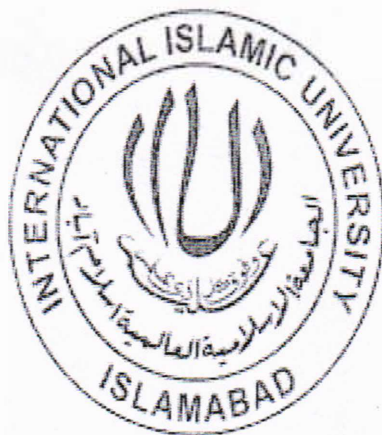


# **SOCIO CULTURAL FACTORS AFFECTING THE INHERITANCE RIGHTS OF WOMEN**



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**REG NO: 12-FSS/MSSOC/F08**

**Submitted in partial fulfillment of the requirement for the Master of Philosophy  
degree in Sociology at the faculty of Social Sciences,  
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**IN THE NAME OF ALLAH, THE MOST  
MERCIFUL AND BENEFICIENT**

**DEDICATED TO**

**My mother for her generosity  
My father for his optimism**

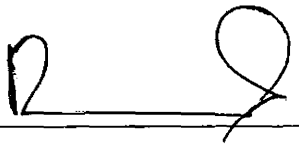
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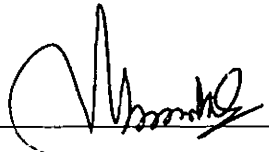
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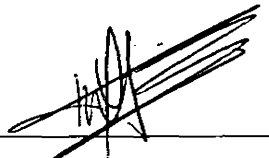
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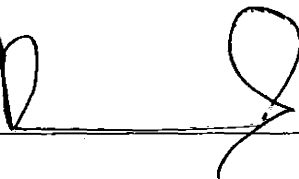
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**Rabbia Aslam**

## ABSTRACT

The present study examined socio-cultural factors affecting the inheritance rights of women. Socio-cultural factors are rooted in the structure of family and patriarchy. The study was quantitative in nature. Simple random sampling technique was used for selecting the participants. 335 women participants were selected from the two cities of Punjab i.e. Sargodha and Gujarat. The survey research method was used to collect the information from the participants. The research instrument was self-constructed and reliability of the questionnaire was checked through the validation test. Based on the objectives and hypotheses stated for the study, correlation and chi square tests were employed. The findings revealed significant relationship between current age of the respondents, age at marriage, duration of marriage, dowry as pre mortem inheritance and legal culture and Islamic perspective awareness with inheritance rights of women. The results of chi square found non-significant relationship of inheritance rights of women with education, family type, income and decision making. Moreover, involvement of money on different occasions such as marriages and deaths has significant relationship with inheritance right. It is thus considered that the women got the compensation. In addition to that public and private patriarchy has articulated in our structure. The future research can be conducted on the ownership and at policy level. State interventions are also required for law formulation and its implementation.

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## FORWARDING SHEET

The thesis entitle socio-cultural factors affecting the inheritance right of women submitted by Rabbia Aslam in partial fulfillment of MS degree in Sociology has been compelted under my guidance and supervision. I am satisfied with the quality of student's research work and allow her to submit this thesis for further process of as per IIUI rules and regulations.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: Akhlaq Ahmad

## **CHAPTER I**

### **INTRODUCTION**

This chapter deals with socio-cultural factors affecting the inheritance rights of women. Further, this chapter sets the context for the present study and explains the background of the study.

Right from the birth of human beings on the planet culture has a strong undividable binding. The study of human society and its relation leads towards the study of culture. The study of society or any aspect of society is impossible without proper understanding of its cultural segments. Thus culture and society are interlinked with each other. Cultural characteristics are unique to human beings alone. One can safely say that it is a distinguished feature of human society and only human beings are born and socialized in a particular cultural environment.

Also human beings have a strong binding and affinity with the land where they are born and living in. Land is one of the physical resources which provide food, clothing, shelter, and other necessities of life. It is also a status symbol and source of power. This advent of humanity on earth further strengthens the ties which are usually referred to as "motherland". It owes historical significance of its emergence such as in hunting and gathering societies while men who hunt for wild and women were responsible to gather food (Kendall, 2002).

Similarly, in horticultural societies women were equally playing their roles and neither sex has full control over surplus. Notably in hunting gathering and horticultural

societies they were living like nomads where women were the communal property of nomadic tribes. There was no concept of the legitimacy of heirs, but when the settlement came in to a organized structure, when sufficient subsistence in the area made the planting of crops impossible then emerged the concern about the continuity of generation for transferring the assets because when women were communal property it was difficult to recognize the heirs to whom they can transfer the wealth, resources or assets, then legitimacy of the heirs was introduced through marriage and family ( so the story goes) grew out of the need to eliminate competition between males for females. The word family is derived from the Latin word which literally means ‘‘ slave belonging to one man’’ (Engle’s, 1972). This definition adhere the philosophy of oppression and subordination to males which is the basic for maintaining the control and hierarchy.

Consequently the women became the property of the men. In these societies women relationship with land was distorted which was strongly developed in the horticultural and agrarian societies because now woman main responsibility was to reproduce and socialize the legitimate heirs where assets could be transferred and men have full control over surplus. In addition to that, when societies moved towards agrarian set up, relationship was not egalitarian and gender division of labor was emerged.

Women were systematically excluded from the process which reduces relationship with agricultural land and assets ownership. It means that land and culture has a strong binding since from the emergence of humanity.

Thus culture is a combination of different characteristics prevalent in a society. According to E.B.Tylor ( 1920), culture is; that complex whole which includes

knowledge, belief, art, moral, laws, customs, and any other capabilities and habits acquired by man as a member of society.

According to this definition culture covers each and every aspects of social life because they are interdependent. It is one of the characteristics of the culture that it is learnt behavior for example it is learnt behavior that woman, money and the property is the reason of family disputes. Similarly there are different cultural beliefs such as women are weaker, and agricultural labor is taught and women as such are unable to arrange and supervise various agricultural activities.

Moreover, in agrarian set up it was held a belief that men are bread winners and women's income is usually considered as secondary income source. These different belief systems, traditions, customs and proverbs are transmitted from one generation to another through the process of cultural alteration.

A most common belief is that heredity can be carried through men only; men are the sole inheritors of the family property. Land is the legacy of the family, it is a symbol of aristocracy, and land is like a mother that cannot be sold out in any case.

Another important characteristic of culture is that it exists as a continuous process and it has both past and present achievements which are still reinforced and endorsed unintentionally.

Culturally and traditionally some acts are done willingly for instance, women voluntarily give up their right to own property because brothers are dear to them. They did not complaint about that social pressure which put their relations at stake but it is actually internalization of that value and belief system (Foucault, 1980).

In addition to that, culture makes the provisions for future trends of the society as well, for instance, usually women are witnessed saying that my mother did not demand her right of inheritance, so I do the same; it is not our custom to demand the right of inheritance, woman's another name and character is to sacrifice etc. It means that it is like a stream which is flowing down from one generation to another and it sets the context of future trends as well. These customs and traditions are usually known as 'doxa' which are not open to question (Bourdieu, 1977).

The complex whole of culture in the form of art, morals, customs and traditions regulates the society in forms of unwritten and invisible forces. When laws, constitution and written charters were not formed then norms, folkways, mores, customs, religion and morality were most effective forms of the social control.

But on the other hand, these instruments were more effective in primary groups such as family, and community. With the passage of time when groups and societies become more larger in term of population and more complex then it was organized into specialized structures and in to different geographical boundaries at state level where state required different written charters and regulations for maintaining the control than the different instruments of human rights were introduced according to each geographical location, culture and topography for the protection of human rights generally and particularly about women's rights at international level.

According to the global fact sheet legal recognition of women's property right is growing. At least 115 countries now recognize women's equal rights to land and 93 countries guarantee women's right to equal inheritance (UN Women, 2011).

According to the International Property Right Index 2010, Pakistan is ranked 93rd out of 115 in property right protection and in Gender Inequality its rank is 104<sup>th</sup> out of 125<sup>th</sup> (Actionaid, 2010).

The state has introduced some scattered efforts to ensure the land reforms in Sindh one of the provinces of the Pakistan. The government announced to distribute about 2, 128, 64 acres of land among poor peasants in Sindh. The priority was given to women's workers and it was implemented in seventeen districts of Sindh since September 2008.

It is also under way in other districts of the Sindh. Initiated in November 2008, over 56,000 acres of land has so far been distributed among 6,100 beneficiaries. One of the uniqueness of that program is "*the land cannot be sold for at least 15 years and heirs can only be female of next of kin*". A research study conducted by Participatory Development Initiatives on land reforms highlighted the weakness of the program regarding the distribution of land. According to the study major concern were ; lack of participation of the civil society land distribution process is slow among the landless heirs, land guarantee without allotment orders and delayed process of the issuance of the ownership documents. Moreover, the serious issue is surfacing cases of appeals made against the land distributed among the female peasants. The study found that most of the land distributed has been made to the politically influential people and government promoted nepotism through the land reforms in Sindh (PDI, 2010).

Along with the national commitments Pakistan has ratified different international commitments for reducing gender gaps in ownership of property and its disposition and



management. Pakistan endorsed Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and has committed itself to reducing gender disparities through administrative and legal measures while CEDAW convention does not directly address women's' right to inheritance but it indirectly does so through article 14, 15 & 16 ( Government of Pakistan, 1996).

However, the CEDAW committee's general recommendation No; 21 noted that discrimination against women under the inheritance laws and practices of many countries and stated that ; " men and women in the same degree of relationship to a deceased are entitled to equal shares in the estate and equal rank in the order of succession."

This provision is in conflict with the provision of the inheritance law in Pakistan (UN, 2007). On the other hand, the International Covenant on Social, Economic and cultural rights (2008), in Article 11 guarantee to all persons sufficient standards of living, including housing, particularly, in its gender commitments regarding the sufficient food. The committee has called the state to ensure women's equal access to economic resources including the right to inheritance, the ownership of property and other property for example, credit, natural resources and technology.

Another , the international covenant of Elimination of All Forms of Racial Discrimination (2008), under article 5, requires state parties to guarantee the right of equality before law for every one predominately in the enjoyment of the right to own property alone as well as in association with others and the right to inherit it.

In addition to that, the Universal Declaration of Human Rights (UDHR, 2008) article 17, states that " everyone has the right to own property alone as well as in

association with others. No one shall arbitrarily be deprived of property. Although the Pakistan is signatory of all these instruments of human rights but it has endorsed only those who were not contradictory with the Islam and constitution of Pakistan. This was historical contextual position of women. Now the argument goes towards the current situation in Pakistan.

Being an agrarian country gender inequality and patriarchy has institutionalized in the fabric of the system which is maintained through public and private spheres through family. According to Kingsley Davis, Family performs the different types of the functions such as reproduction, maintenance, placement and socialization (Davis, 1999).

Through these functions individual learn how to behave in appropriate way which become the part of the social condition of the individuals for example the nature versus nurture dichotomy is the part of the conditioning in the family. Generally family system is patriarchal because it is a social system which includes and defines family relations visa voce head of the household (male) and the rest of the family members. The descent, inheritance and succession are recognized through male line. Patriarchal families are patrilineal in character, because the heredity is transferred through male line and mostly male are the inheritor of the family property. The eldest son normally inherits the property after the death of the father. The children are recognized with the name of the father and the spouse a mother of children is practically ignored. Her primary duty is to give birth to male offspring's (Rao, 2000).

Moreover, patriarchal families are patrilocal in residence. Women have secondary position in these families where they have to be at the mercy of their menfolk. Here the

father or eldest man of the family has absolute authority over each individual of the family. All members are subordinated to him (Rao, 2000). He is the owner and manager of the property and all the major family decisions revolve around him like marriage arrangements where kinship is maintained through the structural principle of kinship and the kinship major principle is to exercise the control over women. In this structure marriages are arranged not only for two individuals but also with their respective families such as arranged and cousin marriages where usually transfer of property from one family to another is handled through family politics or in other way through moveable items. Under the umbrella of the family the institution of the marriage is most important where ideally the decisions about the marriage of the daughter are the part of the collective wisdom of the family. These decisions are often made in the interest of the males. Women are conditioned to adhere to the honor of the male relations throughout their lives.

According to the findings of the Pakistan Rural Household Survey 2004, conducted by Pakistan Institute of development Economics, 45% of the women whose fathers have already died reported that they have big land holding or any other significant property at the time of death, whereas only 5% late mothers left any property. Although in principle family is likely to recognize women's right to own property but it rarely happens that a female inheritor attains or retains property (PRHS, 2004).

Pakistan's 70% economy relies on agriculture and 44 % of the population is employed in the agriculture sector including the formal and informal sector labor (PSML, 2007). Women's subordinate social position is reflected in the poor female literacy rate

(46.3% in 2010-11) as compared to that of males (70.2%). Low labor force participation (32.8%) a high maternal mortality ratio (27.6 per 10,000 births) besides perhaps the highest morbidity in the region. Women's life expectancy is hardly equal to that of men's and the country is one of the few in the world to have a negative sex ratio (100 women to 108 men). Not surprisingly women have less control or access over productive resources, even in the situation where they may have the legal rights to own and inherit property. The understanding of women as dependents and their overall invisibility is entrenched in the customary practices (PSML, 2010).

Therefore, any appraisal of women's land and property rights has to be within the above scattered patterns of land ownership in the country. This does not indicate that women's right of inheritance is not an issue of significance especially for the category of absolute poor, landless, tenants etc.

According to Shirkat Gah study in (KPK, Sindh, Punjab) to priorities the issue of land and inheritance rights for women and also found that this is a serious concern for women who expressed that their right to inherit land is manipulated by their family and they have to relinquish their share in the property ( Shirkat Gah,2006).

Although under the pretext of the Constitution of Pakistan, Shariah laws and international commitments such as UDHR, and CEDAW articles suffice to give women their due rights in moveable and immovable property.

As for as legislation is concerned the article 23 of the constitution of Pakistan states that, " every citizen shall have the right to acquire, land, and dispose of property in any part of Pakistan." It further guarantees " right to property and equality of citizen as

fundamental rights'' and calls for bringing all laws in conformity with the Holy Quran and Sunnah and to strike down any custom having the force of law as far as it is incompatible with fundamental rights. There is no direct provision in the constitution on women's right to inheritances but it does provide guarantees and principles of society to ensure justice on equal basis.

Inheritance in Pakistan is governed by Islamic shariah as codified in the Family Laws Ordinance 1961, the overriding law in this matter, and the West Pakistan Muslim Personal Law (Shariat) Application Act (V of 1962) that consolidated and amended the various Muslim laws. Before the shariah Act, introduced in the sub-continent from early 20<sup>th</sup> Century, customs defined the women's right of inheritance.

The Muslim Family Law Ordinance (MFLO), 1961 provides a matrix of shares in inheritance of deceased person's moveable and immoveable property according to the nature of relationship within the family and the number of persisting family members. The law provides distribution of the share according to the personal law of each religious group such as Christian and Hindus etc.

The Quranic code underlying the Islamic law of inheritance is that; '' blood relationship is cause of right to succession''. The percentage of the share not only varies according to the relationship but it also varies according to the sect, i.e. Sunni and Shia. Under the Sunni & Shia laws female shares are similar:

- Wife (or wives) get  $\frac{1}{4}$  of the share if there is no child or child of the son, otherwise  $\frac{1}{8}$
- Mother gets  $\frac{1}{3}$  if there is no child of a son, otherwise  $\frac{1}{6}$

- Daughter gets  $\frac{1}{2}$  the share of the son
- In the absence of the son the daughter gets  $\frac{1}{2}$  the share of the inheritance and if there are more than one daughter they collectively get  $\frac{2}{3}$  share.

The present research study question is to explore the social cultural factors affecting the inheritance rights of women in Pakistan although under the pre text of the inheritance law and Islam suffice to give women due right in the property. Further, the role of socio- and cultural factors in creating hurdles for women due right in the inheritance will be explored.

### **Problem Statement**

Pakistani society is inherently patriarchal where women and men relations are based on power and she is always identified in relation with men. The woman right to own share in the property of father is always bargain from the weaker position. Although under the pre text of the constitution of Pakistan, religion and international commitments are suffice to give women's due right in the share yet, it does not seem visible in the practice. The focus of this research is to find out the socio-cultural factors affecting the inheritance rights of women.

The present study aimed to sufficiently explore the social cultural factors affecting the inheritance rights of women. Further, how these socio cultural factors are playing the role in reinforcement of the relationship between land and patriarchy in the agrarian societies like Pakistan as well as exploration of the different shades of the patriarchy within the context of this research. This research is basically about the understanding of the socio-cultural factors and extent of their prevalence in our structure.

## **Significance of the Study**

Being a researcher, it is important to understand the significance of the research in the various dimensions of already existing body of knowledge. This research is contribution in existing pool of knowledge in academia. There are a lot of studies which are conducted on land rights of women's by Nongovernmental organizations in Punjab, KPK, Balochistan and Sindh however these studies were qualitative in nature whereas present research is quantitative in nature.

Moreover, this research includes the both urban and rural areas but previous researches cited in the reviews were only restricted to the rural areas. This study will be regional contribution in central Punjab.

The present research focus is to identify those socio-cultural factors which affects the woman due right to own property in the context of Pakistan because according to feminist pedagogy women's did not belong to the homogenous category. Thus it is significant study as it gives the voice of women's experiences in these two districts (Sargodha + Gujarat).

