
Rethinking of women empowerment in Pakistan; Dimensions and Trends related to female in District Rawalpindi

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The present research paper aims to explore that whether women are empowered through their familial right of inheritance in Rawalpindi District. What are various dimensions and recent trends in the region in this regard? The data collected for the research study through qualitative means. The researcher by law and gender experts for data collection took semi-structured interviews. The data was analyzed by using thematic technique. The result shows although states law and Shariah law have clearly mentioned inheritance share of women. However, in reality women are not getting their familial inheritance right in the region. They are not granted their due share due to strong patriarchal values, cultural customs deeply embedded in social system of the region, complicated legal system and bad governance of government institutions with reference to implementation of laws. Even if women wants to empower herself, through this familial right, these constraints, are producing hurdles in her way in the region. Education, awareness, along with implementation of laws and policies is recommended.

Introduction

Empowerment means having and taking more control over all aspects of one's life. Empowerment is building confidence, insight, understanding and developing personal skills to being able to analyze situations and communicate more effectively with others (Young: 1993:4). The concept of women empowerment embodies political legal and socio-economic rights. These rights enable women to shape up their lives in a way whereby they possess the legitimate rights of preserving life ,set and achieve their goals by devising an immaculate planning and sense of organization .They can make demands to the state for support and to society itself for change. Empowering women means to participate fully in all

sectors of life, to build stronger economies to achieve internationally agreed goals for development, sustainability, and to improve the quality of life for women.(Pallas:2011:274). Women can be empowered economically if they are provided their familial inherited share. Since land is highly valued asset and inheritance is the tool through which women can get land. (RDI: 2009:9) By getting their familial inheritance share, they can improve their economic condition.(Agarwall:1999:260) In developed world women are, enjoying their rights .and they are empowered economically by providing them their familial inherited share. Existing literature related to the topic shows that there is direct link between women inheritance rights and women economic empowerment.

Since Inheritance is the basic right that cannot be denied in modern history. Women can be empowered socially and economically by getting not only the inherited share in form of property and land but also having full control over it so that she can use the income, generated through inherited property for welfare of her family. There is direct relationship between women empowerment and development of society. Only empowered women can play a vital role in community development and development related problems have direct links with women lack of property and their inheritance right. (RDI; 2008; 45).

Globally women inheritance rights and entitlements claimed for women in many societies worldwide. In some parts of the world community, these rights are institutionalized and supported by law, customs, culture and behaviors while in other regions they may be ignored or suppressed. Women of developed world where they have been given opportunities of exercising their inheritance rights and having the legal support are becoming a vibrant part of sustainable development. The women of these societies have strong bargaining position to participate in their family decisions and have more autonomy within their marital family. (Agarwal; 1998; 27)

In south Asian region women get land through a vehicle known as Inheritance as concluded by (Agarwal: 1998, Satsangi: 2015 and RDI: 2009) in their research studies¹. They have clearly mentioned that land which has become value able asset due commercialization and women can improve their economic and social status if they would be empowered by getting their inheritance share inform of immovable property i.e. land. World Bank(UNCH:1991;1) has mentioned in one of its reports that “Women entitlements in using and managing land and other possessions are powerful tools paving way to women’s well-being and empowerment specially in least developed nations.

Agarwal has clearly identified that women land rights are inter-related with welfare, efficiency, equality and empowerment. Women ownership of land is linked with their increased bargaining position within household and at the community level; .Ownership of land increases the fallback position both at household level and at community level. Entitling women with land not only empower them economically but also strengthen their ability to challenge social, cultural and, political inequalities. These rights have the effects on marital relations and enhance women’s freedom to achieve in non-economic spheres. Women

having land titles are not powerless, vulnerable and victims of domestic violence. (Agarwal: 1998:39)

Pallas (2010:273) has identified that land and other natural resources are contingent to the process of empowerment. Access to land is basis for sustainable development. It is a symbol of identity, dignity and social inclusion of poor and vulnerable groups. It affects the status of women at house hold and at community level. CEF (community empowerment facility) through ILC (international land Coalition) has clearly identified that right to land and women empowerment are interrelated and twisted together². The societies where women are empowered through land rights, they are confident and having strength to raise their voices against inequalities, as Alaka and Chetna (1987:25) has described the same situation in one of their work. `` We had tongues but could not speak. We had feet but could not walk. Now we have the land we have the strength to speak and walk.”

