

Land Ownership And Inheritance Rights Of Women In Rural Pakistan

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Abstract

Access to and control of land is a critical ingredient of food security and protection from poverty. However women's access to and control is marred by patriarchal culture despite legal and policy initiatives being undertaken by the government. This paper attempts to highlight women's experiences in terms of land ownership through inheritance along with government's commitment and initiatives in the backdrop of international commitments regarding inheritance rights of women in Pakistan. Experiences of rural women in terms of getting their share in inheritance are highlighted through qualitative research. It is shown that the 1973 Constitution of Pakistan, Shariah laws and global commitments such as CEDAW articles suffice to give women their requisite rights in inheritance. One can also see scattered efforts of the state to take special measures to empower women by giving cultivable land but the issues are enormous in making things effective in a patriarchal society where attitudes are entrenched in the power politics of misogynist society as highlighted by the views of the respondent women.

Keywords: National commitments, CEDAW, Right to Inheritance, Rural Women, Islamic laws

1. Introduction

Women's access to and control over land and other natural resources is interwoven with global discussion on food security and sustainable economic prosperity. Throughout the globe, gender inequality has different manifestations but when it comes to land and other natural resources ultimately it is linked with the feminization of poverty and social exclusion. The hurdles which prohibit women to exercise their rights are complex and to a large extent contextual (UN Women, 2013).

Ownership and control of land are concentrated in the hands of few powerful elites which generate and perpetuate rural poverty and contribute towards a skewed political and social power structure. Since land ownership is one of the primary determinants of power, the state has time and again intervened to reform and modify the entrenched skewed power structures. Pakistan has also been able to some extent modify the legal framework concerning this. Also, it has signed international documents like CEDAW to rectify the on-ground situation, but all this was met with a lot of resistance and still, there is a long way to give women of Pakistan their due share in the inheritance.

This paper aims to look at the issue from three different angles. Firstly it analyzes the situation for women's right to own assets in the context of Pakistan. Secondly, it gives a brief overview of government commitments and initiatives in the context of CEDAW. Thirdly it highlights the experiences of women from rural Pakistan in terms of inheriting land and land ownership. A desk review was conducted for realizing the first two aims. The policy documents review conducted for this paper is based on field research and secondary sources. Further, relevant legislation, policy pronouncements, and international commitments have been examined. For the third, a micro qualitative study was conducted in two villages of District Sargodha namely, Chak 84 and Chak 86¹. This research employed qualitative methods and a semi-structured in-depth interview guide was used as a tool for data collection from 15 respondents. The sampling technique was purposive convenient sampling. The respondents were between 25-50 years age group and education levels were middle to graduation.

2. Women and Land Ownership in Pakistan

In Pakistan, agricultural land is a valuable asset. Land ownership not only "guarantees a sustainable livelihood, thereby acting as an important buffer against poverty, it is also a crucial indicator of power and social standing, shaping relationships within both the family and the community"(Hooria Hayat Khan, 2020).Pakistan is an agrarian country where its majority of the population depends on the agricultural economy. According to the recent census, 63.6% of the Pakistan population lives in rural areas. The data also shows that women constitute only 48.8% of the total population(Rana, 2017). On the other hand, women's secondary social position is reflected in educational attainment in rural and urban areas. Moreover, the overall literacy rate among the male and female population is 81% and 68% correspondingly(Pakistan G. o., Pakistan Economic Survey, 2016-17). Additionally, this trend is also prevalent in the labor force participation as well, such as informal sector accounts for more than 72.6% of non-agriculture employment. Conversely, 72.7% of women are involved in agriculture, forestry, hunting, and fishing, etc, while only 33.1% of males are involved in it. Similarly, in major occupational groups, 61.7% of women are involved in skilled agriculture, forestry, and fishing workers and 54.5 females are working as family workers (Pakistan G. o., Pakistan Labour force Survey 2014-5, 2015).