In addition to that, this research study had gathered a pool of proverbs in form of women indigenous knowledge which is rarely documented in the form of riddles and proverbs related to the land and its significance in the context of Pakistan. Notably, the researcher not only highlighted the different forms of patriarchy at the family level but also named them which is helpful for understanding that deep rooted patriarchy. Whose forms are hampering the process of empowerment which is a serious threat to gender equity and feminist struggle in Pakistan. Moreover, in this research there is much

significance in that researcher has acknowledged the role of women as homemaker as it was part of the professional categories of the women. Thus it is the appreciation of their unpaid work too through this piece of research.

### **Objectives of the Study**

- To examine socioeconomic, cultural and demographic characteristics of the participants
- To explore the socio-cultural factors effecting the inheritance right of women
- To examine the difference in rural and urban areas regarding the practice of giving inheritance right to women
- To suggest further research and policy guidelines for these two districts regarding the factors effecting the ownership of the inheritance rights

### **Limitations of the study**

- This study was only restricted to women
- This entirely focused on women right of inheritance , the right to control over property is not focus area of this research
- The intention of the study is to present a micro perspective of the inheritance right of women and socio cultural factors regarding shifting share in two districts
- It was based on factual facts and experiences.
- It is needless to say that this study is not at all a comprehensive study of either women of two districts nor on women of Pakistan as a whole because women belong to heterogeneous category



## **CHAPTER II**

### **LITERATURE REVIEW**

The review of literature in this study follows the conceptual link of inheritance right of property from the historical materialism and the justification of the patriarchal structure with relation to land in the agrarian societies. The debate of socio cultural factors affecting the inheritance rights of women mostly goes parallel with public and private dichotomy ( which can be referred to public and private patriarchy) where mostly women live in cooperative environment. They do not agree to enter in to the conflict situation and still living under the subordination. This is mainly done to avoid a brother family catastrophe or to save the family honor etc.

#### **Part one**

In order to gain insight into the social structure and dynamics of the problem of this research, obtain an understanding of the issue under examination and locate this research in the larger context of academic writings and Non-governmental organization research on the issues under study, I have reviewed the work of Bina Agarwal, Ruby Mehdi, Deniz Kandiyoti, Engel's, Sharma, Raazivi Shahra, Arif, Ali, Farheea Zafar, khawar Mumtaz, Noshirwani , Majoloien Benschip, Siwan Anderson, Shao, Rao & Rana, Deere & Leon, Bradely, Shatzmiller, Amarty sen's, Naila kabeer, Hina jillani, Rosenfled, Veena Das, Carol Brown, and Hamza Alvi. I have discussed this review in two parts. In part one, I has presented the ideas dealt with by each author in her/ his work

and succeeding arguments constructed by them which are relevant to the arguments of my research study as well.

Inheritance norms entitling daughters to inherit some agricultural land, they do not inherit any land in number of countries like, Oman, Bangladesh, Malaysia and Turkey where Muslim law is practiced. Daughters grant such rights to brothers to avoid conflict and maintained family support (Agnihorti, 1996).

The conceptual link between gender subordination and property need to be understood not only in the context of the households, but also need to see its distributions in women and men. Further, The contradiction between *de jure* and *de facto* is critical debate in the context of gender power relations for South Asian women because there are significant barriers in realizing their legal claims in landed property, as well as the control over land they do get (Agarwal, 1998). It is also argued here that for the study of South Asian women the single most important aspect is context (Papanek, 1982). The status of women in Asian societies has strong customary norms and practices (Sonia & Attfield, 1998).

Now in the current scenario most of the agrarian societies are at same pattern where male dominance is strengthened with the relationship of land and control over surplus of land. The public and private dichotomy has been created over centuries to systematically separate women and men world as part of the 'home' and 'world' disorder (Adeyserkera, 1993).

They also influence both potential and specific forms of women's active and passive resistance in the face of their oppression (Kandiyoti, 1988). In Ghana, although

all subjects of a family consist of the family head and family members, regardless of sex, have inherent rights of access to and use of the land is in trust of the stool. But in practice, women have secondary access to land, which are further constrained by patterns of marital residence, gender-based division of labor and organization of production. In most customary land tenure systems, community-level decision-making about land are taken by chiefs or family heads who exercise that role on behalf of the community, clan or family. The traditional beliefs and practices perpetuate discrimination thus, in both matrilineal and patrilineal cultures; it is the men who preside over the allocation of family resources (FAO, 2006).

In the context of this research household (family) as an area of bargaining and contestation or as a place where all decisions are made by consensus or through altruistic model (unitary model) of household for having the look on intra household bargaining. In the family structure women are not defined as individual member but they are defined as a member of men's household. In the case of immovable resource distribution study conducted by gender Justice Project of United Nations showed that 28% of the respondents said that elders in the family such as grandfathers and fathers have authority to decide distribution of property in the family. While on the other hand, policy makers in south Asia (directly or indirectly) assumed a unitary household model and have tended to direct resources principally to male head of the household trusting that resources will be distributed equally but empirical evidences showed that there are intra household inequalities in distribution of resources. For example, this inequality visible in pattern of

property ownership is also reflected in the daughters and sons in the parental property (Agarwal, 1998).

According to another study 90% of the respondents had opinion in de jure women have right in property but in de facto it is invisible (NCSW,2008). There is close relationship between unequal status of women in the household and distribution of resources. They have been virtually excluded from the ownership of property which is one of the biggest sources of production and social status (Ghumro, 2010).

Human rights commission states that less than 3% of women in Pakistan are granted share from inheritance in southern Punjab even a lesser number, a merely 1.3% in all provinces do not give the inheritance to women ( HRCP,2008).

A base line research study of community development project showed that 85% of the respondents said that women's claim to land is not tolerable in the family (Community Development Project, 2005).

In addition to that, with reference to intra household unequal distributions the current researches also showed the multiple factors which affect the bargaining power over a share in the family land for instance, in the milieu of women negotiation she has not strong position in the family.

On the other hand, she has no social legitimation of her claim in the family property because it not accepted as a claim in the family, Baradari and kinship structure. For instance, A research study conducted by AWAZ foundation on 'custom and practices in South Punjab regarding women's right of inheritance'. This study was conducted in five districts of the Southern Punjab including, D.G Khan, Vehari, Sahiwal,

Rahim Yar Khan, and Muzaffargarh. In this study 10% of the respondents of this research do believe that there is no social acceptance for this right of women. Moreover, 85% of the respondents were of the opinion, that existing system of our society does not allow women's to practice their right of inheritance (AWAZ Foundation, 2010).

Shirkat Gah's field based study, Chart of Customary practices in Pakistan in Comparison with statutory laws clearly mentioned that although constitution of Pakistan guarantees women's right to own property without any discrimination but it is dictate in the customary practices that it is easily dodged ( shirkat Gah,2005).

The status of women in Asian societies has strong customary norms and practices regarding property. It appears that unwritten charter regulates the familial relations (Sonia & Attfiled, 1998).

There are some evidences from other South Asian countries, yet situation is not very unlike regarding the inheritance rights of women's. For example in India women's do not receive full ownership and give up in the favor of their brothers. She can enjoy right during her lifetime but after that property reverts to its original source. Further, women's cannot sell, mortgage and dispose off property except in exceptional cases. Women's do not inherit traditionally. When they inherit typically it is not included in the village official record. Additionally, in India many widows do not claim their right of inheritance and give up in the favor of their brothers, in order to secure the protection and in case of family break up she has the chance to go back (Community Development Project, 2005).

Similarly, in the Nepal in spite of all cultural, religious and ethnic differences land is transferred through the patriarchal symbol which is male in all the communities.

Women's do not inherit the land. In case if her husband dies than land is transferred to his brother. If she has no son, or son in that age, which cannot look after than widow becomes the responsibility of the patrilineage. In Nepal some cultures allow women's to inherit but she holds for the trust of her son. Further, when tenant dies, his male inheritors can inherit the land. Women's are not considered capable. Tenant's wife is ignored in the process. That is why; landlords select the tenant son and making the woman dependent to her son (FAO, 2005).

In the household family is a milieu of relationships, in which there is ongoing negotiation in subject of gender, age and type of relationships (kinship) associations which could be termed undisputed traditions. The nature of household interaction in the family contains simultaneously elements of both conflict<sup>1</sup> and cooperation. The members of the household cooperate with each other in so far as cooperative arrangements make each of them better off as compared to non-cooperative. However, different cooperative outcomes depend upon the relationship of who does that, gets what in term of benefit and resources and how each member of the family is treated in the household. But in the presence of the efficient party negotiation, there are chances of the agreement on the decision of the one party in which one is winner and other one is looser. Notably, there are chances of changing in the outcomes but it depends upon the bargaining power of the each household member.

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<sup>1</sup> The term "cooperative conflict" is used to describe these intra households interactions has been popularized by the writings of Amartya sen ( 1983,1985)

A member bargaining power is defined by the range of the factors; in particular the strength of person fallback position which is determined through degree to which her/his claim is socially and legally accepted. Here the meaning of socially accepted mean degree to which it is accepted and enforced by the community, kinship, cast, religion or location and if whose claims enjoys greater legitimacy, would appear with a more favorable results, although both parties would be better off if they did not collaborate. Moreover, with reference to the person fallback position in the context of this research study it also appears that women do not have strong bargaining power because if she surrender her right to inherit property then in return she can secure her fallback position (Sen, 1985).

According to SDPI research while all women would like to own land and acquire or keep the associated status, respect and economic power that land brings, but by claiming land they do not want to put their relations at stake due to her weak position in the society. They receive care and protection as a result of relinquishing their share in property which is linked to her fallback position.

In the case of Pakistan it happens because the male members of the society acknowledge that Pakistan shariah gives the women's right to own land but they do not have intention to give because it would imbalance social relations (SDPI,2008).

In addition to that, those who did not demand her right to inheritance, they strongly discourage others for demanding their due right to inherit property. Notably, According to this study aggregate 70% of the respondents due to uncertain situation in martial life they did not demand it because in any unfavorable circumstances they have

choice to go back. If they will take their share there will be no choice to go back in case of disturbance in marital life. Further, 30% of the respondents do believe that they do not have assertiveness skills for the negotiation of the right to own land. In addition to that, from total 80% of the respondent (76% of women and 44% of men) were of the opinion that by all means women have to maintain strong relations with their families. They forego their right in order to please their families.

While on the other hand, there are chances where she secures her protection by leaving her right but still she is insecure as it is reported by research. Only 19% of the respondents said that they got the support from their families while 81% of the respondents were of the opinion that in any circumstances they did not get support from their parental family (SDPI, 2008).

There are such cases in south east African countries such as in Latin America, in many areas it is expected that daughter relinquish her right to inherit land to her brother (Benschip, 2002).

Women are often marginalized in Sudan when land or household property is transferred, as transactions take place without their consent. In the case of the death of the husband, a woman needs to present a death certificate to qualify for a land plot under leasehold. While this seems simple at first, it is often difficult to get such a certificate. This complicates access to land in gazetted town areas for female-headed households, which represent up to 45–50 percent of the community of internally displaced persons (IDPs) and refugees (Nucci, 2004). Existing customary institutions and structures exclude women and are accused of being weak, undemocratic and discriminatory (Egemi, 2006).



Another finding of the study conducted by SDP I in 2008, highlighted that there is no data in Pakistan about how many women control and own land. Land is a structural and systematic gender barrier that has cause and effect relationship with the women's economic marginalization. The methodology of this study consisted of secondary data information including historical archives, Review of court judgments, key resource person interviews involved in land right issues and selected council within each district.

The study covered over all four provinces of the Pakistan, focusing on two areas of each province. The research focused on two union councils each within two selected districts of the province. In this study different geographical zones were selected for in-depth understanding about importance of land and women's ownership of land. They were four significant factors for selecting the site such as, arable land, arid land, and topographic differences, dynamic of subsistence and land dynamics and pattern of inheritance. The followings sites; Sindh (Hyderabad and Khairpur) Punjab (Multan and Lahore), Baluchistan (Gwadar and Noshki), Khyber Pakthun kahwa ( Swabi ,Swat).

In most of the study area the research team of the study was not being able to find any woman belonging to the category of the large land owners. The 11.3% of the total respondents said that the social customs and traditions do not allow women's to get their due right. Similarly, In addition to that, one Base line Research study was conducted by the Community development project.

The purpose of the project was to ensure access to justice for the majority of vulnerable women in district Bannu in Khyber Pakhtoonkhawa (KPK). Before that study the issue of women's inheritance rights is never explored in these districts. The field

work for this research has been conducted in three districts of Khyber Pakhtoon Khawa (KPK). The representatives of the all union councils from Bannu were selected and sixty individuals were randomly interviewed. The target populations of women's were consisting of those who denied their right to inherit property. For the review of literature data from district court and tehsil was also collected. Further, 65% of the respondents said that customs and traditions are major barriers in women's right to own property (UNDP, 2005).

Similarly, the decisions of marriage and type of marriages are arranged within the close kin structures and local patrilineal relations. In the intra household relations within the family where it is already discussed that decisions are made on the basis of collective consensus which is the part of the bargaining approach such as decision of marriage and the arrangement of the marriage. Under the classic patriarchy the manipulation strategies are being designed for ensuring the control and subservience. For instance, in marriage arrangements dowry is used as a tool of substitute for their right to inherit property.

The institution of the family has different functions; one of the functions which family has to perform is the marriage. There are different types of the marriages which vary according to the socio-cultural settings of the each region and topography. There is a strong relation of type of marriage and the bargaining of the inheritance (moveable and immoveable) rights of women. Thus it is important to study kinship relations within which property, marriage and labor are embedded, and which women's control over property, as they reveal very real differences along gender divisions. Since concept of property are ultimately bound up with the concepts of person. It is the kinship system

which constructs women in such way that they are less able to act as fully operative subjects. Conjugal ,familial and kinship system appear often to operate as to construct the position of women as subordinate, such that by carrying kinship status women are less free to act as full subjects in relations to things and people ( Patel,2006).

Deere and Leon (2001) pointed out obstacles that women face in taking their share. Normally customary practices define the mode of entry in to the marriage bond. Marriage is not simply a matter of marrying a woman or man, rather it provides socially and legally approved foundation for sharing the property from one family to the other by virtue of the right to inheritance of women to keep landed property within the family could be one reason for arrange marriage ( Mubarik,1994).

Faud (1970) argued that the arrangements of marriage help to keep landed property within the family. The tradition of cousin marriage exists in all economic groups. Marriages are arranged within the family. Cousin's marriages are preferable and popular but not necessary. Cousin marriages are known all over the Muslim world. Deer and Leon again argued that in such marriages property remains within a close group of persons bond to one another by various allegiances through cousin's marriages the property stay in natal families, if a sister marries of the kin unit or village, she is less up to receiving inheritance in the forms of land, although she may be compensated by moveable property. It appears that natal kinship affect the outcome of their property right which is termed as Rosen fled as '*masked reciprocity*'.

Theoretically women's names are mentioned in the record but usually they bargain away their rights. Moreover, due to dependency on male, their life time

enjoyment rights remained unfulfilled. In cases where women are married at distance, they have to forego their land right in order to secure natal family support. In the exchange brothers ensure, gifts and crops etc. in customary spheres another variable which affect women's right of inheritance of marital status.

A widow with small sons can enjoy the full control over property but single women have to live in family house. She cannot independently enjoy her due rights. Other relevant variables are social class, age and social roles. According to this study findings women's have more access to moveable property as compared to immoveable property (Mehdi, 2002).

According to SDPI (2008) research study when question was asked from the respondents about the marrying outside of the family 78% said it is acceptable for them, 48% said it does not matter either way.

Ruby Mehdi's (2002) in her book *'Gender and Property law in Pakistan; Resources and Discourses* discussed the variable which restricted women's possibility to inherit landed property is particularly marriage arrangements. The patterns are like those marriages are arranged in that way that individual does not have much power to change them.

Additionally, there are different types of marriages which are arranged in the Pakistan in order to keep family property. For example, exchange marriage, choice marriage, arranged marriage and close kin marriages etc. Parent's in Pakistani Punjab also become more inclined to give their daughters in marriage in exchange for bride of their son from the same family, even though in social term such exchange marriage are

not valued so much. The parent's felt neither daughter would claim her inheritance, especially where two families have equal economic status and daughter share would have been about equal (Elgar, 1960).

The overall trend for south Asia is as follow. In Pakistan, Srilanka and South and North India, women are likely to be married within or very close to their natal villages where both village endogamy and close kin marriages are preferred. For instance, in Punjab kin endogamy marriages are preferred. Here although families attempts to fulfill both criteria, if they did not find any suitable person among kin within village than search is extended outside the kin (Aschenbrenner, 1967).

In Alavi's West Punjab study village out of 287 marriages, 73% were both in the village and within the Birdari. Across culture families are characterized by different form of marriage. Even though outside range of martial patterns exists across culture, virtually all forms of marriage establish a system of descent so that kinship can be determined and inheritance rights established. In pre- industrial societies, kinship is usually traced through one parent's (Alavi, 1971).

Indeed there is marked preference for village endogamy in Pakistan. Among exchange practices of "*haq bakshwana*" where by girl's are never married either married to the Quran in southern part of Punjab (Multan and Bahawalpur) and in Sindh in order to prevent going outside of the family. In the same way, the cousin marriages, and watta satta (where by one set of brother and sisters married to another) marriages are arranged to avoid the distribution of the property as the size of the land because in patriarchal structural land is a source of power and status. In aggregate 90% of this study

respondents think that parent's usually 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 (AWAZ, 2010).