II. Methodology

This article is based on PhD research study. The research study is descriptive in nature. Qualitative method is used for data collection. The study is based on loose structured interviews. Purposive sampling method is used for data collection..15 gender and law experts were interviewed who were already identified. Experts were contacted personally at their workplace. The data collection procedure took three months to complete. Data was collected in the respondents' first language and later on, was translated into English. Interviews were audio recorded with the permission of respondents and further transcribed by researcher. The researcher analyzed the data by using the techniques of thematic analysis.

The state of familial inheritance rights in the rural areas of the region is not encouraging, yet urban areas of the region presents slightly a better picture It is observed that women inheritance rights are encircled by patriarchal system, cultural practices and non implementation of laws due to lack of political will. Resultantly non-provision of right to land has affected their empowerment in the region.

a) Patriarchal System and inheritance right of women

The word Patriarchy means a form of social organization in which male is the head of family. This term is generally referred to male domination and power by which men dominate women and to characterize a system whereby women are kept subordinate in a number of ways.(Bhasin;2006;3)³: Women usually do not inherit property due to deep-rooted patriarchal system in the region, which oppress women and promote the interest of the men. Male member of the society heads patriarchal system. That leads to diminish the right of women almost all occupation. Male members commonly mark lower status of women. Women deprivation from the inheritance right particularly from immovable property is

common. Male members of the family controls the means of subsistence and other vital productive resources.

Agarwal (1998;2) has identified that due to patriarchal system in Pakistani women are not going to demand their inheritance rights, they can't go out to meet, to work with different people in the society, sexual harassment is another common feature which women are going to face in this system. Women dependency upon men undermines women position in the region. Women are found at the "bottom rung of poverty, illiteracy and landlessness. (Agarwal: 1998: 27).

In a survey by the Sustainable Development Policy Institute (SDPI), 50% of male respondents stated that women did not claim land because of customary law, 32.4% said it was because of familial obligations, and 29% said it was because of ignorance of the law. Female respondents explained their lack of rights as being due to culture or custom or because they wanted to preserve family support in the future (SDPI Survey 2012).

One of the gender experts gave his analysis that

Patriarchal system does not operate in vacuum; our social practices are deeply embedded in our culture, which encourages patriarchal values. The rights granted by the religion are not often enforced and importance is given to Rivaj or customs.

The objective behind the snatching of inheritance lies in plain greed and the need to maintain patriarchal values by not letting women gain any socio-economic power. Sometimes daughters grant such rights to brothers to avoid conflict and maintained family support (Mumtaz and Shaheed:1987:32)

b) Cultural practices

In general cultural and customary practice are root cause of women disinheritance in the region. These practices are deeply embedded in social structure and creating barriers to empower woman. suffers a lot in region. These practices are putting women at the great disadvantages and contribute to low status in region. Women denied the right of share in the property because their grandmothers and mother also denied their inheritance right. It is not in practices the division of ancestral property among female members of family. Women are often married in their families to save the family property. In male controlled culture women are deprived of from property through various culture practices ,such as dowry,purdah,,mobility and other social/cultural pressures as discussed below.

i)Dowry

Dowry to women in the region play a predominant role to keep the women deprived from their due right Of inheritance . Usually parents give the dowry to the bride as substitute against her inherited share. Dowry custom is very common in

the region. The dowry is given because family of bride wants to prevent the transfer of ancestral property.

Daughters are frequently denied their right to inheritance on the ground, *inter alia*, that

They are given dowry and gifts at the time of their marriage. (NCSW: 2005:61)
One of the respondent told that.

