and is a secondary source of law-making in Islam. It is used by various sects to meet changing social needs, particularly when it comes to matters that the first two sources (Quran and Sunnah) are silent on or do not explicitly deal with (Mulla, 2010).

Apart from acknowledging these discriminatory practices, it was stressed that progress requires modernizing Islamic law. Experts observed that while Sharia law can evolve, it is heavily impacted by conservative interpretations of Wahabi Islam in Pakistan. Some Muslim countries have attempted to make the laws of inheritance more just through the *Ijma* tradition. In Malaysia, sons and daughters have the same inheritance rights and status as heirs. This shows how important evolution is in Islam. It was hoped that similar policy initiatives would be implemented in Pakistan. Participant 10, an Islamic feminist, expressed her dissatisfaction with the situation by saying:

In Pakistan, the violation of women's inheritance rights is an un-Islamic practice that is reinforced through culture. Those who argue for equal inheritance share for daughters base their argument on this widespread denial. They overlook the fact that in Islam inheritance shares are based on equity. In some cases, women inherit a higher percentage than men (personal communication).

Legal System: Challenges

The experts were unanimous in their assessment of flaws in the judicial system. They argued that the 2011 amendment would be rendered useless if claimants were subjected to lengthy court proceedings and incompetent judgments. The judicial system's institutionalized patriarchy and its ramifications for women, particularly with reference to alternative dispute resolution, were also discussed. Some specialists also highlighted how lawyers in private practice exploited their clients' illiteracy, lack of understanding of the legal system, and poor social relationships. Participant 11, Chairperson Punjab Commission on the Status of Women (PCSW), talked about overburdened courts and shared:

The case-to-judge ratio is approximately seven hundred to one. It not only causes delays in judicial proceedings but also prevents judges from giving each case their full attention. Bribes are also becoming a deciding factor in trial results. Female inheritors, who usually lack the patriarchs' social connections and affiliations, are disadvantaged by such a system (personal communication).

The Government of Pakistan has tried to address these concerns by bringing alternative dispute resolution processes, such as *jirgas* and *panchayats*,⁶ into the formal judicial system. On a superficial level, it seems an ingenious approach to ease strain on courts. However, legal experts were of the view that despite official instructions on women's participation in these bodies, the large majority are men, and women's influence is minimal in the remaining handful. As a result, they preserve patriarchal tendencies and are well-known for their anti-women policies.

Other experts claimed that recruiting more judges or using alternative forms of justice will only partially fix the problem. Due to an archaic penal code, Pakistan's legal system is excruciatingly slow. The one currently in use was established during the British era and has been denied the opportunity to evolve. Highlighting the need for a new penal code, participant 3 said, "Decisions will continue to be delayed unless we create a penal code that matches the needs of our

⁶ Framed as a mode of Alternative Dispute Resolution in contemporary discourses on Pakistani legal system, *Jirga* and *Panchayats* variously refer to feudal councils, typically comprising respectable elders (men) of a tribal/rural community that settle conflicts in accordance to set cultural norms without usually consulting the state's formal legal system or abiding by its principles and limits. See Ahsan (2009) for a more detailed analysis of how it disadvantages women.

current society. The existing system does not account for judicial merit and scrutiny of cases” (personal communication).

The attitudes of lawyers, according to some experts, also limit women's access to justice. Despite the fact that state practitioners have a fixed legal fee, lawyers from private firms charge exorbitant fees especially when they are aware of their client’s vulnerabilities. Experts pointed to case-delaying tactics, such as numerous hearings and registering cases that do not warrant a judicial probe. It was discussed how most Pakistani women are rarely exposed to the judicial system and are hence more susceptible to such exploitation.

Revenue System: Prospects and Challenges

Data is being computerized in accordance with the Land Revenue Management Information System. Though the participants acknowledged the importance of the measure, it was emphasized that it had only been implemented in a few districts. Along with the new system's limited scope, some experts remarked on its low efficacy. Revenue officials also discussed the issue of scanned old records. These concerns were confirmed by participant 8, Assistant Director Land Records (ADLR):

Ancient land records had been scanned poorly, making vital facts illegible. *Patwaris* used to have small areas within their jurisdiction where they could maintain personal records. Individual records, on the other hand, are no longer available. There is a considerable likelihood of incorrect records being kept as a result of district rearrangement and larger areas being placed under the jurisdiction of each revenue office (personal communication).

Another important concern of electronic data-handling was raised by participant 5, a Supreme Court advocate. He asserted that the software used to create these computerized land records is built in such a way that individual ownership within jointly-owned properties is not recognized. It is impossible to ascertain who owns which piece of joint property in the case of multiple owners. As a result, sections of variable-cost land, particularly agricultural land, are allocated unfairly. Women are generally at a disadvantage because they do not have access to or control over their inherited land. It often results in women inheriting land that has a lower monetary worth, such as uncultivable land. Victims are typically only made aware of the unfairness years later, after personal visits to their inherited estates. Furthermore, Land Record Management Information System (LRMIS) centers are established at the tehsil level, with ten to twelve computers to manage all processes. A lack of centers as well as poor training of revenue officials, who are completely disconnected from *patwaris*’ field knowledge, pose numerous obstacles. Despite identifying some flaws, he praised the endeavor on the whole. According to him: “LRMIS has been a huge success for the Revenue Department, and we are working hard to fix the system's flaws. At the very least, this approach ensures that land management is transparent, and no one can deprive women of their legal shares by deception” (personal communication).