In the Khyber Pakhtoon Khawa (KPK) women's cannot inherit the land in the presence of male off springs neither there is tradition of inheriting immoveable property except ( Mardan, Deri Ghazi khan and Swabi) where in few cases daughters are entitled to own property. However, woman can own land as *rajwi malika*, where at the time of marriage groom transfer a share of property that he either has or due to inherit. In these cases men's can only manage the land but they cannot sell it. In 2004 the judgment of Peshawar high court about *rajwi malika* was challenged by a divorced women ordered that either the property or equal amount according to the current market rate be paid to her.

The research indicated that increasing number of women is demanding for the compensation for not giving land in the form of jewelry, cattle or immoveable property. Veena Das explains in Punjab kinship relations that brothers considered themselves as protector of their sister's honors. After sister is married off the relationship between her husband and brother reflect the protective role of brothers toward their sisters. In normal conditions brother's role is considered to be a gift giver to her sister. A common expression which is learnt by sisters " *your brothers are not dead*" which perpetuates the hidden ideology that brother is your long life protector. It indicates that much more kinship terminology refers to the natural closeness of the daughters and sisters towards

their brothers and fathers. When the girls come to visit their natal family, they should not be send ‘*khali –hath* (Empty Hand) back to their husbands (Das, 1976).

Gifts from brothers and fathers at different ceremonial occasions and marriage ceremonies are interpreted by masked as ‘*masked gift giving* ’ serving as compensation for women to forfeit her right to inherit property (Rosenfeld, 1974).

In addition to that, According to community Development Project, 10% dowry is given to the daughter at the time of her marriage which is often considered as substitute for her right to inherit property. Few of the respondents of this study highlighted that lack of support system also puts barriers in women’s right to own property. 75% of the respondents said that due to the deprivation of women’s right to land affects the status of women’s (Gender Justice Project, 2005).

According to Siwan Anderson in his article ‘ The Economics of Dowry and Bride Price’, There are some basic facts and magnitude of marriage payment. It then discusses how such patterns vary across countries depending upon socio-economic conditions, social institutions, and family characteristics. Dowries have long been a custom in India and presently an almost a universal phenomenon. Comparatively little research has explored marriage transfer in the rest of south Asia, through several studies point to dowry payments now occurring in Bangladesh, Pakistan and srilanka. Both dower and bride price paying societies tend to be patrilineal and patrilocal.

Empirical studies confirm a significant positive relationship between dowry levels and the education of Indian grooms (Dalmia & Lawrence, 2005; Deolakiar and Rao, 1981) Bangladesh grooms (Arunanchalm and Lagan, 2006; Esteve Volart, 2004) and

Pakistani grooms (Anderson, 2004). Both dowry (as a pre-mortem inheritance) and dower are transfers that remain with the conjugal couple but are the formal property of the wife throughout the marriage.

Dower remains the property of the bride and is usually considered her insurance in case of divorce or husband's death in most typical of traditional Islamic marriages. The historical record on bride price versus dower suggests property rights over the marriage transfer evolved through time. Mostly commonly, the traditional dowry is considered to be a pre-mortem inheritance to the daughter, which formally remains her property throughout marriage. As Botticini and Siow (2003), summarized a strong link that exist between women's' rights to inherit property and the receipt of a dowry. They also assume that dowry payments represent an intergenerational transfer from parents and ask why daughters receive their inheritance in form of dowry at the time of marriage while sons receive theirs as bequest. In this article Anderson also mentioned that studies have also emphasized the similarity between the amount given to daughters and inheritance to sons. They hypothesize that parents transfer dowries to daughters and bequests to sons will not get the full benefit of their efforts to extend the family wealth and as a result will supply too little efforts. To mitigate this problem, altruistic parent's give bequest to sons and dowries to daughters. This theory is consistent with societies where daughters who received dowries were excluded from future bequests, as they explain was the case in ancient Greece and Israel, in traditional societies, where men have economic value, but women do not, dowry as a bequest is consistent with this marriage pattern.

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Further, he stated that dowry as a pre-mortem inheritance, is set up to protect property given to women. In current day south Asia, dowry payments can impoverish the bridal family and dramatically affect the lives of unmarried women, who are increasingly considered burdensome economic liabilities. At the end, according to Anderson, the institution of dower, which seems to coincide with women's right to inherit property from the parents and is prevalent in Islamic countries of the Middle East. Dower seems related to close kin matching, but this connection has not been explored. Once again, evidence on payments in these societies, their spatial distribution, and their correlation within kinship in marriage is needed.

In general in Nepal, many women like Pakistan receive jewelry at the time of marriage, in case if family can afford she has the possession of the house as well. Moreover, if man wants to register the land on the name of daughter in his lifetime, he will never do it because after his death it will be transferred to his patrilineage. In addition to that in Srilanka there are bilateral patterns of inheritance. It depends upon the type of marriage a woman contracted. The succession rights of the man are not conditional with their type of marriage. If they contracted with Binna form of marriage, she has more chance to acquiring land in case if they remain in the natal village. In form of Diga marriage daughter has to forfeit her right sometimes in exchange of dowry. Typically those who receive dowry have less chance of property.

After the marriage she may have the right of half share of her spouse property. Further, in Bangladesh personal law follows the religious traditions statutory laws. Some

ethnic minorities still follow customary inheritance rules. For example, in Garo matrilineal communities, the mother is the property owner.

After her death the younger sister and or daughter may be nominated by the mother in her lifetime becomes heiress and it is called Nakma. The heiress and her husband are expected to look after the aged parent's. Among the matrilineal Muslim in eastern province property is transferred through cash, land and cattle's. Since the introduction of the customary law there is no longer application of matrilineal inheritance. Moreover, in Gambia women's right to land is determined by their marital status.

For instance in India, Widowed have first claim than followed by her daughters. The name of widow is included in the registration with the name of her elder son who actually controls or uses the land. Further, the inheritance is also passed through male kin except limited matrilineal communities such as Kerala in the South and Meghalaya in the Northeast. In generally, Hindus women inherit land in the absence of male kin, typically absent from four generations.

The SDPI research indicated that situation was totally different in Noshki in Balochistan there is no possibility of women's claiming land because of the tradition of the "Mardbakshi" where father has to pass on land to his nephews, women's claim her inheritance right (other than land) but this study does not focus another form of inheritance except land. Regarding their martial family's property, total respondents who supported women's entitlements 64.4% said that they did so and 20% said that woman's get this automatically after the death of her husband. If not directly than through her

children's she get it. The male respondents of this study opined that women's welfare or benefit is synonyms with their sons. There was no notion of women's inheritance during her husband's life time. From those who were not agreed upon her right, they had justification, that after the death of her husband, his family continues to care of her and her children's; therefore, there is no cultural acceptability for such a claim.

Similarly, in Ghana widow is not considered the part of the husband's family. In fact land is considered as property of heredity. So after husband's death it transfers to brothers of her husband's. If she has children's than she has to take permission for continuing farming on that land for raising her children's. If she has no children than usually she did not get the permission to stay and use the land.

In Anglo communities land transfer take places from mother to daughters. In addition to that, in Kenya, law continues to govern inheritance but wives and daughters do not inherit property. It is a widely held belief that fathers leave their property for their sons because daughter is looked after by her husband. In the absence of children's it can be transferred to nephews, uncles and cousins etc.

Thus under the umbrella of family the manipulation and subservience of women can be termed as "*classic patriarchy*". This form is found in North Africa, Muslim Middle East, (Including Pakistan, Turkey and Iran, South and East Asia, particularly India and china). The classical patriarchy lies in patria locally extended families which played a significant role in the nourishment of peasantry in the agrarian societies (Wolf, 1966).

Our traditional cultural norms and belief systems have the relationship with the construction of the gender ideologies which exist in the forms of traditions. These traditions and beliefs are path way for the maintenance of the control and ownership philosophy which is maintained through bargaining approach in the family and by manipulation strategies in marriage due to weak bargaining position of the women in the structure. These thoughts obstruct women's domains such as women's needs, work, convention, abilities and capacities etc. These preexisting ideologies restricting women's mobility and purdah, both to exercise their control and successfully to challenge this normative structure and step out for her due rights. In the controlling tactics one is also institution of purdah and mobility as it is mentioned in the SDPI research study. It mentioned that 13.9% women opined that traditional custom of purdah and mobility are preventing women's from exercising control over land. An additional 35.7% of the total respondents said that women can manage land with the help of other men, whether family members, contractors, agricultural laborer, workers and peasant (SDPI, 2008).

Another research conducted on mobility highlighted the link of mobility with land ownership. Further, women's mobility is another factor that mediates women's access to control over land and resources. Maliha khan Tirmazi in her study investigates mobility in irrigated areas of south Punjab. It is difficult for women's to leave the home due to purdah and other restrictions. She cannot physically get to the land. However, the same women can leave their homes for fetching water without any restriction that fact highlighted the contradiction governing in the family units which reinforces women's roles as service providers is acceptable.

Moreover, 30% of the respondents do believe that they do not have assertiveness skills for the negotiation of the right to own land (Awaz, 2010). In Sindh property is rarely on women's names but in case if the sons are younger than she can manage through kamdar (Contractor or agent). Here except, Thar, a remote desert of Sindh where few of women's own land. It is also found in the same study that it is rare in the case of the women's of Baluchistan to own or control property except older women's who have say in the sale and purchase of the property, but cannot inherit the land if there is any male off spring. But where there is no male like *Hazaras* tribes women's inheritance is provided but control remains in the hands of uncles. On the other hand, in rare instances women's are entitled to own land, but the property is always outside the tribal land. The research shows that when question is asked about ownership then 80.2% of the total respondents said that women should have the right to control land as compared to 89.3% who felt that women should be allowed ownership. 19.8% said women should not be allowed controlling land. While 29.5% of the respondents showed disagreement and even challenged the competency and skills of women as they consider them weak and cannot do fulltime labor in the agriculture sector (AWAZ, 2010).

Another study takes women's access and control over material resources as a key factor for their social position. The formal law is looked alienated in practice of villagers. This study found that in Punjab and Sindh the main source of property is "vulvar" and the variation depends on the support of natal family relationship. But vulvar is not considered as form of property and symbol of security in four villages but in case of maintenance women's considered protected. Moreover, social and economic class and

marital status of women's is considered important. Women's actual control emerges from their status and class. For example, women's of the poor class can manage the land directly but on the other hand, rich class women's cannot handle the land directly. They have to manage through men of their families (Mehdi, 2002).

Varying notion of purdah and mobility are proceeding by women's class position as the perception of the respectability in the community tied to her cast and class. Their mobility and purdah is varying according to their class and caste. As per mobility and purdah is concerned, respondents of this study did not observe purdah and mobility as a violence. It was a common held belief among women that degree of purdah that is curtailed with women is necessary for their protection. Besides of, mobility is curtailed for their own benefits. While on the other hand, the older women had no mobility issue. It was finding of that research that mobility and purdah is associated with class and caste. Particularly, it is considered as a status symbol. Element of respect and honor is also associated with it. When some groups or communities move towards economic betterment then they segregated the women's from public spheres through purdah (SDPI, 2008).

It is clear that purdah does not hamper the mobility and purdah becomes confined as one climb up towards the upper rung of the hierarchy. So mobility and purdah has becomes the issue of class and patriarchy (Sargent, 1986).

The above discussion sufficiently explains that all this bargaining is done at household or family level where masked reciprocity and masked gifts through marriage arrangement in kinship structure is maintained with traditional believes and exclusion

from the public spheres by putting restriction on mobility through controlling tacit of purdah. In case of the crisis of patriarchy, if she breaks the wall of private sphere then she has to bear the consequences in the public sphere in form of legal culture and male dominated system. In addition to that, violence and fear of occurring violence both are equally potential variables for restricting women's, in order to bear the burden of criticism for violating social and cultural norms, speaking to the stranger men's, going to the market, not serving to the family as per her duty, can result in the physical violence against women, or number of crimes against women in the name of so-called honor are to appropriate property or deny share in the inheritance. If she claims her due right in the property of her father and brothers than she has to lose her security and also being a woman her character is assassinated.

She has to face the rejection from the family and community, they socially boycott with her. When she enters in to public domain then she is unaware about the legal provisions in the constitution. Besides that, she is not in the position of approaching legal institutions for claiming justice because it means that she is putting her security network at risk and she is unable to cross the thin line between her security and law enforcing agencies. So she forfeits her right in the favor of male members of the society for securing her fallback position (AWAZ, 2010).

Notably 82.5% of the respondents of the study said that women's laying claims to property resulted in violence to them (SDPI, 2008). Ruby Mehdi's *Gender and Property Law in Pakistan: Resources and Discourses*. This study systematically examines the situation on ground regarding women's and property law in Pakistan. In this study she

has conducted seven cases studies each in all four provinces of Pakistan. Mehdi's study found that there is a land history of rights experienced by women's in the rural areas of Pakistan. An analysis concerning women's access to law, legal institution and justice as they understand, it has also been offered. Women's disadvantage position in case of inheritance right is also due to gendered social world that reinforces differential relations of power. This study found that law is autonomous and protected, in form of social facts which are plural in nature (Mehdi, 2002).

Farheea zafar in her article " the cultural articulation of patriarchy " tries to narrates that patriarchy is rooted in the fabric of the society as a power structure, which does not enable women's to get equal access to resources, power and decision making in various aspect of their lives. In Pakistan the structure of patriarchy has been justified by invoking Islamic grounds. Further, she mentioned about legal and customary constraints for limiting women's mobility and exclusion from the public spheres through imposition of purdah as instrument of control on their free will. It is also important to note that legal system represents nonviolent form of social control because our structure inherited the paralegal system and there is significant difference in de jure and de facto. Muslim jurisprudence promoting the dominance of men has been widely accepted (Zafar, 1991).

Similarly, the scoping study conducted by Khawar Mumtaz and M.Noshirwani highlighted that legal procedures are complicated and complex. In most of the cases duration of the case may go beyond the petitioner's life span. Even law does not prohibit and courts have been sympathetic to women even if she claims years after the death of the person they were to inherit from. The courts have set important models to ensure that



women's are not denied their due rights. A 40 years review of superior courts judgments related to inheritance rights indicated that courts have been sympathetic but the cases were short and far between ( Mumtaz & Noshirwani,2006).

According to Mumtaz managing land mean negotiating with *Patwari* (land Revenue Official) but it is the most corrupt official in the Pakistani administration who manipulates the land records for few monetary benefits. It is complicated for a single woman to approach the legal institutions because she has lack of legal knowledge and surety either she will get the compensation or not. For example, in the union councils the records of the *Nikkah Nama* registers are kept but there is no link between revenue department and where records of land ownerships are kept. It is therefore become easy for men to hide the provisions of the transfer of property and deprived her from due right to own property. Brothers are recognizing to produce the succession documents without the names of the sisters and cheat them due to the lack of the information sharing between two departments.

Moreover, research shows that 17.5% said that ignorance of the family is cause of deprivation and also the ignorance of women's about their legal rights is key cause of their denial to inherit property (Community Development Project, 2005). Additionally, research shows that courts are sympathetic towards women litigant, but very few women approach them due to societal pressure (Ahmed, 2011).

At the end, in the view of above discussion it can be summarized that relationship of inequality in ownership pattern exists since from the evolutionary stages of the society. The subordination of the women originated from the concept of private property which

regulate through family. In family at the basic unit of households there are intra household inequalities in resource distribution. The family structure is sustained through bargaining approach where each individual has its own bargaining power and their right negotiation depends upon their negotiation for their social and legitimate claim. For example, if the inheritance right of women is not perceived as socially approved right in the view of that family or kinship then women are not able to get it which shows her weak bargaining power.

This gender subjectivity of passiveness is dictated to her through the cultural norms and local traditions. In the families' decisions of marriages are made on the basis of consensus by the heads of the family and no one has any right to challenge it. If it remains in cooperative conflict then would be more chances for effective outcomes with guarantee of her fallback position, which she ensures by leaving her due right to inherit property. In the marriage arrangement masked reciprocity is maintained through masked gift giving strategy for example, dowry and bride price etc. she secures her protection through subservience strategies such as emotional feelings for brothers due to that she has to relinquish her due share.

The purdah and mobility are also used as a subjective tool for maintaining this classical patriarchy. These denials are in contradictions with Islam which categorically gives women's right to own and inherit property as well as enter in to other business and stipulates that women shall have the absolute control over financial assets. Islamic custom also dictates that at the time of marriage a husband gives certain amount of money( Mehr) which is mutually agreed upon and recorded in the contract, but Muslim

societies have devised a series of social institutions such as dowry, unknown in Islam has been established and it is financial burden on the bride family.

Further, dowry has been considered as convenient excuse for denying women's due share of inheritance. When the crisis of the patriarchy started then she enters in to public place by breaking through all hurdles of male dominated society but men's fear is also there which taught her it is not good for honor. Further court procedures are lengthy and male biased bureaucracy patronize and reinforce the public patriarchy through legitimating the myth that it's men's world.

According to the Brown (1986) the combination of private and public patriarchy resulted in a way; the husband's family centered control over his wife's daily labor is upheld by the publicly centered monopolization, law, property and knowledge, etc. by men. As a result for all this she goes back in to private sphere and adhere these ideologies. Thus it is safely concluded that in our structure patriarchy has articulated. The family and state in the forms of public institutions have mutual dependency for the control of women (Jillani, 1995).

## **Part two**

### **Theoretical Framework**

As per the discussion in the one part of my literature review and analysis directs the researcher towards feminist sociologist framework. There are two logics for using the multidisciplinary framework in the context of this research. Firstly, the nature of this research indicated that the inheritance rights of women are closely linked with patriarchy and patriarchy is embedded in the structure, so sociology is basically about the social

construction which is the part and parcel of the feminist debate of gender inequalities. Secondly, the contemporary feminist and sociologist are working in the grouping, so they cannot be separated. The concepts which researcher has borrowed from the review of literature will be discussed in the interpretation of the data analysis of this study and what can be the hypothetical assumptions for the other studies on the basis of present search.