At the time of marriage, some parents manage to purchase household articles and other essentials for their sisters/daughters for the purpose of starting happy new marriage life. On the other hand, they adjust this amount in their property share by advancing an argument that their male members should get strength in their family pivotal position irrespective of female rights preserved in Islam.

In the research study conducted by nongovernmental organization 90 percentage of respondents told that parent considered dowry as a suitable substitute for their right of inheritance. Some of the respondents said that in few cases women's themselves relinquish their share in property. They also have justification that our parents and brothers spent thousands of rupees on their marriage ceremonies (Zia: 2010; 10).

To females, dowry is perceived as substitute of their shares. The females are told that their brothers are doing to take care of them and give to them gifts on different occasions which is considered as their share in property. A dowry is often viewed as women's inheritance and is often not given directly to women (Chaudhry:2010:61,Patel:1979,Mehdi:2002:12-14).

ii) Social pressures

Women have social pressures to leave their inherited right. Often male members of family exert pressure on the women to give up their right of inheritance. If women demands her right to own property this is considered unethical and a sin, She is not respected at all, and treated as a rebellious woman and remains deprived from her parents' and brothers' love whole her life.. Even if she Inherits property, she may gift the property to her male kin because good relations with male kin are regarded as safety net in future economic problems (Economic co-operation and Development 2; 22)

Since male members of the family, mostly irrespective of age and relation, are considered the head of the family, they are exclusively vested with the authority to take all decisions, while, on the other hand, women as daughters, sisters, wives and mothers remain under the male's guardianship. Therefore, strategically girls are doomed to remain submissive and silently follow the rules framed by male members of the household. (NCSW; 59)

It is widely accepted that women are denied their rights to hold land titles (IFAD: 2001), are manipulated over land inheritance, and are expected – and sometimes pressurized – to surrender their land inheritance rights in favor of male members of their families.(Mumtaz and Noshirwani: 2007)

One of law expert told that

It is observed that the head of the family in his lifetime distributes property to the male members excluding women with fear that this property will be devolved to their husband; belonging to other families. Due to obsession of possessing land as a sign of dignity and respect in the area, they do not let their property go to other contemporary families. As a result, they seek a middle way by compensating females in urban areas whereby giving them some vocational and ordinary education to their daughters/ sisters and occasionally sending them gifts on happy occasions of the year, apparently showing their concerns to their female members. However, this practice does not bring financial empowerment in their lives. And due to family pressure they give up their inherited share in favor of male members of the family.

Women, generally, do not claim their inheritance without male or familial support. If they do so without any support, they are regarded as outcasts (Khattak et al. 2010; Mumtaz and Noshirwani: 2007)

A law expert told that

Due to financial constraints and pressure from in-laws, women get some support and approach to the courts for obtaining their rights but this practice creates many social problems for them as far as smooth relations with their parental family.

The women inheritance rights are not only denied in the lower classes, they are also denied in the upper class. Whether women are educated or not, that doesn't make any difference. They do not even consider putting up a fight by going to courts when parents, husbands and brothers deny their inheritance rights. They are under the impression that they are not protected by a legal structure at all and due to social security of their parents, husbands or brothers so they hardly go against their decision. Instead of fighting for inheritance rights, they accept it quietly and surrender everything.

Women existence and socio culture acceptability to avoid conflicting situations and to save social relationship with natal family inheritance right is forfeited by women. (Mehdi:2002:143).

Women feel they are not accorded the status of a permanent family member in either family – natal or in their in laws and that is one of the reasons why they are denied the right to land (SDPI: 16:201)

ii) Swap marriages

Their daughters in marriage in exchange for bride of their son from the same family, even exchange marriages are not valued. But to avoid conflicts parent felt neither daughter would claim her inheritance, especially where two families have equal economic status and daughter share would have been about equal (Chaudhry: 1999:57,NCSW:2005:60)

A gender expert told that

‘To avoid the division of property often inter-marriages are held within the family. Women do not demand their shares in case of swap marriages.’

iv) Purdah and Mobility

. Women’s mobility is yet another barrier that mediates their access to or control over land and resources. Women’s mobility is controlled through notion of Purdah that leads to patriarchy. However, the same women can leave their homes to fetch water without any restrictions, This highlights the contradiction in the rules governing women’s movement in the family unit and underscores how a woman’s role as a service provider is perceived as acceptable while a role with potential autonomy is not acceptable.(Mumtaz and Shaheed:1987:29-33).