Deficiencies in Data Handling at NADRA and Union Councils

Poor data-handling at Union Councils and NADRA was discussed at length by the experts. The records of at Union Council level are yet to be computerized, and staff shelve older documents to deal with such large amounts of data. Participant 12, data handler at Gender management information system (GIS), shared:

Claimants must filter through huge amounts of data in order to retrieve older data. It often takes several days. Furthermore, if records are lost or misplaced, they may not be successful because no backups are available. The lack of connectivity among various state departments exacerbates the difficulties of data management (personal communication).

There are no data-sharing agreements between NADRA, Union Councils, and Revenue Offices, and there are no memorandums of understanding in place. This means that any error in records or new updates must be reported in person at each office. This requires having a lot of time and money at hand. It was emphasized that women rarely have access to these resources due to their social marginalization.

Experts' Suggestions for Improvement

All legal and women's rights experts expressed significant reservations about Punjab's local governance structure. They emphasized the importance of having a strong local governing structure that can relieve some of the responsibilities at the provincial level by addressing local concerns at the local level. It will also benefit the general population, particularly women. In this regard, participant 6, Resident Director Aurat Foundation stated:

Women's difficulties can be alleviated by a strong local governance structure. Customary behaviors in our society are significantly impacted by patriarchy, resulting in women's limited mobility. Women's possibilities of consulting local institutions will undoubtedly rise if local governance systems are functional and meet the needs of women's representation as defined by the Pakistani government (personal communication).

Other experts pointed out that if *Mushaliti* Councils or *Panchayats* established by Union Councils perform effectively, women may be protected from the difficulties of litigation, particularly in circumstances where mobility is a major issue. They underscored the importance of women's participation as members of Union Councils and *Mushaliti* Councils.

Some experts believe that customs and culture have a major role to play in women's inheritance rights. Many women did not claim inheritance because they consider it a solely male entitlement, or because they were essentially barred from accessing official institutions. Experts were of the view that the patriarchal culture in Pakistan should be addressed through legislation and other structural reforms. In this regard, participant 10, an Islamic religious scholar, argued that "Women's inheritance rights are denied to them due to cultural traditions. Inheritance justice is important to Islam, but it has never taken hold in Pakistan due to norms favoring men" (personal communication). She believed that despite disobeying several Islamic rulings, Pakistanis have a strong respect for religion. As a result, we should encourage women-friendly Islamic practices. She argued that religious practices would be more readily accepted than those promoted on a secular platform.

The government's initiative to formalize informal judicial systems under the pretense of alternate dispute-resolution options, according to Participant 6, was damaging to women. State-mandated quotas for female participation and autonomy in these groups, she alleged, were not always followed. She suggested:

Women-friendly infrastructure and female recruitment in male-dominated institutions are both desperately needed. This will help women overcome the challenges they confront when it comes to claiming their inheritance shares. We need to establish interdepartmental

harmony and undertake staff sensitization in order to assist women (personal communication).

Discussion

The study was conducted with the intent of gearing the discourse on women's inheritance rights towards a solution-based approach that allows for a focus on sustainable development. As illustrated earlier, literature provides significant insights on the problems impeding equitable devolution of land inheritance at length, so it was important to not only verify, but also frame these hurdles, especially in instances that make them unique to the current legal and institutional mechanism in Pakistan. Expert experiences were central to gleaning Punjab and Pakistan-centric solutions, which may have further applicability across the developing world. The discussion is divided into sections on the legal framework, institutional organization, and solutions.

While liberal feminist theory assumes that legal change will translate into social change, socialist feminism brings everyday practices into the picture. We see law enforcement being thwarted at every level in Pakistan, so the law's intent and subjective formulation also bear scrutiny. Conversation on laws pertaining to inheritance rights in Pakistan is intimately tied to Shariah Law (Mulla, 2010; Abdullah et al., 2014). Here it is important to note that the field of Islamic jurisprudence is full of debate. While the Quranic shares are largely accepted as just, there is now a move towards demanding equal inheritance shares for sons and daughters; this has in fact been incorporated into state policy in a few Muslim countries (Toktas & O'Neil, 2013). However, the conversation has remained marginal in Pakistan. As a scholar on Islam, Participant 10 maintained that the Islamic shares were just, highlighting cases where women sharers were entitled to a greater portion than their male counterparts; the scholar's central argument was that equity was guaranteed overall and that Quranic strictures should be respected. Other participants, including Participant 7, were taken aback by the inequality in daughters' shares, pointing out that it was the most common method of devolution of inheritance and hence, the injustice was manifold. However, the moves for advocating for equal shares were tempered with resignation in some respects. Most participants asserted that Islam has given women inheritance and land rights, but cultural practices prevent their fulfillment. Then, cultural practices were viewed as somewhat of an aberration, not in conjunction with Islam in this particular instance. This finding relates to works of other Muslim feminists like Amna Waddud, who seek to free Islam of its patriarchal imprint and envision their empowerment through a faith-based model that is radically different from prevalent perceptions of Muslims and is, in fact, how Islam is widely practiced (Al-Abdlie, 2019).