At the first stage of this theoretical framework the researcher has taken the private property concept of the Engel's because in sociological studies the research cannot be considered complete without historical notion about the emergence of that topic from the grounds. The researcher has disagreement with Engel's on one point although he presented a remarkable historical notion of women subordination but where the researcher disagree, that is independent property right which is necessary to question women subordination because only the ownership is not an important must until or unless woman does not have efficient control over it.

Further, the researcher has borrowed the concept of Agarwal and Amrty sen's model of the unitary household where resources are unequally distributed by the head of the family then researcher has adopted the Bina 'Bargaining approach' which depends on the each member position in the family. Then it refers to the women weak bargaining position which leads towards Kindyoti concept of patriarchal bargaining, where women in the context of my research always bargain away from the weaker position.

Moreover, they are socialized submissive and subservience and manipulation strategies are being designed to ensure her dependency on patriarchal symbols which refereed as classic patriarchy. This concept has been derived from the Lydia Sargent. In

the classic patriarchy male used senior women as their symbol to exert the power on junior girls and women in the family. The senior women had taught that you have to obey the elders, and do not say "no" to brothers which are actually referred as brother's love in this study how she is exploited on this so-called emotional relationship is explored in this context. The good deal of man is justified on the name of "tradition".

The researcher has justified the tradition with Bourdieu concept of "Doxa", it means those traditions which cannot at all be questioned. In the context of this research traditions are referred as masked reciprocity a concept borrowed from the Rosen field.

In this research Faud (1970) concept has also been used. According to that cousin and arranged marriages are designed in order to keep the landed property in the family. Similarly, in these marriages dowry is used as compensation tool to maintain the land in the family. In this research I have used the dowry as '*masked giving gift*' because gifts are used as cover for depriving the women from her due right.

Further, the researcher has also rejected the Anderson notion that inheritance which is transferred to the men and dowry to daughter has an equal amount because in my research those who got the dowry, the price was not equal to the piece of land. On the other hand, this in the context of present study has used the concept of *masked reciprocity* for the interpretation of the social factors where through love, affection, family support and all these tactics are used for depriving women from their due share.

In addition to that, in this research the Lydia Sargent concept of class and patriarchy where purdah and mobility is the link with class where sources are less there is

no mobility and purdah restriction but on the other hand, where women are economically well off there are more chances of controlling women's mobility through purdah.

Notably, this research has referred to the Fareeha Zafar concept of *articulation of patriarchy* but still our society has not entered into the crisis of patriarchy where all these myths and proverbs are shattered. In our society patriarchy has articulated which is being reinforced day by day.

## **CHAPTER III**

### **METHODOLOGY**

This chapter presents the operational definitions of the variables employed in the study along with the list of hypotheses to be studied. It is followed by explanation of the methods used for this study.

#### **3.1 OPERATIONAL DEFINITIONS OF VARIABLES**

##### **3.1.1 Inheritance rights of Women**

Inheritance rights of women are those which she got from the property of her father in the form of moveable and immoveable property.

Property is one of the forms of the inheritance. In the context of this research property is defined in two ways one is moveable (jewelry, livestock, dowry) and other is immoveable including the plot, home and agricultural land. The moveable and immovable property is the sub division of the inheritance. Property is any physical tangible entity that is owned by person or jointly by a group of persons (Mehdi, 2002).

##### **3.1.2 Social and cultural factors**

The means of controlling ownership through different belief systems and maintaining the patriarchal structure by creating different hurdles regarding women's due right to own property.

## **3.2 Hypotheses**

- Young age women have fewer interests in getting property as compared to old age women
- Women have much chances to get their inheritance right in the urban areas as compared to the rural settings
- Age at marriage have relationship with women's right of inheritance
- Higher the education more the chances of acquiring inheritance rights of women
- Dowry as pre mortem inheritance has relationship with inheritance right of women
- Gold jewelry and money on different occasions have relationship with inheritance rights of women

## **3.3 METHOD**

The study was quantitative in nature and survey research method was used to collect the information.

### **3.3.1 Sampling Frame**

335 women were taken as sample. Two stage sampling technique was adopted for collection of data. Initially two cities were selected and from each city four areas were chosen that were highly populated purposively. Women from each area who were ever married and currently living as divorcee or widower and willing to participate in the research were selected through simple random sampling technique.



### 3.3.2 Instrument

A self-designed close ended questionnaire called inheritance Right of Property Questionnaire (IRP) was used to explore the socio cultural factors affecting the inheritance rights of women. Item pool was generated through the review of exiting literature with the relevant to the context of this research study. In this stage wide-ranging review of existing literature relevant to the study was done through browsing the digital resources as well as libraries of different universities of Rawalpindi and Islamabad. Part A was designed to collect information on socio-demographic characteristics of the research participants. Inheritance rights of property through categorization into moveable and immoveable property was checked in the study area. Further, three categories for the moveable and three categories for the immoveable assets were developed. In this portion of the questionnaire different questions were asked for exploration of the reason where women did not get their due share in the property. What type of dowry she got it and how they were being compensated if they left with their right to inherit property. In addition to that, various questions were asked in case if she got the inheritance right then what are the conditions such as the ownership mode, decision etc. Additionally, type of marriage and decision of marriage was also explored. Moreover, do they are aware about their inheritance right in the constitution of inheritance right of property and Islamic perspective. Belief system, proverbs in the culture, legal factors in the culture which are affecting the women's entry in to public domain.

The methods used in validating the instrument were face, content and construct validation.

### **3.3.3 Face Validation**

The item pool of 80 questions was given to experts to check face validity. They were requested to evaluate the items at the face level in terms of relevance of the instrument in measuring what was being studied, to ascertain if the instrument produces the envisioned responses on the socio- cultural factors affecting the inheritance rights of women.

### **3.3.4. Content Validation**

Experts' judgments were used in defining the content validity. The experts checked the extent to which the items were illustrative of contents, practices and socio-cultural factors specified by the theoretical concepts being measured.

### **3.3.5. Construct Validation**

The reliability test was also carried on indexes of socio- cultural factors affecting the inheritance rights of women by using Pearson Product Moment Correlation. A reliability coefficient of each index was obtained. On the basis of results, the instrument was found to be suitable for data collection.

## **3.4. Procedure**

The researcher has done the pilot testing before the actual data collection. The data was collected through a structured questionnaire called (MDQ) and was prepared for this study particularly. Questionnaire was developed by accessing the existing literature on different dimensions and hurdles faced by women in getting their due share in the

property. Questionnaire was pre-tested and then used for the study. As it was with community women and those women who were part of the pilot testing they were not included in the actual study.

The questionnaire was read before them and in order to maintain the consistency in the data collection procedure all the questionnaires were get filled through asking questions by researcher herself to all women whether they were educated or uneducated. The purpose and determination of the study was explained to each participant. They were also assured that all the information gathered will be kept confidential and their names will not be the part of this research study. Interviews took place within the women's homes on a one on one basis. The interviews were conducted by researcher in either Urdu or Punjabi language depending upon the language they used to and were convenient in their speech –language. Questionnaire was read aloud by the interviewers so that women could participate regardless of literacy skills and whenever possible, interviewers were matched in terms of language. The photographs of the respondents were not being taken as per the ethics of the research.

The informal discussion was not tape recorded, as participants were having quite a few concerns. The researcher took the written notes during the discussion with respondents. Most of the responses were also written down in the back of the questionnaire which researched note down as per their spontaneous reaction or prompt response. All of these interviews were conducted in locale of the research study.

As Reinharz believe that women's experience that may be best described through face to face conversational setting and also said for a woman to be understood in a social

research study it may be necessary for her to be interviewed by women. The other significant reason for taking up this method as basic research tool is as Bell argued, interviewing offers researcher access to people's ideas and thoughts in their own words rather than in the word of researchers. This assertion is particularly important for study of women because in this way learning from women is remedy to centuries of ignoring women's ideas altogether or having men speak for women.

#### **3.4.1 Data Analysis**

The data was subjected to analysis with frequencies and percentages, correlation and chi square tests were run to see the association of the variables.

#### **3.4.2 Field observations**

During the field I have observed that most of the respondents of my research were reluctant to share their information of immovable property such as Quantity of the gold jewelry. In District Gujarat most of the respondents having the insecure feelings that if their moveable and immovable property details will come under the observation of any concerned government then they will charge them the taxes or thieves may broke hits their houses. Before taking the participants in to the confidence, their first expression was that I belonged to any government department. Some women's mentioned that few days back, few people came from Benazir income support program (BISP). They have taken all the details from us but still they did not get back to us. They showed their anger and dissatisfaction towards government and mentioned that they are good for nothing.

Most of the respondents had the understanding that I belong to some media group and their information will be shared at large scale. I then broken the hierarchy with the respondents and used the anthropological method of rapport building with the respondents.

Further, it was interesting and awful as well that women's wanted to give their opinion but not in the presence of their brother's, husband's and father's . During the field work time if the men's were present in the home than they had taken at least twenty minutes for the explanation of the questionnaire why I am doing this, and how it was beneficial for me? Even few of the women respondents said that after getting all the information what I will give them in terms of financial support?

At the few places in the locale of the research I realized that in joint family system, most of the mother in laws who themselves did not demand their right to inheritance but they were encouraging their daughter in-laws for demanding their right of inheritance. However, their daughter-in-laws were mentioning that they will never demand their right of inheritance. Few of the mother-in-laws tried to investigate form me that what her daughter in-law opinion about demanding her share? I have clarified them that it is not in the research ethics to share the one's opinion with others. At the few places if I interviewed the Daughter-in-law she said to me that I am willing for interview but at some separate place. In addition to that, as per local village norms few of the women's were sitting at one home just for gossips when I entered there if one of the woman was explaining anything about her dowry others tried to intervene during her answer and even in the case of mother-in-laws at most of the palaces she negated her

daughter-in-law and tried to realize her that she has forgotten, her parents' were not so rich, they did not give you the enough dowry, in other words, in cover words she tries to degrade her and let her realized that she did not owe enough dowry.

In addition to that, in the families where male members were present at home, their wives said whatever questions you have to ask from my husband on my behalf, I do not know anything, he knows everything. Few of the males were literally angry that our women do not have enough time to answers all these obdurate questions. It was interesting that male members of the family were anxious to give their own opinion however it was related to the justification of the patriarchal structure. Moreover, when the question was asked about getting her right of inheritance, most of the women became literally angry and said that it is not a tradition in our family, it is brother's right.

During the field work, I noticed that women were too busy in domestic chores e.g cooking and cleaning activities. Few of them were very stubborn. Some insisted me that if you will eat something with us than we will answer your questions. Few of the respondents were habitual of doing gossips and according to the research and especially in the feminist research methodology one cannot abrupt them and ask them stop talking.

Being a researcher I had to open my eyes and ears at every point and I could not ignore their sorrows and pains just for my research purpose. Few of the information was irrelevant in the context of my research topic but it help in my other areas of interest for further research. I have documented their irrelevant experiences as well just for future reference which will be helpful for me in my other social identities.

Further, I observed that in regard to the question of mobility and Purdah most of the respondents said that they go alone everywhere as she cannot wait for her husband but when the question was asked either she should go along with men only than they replied that yes, woman should go to bazaar and clinic along with men only. Few of the women's who were in old age said that we can go alone because we are of old age and who will harass us at these places but young and newly married women's should go along with men only?

During the field work few of the respondents who were unmarried but fall in the range of the 50 above were insisting that their interviews should be conducted, there was no reason of land transferring behind their marriages but they did not find suitable proposal that is why; they were unmarried. I explained to them that my research design was specifically for married women. They complained that their brothers did not give them sufficient amount for their needs; they have occupied our piece of land in their own names.

On the other hand, they also mentioned in the interview that we have very fewer family pressures for transferring the land but during the informal conversation they were mentioning that we have to save our parental relations, most of them had the concern that in case of the parent's death situation becomes totally worse.

Most of the respondents of the research did not avail their right of inheritance but I observed that now they were feeling miserable after transferring their right of inheritance to males and asked me that in these emotions we lost the sense that what was being done by us. I also observed that women's forgo their due right of inheritance but

they were not happy with the attitude of their brothers and sister in-laws after the death of their parent's.

Further, it was a held belief among the women that it is considered very bad for women to demand their right of inheritance from their parental family. Even few of the respondents said that those who demand their due right of inheritance, '*they are witches not the sisters*'. It means that it is necessary for the good sisters to forgo their right of inheritance in the favor of their brothers. It is belief system that those who demand the inheritance rights through legal procedures these women are labeled as bad and of loose character.

Similarly, when purpose of the research was explained to them, their spontaneous reaction was angeriness towards their families, one of the woman said that, '*they did not bother to offer any dinner or meal when I go to visit my brothers home. How can they give me my due share of property*'?

It was also noticed during the field work that women wanted to express their sorrows. Few old women realized that they must have had something as their own property. One of the widower women said that; '*I have alone looked after my children's after my husband death and made them educated but now they are busy in their own lives and I am alone once again.*'

It was also observed that patriarchy is strongly rooted in our fabric of the society and women are still at the stage of saving their relations. As per local practice patriarchy literally mean the rule of fathers, brothers and husbands. This definition comes true when I heard from one women that '*woman does not have any home , before marriage it is*



*said your husband home is yours and after marriage it is listened that it is your children's home, then where is woman's own home''?* During the field research this statement was not only endorsed by the woman only but also endorsed by the few of the male members of the families as well.

When the women were answering the questions such as what are the socio-cultural factors that affecting the inheritance rights of women, most of them agreed that family pressure is very less but unconsciously they murmured that ; '' When there is no guarantee of the congenial relations. Will she be licking the piece of land?'' Most of the women were having the expression that '*woman can remarry and re produce the children's but there is no alternative for blood relations like father's and brother's .*''' Moreover, there was yet another strong belief was that observed in the field that; '*if married woman is happy in her husband's home then she does not need anything from her parental family how many day she will spent with that money or property which she will snatch from her brother's share* ''?

It was perceived that women who transferred the land to their brothers, they were mostly unaware and in unconsciousness they abandoned their right. Now they realized that they were unaware about the importance of their own land. However, now they were motivated to take any sort of initiative. It was interesting to note that they were asserting expressing that now women can do every kind of work, even she can handle the property matters but if she get it. Most of the women said that '' jay mil gay to kis ko achi nahi lagti''; meaning thereby is no one who does not like the piece of land as her/his property. In other words, they were not willing to go to Court Ketchuri. It was mentioned by the

women that Court Ketechuri is not a good place for the repute of woman. It is considered to be a dishonor and disgrace for women to go to court.

Throughout during the field work it was a confirmed reality that women basically sacrifice their rights for saving the family relations and its tradition from centuries that women is emotionally blackmail in every relation and woman's other name is sacrifice. They do not like to end up the ties with their blood relations. However if they demand their inheritance women are socially boycotted. Thus a woman spent her whole life to become a good mother, sister, daughter and wife. It is also the expression of few women that we are faithful with men but men are not reliable and they are brutal. It is part of women's socialization to be submissive in front of their husband throughout their lives.

It was also observed that we had willingly they have relinquished our share in the property. However if brothers are willingly give our due right in the property then we will happily take it. Most of the women added that'' *zameen kis ko buri lagti hey, ager bhai khushi say de dein.*'' It means that they have a desire to take it but due to societal norms they are not willing to demand the share. During the field work I observed that when I explained to them about the purpose of this questionnaire and research before starting the formal answers and questions. The spontaneous response was emotions of angriness and few respondents said that demanding property share by female is against our family traditions; daughters just do not demand their inheritance rights.

They pretended that it is not good for a nice woman to demand her right. Most of the elderly women tried to convenience me that if the woman is happy in her in-laws

home than she will never ask for her right in landed property, in most of the cases if her in laws are corrupt they forced her to demand her right from your family.

On the other hand, in few of the houses where literate male were present in the homes they asked me that may they read the questionnaire. One of the middle aged man murmured; ‘ ‘ *after getting the land, she will found a tongue, and will become a rebel.* ’ ’

In few of the cases women were not willing to accept that inheritance is their right. They said that it is brother's right to hold the land and sisters should focus to her martial life.

All most all the women agreed that if she has to maintain her working relations than she will never demand for her inheritance right. In the life of parent situation is quite different but after the death of the parent's brothers and sister in-laws attitude becomes hostile. Their priorities are changed and thus there is no need to quarrel with them because there is no alternative for blood relations. Most of the women said that ‘ *woman can remarry and re produce the children's again but brothers and parent's are born once in a time. So we cannot make them angry and displeased.* ’ ’

## CHAPTER IV

### RESULTS AND DISCUSSION

This chapter describes details of the results gained through statistical analysis of the data. From all 335 participants participated in this research study. Firstly the results are presented first and followed by a discussion and index.

#### 4.1 RESULTS

**Table 1**  
**Name of the Districts**

	<b>Frequency</b>	<b>Percent</b>
Gujarat	158	47.2
Sargodha	177	52.8
<b>Total</b>	<b>335</b>	<b>100.0</b>

The table 1 shows that data was collected from two districts of the Punjab. The frequency for the Gujarat is 185 with a percentage of 47.2% and the frequency and percentage of the respondents from Sargodha were comparatively greater having frequency of 177 with percentage of 52.8%.

