

Empowering Women: Making Inheritance Rights Fundamental and Mandatory in Pakistan

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Abstract

Women empowerment begins with acknowledgment and with providing them their rightful shares in inheritance. Our society follows Islam and it not only recognize women's due shares in inheritance, through unequivocal revelations, but also condemn the usurpation of property through unlawful means. Despite this, it is dishearten to see that daughters in our society usually have to resort to legal battles to claim their inheritance. This study aims to increase awareness among our daughters regarding their inheritance rights through conducting survey-based interviews with 200 educated women, including lawyers, teachers, prosecutors, students, and doctors, etc., by the use of technology. A questionnaire comprising 10 questions was designed to analyze their understanding of inheritance in Islam and Pakistani law. It also includes the propose solutions: such as automatic recording and transferring of properties, and involvement of law enforcement agencies on transferring inheritance properties from women. The data gathered revealed that over 90% of respondents supported the proposed measures. However, there was a notable reluctance among some participants to report instances of property deprivation to the police. This underscores the need for a robust and an independent system to protect and safeguard the inheritance rights of our daughters. To achieve this goal, we require amendments to the fundamental rights of women and legislation governing property transfers. Through implementation of these changes, we will be able to safeguard the inheritance of women as per injunctions of Islam.

Keywords: *Women Empowerment, Gender Equality, Inheritance Rights, Property Rights of Women, Fundamental Rights of Women*

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1. Introduction

The notion of " *Women empowerment*" (hereinafter referred as W.E.) is commonly used nowadays, but its real meaning is still strong. It is basically about giving women the necessary power and means to lead their own lives. It means giving women the chance to choose their own path, whether it is about their education, career, or about their security and safety on the streets. It is about giving them a voice, the same opportunities as men, and giving them the same respect as men. It is not

just about feeling good rather it is about making sure that women have their rights and they are being treated fairly (Tandon, 2016).

W.E., in our society, would also mean to bring them out of the shadows and give them a voice in everything, and in every challenge, they are facing either from their families or from world outside. It is about the control that women will have. It is about changing society for their better interactions. W.E. is the progression of women. It means enabling them to achieve independence and self-reliance. W.E. allows them to make their own decisions, to take control of their lives, and to realize their self-respect. It involves their participation in everyday decision-making processes, in accessing lifetime opportunities and resources, and in making informed decision making especially in their inheritance matters. Through this they will make significant contributions in our society (Fatima, 2021).

Women should be aware of their rights, their due shares, about the laws governing their rights (Oyelude & Bamigbola, 2013). Further they should be able to assert them, use the laws when required. Laws are important for W.E. because they are the instruments to protect their rights and give them justice. These laws reduce discrimination. They also provide ways for women to seek help if they experience any kind of violence or unfair treatment from anywhere. By knowing their rights and having legal support, women can feel more confident and they will make decisions that would be best suited for them (Florence, 2022). Moreover, education, training, information, and knowledge are indispensable to accomplish W.E. (Singh, 2020). Basically W.E. in all its concepts and types requires that they should have the needed ability to make sound choices and to utilize their resources wisely (Mandal, 2013).

Furthermore, Islam supports the respect of women at every stage of life (U. Batool, 2023). Specifically, daughters hold a valued position, this can be underscored through a narrative from Prophet Muhammad (PBUH). confirming that development and upbringing of two daughters brings substantial rewards (*Sahih Muslim*, 2629). Islam stresses kindness towards wives, it expects husbands to show affection and encouragement towards their wives. Whereas both genders are granted rights, yet men bear the obligation of financial facility for the family. So far, they are restricted to get into their wife's assets or properties without her consent. Ultimately, Islam fosters W.E (Bishin & Cherif, 2017; Engineer, 2008).