Though being an agrarian state less than half of the rural households own agricultural land with landlessness most acute in rural Sindh. The patriarchal structure forms the very basis of our society which is also strengthening the ownership of land by few male individuals. Land and patriarchy are dependent on each other in the power structure. The norms strengthened by

¹ Name of the villages. the villages comes under district Sargodha, Punjab .Pakistan

cultural, religious, and political trends turn into oppression and marginalization of the female population. Papanek (Papanek, 1982) rightly argues that for South Asian women the single most significant feature is their social circumstances in which they internalize the male dominance which further strengthens their subordinate position concerning their males. Most of this research respondents also validated this as they said that, “man is hakim²” when they become hakim women are suppressed and forced to obey their orders. The family’s structure strengthens their power. As it is rightly depicted by Engel’s that in family structure slaves belong to one man (Engels, 1972).

Agarwal appropriately acclaims Engels for his emphasis on women's economic enslavement as a basic segment of the material bases of gender oppression (Agarwal, 1994). This is validated by seeing the status of women in Pakistan regarding property ownership and management. Women cannot acquire land if there is a male family member or siblings. Widows lose their entitlement to legacy on the off chance that they remarry outside the group of the deceased spouse. Where there are no males, a few clans like the Hazaras, accommodate women's legacy however the real control of the property stays in the possession of the male family members (Eataz Ahmed, 2012).

Thus, in such a scenario women in Pakistan, especially in provincial zones face numerous difficulties in getting their inheritance rights. Also, their job and work are frequently underestimated and underpaid. Less value is given to women's education, constrained capacity to go into pursued work, absence of authority over pay and resources, absence of decision making inside the families, low degree of support in the public spheres, and significant level of viciousness against women are a portion of the elements that block openings and access of women to have a genuine portion of assets including legacy and rural land. The inheritance for women is a composite and multi confronted issue affecting the survival of the countless women in Pakistan. The legacy right is one of the most disregarded issues inferable from one-sided interpretations of religious clerics and deeply ingrained patriarchal attitudes works on denying women their due right.

Often, when a woman’s name is entered in the exchange papers, the male family members acquire the land (Mehdi, 2002). Incredibly, the act of Benami, moving property in the names of spouse or little girl or even child to evade charges is settled among rich men. In such cases, a male who makes the exchange holds full authority over the property and a woman's possibility of controlling the property is uncommon until she acquires it. In Khyber Pakhtunkhwa (KPK), women don't acquire land within the sight of a male posterity, nor is there a custom of little girls acquiring land from the father’s side. In certain zones, for example, Dera Ismail Khan, Mardan, and Swabi, wherein uncommon cases daughters are given an offer in transferable and enduring property.

In Sindh, women do not acquire a property. In the event of just female offspring, a settlement is given to make up for landed property which isn't given to women except for in Thar, the remote desert locale of Sindh, where a few women acquire property (Nations, 2018). To abstain from offering the property to daughters, there is a custom in a medieval structure where the young women are married to Quran which implies whenever wedded and if a share is given to them, the fathers and siblings would lose the property. Along these lines, religion is

² It means that man is ruler.

used as a foreground to preserve the property and a young woman is married to the Heavenly Quran. In Punjab, women for the most part may acquire property however they cannot choose anything regarding its utilization. Immoveable property is occasionally moved to Women. In most cases, a share is required to make up for the right to a legacy that is not given to women. In barely any cases, daughters may acquire an offer in a property after the mother's offer has been deducted. Explanations for such discriminatory practices range from considering women inept in legal, economic, and political matters to their unsuitable educational background. Also, they are considered vulnerable to violence which routinely happens in the settlement of such cases. Their lack of knowledge about their property rights and limited comprehension of land registration systems, transaction processes, and other legal matters is also used against women. Women's lack of mobility is regarded as a barrier to their access to property and freedom to manage it even if they happen to own it (Tirmazi.M.k, 1999).

Some explanations also quote the age-old traditions in place while tracing the history of the sub-continent where development processes were subverted by colonization. It immediately altered the financial and political truth of the sub-continent. The changes introduced in economic substructure through the emergence of land ownership and cash crops were devoted to modification in the legal system and were in result of disconnect in cultural norms and patterns (Haris, 2009).

The legal strength of the British expanded in the political and monetary field by 1790 and the whole example of law was anglicized under the new lawful spread; English law subbed devout and standard law in the field of criminal law. Then again, Muslim strict law kept on directing bury individual relations and status in family, marriage, separate, legacy, progression, the demeanor of property by Hiba(gift). English law in truth burdened Muslim women of their entitlement to possess property. In this issue, the British received Hindu standard law as indicated by which Hindu women can't oversee property for the benefit of their minor children, and subsequently denied Muslim ladies rights concurred under the Islamic law. Only when the Muslim women started questioning their status, the changes began to occur, and then came the declaration of the Muslim Individual law in 1937 which allowed acquiring property however this discarded agrarian land (Shaheed, 1987).