Women complained that men who usually did not allow them to leave the house would have no problem parading them in front of public officials to obtain the necessary transfer documents. (Mumtaz & Noshirwani: 2007)

c) Right to land and women empowerment in the region

Rights to land and property include the right to own, use, access, control, transfer, exclude, inherit and otherwise make decisions about land and related resources

Women’s rights in, access to, and control over land, housing, and property is a determining factor in women’s overall living conditions, particularly in developing countries. It is essential to women’s everyday survival, economic security, and physical safety and, some would argue, it is the most critical factor in women’s empowerment and their struggle for equality in gender relations.

—United Nations Centre for Human Settlement, Nairobi, 1999.

Unfortunately, there is no uniform mechanism to ensure that each of the legal heirs gets his/her right to inheritance. The entire process for the transfer of inheritance is very complicated and cumbersome, involving multiple laws and functionaries with no coherence in the entire setup. (NCSW: 2005:67)

One of the research study done by PSCW shows that Rawalpindi has the largest percentage of female landholdings i.e., 40.3 percent of female population, out of whole districts of the Punjab (PCSW:2015:61).This research study shows that

women are co sharer in land revenue management records but in practice, they are not given their inherited share. They do not have control and access over their shares.

Analyzing the situation one expert told that

‘It is observed that women do not possess physical possession of properties even their names are incorporated in revenue records as owners. Due to this reason they do not get monitory benefits and usufructs’ and yield in shape of money. Resultantly no money is spent on them for raising their living standard, quality of life, and to purchase their basic requirements of life’.

As women in the region have their shares in land but only on papers ,if they demand their share they are refuted When they go to the courts for possession of their share. They again needed male support to face the complex procedures of courts and judicial system. Due to the procedures complex in nature she relinquishes her inherited share. As one of expert told that

‘Women do not opt to recourse to the courts for seeking declaration of their titles and possession of properties of deceased due to intricate court procedures, excessive time consumed for obtaining judgments, a lot of money required for professional fees, complicated court procedures, denial of rights due to technical reasons ,partiality of judges and lack of knowledge of and awareness of laws and procedures’

Mehdi has also described this fact in her book that land administration system is complicated, the procedures are not published for the public, and the processes are not transparent, leaving opportunities for corruption and insecure land tenure. In some areas women report difficulties dealing with *patwaris* who are reluctant to deal with women or to record women as land owners. (Mehdi: 2002:207)

One of law expert told that

‘Women who get their shares do not utilize the benefits by managing them in a appropriate manner because of lack of knowledge, expertise and exposure to the society ultimately they remain deprive for obtaining net benefits. Another factor is also observed that ladies come with vulnerable fraud and misrepresentation by male member of society if they are not

supported and guided by their close male members of the family. It is a practice in Pothowar region that women sell their property through their male family members and amalgamate their share with their husbands, brothers for combined benefits for the upbringing of their children'' Further, a gender expert told that '' women can adequately be empowered through inherited shares in this era of financial compulsions. If shares of women are graciously given to them, they cannot only fulfill their own personal requirements but also flourish their families in terms of imparting education, better living to their dependant It is relevant to mention that men dictate women to spend the money the way they like, benefits ultimately do not reach in women's hands for exclusive use and control.''

III. Discussion

An International Fund for Agricultural Development (IFAD) report⁴ notes that it is easier to

Shift education, health and non-farm assets to women rather than give them land rights,

Because giving these will improve well being and welfare, whereas giving land would mean

giving power. (IFAD 2001.SDPI:2010:2).