In Pakistan, the recognition and advocacy of W.E. especially regarding their inheritance rights have undertaken significant steps, even though the existence of various ongoing challenges. Over the years, different legislative measures have been taken to address gender disparities and to ensure equal opportunities for women in various spheres of life (Muneer, 2017). The Constitution of Pakistan guarantees fundamental rights to all citizens, including women, and several amendments have been introduced to improve W.E. (Weiss, 2012). However, despite these legal frameworks, women in our society continue to face systemic hindrances to their empowerment. Problems such as gender-based violence, inadequate access to the education and failed healthcare system, economic inequality, and prejudiced social norms, etc., all are obstructing the full realization of W.E. (Ahmad & Bhatti, 2023).

Laws in Pakistan guarantee women inheritance rights. This means daughters, sisters, mothers, and wives all have their legal shares in the properties of their families. This right is also protected under the Constitution and in Islam (Razy, 2023). However, there are still challenges (Abugharsa, 2024). Our cultural practices and our social undue pressures on women are try to deny them their inheritance (Tariq et al., 2024). Though there are also governmental initiatives in order to help women in claiming their rightful shares, but these are insufficient (Malik, 2023).

This research is important. It confronts the crucial issue of W.E. especially regarding their inheritance rights in Pakistan. While Islam itself guarantees women their due shares in inheritance, however, our cultural practices often lead to daughters being denied of their rightful property (MALIK & AZAM, 2023). This study is important because it sheds light on the gap between the available legal rights and our social realities. Through an analyzes of viewpoints of educated women, this research exposes the lack of awareness and confidence to claim inheritance rights amongst them. The proposed solutions, like automatic property transfers and legal enforcement, are aim to enhance W.E.. Ultimately, this research aims to empower women in our society.

2. Research Methodology

This study utilizes a mixed-method approach to examine the existing awareness and perceptions regarding inheritance rights among educated women in Pakistan (Matović & Ovesni, 2023). For this purpose, a total of 200 participants from diverse educational backgrounds, including lawyers, teachers, prosecutors, students, and doctors, have been selected for the survey-based (Gideon, 2012) interviews through the questionnaire distribution (Karimova, 2024), via google forms (Pandurang & Kelapati, 2023). Option based views have been used to look into the participants' personal experiences and perspectives. A well-structured questionnaire comprising 10 questions have gathered the quantitative data from them on their understanding of inheritance in Islam and Pakistani law. It includes their opinions on the proposed solutions. Thereafter, thematic analysis (Riger & Sigurvinsdottir, 2016) of responses, keeping in view the statistics of questionnaire, provide insights into participants' awareness and support for the proposed measures. The participants are females, therefore, on account of ethical considerations, including informed consent, confidentiality, and anonymity, has been strictly adhered to throughout the research process. Although there may be potential limitations like sampling biases, however, the objective of this work remains steadfast: it is to offer valuable insights and present feasible solutions for safeguarding the inheritance rights of women in Pakistan.

3. Scope of the Study

The questionnaire is designed to cover these areas:

- i. Understanding of women's inheritance rights in Islamic law
- ii. Awareness of inheritance denial as a sin in Islam
- iii. Personal experience with inheritance receiving
- iv. Familiarity with section 498A of Pakistan Penal Code (PPC)
- v. Perception on rigorous enforcement of section 498A for protection of women's inheritance
- vi. Willingness to report inheritance deprivation to authorities
- vii. Support for the proposal on the inheritance transfer and recording
- viii. Opinion on addition of specific procedures to safeguard women's inheritance rights
- ix. Importance of recognizing women's inheritance rights in the constitution
- x. Personal stance on depriving daughters of inheritance

These areas cover various aspects related to W.E. especially their inheritance rights in the Pakistan. It begins with the exploration of the respondents' understanding of their rights within Islamic law, thereafter, assessment of their awareness on inheritance denial as a religious wrongdoing. Moreover, personal experiences with inheritance receiving are then examined, it then covers familiarity with relevant legal provisions, such as Section 498A of the Pakistan Penal Code. The questionnaire also investigates their willingness to report instances of inheritance deprivation to the concerned authorities for taking legal action and their support for governmental intervention for the automatic transfer and recording of inheritance. Additionally, it seeks opinions on specific proposed procedural measures to safeguard inheritance rights and the importance of constitutional

recognition of these rights. Furthermore, their own perceptions regarding the effective enforcement of available laws and their own personal stances on deprivation their own daughters from inheritance are also explored with an aim to stop this act, in future. All these areas cover multifaceted issues encircling W.E. and their inheritance rights in Pakistan.