3. Legal Frameworks Supporting Women's Ownership of Land

3.1. Civil Laws

The common laws overseeing inheritance changes are the Contract Act 1872, The Transfer of Property Act 1882, and the Registration Act 1908. But these also do not make a gendered division (Project, 2017). There is also present the Islamic law of inheritance. Inheritance rights are inclined and directed towards the Muslim personal laws. A study conducted by Ahmed (2010) highlighted the compensatory property rights principles, the Muslim family law ordinance 1961, customary law, property rights of women arising out of marriage.

3.2 International Initiatives and Pakistan's Commitments

As per article 23 of the 1973 Constitution of Pakistan each resident will reserve the option to secure, land, and discard property in any part of Pakistan. It further ensures right to land and

uniformity of resident as crucial rights and calls for acquiring all laws similarity with the Holy Quran and Sunnah and there are is no space for the laws which didn't follow the genuine soul of Quran and Sunah. Article 24(1) further expresses that no individual will be powerfully denied the right to property which is rendered in the law (Pakistan G. o., Constitution of Pakistan , 1971)

Global commitments and treaties elucidate the link between ownership and access to land and household poverty. Several global treaties emphasize inheritance rights dynamics along with women's rights. Thus, Article 17 of the Universal Declaration of Human Rights states, "everyone has the right to own property alone as well as in association with others." The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) was ratified by Pakistan in 1996. Over the last 30 years, 188 countries have ratified the CEDAW convention and globally the landscape on gender equality and women's empowerment has progressed under this legally binding. The United States has signed³ but not ratified⁴ and is among a small number of countries that have not yet ratified CEDAW, including Iran and Sudan, Nauru, Palau, Somalia, and Tonga (International, 2009). Article 16 (h) states that Parties shall provide "the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment, and disposition of property whether free of charge or for a valuable consideration."

Under Article 14 (g), State actors are required to find a way to guarantee that women approach rural credit and advances, showcasing facilities, proper innovation, and equivalent treatment in land and agrarian change just as inland resettlement plans. While treaties don't explicitly mention women's entitlement to inheritance, it verifiably does as such through article 14, 15, and 16 and correspondingly, article 15 (2) portrays that, "state parties will accord to women, in common issues, a legitimate limit indistinguishable from that of men and similar opportunities to practice that limit." Specifically, they will provide women's equivalent rights to finish up contracts and to control property and will treat them similarly in all phases of proceedings in the court of law.

Article 15 verifies women's legal status and awards them property rights. Besides the CEDAW, board general proposals noticed the oppression of women in the legacy laws and practice of numerous nations and expressed that "people in a similar level of relationship to an expired or qualified for equivalent offers in the domain and equivalent position in the request for progression."⁵ This term is in the clash with the provisions of inheritance law in Pakistan (Mumtaz, 2005).

After signing the convention each country must submit its combined initial and periodic report regarding the comprehensive progress of the state of women in its respective country. In addition to that, the convention has suffered from poor political will and visibility across the region. It has almost remained invisible from the political agenda or been a low priority issue in many countries despite their government having being signatories. The Beijing Platform for

³ Various steps need to be taken before a treaty enters into force. The state at first level involved to conduct negotiations. Once they reached to an agreement, the treaty is signed.

⁴ After signing the treaty, each state will deal with it according to its own national procedures. After approval from the state owns internal procedure, it will notify the other parties that they consent to be bound by the treaty? , which is known as ratification.

⁵The CEDAW committee concluding comments in 38thSession.

Action (1995) alludes to only “an equal right to inheritance”, which fundamentally means that women should be able to affirm their right to land irrespective of gender. Pakistan also signed the 1976 International Covenant on Economic, Social, and Cultural Rights (ICESCR) in 2004 and ratified the treaty in 2008. Article 3 of the ICESCR states that both men and women have an equal right to the enjoyment of all economic, social, and cultural rights. It also ensures that women should have equal rights to marital property and inheritance upon their husband’s death. Pakistan has also signed and ratified the 1976 International Covenant on Civil and Political Rights which also states in Article 3 that State parties have to undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set out in the Covenant.