In Pakistan women is granted her inheritance share through states and religious law but due customary practice, patriarchal in nature women are not empowered though this right. Although there is no economic liability and responsibility on women in Islam but it gives equal opportunity to empower women through property and land rightist. It gives socioeconomic independence to women but she needed male support to run any economic activity. Socioeconomic independence of women through inherited land is hardly seen. Moreover, women herself forfeit this familial right to avoid conflicting situation in the family. Considering this deplorable condition government of Punjab took an initiative by ensuring transfers of women inherited shares in their names with standing instructions, soon after the death of deceased person. Land is transferred to female's co sharer. In addition according to Punjab Commission On Status Of Women, 40.3 % females have inherited land in Rawalpindi division (PCSW: 2016:69), but in reality they have no access and command over their inherited shares. Moreover they were unaware of legal reforms of Punjab government presented in 2015. It was observed in PCSW report that

'All participants were unaware of the existence and operations of the LRMIS and the improvements that this model offers over the system of Patwari held records. They also manifested complete

ignorance of the 2015 Reforms and any concomitant facilitation that these reforms provided to women'' (PCSW; 2015; 70)

The inheritance act passed by National assembly in 2011 and land reforms by Punjab government are liable to be appreciated as they amounts to lay a foundation stone for women inheritance right. Now if she demands the possession of her legal share, then due to interplay of formal and informal laws and institutions patriarchal in nature, she suffers a lot. As the same was observed by PCSW in their report;

'' Especially within the context of land inheritance related cases, the research team came across reports of numerous instances where women were deliberately misguided by their lawyers for the purpose of racking up more billable hours and, in one case, for the purpose of appropriating a woman's land for the lawyer himself .There is currently no mechanism in place to keep lawyers in check and prevent them from exploiting vulnerable groups such as female clients'' (PCSW:2016;5-13)

Therefore, she has to fight at two grounds parallel to each other i.e. public and private. If she challenges private sphere, come to public sphere, and seek legal help, then legal patriarchal system again pushed her back to private sphere. There is no social acceptability of such women from her natal family. Legal culture and judicial framework make her handicapped. Social, legal and judicial environment is not conducive and government institutions are not helpful towards women .An expert while analyzing this situation told that

'' It has been observed by revenue authorities and civil law experts that less number of cases have been filed by deprived women,''

Therefore empowering women through land in patriarchal society is not an easy task. In patriarchal system men is vested with all powers. Land is a symbol of power and social status then how men will be willing to share his power with women while living in the patriarchal system. Therefore, if we want to empower women through land then efforts will have to be made to change the mindset of the society. There should be social support mechanism and legal aid mechanism for women in the region. Only formal law should prevail in case of inheritance of women, other than customary laws, Moreover, Social change through education, awareness, laws and media is required.

IV. Conclusion.

Secure land and property rights are a foundational building block for women empowerment to promote more inclusive and stable societies. It has other beneficial effects

in terms of lifting households out of poverty. These rights have direct impact on the socio-economic set-up of the country, according to International Property Right

Index (IPR2010,) Pakistan which constitute 52% of women population ranked 104th (of 125 countries), women are marginalized and deprived of their social legal and economic rights. Being an Islamic country having 98% Muslim majority, Pakistani women is deprived of their right to own, control and inherit land and property more particularly in the rural areas. Apart from the formal laws, there are combinations of factors such as discriminatory customary practices, social inhibitions and unequal power structures that affect women right to inheritance. Strong relationship of these factors with each other as controlling tactics for the justification of the patriarchal structure. Although Legal awareness, legal literacy, legal aid. Lack of awareness and enforcement of law has a critical impact on women's inheritance but this fact should be kept in mind that society is socially structured in a way that determines people's attitudes and actions. Socially constructed gender relations, and their internalized norms have reinforced gender inequalities in the region. A strong legal foundation can be an important and necessary first step but legal change alone is insufficient to ensure women's inheritance rights in the face of customs. Therefore to address all these factors which curtail the women right of inheritance, social change through laws, education, awareness and strict adherence to policy making and its implementation is required.

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