**Table 2**  
**Rural urban division**

	<b>Frequency</b>	<b>Percent</b>
Rural	179	53.4%
Urban	156	46.6%
<b>Total</b>	<b>335</b>	<b>100.0</b>

The table 2 indicates that for rural area frequency is 179 with 53.4% and in the urban area frequency are 156 with a percentage of 46.6. It means that number of the respondents of the rural areas is greater as compared to the urban areas.

**Table 3**  
**Education of the couples**

	<b>Wives</b>		<b>Husbands</b>	
	Frequency	Percentage	Frequency	percentage
<b>Illiterate</b>	70	20.9%	21	6.3%
<b>Primary</b>	50	14.9%	40	12 %
<b>Secondary</b>	152	45.3%	202	60.2 %
<b>Higher</b>	63	18.8%	72	21.5 %
<b>Total</b>	<b>335</b>	<b>100</b>	<b>335</b>	<b>100</b>

The table 3 shows the education of couples that the illiterate wives were 20.9% and 14.9% wives were with primary education. In secondary education 45.3% while the higher education of the women of this study sample was 18.8%. On the other hand, the frequency of illiterate husbands of this study sample was 21 with 6.3% and in primary education frequency were 40 with 12% and for secondary education the study sample of the husbands frequency was 202 with 60.2%. Further the frequency of husband's higher education is 72 with 21.5%.

**Table 4**  
**Women's Type of schooling**

	<b>Frequency</b>	<b>Percent</b>
Formal	268	80.0 %
Non formal	38	11.3 %
Madrasas	29	8.7 %
<b>Total</b>	<b>335</b>	<b>100.0%</b>

The table 4 indicates that in type of schooling there were three categories. Those women who studied at formal institutions its frequency was 268 with a percentage of 80.0% while those who did not study at any formal institution their frequency was 38 with a percentage of 11.3%. In addition to that, those who got the madrasas education their frequency was 29 with a percentage of 8.7%.

**Table 5**  
**Occupation of the couples**

	<b>Wives</b>		<b>Husbands</b>	
	<b>Frequency</b>	<b>Percentage</b>	<b>Frequency</b>	<b>percentage</b>
<b>Government</b>	32	9.6	96	28.7%
<b>Private</b>	13	3.9	50	14.9%
<b>Laborer</b>	5	1.5	31	9.3%
<b>Farmer</b>	-	-	75	22.4%
<b>Foreign job</b>	-	-	15	4.5%
<b>Own business</b>	-	-	68	20.3%
<b>Unemployed</b>	19	5.7	-	-
<b>Home maker</b>	266	79.4	-	-
<b>Total</b>	<b>335</b>	<b>100</b>	<b>335</b>	<b>100%</b>

The table 5 shows the variations in the occupation categories. It is an overview of the professions in which most of the people in these two districts are involved in.

According to this table frequency of wives in government job is 32 with 9.9% while the

husband's frequency in the government job is 96 with 28.7%. This shows the huge difference in women employment situation in the government jobs in these respective districts.

Further, in the category of the private jobs frequency was 13 with 3.9% while the husband's frequency was 50 with 14.9%. This is also significant gap which shows the private employment trend in sample of this study. On the other hand, the women laborers frequencies were 5 with 1.5% and while the husbands frequency was 31 with 3.9%. The frequency of men as farmer was 75 with 22.4% and in foreign job frequency was 15 with 4.5%, in addition to that in category of own business frequency was 68 with a 20.3%.

**Table 6**  
**Monthly Family Income**

<b>Rs</b>	<b>Frequency</b>	<b>Percentage</b>
<b>Less than 20000</b>	131	39.7%
<b>20001- 50000</b>	156	46.6%
<b>50001-100000</b>	35	13.4%
<b>Above 100000</b>	10	0.3%
<b>Total</b>	335	100

The table 6 indicates that less than Rs 20000 income group frequency was 131 with 39.7%. While for an income range of the 20001-50000 frequency was 156 with 46.6%. It indicates that from Rs 50001-100000 range frequency was 25 with 13.4%, while above 100000 frequency was 0.3%. It means that higher percentage of the respondents of this study falls in the range of Rs 20001-50000.

**Table 7**  
**Living status of father**

	<b>Frequency</b>	<b>Percent</b>
<b>Alive</b>	155	46.3 %
<b>Dead</b>	180	53.7%
<b>Total</b>	335	100.0%

The table 7 shows that those respondents whose fathers were alive their frequency was 155 with 46.3% while the frequency of the dead was 180 with 53.7%. It means the percentage of the dead fathers was higher in the sample of this study.

**Table 8**  
**Type of family**

	<b>Frequency</b>	<b>Percent</b>
<b>Joint</b>	173	51.6%
<b>Nuclear</b>	162	48.4%
<b>Total</b>	335	100.0%

The table 8 highlights study sample that were living in the joint and nuclear families. Those who live in joint families, the frequency was 173 with a percentage of 51.6% while those who were living in the nuclear family; the frequency was 162 with a percentage of 48.4%.



**Table 9****Have siblings**

	<b>Frequency</b>	<b>Percent</b>
<b>Yes</b>	333	99.4%
<b>No</b>	2	0.6%
<b>Total</b>	<b>321</b>	<b>100.0</b>

The table 9 shows the frequency of those who answered in yes was 333 with a 99.4 while only 2 frequencies with 0.6% were found who do not have siblings.

**Table 10****Number of brothers and sisters**

	<b>Brothers</b>		<b>Sisters</b>	
	<b>Frequency</b>	<b>Percent</b>	<b>Frequency</b>	<b>Percent</b>
<b>0</b>	10	3.0%	-	-
<b>1</b>	58	17.3%	41	12.2%
<b>2</b>	113	33.7%	56	16.7%
<b>3</b>	66	19.7%	83	24.8%
<b>4</b>	48	14.3%	70	20.9%
<b>5</b>	31	9.3%	41	12.2%
<b>6</b>	7	2.1%	29	8.7%
<b>7</b>	2	0.6%	12	3.6%
<b>8</b>	-	-	3	.9
<b>Total</b>	<b>335</b>	<b>100.0</b>	<b>335</b>	<b>100.0</b>

The table 10 shows the range of brothers and sisters. The range is from 1 to 8. Frequency of no brother is 10 with 3.0%. While frequency of 1 brother was 58 with 17.3% and one sister frequency was 41 with 12.2%, two brothers 113 with 33.7% while two sisters frequency was 56 with 16.7%. The three bothers frequency was 66 with

19.7% while three sister frequency was 83 with 24.8%. Four brothers frequency was 48 with 14.3% while sister's frequency was 70 with 20.9%. The five brothers frequency was 31 with 9.3% while five sister frequency was 41 with 12.2%. The six brother frequency was 7 with 2.1% while six sisters frequency was 29 with 8.7%. The range of seven brother's frequency was 2 with 0.6% while for seven sisters frequency was 12 with 3.6%. The range for eight brothers was zero while range for eight sisters was 3 with .9%.

**Table 11**  
**Marital Status**

	<b>Frequency</b>	<b>Percent</b>
<b>Married</b>	296	88.4%
<b>Widower</b>	39	11.6%
<b>Total</b>	335	100.0%

The table 11 shows that the marital status of women in these two districts was quite higher. The frequency of married women was 296 with 88.4% while frequency of widower women was 39 with 11.6%

**Table 12**  
**Type of Marriage**

	<b>Frequency</b>	<b>Percent</b>
<b>cousin</b>	126	37.6 %
<b>Watta Satta</b>	5	1.5%
<b>Arranged</b>	179	53.4%
<b>Choice</b>	5	1.5%
<b>Close kin</b>	20	6.0%
<b>Total</b>	335	100.0%

The table 12 displays the sample of the study the frequency of cousin marriage was 126 with 37.6%, while in Watta Satta (exchange marriage) the frequency was 5 with

1.5%. The frequency of arranged marriage was 179 with 53.4% while the choice marriage frequency was 5 with 1.5%. The frequency of close kin marriage was 20 with 6.0%.

**Table 13**  
**Decision of marriage**

	<b>Frequency</b>	<b>Percent</b>
<b>Parents</b>	306	91.3 %
<b>Own choice</b>	2	.6%
<b>Both</b>	18	5.4%
<b>Relative &amp; parent</b>	09	2.7%
<b>Total</b>	<b>335</b>	<b>100.0%</b>

The table 13 depicts the decision of marriage. The frequency of the parent choice is 306 with 91.3% while own choice frequency is 2 with 6%. Both choice frequencies are 18 with 5.4%. In addition to that, relative and parent choice frequency was 9 with 2.7%.

**Table 14**  
**Age of the Participants**

	<b>Mean</b>	<b>STD</b>
<b>Age</b>	40.96	13.413
<b>Duration of marriage</b>	19.58	13.606

The table 14 shows that demographic variable mean age of the respondent in the study sample was 40 years with SD of 13 years and mean of the duration of marriage. This study sample was 19 years with SD 13 years.

**Table 15**  
**Inheritance type of Share**

	Frequency	Percent
<b>Movable</b>	260	77.6 %
<b>Immovable</b>	7	2.1%
<b>Both</b>	68	20.3%
<b>Total</b>	335	100.0%

The table 15 shows that from 335 sample size of the study 260 women were having the share in the moveable property with 77.6%, while on the other hand only 7 with 2.1% of women had immoveable property and those who had both. Their ratio was 68 with 20.3%.

**Table16**  
**Movable inheritance share of property**

Indicators	Yes		No	
	F	%	F	%
<b>Cattle and livestock</b>	45	13.4	290	86.6
<b>Jewelry</b>	332	99.1	3	.9

The table 16 shows that in case of moveable property those women who received cattle's and other livestock, their frequency were 45 with 13.4% and those who did not receive any their frequency was 290 with 86.6%. The table 16 further depicts that those who got the jewelry, their frequency was 332 with 99.1%and those who did not got they were only three with 0.9%.

**Table 17****Market Value of Moveable Shares**

<b>Rs</b>	<b>Frequency</b>	<b>Percentage</b>
<b>Less than equal 50000</b>	255	76.1 %
<b>50001 – 100000</b>	40	11.9%
<b>100001 – 200000</b>	15	4.5%
<b>200001 – 300000</b>	13	3.9%
<b>Above Rs 300000</b>	12	3.6%
<b>Total</b>	<b>335</b>	<b>100.0%</b>

The table 17 indicates the market value of the moveable shares. The ranges start from less than 50,000 and equal to 50,000 with 76.1%. The other comparative frequency is higher which is between the range of Rs 50001- 100000. The range from 100001- 200000 and on the other hand range from 200001-300000 do not have much difference in frequency and percentage. In addition to that, frequency of those who got the moveable share of above Rs 3, 00000 respectively their frequency is 12. It shows that according to the sample of the study mostly women who got the moveable share, its price range fall between Rs 50000 to100000.

**Table18****Immovable inheritance share of property**

<b>Indicators</b>	<b>Yes</b>		<b>No</b>	
	<b>F</b>	<b>%</b>	<b>F</b>	<b>%</b>
<b>Plots</b>	5	1.5	330	98.5
<b>Home</b>	2	.6	333	99.4
<b>Agricultural land</b>	68	20.3	267	79.7
<b>Piece of land</b>	68	20.3	267	79.7

According to the table 18 those who got the immoveable in the form of plot they were only 5 with 1.5%. Those who did not get the plot their frequency was 330 with 98.5%. Only 2 women got home in their inheritance share of property. 20.3% women get their share of property in piece of land and that piece of land was in shape of agricultural land while those who did not get it their frequency were 267 with 79.7%. It means that a low proportion of the women in these two districts have got the right of inheritance.

**Table 19**  
**Reasons of not getting the share**

<b>Reasons</b>	<b>Frequency</b>	<b>Percent</b>
<b>Father and brothers did not agree</b>	53	15.8%
<b>Baradri was reluctant to distribute land</b>	11	3.3%
<b>Daughters get compensation throughout their lives</b>	147	43.9%
<b>It was a small piece of land/home</b>	14	4.2%
<b>Brother was alone</b>	6	1.8%
<b>Brothers were younger</b>	5	1.5%
<b>No need</b>	6	1.8%
<b>I was elder</b>	4	1.2%
<b>It is not our custom</b>	4	1.2%
<b>Should not be distributed</b>	2	.6%
<b>Family matter</b>	3	.9%
<b>Landless</b>	3	.9%
<b>Brothers are dear to us</b>	1	.3%
<b>It is right of brother (s)</b>	1	.3%
<b>Got share</b>	75	22.4%
<b>Total</b>	<b>335</b>	<b>100.0%</b>

The table 19 indicates the reason(s) of those (267) women who did not get the share in the piece of land. What were barriers which create a hurdle in their way to demand their right of inheritance in the landed property. The frequency was 53 with 15.8 % those who told that fathers and brothers did not agree to transfer land to their sisters and daughters. On the other hand, in 11 cases with 3.3% where the involvement of the baradari was reported by the respondents of this study. The proportion of one reason that daughters get compensation throughout their lives was higher as 147 with 43.9% as compared to other reasons. The 14 respondents of the study with 4.2% said that there was a small piece of land that is why; they forfeited in favor of their brothers. There were other reasons too as in few percentages such as if she was elder, the brothers were Youngers, no need, sister was elder, it is not custom should not be distributed, it is immoral, it is right of brother and brothers are dear to us etc.

**Table 20**  
**Relinquished yourself**

	Frequency	Percent
<b>Yes</b>	68	90.7%
<b>No</b>	07	9.3%
<b>Total</b>	75	100.0%

The table 20 depicts the answer of those women who themselves relinquished their share in the landed property, their percentage was 90.7%. The percentage who did not relinquish their right was 9.3%.

**Table 21**  
**Kind of Dowry**

	<b>Frequency</b>	<b>Percent</b>
<b>Furniture</b>	92	27.5%
<b>Utensils</b>	65	19.4%
<b>Both</b>	178	53.1%
<b>Total</b>	335	100.0%

The table 21 shows the kind of dowry which women got at the time of their marriage in the form of utensils and furniture. This table indicates that 27.5% of the women got the furniture at the time of marriage while 19.4% got the utensils at the time of marriage. On the other hand, the proportion was a high those who got both as per table 178 with 53.1%.

**Table 22**  
**Price of Furniture and Utensils**

<b>Rs</b>	<b>Frequency</b>	<b>Percentage</b>
<b>Less than equal Rs 50000</b>	229	68.4%
<b>Rs 50001 – 100000</b>	58	17.3%
<b>Rs 100001 – 200000</b>	23	6.9%
<b>Rs 200001 – 300000</b>	17	5.1%
<b>Above Rs 300000</b>	8	2.4%
<b>Total</b>	<b>335</b>	<b>100.0%</b>

The table 22 illustrates the price of the furniture and utensils which women got at the time of their marriage 68.4% of the women got the dowry equal to Rs 50000. The



other trend which is visible in price of dowry is near to 50001-100000. Further, 6.9% of the women dowry price was between 100001-200000. There are only 5.1% whose dowry price range was between Rs. 200001-300000. There are only 8 women with a % of 2.4 whose dowry price was above than 300000.

**Table 23**  
**Awareness about inheritance rights of property**

Indicators	Quite aware		Unaware		Less aware	
	F	%	F	%	F	%
Awareness about Islamic perspective	275	82.1	15	4.5	45	13.4
Awareness about Constitution	126	37.6	89	26.6	120	35.8

The table 23 indicates that the respondents of the study who were quite aware about the inheritance rights of women in Islamic perspective their frequency was 275 with 82.1% while, those who were unaware about Islamic perspective their frequency was 15 with 4.5%. The table 23 further indicates that those who were quite aware about the women's right of inheritance in constitutional perspective their frequency was 126 with 37.6% while those who were unaware about constitutional perspective their frequency was 89 with 26.6%. Those who were less aware their frequency was 120 with 35.8%.

**Table 24**  
**Correlation between inheritance right, age and age at marriage**

	r	P	N
Current age	-.113*	.005	335
Age at marriage	-.123*	.005	335

\*\* (Correlation is significant at .05 level (2-tailed))

Table 24 shows highly significant negative relation between age, age at marriage and current age with inheritance right of property. It shows that those who are in young age they are less willing for their right but those who have spent much time in martial life are more willing towards the demand of their inheritance share.

**Table 25**

**Correlation between education, awareness and decision making and income**

	<b>r</b>	<b>P</b>	<b>N</b>
<b>Education</b>	.024	.664	335
<b>Islamic awareness</b>	.049	.371	335
<b>Constitutional awareness</b>	-.011	.837	335
<b>Decision making</b>	.029	.597	335
<b>Income</b>	-.61	.269	335

Table 25 indicates that there is negative correlation between education, income and constitutional awareness, it means education ,decision making , income are insignificant to create any difference with regards to women due right of inheritance.

**Table 26**

**Reliability of different indices**

<b>Indices</b>	<b>Items</b>	<b>Cronbach's Alpha</b>
<b>Inheritance rights</b>	6	.604
<b>Belief system</b>	9	.894
<b>Proverbs</b>	11	.905
<b>Legal culture factors</b>	7	.925
<b>Social factors</b>	7	.786
<b>Purdah and Mobility</b>	7	.964

Table 26 shows reliability of inheritance rights of women that was .604 and the items included in it were six, reliability of belief system that was .894 and the items included in it were nine, reliability of proverbs that was .905 and the items included in it were eleven,

reliability of legal culture that was .925 and the items included in it were seven, social factors that was .786 and the items included in it were seven, reliability of Purdah and Mobility that was .964 and the items included in it were seven while the number of sample was 335. It shows that subscales were good to measure inheritance rights, belief system, proverbs, legal cultural factors, social factors and purdah & mobility.