4. Policy Initiatives in Pakistan

The government of Pakistan has introduced national institutional machinery such as the Ministry of Women Development (MOWD) which had the mandate to ensure that gender concerns are integrated into all line ministries and departments. It developed the National Plan of Action, in 2000, the National Policy for Women’s Development and Empowerment promulgated in 2002, which acknowledged women’s disadvantaged position aimed at empowering women irrespective of their caste, creed, and religion. Among its main objectives were to eliminate inequalities, protect women’s human rights, and get rid of discriminatory traditional practices. Women’s land rights or access to resources have not been taken up directly by it. After the 18th amendment, the Ministry of Women and Development was devolved by giving responsibilities at the provincial level. MOWD being the executing agency was weak and had inadequate human power and capacity. The Declaration of power Plan 2001 by devolution process once again disrupted the efforts which were initiated.

The National Commission on The Status of Women, a statutory body, was established in 2000 to act as a watchdog to monitor government policies and advocate reforms to improve women’s status and position in society. Earlier due to the non-clarity of its role it was a non-effective body. Now it has become an autonomous body for women’s rights implementation at the federal level.

On the other hand, one also can witness the provincial or state initiatives such as government announcements to distribute land in Sindh. One of the distinctiveness of this scheme is that the land cannot be sold for at least 15 years and heirs can only be female of next of kin. The instance of one success story is as follows, “One of the women was allotted eight acres of land. To prepare the land for cultivation she was provided with a cash grant of Rs, 32,000 in addition to pesticides and seeds as a support package for four acres; because it did not have water resources and she requested other farmers to provide her. Once ready, she planted chilies and vegetables on one-acre land possess by here. She received a financial benefit of around Rs, 5000 during the season.” (Says, 45-year-old Bhana from Thatta, Sindh).

There are few apprehensions about the lucidity of the dispersion of the land. A research study conducted by Participatory Advancement Activities (PDI) in 2010 on land changes venture featured the shortcoming of the program for the dispersion of land. As indicated by it, because of the absence of support of the civil society, the land transmission process is delayed among the landless heiress, land ensures without apportioning orders and deferred procedure of the issuance of the possession paper are significant concerns featured by that report.

Moreover, one of the findings of the PDI study indicated that land was distributed to politically influential people and the government had promoted patronage through the land distribution scheme in the Sindh province as per the previous patterns of the different regimes. According to the government version, the Benazir Income Support Program (BISP) is a credible tool for the identification of the poor of the poorest because the BISP card scheme has been endorsed by the international community therefore, it is not questionable⁶. Inland reforms, there was an element of political involvement for making the few groups wealthier as per hidden interests. Many developmental organizations are working on land rights in Pakistan like PDI (Pakistan Development Initiatives), SDPI (Sustainable Development Policy institute), Awaz Foundation, PILER (Pakistan Institute of Labor Education and Research) UN Women, and Action Aid. They took pertinent initiatives around mass mobilization and campaigning on women's right to land and inheritance through electronic and print media. Action Aid Pakistan also initiated a dialogue on Sindh Agriculture policy reforms, in this initiative 10 landless women farmers continued to receive facilitation to acquire land on lease for joint organic agriculture farming. As a result of the interventions around 2,000 women claimed to have permission and support from their family especially male members regarding their mobility. Now they can travel and discuss share and highlight their issues with larger communities.

The Ministry of Human Rights launched a helpline to help out women with the religious and legal protection and right to inheritance (Nation, 2018). This helpline is named 1099 would be a tool for the guidance of women about their Islamic and constitutional right to inheritance. Similarly, in one province of Pakistan that is KPK assembly passed the "Ownership of Women's Property Rights Act" to ensure that women will no longer be disadvantaged of their right to inherit assets. The act called KPK Enforcement of Women Ownership Rights Act 2012 extends to the whole of the KPK Province and shall come into force at once (KPK, 2012).

5. Issues and Challenges of Land Distribution in Pakistan

Rights in land for women originate in different ways such as by purchasing land, through the rules of succession, or by receiving it as a gift. The primary method through which women in Pakistan traditionally acquire land is inheritance. Unfortunately, however, in Pakistan, this right being closely tied to kinship cannot be easily proclaimed by women.