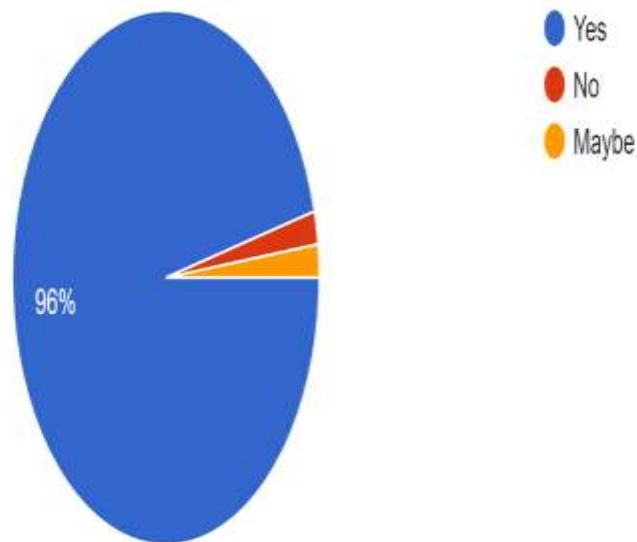
4. Research Questions and Responses

The following questions, based on socio-religious and legal frameworks, were crafted with three response options: yes, no, and maybe, and they are intended to solicit viewpoints from the 200 respondents and to streamline data collection for the analysis. The respondents are educated ones, and they are comprising on active participants of our society such as lawyers, teachers, students, and doctors. This diversity is instrumental in receiving a comprehensive understanding of women of our society regarding their inheritance rights. The data reflected below by the percentages indicate the prevailing views on women's inheritance rights in Pakistan.

4.1. Understanding of women's inheritance rights in Islamic law

Do you understand that according to Islamic law, women have a right to inherit property?

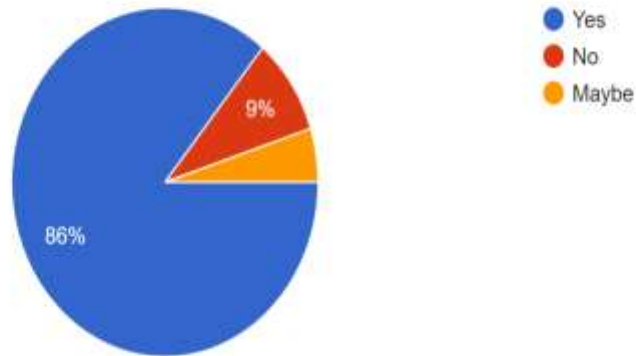
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4.2. Awareness of inheritance denial as a sin in Islam

Are you aware that denying women their rightful inheritance is considered a sin in Islam?

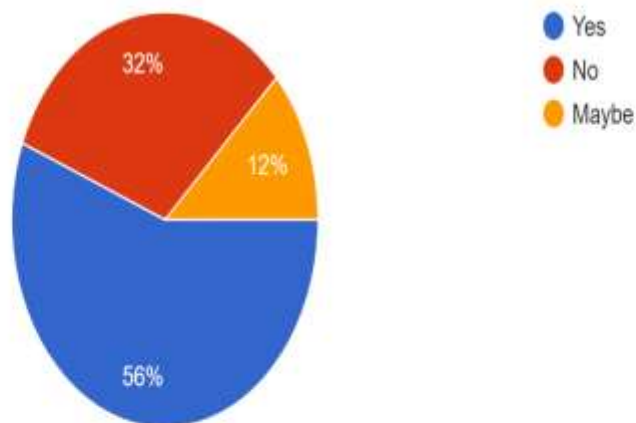
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4.3. Personal experience with inheritance receiving

Have you received your fair share of inheritance from your parents or family members?