**Table 27**

**Cross tabulation and chi square value between belief system and inheritance right**

Belief system		Movable	Immovable	$\chi^2$	Sig.
		(%)	(%)		
Women can't handling property matters	Yes	79	21	.392	.086
	No	76.2	23.8		
No experience in property matters	Yes	79.8	20.2	1.023	.063
	No	75.2	24.8		
Not trained in the property matters	Yes	79.4	20.6	.752	.072
	No	75.5	24.5		
Property issues are male domain	Yes	79.2	20.8	1.555	.056
	No	72.4	27.6		
Non familiarity of women with sale and purchase	Yes	80.4	19.6	3.164	.023
	No	71.8	28.2		
Men can better handle property	Yes	78.5	21.5	.658	.092
	No	73.8	26.2		
World of money belongs to men	Yes	80	20	1.356	.053
	No	74.7	25.3		
Women income is secondary	Yes	80.8	19.2	5.054	.010
	No	69.5	30.5		
Unable women to supervise agricultural production	Yes	77.6	22.4	.000	.108
	No	77.6	22.4		

Table 27 shows no significant association between movable and immoveable inheritance right of property and women can't handle property matters  $\chi^2(1) = .392, P > .05$ , women's experience in handling property matter  $\chi^2(1) = 1.023, P > .05$ , women training in the property  $\chi^2(1) = .752, P > .05$ , property issues as a male domain  $\chi^2(1) = 1.555, P > .05$ , women familiarity with sale and purchase of the property  $\chi^2(1) = 3.164, P < .05$ , men handle better property  $\chi^2(1) = .658, P > .05$ , world of money belongs to men  $\chi^2(1) = .658, P > .05$ , women income is secondary  $\chi^2(1) = 5.054, P < .05$  and women cannot supervise agricultural production  $\chi^2(1) = .000, P > .05$ . This seems to be representing the fact that women can handle the property matters by gaining experience, be trained and familiar with sale and purchase if they are given the opportunities. Furthermore women income is not secondary and they can supervise agricultural production. This is not true that world of money belongs to men only and property issues are their domain and they can handle property issues in a better way.

Table 28

Cross tabulation and chi square value between proverbs and inheritance right

Proverbs		Movable	Immovable	$\chi^2$	Sig.
		(%)	(%)		
Women, money and property is the reason of family dispute	Yes	76.9	23.1	.555	.112
	No	81.5	18.5		
Land is like a mother and it should not be distributed	Yes	78.9	21.1	.832	.076
	No	74.2	25.8		
Men are the inheritors of the family property	Yes	77.7	22.3	.011	.126
	No	77.1	22.9		
Heredity can survive with men alone	Yes	79.7	20.3	5.187	.013
	No	64.4	35.6		
Men are the rulers of the family	Yes	76.9	23.1	.759	.116
	No	82.9	17.1		
Men are the reflection of God on earth	Yes	78.2	21.8	.530	.116
	No	73.2	26.8		
Land is the recognition of the family	Yes	76	24	3.287	.030
	No	88.4	11.6		
Land is like gold	Yes	77.3	22.7	.201	.157
	No	80.6	19.4		
Land is a sustainable source in crisis	Yes	77.6	22.4	.005	.176
	No	78.1	21.9		
Land is symbol of land lordship	Yes	76.4	23.6	2.458	.053
	No	88.2	11.8		
Land is the legacy of the family	Yes	76.5	23.5	2.650	.052
	No	89.7	10.3		

Table 28 shows no significant association between movable and immoveable inheritance right of property and woman, money and property  $\chi^2(1) = .555$ ,  $P > .05$ , as land is like a mother  $\chi^2(1) = .832$ ,  $P > .05$ , men are the inheritor of the family property  $\chi^2(1) = .011$ ,  $P > .05$ , heredity can survive with men only  $\chi^2(1) = 5.187$ ,  $P > .05$ , men are the ruler of the family  $\chi^2(1) = .759$ ,  $P > .05$ , men are like the reflection of God on earth  $\chi^2(1) = .530$ ,  $P > .05$ , land is the recognition of the family  $\chi^2(1) = 3.287$ ,  $P > .05$ , land is like a gold  $\chi^2(1) = .201$ ,  $P > .05$ , land is a sustainable source in crisis  $\chi^2(1) = .005$ ,  $P > .05$ , land is a symbol of landlord ship  $\chi^2(1) = 2.458$ ,  $P > .05$  and land is legacy of the family  $\chi^2(1) = 2.650$ ,  $P > .05$ . This seems to be representing the fact that the proverbs like woman, money and property are matter of family disputes, land is like a mother, men are the inheritor of the family property, heredity can survive with men only, men are the ruler of the family, men are like the reflection of God on earth, land is the recognition of the family, land is like a gold, land is a sustainable source in crisis, land is a symbol of landlord ship and land is legacy of the family are not based on reality. These are designed to maintain the control of men on property matters.

Table 29

Cross tabulation and chi square value between legal culture and inheritance right

Legal cultural factors		Movable	Immovable	$\chi^2$	Sig.
		(%)	(%)		
Women are not trained to deal with matters in public arena	Yes	79	21	.392	.086
	No	75.2	24.8		
Interaction with lawyers and patwari is difficult for women	Yes	79.7	20.3	4.439	.017
	No	66.7	33.3		
Men can better negotiate with police	Yes	80.7	19.3	13.336	.000
	No	55	45		
Land claiming procedures are very lengthy	Yes	78.8	21.2	1.723	.062
	No	70.2	29.8		
Advice of revenue authorities in the ketchuri for transferring land is very important	Yes	79.1	20.9	2.186	.046
	No	70.2	29.8		
Women are emotional they cannot handle the legal matters	Yes	80.5	19.5	5.009	.010
	No	68.4	31.6		
Men alone can deal with procedural code of court	Yes	79.2	20.8	2.856	.036
	No	68.1	31.9		

Table 29 describes that there is no significant association between movable and immovable inheritance right of property regarding women training in the public arena  $\chi^2(1) = .392$ ,  $P > .05$ , women interaction with patwari (deals with land documentation record) and lawyers  $\chi^2(1) = 4.439$ ,  $P > .05$ , land claiming procedures are lengthy  $\chi^2(1) =$

1.723,  $P > 0.05$ , advice of revenue authorities is important  $\chi^2(1) = 2.186$ ,  $P > 0.05$ , women are emotional  $\chi^2(1) = 5.009$ ,  $P > 0.05$  and men can dealing with procedural code of court  $\chi^2(1) = 2.856$ ,  $P > 0.05$  but there is a strong association between inheritance rights of property and women cannot negotiate with police  $\chi^2(1) = 13.336$ ,  $P < 0.05$ . This seems to be representing the fact that actually women are not trained in public arena, have less interaction with patwari and lawyers and procedural codes are very lengthy that's why they are unable to deal the property matters. By providing training, increasing interaction with lawyers and patwaris and with easy procedural codes, they are able to deal with the matters. But it is difficult to negotiate with police as police structure is very much patriarchal that need to restructure the police culture.

**Table 30**

**Cross tabulation and chi square value of rural/urban division of inheritance right**

	Movable	Immovable		
	%	%	$\chi^2$	Sig.
<b>Rural</b>	71.5	28.5	8.241	.003
<b>Urban</b>	84.6	15.4		

$\chi^2(1) = 8.241$ ,  $P < 0.005$

Table 30 describes that there is a significant association between movable and immovable inheritance right of property in rural/urban settings  $\chi^2(1) = 8.241$ ,  $P < 0.005$ . It means that inheritance right of property is more practiced in rural area as compare to urban areas.



**Table 31****Cross tabulation and chi square value of dowry as pre mortem inheritance**

	Movable	Immovable	$\chi^2$	Sig.
	%	%		
Yes	79.3	20.7	4.372	.021
No	63.9	36.1		

$\chi^2(1) = 4.372, P > .05$

Table 31 describes that there is a significant relationship between movable and immoveable inheritance right of property regarding dowry as pre mortem inheritance  $\chi^2(1) = 4.372, P > .05$ . This seems to be representing the underlying fact that dowry is considered as pre mortem inheritance.

**Table 32****Cross tabulation and chi square value of gold jewelry as pre mortem inheritance**

	Movable	Immovable	$\chi^2$	Sig.
	%	%		
Yes	80.3	19.7	10.574	.001
No	57.5	42.5		

$\chi^2(1) = 10.574, P < .05$

Table 32 describes that there is a significant relationship between movable and immoveable inheritance right of property regarding gold jewelry are pre mortem inheritance  $\chi^2(1) = 10.574, P < .05$ . This seems to be representing the underlying fact that gold jewelry is considered as compensation for inheritance right.

**Table 33**

**Cross tabulation and chi square value of money on different occasions such as marriage and death**

	Movable	Immovable	$\chi^2$	Sig.
	%	%		
Yes	80	20	7.086	.006
No	62.2	37.8		

$\chi^2(1) = 7.086, P > .05$

Table 33 describes that there is a significant relationship between movable and immoveable inheritance right of property regarding money on different occasions  $\chi^2(1) = 7.086, P > .05$ . This seems to be representing the underlying fact that money on different occasions such as marriage and death is considered as substitute for inheritance rights.

Table 34

## Cross tabulation and chi square value of social factors and inheritance right

Social factors		Movable	Immovable	$\chi^2$	Sig.
		(%)	(%)		
Woman voluntarily give up her right due to love and affection of the family	Yes	78.3	21.7	.360	.103
	No	75	25		
Women have family pressure for transferring their land to the family	Yes	79.2	20.8	1.555	.056
	No	72.4	27.6		
Safeguard her parental family relations	Yes	78.6	21.4	5.461	.624
	No	50	50		
Financial assistance in crisis	Yes	78.2	21.8	.886	.115
	No	70.4	29.6		
Protection in bad occasions	Yes	78.3	21.7	.674	.114
	No	72.2	27.8		
Protect family honor	Yes	77.6	22.4	.005	.159
	No	78	22		
Maintain status within in-laws	Yes	77.8	22.2	.179	.193
	No	73.7	26.3		

Table 34 shows the results of no association between social factors and voluntary give up right out of love and affection  $\chi^2(1) = .360$ ,  $P > .05$ , family pressure  $\chi^2(1) = 1.555$ ,  $P > .05$ , safeguard parental family relations  $\chi^2(1) = 5.461$ ,  $P > .05$ , financial assistance in crisis  $\chi^2(1) = .886$ ,  $P > .05$ , protection in bad occasions  $\chi^2(1) = .674$ ,  $P > .05$ , protection of family honor  $\chi^2(1) = .674$ ,  $P > .05$  and maintaining her status within in-laws  $\chi^2(1) = .179$ ,  $P > .05$ .

In reality once the inheritance property is given up, it is not essential that she is being protected in crisis.

**Table 35**

**Cross tabulation and chi square value of monthly expenditure of household items**

	Movable	Immovable	$\chi^2$	Sig.
	%	%		
<b>Yes</b>	77.9	22.1	.313	.567
<b>No</b>	77.2	22.8		

$\chi^2(1) = .313, P < .05$

Table 35 describes that there is no significant difference between movable and immovable inheritance right of property regarding monthly expenditure for household items  $\chi^2(1) = .313, P > .05$ . This seems to be representing the fact that women decision making regarding the monthly expenditure for household item does not make any difference for decision regarding inheritance rights.

**Table 36**

**Cross tabulation and chi square value of spending on your personal needs**

	Movable	Immovable	$\chi^2$	Sig.
	%	%		
<b>Yes</b>	77.5	22.5	.006	.119
<b>No</b>	77.9	22.1		

$\chi^2(1) = .006, P < .05$

Table 36 describes that there is no significant difference between movable and immovable inheritance right of property regarding women spending on personal needs

$\chi^2(1) = .006, P > .05$ . This seems to be representing the fact that women's autonomy regarding for spending on personal needs does not make any difference for her share in the inheritance.

**Table 37**

**Cross tabulation and chi square value of children education**

	Movable	Immovable	$\chi^2$	Sig.
	%	%		
<b>Yes</b>	77.9	22.1	.313	.567
<b>No</b>	77.1	22.9		

$\chi^2(1) = .313, P < .05$

Table 37 describes that there is no significant difference between movable and immovable inheritance right of property regarding women decision making in children's education  $\chi^2(1) = .313, P > .05$ . This seems to be representing the fact that women decision making role in children's education does not guarantee her decision making power in the inheritance right.

**Table 38**

**Cross tabulation and chi square value of children's marriages**

	Movable	Immovable	$\chi^2$	Sig.
	%	%		
<b>Yes</b>	77.8	22.2	.004	.104
<b>No</b>	77.5	22.5		

$\chi^2(1) = .004, P < .05$

Table 38 describes that there is no significant difference between movable and immovable inheritance right of property regarding women decision making in children's

marriage  $\chi^2(1) = .004$ ,  $P > .05$ . This seems to be representing the fact that women do not have effective decision making role in the children's marriage.

**Table 39**

**Cross tabulation and chi square value of purdah and mobility with inheritance right**

Purdah and mobility		Movable	Immovable	$\chi^2$	Sig.
		(%)	(%)		
Women should go local bazar along with men	Yes	76.4	23.6	.217	.094
	No	78.5	21.5		
Good women should stay at home	Yes	74.8	25.2	1.221	.057
	No	79.9	20.1		
Women primary role is to perform household chores	Yes	74.7	25.3	1.751	.044
	No	80.7	19.3		
Women should go to family functions along with men	Yes	73.9	26.1	2.362	.032
	No	80.9	19.1		
Women should go to doctor along with men	Yes	74.7	25.3	1.356	.053
	No	80	20		
Women have to maintain family honor	Yes	74.1	25.9	2.260	.034
	No	80.9	19.1		
Women should visit field along with men	Yes	75.1	24.9	1.885	.042
	No	81.5	18.5		

Table 39 describes that there is no significant association between movable and immoveable inheritance right of property and women's mobility in local bazar alone  $\chi^2(1) = .217$ ,  $P > .05$ , women should stay at home  $\chi^2(1) = 1.221$ ,  $P > .05$ , women should

perform household chores  $\chi^2(1) = 1.751$ ,  $P > .05$ , women presence at family function along with men  $\chi^2(1) = 2.362$ ,  $P > .05$ , women visit doctors along with men  $\chi^2(1) = 1.356$ ,  $P > .05$ , protection of family honor  $\chi^2(1) = 2.260$ ,  $P > .05$ , women field visit along with men  $\chi^2(1) = 1.885$ ,  $P > .05$ . This seems to be representing the fact that women move in markets alone and attend family functions without men and maintain all traditions that are relevant to family.

**Table 40**  
**Cross tabulation and chi square value of kind of dowry**

	Movable	Immovable	$\chi^2$	Sig.
	%	%		
<b>Furniture</b>	79.3	20.7	6.108	.075
<b>Utensils</b>	87.7	12.3		
<b>Both</b>	73	27		

$\chi^2(2) = 6.108$ ,  $P < .05$

Table 40 describes that there is a significant relationship between movable and immovable inheritance right of property regarding kind of dowry at the time of marriage  $\chi^2(1) = 6.108$ ,  $P > .05$ . This seems to be representing the fact that dowry is considered as one of the factor for the compensation of her inheritance right.

**Table 41**  
**Cross tabulation and chi square value of Islamic perspective**

	Movable	Immovable	$\chi^2$	Sig.
	%	%		
<b>Quite aware</b>	74.5	25.5	8.341	.000
<b>Unaware</b>	93.3	6.7		
<b>Less aware</b>	91.1	8.9		

$\chi^2(2) = 8.341$ ,  $P < .05$

Table 41 describes that there is a significant relationship between movable and immoveable inheritance right of property regarding awareness about Islamic perspective  $\chi^2(1) = 8.341$ ,  $P > .05$ . This seems to be representing the fact that women are quite aware about her due share which is given to them by Islam.

**Table 42**

**Cross tabulation and chi square value of constitutional awareness**

	Movable	Immovable	$\chi^2$	Sig.
	%	%		
<b>Quite aware</b>	76.2	23.8	2.186	.472
<b>Unaware</b>	83.1	16.9		
<b>Less aware</b>	75	25		

$\chi^2(2) = 2.186$ ,  $P < .05$

Table 42 describes that there is no significant difference between movable and immoveable inheritance right of property regarding awareness about constitutional perspective  $\chi^2(1) = 2.186$ ,  $P > .05$ . This seems to be representing the fact that women do not have awareness about constitutional provisions regarding inheritance rights.



## 4.2 Discussion

The study intended to find out the factors affecting the inheritance rights of women in the locale of the study. Whether the socio- cultural factors have relationship with inheritance rights of women and how these factors are creating hurdles in the way of women for getting their due share in the property of her father. The data was collected from two districts. The 158 self-structured close ended interviews were conducted in the Gujarat District while, 177 interviews were conducted in Sargodha District. The interviews were conducted both in urban (156) and rural (179) settings. The results indicated that in rural area control over women right to inherit property is higher as compared to the urban area. Similarly, the situation of women's right to own property is more strictly practiced in the Gujarat District while on the other hand there is a little bit flexibility in the District Sargodha regarding the transferring of the women right to own property. The socio economic background of the participants includes, the mean age of the women in the study that was 40 years and mean duration of their marriages was 19 years (see table 7).

Further, it was an interesting finding to note that current age and age at marriage has significant relationship with inheritance rights of women (see table 24). It shows that those who are younger at this stage they feel reluctant for demanding their right of inheritance but those who are elder in age they are more inclined toward demanding their right of inheritance in the landed property of her father.