Different schemes initiating land distribution are confronted with multiple issues. The decision to grant allotment orders to poor haris⁷ in open Katcheries⁸ at many places did not happen. The study team collected data from Sukur, Thatta, and Badin. A list of allocates was announced but many grantees did not get formal allotment orders. Another key issue is the issuance of ownership documents. The majority of the grantees have not received it. There is a lack of legal, institutional, and monitoring system for the entire process. Many women haris faced court cases and appeals. Many influential people filed appeals against poor women haris (Haroon, 2016). ShirkatGah Women's Resource study conducted in 2014 assessed the impact of the Sindh Land Distribution Program and stated similar findings where women

⁶DAWN.2009. Land Distribution: Government Version retrieved from the DAWN.COM/ letter to the Editor/Land distribution:govt version

⁷Peasant

⁸Court

beneficiaries even though owned an asset is still not given complete control which if demanded would be considered equivalent of challenging the authority of the men.

The CEDAW articles 14,16 and 17 can be found in the country reports and shadow reports. The initiatives are taken by the Government and the civil society originations in collaboration also follow the same spirit but there are barriers to the enforcement. The detail of CEDAW country report 2007 mentions the reality that traditionally women do not inherit land in Pakistan⁹. Although rural women consist of 48.6% of the rural population yet, they are undermentioned in the reports and documentation. It shows the level of commitment towards rural women issues as part of the national agenda program. It is a fact that only policies and treaties cannot bring about change, in the reality but dreams of change come true when theory is materialized. The situation which is reported under CEDAW reports reflects only paperwork which does not exist in reality. Even the NGOs did not mention their work which has been done so far.

According to the CEDAW shadow report,¹⁰ rural women are deprived in terms of their income-generating activities, productive labor, land and asset ownership, economic opportunities, and labor market. The rural women remained out of the mainstream to get loans and credit facilities provided by the government. In the industrial cities such as Faisalabad, Gujranwala and Sialkot rural women working as piece-rate workers are living miserable lives and these are not only a few in numbers but there are many villages where women are working and the middle man is exploiting them and few of them are their neighbors and these women are satisfied that middle man provides the material at their doorstep because they are unaware about market rates and have no knowledge about the sale and purchase of the material and still living under the false consciousness.

According to the CEDAW report submitted by the government of Pakistan, it is mentioned that in some rural areas 82% of women are participating in agriculture.¹¹ The alternative report mentioned that government launched the JafakshAurat¹² project for the economic progress of rural women in Khyber Pakhtunkhwa(KPK) (Chitral) Punjab (Sheikupura& Gujranwala) and Baluchistan (Gawadar) in 2005-2006¹³. However, the fairness and sustainability of the government efforts are dubious. Initiatives to support only favorites and privileged rural households were a little bit of poor rural women seek to benefit from such credit schemes are rampant.

Policy papers of the Government of Pakistan do not focus categorically on issues around women's ownership and access to land despite the basic acknowledged connection between land and poverty. The draft report of the women's commission named "Policy Exploration to Women's Right side to Legacy and its Implementation," does not focus on this issue overtly. The National Policy for Development and Empowerment of Women (2002) also does not mark this issue as an essential one. It states, however, that the point of the policy is "to remove disparities and uneven characters in all sectors of socio-economic development and

⁹ 2007 Report 38th Session

¹⁰ submitted by the Democratic Commission for Human Development and National Commission for justice and peace on May 2007 under the 38th session of the committee

¹¹ CEDAW Report 2007 under Chapter XIV

¹² Hardworking Women

¹³ Planning and Development Ministry of Pakistan. Review 2004- 2005

to guarantee women's equivalent access to all development advantages and social administrations." Also, it expresses that "steps are to be taken to guarantee the access of poor provincial women to land, horticultural and livestock extension administrations and support systems and offices, providing women simple access to micro-credit."

6. Voices of Women from Rural Pakistan

After the review of legal frameworks, national and international commitments related to inheritance rights of women, it is vital to discuss the nature of ground realities when it comes to the awareness of rural women regarding their right to land.