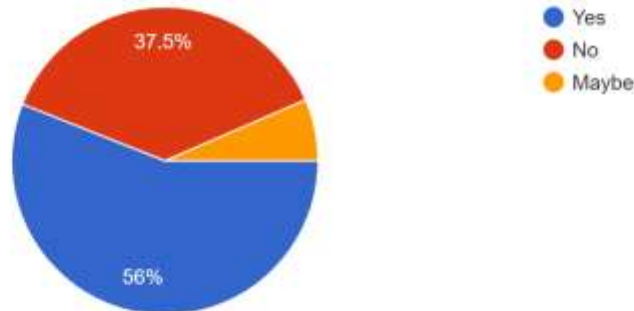
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4.4. Familiarity with section 498A of Pakistan Penal Code (PPC)

Are you familiar with Section 498A of the Pakistan Penal Code, which prohibits the deprivation of women by deceitful or illegal means from their inheritance?

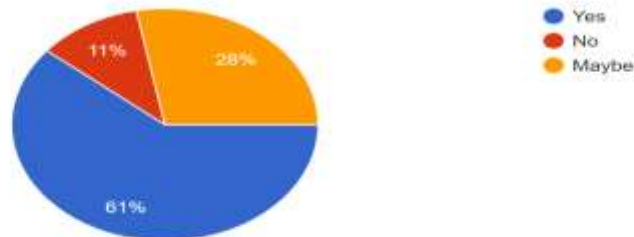
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4.5. Perception on rigorous enforcement of section 498A for protection of women's inheritance

Do you think that enforcing Section 498A of the Pakistan Penal Code rigorously would effectively deter the deprivation of women's inheritance rights?

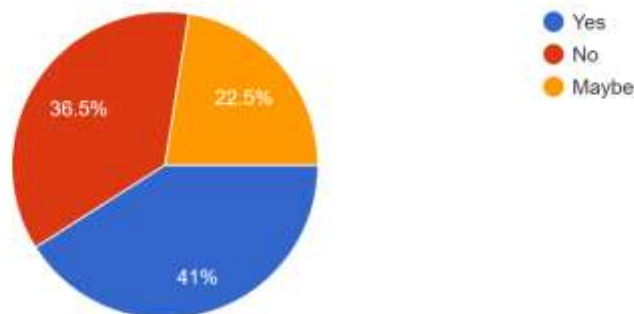
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4.6. Willingness to report inheritance deprivation to authorities

If you were unjustly deprived of your inheritance, would you consider reporting the matter to the police or relevant authorities?

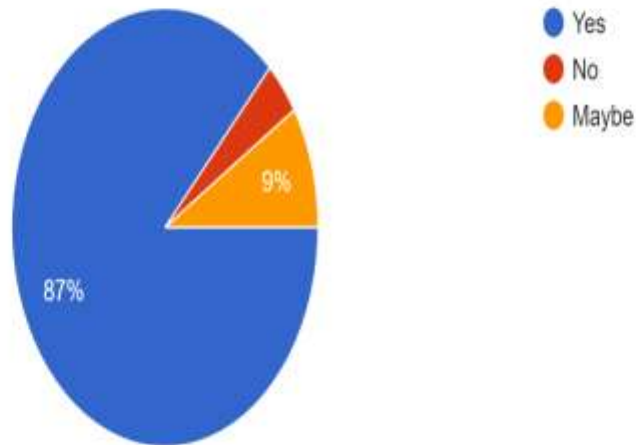
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4.7. Support for the proposal on the inheritance transfer and recording

Do you believe it would be beneficial if the government mandated the automatic transfer and recording of women's inheritance by all relevant authorities?

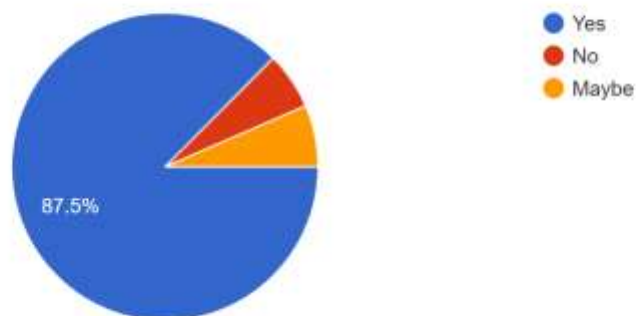
200 responses



4.8. Opinion on addition of specific procedures to safeguard women's inheritance rights

Do you support the idea of implementing specific procedures, such as providing independent advice and involving law enforcement, to prevent undue pressure on women regarding their inheritance rights?