Further, the occupations, income, family type of the couples were also included in the demographic variables of the study. The ratio of women was 79.4% in the category of home makers and men higher ratio was 22.4% in the category of farmer (see detail in table 5). The different socio economic classes were part of this study and their income ranges were very diverse. There was a higher number of the study sample of those who live in the joint family system (173) and less proportion (162) of those who live in nuclear family setup (see table 11). It is interesting to note that in categories of foreign job, own business and farmers women were invisible and they are not working in these professions. This reinforces the ideology of gender stereotypical roles where women have specific field for work. Even though in different parts of the country they worked as farmers but in these two districts women were not working in the fields because these are not their expected fields as per the society standards.

Moreover, in the category of unemployment the trend is same since like centuries that men are breadwinners so they cannot remain unemployed and only women unemployed frequency is there.

It is a society expectation forms them that they must have to do some work. The unemployment frequency of the women was 19 with 5.7%. While as per patriarchal standards the women as home maker frequency was 266 with 79.4%. It is our societal construction that men cannot look after the household chores and this is considered a prime responsibility of women. This figure of women as home maker reinforces the picture of ideal femininity. It was interesting finding that usually the income is considered as the key determinant for household but here situation is totally contradictory

where by income has non-significant relationship with inheritance rights of women (see table 25).

It illustrates that it does not matter whatever the economic circumstances may be there is no possibility of transferring the family property to women because when during the field work researcher probed those women they said we do not need property, then one of the woman said; *“ I am happy in my in-laws and have sufficient resources, so I do not need to demand from my brothers, those who are no rich they claim for that. ”*

However, the situation is totally changing in case of brother either rich or poor they are not willing to transfer their property to their sisters because it was a held belief in the field that whose demand this right they are basically not good women and they are unhappy in their- in-laws . So they destroy the piety and worthiness of their ancestral relationship.

In addition to that, the education of both husband and wives were divided in to four categories such as illiterate, primary secondary, and higher education. As for as education as a demographic variable is concerned, it has non-significant relationship with the inheritance right of women. As it has been indicated in (table 25) it shows that in these two districts education had no link with the women's right to inherit property. It means that right of education has come over their way due to social change and opening opportunities in the villages and cities. If they are educated it is a routine matter for them which are not shaking the institution of patriarchy. It is rightly said by Bhasin in (2000) educated women are subordinated in a different way as perhaps education does not

guarantee acquiring of rights. Similarly, there is non-significant relationship of inheritance right that exist with decision making.

It depicts that those who were quiet and less aware there is not much difference between them. It means that it does not matter either women have autonomy in household expenditure, children's education or personal needs. She cannot dare to play role in the decision making regarding her due share in the property.

Further, the participants of the study have no familiarity with constitutional right of women to inherit property (see table 23). It means that there is less targeted sample which is totally unaware about constitutional provisions regarding the inheritance rights of women but on the other hand, there exist a significant relationship regarding women awareness of Islamic perspective.

The sample of the study for those who were less aware about the women's right of inheritance in Islamic perspective its frequency was 45 with 13.4%. it shows that as it has been mentioned in the different researches conducted by the SDPI( 2008) , AWAZ (2010) and NCSW (2007) which also indicated that theoretically people do have an awareness about women's right in Islam but in practice there is a contradiction . For instance, study conducted by NCSW it is mentioned that even they are aware about her right in shariah but they said shariah should be implemented across the country so that women will also be able to get her share in the inheritance of deceased father .

But it shows that having all sort of awareness still there is no difference between unaware and aware women as it is also indicated by the results of the education that there is no role of decision making in this matter. It shows that cultural ideologies are stronger

and their impact is greater as compared to the education, awareness and decision-making power because as per Agarwal statement she does not have bargaining power. She always becomes the victim of patriarchal bargaining from the weaker position in the society.

The institution of the patriarchy and power structure impede women to play an active role in decision making where as it is already discussed that in unitary household models decision are made by the head of the household's where women is not defined as individual. Moreover, in the patriarchal family structure this power of decision making is not shifted to the women. During the field work researcher observed that one of the woman respondent said that; "*Man thinks he is more wise, and has wisdom, so he can do better decisions.*"

Notably, the women awareness about their legal and constitutional right is also linked with decision making power of women. The mean and frequency of Islamic and constitutional rights awareness indicated that most of the women in these districts were familiar with Islamic perspective and even though percentage of constitutional awareness also does not have major difference about their claims in the inheritance rights because they have internalized the thing that right is that which is told by their parent's and beyond that they cannot think. Their patriarchal symbols decided their limit in private sphere which can be referred as within four walls of the house. She is always considered to be the mercy of father, brother and husband, only the nature of relationship with these patriarchal symbols are changed before marriage she has to obey father and brothers and after marriage she has to obey the husband. They have solo authority over women's life

as decision makers in every aspect even though the decision of mothers stand nowhere at the time of her daughter's marriage as per data results indicated that (see table 38).

In addition to that, the ratio of married women was higher as compared to the widower in these two districts. This research found only two categories of women in these two districts.

Further, that in these two districts mostly marriages are arranged with the cousins and they are arranged by the parent's choice (see table 12). It shows that in the research locale of the study the trend of arranged and cousin marriages are more prevalent. It has close relationship with deprivation of the right of property.

Faud in (1970) argued that the types of marriage help to keep landed property within the family and cousin marriages are considered ideal. It is considered to be an honor to be married to a first cousin. As it is one of the field observations of the research when researcher probes them then most of the respondents replied that. '*there are few chances of martial dispute if girl's is married with her cousin and we can intervene but in case of outside the family there are little possibilities of negotiation in case of any conflict*'. Further, according to Deer and Leon in such marriages property remains within a close group of persons bond to one another by various adherences through cousin's marriages the property stay in natal families, if a sister marries of the kin unit or village, she is deprived from the inheritance in the forms of land. It means that women's right of inheritance in the form of landed property is snatched from her by masked reciprocity (Concept of Rosen fled) through arranged marriages within the natal kin and cousin marriages. The idealism of these marriages is maintained through proverbs and

construction of belief system. For instance, “apna maraiya tayh, chivan studa da vehy” It means if your own relative will harm you then it is not dangerous like that if strangers harm you.”

As it is indicated above that cousin and within the family marriages are arranged for the purpose of manipulating her right of inheritance. According to bargaining approach in the family decisions are made on the basis of bargaining power of the each member of the household. The bargaining power of the members depends upon the several factors regarding the member position in the family. But when the decisions are made in the household on the basis of unitary model (as it is mentioned by Amrty sen's) where patriarchal heads have strong role in the decision making where women bargain power is already weak that is why; the frequency of the parent's choice is higher as compared to other categories where in case of both parent and own choice percentage is minimum but as per discussion above in where there is a involvement of the parent's there is no chance of getting immoveable property but where the results show little percentage of the choice marriage where woman demand her right of inheritance at any time throughout her life. Further, in case of relative and parent's choice there are also few chances to inherit the landed property because her bargaining power indicate one factor which is related to the social approval of that decision as it is mentioned by Bina Agarwal. In case of relative choice the social approval comes in the forms of relative adherence or conformity of this decision which they exert with parent's choice. At the time of girl's marriage dowry is also very much essential part of the marriage custom in the Punjab. As the result indicated that dowry at the time of marriage is considered as a

compensation for her right of inheritance (see table 31) which is one of the key hurdle in her due share to own property.

Most of the girls' received the moveable share in the property of her father at the time of their marriage's while but the immoveable share is already skewed which can be available in the form of home or plot but there are rare chances for getting the piece of land at time of marriage particularly if the father is alive at the time of daughter marriage. It is a trend in the patriarchal societies that land or wealth cannot be transferred in the life of the fathers, everything is distributed after the death of the father. When the question was asked during the survey about what type of share they got from the property of their father, the replies indicated that 260 women got the share in moveable property. It shows that those who got the immoveable they were only 7 in numbers and those who had both its percentage is 20.3 % in the area of this study.

Therefore, I have a strong disagreement with Engel's on one point although he presented a remarkable historical notion of women subordination but where I disagree pint is that I think independent property right is necessary to question women subordination, because only the ownership is not important until or unless woman does not have efficient control over it. It means that there is much manipulation because as indicated above the frequency of the deal father is 180 and according to the legal provisions after the death of the father property is automatically transferred but in these two districts this is not the case.

Although during the field work researcher observed that one of the woman mentioned that, '*after the death of parent's they did not bother to offer any dinner or*



*meal when I go to visit my brothers home and how they can give me the due share in property''?* It means that somewhere in their minds there is a realization that situation is not very much favorable for them even though she has transferred her right of ownership to brothers. As has been revealed in the review of literature that 20% of the respondents do believe on automatic transfer if not directly then through her children's as it means that woman does not have individual identity. She is always defined as relation to men's households in the form of patriarchal symbol. It is considered normative in patriarchal societies either she got directly or through her children's.

In these two districts sample of this study reveals that although those who got cattle's and livestock their ratio is higher in the district Sargodha because there most of the people are directly or indirectly involved in the agricultural activities but those who did not mostly they fall in to other district.

Further, it shows that in these two districts of the study there is a prevalent tradition that daughter's or sister's received jewelry at the time of marriage but it depends upon the income group to which they belong.

However, the ratio is higher of those women who only got the moveable, it means that they have got her share and now she will never eve in her life will demand for the moveable property because it socialization dictates her that her parents had spent huge amount of money at her marriage .

Here the discussion is about that those 68 who responded in yes meaning they got the piece of land. After the death of the father it has automatically been transferred

although there is a big gap because the frequency of deceased father is 180 but land is registered only in the names of 68 women.

However, the reason of this imbalance is that mostly names of the girls are not included in the registration process. Moreover, as revealed by participatory development initiative study in Sindh 2011 that, it is unbearable for men to see the woman as land owner although women's are bearing the domination of men since from centuries as patriarch. *"men often assert claims over land /property held in the names of females relatives," it is called Benami (proxy) transaction in which property is transferred to one person for a consideration paid or provided by another'* These sorts of manipulation is being done in order to satisfy the fear of transferring property to the sisters and daughters.

In case if brothers and fathers did not agree to distribute the property to her sister or daughter then it means that in the family one of the bargaining factors is the social legitimacy of her claim in the property as it is said by Folber (1988) and Kabeer (1991) that social legitimacy mean is accepted in the family, kinship, cast and that community. It means that she did not get because there is no social acceptability for such a claim.

But other common justification which dictates to women that she got compensation throughout her life on different ceremonial occasions. When the girl visits their natal home, they should not be send '*khali -hath*<sup>2</sup>', or with empty hands back to their husbands. There is a strong relationship of money on different occasions such as marriage, death and ceremonial occasion which is considered as pre mortem inheritance

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<sup>2</sup> Empty hand

(see table 32, 33). On the other hand, where they leave their share because brothers are dear to them and inheritance claim is considered immoral.

During the field work researcher observed that one of the respondent remarked that, ‘‘ *in emotion woman lost her thinking sense and transferred her piece of land to her brothers’ and father’s.*’’ The few of the respondents said that it is immoral and contradictory to our custom. There were similar feelings observed by the researcher that few of the respondents said that, ‘‘ *those who demand her right to inherit property, they are not sisters, they are witches*’’. Those who considered that it is right of brother actually they do not have realization about reinforcement of the societal tradition, a custom which society dictates to maintain and reinforce patriarchy. When it is referred as family matter then it also endorses the patriarchy because it’s all about family politics but the women are living in the false consciousness because women’s right to inherit property can be family matter but land itself is a political matter due to associated factors of power and status .

As it has been indicated (in table 20) that after the death of father those who got inheritance right automatically but now after few years of father death they afterward relinquished it by themselves in favor of their brothers. It shows that those 68 got it by chance, then they abundant it again in the favor of patriarchal symbols such as fathers and brothers in order to secure her protection as is said by Veena Das in her study that brothers are considered to be responsible for sisters. As it has been mentioned (in table 19) that women considered it as right of brother and immoral to take away from him then at the end if after father death it is transferred then she herself made a sacrifice for him. A

few thinks that it was small piece of land and we do not want to put our brothers in the trouble.

As a consequence of belief system relationship with inheritance rights (land) of women (see detail in table 27) shows that there is non-significant relationship of all these prevalent belief systems. These belief systems have direct relationship with women's right of inheritance but these beliefs are used as controlling tactics at primary group such as family and community in the form of private patriarchy. At family level it is taught that women are weak, they cannot handle the property matters, and men can handle these in a better way.

In addition to that, world of money belongs to men only, women do not have training and experience. These notions are endorsed even by the women. Due to this patriarchal mindset which can be referred as form of classical patriarchy where women accepted that they are not familiar with sale and purchase of the property.

On the other hand, through proverbs the significance of land as powerful structure is reinforced and maintained. Through traditional proverbs construction of patriarchy is strengthened. This structure is explicit of the fact that woman, money and the property is the reason of family disputes, land is the legacy of the family, men are the inheritor and heredity can survive with men alone.

Being accustomed of these proverbs and sayings people are not ready to think out otherwise and it is considered as a universal truth for them it can be referred to as "doxa" a term used by French sociologist Bourdieu, which means that these tradition are unquestionable. A good deal are wrong doings justified in the name of tradition. For

example as has been indicated (in table 19) the reasons for not taking the share, usually women response was that this is against our custom and they feel ashamed of to demand and take that right. Thus it is patriarchal bargains as opined by Deniz Kindoyti because through these proverbs gender subjectivity is maintained and a woman taught the same throughout her life then in response she shows submissiveness and passiveness.

Consequently, she did not demand her right by saying that it is right of brother (s) because she is socialized as such to please their patriarchal symbols throughout her life in order to fulfill the criteria of being an obedient daughter and sister. For example during the field work observation researcher noted down that one of the respondent mentioned that; *“ woman other name is sacrifice ”*. Similarly one of the woman dweller of chak 26 sb said; *“ I think i should not claim my share from the property of my father. I will never take it. My brother deserves it more than me and they have the first right.”*

Another commented it is custom and our tradition that land is like a mother it should not be distributed, men are like the reflection of God on earth. This all enriches the growth of patriarchy in the Pakistani society. Moreover, these beliefs are wide spread in the form of powerful cultural dogmas and become the norms for the women and for setting the future trends for women as well. one of the respondent said that ; *“ even if there comes a hard time, I will never ask for my land because it is considered as good by the people and my mother has also done the same. ”*

This is a good example of classic patriarchy where internalization of these form of customs and traditions are maintained through senior women e.g mother as well in the family structures where manipulation strategies are employed to control the intra house

hold bargaining power. Notably in our culture it is a trend that mostly daughter gets the furniture, jewelry and utensils. (table 21). However, the price of the dowry showed that there is a huge gap in the market value of the piece of land and that of dowry. Anderson has mentioned that there exist similarities between the payments given to daughters and inheritance to sons. I disagree with Anderson in this context, the findings of present research study proved that the price of dowry as mentioned earlier (Ref: table 22) has no match with the price of land.

According to the sample size of this research in which duration of the women marriage was included indicated that those who were married 30 or 40 years ago then price of furniture and utensils was not more than Rs 500 or 1000. It means she bargained from a weaker position. Now the price of land has doubled but on the other hand, the items she got that time in the form of dowry they have become almost worthless due to depreciation, if she sells this furniture and utensils then she will not get the payment equal to piece of land which she has voluntarily left in favor of their brothers (Ref; table 34). Thus dowry is used as a substitute for the inheritance right of women.

However it is thought that she has withdrawn her will and she herself happily did it. Foucault opined that we have internalized all these norms and practices by hidden pressures but we think we are doing it willingly. This has also been revealed in the findings of the social factors relations with regard to inheritance right of women that although in the above questions they said we are happy to transfer our right to brother but results showed no difference of social factors with inheritance rights.

Although sisters transferred their share in love of their brothers yet, they do not have any hope of support from them in bad occasions and in case of financial crisis. Brothers might do whatever is in their capacity however when it is the question of land distribution then she herself accepts that the worthiness of their relations will end.

There is no relationship of inheritance with family pressure; it means it is not obvious. But on the other hand, one of the respondent during the field work revealed and commented “ *there is no alternative for blood relations, woman can remarry and give birth to the children’s, but brothers are born once in a life* ”. In addition to that results show that there is no significant relation regarding safeguard of her parental family relations but still she forgoes her due right, as one of the respondent said that ; “ *when I visit my brother home, he did not ask for meal, how I can think he can give my due share in property.* ” The dowry and money on different occasions paves the ground for women voluntarily with drawl from her due share. It means that gifts which are given at the time of marriage and on different occasions they are masked gifts and in turn brothers expect that sister will leave her due share for them. The result of this study indicated that there is strong relationship of these factors with each other as controlling tactics for the justification of the patriarchal structure. Those women who have some acre of land are subordinated in different ways.

On the other hand, in the public places the social control is maintained through legal structure by utilizing the law enforcing agencies such as courts, ketchuri etc. The present research also revealed that purdah and mobility is a class based factor in a traditional society like Pakistan. However there are other factors as well which are used to hamper

the women interaction at public place besides purdah and mobility. The result shows that there is a significant relationship of common notion that good women stay at home and a women's primary role is to perform household chores with inheritance right of property. Although result table shows that there is no significant difference between women visit to doctor, field and local bazar (Ref table 39). Yet, it indicates that she can move alone at these palaces but patriarchal psyche still reinforces that her primary domain is private sphere.