The analysis of the data gathered from Chak 84 and Chak 85¹⁴ demonstrates the inequalities and injustice continued by the family in the context of giving a share to the women of the family. The data analysis not only fulfilled the objectives of the research but also inspired new questions for further research. During the fieldwork of this research, it was noted that women had only a general awareness about their due Islamic right to own property but there was less comprehension regarding the legal context of owning the due share in the family property.

The institution of patriarchy and power structure impede women to play a significant role in regulating bodies. In patriarchal family structures, decision-making power is always with men and besides physical and social power, money and property ownership are the main power determinants hence, they do not want to share property especially with women of the family to keep power to themselves. Moreover, men devalue women's knowledge and women's perspective. When the question was asked about decision making one of the respondents said that, "man thinks he has more wisdom and knowledge and he can make a better decision." There is no doubt, that patriarchy has different manifestations and forms across the globe.

Twelve respondents out of fifteen were of the view that they do not need a property for themselves. But the real fact was they had limited knowledge about their property rights. Most of the respondents expressed that "Women are dependent on the mercy of their fathers, brothers, and husbands in all affairs." They are limited within the four walls of the house having low self-esteem. Most of the respondents reported that "they have no say in the education of their children. Men think that they are accepted in every role and authority and always consider themselves wise and decision-makers." Women know that material resources like money and property will support them in the time of trouble. One of the respondents stated that "if a woman has property, then her son and daughter-in-law will take care of her in the lust of money."

One of the respondents when asked about her property rights she said, "Education gives awareness to women and tells them what is right and what is wrong." Another respondent reported that "in our times' people did not give importance to girl's education, but now people give importance to education for both boys' and girls'." The respondents of the study were reasonably educated but perhaps education does not guarantee the acquisition of rights as argued by Bhasin that even educated women are also subordinated in different forms (Bhasin, 2000)

¹⁴ Local name of villages

Education has come its way due to social change and opening opportunities in the village. So, if they are being educated, it is a routine matter which is not challenging the institution of patriarchy. While on the other hand, as for the legal prevention to get inheritance rights are concerned there is a lack of awareness about legal procedures, and then the legal system is male-dominated and women are unable to get justice through court and ketchuri(court).

Regarding acquiring a share of a property from a family one of the women said, "I am happy with my in-laws and have sufficient resources, so I do not need to demand from my brothers, as they are not rich." The situation changes in the case of brothers either rich or poor. They are not willing to transfer their property to their sisters because it was understood that the sisters who demand this right are not good character women and they are unhappy with their in-laws. And if they demand their property rights such sisters destroy the worthiness of their relationship.

Some of the other researches conducted by the SDPI (2008), AWAZ Foundation (2010), and NCSW (2007) have already indicated that though the masses are aware of women's rights in Islam theoretically but in practice, there is a rejection. For instance, the respondents' dispossession was felt while data was being collected as one of the women shared that, "after the death of parents the brothers did not bother to offer any dinner or meal when I visited their home then why would they give me the due share?" Being the breadwinners, the brothers pursue the sisters to leave their property share in their name and instead of this favor the sisters only expect to be treated with care but that also disappears. Any woman who claims her share in the property, "they are not seen as sisters, but they are considered witches", said one woman.

The women whom we interviewed were the epitome of sacrifice as mostly they said, "woman's other name is sacrifice." Likewise, one of the women said, "I think I should not demand my share in the land of my family. I will never demand it. My brothers deserve it more and they have the primary right to own my father's property." Besides one of the respondents said that "there is no alternative for blood relations, a woman can remarry and give birth to the children, but brothers are born once in a lifetime."

With the passage of time, customs and values have been transmitted through generations which also situate unseen pressure within every family. Most of the interviewees expressed that, "our mother did not demand her property rights, therefore, we also do not demand ours, and therefore it has become a reet¹⁵." Women thus live their lives by honoring family traditions. Another respondent mentioned that, "If I demand my share in the inheritance, I will lose the love and affection of my brothers."