Zaman, and Zia (2014) note the law's vagueness and its inability to deal with differing circumstances; these are also echoed by a recent in-depth study of inheritance claims in the domain of criminal justice in Pakistan (Rubab, 2022). The issue of blanket law enforcement and consideration of ideal circumstances was also pointed out by one of the experts. Participant 7 raised this concern with regards to unmarried, divorced, widowed, and orphaned women in general and those facing difficulties in exercising their citizenship rights in male-dominated, hostile public spaces. She argued that then the law's intent was merely to voice concerns of a few, with it bearing little fruit in actuality. This view was challenged by Participant 1, who asserted that the Government of Punjab has in fact gone beyond all the other provinces and while many issues remain, the step was a welcome development in and of itself. He further touched upon the difficulties encountered in getting the legislation through in Pakistan's feudal setup where land is intimately tied to familial honor and male kin. Participant 1 hoped that civil society discourse would help improve the law's applicability in the long run.

Experts' insights pertaining to institutional mechanisms brought forth many issues not touched upon in literature. The largely quantitative studies that exist sideline human cost and experiences, in addition to the fact that the current bureaucratic setup was reworked after the criminal law amendment as well as devolution of powers to provinces in Pakistan (Mufti, 2020). Concerns of readiness both in terms of funds and staff training were raised by all the participants. Participant 2 noted that Pakistan is still trying to cope with legal pluralism due to its colonial legacy, and this abrupt shift to institutional plurality is another challenge. Literature indicates issues of data management (PCSW, 2016); however, Participant 12, who was working in data management, pointed towards its causes, with poor training of staff and software glitches being key. The World Bank-funded LRMIS was heralded as a breakthrough in Punjab's revenue system, which prevented meaningful conversations about the drawbacks of shared properties, illegible older records, malfunctioning machinery at *Arazi* Record Centers, and operational difficulties arising out of power breakdowns and poor training. Moreover, it was highlighted that the provision of direct transfer of land was misleading, as the transfer is only initiated after the successors have submitted the relevant death certificate (obtained through Union Council) and family tree (generated by NADRA). This adds to women's difficulties as the institutions operate independently and the process takes much longer if all successors do not cooperate in the documentation phase. Participant 12 was dismayed at this state of affairs but did not feel that much could be done. In this regard, Participant 11 suggested the development of an overarching database following cooperation between these varied institutions; she felt that LRMIS was a step forward and technology could substantially help achieve sustainable development by assuring women's land rights, with the state protecting them against private patriarchal interests. This was also echoed by Participants 2 and 6, who saw LRMIS as an effective way of dealing with bureaucratic red tape and institutionalized sexism. An efficient system can be utilized by women with restricted mobility and mitigate their concerns of spending long hours in male-dominated spaces.

Conclusions and Future Research

This study aimed to explore the legal and institutional reforms introduced by the Government of Punjab with regard to its national and international commitments. These reforms sought to ensure women's landed inheritance in order to achieve the goal of sustainable development. The study further sought solutions from experts regarding the hurdles confronted by women while claiming their inheritance. The findings of the study reveal that the Government has taken quite a few initiatives to address discriminatory practices against women and to assist them in their struggle for their inheritance shares. The experts argued that these reforms are not sufficient to deal with the issue at hand and more reforms, such as women-friendly infrastructure, recruitment of women in legal and data-handling institutions, and awareness campaigns to sensitize both women and men are needed to meet the objectives of sustainable development. Similarly, existing laws have minimum outreach due to ineffective implementation and monitoring mechanisms. The complex situation at hand can be easily understood through the lens of socialist feminism, which highlights the underlying connection between patriarchy and capitalism. This study's findings align with socialist feminist thought. In Pakistan, highly patriarchal state institutions and their interaction with the capitalist male of the family, who is fully invested in accumulation of wealth to maintain his hegemonic patriarchy, further worsen the situation for women. In such circumstances, assuring women's land rights requires investigating these complex relationships; the study accomplishes this by bringing the everyday issue of reform implementation into the conversation, highlighting that supposed noble intent can do little on its own in the face of

embedded social practices and evolving forms of patriarchy in a capitalist frame. On this basis, the study suggests that there is a dire need to conduct research on the functioning of the revenue system with a focus on the newly implemented data management system and employee sensitization. The role of LRMIS, NADRA, and UCs in the digitization of records could be studied. Similarly, more comprehensive research is required to explore the nuances of criminal justice systems; particularly when it comes to carving out space for women in male-dominated police stations, courts, state offices, and so on. Predicating these on the rights of women as deprived and marginalized landowners will provide a more rigorous frame to understand legal and institutional drawbacks.

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