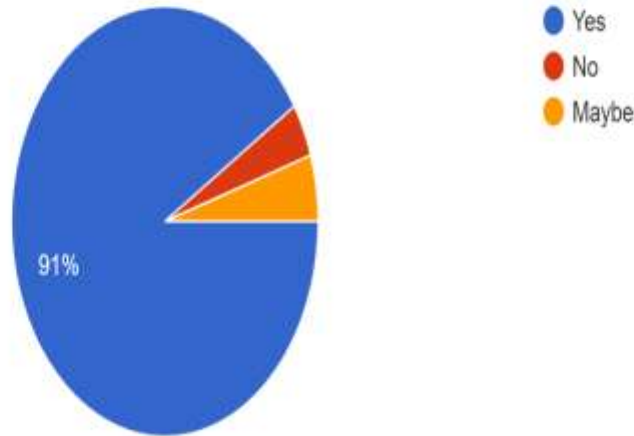
200 responses



4.9. Importance of recognizing women's inheritance rights in the constitution

Do you believe that it is imperative for the constitution of Pakistan to acknowledge women's inheritance rights as a fundamental right?

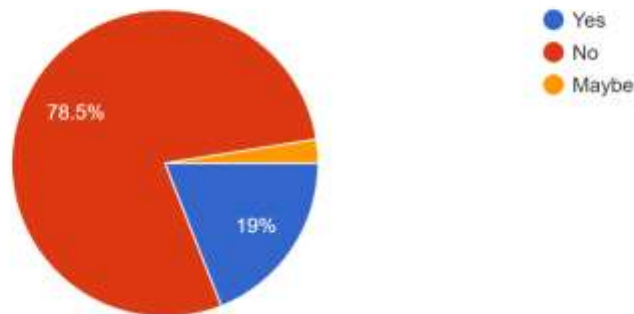
200 responses



4.10. Personal stance on depriving daughters of inheritance

Would you consider depriving your own daughter of her inheritance when the time comes?

200 responses



5. Discussion on Results

During our research, noteworthy results appeared from the response of first question. 96% of respondents accepted that women have a right to inherit property in Islam. This high level of awareness highlights how important is to have the knowledge about inheritance rights in Islamic societies (Muhammad, 2012; Zubair et al., 2014; Zuleika & Desinthya, 2013). Further, knowledge of inheritance rules are also important (Abdul Razak, 2014; Ajani et al., 2013). The next question was to receive opinion of participants about their religious stance on their inheritance. 86% agreed that not giving women their share of inheritance is a sin in Islam, while only 9% disagreed. This 9% needs awareness and information that inheritance is a mandatory obligation (Awang, 2008; Saujan et al., 2022), as the Quran provides a complete procedure and guidelines on it (Ahsan,

2021). The subsequent question was about personal experiences, it offers real insight into our societal landscape regarding inheritance matters: "Have you received your fair share of inheritance from your parents or family members?" The responses were as follows: with 56% affirming, 32% denying, and 12% opting for "maybe." This "maybe" response suggests that some participants may have received compensation in the form of dowry (Anderson, 2007), which is happening in our society (MALIK & AZAM, 2023), or other assets in lieu of their traditional inheritance share (Bibi & Bangash, 2017). Further notable numbers are the 32% who responded "no". They received no inheritance and in future they may resort to legal recourse to claim it, eventually the litigation will increase (Attaullah & Saqib, 2020) and other related issues will emerge within our society. Inheritance denial has now become a disheartening fact of our society (Bibi & Bangash, 2018; Jadoon & Khan, 2015; Rasool et al., 2021; Tariq et al., 2024).