On the other hand, there are some associated factors with women's right to own property such as dowry in Pakistani society is a vital part of the marriage custom. Most often, parents give dowry to their daughters which is beyond their means. These are overt and covert forms of negotiation concerning dowry. A daughter is given dowry as an all-time gift and a share from the family assets. Indirectly at the time of marriage, she is made to understand not to look back for material support especially for any share in the parent's or brother's property. Hence dowry in a way is a justification of deprivation of their property rights. Women know that parents give dowry to their daughters, and then they have no claim and share in land

¹⁵ Tradition

or other property. In most of the cases, respondents expressed that, “the parent says that they give dowry and also support daughters throughout their married life, and therefore there remains no share of the land, etc. The fact is that, “daughters leave their share of millions, but after the death of their parent’s, brothers do not fulfill their responsibilities; they have no affection for us.”

The respondents were eager that, “they want to know about women’s rights. The reason they gave was that though they could not get their rights, they will make efforts for their daughters to have their rights.”

The present analysis shows that change is required in seeing norms leading to gender preferences along with the struggle for the right to inheritance. The existing gender relations in public and private spheres are based on highly unequal access for women in economic, political, and social institutions.

Finally, the customary practices get reinforced by social structure and restrict women’s mobility. Customs keep them secluded and denial of rights is prevalent which has no basis in law but often has primacy over it. The constraints identified by this research show that rural women’s struggle for effective land rights will not be an easy one. The perception of women’s place in the family and the prevalent societal structures that perpetuate unequal relationships and marginalized status need to be understood in the correct perspective if one has to evolve strategies for addressing the women’s ownership and right to property within the family and at the policy level as well.

So, the crux of this analysis is that although there are indirect guarantees of women’s rights to own property in religion, the national and international instruments have gaps in the implementation because this issue is not part of the mainstream agenda. The various scattered efforts have been done in different pockets for the political interest of the elite class to prolong their hegemony. Without the political will of the ruling elite, women’s rights concerns can be exploited for a vote but to attain anything tangible and to improve the on-ground scenario is a remote agenda.

7. Conclusion and Way Forward

Women’s capacity to claim and control land in Pakistan is controlled by legal, religious, and standard laws. It should be emphasized here that women’s property right has not received a lot of consideration in Pakistan. Despite, tenacious literature available regarding agriculture, land possession and its appropriation, land changes, and so forth, women’s legacy rights are one of the most disregarded gender issues in light of one-sided understanding of the law and is profoundly settled in man-centric standard practices. Further, the absence of political will to promulgate laws add to sustain the current social structure. It is amazing to take note that no information about accessibility on the degree of women’s access and command over land in Pakistan is easily available.

The land distribution program in Sindh means that women’s empowerment begins with a few acres of land. Since Pakistan’s independence in 1947, the succeeding government has tried to bring about land reforms to empower farmers. However, the big feudal is always part of the government, and subsequently, all such attempts have been disenchanted. Instead succeeding governments have the distribution of available government land, while even this

cannot come close to land reforms; it's very small palliative and has not made a difference in the power structures. But it is also a fact that it will make a token change in the status of women and introduce the idea that women can own land. In Pakistan, there is no substantial initiative regarding women's right to own land. There is less visibility of concrete action/policy regarding the implementation of the national and international commitments.

The finding of this research also shows that land is the key and most important asset for providing livelihood in rural communities. Women being the marginalized section of society are supposed to be facilitated by initiating landownership policies. Moreover, rural women are unaware of their basic rights. They think that their rights are what their parents tell them. Thus, their parents' training and socialization tell them about their limits. Moreover, women consider their performance of household chores as their only duty. The village women did not know even about the concept of individual rights. To ensure that women enjoy their rights in practice, a broad conceptualization of land rights and access to productive resources based on gender-inclusive criteria is vital. The following recommendations can serve as a way forward to stringing women's inheritance rights and land ownership in Pakistan:

- Overall, the concept of women's rights for property and agricultural land must be highlighted through media.
- The NGO sector need to include the issue in their literature and that also in Urdu and local languages
- The community radio programs in the regional languages should introduce information related to women's right to property religiously as well as the country's constitution and based on CEDAW article 14,15&16.
- Legislation to ensure that women should have joint entitlement in all properties and assets for any mortgage or government financial support.
- Redistribution of available big landholdings to heirs like Sindh land distribution scheme.
- The imposition of agriculture income tax to big landholders and feudal exception to females 'widows and divorced.
- The court should pass implementing orders also including that a women's name should be entered in the land records documents within a specified period.
- The overall uniform policy is need for the distribution of land itself.

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