Purdah and mobility is more linked with lower and upper class divisions also has been mentioned by Lydia Sargent about class and patriarchy, One of the respondent in the field who have big land holding said; '*there is no harm in going bazar alone and visit doctor but it is not considered good in our family, I go with my husband, we have to protect our honor*'. When one climbs the upper ladder and rank of the hierarchy then he first restricts the mobility of women. But where the women belong to the low economic strata they do not bother mobility issues. It shows that for maintenance of the patriarchal structure the fear of the public sphere is created. It is taught since from the childhood that family honor is associated with the woman thus she has to maintain herself. It is common trend of the patriarchal societies that burden of customs, traditions, norms and values having different names like purdah, mobility are always put on the shoulders of the woman. She has to sustain the pressure of acceptance and rejection from the society which is dangerous for her individual growth.

Wallaby endorsed it saying patriarchal structure inferorised the psychology of women by limiting her choices and restricting her mobility. The rights for these women are those



which are told and allowed by their parents. Their socialization and training tell them about their limits. There is no concept of individual rights of those women who are victim of the private patriarchy.

In view of above discussion it can be safely concluded that in the family structure control is maintained through gender specific socialization where the decisions of resource distribution and decision of marriage are solely made by the head of the household under the unitary model of the household. This family politics is maintained through the customs, proverbs and different belief system where dowry is also used as a subjective tool for compensation. Present research sample reveals that only 2% women have the immoveable property but men have still the fear and insecurity how the public patriarchy can be strengthened for punishing her if she claims her right through law enforcement agencies therefore, they create a powerful male dominated legal culture which does not treat women equally. Males victimize them through lengthy procedures and manipulation in the land revenue records through corrupt officials such as Patwari which is one of the key personnel in this matter. The result indicates that interaction with lawyers and patwari is much difficult for women (Ref table 29).

On the other hand, there is a significant relationship of property matters such as negotiation with police. It has also strong influence of the patriarch thinking that men can better deal with procedural code of court because the strong legal culture in the form of law enforcing agencies try to control the women through corrupt legal culture. The women are not considered there fit to sue legal claims. They (women) are always labeled as emotional.

As the data of this research indicated that there is a strong relationship of entire web of legal infrastructure which pushes women's back in to the private sphere. During the field work one of the respondent commented ' ' *those women who approach court for their right they are of loose character, court is not good for her reputation.* ' ' This comment sufficiently reveals that patriarchy has strong roots in our structure and culture at family, community and state level which has been articulated in our private and public life thus limiting the women to their age old traditional boundaries.

## **CHAPTER V**

### **SUMMARY, CONCLUSION and RECOMMENDATIONS**

#### **5.1 SUMMARY**

The present study explored the relationship between socio-cultural factors and inheritance rights of women and factors affecting the inheritance rights of women.

The sample of 335 was selected on a simple random technique from the two cities of Punjab namely Sargodha and Gujarat. The 158 structured interviews were conducted in the Gujarat District while, 177 interviews were conducted from the Sargodha District.

The interviews were conducted both in urban (156) and rural (179) settings. The sample size of 296 married and 39 widower women from Sargodha and Gujarat were interviewed of those who were willing to participate in the study after the brief description about the objectives of the study. The questionnaire was constructed through review of literature and getting opinion from the subject experts on women's issues. The survey research method was employed to collect the information from the participants. Based on the objectives and hypotheses stated for the study, correlation, t-test, and binominal and chi square data analysis techniques were used.

The socio economic background of the participants includes, the mean age of the women in the study that was 40 years and mean duration of the marriage was 19 years. Almost 50.1 % women were living in joint and the 48.4% were living in the nuclear families.

The education of the husband and wife has not much difference; the illiterate women were 20.9% and 6.3% men were illiterate. The women participated in the study (20 %) were working for a wage outside the home and 80 % stayed at home and performing the household chores. The men occupation ratio was higher in the government job (28.7%) and in other category of farmer men ratio was (22.4%). The arrangement of marriage was found in these two district was cousin (126) and (179) arranged marriage. Generally marriages are arranged by parent's choice in these two districts. Only one or two cases were found where women got married by their own choice.

Almost 98% women in the current study do not have right to inherit property from the parental family in the form of landed property. There is interesting finding that from 335 sample size 20.3% are those who got inheritance after the death of their fathers, but after few years they themselves voluntarily withdrawal in the favor of their brothers. The only 2% has the right of inheritance in the landed property.

The findings revealed significant relationship between current age of the respondents, duration of marriage. There was a strong difference in the rural areas in practicing right to own property as compared to urban areas. The findings of the study revealed that there exists a patriarchal structure in the roots of the society where women subordination is emerged in the agrarian society due to complex division of labor, norms governing gender roles and hierarchies.

Pakistan is an agrarian society where land bearing has a strong hold and this power structure strengthens the patriarchy. At the household level private patriarchy is maintained through socialization, where male solely is considered the head of the family.

The collective decisions on the basis of each one bargaining power in the family are decided where women secure her fallback position by relinquishing her right to inherit property in the favor of their brothers. This power structure is maintained through different belief systems and proverbs which ensure the legitimacy of the any of the social claim in our society. The women are marginalized in getting their inheritance right due to the societal unacceptability of her claim in the landed property of her father. The other instrument of control is the dowry which is used as a convenient excuse for women's right to inherit property. She saves her relations if she demands inheritance then she has no chance to see her brother's again. Even though women said if they are happy to give us then we do not have any objection. The one of the controlling tactics used by men is mobility and purdah in order to extend his patriarchal domain. It means that she has been taught by the society that if she claims her right through legal procedures then she is not a good woman and there is no acceptability for such claims in the private as well as in the public sphere. She is victimized in form of public patriarchy. She has to fight at two grounds parallel with each other. The discriminatory practices such as attitude, belief system, proverbs and traditions have adverse effects on women's status. Women are being groomed to be submissive to their elders and hence they do not speak but if she dares to speak than another battlefield in the form of public institutions is there to squeeze her. Even if they endeavor to do so, then legal culture and judicial framework handicap them and ultimately she articulated the patriarchy.

## 5.2 CONCLUSION

The conclusions drawn from the study are that only 2% women in these two district having the ownership of the inheritance right in the form of immoveable property while only 62% are belong to those category which are compensated through moveable property in the form of furniture, utensils, gold jewelry etc. tin addition to that, 22% of the women were fall in that category those who got automatically after the death of her father and from these 20% voluntarily relinquish in the favor of their brothers. The result of T test shows that there is a strict hold of patriarchy in the Gujarat district as compared to the Sargodha district where people are not too stiff in transferring the share to women in the immoveable property. In addition to that t test also indicates that in rural areas there is much strong patriarchal resistance as compared to urban areas regarding the inheritance rights of women. Pearson correlations showed significant correlation between current age of the respondent and age at marriage. it means that those who are new in their martial life they are reluctant to demand their share in their parental family, on the other hand, those whose martial duration is consist of more than 20 or 30 years , they were more inclined towards demanding their share in the father 's property. The education of the respondent and inheritance rights of women showed highly significant negative correlations. It means that education has come in their way as the process of social change which is not creating any difference regarding the women's struggle for their right to own property. Moreover, education, awareness and decision making have strong negative correlations with inheritance right of women. The family income and inheritance rights of women have non-significant relationship with each other.

Further bivariate analysis of socio cultural factors including belief systems, proverbs, legal culture, and dowry as substitute for inheritance, purdah and mobility were also found significant relationship in explanation of the inheritance rights of women.

However, socio- cultural factors are embedded in the patriarchal structure of the family which socialize men and women in their gender subjectivities since from the hundred centuries which reinforce the patriarchal structure through adherence of patriarchal symbols ( father, brothers, husbands) , and multiple traditions, belief systems etc. In this vicious circle of control and ownership dowry is used as manipulation strategy for encouraging women to forfeit their right to inherit landed property from the family because she wants to live in the cooperative environment and does not like to enter in the conflicting situation by demanding her due right because otherwise her relations are at stake.

Women are fighting at two grounds one is private and other is public if she dares to challenge the private sphere and come out for justice in the public sphere than male dominated legal culture pushes her back in to the private sphere. The present study analysis indicates that today change will require simultaneous struggle for property, for norms governing gender roles and behavior towards gender sensitization of public decision making authorities. It will mean contesting the existing hierarchical character of gender relations, within and outside the household based on highly unequal access to women and men to economic, political, and social power. Government have a had diplomatic per forced way of dealing with the international commitments. There is no institutional mechanism and infrastructural support to address the effective

implementation of legislation or the piece meal initiatives. In spite of all strategies and priorities by various governments, yet female have been discriminated and marginalized.

## **5.3 RECOMMENDATIONS**

On the basis of conclusion, recommendations are suggested at two levels:

### **5.3.1 Research**

Replication of the study can be done by exploring new cities in Punjab and further it can be replicated at Pakistan level so that results can be generalized to the whole population.

New area of research can be explored by including men perspective because this study was only limited to women.

The future research can be done on the state interventions at the public level.

In addition to that, in view of the findings of this study it can be recommended that future research should need to done at control of ownership where in-depth interviews or case studies of those women should collect who alone as head manage the land, mortgage and how they are dealing with public sphere for example, if she wants to sell that or she wants to construct a building what sort of hurdles are created in her way through middle man or the property dealers. All these factors need to explore in the further researches



### **5.3.2 Policy making**

The results of the study indicated the following steps as future discourse for policy makers;

1. There should be legislation to ensure that women's share in all properties and assets required join entitlement for any mortgage or financial support
2. There should be one provision in the law that 30% registration fee will waive if the land is registered in the name of women
3. There is need to develop the computerized system of database for the registration of the families in their respective union councils
4. There is need to build a liaison between land revenue department and union council where Nikkah is registered
5. The Government, media and civil society should use media extensively in local language for increasing awareness about Islamic and constitutional perspective of inheritance rights.

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# **International Islamic University**

## **Informed Consent Performa**

My name is Rabbia Aslam and my registration number is 12-FSS/MSSOC/F08. I am student of MS Sociology at International Islamic university. I am conducting my research study. The purpose of the study is to explore the socio-cultural factors affecting the inheritance rights of women.

You are included in the sample of the study on the basis of random sampling technique. I will use this information for writing a research dissertation which is required for partial fulfillment of MS degree in Sociology.

I assure you that all information will be kept confidential under the academic research ethics.

Your names will not be included in the research study and overall result will be shared with my supervisor.

I will be highly obliged to you if you could kindly spare some time for it and make it convenient for me to conduct the interviews.

Thanking you

Researcher

Research Supervisor



## **List of Abbreviations**

UDHR	Universal Declaration of Human Rights
CEDAW	Convention on the Elimination of all forms of Discrimination against women
ICSECR	International Covenant on Social, Economic, and cultural Rights
ICSPCR	International Covenant on socio- political and cultural Rights
ICERD	International Covenant of Elimination of all forms of racial Discrimination
MFLO	Muslim Family Law ordinance
CDP	Community Development Project
SDPI	Sustainable Development Policy Institute
UNDP	United Nations Development Programs
PDI	Participatory Development Initiatives
PRHS	Pakistan Rural Household Survey
FAO	Food and Agricultural Organization
NCSW	National Commission on Status of Women
HRCP	Human Rights Commission of Pakistan

International Islamic university, Islamabad  
Department of Sociology  
Socio-cultural Factors affecting the Inheritance rights of Women

Name of the village/town\_\_\_\_\_ Name of the District\_\_\_\_\_

1. What is your current age? ( in completed years)
2. What type of schooling you had?  
i. Formal ii. Non-formal iii. Madrasa
3. What is your Education (year of schooling)
4. What is your marital status?  
i) Married ii) Widow iii) Divorcee iv) Separated
5. What was your age at marriage?
6. What is the duration of your marriage?
7. What kind of job you are doing?  
i) Govt. Employee ii) Private Employee iii) Own Business  
iv) Laborer v) Farmer vi) Unemployed vii) home-maker  
viii) Any other
8. What was your husbands' age at the time of marriage (in completed years)?\_\_\_\_\_
9. What is your husbands' education (year of schooling)?\_\_\_\_\_
10. What is the occupation of your husband? \_\_\_\_\_
11. What is the living status of your father? i) Alive ii) Dead
12. What is the monthly income of your family from all sources? (In Rs)
13. What is the type of family in which you are living in?  
i) joint ii) Nuclear iii) Extended
14. Do you have siblings? i) yes ii) No
15. If yes how many? i) Brothers\_\_\_\_\_ ii) Sisters\_\_\_\_\_

16. What is your order in siblings?
17. Which type of share did you get from the property of your father ?
- i) Moveable ( Animals,cattles,jewelry,BankAccount, prize bond)
  - ii) Immoveable (Plot, Home, Agricultural land)
  - iii) Both
- 18 . Do you have cattles / Livestock? i) Yes ii) No
19. Do you have Jewelry? i) Yes ii) No
20. Do you have both? i) Yes ii) No
21. Do you have plot? i) Yes ii) No
22. Do you have home? i) Yes ii) No
23. Do you have both? i) Yes ii) No
24. Do you have agricultural land ? i) Yes ii) No
25. what was the movebale share? i) Cattles ii) Jewelry iii) Both
26. what was the market vaule of movebale share?
27. Did you get immoveable share? i) Yes ii) No
28. Did you get some piece of non cultivable land in the share? i) Yes ii) No
29. If No what were the reasons of not giving your share in the property?
- i) Fathers and Brother/s did not agree
  - ii) Baradri was reluctant to distribute land
  - iii) Daughters get compensation throughout their lives
  - iv) Any other \_\_\_\_\_
30. Did you yourself relinquished your share in the property? i) Yes ii) No
31. Were you compensated in kind? i) Yes ii) No

### **Cultural factors**

32. Type of marriage you are engaged in?
- i) Cousin marriage ii) Wata satta marriage iii) arranged marriage
  - iv) Choice marriage iv) Close kin marriage
33. Who took the decision of your marriage?
- i) Parent's choice ii) Own choice iii) Parent and own choice
  - iv) Relative and parent choice v) Brother's choice

34. If you got your dowry at the time of marriage, what was the kind of that Dowry?

Sr.#	Items	Quantity	Tentative price
1	Furniture		
2	Untensils		
3	Both		

35. How much you are aware about your inheritance right of property in the following perspectives?

Sr.#	Awareness	Quite aware	un aware	Less aware
1	Islamic			
2	Constitution			

36. Women cannot handle the property matters. i) Yes ii) No

37. Women do not have experience in property matters. i) Yes ii) No

38. Women are not trained in the property matters i) Yes ii) No

39. Property issues are male domain i) Yes ii) No

40. Women are not familiar with sale/ purchase i) Yes ii) No

41. Men can handle the property issues in a better way i) Yes ii) No

42. World of money belongs to men alone i) Yes ii) No

43. Women income is secondar income i) Yes ii) No

44. Women are unable to supervise the agricultural production i) Yes ii) No

#### **Tradational Beliefs and Proverbs**

45. Woman, money and the property is the reason of family disputes i) Yes ii) No

46. land is like a mother it should not be distributed i) Yes ii) No

47. Men are the inheritor of the family property i) Yes ii) No

48. Heredity can survive with men alone i) Yes ii) No

49. Men is the ruler of the family i) Yes ii) No
50. Men are like the reflection of God on earth i) Yes ii) No
51. land is the recognition of the family aristocracy i) Yes ii) No
52. land is like a gold i) Yes ii) No
53. land is like a sustainable source in crisis i) Yes ii) No
54. it is a symbol of landlordship i) Yes ii) No
55. land is the legacy of the family i) Yes ii) No

### **Legal Culture**

56. women are not trained to deal with matters in public arena i) Yes ii) No
57. interaction with lawyers and Patwari is difficult for women i) Yes ii) No
58. Men can better negotiate with police i) Yes ii) No
59. land claiming procedures are tiresome and lengthy i) Yes ii) No
60. Advice of revenue authorities for transferring land is very important i) Yes ii) No
61. Women are emotional they cannot handle the legal matters i) Yes ii) No
62. Men alone can deal with procedural code of courts i) Yes ii) No

### **Premortem Inheritance**

63. Do you think that following items are considered to be pre-mortem inheritance?

- |                              |               |
|------------------------------|---------------|
| Dowry                        | i) Yes ii) No |
| Gold Jewelry                 | i) Yes ii) No |
| Money on different occasions | i) Yes ii) No |

### **Social Factors**

66. What do you think that out of love and affection women forgo their right of inheritance? i) Yes ii) No
67. What do you think due to family Pressure women forgo their right of inheritance? i) Yes ii) No

68. What do you think that to safe guard her parental family relations women forgo their right of inheritance? i) Yes ii) No

69. What do you think due to fmanical assistance in the crisis women forgo their right of inhertinace? i) Yes ii) No

70. What do you think to protect the support for bad occasssions women forgo their right of inhertinace? i) Yes ii) No

71. What do you think to protect family honor women forgo their right of inhertinace? i) Yes ii) No

### **Decision-making**

72. Do you consulted for monthly expenditure of household items? i) Yes ii) No

73. Do you spend on your personal needs? i) Yes ii) No

74. Do you spend on children's needs from your personal savings? i) Yes ii) No

75. Do you consulted in your children's education? i) Yes ii) No

76. Do you consulted in your children's Education? i) Yes ii) No

### **Purdah and Mobility**

77. Women should go to local bazar along with men only i) Yes ii) No

78. Good women should stay at home i) Yes ii) No

79. Women primary role is to perform household chores i) Yes ii) No

80. Women should go to family fucntions along with men i) Yes ii) No

81. women should got to doctor along with men i) Yes ii) No

82. Women have to maintain family honor i) Yes ii) No

83. Women should visit filed along with men i) Yes ii) No

Name of the interviewer\_\_\_\_\_