The next two questions were aimed to judge the participants' knowledge about legal protections available in the PPC for inheritance. Section 498A explicitly prohibits the deprivation of women from their inheritance through deceitful or illegal means (Khaleel et al., 2023). Interestingly, 56% of respondents demonstrated awareness of this legal provision, which may be attributed to the fact that advocates and prosecutors are among the survey participants. However, a significant 37% indicated a lack of knowledge about this law. Subsequently, when we asked about the enforcement of this penal provision for protection of their inheritance rights (Yaseen et al., 2022), then 61% expressed their support for its full enforcement. This clearly shows the need for available laws enforcement (Rubab, Malik, et al., 2023) for the protection of inheritance rights (Chaudhary, 2009).

The subsequent question was about the willingness of participants to report the instances of unfair and illegal inheritance deprivation to the police or relevant authorities. It was a personal question. Alarmingly, 36% responded with "No". This indicates a reluctance to pursue legal recourse in such situations. Additionally, 22.5% chose the option "Maybe," which suggests that uncertainty or hesitation is in existence about taking legal action (A. Ullah et al., 2016). These findings point to a prevalent lack of encouragement and necessary support for the women in our society to assert their inheritance rights and to raise their voices against injustices being committed with them (Holden & Chaudhary, 2013). We need efforts to reduce these barriers and to promote awareness of legal protections for W.E. in our society (Polok, 2022; Rubab, Rahat, et al., 2023).

The succeeding questions were basically proposed solutions related to women's inheritance. Firstly, the idea of government-mandated automatic transfer and recording of women's inheritance received an overwhelming support: over 87% of respondents are in favour of it. This proposal offers several benefits: it includes automatic streamlining the inheritance process, reduction of administrative burdens problems faced by women, and to ensure transparency and accountability with regards to women property transfers. Through authorizing automatic transfer and recording, women will not have to face undue litigation, and they will be empowered to use their inheritance rights more easily. There will be no need for lengthy legal battles or bureaucratic hurdles. Secondly, the opinion was sought on the proposal to implement specific procedures such as to provide an independent advice (Tariq et al., 2024) and to involve law enforcement agencies in order to prevent any kind of undue pressure on women at the time of transferring properties from their inheritance (Anwar & Hussain, 2022). This proposal gathered a strong support from overall 87% of respondents. This idea has the potential to protect women from undue coercion, manipulation, or intimidation by family members to deprive them of their own rightful inheritance. The succeeding question was a constitutional proposal about the recognition of women inheritance as a fundamental right within the Constitution of Pakistan. The respondents were asked whether

they believed it was imperative for the constitution to recognize these rights as fundamental. 91 % agreed with it. Through this Pakistan would be able to take a significant step towards promoting gender equity and W.E. This constitutional recognition, as an independent fundamental right (Zulfiqar, 2022), would provide a strong legal foundation for the W.E. Moreover, it will oblige the government in ensuring distribution of inheritance on priority basis (Butt & Asad, 2016).

Furthermore, the last question, which was to probe about the willingness of participants to deprive their own daughters from the inheritance, exposed a concerning trend, with 19% still choosing “Yes” as their response. This trend highlights the rooted cultural practice of inheritance deprivation of our society (Akhter et al., n.d.; N. Batool, 2022). Reasons may vary: it may be due to the their personal experiences of deprivation or may be due to the observance of traditional beliefs or may be due to economic considerations (Polok, 2022; Rasool et al., 2021). However, this continuation of injustice must come to an end.

6. Recommendations

In view of the aforementioned responses and discussion, the following recommendations are proposed to empower women and to make inheritance rights fundamental and mandatory in Pakistan:

1. First of all, it is imperative to conduct the educational campaigns and various workshops with an aim to enhance public awareness (Rubab et al., 2016) and their understanding in inheritance rights of women as mandated by the injunctions of Islam (Zuleika & Desintha, 2013). For this purpose, collaboration of religious leaders and scholars with the government level organizations working for the betterment of women can facilitate the propagation of essential religious traditions on the importance of inheritance rights and its implementation in our society (Uyuni & Adnan, 2021).
2. Then, the dissemination of religious-level educational initiatives, which educate elders in our society, should be undertaken to emphasize that denying women their inheritance is a violation of Islamic injunctions. Our mosques could prove to be the best place for this purpose (Abbas, 2008; Zaimche, 2002).
3. After above referred recommendations, next recommendations are to enhance the role of legal institutions. These institutions including legislation, executive and the judiciary, should design such programmes which can assist females in claiming and using their inheritance rights. These institutions can offer them free legal aid, along with essential information on available legal remedies, and the necessary support services to victims of inheritance deprivation (Weiss, 2012).
4. With regard to the penal provisions already available in PPC for the protection of rights of our daughters, we need public awareness campaigns to educate and inform them about Section 498A of the PPC (Yaseen et al., 2022). Subsequent to that, we must make efforts to strengthen our law enforcement mechanisms to create deterrence in the public regarding inheritance matters. This could be achieved through the rigorous implementation of Section 498A (Q. Ullah et al., 2023).
5. Then, to achieve W.E. in our society, we need to make efforts to reduce barriers in reporting the instances of inheritance deprivation case to the concerned authorities. Our females usually do not report such matters, this could be due to the fear family retaliation or their distrust in the legal system of our country. Further we need to design new support services for victims. We also need to streamline and simplify the reporting process (Jadoon & Khan, 2014). Moreover, we may engage whistleblowers method to report inheritance deprivation cases to the authorities (Kumar & Santoro, 2017).
6. For W.E. in our society, we also require to make efforts on legislative reforms: we must make the automatic transfer and recording of inheritance as obligatory, especially in case of

women, by relevant authorities. To achieve this goal, collaboration among policymakers, NGOs working of women rights, and government agencies is essential to propose and enact legal reforms (Atiyah, 2005). This automatic transfer of inheritance for women should be such as it simplifies the process of transfer of property promptly and without any unnecessary delays or legal complications. It is recommended to design it with an aim to reduces the burden on women for their inheritance rights and to empower them economically and socially.

7. Further, to facilitate women, we need policy changes in the transfer of properties owned by women. Implementation of specific procedures, such as provision of independent advice and involving law enforcement agencies at the time of transfer, could significantly reduce litigation in our country (Tariq et al., 2024).

8. We also need Constitutional amendments for the W.E. Inheritance rights of women should be recognized as an independent fundamental right within the Constitution of Pakistan. It would offer significant legal benefits. These changes would provide a strong legal foundation to inheritance rights of women for their protection and for their effective enforcement by the judiciary. Moreover, clarity and certainty would be enhanced in this matter. It will also reduce ambiguity and interpretation issues in legal disputes. Additionally, such constitutional recognition would grant our daughters access to more legal remedies. Constitution (Perveen, 2016; Soomro et al., 2020) and courts also support W.E. (*Ghulam Qasim v. Mst. Razia Begum 2021*).

9. Last but not least, societal norms and cultural practices that perpetuate the deprivation of inheritance of our daughters should be challenged through collective efforts (Nawaz et al., 2021). Cultural and societal shifts are necessary, and we must adopt a gender-sensitive attitude (Tabassum, 2016).

10. The above-mentioned recommendations are not exhaustive; however, they are based on the study and survey-based interviews conducted during this study. If all the aforementioned recommendations are implemented through collective efforts of all us being members of this Islamic society, then the dream of achieving W.E. is not so far from becoming a reality.

7. Conclusion

In conclusion, this research paper attempts to highlight the importance of W.E. in our society and the status of their inheritance in Pakistan. Despite having knowledge of Islamic teachings, our societal practices often deprive women from their rightful shares in their inheritance. Through survey-based interviews with educated women, this study revealed their widespread support for proposed solutions such as automatic recording and transferring of properties, as well as involvement of law enforcement agencies in property transfers from women. However, the reluctance among some participants to report instances of property deprivation, during the study, underscores the need for a robust system to safeguard the inheritance rights of our daughters. To achieve this, amendments in fundamental rights and relevant legislation governing property transfers of women are imperative. Through the implementation of these changes, we can uphold the inheritance rights of women in accordance with the injunctions of Islam.

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